

been defective, all such bonds, securities, and obligations, sold under defective publication of the notices of such sale, are hereby made valid and binding obligations of every such county, city, borough, township, school district, or other municipality or incorporated district: Provided, That all the other requirements of law concerning such procedure, election, and issue of bonds have been complied with.

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

APPROVED—The 3d day of June, A. D. 1937.

GEORGE H. EARLE

No. 320

AN ACT

Concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections.

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Section 1. Be it enacted, &c., That the laws relating to general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests are hereby codified, revised and consolidated as follows:

ARTICLE I

Preliminary Provisions

Section 101. Short Title.—This act shall be known, and may be cited, as the “Pennsylvania Election Code.”

Section 102. Definitions.—The following words, when used in this act, shall have the following meanings, unless otherwise clearly apparent from the context:

(a) The word “candidate” shall, unless the context otherwise requires, include both candidates for nomination and election.

(b) The word “county” shall mean any county of this Commonwealth.

(c) The words “county board” or “board” shall mean the county board of elections of any county herein provided for.

(d) The words “district election board” or “election board” shall mean the election officers required to conduct primaries and elections in any election district in accordance with the provisions of this act.

(e) The words “district register” shall mean the cards containing all or any part of the registry list of qualified electors of the same election district, as prepared by the registration commissions.

(f) The word “election” shall mean any general, municipal, special or primary election, unless otherwise specified.

(g) The words “election district” shall mean a district, division or precinct, established in accordance with the provisions of this act, within which all qualified electors vote at one polling place.

(h) The words “general election” shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years.

(i) The words “independent nomination” shall mean the selection by an independent political body, in accordance with the provisions of this act, of a candidate for a public office authorized to be voted for at an election.

(j) The words “municipal election” shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years.

(k) The word “nomination” shall mean the selection, in accordance with the provisions of this act, of a candidate for a public office authorized to be voted for at an election.

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

(m) The word "oath" shall include affirmation and the word "swear" shall include affirm.

(n) The word "party" shall mean a political party, as defined in section 801 of this act.

(o) The words "party nomination" shall mean the selection by a political party, in accordance with the provisions of this act, of a candidate for a public office authorized to be voted for at an election.

(p) The words "political body" shall mean an independent body of electors, as defined in section 801 of this act.

(q) The words "polling place" shall mean the room provided in each election district for voting at a primary or election.

(r) The words "primary" or "primary election" shall mean any election held for the purpose of electing party officers and nominating candidates for public offices to be voted for at an election.

(s) The words "public office" shall include every public office to which persons can be elected by a vote of the electors under the laws of this State.

(t) The words "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.

(u) The words "registered and enrolled member of a political party" shall mean any qualified elector who shall be registered according to political designation, in accordance with the provisions of the registration acts.

(v) The words "special election" shall mean any election other than a regular general, municipal or primary election.

Section 103. Construction.—(a) The provisions of this act are severable, and if any article, section or clause of this act, or part thereof, is held to be unconstitutional, the decision shall not be construed to affect or invalidate any other provisions of this act, or the act as a whole. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

(b) The provisions of this act, 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. 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. The provisions of this

act shall not affect any act done, liability or penalty incurred, right accrued or vested, or nomination made prior to the taking effect of this act, nor shall they affect any suit of prosecution then pending or to be instituted to enforce any right or penalty then accrued or to punish any offense theretofore committed. Any person holding office under any act of Assembly repealed by this act shall continue to hold such office until the expiration of the term thereof, subject to the conditions attached to such office prior to the passage of this act.

(c) Whenever in this act reference is made to any other act by title, such reference shall be construed to apply to, and include any codification or other act of Assembly wherein the provisions of the act referred to are substantially re-enacted.

(d) Whenever the masculine gender is used in this act, it shall be construed to include the feminine.

(e) 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.

Section 104. Acts 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 provided for herein 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 105. Effective Date.—Except as otherwise provided herein, this act shall be in force and take effect from and after its final enactment.

Section 106. Publication of Notices.—Whenever under the provisions of this act notice is required to be given by newspaper publication in any county or in any municipal subdivision thereof, such notice shall be published in at least two and not more than three newspapers of general circulation as defined in the "Newspaper Advertising Act," approved May 16, 1929 (Pamphlet Laws, 1784). At least one of said newspapers shall represent the majority party, and at least one shall represent the minority party, if there be that many published within the limits of such county or

municipal subdivision. If there are not two such newspapers, then publication shall be made in at least either one newspaper of general circulation representing the majority party or at least one newspaper of general circulation representing the minority party, whichever is published in such county, and at least one newspaper of general circulation representing the other party published in an adjacent county and circulating in such county or municipal subdivision in which such notice is required to be published. Whenever such notice relates to any matter or proceeding in court or to the sale of bonds or increase of indebtedness, the same shall also be published in the legal newspaper, if any, in the proper county, provided publication can be made therein on the same day or days as publication is made in newspapers of general circulation.

ARTICLE II

The Secretary of the Commonwealth

Section 201. Powers and Duties of the Secretary of the Commonwealth.—The Secretary of the Commonwealth shall exercise in the manner provided by this act all powers granted to him by this act, and shall perform all the duties imposed upon him by this act, which shall include the following:

(a) To determine, in accordance with the provisions of this act, the forms of nomination petitions and papers, expense accounts and all other forms and records, the form of which he is required to determine under the provisions of this act.

(b) To examine and reexamine voting machines, and to approve or disapprove them for use in this State, in accordance with the provisions of this act.

(c) To certify to county boards of elections for primaries and elections the names of the candidates for President and Vice-President of the United States, presidential electors, United States senators, representatives in Congress and all State offices, including senators, representatives, and judges of all courts of record, and delegates and alternate delegates to National Conventions, and members of State committees, and the form and wording of constitutional amendments or other questions to be submitted to the electors of the State at large.

(d) To receive and determine, as hereinafter provided, the sufficiency of nomination petitions, certificates and papers of candidates for President of the United States, presidential electors, United States senators, representatives in Congress and all State offices, including senators, representatives and judges of all courts of record, and delegates and alternate delegates to National Conventions and members of State committees.

(e) To receive such reports from county boards of elections as are required by this act, and to demand such additional reports on special matters as he may deem necessary.

(f) To receive from county boards of elections the returns of primaries and elections, to canvass and compute the votes cast for candidates and upon questions as required by the provisions of this act; to proclaim the results of such primaries and elections, and to issue certificates of election to the successful candidates at such elections, except in cases where that duty is imposed by law on another officer or board.

(g) To perform such other duties as may be prescribed by law.

Section 202. Records and Documents to Be Open to Public Inspection.—The records of the Secretary of the Commonwealth and all returns, nomination petitions, certificates and papers, other petitions, accounts, contracts, reports and other documents and records in his custody shall be open to public inspection, and may be inspected and copied by any qualified elector of the State during ordinary business hours at any time when they are not necessarily being used by the Secretary of the Commonwealth, or his deputy or employes having duties to perform in reference thereto: Provided, however, That such public inspection thereof shall only be in the presence of the Secretary of the Commonwealth, or his deputy or one of his authorized employes, and shall be subject to proper regulation for safekeeping of the records and documents, and subject to the further provisions of this act.

Section 203. Preservation of Records.—All documents and records in the office of the Secretary of the Commonwealth shall be preserved therein for a period of two years, unless otherwise provided in this act.

ARTICLE III

County Boards of Elections

Section 301. County Boards of Elections; Membership.—

(a) There shall be a county board of elections in and for each county of this Commonwealth, which shall have jurisdiction over the conduct of primaries and elections in such county, in accordance with the provisions of this act.

(b) In each county of the Commonwealth, the county board of elections shall consist of the county commissioners of such county ex officio, or any officials or board who are performing or may perform the duties of the county commissioners, who shall serve without additional compensation as such.

Section 302. Powers and Duties of County Boards.—The county boards of elections, within their respective counties, shall exercise, in the manner provided by this act, all powers granted to them by this act, and shall perform all the duties imposed upon them by this act, which shall include the following:

(a) To investigate and report to the court of quarter sessions their recommendations on all petitions presented to the court by electors for the division, redivision, alteration, change or consolidation of election districts, and to present to the court petitions for the division, redivision, alteration, change or consolidation of election districts in proper cases.

(b) To select and equip polling places.

(c) To purchase, preserve, store and maintain primary and election equipment of all kinds, including voting booths, ballot boxes and voting machines, and to procure ballots and all other supplies for elections.

(d) To appoint their own employes, voting machine custodians, and machine inspectors.

(e) To issue certificates of appointment to watchers at primaries and elections.

(f) To make and issue such rules, regulations and instructions, not inconsistent with law, as they may deem necessary for the guidance of voting machine custodians, elections officers and electors.

(g) To instruct election officers in their duties, calling them together in meeting whenever deemed advisable, and to inspect systematically and thoroughly the conduct of primaries and elections in the several election districts of the county to the end that primaries and elections may be honestly, efficiently, and uniformly conducted.

(h) To prepare and publish, in the manner provided by this act, all notices and advertisements in connection with the conduct of primaries and elections, which may be required by law.

(i) To investigate election frauds, irregularities and violations of this act, and to report all suspicious circumstances to the district attorney.

(j) To receive and determine, as hereinafter provided, the sufficiency of nomination petitions, certificates and papers of candidates for county, city, borough, township, ward, school district, poor district, election offices, and local party offices required by law or by party rules to be filed with the board.

(k) To receive from district election officers the returns of all primaries and elections, to canvass and compute the same, and to certify the results thereof to the Secretary of the Commonwealth, as may be provided by law, and to such other authorities as may be provided by law.

(l) To publicly announce by posting at its office the results of primaries and elections for county, city, borough, township, ward, school district, poor district, election offices, and party offices, if any, and to issue certificates of election to the successful candidates for said offices.

(m) To prepare and submit an annual report to the Secretary of the Commonwealth in the form prescribed by him, which shall contain a statement of the number of electors registered.

(n) To annually prepare and submit to the county commissioners or other appropriating authorities of the county an estimate of the cost of primaries and elections and of the expenses of the board for the ensuing fiscal year.

(o) To perform such other duties as may be prescribed by law.

Section 303. Decisions by Majority Vote; Employes.—

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

(b) Each county board may appoint a chief clerk, who shall have authority to administer oaths and to sign vouchers, and such other employes and assistants as, from time to time, the board may deem necessary to carry out the provisions of this act. The county board may appoint the chief clerk and other employes of the county commissioners to act as such for the county board of elections without any additional compensation as such.

Section 304. Regulations; Subpoenas; Witnesses; Fees.—

(a) Each county board of elections may make regulations, not inconsistent with this act or the laws of this Commonwealth, to govern its public sessions, and may issue subpoenas, summon witnesses, compel production of books, papers, records and other evidence, and fix the time and place for hearing any matters relating to the administration and conduct of primaries and elections in the county under the provisions of this act. All subpoenas issued by the county board shall be in substantially the same form and shall have the same force and effect as subpoenas issued by the court of common pleas of such county, and, upon application, the board shall be entitled to the benefit of the process of such court if necessary to enforce any subpoena issued by them. Each member of the county board shall have the power to administer oaths and affirmations. Each person testifying before any county board shall be first duly sworn or affirmed.

(b) Any person filing any petition with a county board or opposing the same shall have the privilege of having subpoenas issued by the board to compel the attendance of witnesses, upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents (\$2.50) each per day as witness fees, in the manner herein provided.

(c) Witnesses subpoenaed by the county board shall each also be entitled to daily witness fees at the rate aforesaid, to be paid by the board: Provided, however, That election officers, clerks, machine inspectors, overseers and watchers, when subpoenaed by the county board to appear before the board, sitting for the computation and canvassing of votes cast at an election, shall not be entitled to witness fees.

(d) No subpoena shall be issued for the benefit of any person other than the county board until he shall have paid the board a fee of twenty-five (.25) cents for issuing the same and deposited with the board one day's witness fees for each witness to be summoned thereby, whose names shall be given to the board and entered by it in such subpoena and among its records, and no such subpoena shall be effective to require the further attendance of any witness after the day mentioned therein, unless the hearing be postponed or continued by the board, and unless, before four o'clock P. M. of said day, the person for whose benefit it be issued shall have deposited with the board an additional day's witness fees for each witness whose further attendance is desired. As soon as convenient after any hearing is concluded, postponed or continued on any day, the county board shall disburse the fees deposited with it by any persons aforesaid, among those witnesses who have appeared in response to subpoenas issued as aforesaid, 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 witnesses summoned by the board as aforesaid, taking their receipts therefor, so long as there are sufficient funds available for such payments. The county board shall pay over to the county treasurer all fees received for subpoenas.

Section 305. Expenses of County Boards and of Primaries and Elections to Be Paid by County; Expenses of Special Elections; Boards to Be Provided with Offices.—

(a) The county commissioners or other appropriating authorities of the county shall appropriate annually, and from time to time, to the county board of elections of such county, the funds that shall be necessary for the maintenance and operation of the board and for the conduct of primaries and elections in such county, including the payment of the compensation of the em-

ployes of the board, custodians, election officers, and other assistants and employes herein provided for, and the fees of witnesses as herein provided; for the purchase or printing, under contracts made by the board, of all ballots and other primary and election supplies required by this act, or which the board shall consider necessary to carry out the provisions of this act; for the purchase, under contracts made by the board, and maintenance, of voting machines, when adopted as herein provided, and of all other primary and election equipment required by this act, or which the board shall consider necessary to carry out the provisions of this act; for the publication of notices authorized by this act, under contracts made by the board, and for all other necessary expenses hereunder: Provided, however, That bonds or other evidences of indebtedness, payable not later than ten years from their dates of issuance, may be issued by the county commissioners or other appropriating authorities of the county in accordance with the provisions of law relating to the increase of indebtedness of such county, to meet all or any part of the cost of voting machines.

1. The county shall be liable for the expenses of holding special elections for any city, borough, township, school district or other municipality or incorporated district contained therein, which is held on the day of any general, municipal or primary election, and on any special question which is required by law to be, or which is, at the discretion of the county board, as hereinafter provided, printed on the regular ballot after the list of the candidates, or on the same voting machine as the list of candidates.

2. Any city, borough, township, school district or other municipality or incorporated district contained in any county, holding a special election, as authorized by law, on the question of increase of indebtedness or any other question to be voted on by the electors of such subdivision, which special election is held on the day of any general, municipal or primary election and which is required by law to be conducted or at the discretion of the county board, as hereinafter provided, is conducted by special ballots for such question, shall be liable to the county for the expenses necessarily incurred in the printing of such special ballots.

3. If any other day than the day of any general, municipal or primary election be fixed by the corporate authorities of any municipality, school district or incorporated district for the holding of a special election on the question of increase of indebtedness or any other question, as authorized by law, such municipality, school district or incorporated district shall be liable for and pay the entire expense of holding such election, includ-

ing the cost of printing ballots and supplies, pay of election officers, the rental of polling places, and the cost of canvassing and computing the votes cast.

(b) The county commissioners or other appropriating authorities of the county shall provide the county board with suitable and adequate offices at the county seat, properly furnished for keeping its records, holding its public sessions and otherwise performing its public duties, and shall also provide such branch offices for the board in cities other than the county seat, as may be necessary.

Section 306. Counsel; Compensation; Duties.—The county solicitor shall serve as counsel for the county board in the several counties of the Commonwealth, and shall receive no compensation therefor in addition to his compensation as county solicitor. Such counsel shall advise the county board, from time to time, regarding its powers and duties, and the rights of candidates and 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 county board on all appeals taken from its decisions or orders to the court of common pleas, as herein provided.

Section 307. Acts of Employes.—The amending of any records by any employe of any county board of elections by order of such board shall be construed to have been done by the board itself, which shall likewise be responsible for the correction of any errors in the doing thereof.

Section 308. Records and Documents to Be Open to Public Inspection; Proviso.—The records of each county board of elections, general and duplicate returns, tally papers, affidavits of voters and others, nomination petitions, certificates and papers, other petitions, appeals, witness lists, accounts, contracts, reports and other documents and records in its custody, except the contents of ballot boxes and voting machines and records of assisted voters, shall be open to public inspection, except as herein provided, and may be inspected and copied by any qualified elector of the county during ordinary business hours, at any time when they are not necessarily being used by the board, or its employes having duties to perform thereto: Provided, however, That such public inspection thereof shall only be in the presence of a member or authorized employe of the county board, and shall be subject to proper regulation for safekeeping of the records and documents, and subject to the further provisions of this act: And provided further, That general and duplicate returns, tally papers, affidavits of voters and others, and all other papers required to be returned by the election officers to the county board sealed, shall be open to public inspection only after the

county board shall, in the course of the computation and canvassing of the returns, have broken such seals and finished, for the time, their use of said papers in connection with such computation and canvassing.

Section 309. Preservation of Records.—All documents, papers and records in the office of the county board of elections of each county, including official ballots and the contents of ballot boxes, shall be preserved therein for a period of at least eleven (11) months, and shall be preserved for a greater period if the county board has been notified in writing by the district attorney of the county, or by a judge of a court of record, to preserve said papers or contents of ballot boxes for a longer period of time, for the purposes of pending prosecution or litigation.

Section 310. Watchers or Attorneys at Sessions of County Board; Candidates May Be Present.—

(a) Any party or political body or body of citizens which now is, or hereafter may be, entitled to have watchers at any registration, primary or election, shall also be entitled to appoint watchers who are qualified electors of the county or attorneys to represent such party or political body or body of citizens at any public session or sessions of the county board of elections, and at any computation and canvassing of returns of any primary or election and recount of ballots or recanvass of voting machines under the provisions of this act. Such watchers or attorneys may exercise the same rights as watchers at registration and polling places, but the number who may be present at any one time may be limited by the county board to not more than three for each party, political body or body of citizens.

(b) Every candidate shall be entitled to be present in person or by attorney in fact duly authorized, and to participate in any proceeding before any county board whenever any matters which may affect his candidacy are being heard, including any computation and canvassing of returns of any primary or election or recount of ballots or recanvass of voting machines affecting his candidacy.

(c) Any candidate, attorney or watcher present at any recount of ballots or recanvass of voting machines shall be entitled to examine the ballots or the voting machine and to raise any objections regarding the same, which shall be decided by the county board, subject to appeal, in the manner provided by this act.

Section 311. Immunity from Arrest.—Members of county boards of elections, and custodians of voting machines shall be privileged from arrest while performing their duties as such under this act, 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 312. Intervention in Suits.—In any suit brought by or against any county board, the Secretary of the Commonwealth shall be permitted to intervene on behalf of the Commonwealth at any stage of the proceedings.

ARTICLE IV

District Election Officers

Section 401. District Election Boards; Election.—All primaries and elections shall be conducted in each election district by a district election board consisting of a judge of election, a majority inspector of election and a minority inspector of election, assisted by clerks and machine inspectors in certain cases, as hereinafter provided. The judge and inspectors of election of each election district shall be elected by the electors thereof at the municipal election, and shall hold office for a term of two years from the first Monday of January next succeeding their election. Each elector may vote for one person as judge and for one person as inspector, and the person receiving the highest number of votes for judge shall be declared elected judge of election, the person receiving the highest number of votes for inspector shall be declared elected majority inspector of election, and the person receiving the second highest number of votes for inspector shall be declared elected minority inspector of election.

Section 402. Qualifications of Election Officers.—Election officers shall be qualified registered electors of the district in which they are elected or appointed. No person shall be qualified to serve as an election officer who shall hold, or shall within two months have held, any office, appointment or employment in or under the Government of the United States or of this State or of any city, county, borough, township, incorporated town, school district, poor district, of any municipal board, commission or trust in any city, save only justices of the peace and aldermen, notaries public and persons in the militia service of the State; nor shall any election officer be eligible to any civil office to be voted for at a primary or election at which he shall serve, except that of an election officer.

Section 403. Tie Votes for Judge and Inspector.—If at any municipal election in any district there shall be a tie vote for the office of judge of election, the majority inspector of election elected at said election shall decide the tie vote. If at any municipal election in any district there is a tie vote for inspectors, the two candidates who receive the same number of votes shall determine by lot which of them shall be the majority inspector, and the other candidate shall be the minority inspector, and in case of a tie vote also for judge of

election at said election, the tie shall be decided by the person so determined to be majority inspector. The county board shall be notified immediately upon the determination of any such tie vote.

Section 404. Clerks of Election, Machine Inspectors.—Prior to the opening of the polls at each primary and election in districts in which voting machines are not used, each inspector shall appoint one clerk to serve at such primary or election. One clerk shall be appointed by the minority inspector in each district in which a voting machine or machines are used, and in each district in which more than one voting machine is used, the county board of elections shall, prior to each primary and election, appoint for each additional voting machine to be used in such district, one qualified registered elector of the county to serve as machine inspector therein for such primary or election. The qualifications of clerks and machine inspectors shall be the same as herein provided for election officers.

Section 405. Vacancies in Election Boards; Appointment; Judge and Majority Inspector to Be Members of Majority Party; Minority Inspector to Be Member of Minority Party.—The first election board for any new district shall be selected, and vacancies in election boards existing by reason of the disqualification, removal, resignation or death of an election officer, or from any other cause, occurring prior to the day of any primary or election, shall, in all cases, be filled by appointment, by the court of quarter sessions of the proper county, of competent persons, qualified in accordance with the provisions of this act, who shall serve until their successors are elected at the next succeeding municipal election: Provided, however, That any district election officer who, after his election or appointment, changes his political affiliation, shall not thereby become disqualified to serve on said election board, and shall not thereby be subject to removal. In making such appointments, the court of quarter sessions shall receive and consider any petitions filed by qualified electors of the district affected, and shall make no appointment to fill any vacancy occurring more than five days before any primary or election, unless notice of the time at which they will make such appointment shall have been posted on the polling place of such district, and in the immediate vicinity thereof, at least five days prior thereto. In the appointment of inspectors in any election district, both shall not be of the same political party at the time of said appointment, but one shall be of the party having the largest number of votes and the other shall be of the party having the second largest number of votes in said district at the last preceding November election, as nearly as the judge or judges can ascertain the fact.

The judge of election shall, in all cases of appointment, be of the political party having the majority of votes in said district at the last preceding November election, as nearly as the judge or judges can ascertain the fact. Immediately upon the entry of an order of court filling any vacancy on an election board, the clerk of said court shall forthwith transmit a certified copy of said order to the county board, giving the name and address of said appointee.

Section 406. Election Officers to Be Sworn.—All judges, inspectors, clerks of election and machine inspectors shall, before entering upon their duties at any primary or election, be duly sworn in the presence of each other and of the watchers and overseers, if any. The judge shall first be sworn by the minority inspector or by a magistrate, alderman or justice of the peace, and the inspectors, clerks and machine inspectors shall then be sworn by the judge. Each of them shall forthwith sign in duplicate the oath taken by him upon forms to be furnished by the county board, and the same shall be attested by the officer who administered the oath.

Section 407. Oath of Judge of Election.—The following shall be the oath of each judge of election:

“I (John Doe) do swear (or affirm) that I will as judge duly attend the ensuing election (or primary) during the continuance thereof, and in cooperation with the inspectors, faithfully carry on the same; that I will not give my consent to the admission of any person to vote, except such as I firmly believe to be registered and entitled to vote at such election (or primary), according to the provisions of the Constitution and laws of this Commonwealth, and that I will use my best endeavors to prevent any fraud, deceit or abuse in carrying on the same, and that I will make a true and perfect return of the said election (or primary), and will at all times impartially and faithfully perform my duty respecting the same, to the best of my judgment and ability; and that I am not directly or indirectly interested in any bet or wager on the result of this election (or primary).”

Section 408. Oaths of Inspectors of Election.—The following shall be the form of the oath to be taken by each inspector:

“I (John Doe) do swear (or affirm) that I will as an inspector duly attend the ensuing election (or primary) during the continuance thereof, and that I will not admit any person to vote, except such as I shall firmly believe to be registered and entitled to vote at such election (or primary), according to the provisions of the Constitution and laws of this Commonwealth, that I will not vexatiously delay or refuse to permit any person to vote whom I shall believe to be entitled to

vote as aforesaid, that I will make a true and perfect return of the said election (or primary), and that I will in all things truly, impartially and faithfully perform my duties therein, to the best of my judgment and ability; and that I am not directly or indirectly interested in any bet or wager on the result of this election (or primary).”

Section 409. Oaths of Clerks of Election.—The following shall be the form of the oath to be taken by each clerk:

“I (John Doe) do swear (or affirm) that I will as a clerk attend the ensuing election (or primary) during the continuance thereof, that I will carefully and truly record the number of votes that shall be given for each candidate at the election (or primary) as often as his name shall be read to me by the judge or inspectors thereof, and in all things truly and faithfully perform my duty respecting the same to the best of my judgment and ability; and that I am not directly or indirectly interested in any bet or wager on the result of this election (or primary).”

Section 410. Oath of Machine Inspectors.—The following shall be the form of the oath to be taken by each machine inspector:

“I (John Doe) do swear (or affirm) that I will as a machine inspector attend the ensuing election (or primary) during the continuance thereof, that I will in all things truly and faithfully perform my duty respecting the same to the best of my judgment and ability; and that I am not directly or indirectly interested in any bet or wager on the result of this election (or primary).”

Section 411. Power of Election Officers to Administer Oaths.—The judge and inspectors of election shall each have the power to administer oaths to any person claiming the right to vote, or to his witnesses, or in any matter or thing required to be done or inquired into by them under this act.

Section 412. Compensation of Election Officers.—(a) In counties of the first and second classes, the compensation of judges of election shall be fifteen (\$15.00) dollars, and the compensation of inspectors, clerks and machine inspectors shall be ten (\$10.00) dollars for each primary and election.

(b) In counties of the third, fourth, fifth, sixth, seventh, and eighth classes, the minimum compensation of judges, inspectors, clerks and machine inspectors shall be five (\$5.00) dollars for each primary and election. In any election district in such counties in which more than one hundred votes are cast at any primary or election, they shall each receive additional compensation at the rate of one (\$1.00) dollar for each one

hundred votes, or fraction thereof, cast after the first one hundred votes, the maximum compensation in such districts, however, being ten (\$10.00) dollars.

(c) For transmitting returns of primaries and elections and the ballot box or boxes, all judges of election shall be entitled to receive the additional sum of two dollars and fifty cents (\$2.50) and \$.03 per mile for mileage, as full compensation for said services.

(d) For transmitting the ballot box or boxes together with the judge of election as herein provided, the minority inspector of election shall be entitled to an additional sum of two dollars and fifty cents (\$2.50) as full compensation for said services.

(e) When a primary and special election or a special and general or municipal election take place on the same day, they shall be construed as one election for the purposes of this section.

Section 413. Election Officers, Clerks, Machine Inspectors, and Overseers Privileged from Arrest.—District election officers, clerks, machine inspectors and overseers shall be privileged from arrest upon days of primaries and elections, and while engaged in making up and transmitting returns, except upon the warrant of a court of record, or judge thereof, for an election fraud, for felony, or for wanton breach of the peace.

Section 414. Instruction of Election Officers in Voting Machine Districts; Unqualified Officers Not to Serve.—In districts in which voting machines are to be used, the county board of elections, or the custodians appointed by them, shall instruct in the use of the machines, and in their duties in connection therewith, all judges and inspectors of election and machine inspectors who are to serve at the primary or election, and who have not been previously instructed and found qualified, and they shall give to each judge, inspector and machine inspector, who has received such instruction and is found qualified to conduct such primary or election with the voting machine, a certificate to that effect. For the purpose of giving such instructions, the county boards shall call such meeting or meetings of election officers as shall be necessary. Each judge, inspector and machine inspector shall, upon notice, attend such meeting or meetings called for his instruction and receive such instruction as shall be necessary for the proper conduct of the primary or election with voting machines, and, as compensation for the time spent in receiving such instruction, each judge, inspector and machine inspector who shall qualify for and serve at such primary or election, shall receive the sum of five (\$5.00) dollars, to be paid to him at the same time and in the same manner as compensation is paid to him for his services on election day. No judge, inspector or

machine inspector shall serve at any primary or election at which a voting machine is used, unless he shall have received such instructions, shall have been found qualified to perform his duties in connection with the machine, and shall have received a certificate to that effect from the county board or one of the custodians appointed by them: Provided, however, That this shall not prevent the appointment of a judge or inspector of election or machine inspector to fill a vacancy arising on the day of election or on the preceding day.

Section 415. Overseers of Election.—On the petition of five or more duly registered electors of any election district, setting forth that the appointment of overseers is a reasonable precaution to secure the purity and fairness of any primary or election in said district, it shall be the duty of the court of common pleas of the proper county, all the law judges of the said court able to act at the time concurring, to appoint two judicious, sober and intelligent electors of the said district belonging to different political parties, overseers of election to supervise the proceedings of election officers thereof and to make report of the same as they may be required by such court. Said overseers shall be persons qualified to serve upon election boards, but shall not be required to comply with the provisions of section 414 of this act. They shall be sworn or affirmed by the judge of election, to the faithful discharge of their duties, and each shall sign said oath in duplicate, and shall have the right to be present with the officers of such primary or election within the enclosed space during the entire time the same is held, the votes counted, and the returns made out and signed by the election officers; to keep a list of voters if they see proper; to challenge any person offering to vote and interrogate him and his witnesses under oath in regard to his right of suffrage at said primary or election, and to examine his papers produced. Overseers shall sign returns of elections as hereinafter required. Whenever the members of an election board shall differ in opinion, the overseers, if they shall be agreed thereon, shall decide the question of difference.

Section 416. Driving away Overseers; Effect.—Election officers are required to afford to said overseers, so selected and appointed, every convenience and facility for the discharge of their duties. If said election officers shall refuse to permit said overseers to be present and to perform their duties, as aforesaid, or if the overseers shall be driven away from the polls by violence or intimidation, all the votes polled in such election district may be rejected by the proper tribunal trying a contest of the said primary or election, or a part or portion of such votes aforesaid may be counted, as such tribunal may deem necessary to a just and proper disposition of the case.

Section 417. Appointment of Watchers.—

(a) Each candidate for nomination or election at any primary shall be entitled to appoint two watchers in each election district in which such candidate is voted for. Each political party and each political body which has nominated candidates in accordance with the provisions of this act, shall be entitled to appoint three watchers at any general, municipal or special election in each election district in which the candidates of such party or political body are to be voted for. Such watchers shall serve without expense to the county.

(b) All watchers so appointed must be qualified registered electors of the district in which they are authorized to act. Only one watcher for each candidate at primaries, or for each party or political body at general, municipal or special elections, shall be allowed to remain in the polling place at any one time prior to the close of the polls, and all watchers in the room shall remain outside the enclosed space. After the close of the polls and while the ballots are being counted or voting machine canvassed, all the watchers shall be permitted to be in the polling place outside the enclosed space. Each watcher shall be provided with a certificate from the county board of elections, stating his name and the name of the candidate, party or political body he represents. Watchers shall be required to show their certificates when requested to do so. Watchers allowed in the polling place under the provisions of this act, shall be permitted to keep a list of voters and shall be entitled to challenge any person making application to vote and to require proof of his qualifications, as provided by this act.

(c) No candidate or committee of a political party or of a political body, nor any other person or persons shall pay to any watcher in any election district in a city, compensation in excess of ten (\$10.00) dollars per diem, or to any watcher in any other election district, compensation in excess of five (\$5.00) dollars per diem.

ARTICLE V

Election Districts and Polling Places

(a) Election Districts

Section 501. Townships, Boroughs and Wards to Constitute Election Districts.—Each borough and township, not divided into wards, and each ward of every city, borough and township now existing or hereafter created, shall constitute a separate election district, unless divided into two or more election districts, as hereinafter provided.

Section 502. Court to Create New Election Districts.—Subject to the provisions of section 501 of this

act, the court of quarter sessions of the county in which the same are located, may divide or redivide any borough, township or ward into two or more election districts of compact and contiguous territory, or alter the bounds of any election district, or form an election district out of two or more adjoining districts or parts of districts, or consolidate adjoining election districts, so as to suit the convenience of the electors and to promote the public interests. Election districts formed in boroughs, townships and wards in which voting machines are used shall contain between six hundred (600) and eight hundred (800) registered electors as nearly as may be. No election district shall be formed that shall contain less than one hundred (100) registered electors.

Section 503. Petitions for New Election Districts; Reference to County Board of Elections; Report.—Upon the petition of twenty registered electors of any township, borough, ward or election district, to the court of quarter sessions of the proper county, praying for the division or redivision of such township, borough, ward or election district into two or more election districts, or for the alteration of the bounds of any election district, or for the formation of one or more election districts out of two or more existing election districts, or parts thereof, or for the consolidation of adjoining election districts, the said court shall refer the said petition to the county board of elections, which shall make a full investigation of the facts, and shall report to the next term of the court its findings and recommendations as to the division, redivision, alteration, formation or consolidation of election districts prayed for. If the county board shall find that a division, redivision, alteration, formation or consolidation of election districts will promote the convenience of the electors and the public interests, it shall recommend a proper division, redivision, alteration, formation or consolidation of election districts, and shall accompany its report with a map, plot or draft of the new election district or districts proposed by it, if the same cannot be fully designated by natural lines. Such petitions may specify the boundaries desired by the petitioners, and may be accompanied by a map setting forth such boundaries.

Section 504. Petitions by County Board; Action by Court of Quarter Sessions on Petition or Report.—The county board of elections may also petition the court of quarter sessions for the division or redivision of any township, borough, ward or election district into two or more election districts, or for the alteration of the bounds of any election district, or for the formation of one or more election districts out of two or more existing election districts, or parts thereof, or for the consolidation of adjoining election districts, accompany-

ing its petition by a description of the proposed new election districts and by a map, plot or draft thereof, if the same cannot be fully designated by natural lines. Upon the presentation of any such petition by the county board, or upon the filing by the board of its report and recommendations as to any petition presented by qualified electors under the provisions of section 503 of this act, the court of quarter sessions may make such order for the division, redivision, alteration, formation or consolidation of election districts, as will, in its opinion, promote the convenience of electors and the public interests: Provided, however, That the court shall not make any final order for the division, redivision, alteration, formation or consolidation of election districts until at least ten days after notice shall have been posted in at least five public and conspicuous places in the district or districts to be affected thereby, one of which notices shall be posted on or in the immediate vicinity of the polling place in each such district. Such notice shall state in brief form the division, redivision, alteration, formation or consolidation of election districts recommended by the county board, and the date upon which the same will be considered by the court, and shall contain a warning that any person objecting thereto must file his objections with the clerk of the court prior to such date. Upon the making of any such final order by the court, a copy thereof shall be certified by the clerk to the county board of elections.

Section 505. Court in its Order to Appoint Election Officers.—In all cases in which any court of quarter sessions shall make a final order for the division, redivision, alteration, formation or consolidation of an election district or districts, said court shall, in its order, appoint the district election board or boards for holding elections in said district or districts, until an election board shall have been elected according to law.

Section 506. Cost of Proceedings.—In all cases of the division, redivision, alteration, formation or consolidation of election districts by the court of quarter sessions, the costs of the proceedings shall be paid by the county.

(b) Polling Places

Section 526. Polling Places to Be Selected by County Board.—

(a) The county board of elections shall select and fix the polling place within each new election district and may, at any time, for any reason that may seem proper to it, either on its own motion or on petition of ten qualified registered electors of an election district, change the polling place within any election dis-

trict. Except in case of an emergency or unavoidable event occurring within ten days of a primary or election, which renders any polling place unavailable for use at such primary or election, the county board shall not change any polling place until at least five days after notice of the proposed change shall have been posted on the existing polling place and in the immediate vicinity thereof, and until at least five days after written notice of the proposed change shall have been given to the occupant or owner of said polling place, or their agent.

(b) Except in case of emergency or unavoidable event, occurring within ten days of a primary or election, which renders any polling place unavailable for use, if a petition be presented to the county board on or before the day set for hearing of the petition for change of polling place, signed by a majority of the registered electors of the district, objecting to the proposed change, said change shall not be ordered.

Section 527. Public Buildings to Be Used Where Possible; Portable Polling Places.—(a) In selecting polling places, the county board of elections shall, whenever possible and practicable, select schoolhouses, municipal buildings or rooms, or other public buildings for that purpose. Any board of public education or school directors, or county or the municipal authorities shall, upon request of the county board, make arrangements for the use of school property, or of county or municipal property for polling places: Provided, however, That such use shall not interfere with the use of such buildings for the purposes for which they are primarily intended.

(b) The board, in its discretion, may procure and provide portable or movable polling places of adequate size and facilities for any or all election districts.

Section 528. Temporary Polling Places.—If, in any election district, no proper polling place can be obtained, the county board of elections shall cause to be constructed for such district, a temporary room of adequate size to be used as a polling place.

Section 529. Polling Places in Buildings or Rooms Where Malt or Brewed Beverages or Liquors Sold Prohibited.—No election shall be held in any room or building, any part of which is used for the sale or serving of malt or brewed beverages or liquors.

Section 530. Equipment and Arrangement of Polling Places; Guard Rail; Number of Voting Compartments or Voting Machines.—

(a) The county board of elections shall cause all rooms used as polling places to be suitably provided with heat and light, and, in districts in which ballots are used, with a sufficient number of voting compartments or booths with proper supplies, in which electors

may conveniently mark their ballots, with a curtain, screen or door in the upper part of the front of each compartment or booth so that in the marking thereof they may be screened from the observation of others. Every polling place shall consist of a single room, every part of which is within the unobstructed view of those present therein, and shall be furnished with a guard rail or barrier enclosing the inner portion of the said room, which guard rail or barrier shall be so constructed and placed that only such persons as are inside said rail or barrier can approach within six feet of the ballot box and voting compartments, or booths, or voting machines, as the case may be. The ballot box and voting compartments or booths shall be so arranged in the voting room within the enclosed space as to be in full view of those persons in the room outside the said guard rail or barrier. The voting machine or machines shall be so placed in the voting room within the enclosed space that, unless its construction shall otherwise require, the ballot labels on the face of the machine can be plainly seen by the election officers, overseers and watchers when the machine is not occupied by an elector.

(b) The number of voting compartments to be furnished to each polling place shall not be less than one for every 100 voters, or fraction thereof, and in no case less than three. The number of voting machines to be furnished in districts in which voting machines are used shall be not more than one machine for each three hundred and fifty (350) registered voters, or fraction thereof, nor less than one machine for each six hundred (600) registered voters, or fraction thereof, in such election district.

(c) The county board may make such arrangements as it deems proper for the storage of election equipment in the various election districts of the county at such times of the year that it will not be used for election purposes, and may fix reasonable compensation therefor.

Section 531. Compensation for Rent, Heat and Light.—The county board of elections shall fix the compensation for rent, heat, light and janitorial services to be paid for the use of polling places for primaries and elections: Provided, however, That no compensation for rent, heat or light shall be paid in the case of school-houses, fire houses, municipal buildings or rooms, or other public buildings used as polling places.

ARTICLE VI

Dates of Elections and Primaries and Special Elections

(a) November Elections and Preceding Primaries.

Section 601. General Election; Officers to Be Elected.—The general election shall be held biennially on the

Tuesday next following the first Monday of November in each even-numbered year. Electors of President and Vice-President of the United States, United States Senators, Representatives in Congress, the Governor, the Lieutenant Governor, the Secretary of Internal Affairs, the Auditor General, the State Treasurer and Senators and Representatives in the General Assembly shall be elected at the general election. Judges of the Supreme Court and the Superior Court may be elected at the general election.

Section 602. Municipal Election; Officers to Be Elected.—The municipal election shall be held biennially on the Tuesday next following the first Monday of November in each odd-numbered year. All judges of courts of record of the various judicial districts and counties, and all county, city, borough, township, ward, school district, poor district and election officers shall be elected at the municipal election. Judges of the Supreme Court and the Superior Court may be elected at the municipal election.

Section 603. Spring Primary; Candidates to Be Nominated and Party Officers to Be Elected.—There shall be a Spring primary preceding each general election which shall be held on the third Tuesday of May in all even-numbered years, except in the year of the nomination of a President of the United States, in which year the Spring primary shall be held on the fourth Tuesday of April. Candidates for all offices to be filled at the ensuing general election shall be nominated at the Spring primary. Delegates and alternate delegates to National party conventions, members of State committees and such other party committeemen and officers, including members of the National committee, as may be required by the rules of the several political parties to be elected by a vote of the party electors, shall be elected at the Spring primary. The vote for candidates for the office of President of the United States, as provided for by this act, shall be cast at the Spring primary.

Section 604. Fall Primary; Officers to Be Nominated.—There shall be a Fall primary preceding each municipal election which shall be held on the second Tuesday of September in all odd-numbered years. Candidates for all offices to be filled at the ensuing municipal election shall be nominated at the Fall primary.

Section 605. Elections on Proposed Constitutional Amendments.—Unless the General Assembly shall prescribe otherwise with respect to any particular proposed amendment or amendments and the manner and time of submitting to the qualified electors of the State any proposed amendment or amendments to the Constitution for the purpose of ascertaining whether the same shall

be approved by a majority of those voting thereon, the said amendment or amendments which have heretofore, or which may hereafter be proposed, and which have not been submitted to the qualified electors of the State, shall be submitted to the qualified electors of the State for the purpose aforesaid, at the first municipal or general election at which such amendment or amendments may be legally submitted to the electors, which election shall occur at least three months after the date upon which such proposed amendment or amendments shall have been agreed to for the second time by a majority of the members elected to each house of the General Assembly, as provided in Article Eighteen, section one of the Constitution. Said election shall be conducted on said election day in the manner prescribed by the provisions of this act. Such proposed constitutional amendments shall be printed on the ballots or ballot labels in brief form to be determined by the Secretary of the Commonwealth with the approval of the Attorney General.

(b) Special Elections

Section 626. Special Elections for United States Senator; Nominations.—Whenever a vacancy shall occur in the office of United States Senator, said vacancy shall be filled for the unexpired term by the vote of the electors of the State at a special election to be held at the time of the next general or municipal election, occurring at least forty (40) days after the happening of such vacancy, and it shall be the duty of the Governor to issue writs of election to the various county boards of elections and to the Secretary of the Commonwealth accordingly. Candidates to fill vacancies in the office of United States Senator shall be nominated by political parties, in accordance with the party rules relating to the filling of vacancies, by means of nomination certificates, in the form prescribed in section 630 of this act; and by political bodies, by means of nomination papers, in accordance with the provisions of sections 951, 952 and 954 of this act. Said nomination certificates and nomination papers shall be filed in the office of the Secretary of the Commonwealth at least thirty (30) days prior to the date of said special election. Until such time as said vacancy shall be filled by an election as herein provided, the Governor of the Commonwealth may make a temporary appointment to fill said vacancy.

Section 627. Special Elections for Representative in Congress.—Whenever a vacancy shall occur or exist in the office of Representative in Congress from this State during a session of Congress, or whenever such vacancy shall occur or exist at a time when the mem-

bers of Congress shall be required to meet at any time previous to the next general election, the Governor shall issue, within ten days after the happening of said vacancy, or after the calling of an extraordinary session of Congress during the existence of said vacancy, a writ of election to the proper county board or boards of election and to the Secretary of the Commonwealth, for a special election to fill said vacancy, which election shall be held on a date named in said writ, which shall not be less than thirty (30) days after the issuance of said writ. In all other cases no such special election to fill said vacancy shall be held. The Governor may fix, in such writ of election, the date of the next ensuing primary or municipal election as the date for holding any such special election.

Section 628. Special Elections for Senator and Representative in the General Assembly.—Whenever a vacancy shall occur or exist in either house of the General Assembly during the session thereof, or whenever such vacancy shall occur or exist at a time when the members of the General Assembly shall be required to meet at any time previous to the next general election, the presiding officer of such house shall issue, within ten days after the happening of said vacancy, or after the calling of an extraordinary session of the Legislature during the existence of said vacancy, a writ of election to the proper county board or boards of election and to the Secretary of the Commonwealth, for a special election to fill said vacancy, which election shall be held on a date named in the writ, which shall be not less than thirty (30) days after the issuance of said writ. In all other cases no such special election to fill said vacancy shall be held. The presiding officer may fix, in such writ of election, the date of the next ensuing primary or municipal election as the date for holding any such special election.

Section 629. Nominations for Special Election for Representative in Congress, Senator and Representative in the General Assembly.—Candidates to fill vacancies in the offices of Representative in Congress and Senator and Representative in the General Assembly shall be nominated by political parties, in accordance with the party rules relating to the filling of vacancies, by means of nomination certificates, in the form prescribed in section 630 of this act; and by political bodies, by means of nomination papers, in accordance with the provisions of sections 951, 952 and 954 of this act. Said nomination certificates and nomination papers shall be filed in the office of the Secretary of the Commonwealth not later than ten (10) days after the issuance of the writ of election.

Section 630. Number, Form and Requirements of Nomination Certificates.—Each political party shall be

entitled to nominate and to file nomination certificates for as many candidates as will be voted for at such special election. Every nomination certificate for a special election to fill a vacancy in the offices of United States Senator, Representative in Congress, and Senator and Representative in the General Assembly shall be in form prescribed by the Secretary of the Commonwealth, and shall set forth the following:

(a) The office and district, if any, for which it is filed;

(b) The cause of the vacancy;

(c) The rule or rules of the political party, setting forth the provisions applicable to the nomination of a candidate or candidates to fill said vacancy;

(d) That a quorum of the committee, caucus or convention as provided by the party rules, duly convened, and the names of those present at said meeting, or their proxies; that said persons are the duly appointed or elected members of said committee, caucus or convention;

(e) The name, residence and occupation of the candidate duly nominated at said meeting;

Every such certificate of nomination shall be signed by the presiding officer and the secretary or secretaries of the committees, caucus or convention, and shall be sworn or affirmed to by them before any officer qualified to administer oaths.

Section 631. Examination of Nomination Certificates and Nomination Papers by the Secretary of the Commonwealth; Review.—It shall be the duty of the Secretary of the Commonwealth to examine, as to legal sufficiency, in the manner and under the provisions of section 976 of this act, all nomination certificates and nomination papers brought to his office for the purpose of filing, for the nomination of candidates for a special election, as herein provided, and if manifestly defective, they shall not be filed. The action of the Secretary of the Commonwealth in refusing to accept and file any such certificate or paper may be reviewed by the court of common pleas of Dauphin County, upon an application for mandamus to compel its reception and filing as of the date when it was brought to said office. No such certificate of nomination or nomination paper shall be refused by the Secretary of the Commonwealth, except for any of the reasons provided for in section 976 of this act.

Section 632. Objections to Certificates of Nomination and Nomination Papers Filed for a Special Election; Hearing; Determination.—All certificates of nomination and nomination papers to fill a vacancy as herein provided, which have been accepted and filed shall be deemed to be valid, unless objections thereto are duly

made in writing and filed in the court of common pleas of Dauphin County and with the Secretary of the Commonwealth, and within five (5) days next succeeding the last day for filing such certificates or papers. Any objections shall set forth specifically the matters objected to. Upon the filing of the objections, the court shall make an order fixing a time for hearing, which shall not be later than ten (10) days after the last day for filing nomination certificates or papers, and specifying the time and manner of notice that shall be given to the candidate named in the nomination certificate or paper objected to. On the day fixed for said hearing, the court shall proceed without delay to hear said objections, and shall give such hearing precedence over any other business before it, and shall finally determine said matter not later than fifteen (15) days after the last day for filing said nomination certificates or papers. In determining such matter, the court shall be governed in its order or decree by the provisions of section 977 of this act.

Section 633. Withdrawals of Candidates Nominated for a Special Election.—Any person who has been nominated by any political party or political body for a special election as herein provided, may withdraw his name from nomination by a request in writing signed by him and acknowledged before an officer qualified and empowered to administer oaths, and filed in the office of the Secretary of the Commonwealth within three (3) days next succeeding the last day for filing nomination certificates or papers. Such withdrawals to be effective must be received at the office of the Secretary of the Commonwealth not later than five (5) o'clock P. M. on the last day for filing same. No name, so withdrawn, shall be printed on the ballot or ballot labels. No candidate may withdraw any withdrawal notice already received and filed, and thereby reinstate his nomination.

Section 634. Substituted Nominations for Special Elections.—

(a) Any vacancy happening or existing in any party nomination for a special election by reason of the death or withdrawal of any candidate, may be filled by a substituted nomination made by such committee as is authorized by the rules of the party to make nominations in the event of vacancies on the party ticket in the form prescribed by section 630 of this act.

(b) In case of the death or withdrawal of any candidate nominated by a political body for a special election, the committee named in the original nomination papers may nominate a substitute in his place by filing a substituted nomination certificate in the form prescribed by section 980 of this act.

(c) Substituted nomination certificates to fill vacancies caused by the withdrawal of candidates nominated for a special election shall be filed with the Secretary of the Commonwealth not later than seven (7) days after the last day for filing the original nomination certificates or papers.

(d) Substituted nomination certificates to fill vacancies caused by the death of candidates nominated for a special election shall be filed in the office of the Secretary of the Commonwealth at any time prior to the day in which the printing of ballots is started.

Section 635. Objections to Substituted Nomination Certificates for Special Elections.—All substituted nomination certificates for special elections may be objected to, as provided in section 977 of this act, except that objections to substituted nomination certificates must in any case be filed within three (3) days after the filing of the substituted nomination certificate: Provided, however, That no objections as to form and conformity to law shall be received after the day on which the printing of ballots is started.

Section 636. Certification by Secretary of the Commonwealth of Candidates for Special Elections.—The Secretary of the Commonwealth shall, not later than the twelfth (12th) day next preceding the day fixed for any special election to fill a vacancy in the offices of United States Senator, Representative in Congress, Senator and Representative in the General Assembly, certify to the proper county board or boards the names and residences of, and parties or political bodies represented by, all candidates whose nomination certificates or papers have been filed with him, as herein provided, for such election, and have not been found and declared invalid, and to be voted for in the county or any district or districts thereof, substantially in the form of the ballots to be used therein.

Section 637. Conduct of Special Elections.—Every special election, held under the provisions of this article, shall be held and conducted in all respects in accordance with provisions of this act relating to November elections, and the provisions of this act relating to November elections shall apply thereto in so far as applicable, and not inconsistent with any other provisions of this act. All such special elections held at the time of a regular primary or November election shall be conducted by the election officers by the use of the same equipment and facilities, so far as practicable, as are used for such primary or November election.

ARTICLE VII

Qualifications of Electors

Section 701. Qualifications of Electors.—Every citizen of this Commonwealth twenty-one years of age, pos-

sessing the following qualifications, shall be entitled to vote at all elections, provided he or she has complied with the provisions of the acts requiring and regulating the registration of electors:

(1) He or she shall have been a citizen of the United States at least one month.

(2) He or she shall have resided in the State at least one year (or, having previously been a qualified elector or native born citizen of the State, he or she shall have removed therefrom and returned, then six months) immediately preceding the election.

(3) He or she shall have resided in the election district where he or she shall offer to vote at least two months immediately preceding the election.

Section 702. Qualifications of Electors at Primaries.—The qualifications of electors entitled to vote at primaries shall be the same as the qualifications of electors entitled to vote at elections within the election district where the primary is held, provided that no elector who is not registered and enrolled as a member of a political party, in accordance with the provisions of this act, shall be permitted to vote the ballot of such party or any other party ballot at any primary.

Section 703. Residence of Electors.—For the purpose of registration and voting, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poorhouse or other asylum at public expense, nor while confined in public prison.

Section 704. Rules for Determining Residence.—In determining the residence of a person desiring to register or vote, the following rules shall be followed so far as they may be applicable:

(a) That place shall be considered the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

(b) A person shall not be considered to have lost his residence who leaves his home and goes into another state or another election district of this State for temporary purposes only, with the intention of returning.

(c) A person shall not be considered to have gained a residence in any election district of this State into which he comes for temporary purposes only, without the intention of making such election district his permanent place of abode.

(d) The place where the family of a married man or woman resides shall be considered and held to be his or

her place of residence, except where the husband and wife have actually separated and live apart, in which case the place where he or she has resided for two months or more shall be considered and held to be his or her place of residence.

(e) If a person removes to another state with the intention of making such state his permanent residence, he shall be considered to have lost his residence in this State.

(f) If a person removes to another state with the intention of remaining there an indefinite time and making such state his place of residence, he shall be considered to have lost his residence in this State, notwithstanding he may entertain an intention to return at some indefinite future period.

(g) If a person removes to the District of Columbia or other Federal territory or foreign country to engage in the government service, he shall not be considered to have lost his residence in this State during the period of such service, and the place where the person resided at the time of his removal shall be considered and held to be his place of residence.

(h) If a person goes into another state and while there exercises the right of a citizen by voting, he shall be considered to have lost his residence in this State.

ARTICLE VIII

Party Organization

Section 801. Definition of Political Parties and Political Bodies.—

(a) 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, is hereby declared to be a political party within the State, and shall nominate all its candidates for any of the offices provided for in this act, and shall elect its delegates and alternate delegates to the National convention. State committeeman, and also such party officers, including members of the National committee, as its rules provide, shall be elected by a vote of the party electors, in accordance with the provisions of this act.

(b) 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, is hereby declared to be a political party within said county; and shall nominate all its candidates for

office in such county and in all political districts within said county, or of which said county forms a part, and shall elect such party officers as its rules provide shall be elected therein, by a vote of the party electors, in accordance with the provisions of this act.

(c) Any political body which is not a political party, as hereinabove defined, but which has nominated candidates for such general or municipal election by nomination papers in the manner provided by this act, shall be deemed to be a political body within the meaning of this act, but such political body shall not be entitled to nominate its candidates or elect its party officers at primaries held under the provisions of this act.

Section 802. Only Enrolled Electors to Vote at Primaries or Hold Party Offices.—No person who is not registered and enrolled as a member of a political party shall be entitled to vote at any primary of such party or to be elected or serve as a party officer, or a member or officer of any party committee, or delegate or alternate delegate to any party convention.

Section 803. State Committees; Election at Spring Primaries.—There shall be a State committee for each political party in the State, who shall be elected at the Spring primary and shall serve for two years. Each senatorial district shall be entitled to elect two (2) members of the State committee, except where a senatorial district is composed of more than one county, or composed of one or more counties and part or parts of another county or other counties, in which event the party electors residing in each county or part of a county embraced in the senatorial district shall be entitled to elect one member of the State committee.

Section 804. Organization of State Committee; Rules.—The members of the State committee elected at the Spring primary shall meet for organization not later than the fifth Wednesday following their election, at such hour and place as shall be designated by the State chairman of each political party. The State committee of each political party may make such rules for government of the party in the State, not inconsistent with law, as it may deem expedient; and may also revoke, alter or renew, in any manner not inconsistent with law, any present or future rules of such political party. No such rules shall be effective until a certified copy thereof has been filed in the office of the Secretary of the Commonwealth.

Section 805. Filling of Vacancy in State Committee.—Vacancies happening at any time in the office of member of the State committee shall be filled according to the rules of the party.

Section 806. Election of National Committeemen.—National committeemen shall be elected, and vacancies

happening at any time in said office shall be filled, by the State committee of the proper party, unless the rules of the national party otherwise provide, in which case such committeemen shall be elected and vacancies be filled in the manner provided by the rules of the national party.

Section 807. County Committees; Rules; Other Party Officers.—There may be in each county a county committee for each political party within such county, the members of which shall be elected at the Spring primary, or appointed, as the rules of the respective parties within the county may provide. The county committee of each party may make such rules for the government of the party in the county, not inconsistent with law or with the State rules of the party, as it may deem expedient, and may also revoke, alter or renew in any manner not inconsistent with law or with such State rules, any present or future county rules of such party. No such rules shall be effective until a certified copy thereof has been filed in the office of the county board of elections. The members of all other party committees, and all other party officers whose election is required by the party rules, shall also be elected at the Spring primary, in the manner provided by this act.

Section 808. Election of Delegates and Alternate Delegates.—Delegates and alternate delegates to national conventions of the respective parties shall be elected at the Spring primaries held in the years in which candidates for President of the United States are to be nominated.

Section 809. Delegates Elected to National Conventions.—Candidates of the various political parties for the office of delegates and alternate delegates at large to a National party convention, who receive a plurality of the votes of their party electors in the State at large shall be the duly elected delegates and alternate delegates at large to the National convention of their respective parties. Candidates of the various political parties for the office of delegate and alternate delegate, other than delegate and alternate delegate at large, who receive a plurality of the votes of their party electors in the political district in which they are candidates, shall be duly elected delegates and alternate delegates to the National convention of their respective parties.

Section 810. Who Shall Be Declared Elected Members of National or State Committee and Party Offices.—Candidates of the various political parties for the office of member of the State committee, or for the office of member of the National committee, in cases where the rules of the party provide that such office shall be filled by a vote of the party electors, who receive a plurality of the votes of the party electors at a primary,

shall be the duly elected members of the State or National committee, as the case may be, of their respective parties. Candidates for other party offices, who receive a plurality of the votes of the party electors at a primary, shall be the party officers of their respective parties.

Section 811. Party Officer Elected in Case of Tie Vote.—In the case of a tie vote for any party office, the candidates receiving the tie vote shall cast lots before the county board or the Secretary of the Commonwealth, as the case may be, at twelve (12) o'clock noon on the third Friday following the primary, and the one to whom the lot shall fall shall be entitled to the election. In any case where the fact of a tie vote is not authoritatively determined until after the third Wednesday following the primary, the day for casting lots shall be the second day after the fact of such tie vote is authoritatively determined. If any candidate or candidates, receiving a tie vote, fail to appear before twelve (12) o'clock noon on said day, the county board or the Secretary of the Commonwealth, as the case may be, shall cast lots for him or them. For the purpose of casting lots any candidate may appear in person, or by proxy appointed in writing.

ARTICLE IX

Nomination of Candidates

(a) Nomination of Party Candidates at Primaries

Section 901. Determination and Certification of State-wide and County-wide Parties.—(a) The Secretary of the Commonwealth shall determine which organizations are political parties within the State, within the meaning of section 801 (a) of this act, and not later than the tenth Tuesday preceding each primary shall transmit to each county board a list of said political parties which shall be entitled to nominate candidates at primaries.

(b) Each county board shall determine which organizations are political parties within the county, within the meaning of section 801 (b), and not later than the tenth Tuesday preceding each primary shall transmit to the Secretary of the Commonwealth a list of said political parties which shall be entitled to nominate candidates at primaries in said county.

Section 902. Candidates to Be Nominated and Party Officers to Be Elected at Primaries.—All candidates of political parties, as defined in section 801 of this act, for the offices of United States Senator, Representative in Congress and for all other elective public offices within this State, except that of presidential electors, shall be nominated, and party delegates and alternate delegates, committeemen and officers who, under the provisions of Article VIII of this act or under the party rules, are re-

quired to be elected by the party electors, shall be elected at primaries held in accordance with the provisions of this act and in no other manner. In the years when candidates for the office of President of the United States are to be nominated, every registered and enrolled member of a political party shall have the opportunity at the Spring primary in such years to vote his preference for one person to be the candidate of his political party for President.

Section 903. Offices for Which Candidates Are to Be Nominated to Be Ascertained.—It shall be the duty of the Secretary of the Commonwealth, prior to each primary, to ascertain the various national and State offices to be filled at the ensuing November election, and for which candidates are to be nominated at such primary, and otherwise, in accordance with the provisions of this act. It shall be the duty of each county board of elections, prior to each primary, to ascertain the various public offices in said county and in the cities, boroughs, towns, townships, wards, school districts, poor districts and election districts thereof, to be filled at the ensuing November election, and for which candidates are to be nominated at such primary, and otherwise, in accordance with the provisions of this act.

Section 904. Municipal Clerks and Party Chairmen to Furnish Information as to Offices to Be Filled.—To assist the respective county boards in ascertaining the offices to be filled, it shall be the duty of the clerks or secretaries of the various cities, boroughs, towns, townships, school districts and poor districts, with the advice of their respective solicitors, on or before the tenth Tuesday preceding the Fall primary, to send to the county boards of their respective counties a written notice setting forth all city, borough, town, township, school district and poor district offices to be filled in their respective subdivisions at the ensuing municipal election, and for which candidates are to be nominated at the ensuing primary. It shall also be the duty of the chairman of the State committee of each political party to forward to the Secretary of the Commonwealth and to the respective county boards, on or before the tenth Tuesday preceding the Spring primary, a written notice setting forth the number of delegates and alternate delegates to the National convention of such party who are to be elected in the State at large at the ensuing primary, and the number of such delegates and alternate delegates who are to be elected at said primary in such county, or in any district within such county, or of which it forms a part. The said notice shall also set forth the number of members of the National committee, if any, who, under the national party rules, are to be elected at the said primary in the State at large, and the number of

members of the State committee to be elected at the said primary in such county, or in any district, or part of a district within such county. It shall also be the duty of the chairman of the county committee and, in cases where a city is coextensive with a county, the chairman of the city committee of each party, on or before the tenth Tuesday preceding the Spring primary, to send to the county board of such county a written notice setting forth all party offices to be filled in the county at the ensuing primary.

Section 905. Secretary of the Commonwealth to Notify County Boards of Certain Nominations to Be Made.—On or before the tenth Tuesday preceding each primary, the Secretary of the Commonwealth shall send to the county board of each county a written notice designating all the offices for which candidates are to be nominated therein, or in any district of which such county forms a part, or in the State at large, at the ensuing primary, and for the nomination to which candidates are required to file nomination petitions in the office of the Secretary of the Commonwealth, including that of President of the United States; and shall also in said notice set forth the number of presidential electors, United States Senators, Representatives in Congress and State officers, including senators, representatives and judges of courts of record, to be elected at the succeeding November election by a vote of the electors of the State at large, or by a vote of the electors of the county, or of any district therein, or of any district of which such county forms a part.

Section 906. Publication of Notice of Officers to Be Nominated and Elected.—Beginning not earlier than nine weeks, nor later than eight weeks before any regular Spring or Fall primary, the county board of each county shall publish in newspapers, as provided by section 106 of this act, a notice setting forth the number of delegates and alternate delegates to the National convention of each party who are to be elected in the State at large at the ensuing primary, and the number of delegates and alternate delegates who are to be elected at the said primary in said county, or in any district of which said county or part thereof forms a part, and also setting forth the names of all public offices for which nominations are to be made, and the names of all party offices, including that of members of the National committee, if any, and State committee, for which candidates are to be elected at said primary in said county, or in any district of which such county or part thereof forms a part, or in the State at large. Said notice shall contain the date of the primary, and shall be published once each week for two successive weeks.

Section 907. Nomination Petitions to Be Filed.—The names of candidates for nomination as President of

the United States, and the names of all other candidates for party nominations, and for election as delegates, alternate delegates, members of committees and other party officers, shall be printed upon the official primary ballots or ballot labels of a designated party, upon the filing of separate nomination petitions in their behalf, in form prescribed by the Secretary of the Commonwealth, signed by duly registered and enrolled members of such party who are qualified electors of the State, or of the political district, as the case may be, within which the nomination is to be made or election is to be held. The name of no candidate shall be placed upon the official ballots or ballot labels of a political party to be used at any primary, unless such petition shall have been filed in his behalf. In no event shall any person's name be printed upon the official ballots or ballot labels of any party for the office of delegate, alternate delegate, member of committee or other party officer, unless he is a duly registered and enrolled member of said party.

Section 908. Manner of Signing Nomination Petitions; Time of Circulating.—Each signer of a nomination petition shall sign but one such petition for each office to be filled, and shall declare therein that he is a registered and enrolled member of the party designated in such petition: Provided, however, That where there are to be elected two or more persons to the same office, each signer may sign petitions for as many candidates for such office as, and no more than, he could vote for at the succeeding election. He shall also declare therein that he is a qualified elector of the county therein named, and in case the nomination is not to be made or candidates are not to be elected by the electors of the State at large, of the political district therein named, in which the nomination is to be made or the election is to be held. He shall add his occupation and residence, giving city, borough or township, with street and number, if any, and shall also add the date of signing, expressed in words or numbers: Provided, however, That if the said political district named in the petition lies wholly within any city, borough or township, or is co-extensive with same, it shall not be necessary for any signer of a nomination petition to state therein the city, borough or township of his residence. No nomination petition shall be circulated prior to thirty (30) days before the last day on which such petition may be filed, and no signature shall be counted unless it bears date within thirty (30) days of the last day of filing the same.

Section 909. Petition May Consist of Several Sheets; Affidavit of Circulator.—Said nomination petition may be on one or more sheets, and different sheets must be

used for signers resident in different counties. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one petition, and each sheet shall be numbered consecutively beginning with number one, at the foot of each page. Each sheet shall have appended thereto the affidavit of some person, not necessarily a signer, and not necessarily the same person on each sheet, setting forth—(a) that the affiant is a qualified elector of the State, or of the political district, as the case may be, referred to in said petition; (b) his residence, giving city, borough or township, with street and number, if any; (c) that the signers thereto signed with full knowledge of the contents of the petition; (d) that their respective residences are correctly stated therein; (e) that they all reside in the county named in the affidavit; (f) that each signed on the date set opposite his name; and (g) that, to the best of affiant's knowledge and belief, the signers are qualified electors and duly registered and enrolled members of the designated party of the State, or of the political district, as the case may be.

Section 910. Affidavits of Candidates.—Each candidate for any State, county, city, borough, incorporated town, township, ward, school district, poor district, election district, party office, party delegate or alternate, or for the office of United States Senator or Representative in Congress, shall file with his nomination petition his affidavit stating—(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of record, that he is not a candidate for nomination for the same office of any party other than the one designated in such petition; and (g) if he is a candidate for a delegate, or alternate delegate, member of State committee, National committee or party officer, that he is a registered and enrolled member of the designated party. In cases of petitions for delegate and alternate delegate to National conventions, the candidate's affidavit shall state that his signature to the delegate's statement, as hereinafter set forth, if such statement is signed by said candidate, was affixed to the sheet or sheets of said petition prior to the circulation of same. In the case of a candidate for nomination as President of the United States, it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates, but the post-office ad-

dress of such candidate shall be stated in such nomination petition.

Section 911. Statement of Candidates for Delegates to National Conventions.—Each candidate for election as delegate or alternate delegate to a National party convention may include, with his affidavit, the statement hereinafter set forth in this section; but his failure to include such statement shall not be a valid ground, on the part of the Secretary of the Commonwealth, for refusal to receive and file his nomination petition. Such statement, if signed, shall be signed on all the sheets of said petition, together with the date of signing and shall be in substantially the following form:

Delegate's Statement

I hereby declare to the voters of my political party in the (here insert "State of Pennsylvania," if a delegate or alternate delegate at large; otherwise, insert "District") that, if elected and in attendance as a delegate to the National convention of the party, I shall, with all fidelity, to the best of my judgment and ability, in all matters coming before the convention, support that candidate for President of the United States who shall have received the highest number of votes cast in the (here insert "State," if a delegate or alternate delegate at large; otherwise, insert "District") by the voters of my party for said office at the ensuing primary, and shall use all honorable means within my power to aid in securing the nomination for such candidate for President.

.....
(Signature of candidate for delegate or alternate delegate, and date of signing.)

On the ballots or ballot labels used at a primary, after or under the name of each candidate for delegate or alternate delegate to a National party convention, shall appear the words "Promises to support popular choice of party in the (here insert "State," if a delegate or alternate delegate at large; otherwise, insert "District") for President, "or" Does not promise to support popular choice of party in the (here insert "State," if a delegate or alternate delegate at large; otherwise, insert "District") for President," according to whether the candidate included, or failed to include, the above statement with his affidavit.

Section 912. Number of Signers Required; Nomination Petitions of Candidates at Primaries Shall Be Signed.—

(a) If for the office of President of the United States, or of United States Senator, by at least one hundred

registered and enrolled members of the proper party in each of at least ten counties of the State.

(b) If for a State office to be filled by a vote of the electors of the State at large, for the office of delegate or alternate delegate at large to a National party convention, or for the office of member of the National committee, by at least one hundred registered and enrolled members of the proper party in each of at least five counties of the State.

(c) If for the office of Representative in Congress, or of delegate or alternate delegate to a National party convention, other than delegate or alternate delegate at large, or of judge of any court of record other than a court whose judges are to be elected by a vote of the electors of the State at large, or of State senator, or of any municipal office to be filled by a vote of the electors of a senatorial district, by at least two hundred registered and enrolled members of the proper party.

(d) If for the office of Representative in the General Assembly, or for the office of member of the State committee, or an office to be voted for by the electors of the entire county, or an office to be voted for by the electors of an entire city, by at least one hundred registered and enrolled members of the proper party, except for the office of magistrate in cities of the first class, in which case it must be signed by at least three thousand registered and enrolled members of the proper party.

(e) If for the office of inspector of election, by at least five registered and enrolled members of the proper party.

(f) And for all other offices and all other party offices, by at least ten registered and enrolled members of the proper party.

Section 913. Place and Time of Filing Nomination Petitions; Filing Fees.—(a) Nomination petitions in the case of candidates for the office of President of the United States, United States Senator, Representative in Congress and for all State offices, including senators, representatives and judges of courts of record, for the office of delegate or alternate delegate to National party conventions, and for the office of a member of a State or National committee, shall be filed with the Secretary of the Commonwealth. Nomination petitions in all other cases shall be filed with the county boards of election of the respective counties. Nomination petitions for candidates for any office to be voted for by the electors of any city, borough, township, ward or school district which is situate in two or more counties, shall be filed with the county board of the county in which the major number of the registered electors of such city, borough, township, ward or school district reside. Immediately after the last day for such candidates to withdraw and

after they have cast lots for their position on the ballots or ballot labels, the said county board shall certify to the county board of each other county involved a list of the names, addresses and occupations of the candidates so filing nomination petitions for each party, together with the order in which their names are to appear upon the primary ballots or ballot labels, and such other county board shall prepare the primary ballots or ballot labels to be used in the portion of such city, borough, township, ward or school district situate in such county accordingly.

(b) Each person filing any nomination petition shall pay, for each petition, at the time of said filing, a filing fee to be determined as follows, and no nomination petition shall be accepted or filed, unless and until such filing fee is paid by a certified check or money order only. Said certified checks or money orders shall be made payable to the Commonwealth of Pennsylvania or to the county, as the case may be, and shall be transmitted to the State Treasurer or to the county treasurer, and shall become part of the General Fund:

1. If for the office of President of the United States, or for any public office to be filled by the electors of the State at large, the sum of fifty dollars (\$50.00).

2. If for the office of Representative in Congress, or judge of a court of record, excepting judges to be voted for by the electors of the State at large, and associate judge, the sum of thirty-five dollars (\$35.00).

3. If for the offices of senator or representative in the General Assembly, or for any office to be filled by the electors of an entire county or city, the sum of twenty-five dollars (\$25.00).

4. If for the office of associate judge or for any borough, town, township, school district or poor district office, not otherwise provided for, the sum of twenty dollars (\$20.00).

Provided, however, that no filing fee shall be paid for a nomination petition for any public office for which no compensation is provided by law.

5. If for judge or inspector of election or for any other public office not included hereinabove, the sum of fifty cents (.50).

6. If for the office of delegate or alternate delegate to National party convention, or member of National committee or member of State committee, the sum of ten dollars (\$10.00).

7. If for any other party office, the sum of fifty cents (.50).

8. If for the office of alderman, justice of the peace or constable, the sum of two dollars (\$2.00).

9. If for the office of township auditor or road supervisor, the sum of one dollar (\$1.00).

(c) The filing fees herein provided for shall not be refunded in the event of the withdrawal of any candidate named in any petition, or for any other cause whatsoever.

(d) All nomination petitions shall be filed at least fifty (50) days prior to the primary.

Petitions to be filed in the office of the Secretary of the Commonwealth shall be received in said office not later than 5 o'clock P. M. on the last day for filing same, and all petitions to be filed with any county board of elections shall be received in said office not later than the ordinary closing hour of said office on the last day for filing same.

Section 914. Withdrawal of Candidates.—Any of the candidates for nomination or election at any primary may withdraw his name as a candidate by a request in writing, signed by him and acknowledged before an officer empowered to administer oaths, and filed in the office in which his nomination petition was filed. Such withdrawals, to be effective, must be received in the office of the Secretary of the Commonwealth not later than 5 o'clock P. M. on the fifth day next succeeding the last day for filing nomination petitions in said office, and in the office of any county board of elections, not later than the ordinary closing hour of said office on the fifth day next succeeding the last day for filing nomination petitions in said office. No name so withdrawn shall be printed on the ballot or ballot labels. No candidate may withdraw any withdrawal notice already received and filed, and thereby reinstate his nomination petition.

Section 915. Casting of Lots for Position of Names Upon the Primary Ballots or Ballot Labels; Notice to Candidates.—Immediately after the last day fixed for filing of such nomination petitions with them, the Secretary of the Commonwealth or the county board, as the case may be, shall fix a day for the casting of lots, in such manner as may be prescribed by the Secretary of the Commonwealth, or county board, as the case may be, for the position of names upon the primary ballots or ballot labels. The Secretary of the Commonwealth shall give at least two (2) days notice by mail of said date to all candidates whose petitions have been received and filed in his office, and the county board shall give at least two (2) days notice of said date by posting thereof in a conspicuous place in its office, and by publication once in at least two newspapers of general circulation published in the county. All candidates may appear in person, or by agent duly authorized by letter of attorney, signed and acknowledged by an officer empowered to take acknowledgments. In the event of any of said candidates not being present in person or by representative at the time of casting of lots, it shall

be the duty of the Secretary of the Commonwealth or the county board, as the case may be, to appoint some person to represent such absentee. After said lots are cast, the Secretary of the Commonwealth or the county board, as the case may be, shall accordingly establish the order in which the names of said candidates are to appear upon the primary ballots or ballot labels, and certify the same for placing upon the official primary ballots or ballot labels.

Section 916. Secretary of the Commonwealth to Furnish County Boards with List of Candidates; Candidates to Be Notified.—The Secretary of the Commonwealth, as soon as possible after the last day fixed for the filing of nomination petitions with him, and after the last day for the withdrawal of candidates filing such nomination petitions, and after the candidates shall have cast lots for the position of their names upon the primary ballots or ballot labels, shall forward to the county board of each county a correct list of candidates of each party for the various offices, in the order in which they are to appear upon the official ballots or ballot labels, with their respective residences, giving city, borough, town or township, and post-office addresses as shown in their affidavits; and shall also at the same time notify the said candidates by mail that their names have been so certified to said county boards. In the case of each candidate for delegate or alternate delegate to a National party convention, the Secretary of the Commonwealth shall certify as to whether such candidate has included with his affidavit the statement provided for in section 911 of this act.

Section 917. Manner of Filling Vacancy Caused by Death of Person Named in Nomination Petition.—Where a nomination petition has been duly filed for any primary, under the provisions of this article, and thereafter, and before the day of the primary, the candidate named in said petition dies, the original signers of said petition, or the majority of them, may sign another petition proposing a new candidate for said office at any time prior to the printing of the ballots or ballot labels. Said petition shall have the same force and effect as the original petition, and the name of the candidate so nominated shall be substituted for that of the deceased candidate.

Section 918. Presidential Electors; Selection by Nominees; Certification; Vacancies.—The nominee of each political party for the office of President of the United States shall, within thirty days after his nomination by the National convention of such party, nominate as many persons to be the candidates of his party for the office of presidential elector as the State is then entitled to. If for any reason the nominee of any poli-

tical party for President of the United States fails or is unable to make the said nominations within the time herein provided, then the nominee for such party for the office of Vice-President of the United States shall, as soon as may be possible after the expiration of thirty days, make the nominations. The names of such nominees, with their residences and post-office addresses, shall be certified immediately to the Secretary of the Commonwealth by the nominee for the office of President or Vice-President, as the case may be, making the nominations. Vacancies existing after the date of nomination of presidential electors shall be filled by the nominee for the office of President or Vice-President making the original nomination. Nominations made to fill vacancies shall be certified to the Secretary of the Commonwealth in the manner herein provided for in the case of original nominations.

Section 919. Ballots; Ballot Boxes; Voting Machines and Other Supplies for Primaries.—Ballots and ballot boxes, or voting machines where used, and other supplies for primaries shall be prepared, provided and delivered to the district election officers, in accordance with the provisions of this act, in so far as they are applicable to primaries.

Section 920. Conduct of Primaries.—Primaries shall be conducted by the district election officers, clerks and machine inspectors, if any, of each election district, and the votes cast thereat counted and returned in the manner provided in Article XII of this act, in so far as it is applicable to primaries.

Section 921. Primary Election Returns.—The returns made by the district election officers of the votes cast at primaries shall be received by the respective county boards of election, and tabulated and computed by them, and their returns to the Secretary of the Commonwealth tabulated and computed by him in the manner provided by Article XIV of this act, in so far as it is applicable to primaries.

Section 922. Which Candidates Nominated.—Candidates of the various political parties for nomination, except for the office of President of the United States, who receive a plurality of votes of their party electors in the State, or in the political district, as the case may be, at the primary election, together with the candidates for the office of presidential elector nominated as herein provided, shall be candidates of their respective parties, and it shall be the duty of the proper county boards to print their names upon the official ballots and ballot labels at the succeeding election.

Section 923. Nominee in Case of Tie Vote.—In the case of a tie, the candidates receiving the tie vote shall cast lots before the county board or the Secretary of

the Commonwealth, as the case may be, at twelve o'clock noon on the third Friday following the primary, and the one to whom the lot shall fall shall be entitled to the nomination. In any case where the fact of a tie vote is not authoritatively determined until after the third Wednesday following the primary, the time for casting lots shall be at twelve o'clock noon on the second day after the fact of such tie vote is authoritatively determined. If any candidate or candidates, receiving a tie vote, fail to appear before twelve o'clock noon on said day, the county board or the Secretary of the Commonwealth, as the case may be, shall cast lots for him or them. For the purpose of casting lots any candidate may appear in person, or by proxy appointed in writing.

(b) Nomination of Candidates by Political Bodies

Section 951. Nominations by Political Bodies.—(a) In addition to the party nominations made at primaries, nomination of candidates for any public office may also be made by nomination papers signed by qualified electors of the State, or of the electoral district for which the nomination is made, and filed in the manner herein provided. Such nomination papers shall be in form prescribed by the Secretary of the Commonwealth, and no other forms than the ones so prescribed shall be used for such purposes.

(b) Where the nomination is for any office to be filled by the electors of the State at large, the number of qualified electors of the State signing such nomination paper shall be at least equal to one-half of one per centum of the largest entire vote cast for any elected candidate in the State at large at the last preceding election at which State-wide candidates were voted for. In the case of all other nominations, the number of qualified electors of the electoral district signing such nomination papers shall be at least equal to two per centum of the largest entire vote cast for any officer, except a judge of a court of record, elected at the last preceding election in said electoral district for which said nomination papers are to be filed.

(c) Each person signing a nomination paper shall declare therein that he is a qualified elector of the State or district, as the case may be, and shall add to his signature his occupation and residence, giving city, borough or township, with street and number, if any, and shall also add the date of signing, expressed in words or numbers: Provided, however, That if said political district named in the papers lies wholly within any city, borough or township, or is coextensive with same, it shall not be necessary for any signer of a paper to state therein the city, borough or township of his residence. No elector shall sign more than one nomination paper

for each office to be filled, unless there are two or more persons to be elected to the same office, in which case he may sign nomination papers for as many candidates for such office as, and no more than, he could vote for at the succeeding election. More than one candidate may be nominated by one nomination paper and candidates for more than one office may be nominated by one nomination paper: Provided, That each political body nominating does not nominate more candidates than there are offices to be voted for at the ensuing election: And provided, That all the signers on each nomination paper are qualified to vote for all the candidates nominated therein.

(d) Nomination papers may be on one or more sheets and different sheets must be used for signers resident in different counties. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one nomination paper, and each sheet shall be numbered consecutively, beginning with number one (1) at the foot of each page. Each sheet shall have appended thereto the affidavit of some person, not necessarily a signer, and not necessarily the same person on each sheet, setting forth—(1) that the affiant is a qualified elector of the State, or of the electoral district, as the case may be, referred to in the nomination paper; (2) his residence, giving city, borough or township with street and number, if any; (3) that the signers signed with full knowledge of the contents of the nomination paper; (4) that their respective residences are correctly stated therein; (5) that they all reside in the county named in the affidavit; (6) that each signed on the date set opposite his name; and (7) that, to the best of affiant's knowledge and belief, the signers are qualified electors of the State, or of the electoral district, as the case may be.

(e) There shall be appended to each nomination paper offered for filing an affidavit of each candidate nominated therein, stating—(1) the election district in which he resides; (2) the name of the office for which he consents to be a candidate; (3) that he is eligible for such office; (4) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses, and prohibiting corrupt practices in connection therewith; (5) that his name has not been presented as a candidate by nomination petitions for the same office to be voted for at the ensuing primary election, nor has he been nominated by any other nomination papers filed for the same office.

Section 952. Contents of Nomination Papers; Restriction on Names.—All nomination papers shall specify—(a) The name or appellation of the political body which the candidates nominated thereby represent, ex-

pressed in not more than three words, and in the case of electors for President and Vice-President of the United States, the names of the candidates for President and Vice-President of such political body; (b) the name of each candidate nominated therein, his profession, business or occupation, if any; and his place of residence with street and number, if any; (c) the office for which such candidate is nominated; and (d) the names and addresses of the committee, not to exceed five (5) persons, authorized to fill vacancies, if any shall occur. No words shall be used in any nomination paper to designate the name or appellation of the political body represented by the candidates named in such nomination paper which are identical with or deceptively similar to the words used for a like purpose by any existing political party as defined by section 801 of this act, or which contain part of the name or an abbreviation of the name or part of the name of any existing political party; nor shall any words be used in any nomination paper to designate the name or appellation of the political body represented by the candidate's name in such nomination paper which are identical with or deceptively similar to the words used for a like purpose by any political body which has already filed nomination papers for the same office, nor which contain part of the name or an abbreviation of the name or part of the name of a political body which has already filed nomination papers for the same office. Any petition to set aside a nomination paper on account of the name or appellation used therein, or involving the right of the signers thereof to use such name or appellation shall be decided as in the case of other petitions to set aside nomination papers, in the manner provided by this article.

Section 953. Place and Time of Filing Nomination Papers.—

(a) Nomination papers for candidates for presidential electors, United States Senators, Representatives in Congress, and State offices, including senators, representatives and judges of courts of record, shall be filed with the Secretary of the Commonwealth. Nomination papers for all other candidates shall be filed with the county boards of elections of the respective counties. Nomination papers for candidates for any office to be voted for by the electors of any city, borough, township, ward or school district which is situate in two or more counties shall be filed with the county board of the county in which the major number of the registered electors of such city, borough, township, ward or school district reside. Immediately after the last day for withdrawals of candidates nominated by nomination papers, the said county board shall certify to the county

board of each other county involved a list of the names, addresses and occupations of the candidates so nominated to be voted for in two or more counties, together with the names or appellations of the political bodies nominating them.

(b) No nomination paper shall be circulated prior to thirty days before the last day on which such paper may be filed, and no signature shall be counted unless it bears a date within thirty (30) days of the last day of filing the same.

(c) All nomination papers must be filed at least twenty (20) days prior to the date of the primary election.

Section 954. Filing Fee. — Each nomination paper nominating a candidate or a group of candidates for office shall be accompanied by a certified check or money order drawn in the sum of five dollars (\$5.00), and payable to the Commonwealth of Pennsylvania or to the county, as the case may be. All fees so received by the Secretary of the Commonwealth or the county election board shall be transmitted to the State Treasurer or to the county treasurer, as the case may be, and shall become part of the General Fund.

(c) Objections; Withdrawals; Certifications.

Section 976. Examination of Nomination Petitions, Certificates and Papers; Return of Rejected Nomination Petitions, Certificates and Papers. — When any nomination petition, nomination certificate or nomination paper is presented in the office of the Secretary of the Commonwealth or of any county board of elections for filing within the period limited by this act, it shall be the duty of the said officer or board to examine the same. No nomination petition, nomination paper or nomination certificate shall be permitted to be filed if—

(a) it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or (b) it contains material alterations made after signing without the consent of the signers; or (c) it does not contain a sufficient number of genuine signatures as required by law; or (d) in the case of nomination petitions, if nomination petitions have been filed for printing the name of the same person for the same office, except the office of judge of a court of record, upon the official ballot of more than one political party; or (e) in the case of nomination papers, if the candidate named therein has filed a nomination petition for the same office for the ensuing primary, or has been nominated for the same office by nomination papers previously filed; or (f) if the nomination petitions or papers are not accompanied by the filing fee or certified check required for said office; or (g) in the

case of nomination papers, the appellation set forth therein is identical with or deceptively similar to the words used by any existing party or by any political body which has already filed nomination papers for the same office, or if the appellation set forth therein contains part of the name, or an abbreviation of the name or part of the name of an existing political party, or of a political body which has already filed nomination papers for the same office. The invalidity of any sheet of a nomination petition or nomination paper shall not affect the validity of such petition or paper if a sufficient petition or paper remains after eliminating such invalid sheet. The action of said officer or board in refusing to receive and file any such nomination petition, certificate or paper, may be reviewed by the court of common pleas of the proper county upon an application for a writ of mandamus to compel its reception as of the date when it was presented to the office of such officer or board: Provided, however, That said officer or board shall be entitled to a reasonable time in which to examine any petitions, certificates or papers, and to summon and interrogate the candidates named therein, or the persons presenting said petitions, certificates or papers, and his or their retention of same for the purpose of making such examination or interrogation shall not be construed as an acceptance or filing.

Upon completion of any examination, if any nomination petition, certificate or paper is found to be defective, it shall forthwith be rejected and returned to the candidate or one of the candidates named therein, together with a statement of the reasons for such rejection.

Section 977. Objections to Nomination Petitions and Papers.—All nomination petitions and papers received and filed within the periods limited by this act shall be deemed to be valid, unless, within five days after the last day for filing said nomination petition or paper, a petition is presented to the court of common pleas of the county in which the nomination petition or paper was filed, specifically setting forth the objections thereto, and praying that the said petition or paper be set aside. A copy of said petition shall, within said period, be served on the officer or board with whom said nomination petition or paper was filed. Upon the presentation of such a petition, the court shall make an order fixing a time for hearing which shall not be later than ten days after the last day for filing said nomination petition or paper, and specifying the time and manner of notice that shall be given to the candidate or candidates named in the nomination petition or paper sought to be set aside. On the day fixed for said hearing, the court shall proceed without delay to hear said objec-

tions, and shall give such hearing precedence over any other business before it, and shall finally determine said matter not later than fifteen (15) days after the last day for filing said nomination petitions or papers. If the court shall find that said nomination petition or paper is defective under the provisions of section 976, or does not contain a sufficient number of genuine signatures of electors entitled to sign the same under the provisions of this act, or was not filed by persons entitled to file the same, it shall be set aside. If the objections relate to material errors or defects apparent on the face of the nomination petition or paper, or on the face of the accompanying or appended affidavits, the court, after hearing, may, in its discretion, permit amendments within such time and upon such terms as to payment of costs, as the said court may specify. In case any such petition is dismissed, the court shall make such order as to the payment of the cost of the proceeding, including witness fees, as it shall deem just. If a person shall sign any nomination petitions or papers for a greater number of candidates than he is permitted under the provisions of this act, if said signatures bear the same date, they shall, upon objections filed thereto, not be counted on any petition or paper and if they bear different dates, they shall be counted in the order of their priority of date, for only so many persons as there are candidates to be nominated or elected.

Section 978. Withdrawal of Nominated Candidates. —Any person who has been nominated by any political party or political body, in accordance with the provisions of this act, as a candidate for the office of presidential elector, United States Senator, Representative in Congress or for any State office, including that of senator, representative and judge of court of record, may withdraw his name from nomination by request in writing, signed by him and acknowledged before an officer qualified to take acknowledgment of deeds, and filed in the office of the Secretary of the Commonwealth. Any person who has been similarly nominated as a candidate for any other office may withdraw his name from nomination by similar request, filed with the county board of elections of the proper county. Such written withdrawals shall be filed with the Secretary of the Commonwealth or the county board of elections, as the case may be, at least sixty-five days previous to the day of the general election, and at least twenty-five days previous to the day of the municipal election. Such withdrawals to be effective must be received in the office of the Secretary of the Commonwealth not later than five (5) o'clock P. M. on the last day for filing same, and in the office of any county board of elections not later than the ordinary closing hour of said office on

the last day for filing same. No name so withdrawn shall be printed upon the ballot or ballot labels. No candidate may withdraw any withdrawal notice already received and filed, and thereby reinstate his nomination.

Section 979. Substituted Nominations by Parties.—Any vacancy happening or existing after the date of the primary in any party nomination, by reason of the death or withdrawal of any candidate, may be filled by a substituted nomination made by such committee as is authorized by the rules of the party to make nominations in the event of vacancies on the party ticket: Provided, however, That no substitute nomination certificate shall nominate any person who has already been nominated by any political party or by any other political body for the same office. Upon the making of any such substituted nomination, in accordance with the party rules, it shall be the duty of the chairman and secretary or secretaries of the party committee making the nomination to file with the Secretary of the Commonwealth in the case of United States Senator, Representative in Congress and all State officers, including judges of courts of records, senators and representatives, and with the proper county board of elections in the case of other offices, a nomination certificate which shall be signed by the chairman and secretary or secretaries of the said committee, and which shall set forth the following:

(a) The office and district, if any, for which it is filed; (b) the cause of the vacancy; (c) the rule or rules of the political party, setting forth the provisions applicable to a substituted nomination; (d) that a quorum of the committee, caucus or convention, as provided by the party rules, duly convened, and the names of those present at said meeting, or their proxies; that said persons are the duly appointed or elected members of said committee, caucus or convention; (e) the name, residence and occupation of the candidate duly nominated at said meeting. Every such certificate of nomination shall be sworn to or affirmed by the chairman and secretary or secretaries before an officer qualified to administer oaths.

Section 980. Substituted Nominations by Political Bodies.—In case of the death or withdrawal of any candidate nominated by any political body by nomination papers, the committee named in the original nomination papers may nominate a substitute in his place by filing in the proper office a substituted nomination certificate, which shall set forth the facts of the appointment and powers of the committee (naming all its members), of the death or withdrawal of the candidate and of the action of the committee thereon, giving the name, resi-

dence and occupation of the candidate substituted thereby, and the truth of these facts shall be verified by the affidavit annexed to the certificate of at least two members of the committee. In the case of a vacancy caused by the death of any candidate, said substituted nomination certificate shall be accompanied by a death certificate, properly certified: Provided, however, That no substitute nomination certificate shall nominate any person who has already been nominated by any political party or by any other political body for the same office.

Section 981. Time for Filing Substituted Nomination Certificates.—

(a) Substituted nomination certificates to fill vacancies caused by the withdrawal of candidates nominated at primaries or by nomination papers shall be filed with the Secretary of the Commonwealth or proper county board of elections, as the case may be, at least fifty days before the day of the general election, and at least twenty days before the day of the municipal election.

(b) Substituted nomination certificates to fill vacancies caused by the death of candidates nominated at primaries or by nomination papers shall be filed at the proper office at any time prior to the day on which the printing of ballots is started.

Section 982. Objections to Substituted Nomination Certificates. — All substituted nomination certificates may be objected to, as provided in section 977 of this act, except objections to substituted nomination certificates must, in any case, be filed within three (3) days after the filing of the substituted nomination certificate: Provided, however, That no objections as to form and conformity to law, shall be received after the day on which the printing of ballots is started.

Section 983. Preservation of Nomination Petitions, Certificates and Papers. — All nomination petitions, certificates and papers shall be preserved in the offices where they have been filed for a period of at least two years.

Section 984. Certification of Nominees by Secretary of the Commonwealth to County Boards.—The Secretary of the Commonwealth shall, at least fifteen days previous to the day of any November election of presidential electors, United States Senator, Representative in Congress or State officers, including judges of courts of record, senators and representatives, or upon constitutional amendments or other questions to be submitted to the electors of the State at large, transmit to the county board of elections of each county, in which such election is to be held, an official list, certified by him, of all of the candidates who have been nominated in accordance with the provisions of this act, to be voted for

in such county at such election, substantially in the form of the ballots to be used therein, and also a copy of the text of all constitutional amendments and other questions to be voted upon at such election, together with a statement of the form in which they are to be printed on the ballots or ballot labels.

ARTICLE X

Ballots

Section 1001. Official Ballots to Be used.—All primaries and elections in this Commonwealth shall be conducted by ballot, except in districts in which voting machines are used under the provisions of Article XI of this act. All ballots used at primaries and elections in election districts in which ballots are used, shall be provided by the respective county boards of elections, in accordance with the provisions of this act, and, except as otherwise provided in this act, only official ballots furnished by the county boards of elections shall be cast or counted at any primary or election in any district in which ballots are used.

Section 1002. Form of Official Primary Ballot.—

(a) At primaries separate official ballots shall be prepared for each party which shall be in substantially the following form:

OfficialPrimary Ballot.
(Name of Party)
.....District,Ward, City of.....,
County of, State of Pennsylvania.
.....Primary election held on the.....
day of, 19.....

Make a cross (X) in the square to the right of each candidate for whom you wish to vote. If you desire to vote for a person whose name is not on the ballot, write or paste his name in the blank space provided for that purpose. If you spoil your ballot, do not erase, but ask for a new ballot. Use only pencil or indelible pencil.

President of the United States.
(Vote for one)

John Doe
Richard Roe
John Stiles

United States Senator.
(Vote for one)

John Doe
Richard Roe
John Stiles

LAWS OF PENNSYLVANIA,

Governor.
(Vote for one)

John Doe
Richard Roe
John Stiles

Representative in Congress.....District.
(Vote for one)

John Doe
Richard Roe
John Stiles

Delegates at Large to National Convention.
(Vote for)

John Doe
(Promises to support popular choice of party in the
State for President.)

John Stiles
(Does not promise to support popular choice of party
in the State for President.)

Delegate to National Convention.....District.
(Vote for)

John Doe
(Promises to support popular choice of party in
.....District for President.)

John Stiles
(Does not promise to support popular choice of party
inDistrict for President.)

Senator in the General Assembly.....District.
(Vote for one)

John Doe
Richard Roe
John Stiles

Member of State Committee.
(Vote for one)

John Doe
Richard Roe
John Stiles

Party Committeemen.
(Vote for)

John Doe
Richard Roe
John Stiles

(b) On the back of each ballot shall be printed in prominent type the words "OFFICIAL PRIMARY BALLOT OF PARTY FOR" followed by the designation of the election district for which it is prepared, the date of the primary and the facsimile signatures of the members of the county board of elections. The names of candidates shall in all cases be arranged under the title of the office for which they are candidates, and be printed thereunder in the order determined by the casting of lots as provided by this act. At the right of the name of each candidate there shall be a square of sufficient size for the convenient insertion of a cross mark. There shall be left at the end of the list of candidates for each office (or under the title of the office itself in case there be no candidates who have filed nomination petitions therefor) as many blank spaces as there are persons to be voted for, for such office, in which space the elector may insert the name of any person whose name is not printed on the ballot as a candidate for such office. Opposite or under the name of each candidate, except candidates for the office of President of the United States, who is to be voted for by the electors of more than one county, shall be printed the name of the county in which such candidate resides; and opposite or under the name of each candidate who is to be voted for by the electors of an entire county or any congressional, senatorial or representative district within the county, shall be printed the name of the city, borough, township or ward, as the case may be, in which such candidate resides.

(c) The ballot shall vary in form only as the names of districts, offices, candidates or the provisions of this act may require.

Section 1003. Form of Official Election Ballot.—

(a) The official ballots for general, municipal and special elections shall be in substantially the following form:

OFFICIAL BALLOT

.....District,.....Ward, City of.....,
 County of, State of Pennsylvania.
Election held on the....day of, 19...

A cross mark (X) in the square opposite the name of any candidate indicates a vote for that candidate.

To vote a straight party ticket, mark a cross (X) in the square, in the Party Column, opposite the name of the party of your choice. To vote for an individual candidate of another party after making a mark in the

party square, mark a cross (X) opposite his name. For an office where more than one candidate is to be voted for, the voter, after marking in the party square, may divide his vote by marking a cross (X) to the right of each candidate for whom he or she desires to vote. For such office votes shall not be counted for candidates not individually marked.

To vote for a person whose name is not on the ballot, write or paste his name in the blank space provided for that purpose. A cross mark in the square opposite the names of the candidates of any party for President and Vice-President of the United States indicates a vote for all the candidates of that party for presidential elector. To vote for individual candidates for presidential elector, write or paste their names in the blank spaces provided for that purpose under the title "Presidential Electors." Use only pencil or indelible pencil.

PARTY COLUMN	PRESIDENTIAL ELECTORS
To Vote a Straight Party Ticket Mark a Cross (X) in this Column.	(Vote for the candidates of one party for President and Vice-President, or inset the names of candidates.)
Democratic	For John Stiles and Richard Doe, Democratic
Republican	For John Doe and Richard Roe, Republican
Socialist	For John Smith and William Jones, Socialist.....
Citizens	
	United States Senator. (Vote for one)
Richard Roe	Democratic
John Doe	Republican
Richard Stiles	Socialist

Governor.

(Vote for one)

Richard Roe	Democratic
John Doe	Republican
Richard Stiles	Socialist

Representatives in Congress.....District.

(Vote for one)

Richard Roe	Democratic
John Doe	Republican
Richard Stiles	Socialist

Senator in the General Assembly.

.....District.

(Vote for one)

John Doe	Democratic
Richard Roe	Republican

(b) On the back of each ballot shall be printed in prominent type the words "Official Ballot," followed by the designation of the election district for which it is prepared, the date of the election and the facsimile signatures of the members of the county board of elections. The names of candidates shall be arranged under the title of the office for which they are candidates, and shall be printed thereunder in the order of the votes obtained by the presidential electors of the parties or bodies nominating at the last presidential election, beginning with the party obtaining the highest number of votes: Provided, however, That in the case of parties or bodies not represented on the ballot at the last presidential election, the names of the candidates of such parties shall be arranged alphabetically, according to the party name or political appellation. In the case of offices for which two or more candidates are to be voted for, the candidates of each party shall be arranged together in the order of the number of votes obtained by them at the primary, beginning with the candidate obtaining the highest number of votes, and the candidates of each political body shall be arranged in the order in which their names were placed in their nomination paper. Opposite or under the name of each candidate shall be printed the name or appellation of the political party or political body nominating him, and at the right of such name or appellation there shall be a square of sufficient size for the convenient insertion of a cross mark.

(c) When presidential electors are to be elected, their names shall not be printed upon the ballot, but in lieu thereof, the names of the candidates of their respective parties or political bodies for President and

Vice-President of the United States shall be printed together in pairs under the title "Presidential Electors." All ballots marked for the candidates for President and Vice-President of a party or political body shall be counted as votes for each candidate for presidential elector of such party or political body.

(d) Whenever any candidate shall receive more than one nomination for the same office, his name shall be printed once, and the names of each political party so nominating him shall be printed opposite the name of such candidate, arranged in the same order as candidates names are required to be arranged. At the right of every party name or appellation shall be a square of sufficient size for the convenient insertion of a cross mark.

(e) There shall be left at the end of the group of candidates for President and Vice-President of the United States under the title "Presidential Electors," as many blank spaces as there are presidential electors to be elected, in which spaces the elector may insert the names of any individual candidates for presidential electors for whom he desires to vote. There shall also be left at the end of each group of candidates for each other office (or under the title of the office itself in case no candidates have been nominated therefor), as many blank spaces as there are persons to be voted for for such office, in which space the elector may insert the name of any person or persons whose name is not printed on the ballot as a candidate for such office.

(f) In order that each elector may have the opportunity of designating his choice for all the candidates nominated by one political party or political body, there shall be printed on the extreme left of the ballot, and separated from the rest of the ballot by a space of at least one-half inch, a list of the names of all the political parties or political bodies represented on such ballot which have nominated candidates to be voted for at such election. Such names shall be arranged in the order of the votes obtained at the last presidential election by the presidential electors of the parties or bodies nominating, beginning with the party that received the highest number of votes cast. Following the names of such political parties and political bodies shall be the names of the parties and bodies not represented on the ballot at the last presidential election, arranged alphabetically, according to the party name or appellation. A square of sufficient size for the convenient insertion of a cross mark shall be placed at the right of each party name or appellation.

(g) The official ballots shall vary in form only as the names of districts, offices, candidates or the provisions of this act may require. When constitutional

amendments or other questions are submitted to a vote of the electors, each amendment or other question so submitted may be printed upon the ballot below the groups of candidates for the various offices, and, when required by law, shall be so printed. Constitutional amendments so submitted shall be printed in brief form, to be determined by the Secretary of the Commonwealth, and other questions so submitted shall be printed in brief form, to be determined by the Secretary of the Commonwealth in the case of questions to be voted on by the electors of the State at large, and by the county boards in other cases. To the right of each question there shall be placed the words "yes" and "no," together with appropriate squares to the right of each for the convenient insertion of a cross mark.

Section 1004. Form of Ballots; Printing Ballots; Stubs; Numbers.—From the lists furnished by the Secretary of the Commonwealth under the provisions of sections 915 and 984, and from petitions and papers filed in their office, the county election board shall print the official primary and election ballots in accordance with the provisions of this act: Provided, however, That in no event, shall the name of any person consenting to be a candidate for nomination for any one office, except the office of judge of a court of record, be printed as a candidate for such office upon the official primary ballot of more than one party. All ballots for use in the same election district at any primary or election shall be alike. They shall be at least six inches long and four inches wide, and shall have a margin extending beyond any printing thereon. They shall be printed with the same kind of type (which shall not be smaller than the size known as "brevier" or "eight point body") upon white paper of uniform quality, without any impression or mark to distinguish one from another, and with sufficient thickness to prevent the printed matter from showing through. Each ballot shall be attached to a stub, and all the ballots for the same election district shall be bound together in books of fifty, in such manner that each ballot may be detached from its stub and removed separately. The ballots for each party to be used at a primary shall be bound separately. The stubs of the ballots shall be consecutively numbered, and in the case of primary ballots, the number shall be preceded by an initial or abbreviation designating the party name. The number and initial or abbreviation which appears upon the stub shall also be printed in the upper right hand corner of the back of the ballot, separated from the remainder of the ballot by a diagonal perforated line so prepared that the upper right hand corner of the back of the ballot containing the number may be detached from the ballot before it is deposited in the ballot box.

Section 1005. Candidates with Similar Surnames, Occupation to Be Printed.—If two or more candidates for the same office shall have the same or similar surnames, the county board of elections shall, upon the request of any such candidate filed in writing not later than five days after the last day for filing nomination petitions, certificates or papers, print the occupation or residence of any such candidate, so filing a request, on the ballot or ballot labels opposite or under his name.

Section 1006. Names of Substituted Candidates to Be Printed on Ballots.—As soon as any substituted candidate shall have been duly nominated, at any time prior to the day on which the printing of ballots is started, his name shall be substituted in place of that of the candidate who has died or withdrawn.

Section 1007. Number of Ballots to Be Printed; Specimen Ballots.—The county board of each county shall provide for each election district in which a primary is to be held, one book of fifty official ballots of each party for every forty-five registered and enrolled voters of such party and fraction thereof, appearing upon the district register, and shall provide for each election district in which an election is to be held one book of fifty official ballots for every forty-five registered electors and fraction thereof appearing upon the district register. They shall also, in addition to the number of ballots required to be printed for general distribution, have printed ten (10) per centum of such number, to be known as reserve official ballots, and, on tinted paper, two (2) per centum of such number to be known as reserve specimen ballots, which ballots shall be kept at the office of the county board for the use of any district, the ballots for which may be lost, destroyed or stolen. They shall also cause to be printed on tinted paper, and without the facsimile endorsements, permanent binding or stubs, copies of the form of ballots provided for each voting place at each primary or election therein, which shall be called specimen ballots, and which shall be of the same size and form as the official ballots, and at each election they shall deliver to the election officers, in addition to the official ballots to be used at such election, specimen ballots for the use of the electors equal in number to one-fifth of the number of official ballots delivered to such election officers. At each primary, specimen ballots of each party shall be furnished, equal in number to one-fifth of the number of official ballots of such party furnished to the election officers as above provided.

Section 1008. Forms of Ballots on File and Open to Public Inspection; Ballots and Diagrams to Be Furnished to Candidates and Parties.—

(a) The county board of elections shall have on file in its office, on and after the Thursday preceding each primary and election, open to public inspection, forms of the ballots and ballot labels, with the names and such statements and notations as may be required by the provisions of this act, printed thereon, which shall be used in each election district within the county.

(b) On the Thursday preceding each primary, the county board shall, upon request made at their office, there deliver to each candidate whose name is printed on the ballot of any party, or to his authorized representative, without charge, three specimen ballots of such party for the entire district in which such candidate is to be voted for, and the candidate may, at his own expense, have printed on different colored paper as many copies as he requires for conducting his campaign.

(c) On the Thursday preceding each November election, the county board shall, upon request made at their office, there deliver to the county chairman or other authorized representative of each political party and political body in the county, without charge, two specimen ballots or diagrams for each election district within the county in which candidates of such party or political body are to be voted for, and such political party or political body may, at its own expense, have printed on different colored paper as many copies as it requires for conducting its campaign.

Section 1009. County Boards to Cause Ballots to Be Accurately Printed.—It shall be the duty of the county board of elections of each county to cause all the ballots and ballot labels to be used therein to be accurately printed, and they shall be responsible for the safekeeping of the same while in their possession or that of their subordinates or agents.

Section 1010. Correction of Mistakes Appearing on Ballot.—When it is shown by affidavit that mistake or omission has occurred in the printing of official ballots or ballot labels for any primary or election, the court of common pleas of the proper county, or any judge thereof, may, upon the application of any qualified elector of the county, require the county board of elections to correct the mistake or omission, or to show cause why they should not do so.

Section 1011. Record of Ballots to Be Kept.—The county board shall keep a record of the number of official ballots printed and furnished to each election district at each primary and election, and of the number of stubs, unused ballots and cancelled ballots subsequently returned therefrom, and also of the disposition of the additional official ballots provided, as required by section 1007 of this act.

ARTICLE XI

Voting Machines

Section 1101. Definition of Terms. — The list of offices and candidates, and the statements of questions on the voting machine shall be deemed an “official ballot.”

As used in this act:

(1) The words “ballot labels” shall mean the cards, paper or other material, containing the names of offices and candidates and statements of questions to be voted on;

(2) The word “diagram” shall mean an illustration of the official ballot, when placed upon the machine, showing the names of the parties, bodies, offices and candidates, and statements of the questions, in their proper places, and shall be considered a specimen ballot;

(3) The word “question” shall mean a statement of such constitutional amendment or other proposition as shall be submitted to a popular vote at any election;

(4) The words “irregular ballot” shall mean the paper or other material on which a vote is cast on a voting machine for persons whose names do not appear on the ballot labels;

(5) The words “vote indicator” shall mean those devices with which votes are indicated for candidates, or for or against questions;

(6) The words “candidate counters,” and “question counters,” shall mean the counters on which are registered numerically the votes cast for candidates, and on questions, respectively;

(7) The words “public counter” shall mean a counter or other device which shall, at all times, publicly indicate how many times the machine has been operated at an election;

(8) The words “protective counter” shall mean a counter or protective device or devices that will register each time the machine is operated, and shall be constructed and so connected that it cannot be reset, altered or operated, except by operating the machine;

(9) The words “voting machine booth” shall mean the enclosure occupied by the voter when voting;

(10) The word “model” shall mean a mechanically operating model of a portion of the face of the machine, illustrating the manner of voting;

(11) The word “custodian” shall mean the person charged with the duty of testing and preparing the voting machine for the election and instructing the election officers in the use of the voting machine;

(12) The words "election" and "elections," whenever used in this act, shall be held to include and mean all general, municipal, primary and special elections;

(13) The word "borough" shall be held to include incorporated towns;

(14) The word "seal," and other words of the singular number relative thereto, shall include the plural number as applied to a voting machine, designed to be made secure with two or more seals.

Section 1102. Authorization of Voting Machines.— Any county, city, borough or township may, by a majority vote of its qualified electors voting thereon cast at any general or municipal election, authorize and direct the use of voting machines for registering or recording and computing the vote at all elections held in such county, city, borough or township, or in any part thereof.

Section 1103. Placing the Question on the Ballot; Election Thereon.—

(a) The county election board may, upon their own motion, submit to the qualified electors of the county, or of any city, borough or township thereof, at any general or municipal election, the question "Shall voting machines be used in the (county, city, borough or township) of?"

(b) The county election board, upon receipt of a request from the council of any city or borough, or from the commissioners or supervisors of any township, said request being evidenced by the filing of a copy of a resolution certified by the secretary or clerk of the council, commissioners or supervisors, or upon the filing of a petition with them signed by qualified electors of the county, city, borough or township, equal in number to at least one per cent of the total number of electors who voted in said county, city, borough or township at the preceding general or municipal election, but in no case less than fifty, unless the total number of electors who voted therein at the preceding general or municipal election was less than one hundred, in which case one-half of the number so voting shall be sufficient, shall, at the next general or municipal election, occurring at least sixty days thereafter, submit to the qualified electors of such county, city, borough or township, the question "Shall voting machines be used in the (county, city, borough or township) of?"

(c) The county board shall cause the said question to be printed upon the ballots to be used at the election, in the form and manner provided by the laws governing general and municipal elections.

(d) The election on said question shall be held at the places, during the hours, and under the regulations, provided by law for holding general and municipal elec-

tions, and shall be conducted by the election officers provided by law to conduct such elections. The election officers shall count the votes cast at the elections on said question, and shall make return thereof to the county election board of the county, as required by law. Said returns shall be computed by the county election board, or other return board, and, when so computed, a certificate of the total number of electors voting "Yes" and of the total number of electors voting "No" on such question shall be filed in the office of the county election board, and copies thereof, certified by the county election board, shall forthwith be furnished to the Secretary of the Commonwealth, and to the county commissioners or other appropriating authority.

(e) Where the qualified electors of any city, borough or township vote in favor of the adoption of voting machines in such city, borough or township, a vote on the question of adoption of voting machines by the qualified electors of the entire county containing therein such city, borough or township, held at the same time or at a subsequent time, the result of which vote is against the adoption of voting machines, shall not be considered as a vote to discontinue the use of voting machines in such city, borough or township.

(f) If a majority of the electors of any county, city, borough or township, voting on such question, shall vote against the adoption of voting machines, the question shall not again be submitted to the voters of such political subdivision within a period of one hundred and three weeks.

(g) Whenever, under the provisions of this section, the question of the adoption of voting machines is about to be submitted to the electors of any county, city, borough or township, it shall be the duty of the county commissioners, or other authority which levies taxes for county purposes in such county, to ascertain whether current funds will be available to pay for said machines, if adopted and purchased, or whether they have power to increase the indebtedness of the county in an amount sufficient to pay for the same without the consent of the electors and, if such current funds will not be available and the power to increase the indebtedness of the county in a sufficient amount without the consent of the electors is lacking, it shall be the duty of the county commissioners, or other authority aforesaid, to submit to the electors of the county, in the manner provided by law, at the same election at which the adoption of voting machines is to be voted on, the question whether the indebtedness of such county shall be increased, in an amount specified by them, sufficient to pay for such voting machines, if adopted.

Section 1104. Installation of Voting Machines.—(a) If a majority of the qualified electors voting on the question shall vote in the affirmative, the county election board of the said county shall purchase for each election district of such county, city, borough or township, one or more voting machines, of a kind or kinds approved by the Secretary of the Commonwealth, as hereinafter provided, and of sufficient capacity to accommodate the names of a reasonable number of candidates for all public and party offices which, under the provisions of existing laws and party rules, are likely to be voted for at any future election, and shall notify the Secretary of the Commonwealth, in writing, that they have done so. The county election board shall provide machines in good working order, and shall preserve and keep them in repair. Voting machines of different kinds may be used for different districts in the same county, city, borough or township. In each election district in which voting machines are used, the county election board may provide one voting machine for each three hundred and fifty registered voters, or fraction thereof, therein, and shall provide one voting machine for each six hundred registered voters, or fraction thereof, therein: Provided, however, That the courts of quarter sessions, upon petition presented by either the county election board or by ten or more qualified electors of any such election district, may order that one additional voting machine be provided for any such election district, if the court shall be of the opinion that such additional voting machine shall be necessary in such district for the convenience of the voters and the public interests.

(b) Such voting machines shall be installed, either simultaneously or gradually, in political subdivisions which adopt them. Upon the installation of voting machines in any election district, the use of paper ballots therein shall be discontinued, except as otherwise provided herein.

(c) If voting machines are installed gradually, they shall be introduced, in the case of counties, in alphabetical order—by cities, boroughs and townships, so that they will first be used in the city, borough or township, the name of which is first in alphabetical order, and then in the city, borough or township, the name of which is next in alphabetical order, and so on. In cities, boroughs and townships, they shall be introduced in numerical or alphabetical order by wards and election districts, if any, so that they will first be used in the first election district of the first ward, and then in the second election district of the first ward, and so on. After they have been installed in all the election districts in the first ward, they shall be installed, in the same manner, in the second ward, then in the third ward, and so

on. In any event, the machines shall be installed as rapidly as practicable after the electors have voted in favor of them.

(d) If the question hereinbefore provided shall have been submitted to the qualified electors of the county, city, borough or township, and the majority of the electors voting thereon shall have voted favorably thereon, and if the county election board shall not, within one year, have executed their contract or contracts providing for the purchase or procurement of voting machines for use at the next general, municipal or primary election, occurring at least one year and sixty days after the referendum, then the Secretary of the Commonwealth shall forthwith, in writing, notify the said county election board that, after the expiration of thirty days, he, under the authority of this act, on behalf of the said county, will award, make, and execute such contract or contracts, unless the said county election board meanwhile shall have made and executed the same.

(e) If, upon the expiration of said thirty days, the county election board still shall not have made and executed the contract or contracts providing for the delivery of machines as aforesaid, the Secretary of the Commonwealth, on behalf of the said county and upon the approval of the Attorney General as to form, shall thereupon award, make, and execute a contract or contracts for the purchase or procurement of a sufficient number of voting machines, approved as required by this act, for each election district within each such county, city, borough or township; and the cost of such voting machines, including the delivery thereof, and of making and entering into the said contract or contracts, including the preparation and printing of specifications and all other necessary expense incidental thereto, shall be the debt of the said county, and, upon the certificate of the Secretary of the Commonwealth, it shall be the duty of the controller, if any, to allow, and of the treasurer of the county to pay, the sum out of any appropriation available therefor, or out of the first unappropriated moneys that come into the treasury of the county.

(f) Provided, however, that if the county election board or the Secretary of the Commonwealth, as the case may be, shall find it impracticable to procure a voting machine or voting machines for each election district of the county, city, borough or township, for use at the general, municipal or primary election then next ensuing, they or he shall provide as many machines as it shall be practicable to procure, and, as soon thereafter as practicable, shall provide the remainder of such machines required hereunder. The machines shall be installed in the election district or districts, in the manner

provided for the gradual introduction of voting machines in paragraph (c) of this section.

(g) Any county, city, borough or township may, by a majority vote of its qualified electors cast at any general election held not earlier than one hundred and three weeks after they have voted to adopt such machines, direct the discontinuance of the use of voting machines at elections held in such county, city, borough or township. The question for the discontinuance of the use of such voting machines shall be submitted to the voters, subject to the same requirements as to resolution or petition and signatures thereon, as is required for the submission of the question on the authorization of the use of such voting machines. Such question for discontinuance must be submitted to the qualified electors of the county or municipality which voted on the question of the adoption of voting machines, and the question of discontinuance shall not be submitted to the qualified electors of any city, borough or township forming a part only of any county which has previously voted to adopt voting machines for the entire county, unless the qualified electors of such city, borough or township have previously, by separate vote of its qualified electors, voted in favor of the adoption of voting machines. Where the qualified electors of any city, borough or township and the qualified electors of the entire county containing therein such city, borough or township, both have voted by separate questions in favor of the adoption of voting machines, a subsequent vote by the qualified electors of the entire county in favor of discontinuance shall not be considered as a vote to discontinue the use of voting machines in such city, borough or township.

Such question as to the discontinuance of the use of voting machines shall be submitted in the following form:

“Shall the use of voting machines be continued in the (city, borough or township), of.....?”

(h) If it shall appear at any election that the county board requires additional voting machines for the use of the electors, said county board shall have authority to enter into a contract or contracts for the rental of a sufficient number of machines for said election.

Section 1105. Changing the Boundaries of Election Districts.—

(a) The courts of quarter sessions shall, upon petition, divide or redivide any borough, township or ward, where voting machines are adopted, into election districts of compact and contiguous territory, or shall consolidate election districts therein into new districts, each having between six hundred and eight hundred registered voters as nearly as may be, except that districts

having less than six hundred registered voters may be created whenever the court shall be of opinion that the convenience of the voters and the public interests will be promoted thereby.

(b) Proceedings for such division or redivision shall be conducted under the provisions of sections 502, 503, 504, 505 and 506.

Section 1106. Examination and Approval of Voting Machines by the Secretary of the Commonwealth.—

(a) Any person or corporation owning, manufacturing or selling, or being interested in the manufacture or sale of, any voting machine, may request the Secretary of the Commonwealth to examine the machine. Any ten or more persons, being qualified electors of this Commonwealth, may, at any time, request the Secretary of the Commonwealth to reexamine any voting machine theretofore examined and approved by him. Before any such examination or reexamination, the person, persons, or corporation, requesting such examination or reexamination, shall pay to the treasurer of the Commonwealth an examination fee of four hundred and fifty dollars (\$450). The Secretary of the Commonwealth may, at any time, in his discretion, reexamine any voting machine.

(b) The Secretary of the Commonwealth shall thereupon require such machine to be examined or reexamined by three examiners, whom he shall appoint for the purpose, of whom one shall be an expert in patent law, and the other two shall be experts in mechanics, and shall require of them a written report on such machine, attested by their signatures; and the Secretary of the Commonwealth himself shall examine the machine, and shall make and file in his office, together with the reports of the examiners appointed by him, his own report, attested by his signature and the seal of his office, stating whether, in his opinion and in consideration of the reports of the examiners aforesaid, the kind of machine so examined can be safely used by electors at elections, as provided in this act. If his report states that the machine can be so used, the machine shall be deemed approved, and machines of its kind may be adopted for use at elections, as herein provided.

(c) No kind of voting machine not so approved shall be used at any election, and if, upon the reexamination of any voting machine previously approved, it shall appear that the machine so reexamined can no longer be safely used by electors at elections as provided in this act, the approval of the same shall forthwith be revoked by the Secretary of the Commonwealth, and no such voting machine shall thereafter be purchased for use in this Commonwealth.

(d) When a machine has been so approved, no improvement or change that does not impair its accuracy, efficiency or capacity, shall render necessary a reexamination or reapproval of the machine, or of its kind.

(e) Neither the Secretary of the Commonwealth, nor any examiner appointed by him for the purpose prescribed by this section, nor any member of a county election board shall have any pecuniary interest in any voting machine, or in the manufacture or sale thereof.

(f) Each examiner appointed hereunder shall receive a compensation of one hundred and fifty dollars (\$150) for each different type of voting machine examined by him.

Section 1107. Requirements of Voting Machines.—No voting machine shall, upon any examination or reexamination, be approved by the Secretary of the Commonwealth, or by any examiner appointed by him, unless it shall, at the time, satisfy the following requirements:

(a) It shall provide facilities for voting for such candidates as may be nominated, and upon such questions as may be submitted.

(b) It shall permit each voter, at other than primary elections, to vote a straight political party ticket in one operation, and, in one operation, to vote for all the candidates of one political party for presidential electors, and, in one operation, to vote for all the candidates of one political party for every office to be voted for, except those offices as to which he votes for individual candidates.

(c) It shall permit each voter, at other than primary elections, to vote a ticket selected from the nominees of any and all political parties, from the nominees of any and all political bodies, and from persons not in nomination.

(d) It shall permit each voter to vote, at any election, for any person and for any office for whom and for which he is lawfully entitled to vote, whether or not the name of such person appears upon a ballot label as a candidate for nomination or election, and to vote for as many persons for an office as he is entitled to vote for, and to vote for or against any question upon which he is entitled to vote.

(e) It shall preclude each voter from voting for any candidate, or upon any question, for whom or upon which he is not entitled to vote, and from voting for more persons for any office than he is entitled to vote for, and from voting for any candidate for the same office or upon any question more than once, except in districts and for offices where cumulative voting is authorized by law.

(f) It shall be capable of adjustment by election officers, so as to permit each voter at a primary election

to vote only for the candidates for nonpartisan nomination, if any, and for the candidates seeking nomination by the political party in which he is registered and enrolled, if he is enrolled as a member of a political party, and so as to preclude him from voting for the candidates seeking nomination by any political party in which he is not enrolled.

(g) It shall permit each voter to deposit, write in, or affix upon receptacles or devices provided for the purpose, ballots containing the names of persons for whom he desires to vote, whose names do not appear upon the machine.

(h) It shall permit each voter to change his vote for any candidate, or upon any question appearing upon the ballot labels, up to the time he begins the final operation to register his vote, or indicates or expresses his intention to register his vote.

(i) It shall permit and require voting in absolute secrecy, and shall be so constructed that no person can see or know for whom any other elector has voted or is voting, save a voter whom he has assisted or is assisting in voting, as prescribed by law.

(j) It shall have voting devices for separate candidates and questions, which shall be arranged in separate parallel rows or columns, so that, at any primary election, one or more adjacent rows or columns may be assigned to the candidates of a party, and shall have parallel office columns or rows transverse thereto.

(k) It shall have a counter, or other device, the register of which is visible from the outside of the machine, which shall show during any period of voting the total number of voters who have operated the machine during said period of voting.

(l) It shall have a protective counter, or other device, the register of which cannot be reset, which shall record the cumulative total number of movements of the operating mechanism.

(m) It shall be provided with a lock or locks, by the use of which, immediately after the polls are closed, or the operation of the machine for an election is completed, all movement of the registering mechanism is absolutely prevented.

(n) It shall be provided with a screen, hood or curtain, which shall conceal the actions of the voter while voting.

(o) It shall be constructed of material of good quality, in a neat and workmanlike manner.

(p) It shall, when properly operated, register or record correctly and accurately every vote cast.

(q) It shall be so constructed that a voter may readily learn the method of operating it.

(r) It shall be safely transportable.

(s) It shall be so constructed and controlled that, during the progress of voting, it shall preclude every person from seeing or knowing the number of votes registered for any candidate, and from tampering with any of the registering mechanism.

(t) If it is of a type equipped with mechanism for printing paper proof sheets, and not requiring the counters to be made visible in order to canvass the votes recorded on the machine, the door, or other device, concealing such counters, or keeping the same concealed, may be equipped with a lock or locks, requiring the simultaneous use of three separate and substantially different keys to open or operate the same.

Section 1108. Payment for Machines.—The county commissioners, or such other authority as levies the taxes for county purposes of any county which adopts voting machines, or of any county in which a city, borough or township is located which adopts voting machines, shall, upon the purchase thereof, provide for payment therefor by the county: Provided, however, That bonds or other evidences of indebtedness, payable not later than ten years from their dates of issuance, may be issued in accordance with the provisions of law relating to the increase of indebtedness of counties, to meet all or any part of the cost of the voting machines.

Section 1109. Demonstration of Voting Machines.—Whenever a referendum is about to be held upon the adoption of voting machines in any county, city, borough or township, the county election board shall purchase, lease or borrow a reasonable number of voting machines for demonstration purposes in such county, city, borough or township, prior to such referendum.

Section 1110. Form of Ballot Labels on Voting Machines.—

(a) The papers, cards or strips, enclosed within the ballot frame or frames of any voting machine, and containing the names of a candidate or candidates, or political party, or the statement of a question to be voted upon, hereinafter referred to as ballot labels, shall be printed in black ink, upon clear white material, of such size as will fit the ballot frame, and in plain clear type so as to be easily readable by persons with normal vision.

(b) If the construction of the machine shall require it, the ballot label for each candidate, group of candidates, political party, or question, to be voted on, shall bear the designating letter or number of the counter on the voting machine which will register or record votes therefor. Each question to be voted on shall appear on the ballot labels, in brief form, of not more than seventy-five words, to be determined by the Secretary of the Commonwealth in the case of constitutional amendments or other questions to be voted on by the electors of the

State at large, and by the county election board in other cases.

(c) The ballot label for each candidate or group of candidates, nominated or seeking nomination by a political party, shall contain the name or designation of the political party.

(d) The titles of offices may be arranged horizontally or vertically, with the names of candidates for an office arranged transversely under or opposite the title of the office.

(e) The names of all candidates, nominated or seeking nomination by a political party, shall appear in adjacent rows or columns containing generally the names of candidates nominated or seeking nomination by such party, provided that the names of individual candidates for presidential elector shall not appear upon the ballot labels, but, in lieu thereof, the names of the candidates of said party for President and Vice-President shall be printed on a single ballot label, together with the name of said party.

(f) When the same person has been nominated for the same office by more than one political party, his name shall appear in the rows or columns containing generally, the names of candidates nominated by each such party, his position in such rows or columns to be determined by the number of votes he received at the primary in the party entitled to priority on the ballot as determined by the votes obtained in the State at the last presidential election by the candidates for presidential electors.

(g) The form and arrangement of ballot labels shall be prepared by the county election board and submitted by said board to the Secretary of the Commonwealth for approval. If the Secretary of the Commonwealth shall approve the form and arrangement submitted, the county election board shall procure such further copies of the same, as may be necessary, at the cost of the county. If the Secretary of the Commonwealth shall disapprove the form and arrangement of ballot labels submitted, he shall indicate the changes to be made, and the county election board, after having made the changes indicated by the Secretary of the Commonwealth, shall procure further copies of the same, as may be necessary, at the cost of the county.

(h) The names of all candidates of a political party shall appear in the same row or column, and no other names shall appear in the same row or column, to the left or top of which shall be a straight party lever, by means of which an elector may, in one operation, vote for all the candidates of that political party for every office to be voted for. The names of such candidates shall be arranged under or opposite the title of the office

for which they are candidates, and shall appear in the order of the votes obtained by the presidential electors of the party nominated at the last presidential election, beginning with the party obtaining the highest number of votes: Provided, however, That in the case of parties or bodies not represented on the ballot at the last presidential election, the names of the candidates of such parties shall be arranged alphabetically, according to the party or body name. The names of all candidates of a political body shall appear in the same row or column, and, if the number of parties and bodies permits, each political body shall be entitled exclusively to a separate row or column, with a straight party lever. If, however, the number of political parties and political bodies renders it impossible or impracticable to so arrange the political bodies, in such case said bodies shall not be entitled to a separate row or column and a straight party lever, but shall be listed by political appellations on the first left hand or top row, with the designating letter and number of the ballot label where their candidates may be found, together with the political appellations of other political bodies, whose candidates may be interspersed on the same row or column. Subject to the aforesaid limitations, the form and arrangement of ballot labels, as to the placing thereon of political bodies, shall be within the discretion of the county board.

(i) In primary elections, the ballot labels, containing the names of candidates seeking nomination by a political party, shall be segregated on the face of the machine in adjacent rows or columns by parties, the priority of such political parties on the ballot labels to be determined in the same manner as provided for determining priority on paper ballots in section 1003 (f) herein.

(j) In primary elections, if it shall be impossible or impracticable to place on the ballot labels of one machine the names of all candidates seeking nomination in all political parties, the county election board may arrange for each election district the names of the candidates on separate voting machines: Provided, however, That the names of all the candidates seeking nomination in any one political party shall appear on one machine.

Section 1111. Preparation of Voting Machines by County Election Boards.—

(a) The county election board of each county shall cause the proper ballot labels to be placed on each voting machine which is to be used in any election district within such county; and shall cause each machine to be placed in proper order for voting; shall examine each machine before it is sent out to a polling place; shall see that each registering counter, except the protective coun-

ter, on each machine is set at zero (000) ; shall lock each machine so that the counting machinery cannot be operated, and shall seal each machine with a numbered seal. The county election board or their duly authorized agent shall adjust each machine to be used at a primary election, so that the election officers may lock it on primary election day, in such a way that each voter can vote only for the candidates for nonpartisan nomination, if any, and for the candidates seeking nomination by the political party in which he is enrolled, if he is enrolled as a member of a political party, and so that no voter can vote for the candidates seeking nomination by any political party in which he is not enrolled.

(b) The county election board shall appoint one custodian of voting machines, and such deputy custodians as may be necessary, whose duty it shall be to prepare the machines to be used in the county at the elections to be held therein. Each custodian and deputy custodian shall receive from the county, for each day he is actually employed under the provisions of this act, such compensation as shall be fixed by the county election board, but not less than five dollars (\$5.00) per day. Such custodian shall, under the direction of the county election board, have charge of and represent the county election board during the preparation of the voting machines as required by this act, and he and the deputy custodians, whose duty it shall be to assist him in the discharge of his duties, shall serve at the pleasure of the county election board. Each custodian shall take the constitutional oath of office, which shall be filed with the county election board.

(c) On or before the fortieth day preceding an election, the county election board shall mail to the chairman of the county committee of each political party, which shall be entitled under existing laws to participate in primary elections within the county, and to the chairman or presiding officer of any organization of citizens within the county having as its purpose or among its purposes the investigation or prosecution of election frauds, which has registered its name and address, and the names of its principal officers with the county election board at least fifty (50) days before such election, a written notice stating the times when and the place or places where preparation of the machines for use in the several election districts in the county will be started. One representative of each of such political parties, certified by the respective chairmen of the county committees of such parties, and one representative of each such organization of citizens, certified by the respective chairmen or presiding officers of such organizations, shall be entitled to be present, during the preparation of the machines, and to see that the machines are properly prepared and are placed

in proper condition and order for use: Provided, however, That such representatives shall not interfere with preparation of the machines, and the county board may make such reasonable rules and regulations governing the conduct of such representatives.

(d) The custodian and deputy custodians of voting machines shall make a certificate, in writing, which each shall sign, and request each representative of a party or a citizens organization as aforesaid, present at the preparation of the machine to attest, and which shall be filed with the county election board, stating—(1) the identifying number or other designation of the voting machine; (2) that each registering counter of the machine was set at zero (000); (3) the number registered on the protective counter or other device of the machine; and (4) the number on the seal with which the machine is sealed.

(e) No member of the county election board, nor custodian, nor other employe of the county election board, shall, in any way, prevent free access to and examination of all voting machines, which are to be used at the election, by any of the duly appointed representatives aforesaid; and the county election board and their employes shall afford to each such representative every facility for the examination of all registering counters, protective counters, and public counters of each and every voting machine.

(f) The county election board shall furnish, at the expense of the county, all ballot labels, forms of certificates, returns, and other papers and supplies, required under the provisions of this act, all of which shall be in the form, and according to the specifications, prescribed, from time to time, by the Secretary of the Commonwealth.

Section 1112. Delivery of Voting Machines and Supplies by County Election Boards to Election Officers.—

(a) The county election board shall deliver the proper voting machine or voting machines, properly furnished with ballot labels, to the polling places of the respective election districts, at least one hour before the time set for opening the polls at each election, and shall cause each machine to be set up in the proper manner for use in voting. Each machine shall then remain sealed until the examination immediately preceding the opening of the polls prescribed by this act.

(b) The county election board shall provide ample protection against molestation of and injury to the voting machine, and, for that purpose, shall and may call upon any police or elected peace officer of this Commonwealth to furnish such assistance as may be necessary, and it shall be the duty of police and elected peace officers

to furnish such assistance when so requested by the county election board.

(c) The county election board shall furnish, at the expense of the county, and deliver with each voting machine:

1. A lantern, or a proper substitute for one, which shall give sufficient light to enable voters, while in the voting machine booth, to read the ballot labels, and suitable for the use of election officers in examining the counters. The lantern, or proper substitute therefor, shall be prepared and in good order for use before the opening of the polls.

2. Two diagrams or sample ballots, of suitable size, representing such part of the face of such voting machine as will be in use in the election, and accompanied by directions for voting on the machine. Such diagrams shall be posted prominently outside the enclosed space within the polling place.

3. A mechanically operated model of a portion of the face of a voting machine, for the instruction of electors. Such model shall be placed in the polling place and at or outside of the guard-rail or barrier.

4. A seal, for sealing the machine after the polls are closed; an envelope for the return of the keys, if the construction of the voting machine shall permit their separate return; and such other election materials and supplies as may be necessary, or as may be required by law.

Section 1113. Election Officers; Polling Places.—

(a) The election board in each election district in which a voting machine is used shall consist of a judge of election, two inspectors of election, and one clerk of election chosen by the minority inspector, as is provided by this act.

(b) Where more than one machine is to be used in an election district, the county election board shall, prior to each election, appoint, for each additional voting machine to be used in such district, one elector of the county, qualified to serve as an election officer, to serve as machine inspector in such district at such election, who shall receive the same compensation as an inspector of election, and whose duty it shall be to have charge of the operation of one of the voting machines under the supervision of the judge of election. Each machine inspector shall be sworn to the faithful discharge of his duties.

(c) In election districts in which voting machines are used, the county election board may, in its discretion, procure and provide portable or movable polling places of adequate size and facilities for any or all of such districts.

Section 1114. Delivery of Voting Machine Keys to Judge of Election.—

(a) The county election board shall deliver the keys, which unlock the operating mechanism and the registering counters or counter compartment of the voting machine, to the judge of election, not earlier than noon of the Saturday preceding an election, nor later than three-quarters of an hour before the time set for the opening of the polls, and shall take his receipt therefor. The keys shall be enclosed in a sealed envelope, on which shall be written or printed: (1) the number of the voting machine; (2) the name or designation of the election district; (3) the number of the seal; (4) the number registered on the protective counter or device as reported by the custodian: Provided, however, That if the type of voting machine used requires the simultaneous use of three keys to unlock the registering counters or counter compartment, only two of said keys shall be enclosed in said sealed envelope, the third key being retained by the custodian, the county election board, or such other person as they shall have authorized.

(b) No election officer shall open an envelope so delivered, until the minority inspector shall be present in the polling place, and shall have examined the envelope to see that it has not been opened.

Section 1115. Instruction of Voters Before an Election.—

(a) During the thirty days next preceding an election, the county election board shall place on public exhibition, in such public places, and at such times as it may deem most suitable for the information and instruction of the voters, one or more voting machines, containing the ballot labels, and showing the offices and questions to be voted upon, the names and arrangements of parties, and, so far as practicable, the names and arrangements of the candidates to be voted for. Such machine or machines shall be under the charge and care of a person competent as custodian and instructor. No voting machine, which is to be assigned for use in an election, shall be used for such public exhibition and instruction, after having been prepared and sealed for the election.

(b) During such public exhibition and instruction, the counting mechanism of the voting machine shall be concealed from view, and the doors, or cover concealing the same, shall be opened, if at all, only temporarily, and only upon written authorization from the county election board.

(c) Prior to any election, the county board may cause copies of any diagram or diagrams, required to be furnished with voting machines at polling places, to be made, either in full size or in reduced size, and to be

posted, published, advertised or distributed among the electors in such manner as they may deem desirable.

Section 1116. Voting by Ballot.—If a method of election for any candidates or offices is prescribed by law, in which the use of voting machines is not possible or practicable, or in case, at any election, the number of candidates nominated or seeking nomination for any office renders the use of voting machines for such office at such election impracticable, or if, for any other reason, at any election the use of voting machines is not possible or practicable, the county election board may arrange to have the voting for such or all offices conducted by paper ballots. In such cases, ballots shall be printed for such or all offices, and the election conducted by the election officers herein provided for, and the ballots counted and return thereof made in the manner required by law for such offices, in so far as paper ballots are used.

Section 1117. Unofficial Ballot Labels; Repair of Machine, or Use of Paper Ballots.—

(a) If ballot labels for an election district, at which a voting machine is to be used, shall not be delivered to the election officers as required by section 1209 (b) (2) of this act, the judge of election of such district shall cause other labels to be prepared, printed, or written, as nearly in the form of official ballot labels as practicable, and the election officers shall cause the labels, so substituted, to be used at the election, in the same manner, as near as may be, as the official labels. Such labels, so substituted, shall be known as unofficial ballot labels.

(b) If any voting machine being used in any election shall become out of order during such election, it shall, if possible, be repaired or another machine substituted by the custodian or county election board as promptly as possible, for which purpose the county board may purchase as many extra voting machines as they may deem necessary, but in case such repair or substitution cannot be made, paper ballots, printed or written, and of any suitable form, may be used for the taking of votes.

Section 1118. Custody of Voting Machines and Keys.—

(a) The county election board shall designate a person or persons who shall have the custody of the voting machines of the county, city, borough or township, and the keys therefor, when the machines are not in use at an election, and shall provide for his compensation and for the safe storage and care of the machines and keys.

(b) All voting machines, when not in use, shall be properly boxed or covered, and stored in a suitable place or places.

ARTICLE XII

Preparation For and Conduct of Primaries and
Elections.

Section 1201. Notice of November Elections.—The county board of each county shall, at least ten days before each November election, give notice of the same by newspaper publication in the county in accordance with the provisions of section 106 of this act, once a week for two successive weeks immediately prior thereto. Such notice shall set forth—(a) the officers to be elected in the State at large, or in said county, or in any district of which said county or part thereof forms a part, or in any city, borough, township, school district, poor district, ward or other district which is contained in such county; (b) the names of the candidates for election to Federal, State, county and city offices, whose names will appear upon the ballots or ballot labels; (c) the text of all constitutional amendments and other questions to be submitted at such election; (d) the places at which the election is to be held in the various election districts of the county; and (e) the date of the election and the hours during which the polls will be open. Such notice may include a portion of the form of ballot or diagram of the face of the voting machine in reduced size.

Section 1202. Cards of Instructions and Supplies.—Prior to each primary and election each county board of election shall prepare full instructions for the guidance of electors in districts in which ballots are used, and also similar instructions for the guidance of electors in districts in which voting machines are used, and they shall cause the same, together with such portions of this act as deemed advisable, to be printed in large clear type on separate cards to be called cards of instruction. They shall also prepare blank forms of oaths of election officers, records of assisted voters, affidavits of challenged electors and others, general and duplicate return sheets, tally papers, statements, blank forms for numbered lists of voters, with sufficient space for noting their party enrollment at primaries, notice of penalties for the information of electors and election officers, and other forms and supplies required by this act for use in each election district of the county. Said forms, blank books, and other supplies shall have printed thereon appropriate instructions. In districts in which voting machines are used the general and duplicate return sheets and statement shall be printed to conform to the type of voting machine used in such districts and the designating number and letter, if any, on the counter for each candidate shall be printed thereon opposite the candidate's name.

Section 1203. Voter's Certificates.—At each primary and election each county board shall prepare 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

..... Pa.

Approved.....

Number of stub of ballot issued or number of admission to voting machines (and party, at primary).....

The voter's certificate 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 board. One such file or binder shall be furnished by the county board for each election district for each primary and election, and shall have printed or written thereon the words "Voting Check List," together with the number of the district and ward, if any, and the date of the primary or election.

Section 1204. Delivery of Ballots and Supplies to Judges of Election.—The cards of instruction, return sheets, tally papers, statements, oaths of election officers, affidavits, voter's certificates, and other forms and supplies required for use in each election district, and also the district register of such district, and in districts in which ballots are used, the official and specimen ballots prepared for use therein, shall be packed by the county board of elections in separate sealed packages for each election district, marked on the outside so as to clearly designate the districts for which they are intended, and, in the case of districts in which ballots are used, the number of ballots of each kind enclosed. They shall then be delivered by the county board, together with the ballot box which shall bear the name and number of the election district, to the judges of election in the several election districts, not later than the day prior to the day of the primary or election: Provided, however, That if, for any reason, it is impossible to deliver such packages to the judge of election in any district, such packages may be delivered to one of the inspectors therein. The respective judges of election or inspectors shall, on delivery to them of such packages, return receipts therefor to the county board,

which shall keep a record of the time when and the manner in which the several packages are delivered. The county board may, in its discretion, require the respective judges of election to call at its office to obtain the said packages.

Section 1205. Time for Opening and Closing Polls.—At all primaries and elections the polls shall be opened at 7 A. M., Eastern Standard Time, and shall remain open continuously until 8 P. M., Eastern Standard Time, at which time they shall be closed.

Section 1206. Duties of Common Pleas Court on Days of Primaries and Elections.—The court of common pleas of each county of the Commonwealth or a judge or judges thereof, shall be in continuous session at the courthouse of said county on the day of each primary and election from 7 o'clock A. M. until 10 o'clock P. M. and so long thereafter as it may appear that the process of said court will be necessary to secure a free, fair and correct computation and canvass of the votes cast at said election. During such period said court shall act as a committing magistrate for any violation of the election laws; shall settle summarily controversies that may arise with respect to the conduct of the election; shall, if it appears necessary, instruct election officers, overseers, watchers, and electors as to their rights and duties in election matters; shall issue process, if necessary, to enforce and secure compliance with the election laws; and shall decide such other matters pertaining to the election as may be necessary to carry out the intent of this act.

Section 1207. Peace Officers; No Police Officer to Be Within One Hundred Feet of Polling Place, Exceptions; Presence of Soldiers Prohibited.—The constable of each borough, township or ward, or his deputy, shall be present at the polling place in each election district of such borough, township or ward at each primary and election during the continuance thereof, and while the votes are being counted, for the purpose of preserving the peace, and shall serve at all elections without compensation. The election officers, or any three qualified electors of any election district, may call upon any mayor, chief burgess, sheriff, deputy sheriff, constable, deputy constable, or police officer, to clear an avenue to the door of any polling place which is obstructed in such a way as to prevent electors from approaching, or to maintain order and quell any disturbance, if such arises. No police officer in commission, whether in uniform or in citizen's clothes, shall be within one hundred feet of a polling place during the conduct of any primary or election, unless in the exercise of his privilege of voting, or for the purpose of serving warrants, or unless called upon to preserve the peace, as provided by

this act. No body of troops in the Army of the United States or of this Commonwealth shall be present, either armed or unarmed, at any place of election within this Commonwealth during the time of any primary or election: Provided, however, That no officer or soldier shall be prevented from exercising the right of suffrage in the election district in which he resides, if otherwise qualified.

Section 1208. Meeting of Election Officers on Day of Election; Duties of Election Officers.—(a) The judges, inspectors, clerks of election and machine inspectors, together with the overseers, if any, shall meet in the respective places appointed for holding the election in each election district at least thirty minutes before the hour for opening the polls on the day of each primary and election. They shall thereupon, in the presence of each other, take and subscribe in duplicate to the oaths required by this act.

(b) If any judge of election shall not appear at the polling place by seven (7) o'clock A. M., on the day of any primary or election, the majority inspector shall appoint a judge of election, who is qualified under the provisions of this act. If any majority inspector of election shall not appear at said hour, the judge of election shall appoint a majority inspector, who is qualified under the provisions of this act. If any minority inspector of election shall not appear at said hour, the person who received the second highest vote for judge at the preceding election shall serve as minority inspector, if available, and if qualified under the provisions of this act. If such person is not available or not qualified, the qualified electors of the district, present at said time, shall, under the supervision of the judge of election, elect one of their number who is duly qualified, to fill said vacancy. If, for any reason, any vacancy in an election board shall not have been filled, as aforesaid, by 7:30 A. M., the qualified electors of the district, present at said time, shall elect a qualified person or persons to fill such vacancies. If any clerk shall not appear by 7 o'clock A. M., the inspector who appointed said clerk shall fill said vacancy, appointing a qualified elector therefor. If any machine inspector shall not appear at said time, it shall be the duty of the judge of election to promptly notify the county board, who shall immediately appoint a qualified machine inspector to fill said vacancy. Any persons thus appointed or elected to fill vacancies shall take and subscribe in duplicate to the oaths required by this act, and shall hold office only for said election.

(c) After the election board has been organized, the judge of election shall designate one of the inspectors of election to have custody of the district register and

to make the entries therein, required by this act. In districts in which ballots are used, the other inspector shall have charge of the receipt and deposit of ballots in the ballot box, the judge or one of the clerks shall issue the ballots to electors after they are found entitled to vote, and the other clerk shall have custody of the "Voting Check List," and shall place the voter's certificates therein as they are received and approved. In districts in which voting machines are used, the other inspector or clerk shall have custody of the "Voting Check List," and shall place the voter's certificates therein as they are received and approved, and the judge shall have special charge of the operation of the voting machine: Provided, however, That the judge of election may make other arrangements for the division of the duties imposed by this act, so long as each election officer and clerk is assigned some specific duty to perform. If more than one voting machine is used, the judge shall be assisted by the machine inspectors, each machine inspector being assigned by him to have charge of the operation of a particular machine. In all election districts, the judge shall assign two (2) members of the election board or clerks to keep two (2) numbered lists of voters during the progress of the voting.

(d) Any election officer, clerk or machine inspector may be assigned by the judge of election to assist another officer, clerk or machine inspector in the performance of his duties, or to perform them for him during his temporary absence or disability.

Section 1209. Opening of Polls; Posting Cards of Instruction and Notices of Penalties; Examination of Voting Machines.—(a) In districts in which ballots are used, the election officers shall, after taking the oath, open the ballot boxes which have been furnished to them, and burn and totally destroy all the ballots and other papers which they may find therein, before the opening of the polls. When the polling place is opened, the ballot box shall be securely locked, and shall not be opened until the close of the polls, as provided in section 1221. At the opening of the polls the seals of the packages furnished by the county board shall be publicly broken, and the said packages shall be opened by the judge of election. The cards of instruction and notices of penalties shall be immediately posted in each voting compartment, and not less than three such cards and notices of penalties, and not less than five specimen ballots (at primaries five of each party), shall be immediately posted in or about the voting room outside the enclosed space, and such cards of instruction, notices of penalties and specimen ballots shall be given to any elector at his request, so long as there are any on hand.

(b) (1) In districts in which voting machines are used, at the opening of the polls, the seals of the package furnished by the county board shall be publicly broken, and the said package shall be opened by the judge of election. Not less than three cards of instruction and notices of penalties, and not less than two diagrams of the face of the machine shall be immediately posted in or about the voting room outside the enclosed space, and such cards and notices of penalties shall be given to any elector at his request, so long as there are any on hand. Thereupon the election officers, before opening the envelope containing the keys which unlock the operating mechanism and registering counters or counter compartment of the voting machine, shall examine the number of the seal on the machine and the number registered on the protective counter or device, and shall see whether they are the same as the numbers written on the envelope containing the keys. If either number shall be found not to agree, the envelope shall remain unopened until the election officers shall have notified the proper custodian of voting machines, or the county board, and until the custodian or some other person authorized by the county board shall have presented himself at the polling place for the purpose of reexamining the machine, and shall have certified that it is properly arranged. But if the numbers on the seal and the protective counter or device shall both be found to agree with the numbers on the envelope, the envelope shall be opened, and where the voting machine provided is not equipped with mechanism for printing paper proof sheets, the election officers shall examine the registering counters, and, for that purpose, shall open the doors concealing such counters, if the construction of the voting machine shall so require, and, before the polls are opened, the judge and each inspector shall carefully examine every counter, and shall see that it registers zero (000), and shall allow the overseers and watchers to examine the counters. When the voting machine provided is equipped with mechanism for printing paper proof sheets, and requires the simultaneous use of three keys to unlock the registering counters or counter compartment, the judge of election shall deliver one of the two keys, aforesaid, to the minority inspector to be retained by him as hereinafter provided, and shall then print at least two proof sheets, one of which the judge and each inspector shall carefully examine to ascertain whether every counter registers zero (000), and shall then preserve said proof sheets to be signed by them and returned to the county election board, with the duplicate return sheet, and shall sign and post the other proof sheet upon the wall of the polling place,

where it shall remain until the polls are closed. The key delivered by the judge of election to the minority inspector as aforesaid, shall be retained by the minority inspector until the polls have been closed, and the voting and counting mechanism of the machine shall have been locked and sealed against voting, and shall then be returned to the judge of election, for return by him to the county election board, as hereinafter provided.

(2) If the ballot labels containing the names of offices, parties, political bodies, candidates, and questions, shall not be in their proper places on the voting machine, the election officers, forthwith, shall notify the proper custodian of voting machines, or the county board, and the machine shall not be used until the custodian, or some other person authorized by the county board, shall have supplied ballot labels, as herein prescribed. If the ballot labels for a voting machine shall not be delivered at the time required, or if after delivery, they shall be lost, destroyed, or stolen, the county board or custodian shall cause other ballot labels to be prepared, printed or written, as nearly in the form of the official ballot labels as practicable, and shall cause such ballot labels to be used in the same manner, as nearly as may be, as the official ballot labels would have been used.

(3) The judge, each inspector of election, each clerk of election and the overseers, if any, shall sign a certificate showing—(1) the identifying number or other designation of the voting machine; (2) the delivery of the keys in a sealed envelope; (3) the number on the seal upon the machine; (4) the number registered on the protective counter or device; (5) that all of the counters were set at zero (000); and (6) that the ballot labels are properly placed in the machine, which certificate shall be returned by the judge of election to the county board with the other certificates, as hereinafter provided.

(4) The machine shall remain locked against voting until the polls are opened, and shall not be operated except by electors in voting. If any counter is found not to register zero (000), the election officer shall immediately notify the custodian, or the county board, who shall, if practicable, adjust or cause the counters to be adjusted at zero (000), but, if it shall be found impracticable for the custodian or other person authorized by the county board to arrive in time so to adjust such counters before the time set for opening the polls, the election officer shall immediately make a written record of the designation or designating letter or number of such counter, together with the number registered thereon, herein below called the initial number,

and shall sign and post the same upon the wall of the polling place, where it shall remain until the polls are closed: Provided, however, That if the voting machine used is equipped with mechanism for printing paper proof sheets, in any case where any counter is shown by such proof sheet not to register zero (000), if it shall be found impracticable to have such counter adjusted before the time set for opening the polls, the election officer shall sign such printed proof sheet and post the same upon the wall of the polling place where it shall remain until the polls are closed; and, in filling out the returns of the election, if the final number of such counter is greater than the initial number, the election officer shall subtract the initial number from the final number, and enter the difference on the returns as the vote for the candidate or on the question represented by such counter; if the final number of such counter is less than the initial number, the election officers shall add one thousand to the final number and shall subtract the initial number from the sum so ascertained, and shall enter upon the returns as the vote for the candidate or on the question represented by such counter the final number plus one thousand less the initial number.

(5) The exterior of the voting machine, and every part of the polling place, shall be in plain view of the election officers, overseers and watchers. The voting machine shall be located in the polling place, at least six feet back of the guard-rail or barrier, in such a position that, unless its construction shall require otherwise, the ballot labels on the face of the machine can be seen plainly by the election officers, overseers and watchers when the machine is not occupied by a voter.

(6) The election officers shall not themselves be, nor allow any other person to be, in any position that will permit any one to see or ascertain how an elector votes, or how he has voted. The election officers, or one of them, shall inspect the face of the machine at frequent intervals, to see that the ballot labels are in their proper places, and that the machine has not been injured or tampered with.

(7) During a primary or election, the door, or other covering of the compartment containing the counters of the machine shall not be unlocked or opened, or the counters exposed, except by action of the proper custodian of voting machines, for good and sufficient reason, a statement of which shall be made in writing and signed by him and attested by the signatures of the election officers and overseers, or except upon the written order of the county board, for good and sufficient reason, which shall be stated in the order.

Section 1210. Manner of Applying to Vote; Persons Entitled to Vote; Voter's Certificates; Entries to Be Made in District Register; Numbered Lists of Voters; Challenges.—(a) At every primary and election each elector who desires to vote shall first sign a voter's certificate, and, unless he is a State or Federal employe who has registered under any registration act without declaring his residence by street and number, he shall insert his address therein, and hand the same to the election officer in charge of the district register. Such election officer shall thereupon compare the elector's signature on his voter's certificate with his signature in the district register. If, upon such comparison, the signature upon the voter's certificate appears to be genuine, the elector who has signed the certificate shall, if otherwise qualified, be permitted to vote: Provided, That if the signature on the 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 (d) of this section. When an elector has been found entitled to vote, the election officer who examined his voter's certificate and compared his signature shall sign his name or initials on the voter's certificate, shall, if the elector's signature is not readily legible, print such elector's name over his signature, and 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 also be entered by one of the election officers or clerks. 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 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.

As each voter votes, his name in the order of voting shall be recorded in two (2) numbered lists of voters provided for that purpose, with the addition of a note of each voter's party enrollment after his name at primaries.

(b) If any elector was unable to sign his name at the time of registration, 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 accus-

tomed to sign his name, or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote, he shall establish his identity to the satisfaction of the election officers, and in such case he shall not be required to sign a voter's certificate, but a 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) No person, 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, and who votes under the provisions of Article XIII of this act, shall be entitled or permitted to vote at any primary or election at any polling place outside the election district in which he resides, nor shall he be permitted to vote in the election district in which he resides, unless he has been personally registered as an elector and his registration card appears in the district register of such election district, except by order of the court of common pleas as provided in this act, and any person, although personally registered as an elector, may be challenged by any qualified elector, election officer, overseer, or watcher at any primary or election as to his identity, as to his continued residence in the election district or as to any alleged violation of the provisions of section 1210 of this act, 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: Provided, however, That no person shall be entitled to vote as a member of a party at any primary, unless he is registered and enrolled as a member of such party upon the district register, which enrollment shall be conclusive as to his party membership and shall not be subject to challenge on the day of the primary.

Section 1211. Bribery at Elections; Challenges; Rejection of Votes.—(a) The election officers shall reject the vote of any person at any primary or election who shall give or promise or offer to give to an elector, any money, reward or other valuable consideration for his vote at such primary or election or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote or for the withholding thereof, or who shall receive or agree to receive for himself or for another any

money, reward or other valuable consideration for his vote at such primary or election, or for withholding the same.

(b) The vote of any elector shall be rejected by the election officers if they or any one of them shall of their own knowledge know him to be guilty of a violation of any of the provisions of this section, or if upon challenge of such elector by any qualified elector, election officer, overseer or watcher, it shall be proved to their satisfaction that such elector has violated the provisions of this section, and in no case shall any elector so challenged be permitted to vote, unless he shall make written affidavit that the matter of the challenge is untrue.

Section 1212. Voting Check List.—After each elector has been admitted to vote, his voter's certificate shall be inserted in the file or binder provided therefor by the county board, and known as the "Voting Check List," and the said voter's certificate so bound shall constitute the official list of electors voting at such primary or election. All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officer shall be carefully preserved and returned to the county board with the other papers.

Section 1213. Qualifications of Electors to Be Decided by Inspectors; Duty of Judge.—The inspectors of election shall investigate and pass upon the qualifications of all persons claiming the right to vote at any primary or election, and if the inspectors shall disagree upon the right of any person to vote, the judge of election shall decide the question. If the judge is unable to decide, then the overseers of election, if they be agreed, shall decide the question.

Section 1214. Admission of Electors Within Enclosed Space.—

(a) No elector shall be allowed to enter the enclosed space until he shall be found entitled to vote.

(b) As soon as an elector has been admitted within the enclosed space, the election officer having charge of the ballots in districts in which ballots are used, shall detach a ballot from the stub and give it to the elector, first folding it so that the words and figures printed on* the back shall be the only words and figures visible, and no ballots shall be deposited in the ballot box unless folded in the same manner. Not more than one ballot shall be detached from its stub in any book of ballots at any one time. Not more than one ballot shall be given to an elector, but if an elector inadvertently spoils a ballot, he may obtain another upon returning the spoiled one. The ballots thus returned shall be immediately cancelled and at the close of the polls shall

* "in" in the original.

be enclosed in an envelope, sealed and returned to the county board.

(c) In districts in which voting machines are used, an elector, after being found to be qualified and admitted within the enclosed space, shall be admitted to the voting machine booth as soon as it is vacant, and shall be permitted to vote.

(d) Not more than twice as many electors waiting to vote as there are voting compartments or voting machines in use in the district shall be admitted within the enclosed space at any one time.

Section 1215. Method of Marking Ballots and Depositing Same in Districts in Which Ballots are Used.—

(a) In districts in which ballots are used, the elector, after receiving his ballot, shall retire to one of the voting compartments, and draw the curtain or shut the screen or door, and shall then prepare his ballot.

(b) At primaries, the elector shall prepare his ballot in the following manner: He shall vote for the candidates of his choice for nomination or election, according to the number of persons to be voted for by him, for each office, by making a cross (X) mark in the square opposite the name of the candidate, or he may insert by writing, stamping or sticker, in the blank space provided therefor, any name not already printed on the ballot, and such insertion shall count as a vote without the making of a cross (X) mark.

(c) At elections, the elector shall prepare his ballot in the following manner: He may vote for the candidates of his choice for each office to be filled according to the number of persons to be voted for by him for each office, by making a cross (X) mark in the square opposite the name of the candidate, or he may insert by writing, stamping or sticker, in the blank space provided therefor, any name not already printed on the ballot, and such insertion shall count as a vote without the making of a cross (X) mark. If he desires to vote for every candidate of a political party or political body, except its candidates for offices as to which he votes for individual candidates in the manner hereinafter provided, he may make a cross (X) mark in the square opposite the name of the party or political body of his choice in the party column on the left of the ballot, and every such cross (X) mark shall be equivalent to and be counted as a vote for every candidate of a party or political body so marked, including its candidates for presidential electors, except for those offices as to which he has indicated a choice for individual candidates of the same or another party or political body, by making a cross (X) mark opposite their names in the manner hereinabove provided, as to which offices his ballot shall be counted only for the candidates which

he has thus individually marked, notwithstanding the fact that he made a mark in the party column, and even though in the case of an office for which more than one candidate is to be voted for, he has not individually marked for such office the full number of candidates for which he is entitled to vote. If he desires to vote for the entire group of presidential electors nominated by any party or political body, he may make a cross (X) mark in the appropriate square at the right of the names of the candidates for President and Vice-President of such party or body. If he desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or political bodies, or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or political body, or wholly of names of persons not in nomination by any party or political body, he shall insert the names of the candidates for presidential electors for whom he desires to vote in the blank spaces provided therefor under the title of the office "Presidential Electors." In case of a question submitted to the vote of the electors, he may make a cross (X) mark in the appropriate square opposite the answer which he desires to give.

(d) Before leaving the voting compartment, the elector shall fold his ballot, without displaying the markings thereon, in the same way it was folded when received by him, and he shall then leave the compartment and exhibit the ballot to one of the election officers who shall ascertain by an inspection of the number appearing upon the right hand corner of the back of the ballot whether the ballot so exhibited to him is the same ballot which the elector received before entering the voting compartment. If it is the same, the election officer shall direct the elector, without unfolding the ballot, to remove the perforated corner containing the number, and the elector shall immediately deposit the ballot in the ballot box. Any ballot deposited in a ballot box at any primary or election without having the said number torn off shall be void and shall not be counted.

Section 1216. Instructions of Voters and Manner of Voting in Districts in Which Voting Machines are Used.—

(a) In districts in which voting machines are used, the election officers shall, with the aid of the diagrams authorized by this act and the mechanically operated model, instruct each elector before he enters the voting machine booth regarding the operation of the machine, and shall give the elector opportunity personally to operate the model.

(b) If any voter, after entering the voting machine

booth and before the closing of such booth, shall ask for further instructions concerning the manner of voting, any one of the election officers may give him such instructions, but no person giving a voter such instructions shall in any manner request, suggest or seek to persuade or induce any such elector to vote any particular ticket or for any particular candidate or for or against any particular question. After giving such instructions, and before the elector closes the booth or votes, the election officer shall retire, and the elector shall forthwith vote.

(c) At primaries, before a voter is admitted to the voting machine, it shall be adjusted by the election officer in charge thereof, so that such voter will only be able to vote for the candidates of the party in which he is registered and enrolled and for candidates for non-partisan nomination, if any.

(d) At primaries, he shall vote for each candidate individually by operating the key, handle, pointer or knob, upon or adjacent to which the name of such candidate is placed. At elections, he may vote for each candidate individually by operating the key, handle, pointer or knob, upon or adjacent to which the names of candidates of his choice are placed, or he may vote a straight political party ticket in one operation by operating the straight political party lever of the political party or political body of his choice, if such machine has thereon a separate lever for all the candidates of the political body. He may also, after having operated the straight party lever, and before recording his vote, cancel the vote for any candidate of such political party or political body by replacing the individual key, handle, pointer or knob of such candidate, and may thereupon vote for a candidate of another party, or political body for the same office by operating the key, handle, pointer or knob, upon or adjacent to which the name of such candidate appears. In the case of a question submitted to the vote of the electors, the elector shall operate the key, handle, pointer or knob corresponding to the answer which he desires to give.

(e) A voter may, at any primary or election, vote for any person for any office, for which office his name does not appear upon the voting machine as a candidate, by an irregular ballot containing the name of such person deposited, written or affixed in or upon the appropriate receptacle or device provided in or on the machine for that purpose, and in no other manner. Where two or more persons are to be elected to the same office, and the name of each candidate is placed upon or adjacent to a separate key, handle, pointer or knob, and the voting machine requires that all irregular ballots voted for that office be deposited, written or

affixed in or upon a single receptacle or device, an elector may vote in or by such receptacle or device for one or more persons whose names do not appear upon the machine, with or without the names of one or more persons whose names do so appear. With these exceptions, no irregular ballot shall be cast on a voting machine for any person for any office, whose name appears on the machine as a candidate for that office, and any ballot so cast shall be void and not counted.

(f) At any general election at which presidential electors are to be chosen, each elector shall be permitted to vote by one operation for all the presidential electors of a political party or political body. For each party or body nominating presidential electors, a ballot label shall be provided containing only the words "Presidential Electors," preceded by the names of the party or body and followed by the names of the candidates thereof for the office of President and Vice-President, and the corresponding counter or registering device shall register votes cast for said electors when thus voted for collectively. If an elector desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or bodies, or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or body, or wholly of names of persons not in nomination by any party or body, he may write or deposit a paper ballot prepared by himself in the receptacle provided in or on the machine for the purpose. The machine shall be so constructed that it will not be possible for any one voter to vote a straight party ticket for presidential electors and at the same time to deposit a ballot for presidential electors in a receptacle as hereinabove provided. When the votes for presidential electors are counted, the votes appearing upon the counter or registering device corresponding to the ballot label containing the names of the candidates for President and Vice-President of any party or body shall be counted as votes for each of the candidates for presidential elector of such party or body, and thereupon all candidates for presidential elector shall be credited, in addition, with the votes cast for them upon the ballots deposited in the machine, as hereinabove provided.

(g) As soon as the elector has adjusted the voting machine so that it will record his choice for the various candidates to be voted for, and his answers to the various questions submitted, he shall operate the recording mechanism, and forthwith leave the voting machine booth.

Section 1217. Time Allowed Elector in Voting Booth or Voting Machine Compartment.—No elector shall remain in a voting compartment or voting machine booth

an unreasonable length of time, and, in no event, for more than three minutes, and if he shall refuse to leave after said period, he shall be removed by the election officers: Provided, however, That they may grant him a longer time if other electors are not waiting to vote.

Section 1218. Assistance in Voting.—

(a) No voter shall be permitted to receive any assistance in voting at any primary or election, unless there is recorded upon his registration card his declaration that, because of illiteracy, he is unable to read the names on the ballot or on the voting machine labels, or that he has 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, the exact nature of such disability being recorded on such registration card, and unless the election officers are satisfied that he still suffers from the same disability. Before he shall be permitted to receive assistance, such voter shall state distinctly and audibly under oath or affirmation, which shall be administered to him by the judge of election, the reason why he requires assistance.

(b) Any elector who is entitled to receive assistance in voting under the provisions of this section shall be permitted by the judge of election to select a registered elector of the election district to enter the voting compartment or voting machine booth with him to assist him in voting, such assistance to be rendered inside the voting compartment or voting machine booth.

(c) In every case of assistance under the provisions of this section, the judge of election shall forthwith enter in writing in a book to be furnished by the county board of elections, to be known as the record of assisted voters—(1) the voter's name; (2) a statement of the facts which entitle him to receive assistance; and (3) the name of the person furnishing the assistance. The record of assisted voters shall be returned by the judge of election to the county board of elections with the other papers, as hereinafter provided, and said county board shall permit the same to be examined only upon the written order of a judge of the court of common pleas: Provided, however, That such record shall be subject to subpoena to the same extent to which other election records may be subpoenaed: And provided further, That the county election board shall permit any registration commission to examine any records of assisted voters without a court order, in order that the registration commission may ascertain whether electors, who have declared, at the time of registration, their need for assistance, actually did receive assistance when voting at any election.

Section 1219. Ballots to Be Issued by Election Officers Only; Ballots Not to Be Removed; Official Ballots Only to Be Deposited or Counted.—No official ballot shall be taken or detached from its stub in any book of ballots, except by an election officer or clerk when a person desiring to vote has been found to be a qualified elector entitled to vote. Not more than one ballot shall be removed at any one time or given to an elector, except in the case of a spoiled ballot as provided by this act. No person other than the election officers shall take or remove any ballot from the polling place. No ballot without the official endorsement shall, except as herein otherwise provided, be deposited in the ballot box, and no other ballots shall be counted. If any ballot appears to have been obtained otherwise than from the county board as provided by this act, the same shall not be counted, and the judge of election shall transmit such ballot to the district attorney without delay, together with whatever information he may have regarding the same.

Section 1220. Regulations in Force at Polling Places.—(a) Until the polls are closed, no person shall be allowed in the polling place outside of the enclosed space at any primary or election, except the watchers, voters not exceeding ten at any one time who are awaiting their turn to vote, and peace officers, when necessary for the preservation of the peace. No elector shall be allowed to occupy a voting compartment or voting machine booth already occupied by another, except when giving assistance as permitted by this act.

(b) No elector, except an election officer, clerk, machine inspector or overseer, shall be allowed to re-enter the enclosed space after he has once left it, except to give assistance as provided by this act.

(c) No person, when within the polling place, shall electioneer or solicit votes for any political party, political body or candidate, nor shall any written or printed matter be posted up within the said room, except as required by this act.

(d) All persons, except election officers, clerks, machine inspectors, overseers, watchers, persons in the course of voting, persons lawfully giving assistance to voters, and peace and police officers, when permitted by the provisions of this act, must remain at least ten (10) feet distant from the polling place during the progress of the voting.

(e) When the hour for closing the polls shall arrive, all qualified electors who have already qualified, and are inside the enclosed space, shall be permitted to vote; and, in addition thereto, not more than ten (10) qualified electors who are in the polling place outside the enclosed space waiting to vote, shall be permitted to do

so, if found qualified, but no other persons shall be permitted to vote.

(f) It shall be the duty of the judge of election to secure the observance of the provision of this section, to keep order in the voting room, and to see that no more persons are admitted within the enclosed space than are permitted by this act. The judge of election may call upon any constable, deputy constable, police officer or other peace officer to aid him in the performance of his duties under this section.

Section 1221. Duties of Election Officers After the Close of the Polls in Districts in Which Ballots are Used.—After the polls are closed and the last elector has voted in districts in which ballots are used, the election officers, clerks and overseers, if any, shall remain within the enclosed space. Before the ballot box is opened, the number of ballots issued to electors (at primaries the number issued to the electors of each party), as shown by the stubs, and the number of ballots (at primaries the number of ballots of each party), if any, spoiled and returned by voters and cancelled, shall be announced to all present in the voting room, and entered on the general returns of votes cast at such primary or election. The election officers shall then compare the number of electors voting as shown by the stubs with the number of names marked as voting in the district register, "Voting Check List," and numbered lists of voters, shall announce the result, and shall enter on the general returns the number of electors who have voted, as shown by the "Voter's Check List." If any differences exist, they shall be reconciled, if possible, otherwise they shall be noted on the general returns. The district register, the "Voting Check List," the numbered lists of voters and the stubs of all ballots used, together with all unused ballots, and all spoiled and cancelled ballots, and all rejected voter's certificates shall then be placed in separate packages, containers or envelopes, and sealed, before the ballot box is opened.

Section 1222. Count and Return of Votes in Districts in Which Ballots are Used.—

(a) As soon as all the ballots have been properly accounted for, and those outside the ballot box, as well as the "Voting Check List," numbered lists of voters and district register sealed, the election officers shall forthwith open the ballot box, and take therefrom all ballots therein, and at primaries, separate the same according to the party to which they belong. The ballots shall then be counted one by one, and a record made of the total number, and at primaries of the total number cast for each party. Then the judge, under the scrutiny of the minority inspector, or the minority inspector, under the scrutiny of the judge, in the pres-

ence of the other officers, clerks, and of the overseers, if any, and within the hearing and sight of the watchers outside the enclosed space, shall read aloud the names of the candidates marked or inserted upon each ballot (at primaries the ballots of each party being read in sequence), together with the office for which the person named is a candidate, and the answers contained on the ballots to the questions submitted, if any, and the majority inspector and clerks shall carefully enter each vote as read, and keep account of the same in ink in triplicate tally papers (triplicate tally papers for each party at primaries) to be provided by the county board of elections for that purpose, all three of which shall be made at the same time. All ballots, after being removed from the box, shall be kept within the unobstructed view of all persons in the voting room until replaced in the box. No person while handling the ballots shall have in his hand any pencil, pen, stamp or other means of marking or spoiling any ballot. The election officers shall forthwith proceed to canvass and compute the votes cast, and shall not adjourn or postpone the canvass or computation until it shall have been fully completed.

(b) When the vote cast for the different persons named upon the ballots and upon the questions, if any, appearing thereon, shall have been fully recorded in the tally papers and counted, the election officers shall duly certify to the number of votes cast for each person (upon the respective party tickets at primaries), and shall prepare in ink five (5) general returns, showing, in addition to the entries made thereon as aforesaid, the total number of ballots received from the county board (the total of each party at primaries), the number of ballots cast (the number of each party at primaries), the number of ballots (of each party at primaries) declared void, and the number of ballots spoiled and cancelled, and any blank ballots cast, as well as the votes cast for each candidate. At elections, the number of votes cast for each candidate by each political party or political body of which such candidate is a nominee shall be separately stated.

(c) In returning any votes cast for any person whose name is not printed on the ballot, the election officers shall record any such names exactly as they were written, stamped or applied to the ballot by sticker.

Section 1223. What Ballots Shall Be Counted; Manner of Counting; Defective Ballots.—(a) No ballot which is so marked as to be capable of identification shall be counted. Any ballot that is marked in ink or by anything but pencil or indelible pencil shall be void and not counted. Any ballot marked by any other mark than an (X) in the spaces provided for that purpose

shall be void and not counted: Provided, however, That no vote recorded thereon shall be declared void because a cross (X) mark thereon is irregular in form. Any erasure, mutilation or defective marking of the straight party column at November elections shall render the entire ballot void, unless the voter has properly indicated his choice for candidates in any office block, in which case the vote or votes for such candidates only shall be counted. Any erasure or mutilation in the vote in any office block shall render void the vote for any candidates in said block, but shall not invalidate the votes cast on the remainder of the ballot, if otherwise properly marked. Any ballot indicating a vote for any person whose name is not printed on the ballot, by writing, stamping or sticker, shall be counted as a vote for such person, if placed in the proper space or spaces provided for that purpose, whether or not an (X) is placed after the name of such person: Provided, however, That if such writing, stamping or sticker is placed over the name of a candidate printed on the ballot, it shall render the entire vote in said office block void. If an elector shall mark his ballot for more persons for any office than there are candidates to be voted for for such office, or if, for any reason, it may be impossible to determine his choice for any office, his ballot shall not be counted for such office, but the ballot shall be counted for all offices for which it is properly marked. Ballots not marked, or improperly or defectively marked, so that the whole ballot is void, shall be set aside and shall be preserved with the other ballots.

(b) At November elections, a cross (X) mark in the square opposite the name of political party or political body in the party column shall be counted as a vote for every candidate of that party or body so marked, including its candidates for presidential electors, except for those offices as to which the voter has indicated a choice for individual candidates of the same or another party or body in any office block, in which case the ballot shall be counted only for the candidates thus individually marked, notwithstanding the fact that the voter has made a mark in the party column, and even though in the case of an office for which more than one candidate is to be voted for, he has not individually marked for such office the full number of candidates for which he is entitled to vote.

Section 1224. Ballot Decisions to Be Made by Inspectors; Duty of Judge.—Decisions concerning questionable marks on ballots or defacing or mutilation of ballots, and the count to be recorded thereon, shall be made in the same manner as decisions concerning the qualifications of voters, as provided in section 1212* herein.

* Should be 1213.

Section 1225. Signing and Disposition of Returns, District Register and Voting Check List; Posting; Return of Ballot Boxes.—(a) Immediately after the vote has been counted in districts in which paper ballots are used, all of the general returns shall be signed by the election officers and clerks, and certified by the overseers, if any. If any election officer, clerk or overseer shall refuse to sign or certify the general returns, he shall write his reasons therefor upon the general return sheets. One of said returns shall be immediately posted for the information of the public outside the polling place, and one shall be intrusted to the judge for delivery to the county board with the package of unused ballots, etc., in an envelope provided for that purpose. The election officers shall then replace all the ballots cast, so counted and canvassed, in the ballot boxes, including those declared void, spoiled, and cancelled, together with one set of tally papers, one general return sheet, one numbered list of voters, sealed as aforesaid, and one oath of each election officer, and lock and seal each ballot box so that nothing can be inserted therein until it be opened again; and the judge and minority inspector shall immediately deliver the ballot boxes to the custody of the county board, and the county board shall not compute any returns from any election district until the ballot boxes therefor, as well as the package of unused ballots, etc., aforesaid therefrom, are delivered, as aforesaid.

(b) The minority inspector shall retain one complete set of tally papers and one general return sheet, and carefully preserve the same for a period of at least one year. The remaining tally papers, affidavits of voters and others, including oaths of election officers, and one general return sheet shall be placed in separate envelopes, to be provided for that purpose, and sealed as soon as the count is finally completed. All of such envelopes and one numbered list of voters, previously sealed as aforesaid, shall be entrusted to the judge of election to be immediately delivered to the county board.

(c) Immediately upon completion of the count and tabulation of the votes cast, the district register and the voting check list shall be locked and sealed, and returned forthwith by the judge of election to the custody of the proper registration commission.

Section 1226. Duties of Election Officers After the Close of the Polls in Districts in Which Voting Machines are Used.—(a) When the hour for closing the polls shall arrive, all qualified electors who have already qualified and are inside the enclosed space shall be permitted to vote; and in addition thereto, not more than ten (10) qualified electors who are in the polling place outside the enclosed space waiting to vote, shall be permitted

by the election officers to do so, but no other persons shall be permitted to vote. As soon as the polls are closed, and the last voter has voted, the election officers shall immediately lock and seal the operating lever or mechanism of the machine, so that the voting and counting mechanism will be prevented from operation, and, they the clerk and the overseers, if any, shall then sign a certificate stating—(1) that the machine has been locked against voting and sealed; (2) the number, as shown on the public counter; (3) the number on the seal which they have placed upon the machine; (4) the number registered on the protective counter or device; and (5) the number or other designation of the voting machine, which certificate shall be returned by the judge of election to the county board with the other certificates, as herein provided. The election officers shall then compare the number, as shown by the public counter of the machine, with the number of names written in the numbered lists of voters, the district register and voting check list, which shall then be placed in separate packages, containers or envelopes and sealed.

Section 1227. Canvass and Return of Votes in Districts in Which Voting Machines are Used.—(a) If the type of voting machine provided shall require the counters to be seen in order to enable the election officers to canvass the vote, the election officers, in the presence of the watchers and all other persons who may be lawfully within the polling place, shall then make visible the registering counters, and, for that purpose, shall unlock and open the doors, or other covering concealing the same, giving full view of all the counter numbers. If the voting machine is equipped with mechanism for printing paper proof sheets, the election officers shall forthwith print not less than four proof sheets, and as many more as may be necessary to supply one to each member of the election board, overseer, candidate, watcher, representative of a newspaper, and other persons who may be lawfully present within the polling place, requesting the same. The judge of election and the minority inspector shall then, under the scrutiny of the majority inspector of election, the clerk appointed by the minority inspector, the overseers, if any, and the watchers, and in the order of the offices as their titles are arranged on the machine, read from the counters or from one of the proof sheets, as the case may be, and announce, in distinct tones, the designation or designating number and letter on each counter for each candidate's name, the result as shown by the counter numbers, the votes recorded for each office for persons other than nominated candidates, and the designation or designating numbers and letters on each counter, and the results as shown by the counter numbers for and

against each question voted on. The counters shall not be read consecutively along the party rows or columns, but shall always be read along the office columns or rows, completing the canvass for each office or question before proceeding to the next.

(b) The vote as registered shall be entered by the election officers, in ink, on duplicate return sheets, and also on a general return sheet and statement, all of which, after the canvass is completed, shall be signed by the election officers, the clerk, and certified by the overseers, if any. If any election officer, clerk or overseer shall refuse to sign or certify the general or duplicate return sheets or statement, he shall write his reasons therefor upon said sheets. The vote for presidential electors shall be computed and returned as provided hereinbefore in section 1215 of this act. If more than one voting machine is used in any election district, * the vote registered on each machine shall be ascertained in like manner, and separately entered in appropriate spaces on the general and duplicate return sheets and statement. The total vote cast for each candidate, and for and against each question, shall then be computed and entered on the general and duplicate return sheets and statement. There shall also be entered on the general return sheet and statement the number of voters who have voted, as shown by the numbered lists of voters, district register, and voting check list, and the number on each machine, as shown by the public counters, and also the number registered on the protective counter or device on each machine immediately prior to the opening of the polls and immediately after the closing thereof and sealing of the machine. The number or other designation of each machine used shall also be entered thereon. In the case of primary elections, duplicate return sheets shall be prepared for each party. The registering counters of the voting machine or the paper proof sheets, as the case may be, shall remain exposed to view until the said returns, and all other reports have been fully completed and checked by the inspectors, clerk and overseers, if any. During such time, any candidate, or duly accredited watcher, who may desire to be present, shall be admitted to the polling place.

(c) The proclamation of the result of the votes cast shall be announced distinctly and audibly by the judge of election, who shall read the name of each candidate, the designation or designating numbers and letters of his counters, and the vote registered on each counter, also the vote cast for and against each question submitted. During such proclamation, ample opportunity shall be given to any person lawfully present to com-

* "and" deleted.

pare the results so announced with the counter dials of the machine or with the paper proof sheets, as the case may be, and any necessary corrections shall then and there be made by the election officers, after which the doors or other cover of the voting machine shall be closed and locked. Any ballots written, deposited, or affixed, in or upon the voting machine, shall be inclosed in properly sealed packages, and properly indorsed, and shall be delivered by the judge of election as hereinafter provided. The judge of election shall promptly deliver to the county board, or their duly authorized representative, the keys of the voting machine, inclosed in a sealed envelope, if the construction of the voting machine shall permit their separate return. Said envelope shall have indorsed thereon a certificate of the election officers, stating the number of the machine, the election district where it has been used, the number on the seal, and the number on the protective counter or device at the close of the polls.

(d) The election officers, on the foregoing returns, shall record any votes which have been cast for a person whose name is not printed on the ballot labels, by means of an irregular ballot, as defined herein. In returning any such votes which have been written, deposited or affixed upon receptacles or devices provided for the purpose, the election officers shall record any such names exactly as they were written, deposited or affixed.

Section 1228. Disposition of Returns; Posting; Return of District Register and Voting Check List.—(a) The general return sheet, duplicate return sheets, and statement, shall be printed to conform with the type of voting machine used, and in form approved by the Secretary of the Commonwealth. The designating number and letter, if any, on the counter for each candidate, shall be printed thereon opposite the candidate's name: Provided, however, That it shall not be necessary to print the name or designating counter number or letter of any candidate for any borough, township, ward, or election district office. Immediately after the vote has been ascertained, the statement thereof shall be posted on the door of the polling place. The minority inspector shall retain one of said duplicate return sheets, one numbered list of voters, sealed as aforesaid, and one set of oaths of election officers. The other duplicate return sheet, numbered list of voters, oaths of election officers, and affidavits of voters and others, shall be sealed up and given to the judge of election, who shall deliver them, together with the general return sheet and the package of ballots deposited, written or affixed in or upon the voting machine, to the county board. If the type of voting machine is equipped with mechanism for printing paper proof sheets, one of said proof sheets

shall be posted on the door of the polling place with the statement aforesaid; one shall be retained by the minority inspector; one shall be placed in the envelope and delivered with the general return sheet; and one shall be sealed in the envelope with the duplicate return sheets and delivered by the judge of election to the county board. The printed proof sheet returned with the general return sheet, and the printed proof sheet returned with the duplicate return sheet, shall each be part of the return of the election.

(b) Immediately upon completion of the count and tabulation of the vote cast, the district register and the voting check list shall be locked and sealed, and returned forthwith by the judge of election to the custody of the proper registration commission.

Section 1229. Conduct of Special Elections; Returns.—Every special election on a proposed constitutional amendment or other question, to be voted on by the electors of the State at large, or by the electors of any political district, shall be held and conducted in all respects in accordance with the provisions of this act relating to November elections, and the provisions of this act relating to November elections shall apply thereto, in so far as applicable, and not inconsistent with any other provisions of this act. All such special elections shall be conducted by the election officers and clerks, by the use of the same equipment and facilities, so far as practicable, as are used for such November elections. The returns of special elections, unless otherwise provided by law, shall be prepared and returned in like manner as returns from November elections, and shall be canvassed and computed as herein provided.

Section 1230. Removal and Storage of Voting Machines.—As soon as possible after the completion of the count in districts in which voting machines are used, the county board shall have the voting machines properly boxed, and removed to the place of storage provided for in this act. The voting machines shall remain locked against voting for the period of twenty days next following each primary and election, and as much longer as may be necessary or advisable because of any existing or threatened contest over the result of the primary or election, with due regard for the date of the next following election or primary, except that they may be opened and all the data and figures therein examined under the provisions of this act, by order of any court of competent jurisdiction, or judge thereof, or by direction of any legislative committee to investigate and report upon contested primaries or elections affected by the use of such machines, and such data and such figures shall be examined by such committee in the presence of the officer having the custody of such machines.

ARTICLE XIII

Voting by Persons in Actual Military Service

Section 1301. **Qualified Electors in Actual Military Service.**—Whenever any of the qualified electors of this Commonwealth shall be in any actual military service, under a requisition from the President of the United States or by the authority of this Commonwealth, and as such, absent from their place of residence on the days appointed by law for holding the general or municipal elections within this State, or on the days for holding special elections to fill vacancies, such electors shall be entitled, at such times, to exercise the right of suffrage, as fully as if they were present at their usual places of election, in the manner prescribed in this article and, whether at the time of voting, such electors shall be within the limits of this State or not; and the right of voting shall not be affected by reason of the failure of any elector to have been registered in his place of residence.

Section 1302. **Polls to Be Opened in Each Military Unit; Detached Electors.**—A poll shall be opened in each military or naval unit, composed in whole or in part of Pennsylvania soldiers, at the quarters of the captain or other officer thereof, and all electors belonging to such unit who shall be within one mile of such quarters, on the day of election, and not prevented by orders of their commanders, or proximity of the enemy, from returning to their unit quarters, shall vote at such poll and at no other place; officers, other than those of a unit, and other electors detached and absent from their units, or in any military or naval hospital, or in any vessel or navy yard, may vote at such other polls as may be most convenient for them; and when there shall be ten or more electors at any place, who shall be unable to attend any unit poll, or their proper place of election as aforesaid, the electors present may open a poll, at such place as they may select, and certify in the poll-book, which shall be a record of the proceedings at said election, substantially in manner and form as hereinafter directed.

Section 1303. **Time of Opening and Closing Polls.**—The polls shall be opened as early as practicable on said day and remain open at least three hours, and if necessary in the opinion of the election officers, in order to receive the votes of all the electors, they may keep the polls open until seven o'clock P. M. of said day; proclamation thereof shall be made at or before the opening of the polls and one hour before closing them.

Section 1304. **Election Officers.**—Before opening the poll on the day of election, the electors present at each of the places aforesaid, shall elect viva voce three persons, present at the time, and having the qualifications

of electors, for judge and inspectors of said election, and the inspectors so elected shall then appoint two of the persons present, who shall be qualified, to act as clerks of said election; and the judge shall prepare boxes or other suitable receptacles for the ballots.

Section 1305. Oaths of Election Officers.—Before any votes shall be received, said judge, inspectors and clerks shall each take an oath or affirmation that he will perform the duties of judge, inspector or clerk, as the case may be, of said election, according to law, and to the best of his abilities, and that he will studiously endeavor to prevent fraud, deceit or abuse in conducting the same, which oath or affirmation any of the said judges, inspectors or clerks so elected or appointed may administer to each other; and the same shall be in writing, or partly written and partly printed, and signed by said judge, inspectors and clerks, and certified to by the party administering the same, and attached to or entered upon the poll-book, and there signed and certified as aforesaid.

Section 1306. Manner of Election; Challenges.—All elections under this article shall be by official ballots provided in the manner herein prescribed, and the judge and inspectors of elections may, and upon challenge of any elector shall, examine under oath or affirmation the applicant to vote (which oath or affirmation any of said judges or inspectors may administer), in respect to his right to vote, and his qualifications to vote in the particular election district, ward, precinct, city, borough, township or county of this State, in which he claims residence; and before issuing a ballot to any applicant to vote, the judge and inspectors, or majority of them, shall be satisfied that such applicant is a qualified elector of such place. The judge of election shall arrange one or more voting compartments, suitably curtained in which the electors may mark their ballots.

Section 1307. Poll-Books.—Separate poll-books shall be kept, and separate returns made, for the electors of each county; the poll-books shall name the unit and organization and the place, post or hospital, in which said election is held; the county and township, city, borough, ward or election district of each elector shall be indorsed opposite his name on the poll-books, so that there may be a double list of voters.

Section 1308. Ballots.—Ballots for use by persons in military service under the provisions of this article shall be prepared sufficiently in advance by the Secretary of the Commonwealth, and shall be by him distributed through the commissioners hereinafter provided, or in such other manner as he may think proper, to the various military or naval units containing Pennsylvania soldiers entitled to vote at any election. Such ballots

shall be in substantially the form prescribed by Article X of this act for ballots to be used at the same elections within this Commonwealth, but in cases where it is, in the opinion of the Secretary of the Commonwealth, not feasible to print on said ballots the names of the various candidates for district, county and local offices, the ballots shall contain blank spaces only under the titles of such offices in which the voters may insert the names of the candidates for whom they desire to vote, and in such cases the Secretary of the Commonwealth shall furnish to the judge of election a sufficient number of printed lists containing the names of all the candidates who have been regularly nominated under the provisions of this act for the use of the electors in preparing their ballots.

Section 1309. Casting of Ballot.—The judge or one of the inspectors shall, upon the application of an elector to vote, pronounce his name audibly, and if no objection is made to him, and the judge and inspectors are satisfied that said elector is a citizen of the United States, and legally entitled, according to the Constitution and laws of this State, to vote at said election, shall issue a ballot to such elector first folding it so that the words printed on the back shall be the only words visible. The elector, after receiving his ballot, shall retire to one of the voting compartments and draw the curtain and shall there prepare his ballot. He shall then fold his ballot without displaying the markings in the same way it was folded when received by him, and he shall then leave the voting compartment and deposit the ballot thus folded in the ballot box or other receptacle therefor, and the clerks shall enter the name of the elector in the poll-book of his county, together with the ward, election district, city, borough, township and county of his residence.

Section 1310. Counting of Votes.—At the close of the polls, the number of voters who have voted shall be counted and set down at the foot of the list of voters, and certified and signed by the judge and inspectors and attested by the clerks.

Section 1311. Manner of Counting Ballots.—After the poll-books are signed, the ballot box shall be opened and the ballots therein contained shall be taken out, one at a time, by the judge, who shall read distinctly while the ballot remains in his hand, the names of the candidates voted for therein for the several offices voted for, and then deliver it to one of the inspectors, who shall examine the same and pass it to the other inspector, who shall place the same in an envelope prepared for the ballots of such count, and carefully preserve the same; the same method shall be pursued as to each ballot taken out, until all the votes are counted.

Section 1312. Rejection of Ballots.—No ballot which is so marked as to be capable of identification shall be counted, and if a ballot is marked for more candidates for any office than the number an elector is entitled to vote for for such office, the same shall not be counted for that office, but shall be counted for all other candidates properly marked.

Section 1313. Tally Lists.—As a check in counting, each clerk shall keep a tally list for each county from which votes shall have been received, which tally list shall constitute a part of the poll-books.

Section 1314. Enumeration of Votes.—After the examination of the ballots shall be completed, the number of votes for each person in the county poll-books, as aforesaid, shall be enumerated under the inspection of the judge and inspectors, and set down in the poll-books.

Section 1315. Form of Poll-Book and Returns.—The form of the poll-books to be used at such elections shall be determined by the Secretary of the Commonwealth, who shall also prescribe the form of return to be made by the election officers in each poll-book of the ballots cast by the electors of the county for which such poll-book is kept.

Section 1316. Disposition of Poll-Books and Returns.—After canvassing the votes in manner aforesaid, the judge shall put in an envelope, one of the poll-books with its tally list and return of each county, together with the ballots of such county, and transmit the same, properly sealed up and directed, through the nearest post office, or by express, as soon as possible thereafter, to the county board of elections of the county in which such electors would have voted if not in the military service aforesaid (being the county for which the poll-book was kept); and the other poll-book of said county, enclosed in an envelope and sealed as aforesaid, and properly directed, shall be delivered to one of the commissioners hereinafter provided for, if such commissioner calls for the same in ten days, and if not so called for, the same shall be transmitted by mail or by express, as* soon as possible thereafter, to the Secretary of the Commonwealth, who shall carefully preserve the same, and on demand of the proper county board, deliver to said county board, under his hand and official seal, a certified copy of the return of votes, so transmitted to and received by him, for said county.

Section 1317. Duties of County Boards.—In the case of any election at which votes are cast by persons in military service, under the provisions of this article, it shall be the duty of each county board of elections to withhold the completion of the computation of the returns of the county until the third Friday after such election, within which period all returns of votes cast

* "so" in the original.

by electors of the county in military service, as provided in this article, shall be added to and included in its computation of the returns of such election.

Section 1318. Returns of Federal and State Offices.—In all general elections for Federal and State offices at which votes are cast by persons in the military service, under the provisions of this article, it shall be the duty of the Secretary of the Commonwealth before finally computing and certifying the returns of such elections, to add to the returns received by him from the various county boards of election any returns of the votes cast by persons in the military service received by him under the provisions of this act, which, upon an examination of the returns received from the county boards, clearly appear not to have been added to and included in such returns by the respective county boards.

Section 1319. Contested Elections.—All said elections shall be subject to contest in the manner provided by Article XVII of this act; and in all cases of contested elections, all legal returns which shall have been bona fide forwarded by said judge and inspectors, in the manner hereinbefore prescribed, shall be counted, although the same may not have arrived or been received by the proper officers to be counted in the manner hereinbefore directed, before issuing the certificates of election to the persons appearing to have a majority of the votes then received, and the said returns shall be subject to all such objections, as other returns are liable to when received in due time.

Section 1320. Duties of Secretary of the Commonwealth.—The Secretary of the Commonwealth shall cause to be printed a sufficient number of copies of this article, with such extracts from the other portions of this act, as shall be deemed important to accompany the same, and blank forms of poll-books, together with ballots, tally lists, returns and envelopes, as prescribed in this article, which, with the necessary postage stamps, to defray expenses and postage on returns, shall in sufficient time before any such election, be forwarded by said secretary, at the expense of the Commonwealth, by commissioners or otherwise, as shall be deemed most certain to insure delivery thereof, to the captain or commanding officer of each unit, or in case of detached voters, to the officer having charge of the post or hospital, who shall retain the same until the day of election, and then deliver the same to the judge elected as provided in this article. No election shall be invalidated by reason of the neglect or failure of the said secretary to cause the delivery of said poll-books, ballots and other supplies to the proper persons as aforesaid.

Section 1321. Appointment of Commissioners; Oath.—For the purpose of more effectually carrying out the

provisions of this article, the Governor may appoint and commission, under the great seal of the Commonwealth, such number of commissioners, having the qualifications of an elector in this State, as he shall deem necessary, not exceeding one to each regiment or equivalent organization of Pennsylvania soldiers in the service of this State, or of the United States, and shall apportion the work among the commissioners and supply such vacancies as may occur in their number. Such commissioners, before they act, shall take and subscribe an oath or affirmation and cause the same to be filed with the Secretary of the Commonwealth, to the following effect:

“I, appointed commissioner, under Article XIII of the Election Law regulating elections by persons in actual military service, do solemnly swear (or affirm), that I will support the Constitution of the United States, and the Commonwealth of Pennsylvania, and impartially, fully, and without reference to political preference or results, perform, to the best of my knowledge and ability, the duties imposed on me by the said act; and that I will studiously endeavor to prevent fraud, deceit and abuse, not only in the elections to be held under the same, but in the returns thereof.”

Section 1322. Duties of the Commissioners.—Such commissioners shall deliver, as far as practicable, at least four of the copies of this article, and other extracts from this act and the rules and regulations issued hereunder, published as hereinbefore directed, and at least two blank forms of poll-books, tally lists and returns entrusted to them, together with a suitable number of ballots, and other supplies, to the commanding officers of every unit, or part thereof, of Pennsylvania soldiers in the actual military or naval service of the United States, or of this State; and make suitable arrangements and provision for the opening of polls under this article. The said commissioners, as soon as practicable after the day of election, shall call upon the judge of the election, and procure one poll-book, containing the returns of the election, and safely preserve and deliver the same, without delay, to the Secretary of the Commonwealth.

Section 1323. Compensation of Commissioners.—Said commissioners shall receive, in full compensation for their services under this article, ten cents (.10) per mile in going to and returning from their respective organizations, estimating the distance of travel by the usually traveled route; and the accounts therefor shall be audited and paid out of the State Treasury in the same manner as other claims are now audited and paid. All commanding and other officers shall be required to aid the commissioners herein appointed, and to give

them all proper facilities to enable them to carry out the design and intention of this article.

Section 1324. Informalities Not to Invalidate Elections.—No mere informality in the manner of carrying out or executing any of the provisions of this article, shall invalidate any election held under the same, or authorize the returns thereof to be rejected or set aside; nor shall any failure on the part of the commissioners to reach or visit any unit or organization, or the failure of any unit, or part thereof, to vote, invalidate any election which may be held under this article.

Section 1325. Powers of Election Officers.—The several officers authorized to conduct such election, shall have the like powers, and they, as well as other persons who may attend, vote, or offer to vote at such election, shall be subject to the like penalties and restrictions as are declared or provided in the case of elections by the citizens at their usual places of election; and all of the provisions of this act, so far as applicable and not inconsistent with the provisions of this article, nor supplied thereby, shall apply to all elections held under this article.

Section 1326. No Compensation for Election Officers.—No compensation shall be allowed to any judge, inspector or clerk under this article.

Section 1327. Rights of Detached Electors.—When any of the electors mentioned in section 1301, less than ten (10) in number, shall be members of companies of another state or territory or for any sufficient and legal cause shall be separated from their proper unit or shall be in a hospital, navy yard, vessel or on recruiting, provost, or any other duty, whether within or without this State, under such circumstances as shall render it probable that they will be unable to rejoin their proper unit or to be present at their proper place of election on or before the day of any election, said electors shall have the right to vote in the following manner.

Section 1328. Ballots and Envelopes for Detached Electors.—The Secretary of the Commonwealth shall prepare and distribute to the said detached electors through the commissioners provided for by this article or in such manner as he may think proper, additional official ballots to be known as detached soldier's ballots. Such ballots shall be prepared and printed in the same form as the ballots provided for by section 1308 of this act, but shall have in addition printed thereon the words "Detached Soldier's Ballot." The Secretary of the Commonwealth shall also provide and distribute as aforesaid, three envelopes for each detached soldier's ballot of such size and shape that will permit the placing of one within the other. On the first shall be printed only the words "Detached Soldier's Ballot."

On the second shall be printed the affidavit of the detached elector, together with the jurat of the officer in whose presence the ballot is marked and before whom the affidavit is made, such affidavit and jurat to be in form prescribed by the Secretary of the Commonwealth. On the third shall be placed the name and address of the county board of elections of the proper county.

Section 1329. Voting by Detached Electors.—Any such detached elector may make application prior to the day of any election to one of the commissioners appointed under the provisions of this article or to the Secretary of the Commonwealth for a "Detached Soldier's Ballot." At any time after receiving such detached soldier's ballot, but on or before the day of the election, such elector may appear before any commissioned officer of the military or naval forces, either within or without the Commonwealth, and mark such ballot under the scrutiny of such officer in the following manner. The voter shall first display the ballot to such officer as evidence that the same is unmarked, and shall then proceed to mark the ballot in the presence of such officer, but in such manner that such officer is unable to see how the same is marked, and then fold the ballot, enclose and securely seal the same in the envelope on which is printed "Detached Soldier's Ballot." This envelope shall then be placed in the one on which is printed the affidavit of the elector and the jurat of the officer before whom the elector appears, and such envelope sealed in like manner by the elector. The elector shall then make out, subscribe and swear to the affidavit printed on the face of such envelope and the jurat shall be subscribed by the officer before whom the affidavit was taken. Such ballot and envelope shall then be securely sealed in the third envelope which the elector shall send by registered mail to the county board of elections of the proper county.

Section 1330. Receipt and Counting of Detached Soldiers' Ballots.—The county board of elections upon receipt of such registered letter shall safely keep the same in their office until they meet to canvass the vote of such election under the provisions of this act, at which time they shall open such registered letter and after examining the affidavit and jurat, shall compare the signature of such absent voter with his signature upon any register or other record in their possession. If the county board is satisfied that the signatures correspond and that the affidavit and jurat are sufficient, they shall announce the name of the elector and shall give any person present an opportunity to challenge the same in like manner and for the same causes as such elector could have been challenged had he presented himself in his own district to cast his vote. If

there are no challenges, they shall open the second envelope in such manner as not to destroy the affidavit and jurat printed thereon, which envelope shall be kept in their office for a period of one year thereafter. All envelopes on which are printed the words "Detached Soldier's Ballot" and containing the ballots, shall be put into one depository at one time and said depository well shaken, and the envelopes containing the ballots mixed before any ballot is taken therefrom. The county board shall then break the seals of such envelopes and record the said ballots in the same manner as district election officers are required to record votes under the provisions of this act. In like manner all detached soldier's ballots received, prior to completion of the computation of the returns of the county, shall be counted and recorded and upon the completion of the computation of the returns of the county the votes cast upon the detached soldier's ballots shall then be added to the votes cast within the county, city, borough, township, ward or election district, as designated on each ballot. Detached soldier's ballots shall be safely kept by the county board of elections for a period of one year.

ARTICLE XIV

Returns of Primaries and Elections

Section 1401. Offices of County Boards to Remain Open During Primaries and Elections and Until Completion of Count; Reports and Returns to Be Made Public.—Each county board of elections shall cause its office to remain open, in charge of one or more members of the board, during the entire duration of each primary and election, and after the close of the polls, until all the ballot boxes and returns have been received in the office of the county elections board, or received in such other place as has been designated by the board.

Section 1402. Returns to Be Open to Public Inspection; Exceptions.—The general returns from the various districts which have been returned unsealed shall be open to public inspection at the office of the county board as soon as they are received from the judges of election. None of the envelopes sealed by election officers and entrusted to the judge of election for delivery to the county board shall be opened by any person, except by the order of the return board, or of the court of common pleas.

Section 1403. Place of Meeting for Computation of Votes; Notice; Papers to Be Prepared; Assistants to Be Sworn.—

(a) The county board of elections shall arrange for the computation and canvassing of the returns of votes cast at each primary and election at its office or at some other convenient public place at the county seat

with adequate accommodations for the watchers and attorneys authorized by this act to be present, who shall be permitted to keep or check their own computation of the votes cast in the several election districts as the returns from the same are read, as hereinafter directed. The county board shall give at least one week's previous notice by newspaper publication, as provided by section 106 of this act, of the time and place when and where the board will commence and hold its sessions for the computation and canvassing of the returns, and keep copies of such advertisement posted in its office during said period. The county board shall also prepare a sufficient number of blank forms of returns made out in proper manner, and headed as the nature of the primary or election may require, for making out full and fair statements of all votes which shall have been cast within the county or any political district therein, according to the returns from the several election districts thereof, for any person voted for therein, or upon any question voted upon therein. All the clerks of the county board and other persons designated to assist in the computation and canvassing of the votes shall be first sworn to perform their duties impartially and not read, write, count or certify any return or vote falsely or fraudulently.

(b) If any member of the county board of any county shall be a candidate for any nomination or election to public office, he shall not act as a member of said board for the computation and canvassing of returns, but the other members, if qualified, shall act; and in case in any county there are not at least a majority of the members of said board so qualified, two (2) or more judges of the court of common pleas shall be designated by said court to act as a return board, provided that neither of them is a candidate for any nomination or election to public office; and if there shall be only one judge of such court in such county or if less than two (2) judges are qualified and able to act in such county, any judge who is qualified may act alone, and if there be none qualified, the prothonotary of such county shall act as the return board, and if the prothonotary shall be a candidate for any nomination or election to any public office, then the sheriff of the county shall act as the return board.

Section 1404. Computation of Returns by County Board; Certification; Issuance of Certificates of Election.—

(a) The county board shall, at noon on the third day following the primary or election, at its office or at some other convenient public place at the county seat, of which due notice shall have been given as provided by section 1403, publicly commence the computation

and canvassing of the returns, and continue the same from day to day until completed, in the manner hereinafter provided. For this purpose any county board may organize itself into sections, each of which may simultaneously proceed with the computation and canvassing of the returns from various districts of the county in the manner provided by this section. Upon the completion of such computation and canvassing, the board shall tabulate the figures for the entire county and sign, announce and attest the same, as required by this section.

(b) It shall be the duty of each board of registration commissioners in each county, before the time fixed for the county board to convene for purpose of computing and canvassing returns of any primary or election, to certify to said county board the total registration of each election district within its jurisdiction, and the enrollment of each district by political parties at primaries. The county board, before computing the votes cast in any election district, shall compare said registration and enrollment figures with the certificates returned by the election officers showing the number of persons who voted in each district or the number of ballots cast. If, upon consideration by said return board of the returns before it from any election district and the certificates aforesaid, it shall appear that the total vote returned for any candidate or candidates for the same office or nomination or on any question exceeds the number of registered or enrolled electors in said election district or exceeds the total number of persons who voted in said election district or the total number of ballots cast therein, or, if it shall appear that the total number of partisan votes returned for any candidate or candidates for the same office or nomination at any primary exceeds the number of electors registered or enrolled in said district as members of that political party, or exceeds the total number of persons belonging to that party who voted in said district or the total number of ballots of that party cast therein, in any such case, such excess shall be deemed a discrepancy and palpable error, and shall be investigated by the return board, and no votes shall be recorded from such district until such investigation shall be had, and such excess shall authorize—(a) the summoning of the election officers, overseers, machine inspectors, and clerks to appear forthwith with any election papers in their possession; (b) the production of the ballot box before the return board, and the examination and scrutiny of all of its contents, and all of the registration and election documents whatever, relating to said district, in the presence of representatives of each party and candidate interested who are attending the canvass of such votes;

and the recount of the ballots contained in said ballot box, either generally or respecting the particular office, nomination, or question as to which the excess exists, in the discretion of the return board; (c*) the correction of the returns in accordance with the result of said recount; (d) in the discretion of the return board, the exclusion of the poll of that district, either as to all offices, candidates, questions, and parties, or as to any particular offices, candidates, questions, or parties as to which said excess exists, if the ballot box be found to contain more ballots than there are electors registered or enrolled in said election district, or more ballots of one party than there are electors registered or enrolled in said district as members of that party, or more ballots than the number of voters who voted at said election, or more ballots of one party than the number of voters of that party who voted at said election; (e) a report of the facts of the case to the district attorney where such action appears to be warranted.

(e) The county board shall first publicly account for all extra official ballots printed under the provisions of section 1007 of this act. The general returns made by the election officers from the various election districts shall then be read one after another in the usual order, slowly and audibly, by one of the clerks who shall, in each case of a return from a district in which ballots were used, read therefrom the number of ballots (in the case of primaries the number of ballots of each party) issued, spoiled and cancelled, and cast, respectively, whereupon the clerk having charge of the records of the county board showing the number of ballots furnished for each election district, including the number of extra official ballots as provided by section 1007 of this act as so furnished, and the number of stubs and unused ballots and spoiled and cancelled ballots returned, shall publicly announce the number of the same respectively, and unless it appears by said number or calculations therefrom that said records, and the said general return correspond, no further returns shall be read from the latter until all discrepancies are explained to the satisfaction of the county board. In the case of districts in which voting machines are used, there shall be read from the general return the identifying number or other designation of each voting machine used, the numbers registered on the protective counter or device on each machine prior to the opening of the polls and immediately after close of the same, whereupon the clerk having charge of the records of the county board showing the number registered on the protective counter or device of each voting machine prior to delivery at the polling place, shall publicly announce the numbers

* "e" in the original.

so registered, and unless it appears that the said records, and the said general return correspond, no further returns shall be read from the latter until any and all discrepancies are explained to the satisfaction of the county board.

(d) (1) In districts in which paper ballots have been used, when the records agree with said returns regarding the number of ballots and the number of votes recorded for each candidate (on each party ticket at primaries), said votes for each candidate shall be read by the clerk slowly, audibly, and in an orderly manner from the general return which has been returned unsealed, and the figures announced shall be compared by other clerks with the general return which has been returned sealed. The figures announced for all districts shall be compared by one of the clerks with the tally papers from the respective districts. If any discrepancies are discovered, the county board shall thereupon examine all of the return sheets, tally papers and other papers in its possession relating to the same election district. If the tally papers and sealed general return sheet agree, the unsealed general return shall be forthwith corrected to conform thereto. But in every other case the county board shall forthwith cause the ballot box of the district to be opened and the vote therein to be recounted in the presence of attorneys, watchers, and candidates interested, and if the recount shall not be sufficient to correct the error, the county board may summon the election officers and overseers, if any, to appear forthwith with all election papers in their possession.

(2) In districts in which voting machines have been used, when the records agree with the returns regarding the number registered on the voting machine, the votes recorded for each candidate shall be read by the clerk slowly, audibly, and in an orderly manner from the general return sheet which has been returned unsealed, and the figures announced shall be compared by other clerks with the duplicate return sheet which has been returned sealed, and if the voting machine is of the type equipped with mechanism for printing paper proof sheets, said general and duplicate return sheets shall also be compared with said proof sheets, which have been returned as aforesaid. If any discrepancies are discovered, the county board shall thereupon examine all of the return sheets, proof sheets and other papers in its possession relating to the same election district. The said proof sheets shall be deemed to be the primary evidence of the result of the election and to be prima facie accurate, and if the proper proof sheets properly identified, shall be mutually consistent, and if the general and duplicate returns, or either of them, from said

district shall not correspond with said proof sheets, they shall be corrected so as to correspond with same, in the absence of allegation of specific fraud or error, proved to the satisfaction of the county board.

(3) If any error or fraud is discovered, the county board shall compute and certify the votes justly regardless of any fraudulent or erroneous returns presented to it, and shall report the facts to the district attorney of the proper county for action.

(e) Provision for Recanvass of Vote.—(1) Whenever it shall appear that there is a discrepancy in the returns of any election district, or, upon petition of three voters of any district, verified by affidavit, that an error, although not apparent on the face of the returns, has been committed therein, or of its own motion, the county board shall at any time prior to the completion of the computation of all of the returns for the county, summon the election officers of the district, and said officers, in the presence of said board, shall make a record of the number of the seal upon the voting machine, and the number on the protective counter or other device; shall make visible the registering counters of such machine, and, without unlocking the machine against voting, shall recanvass the vote cast thereon. Before making such recanvass, the said board shall give notice in writing to the proper custodian of voting machines, and to each candidate, and to the county chairman of each party or political body, affected by the canvass; and each such candidate may be present in person, or by attorney, and each of such parties, or bodies, may send two representatives to be present at such recanvass. If, upon such recanvass, it shall be found that the original canvass of the returns has been correctly made from the machine, and that the discrepancy still remains unaccounted for, the said board, with the assistance of the custodian, in the presence of the election officers and the authorized candidates and representatives, shall unlock the voting and counting mechanism of the machine, and shall proceed thoroughly to examine and test the machine to determine and reveal the true cause or causes, if any, of the discrepancy in returns from such machine. Each counter shall be reset at zero (000) before it is tested, after which it shall be operated at least one hundred times. After the completion of such examination and test, the custodian shall then and there prepare a statement, in writing, giving in detail the result of the examination and test, and such statement shall be witnessed by the persons present, and shall be filed with the said board. If, upon such recanvass, it shall appear that the original canvass of the returns by the election officers was incorrect, the said returns and all papers being prepared by the said board shall be

corrected accordingly: (2) Provided, however, That in the case of returns from any election district wherein the election was held by the use of a voting machine equipped with mechanism for printing paper proof sheets, said proof sheets, if mutually consistent, shall be deemed to be the primary evidence of the result of the election and to be prima facie accurate, and there shall not be considered to be any discrepancy or error in the returns from any such district, such as to require a recanvass of the vote, if all available proof sheets, from the voting machine used therein, identified to the satisfaction of the return board and shown to its satisfaction to have been produced from proper custody, shall be mutually consistent, and, if the general and duplicate returns, or either of them, from said district shall not correspond with said proof sheets, they, and all other papers being prepared by said return board, shall be corrected so as to correspond with the same, in the absence of allegation of specific fraud or error, proved to the satisfaction of the return board by the weight of the evidence, and only in such case shall the vote of said election district be recanvassed under the provisions of this section.

(f) As the returns from each election district are read, computed and found to be correct or corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until all the returns from the various election districts which are entitled to be counted shall have been duly recorded, when they shall be added together, announced and attested by the clerks who made and computed the entries respectively and signed by the members of the county board. At the expiration of five days after the completion of the computation of votes, in case no petition for a recount or recanvass has been filed in accordance with the provisions of this act, or upon the completion of the recount or recanvass if a petition therefor has been filed within five days after the completion of the computation of votes, the county board shall certify the returns so computed in said county in the manner required by this act, unless upon appeals taken from any decision, the court of common pleas shall have directed any returns to be revised, or unless in case of a recount, errors in the said returns shall have been found, in which case said returns shall be revised, corrected and certified accordingly. The county board shall thereupon, in the case of elections, issue certificates of election to the successful candidates for all county, city, borough, township, ward, school district, poor district and election offices, and local party offices to be filled by the votes of the electors of said county, or of any part thereof.

Section 1405. Manner of Computing Irregular Ballots.—The county board, in computing the votes cast at any primary or election, shall compute and certify votes cast on irregular ballots exactly as such names were written, stamped, affixed to the ballot by sticker, or deposited or affixed in or on receptacles for that purpose, and as they have been so returned by the election officers.

Section 1406. Petition to Establish Identity by Candidate Nominated under Different Names; Cumulation Prohibited.—Any person who has been nominated at a primary election by more than one party for the same office under different names may, at any time not later than five (5) days after the certification by the county board of the votes cast at a primary election, present a petition to the court of common pleas of the proper county, praying for an order declaring such petitioner by his true name to be the person who was thus nominated by more than one party under different names. If the court shall determine that the different names so appearing on the returns of the primary represent one and the same person, the court shall enter an order finding said fact and directing the county board to revise its return accordingly. Jurisdiction is hereby conferred upon the courts of common pleas to entertain such petitions and to make the orders provided herein. No such order shall be entered by any court, unless notice of the filing of said petition shall first have been given to the county board, and to all the other candidates who appear to have been nominated for the same office, in such manner as the court may, by its order, direct, which notice shall specify the time and place of the hearing on said petition. Upon the filing of any such petition, said court shall proceed to hear said matter without delay, having due regard to the proximity of the ensuing election. Immediately upon the entry of any order as aforesaid, a certified copy thereof shall be served on the county board, which shall correct and revise its returns accordingly. No candidate for public office at any November election whose name, for any reason, is printed more than once for the same office on any ballot at any general, municipal or special election, shall be entitled to have cumulated, either by the election officers, by the county board, or by any court, the votes cast after such different names.

Section 1407. Appeals to Court from Decisions of the County Board.—

(a) Any person aggrieved by any order or decision of any county board regarding the computation or canvassing of the returns of any primary or election, or regarding any recount or recanvass thereof under sections 1701, 1702 and 1703 of this act, may appeal there-

from within two days after such order or decision shall have been made, whether then reduced to writing or not, to the court of common pleas of the proper county, setting forth why he feels that an injustice has been done, and praying for such order as will give him relief. Upon the payment to the prothonotary of a fee of \$3.00 for filing such appeal, a judge of the court shall fix a time and place for hearing the matter in dispute within three days thereafter, of which due notice shall be served, with a copy of such appeal, by the appellant upon a member of the county board whose action is complained of and upon every attorney, watcher or candidate who opposed the contention of the appellant before the county board, and upon any other person that the judge shall direct, at least two days before the matter shall be reviewed by the court. Proof of such notice or the waiver thereof must be filed therein before any appeal is sustained.

(b) The court on an appeal shall have full power and authority to hear and determine all matters pertaining to any fraud or error committed in any election district to which such appeal relates, and to make such decree as right and justice may require. Pending such appeal, the county board shall suspend any official certification of the votes cast in such election district. None of the orders or decisions of either the county board or the court of common pleas on appeal shall be deemed a final adjudication regarding the results of any primary or election, so as to preclude any contest thereof. No appeal shall be allowed or granted from any order or decree of the court of common pleas made in pursuance of this section. The court of common pleas, upon any appeal under this section, may compel the appellant or any opposing party, other than the county board, to pay all the witness fees, if any, or other legal costs of the hearing, which costs may be taxed by the prothonotary in the usual manner.

Section 1408. Copy of Certified Returns to Be Filed; Copy to Be Forwarded to the Secretary of the Commonwealth; Duplicate Copies.—After the certification of the returns of any primary or election, as provided by section 1404 of this act, the county board shall retain in its office one copy of the returns so certified. In the case of elections of presidential electors, United States Senators, Representatives in Congress, Governor, Lieutenant Governor, Auditor General, State Treasurer and Secretary of Internal Affairs, Judges of the Supreme Court, Judges of the Superior Court and judges of other courts of record, including associate judges, senators and representatives in the General Assembly, a separate certificate, showing totals of the returns cast for each of such offices respectively, shall also be forwarded by the county

board to the Secretary of the Commonwealth on forms furnished by the Secretary of the Commonwealth.

Section 1409. Secretary of the Commonwealth to Tabulate, Compute and Canvass Returns.—Upon receiving the certified returns of any primary or election from the various county boards, the Secretary of the Commonwealth shall forthwith proceed to tabulate, compute and canvass the votes cast for all candidates enumerated in section 1408, and upon all questions voted for by the electors of the State at large, and shall thereupon certify and file in his office the tabulation thereof.

Section 1410. Returns of Local Officers Voted for in Two or More Counties; Certificates of Election; Returns of County and Local Officers Commissioned by Governor to Be Transmitted to Governor; Commissions; Contests—

(a) In the case of any city, borough, township, ward, school district, or poor district office, or of the submission of any question to the electors, voted for or upon by the electors of two or more counties or parts of counties, the county election board, in each of the counties in which such municipality is located, shall certify to the county board of the county in which reside the majority of registered electors of such city, borough, township, ward, school district or poor district, the return of the vote cast for such officers or upon such questions. After completing the tabulation of such returns, the return board of said county shall issue certificates of election to the successful candidates. In case of any county, borough, city or township officer who is by law required to be commissioned by the Governor, the said return board shall also transmit a certified copy of such return to the Secretary of the Commonwealth, who shall forthwith lay the results of such election before the Governor.

(b) In case of the election of judge of a court of record, prothonotary, clerk of the courts, recorder of deeds, register of wills, or any other officer required by law to be commissioned by the Governor in any of the several counties of this Commonwealth, it shall be the duty of the county elections board to transmit immediately to the Secretary of the Commonwealth a certified copy of the returns for all such offices. The Secretary of the Commonwealth shall forthwith lay the return so made before the Governor, and the Governor shall issue a commission to any persons elected to said offices, notwithstanding that the election of such person to any or either of said offices may be contested in the manner provided by this act.

(c) Whenever it shall appear by the decision of the proper tribunal having jurisdiction of a contested election, that the person to whom said commission shall

have been issued has not been legally elected to the office for which he has been commissioned, then a commission shall issue to the person who shall appear to be legally elected to said office, the issuing of which commission shall nullify and make void the commission already issued, and all power and authority under said commission first issued shall thereupon cease and determine.

Section 1411. Secretary of the Commonwealth to Certify Votes of National Delegates and Members of State Committee.—Following his tabulation of the returns received from each Spring primary, the Secretary of the Commonwealth shall issue certificates of election to the persons in each political party who have been duly elected delegates or alternate delegates to the National convention of each party, and to the persons in each party who have been duly elected members of the National Committee or the State committee of each party. In the case of delegates or alternate delegates to a National party convention, the certificates of election shall show the number of votes received in the State or in the political district, as the case may be, by each candidate of such delegate's or alternate delegate's political party for nomination as President of the United States. The Secretary of the Commonwealth shall also certify to the State chairman of each party the votes cast for each candidate for the office of member of State committee of each party.

Section 1412. Secretary of the Commonwealth to Certify Presidential Votes by Congressional Districts.—The Secretary of the Commonwealth, following his tabulation of the returns from each such Spring primary held in years in which candidates for President of the United States are to be nominated, shall prepare a statement from the said returns, showing the total number of votes cast in the State and in each congressional district of the State for each political party for nomination as President of the United States.

Section 1413. United States Senators, Representatives in Congress; Certificates of Election; Returns.—Upon completing the tabulation of any election for United States Senator or Representative in Congress, the Secretary of the Commonwealth shall lay the same before the Governor, who shall immediately issue certificates of election under the seal of the Commonwealth, duly signed by himself, and attested by the Secretary of the Commonwealth, and deliver the same to the candidates receiving the highest number of votes for the respective offices. The Governor shall also transmit the returns of such election to the President of the United States Senate, in the case of the election of a United States Senator, and to the Speaker of the House of Rep-

representatives of the United States, in the case of the election of representatives in Congress. The Governor shall issue his proclamation declaring the names of the persons elected to the offices of United States Senator and Representative in Congress.

Section 1414. Members of the General Assembly; Certificates of Election; Returns.—The Secretary of the Commonwealth shall issue certificates of election to the persons elected members of the Senate and House of Representatives of the Commonwealth, and between the hours of twelve noon and one P. M. on the first Tuesday in January of each odd-numbered year, present before the Senate and the House of Representatives the several returns of the elections of members of the respective houses: Provided, however, That if the General Assembly shall be convened in extraordinary session during the month of December next following their election, the said returns shall be presented as aforesaid, on the first day of said extraordinary session. In case of a special election occurring during a session of the General Assembly, he shall present the returns thereof to the proper house as soon as received and tabulated by him.

Section 1415. Governor and Other State Officers; Judges; Certificates of Election; Commissions.—The Secretary of the Commonwealth, at the first meeting of the General Assembly following the election of a Governor, Lieutenant Governor, Secretary of Internal Affairs, Auditor General or State Treasurer, shall deliver to the president of the Senate the returns of elections for all such offices, who shall open and publish them in the presence of members of both houses of the General Assembly. The person receiving the highest number of votes for the respective offices shall be declared elected thereto, and certificates of such elections shall be made and filed with the Secretary of the Commonwealth. The Secretary of the Commonwealth shall immediately lay before the Governor such certificates of election, except the certificate of election of Governor, whereupon the Governor shall issue a proclamation of the election of such persons, and issue a commission to each person so elected. The Secretary of the Commonwealth shall immediately after tabulating and computing the returns of each election of Judge of the Supreme Court, of the Superior Court, and of every other court of record, certify the result thereof to the Governor, who shall immediately declare by proclamation the name of the person so elected, and shall issue a commission to such person.

Section 1416. Presidential Electors; Proclamation of Persons Elected.—The Secretary of the Commonwealth, on receiving and computing the returns of the election of presidential electors, shall lay them before the Gov-

error, who shall enumerate and ascertain the number of votes given for each person so voted for, and shall thereupon declare by proclamation the names of the persons duly elected. He shall also cause a certificate of election to be delivered to each person so chosen.

Section 1417. Persons Receiving Highest Number of Votes to Be Declared Elected.—Except as otherwise provided by law, the persons receiving the highest number of votes for any office at any election shall be declared elected to such office, up to the number required by law to be elected thereto.

Section 1418. Tie Votes.—In the case of a tie vote not otherwise provided for by law, the candidates receiving the tie vote shall cast lots before the county board or the Secretary of the Commonwealth, as the case may be, at 12 o'clock noon on the third Friday after the election, and the one to whom the lot shall fall* shall be declared elected. In any case where the fact of a tie vote is not authoritatively determined until after the third Wednesday after the election, the time for casting lots shall be 12 o'clock noon of the second day after the fact of such tie vote is authoritatively determined. If any candidate or candidates receiving a tie vote, fail to appear before twelve o'clock noon of said day, the county board or the Secretary of the Commonwealth, as the case may be, shall cast lots for him or them. For the purpose of casting lots any candidate may appear in person, or by proxy duly appointed in writing.

ARTICLE XV

Electoral College

Section 1501. Election of Presidential Electors.—At the general election to be held in the year 1940, and every fourth year thereafter, there shall be elected by the qualified electors of the Commonwealth, persons to be known as electors of President and Vice-President of the United States, and referred to in this act as presidential electors, equal in number to the whole number of senators and representatives to which this State may be entitled in the Congress of the United States.

Section 1502. Meeting of Electors; Duties.—The electors chosen, as aforesaid, shall assemble at the seat of government of this Commonwealth, at 12 o'clock noon of the day which is, or may be, directed by the Congress of the United States, and shall then and there perform the duties enjoined upon them by the Constitution and laws of the United States.

Section 1503. Filling of Vacancies Existing in Presidential Electors.—If any such presidential elector shall die, or for any cause fail to attend at the seat of govern-

* "fail" in original.

ment at the time appointed by law, the electors present shall proceed to choose viva voce a person of the same political party as such deceased or absent elector, to fill the vacancy occasioned thereby, and immediately after such choice the name of the person so chosen shall be transmitted by the presiding officer of the college to the Governor, who shall forthwith cause notice in writing to be given to such person of his election; and the person so elected (and not the person in whose place he shall have been chosen) shall be an elector and shall, with the other electors, perform the duties enjoined on them.

Section 1504. Compensation of Presidential Electors; Expenses of Electoral College.—Each presidential elector aforesaid, shall receive from the State Treasury the sum of three dollars for every day spent in traveling to, remaining at, and returning from, the place of meeting aforesaid, and shall be entitled to mileage at the rate of three cents per mile to and from his home, to be computed by the ordinary mail route between their homes and the place of meeting aforesaid. And the contingent expenses of the electoral college, not exceeding one hundred dollars in amount, shall likewise be paid by the State Treasurer, in both cases upon warrants drawn by the presiding officer of the college.

ARTICLE XVI

Primary and Election Expenses

Section 1601. Definitions.—As used in this article, the following words shall have the following meanings:

(a) The words "candidate for nomination" shall mean a candidate at any primary for nomination to any public office to be voted for in this State, and shall not be limited to mean a person by or on behalf of whom a nomination petition has been filed in the manner provided by this act, and whose name is printed on the ballots or ballot labels to be used at such primary, but shall include any person whose name is written in on the ballot by electors, or inserted by means of stamps or stickers.

(b) The words "candidate for election" shall mean a candidate for election to any public office to be voted for in this State, and shall not be limited to mean a person who has been nominated at a primary or by a nomination certificate or nomination paper, in accordance with the provisions of this act, and whose name is printed on the ballots or ballot labels to be used at such election, but shall include any person whose name is written on the ballot by electors, or inserted by means of stamps or stickers.

(c) The words "political committee" shall include

every two or more persons who shall be elected, appointed or chosen, or who shall have associated themselves or cooperated for the purpose, wholly or in part, of raising, collecting or disbursing money, or of controlling or directing the raising, collection or disbursement of money for primary or election expenses.

(d) The words "primary expenses" shall include all expenditures of money or other valuable things made, and liabilities incurred, in furtherance of or in respect to the candidacy of any candidate for nomination at a primary for public office, or to defeat the candidacy of any candidate for nomination to public office, whether such expenditures are made before, during or after the primary.

(e) The words "election expenses" shall include all expenditures of money or other valuable things made, and liabilities incurred, in furtherance of or in respect to the election of any candidate for election to any public office, or to defeat the candidacy of any candidate for election to public office, whether such expenditures are made before, during or after the election.

Section 1602. Political Committees; Treasurer. — Every political committee shall appoint and constantly maintain a treasurer to receive, keep and disburse all sums of money which may be collected or received by such committee, or by any of its members for primary or election expenses; and unless such treasurer is first appointed and thereafter maintained, it shall be unlawful for a political committee or any of its members to collect, receive or disburse money or incur liability for any such purpose. All money collected or received by any political committee, or by any of its members for primary or election expenses, shall be paid over and made to pass through the hands of the treasurer of such committee and shall be disbursed by him; and it shall be unlawful for any political committee, or any of its members, to disburse any money for primary or election expenses, unless such money shall have passed through the hands of the treasurer.

Section 1603. Authorization of Political Committees to Act for Candidates for Nomination and Election.—

(a) No treasurer of any political committee shall receive or disburse any money or incur any liability for primary expenses in furtherance of the candidacy of any candidate for nomination, until such political committee shall have been authorized in writing by the candidate to receive and disburse money and incur liability for his primary expenses, and a copy of such written authorization shall have been filed in the office of the Secretary of the Commonwealth, in the case of State-wide committees, or in the office of the county

board of elections of the county in which such treasurer maintains his office, in the case of other committees.

(b) No treasurer of any political committee shall receive or disburse any money or incur any liability for election expenses in furtherance of the candidacy of any candidate for election, until such political committee shall have been authorized in writing by the candidate to receive and disburse money and incur liability for his election expenses, and a copy of such written authorization shall have been filed in the office of the Secretary of the Commonwealth, in the case of State-wide committees, or in the office of the county board of elections of the county in which such treasurer maintains his office, in the case of other committees: Provided, however, That the treasurer of any State, county, city, borough, township, ward or other regularly constituted party committee of any political party or political body, is hereby authorized to receive and disburse money and incur liability for the election expenses of the candidates of such political party or political body, without special written authorization from such candidates.

Section 1604. Contributions by Agent; Vouchers; Payment of Petty Expenses.—

(a) It shall be unlawful for any person to make any contribution for primary or election expenses with funds designated or given to him for the purpose by any other person, firm or corporation. Each person making a contribution for primary or election expenses shall do so only in his own name.

(b) Every payment made by a candidate or treasurer of a political committee for or in respect to any primary or election expenses, amounting to ten dollars or more, shall be vouched for by a bill stating the payment and by a receipt, and shall be made by check or money order drawn to the order of the individual, association or corporation to whom the payment is due.

(c) Any person may, if so authorized in writing by a candidate, pay in behalf of the candidate the necessary expenses of the candidate for stationery, postage, telegraph, telephone and public messenger services, and traveling expenses, including carfare, gasoline, hotel bills and other petty expenses. Each person so authorized shall be reimbursed by the candidate or by a treasurer of a political committee supporting his candidacy, for the amount so paid, upon the submission of a sworn statement of the payment or payments made by him which shall be vouched for by a bill containing the receipt of that person.

Section 1605. Contributions for Election Expenses to Be Made to Candidates or Treasurers; Contributions by Corporations Prohibited.—

(a) No person who is not a candidate or no treas-

urer of a political committee shall pay, give or lend or agree to pay, give or lend any money or any other valuable thing to, or incur any liability for, any primary or election expenses whatever in behalf of any person or persons, except a candidate or a political committee having a treasurer.

(b) No corporation or officer or agent thereof, whether incorporated under the laws of this or any other state or any foreign country, shall pay, give or lend or authorize to be paid, given or lent, either directly or through any other person, or in reimbursement of any such payment, gift or loan by any other person, any money or other valuable thing belonging to such corporation or in its custody or control, to any candidate or political committee for the payment of any primary or election expenses or for any political purpose whatever.

Section 1606. Lawful Primary and Election Expenses.—No candidate or treasurer of any political committee shall pay, give or lend or agree to pay, give or lend, directly or indirectly, any money or other valuable thing or incur any liability on account of, or in respect to, any primary or election expenses whatever, except for the following purposes:

First. For printing and traveling expenses, and personal expenses incident thereto, stationery, advertising, postage, expressage, freight, telegraph, telephone and public messenger service.

Second. For the rental of radio facilities, and amplifier systems.

Third. For political meetings, demonstrations and conventions, and for the pay and transportation of speakers.

Fourth. For the rent, maintenance and furnishing of offices.

Fifth. For the payment of clerks, typewriters, stenographers, janitors and messengers actually employed.

Sixth. For the transportation of electors to and from the polls.

Seventh. For the employment of watchers at primaries and elections to the number and in the amount permitted by this act.

Eighth. For expenses, legal counsel, incurred in good faith in connection with any primary or election.

Section 1607. Expense Accounts to Be Filed.—

(a) Every candidate for nomination or election, and every treasurer of a political committee, or person acting as such treasurer, shall, within thirty days after every primary and election at which such candidate was voted for or with which such political committee was concerned, if the amount received or expended or liabilities incurred shall exceed the sum of fifty dollars,

file a full, true and detailed account, subscribed and sworn to by him, setting forth each and every sum of money received, contributed or disbursed by him for primary or election expenses, the date of each receipt, contribution and disbursement, the name of the person from whom received or to whom paid, and the specific object or purpose for which the same was disbursed. Such account shall also set forth the unpaid debts and liabilities of any such candidate or committee for primary or election expenses, with the nature and amount of each, and to whom owing. In the case of the treasurer of a political committee, the account shall include any unexpended balance of contributions or other receipts appearing from the last previous account filed by him. In the case of candidates for election who have previously filed accounts of their primary expenses as candidates for nomination, the accounts shall only include receipts, contributions and disbursements subsequent to the date of such prior accounts.

(b) If the aggregate receipts or disbursements and liabilities of a candidate or a political committee in connection with any primary or election shall not exceed fifty dollars, the candidate or treasurer of the committee, as the case may be, shall, within thirty days after the primary or election, certify that fact under oath to the officer or board with whom expense accounts are required to be filed, as hereinafter provided: Provided, however, That if a candidate or political committee does not receive any contributions or make any disbursements or incur any liabilities, he or it shall not be required to file any account or to make any affidavit, but such candidate or political committee shall be deemed for all purposes of this act to have filed an expense account showing no receipts, disbursements or liabilities for primary or election expenses.

(c) Every expense account filed under the provisions of this section shall be accompanied by vouchers for all sums expended amounting to ten (\$10) dollars or more. It shall be unlawful for any candidate, agent or treasurer to disburse any money received from any anonymous source.

Section 1608. Place of Filing Expense Accounts.—Every such account concerning primary or election expenses incurred by or in regard to candidates for offices to be voted for by the electors of the State at large shall be filed with the Secretary of the Commonwealth, and every such account concerning expenses incurred by or in regard to candidates for other offices shall be filed with the county board of elections of the county wherein the candidate resides: Provided, however, That if any account concerns expenses in regard to candidates who do not all reside in the same county, a duplicate of such

account shall be filed in the office of the county board of elections of each county in which any such candidate (not being a candidate for an office to be voted for by the electors of the State at large) resides.

Section 1609. Oath of Office; Taking Office; Receiving Salary.—It shall be unlawful to administer the oath of office to any candidate elected to any public office, until the accounts and affidavits required by this act to be filed in respect of the primary expenses (if such candidate was nominated at a primary) and election expenses incurred by or in regard to such candidate have been filed by the candidate and by the treasurer of every political committee authorized, under the provisions of section 1603 of this act, to receive and disburse money and incur liability for his primary or election expenses, or which, to his knowledge, has received or disbursed money or incurred liability for his primary or election expenses, whether authorized as aforesaid or not, and no such person shall enter upon the duties of his office until the said accounts and affidavits shall have been filed, nor shall he receive any salary or other compensation appurtenant to the office for any period prior to the filing of such accounts and affidavits.

Section 1610. Inspection and Preservation of Accounts and Affidavits.—All such expense accounts and affidavits shall be open to public inspection in the office where they are filed and shall be carefully preserved by the officer or board in charge thereof, and not removed therefrom, except upon the order of a competent court, for a period of two years after filing.

Section 1611. Audit of Expense Accounts.—

(a) Within twenty days after the last day for filing any expense account and affidavit required by this act any five electors of the State or of the political division may present a petition to the court of quarter sessions of the county in which is situated the office where such account has been filed, praying for an audit of such account. Thereupon the court shall direct the officer or board with whom such account has been filed to certify the same to the court for audit and may, in its discretion, require security to be entered for costs. The court may, in its discretion, appoint an auditor to audit such account; but the fees of such auditor shall not exceed the sum of \$10.00 per day for each day actually engaged. The court or auditor shall fix a day as early as may be convenient for the audit, at which time the person by whom such account has been filed shall be required to be present in person to vouch his account and to answer on* oath or affirmation all such relevant questions concerning the same, as may be put to him by the petitioners or their counsel. The auditor shall issue

* "an" in the original.

subpoenas to all parties whom the petitioners or the accountant may require, to give evidence concerning such account, and he shall determine, subject to exception, all questions as to the admissibility of evidence, and shall file a copy of the evidence with his report. If upon the audit, the court shall decide that the account was false in any substantial manner, or that any expenses have been incurred in contravention of this act, the costs of said audit shall be paid by the accountant, otherwise the court shall make such order as to payment of costs as shall be just in the circumstances.

(b) The decision of the court upon the audit shall be subject to appeal to the Superior Court.

(c) If the court shall decide upon the audit that any person, whether a candidate or not, has accepted contributions or incurred expense or has expended or disbursed money in contravention of this act, or has otherwise violated any of the provisions of this act, it shall certify its decision to the district attorney of the county in which such person may reside, and it shall thereupon be the duty of such district attorney to institute criminal proceedings against such person.

(d) No person shall be excused from answering any question in any proceeding under this section on the ground that such answer would tend to incriminate him; but no such answer shall be used as evidence against such person in any criminal action or prosecution whatever, except in an action for perjury in giving such testimony.

Section 1612. Quo Warranto Proceedings.—If upon audit of any expense account or accounts under the provisions of this act, it shall appear that any candidate who has been nominated or elected has accepted any contributions, incurred any expense or disbursed any money in contravention of this act, either directly or through the treasurer of any committee authorized by section 1603 of this act to pay or incur primary or election expenses in furtherance of his candidacy, or through any other person with his knowledge and consent, whether expressly authorized or not, the court of quarter sessions shall forthwith certify that fact to the Attorney General, who thereupon shall file in the proper court a suggestion for a writ of quo warranto against such candidate. If, upon the hearing of such writ, it shall be determined that such candidate has accepted any contribution, incurred any expense or disbursed any money in contravention of this act, either directly or through the treasurer of any committee authorized by section 1603 of this act to pay or incur primary or election expenses in furtherance of his candidacy, or through any other person with his knowledge and consent, whether expressly authorized or not, judgment of ouster

from nomination, in the case of a candidate for nomination where the judgment is entered prior to the subsequent election, or judgment of ouster from office in the case of a candidate for election or in the case of a candidate for nomination who has been subsequently elected to the office for which he was nominated, shall be entered against him: Provided, however, That in the case of a candidate elected to the office of senator or representative in the General Assembly, the decision of the court shall be certified to the president of the Senate or to the speaker of the House of Representatives, as the case may be: And provided further, That in the case of a candidate elected to the office of United States Senator or Representative in Congress, the decision of the court shall be certified to the Governor of this Commonwealth, who shall transmit the same to the president of the Senate or to the speaker of the House of Representatives, as the case may be.

Section 1613. Secretary of the Commonwealth to Supply Forms of Expense Account.—The Secretary of the Commonwealth shall prescribe the form of blanks suitable for the accounts and affidavits required by this act. It shall be the duty of the Secretary of the Commonwealth to transmit to each candidate for nomination or election to the office of presidential elector, United States Senator, Representative in Congress, and every State office, including senators, representatives and judges of courts of record, whose nomination petitions, certificates or papers have been filed in his office, or who appear by the returns of any primary to have been nominated thereat, a sufficient quantity of such blanks. He shall also transmit a sufficient quantity of such blanks to the treasurer of the State committee of each political party and political body, and of every other State-wide political committee of which he has knowledge, prior to each election. It shall be the duty of the county boards of elections to transmit to the candidates for nomination and election to all other offices whose nomination petitions, certificates or papers have been filed in their offices, or who appear by the returns of any primary to have been nominated thereat, a sufficient quantity of such blanks. They shall also transmit a sufficient quantity of such blanks to the treasurer of the county committee of each political party and political body in the county, and to the treasurer of any other political committee within the county of which they have knowledge. Such blanks shall also be furnished to any person required to file an account upon application therefor.

ARTICLE XVII

Recounts and Contests

(a) Recounts

Section 1701. Opening Ballot Boxes upon Petition of Electors Alleging Fraud or Error; Deposit or Bond.—

(a) The court of common pleas, or a judge thereof, of the county in which any election district is located in which ballots were used, shall open the ballot box of such election district used at any general, municipal, special or primary election held therein, and cause the entire vote thereof to be correctly counted by persons designated by such court or judge, if three qualified electors of the election district shall file, as hereinafter provided, a petition duly verified by them, alleging that upon information which they consider reliable they believe that fraud or error, although not manifest on the general return of votes made therefrom, was committed in the computation of the votes cast for all offices or for any particular office or offices in such election district, or in the marking of the ballots, or otherwise in connection with such ballots. It shall not be necessary for the petitioners to specify in their petition the particular act of fraud or error which they believe to have been committed, nor to offer evidence to substantiate the allegations of their petition.

(b) Every petition for the opening of a ballot box under the provisions of this section shall be filed in the office of the prothonotary of the proper county, accompanied by a deposit of cash in the amount of fifty (\$50.00) dollars, or by a bond signed by the petitioners as principals and by a corporate surety to be approved by the court, in the amount of one hundred (\$100.00) dollars, conditioned upon the payment to the county treasurer for the use of the county of the sum of fifty (\$50.00) dollars, in the event that, upon the opening of the ballot box, it shall not appear that fraud or substantial error was committed in the computation of the votes cast on the ballots contained therein, or fraud in the marking of the ballots contained therein, or otherwise in connection with such ballots.

(c) Before any ballot box is opened under the provisions of this section, the court shall direct that notice of time and place of proposed recount be given, either personally or by registered mail, to each candidate for the office or offices which are to be recounted by the order of the court, and each such candidate may be present at such recount, either in person or by his attorney or by his duly authorized representative, under such regulations as the court may prescribe.

(d) If, upon opening any such ballot box, it shall appear that fraud or substantial error was committed in

the computation of the votes cast on the ballots contained therein, or fraud in the marking of the ballots contained therein, or otherwise in connection with such ballots, it shall be the duty of the court to certify such fact to the prothonotary and thereupon the prothonotary shall return to the petitioners the said sum of fifty (\$50.00) dollars, or if the petitioners shall have filed a bond in lieu of cash, to mark said bond cancelled and notify the petitioners that he has done so.

(e) If, upon opening any ballot box under the provisions of this section, it shall not appear that fraud or substantial error was committed in the computation of the votes cast on the ballots contained therein, or fraud in the marking of the ballots contained therein, or otherwise in connection with such ballots, the persons upon whose petition such ballot box shall have been opened, shall forfeit to the county the sum of fifty (\$50.00) dollars. If said petitioners shall have deposited the said sum in cash with the prothonotary at the time of filing the petition, the prothonotary, upon certification of the court that fraud or substantial error was not discovered, shall pay said sum deposited with him to the county treasurer; and if the petitioners shall have filed with their petition a bond in the sum of one hundred (\$100.00) dollars, it shall be the duty of the county treasurer forthwith to collect from the principals or surety on said bond, the sum of fifty (\$50.00) dollars, and costs of suit, and for this purpose, he is hereby authorized to institute any necessary legal proceedings. When so collected, the said sum of fifty (\$50.00) dollars shall be paid over to the county treasurer.

(f) Ballot boxes may be opened under the provisions of this section at any time within four months after the date of the general, municipal, special or primary election at which the ballots therein shall have been cast.

Section 1702. Recanvassing Voting Machines upon Petition of Electors Alleging Fraud or Error.—(a) The court of common pleas, or a judge thereof, of the county in which any election district is located, shall make visible the registering counters of the voting machine or machines used in such election district at any primary or election, and without unlocking the machine against voting, shall recanvass the vote cast therein, if three qualified electors of the election district shall file a petition, duly verified by them, alleging that, upon information which they consider reliable, they believe that fraud or error, although not manifest on the general return of votes made therefrom, was committed in the canvassing of the votes cast on such machine or machines. It shall not be necessary for the petitioners to specify in their petition the particular act of fraud or error they believe to have been committed, nor to offer evidence to substantiate the allegations of their petition.

(b) Before the votes cast on any voting machine are recanvassed under the provisions of this section, the court shall direct that notice of the time and place of the proposed recanvass be given, either personally or by registered mail, to each candidate whose name appears on the ballot labels, and each such candidate may be present at * such recanvass, either in person or by his attorney, or by his duly authorized representative, under such regulations as the court may prescribe.

(c) Voting machines may be recanvassed under the provisions of this section at any time within twenty days after the date of the primary or election at which they were used.

Section 1703. Correction of Returns; Decision Not to Be Final; Evidence for Prosecution.—

(a) If any petition to open a ballot box or to recanvass the votes on a voting machine shall have been presented, under the provisions of sections 1701 and 1702 of this act, before the certification of all the returns of the county, and, in no event, later than five (5) days after the completion of the computation and canvassing of all the returns of the county by the county board, and the court shall discover therein any fraud or error, the court shall correct, compute and certify to the county board the votes justly, regardless of any fraudulent or erroneous entries made by the election officers thereof, and the county board shall correct accordingly any entries previously made in the returns of the county being prepared by it, or which have been prepared and not yet certified.

(b) No order or decision of the court under the provisions of sections 1701 and 1702 of this act, shall be deemed a final adjudication regarding the results of any primary or election, so as to preclude any contest thereof under the provisions of this article, and no such order or decision shall affect the official returns of any election district, unless a petition to open the ballot boxes or to recanvass the votes on a voting machine shall have been presented before the certification of the returns of the county by the county board, or unless a contest shall have been instituted in the manner provided by this article.

(c) If upon the opening of any ballot box or recanvass of any voting machine under the provisions of this article, it shall be found that fraud was committed in the computation of the votes cast on the ballots or voting machine, or in the marking of the ballots contained therein or otherwise in connection with such ballots, the county board shall take such steps as shall be appropriate to enable the ballot box and contents thereof or voting machine to be available as evidence in any prosecu-

* "as" in original.

tion which may be begun against any person or persons alleged to be guilty of such fraud.

(b) Classes of Nomination and Election Contests

Section 1711. Classes of Nomination and Election Contests.—The several classes of nominations at primaries and elections of public officers which may be contested in this Commonwealth are hereby distinguished and designated as follows, to wit:

Class I. Nominations and elections of the Governor and Lieutenant Governor of the Commonwealth.

Class II. Nominations and elections of electors of President and Vice-President of the United States and all officers of this Commonwealth, including Judges of the Supreme and Superior Courts (except Governor and Lieutenant Governor), who now are or hereafter shall be required to be nominated or elected by the electors of the State at large, and nominations of United States Senators.

Class III. Nominations and elections of judges of the several courts of records, to be learned in the law, other than Judges of the Supreme and Superior Courts.

Class IV. Nominations and elections of Senators and Representatives in the General Assembly, and nominations of Representatives in Congress.

Class V. All other officers, whether nominated or elected by the qualified voters of counties, cities, boroughs, townships, wards, school districts, poor districts or any other division of the State.

(c) Contested Nominations and Elections of the First Class

Section 1712. Committee of General Assembly to Try.—Contested nominations and elections of Governor and Lieutenant Governor shall be tried and determined by a committee to be selected from both houses of the General Assembly, and formed and regulated in the following manner.

Section 1713. Contest Petitions; When and to Whom Presented.—Upon the petition in writing of at least one hundred registered electors of the Commonwealth, accompanied by the affidavit, taken and subscribed by at least twenty of the petitioners, before some person having authority to administer oaths, that the facts set forth are true to the best of their knowledge and belief, and a certificate from the registration commission of the county or counties where the petitioners reside, setting forth that they are all registered electors, being presented to the presiding officer of the Senate within ten days from the organization of the General Assembly next succeeding the election complained of, he shall immedi-

ately give information thereof to both houses. Such petition after being read in each house, shall be laid on the table without any question taken thereon, until the two houses shall proceed thereon in the following manner.

Section 1714. Personnel of Contest Committee; Senate Members.—The Senate and House of Representatives shall, on a day and hour to be agreed on between them, which day shall be within five days of the reception of the petition as aforesaid, convene in the hall of the House of Representatives, where the petition shall be read by the secretary of the Senate; the names of the members of each house shall then be called over by the respective clerks, and a quorum of each house being present, a joint committee shall be formed as follows:

(a) The names of all senators present, except the President pro tempore, shall be written on distinct pieces of paper as nearly alike as may be, each of which shall be rolled up and put into a box by the clerk of the House of Representatives, and placed on the Speaker's table.

(b) The secretary of the Senate, having shaken and intermixed the said papers, shall draw them out one by one, and put them alternately into three boxes, also placed on the Speaker's table.

(c) When the whole number shall be thus distributed, the clerk of the House of Representatives shall shake and intermix the papers in each box, and shall draw alternately from each box the papers so rolled up, until twelve papers have been so drawn, and shall deliver them singly, as drawn, to the Speaker of the House of Representatives.

(d) The Speaker of the House of Representatives shall open the said papers singly and read aloud the names on each, and then deliver the papers singly to the President of the Senate, who shall place them openly on the table.

(e) A member of each House, to be designated by the respective presiding officers, shall take down in writing the names so called, and shall each of them repeat aloud the name so written.

Section 1715. Personnel of Contest Committee; House Members.—The like proceedings shall then be had for drawing twenty-five members of the House of Representatives for the purpose: Provided, however, That—

(a) The duties in the preceding section enjoined upon the clerk of the House of Representatives shall be performed by the secretary of the Senate.

(b) The duties therein enjoined upon the secretary of the Senate shall be performed by the clerk of the House of Representatives.

(c) The duties therein enjoined upon the Speaker of the House of Representatives shall be performed by the presiding officer of the Senate.

(d) The duties therein enjoined upon the President of the Senate shall be performed by the Speaker of the House of Representatives, whose name shall not be placed in the box.

Section 1716. Challenges.—If any objection be made by either of the parties to any member so drawn by lot, such member shall be discharged, and another name be drawn to supply the place, and so on until the whole number of twelve senators and twenty-five members of the House of Representatives shall be completed; and in all cases, the members drawn in place of those objected to, shall be in like manner liable to be set aside, and others shall be drawn in their places; but if so many be set aside by reason of objections, as aforesaid, that there shall not remain more than the number aforesaid, then no further objection shall be admitted.

Section 1717. Selection of Committee.—When the number aforesaid shall be completed, the clerk of the House of Representatives shall draw out, one by one, the names of the remaining members of the Senate, and deliver them singly to the Speaker of the House of Representatives, who shall unfold and read them aloud; and the secretary of the Senate shall in like manner draw out the names of the remaining members of the House of Representatives, and deliver them singly to the presiding officer of the Senate, who shall unfold them and read them aloud; and if any unfairness or mistakes shall then be discovered therein, the whole proceedings shall be set aside, and the same shall be renewed in manner and form hereinbefore directed; but after the committee is sworn, no objection for such cause shall be received.

Section 1718. Final Selection of Committee.—When the proceedings aforesaid shall be concluded, a list of the twelve members of the Senate and a separate list of the twenty-five members of the House of Representatives so drawn shall be given to each of the parties, who shall immediately withdraw to some adjoining room, with a clerk or members appointed by the joint vote of members present, where they shall proceed to strike off alternately the names upon such list, until the number shall be reduced to four members of the Senate and nine of the House of Representatives, which shall constitute a select committee.

Section 1719. Members to Remain Until Final Selection.—On the parties withdrawing to form such select committee, the members of both houses shall continue convened and the members whose names shall have been drawn out of the boxes shall not leave the conference

room without permission, until the time and place for the meeting of the select committee shall be fixed as hereinafter provided.

Section 1720. Final Qualification of Committee.—Within one hour from the time of withdrawing as aforesaid, the parties shall deliver to the presiding officer of the Senate the names of the said four members of the Senate and nine of the House of Representatives remaining on the list, who shall then respectively take an oath or affirmation, to be administered by the presiding officer of the Senate, to try the matter of the petition and to give a true judgment thereon according to the evidence, unless the committee shall be dissolved.

Section 1721. Time and Place of Meeting.—The time and place for the meeting of the select committee so appointed shall then be directed by the joint vote of the members of both houses, which time shall be within forty-eight hours of the appointment.

Section 1722. Absence from Committee.—If any person appointed a member of such select committee shall, at the time of such appointment, swear or affirm that he cannot without great inconvenience serve on such committee, he shall be excused, and in such case another shall be substituted.

Section 1723. Meetings of Committee; Quorums; Adjournment.—The select committee shall sit from day to day, Sundays excepted, at such hours as shall not interfere with their attendance in the Legislature, but unless nine of their number be present, the committee shall adjourn to the next day, and if the number of the committee shall unavoidably be reduced to less than nine members, and shall so continue for the space of three days, Sundays excepted, the committee shall be dissolved, and there shall be another chosen in manner aforesaid. When the two houses shall stand adjourned for more than three days, the committee may adjourn to the same time.

Section 1724. Presiding Officer of Committee.—Immediately after the appointment of the select committee aforesaid, the President of the Senate shall notify the Chief Justice of the Supreme Court, and he shall immediately attend the meetings of the committee as the presiding officer thereof. The Chief Justice of the Supreme Court shall decide questions regarding the admissibility of evidence, and he shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the contest, but he shall not have a vote on the final determination of the case.

Section 1725. Powers of Committee.—The select committee shall have power to subpoena persons and require the production of papers and records, and to compel the attendance of and examine all witnesses who

may come before them, upon oath or affirmation, which the Chief Justice of the Supreme Court or clerk of the committee may administer in their presence, and to decide not only on the validity of such contested election, but also which of the candidates had the greatest number of legal votes.

Section 1726. Proceeding Before Committee; Unqualified Voters; Testimony; Immunity.—When it is proven to the satisfaction of said committee that any person, not a legally qualified voter, voted at any such contested election, it shall be lawful for said committee to compel said voter to disclose, under oath, for which of the respective candidates he voted; but when the committee examines the witness on oath as to the person or persons for whom he voted, and said witness on such examination discloses the names of the persons for whom he voted at such election, he shall not afterwards be prosecuted for having illegally voted at such election.

Section 1727. Conduct of Committee.—The doors of the room in which the select committee shall meet shall remain open during the examination of witnesses, but may be closed at any other time. All determinations required to be made by such committee shall be by a majority of the whole number appointed. As soon as the committee shall have agreed upon the same, two reports thereof shall be made in writing, one of which shall be delivered to the presiding officer of the Senate, and the other to the Speaker of the House of Representatives, which reports shall be entered on the journals of the respective houses, and shall be final and conclusive.

Section 1728. Report of Committee to Be Final.—If the committee, or a majority thereof as aforesaid, shall report that either of the candidates had the greatest number of legal votes, and ought to receive the nomination or to be admitted to the office, as the case may be, such candidate shall thereupon be entitled to such office or nomination.

Section 1729. New Election if Invalid; Notice.—If the committee, or a majority thereof, shall report that such election or return is invalid, a new election shall take place on the day of the general election ensuing, agreeably to the Constitution, of which the presiding officer of each house shall immediately give notice by their joint writ directed to the Secretary of the Commonwealth and the county boards of the respective counties; and the county boards of the respective counties shall give due notice thereof according to law. If the committee, or a majority thereof, shall report that such nomination is invalid, the vacancy in the party ticket shall be filled in the manner provided by section 979 of this act.

Section 1730. Pay of Witnesses.—Every witness subpoenaed attending the trial of any contested election of the first class, shall be allowed six cents for every mile of the distance necessarily traveled by him in coming to and returning from the place of trial, and shall also be allowed the sum of two dollars and fifty cents for every day he may be detained at the place of such trial, which mileage and expense, as well as the expense of summoning such witnesses, shall be taxed by the select committee and certified by their chairman to the Speaker of the House of Representatives or the presiding officer of the Senate, or both, as the case may require. The amount thereof, after having been first approved by the house or houses to which such certificate may be made, shall be paid by the treasurer of the county or counties in which the facts complained of took place, if such facts be substantiated, or by the treasurer of the county or counties in which the petitioners shall reside, if the statements in the petition shall not be substantiated, on orders drawn by the Speaker of the House of Representatives or the presiding officer of the Senate, or both, as the case may require.

(d) Contested Nominations and Elections of the
Second Class

Section 1731. Court of Common Pleas of Dauphin County with Two Nearest President Judges to Have Jurisdiction.—Cases of the second class shall be tried and determined by the court of common pleas of Dauphin County, upon petition of at least one hundred electors as hereinafter provided. For the purpose of hearing and determining the complaint in the petition in such cases, the court of common pleas of Dauphin County shall notify to sit with it on the hearing of such complaint, two president judges, learned in the law, residing nearest to the courthouse of the said judicial district, and the judges so notified shall appear and sit as part of the said court on the hearing, trial and determination of such petition.

Section 1732. Entry and Effect of Decision.—After the hearing of the said case, the said judges shall, without unnecessary delay, decide which of the candidates voted for received the greatest number of legal votes, and is entitled to the nomination or office, which decision shall be entered of record to the case in the said court, and a certified copy thereof shall, within five (5) days from the rendering thereof, be delivered to the Secretary of the Commonwealth, whereupon the person who, by the decision of the court, shall appear to have received the largest number of votes, shall be entitled to the nomination or to the office, and be commissioned accordingly.

(e) Contested Nominations and Elections of the Third Class

Section 1736. Common Pleas Court of County of Residence of Candidate Returned as Elected to Have Jurisdiction.—Contested nominations and elections of judges of courts of record of any judicial district of this Commonwealth, learned in the law, shall be tried and determined before the court of common pleas of the county where the person returned as nominated or elected shall reside, in the following manner.

Section 1737. Procedure to Contest; Petition; Personnel of Court.—Upon the petition in writing, as hereinafter provided, of at least fifty (50) registered electors of the district for which the person whose nomination or election is contested was returned as nominated or elected, presented to the Governor of the Commonwealth, complaining of an illegal primary or election or false return of any judge of a court of record of any judicial district of the Commonwealth, learned in the law, the Governor shall without delay, direct the three president judges residing nearest to the courthouse of the county composing the district, or, if more than one county composes the judicial district, then those nearest the courthouse of the most populous county of the district, to convene without delay the court of common pleas of such county, and proceed to hear and determine the complaint of the said petition.

Section 1738. Jurisdiction Where There is More Than One Court of Common Pleas in the District.—In any contested election of judge of a court of record in any judicial district, learned in the law, where there is more than one court of common pleas, the court of the next higher number to the court for which the person whose election is contested is returned as elected, if there be one higher, and if not, the one of the next lower number, shall perform all the duties required of the three president judges as prescribed in this subdivision.

Section 1739. Certification and Effect of Decision.—After such hearing the said judges shall, without delay, decide which of the candidates voted for received the greatest number of legal votes, and is entitled to the nomination or office, which decision shall be entered of record to the case in said court, and a certified copy thereof shall, within five (5) days from the rendering of such decision, be transmitted to the Secretary of the Commonwealth; whereupon the person who, by the said decision, shall appear to have received the largest number of votes, shall be entitled to the nomination, or to the office, and commissioned accordingly.

(f) Contested Nominations and Elections of the
Fourth Class

Section 1741. Jurisdiction to Try.—Contested nominations and elections of senators and representatives in the General Assembly of this Commonwealth and contested nominations of representatives in Congress shall be tried and determined by the court of common pleas of the county where the person returned as such shall reside, in the following manner:

Section 1742. Method of Contest; Petition; Notice.—Upon petition in writing, as hereinafter provided, of at least twenty registered electors of the senatorial district in case of a senator and of the legislative district in case of a representative in the General Assembly, complaining of an illegal primary or election or false return of any senator or representative, or upon petition in writing as hereinafter provided of at least twenty registered electors of the congressional district in case of a representative in Congress, complaining of an illegal primary or false return of any representative in Congress, the court, if in session, or the president judge thereof, if in vacation, shall immediately appoint a suitable time for the hearing in open court of such complaint; and if the court is not in session, the president judge to whom such complaint is made, shall direct the court to convene for that purpose, notice of which shall be given to the person returned, at least ten days before such hearing.

Section 1743. Complainants and Candidate Returned Shall Be Parties.—On the trial of contested nominations or elections of senators and representatives in the General Assembly and of contested nominations of representatives in Congress, the petitioners complaining of nomination or the election, and the person returned as nominated or elected, shall be the parties thereto.

Section 1744. Powers and Duties of the Court.—The court of common pleas to which a petition shall be presented as aforesaid, contesting the right of a candidate for senator or representative in the General Assembly to the nomination or to the seat for which he may have been returned as elected, or contesting the right of a candidate for representative in Congress to the nomination, shall have authority to subpoena and to compel the attendance of any officer of the primary or election complained of, and of any person capable of testifying concerning the same, and also to compel the production of all books, papers, tally lists, ballots, ballot boxes, voting machines and all documents which may be required at such hearing, in like manner, and to the same extent as in other cases litigated before such court; to take testimony and to proceed without delay, postponing for

the purpose, if necessary, all other business, to the hearing and determination of such contest.

Section 1745. Decision of Court.—After the hearing as aforesaid, the court shall, without delay, decide which of the candidates voted for received the greatest number of legal votes and is entitled to the nomination or election.

Section 1746. Return of Result to Proper House.—In the case of contested elections of senator and representative in the General Assembly, the Secretary of the Commonwealth shall, on the day of the meeting of the next General Assembly, or if in session, then immediately upon its reception, deliver to the presiding officer of the proper house the certified copy of the decision of the court aforesaid.

Section 1747. Appeal to Proper House; Requirements.—Any claimant to a seat in either branch of the General Assembly, who shall feel aggrieved by the decision of the court in his case, may present his petition to the proper house within ten days after the meeting of the General Assembly, or within ten days after the decision shall have been made in his case, if the General Assembly shall then be in session, setting forth his claim, which petition shall have appended thereto the affidavit of the petitioner, setting forth that he believes that he was duly elected to the seat, and that the statements set forth in his petition are just and true, to the best of his knowledge and belief.

Section 1748. Action on Appeal Petition.—Such petition, when presented, shall be referred to a standing committee on election, which committee shall proceed to hear the claims of the contestant and respondent, and report the facts and a resolution expressing the decision of the committee, for the consideration of the house; and the vote of the proper house on the claims of the contestant and respondent shall be final.

Section 1749. Vote on Petition.—No resolution deciding such question shall be adopted, unless it shall receive the votes of a majority of all the members elected to the house considering the same.

(g) Contested Nominations and Elections of the Fifth Class

Section 1751. Jurisdiction.—Cases of the fifth class shall be tried and determined upon petition of twenty registered electors, as hereinafter provided, by the court of common pleas of the county in which such contested election was held.

(h) General Provisions Relating to Contested Nominations and Elections

Section 1756. Petition; Time of Filing; Amendment.—The commencement of proceedings in the case of con-

tests of the second, third, fourth and fifth classes shall be by petition, which shall be made and filed, as herein required, within twenty days after the day of the primary or election, as the case may be. The petition shall concisely set forth the cause of complaint, showing wherein it is claimed that the primary or election is illegal, and after filing may be amended with leave of court, so as to include additional specifications of complaint. After any such amendment, a reasonable time shall be given to the other party to answer.

Section 1757. Petitioners and Affidavits; Requirements.—In each of the aforesaid second, third, fourth and fifth classes, the petitioners shall be registered electors who voted at the primary or election so contested. In cases of the third class, each petition shall be verified by the affidavits of at least ten of the petitioners; in the second, fourth and fifth classes, by the affidavit of at least five of the petitioners. Such affidavits shall be taken and subscribed before some person authorized by law to administer oaths, and shall set forth that they believe the facts stated therein are true, that according to the best of their knowledge and belief, the primary or election was illegal and the return thereof not correct, and that the petition to contest the same is made in good faith.

Section 1758. Presentation of Petition.—The petition shall be presented to the court or law judge having jurisdiction, except where otherwise provided in this article, and if it shall set out a prima facie case, it shall be filed of record in the proper court, and thereupon a time shall be fixed for hearing.

Section 1759. Bond by Petitioners.—Whenever a petition to contest nomination or contest election of any class, shall be presented to the General Assembly or to the court, it shall be the duty of said petitioners, within five days thereafter, to file a bond, signed by at least five of the said petitioners in such sum as the presiding officer of the Senate or said court, or any judge thereof during vacation, shall designate, with two or more individual sureties or a corporate surety to be approved by the said officer or court or judge, conditioned for the payment of all costs which may accrue in said contested nomination or election proceeding, in case the said petitioners by decree shall be adjudged liable to pay said costs, and if the said bond shall not be filed, as herein provided, the said petition to contest the nomination or election shall be dismissed.

Section 1760. Notice of Hearing.—Notice of the filing of the petition, with a copy thereof, shall be served upon the person whose nomination or right of office shall be contested, together with a rule to answer at the time fixed for hearing, which notice, copy and rule shall be

served such length of time before the day fixed for hearing as the said court or judge shall require, not exceeding seven days in cases of contested nominations at primaries preceding municipal elections, and not exceeding thirty days in all other cases.

Section 1761. Disqualification of Judge.—No judge shall sit on the trial of a case in which he shall be a party.

Section 1762. Substitute Judges.—In any case where, by reason of incompetency or any disability to act, there shall be no law judge of the judicial district in which any contest shall arise, present and able, as well as qualified to act, the judge, learned in the law, residing nearest the courthouse of the county in which, by the provisions of this article, the trial in any such case is required to be had, except in cases otherwise provided in this article, shall preside on the contest, and shall have and exercise all the powers and authority and discharge all the duties granted to or imposed upon the regular judges of the said courts in cases wherein they are qualified and required to act by the provisions of this article.

Section 1763. Certain Associate Judges Not Essential.—Any law judge who is hereby authorized to preside in any such case, and any president or other judge, learned in the law, of the proper court, shall have full power to hold any of the said courts by this article required to try any contested election case, without the assistance of the associate judges, not learned in the law, or either of them, of such courts.

Section 1764. Powers of Court. — All of the said courts and judges hereby required to try any contested election case shall have plenary power to make, issue and enforce all necessary orders, rules, process and decrees, for a full and proper understanding and final determination and enforcement of the decision of every such case, according to the course of practice in similar cases under the laws of this Commonwealth, or which may be necessary and proper to carry out the provisions of this article.

Section 1765. Power of Court; Witnesses; Records.—The proper court or judge shall have power to compel the attendance of any election officer or other person as a witness, and may also compel the production of all ballots, boxes, voting machines, books, papers, tally lists, returns of election, other documentary or record evidence, at discretion, for use at the trial, and may issue subpoenas and attachments for these purposes as in other proceedings in the courts of this Commonwealth, and all such books, papers, documents, ballots, boxes, voting machines and records, shall be returned to the proper custody.

Section 1766. Conduct of Hearings; Certified Records; Examiners.—Certified copies of all election papers, registers of voters, and records, duly authenticated by the person having custody thereof, shall be competent evidence and prima facie proof of their contents; but the party against whom the same shall be produced shall have the right to compel the attendance of the person who certified them for cross-examination. Examiners to take and report evidence may be appointed, and reasonable notice of the time and place of taking the same shall be prescribed by the court or judge and served upon the opposite party.

Section 1767. Witnesses; Duty to Testify. — In trials of contested nominations and elections, and in all proceedings for the investigation of primaries and elections, no person shall be permitted to withhold his testimony upon the ground that he may incriminate himself, or subject himself to public infamy, but such testimony shall not afterwards be used against him in any judicial proceedings, except for perjury in giving such testimony.

Section 1768. Witnesses and Officers; Fees. — Witnesses and officers shall be paid the same fees as are now or hereafter shall be fixed by law for similar services in the county in which the trial shall be held.

Section 1769. Costs of Contest if Without Probable Cause.—

(a) In contested nominations or elections of all classes, if the committee or court or judge shall decide that the complaint is without probable cause, the petitioners, and every one of them, shall be jointly and severally liable for all the costs, and the same may be collected as debts of like amount are by law collectible.

Section 1770. Costs of Contest if For Probable Cause.—

(a) In contested nominations or elections of electors of President and Vice-President, and State officers whose jurisdiction extends over the State, and Senators and Representatives of the United States and of this Commonwealth, in which the committee, or court or judge shall decide that the complaint is not without probable cause, the Commonwealth shall be liable for all costs. The said committee or court shall certify to the Auditor General a bill of such costs, which shall be adjusted and settled in the usual manner, and paid out of moneys appropriated for that purpose.

(b) Whenever, in contested nominations or elections of judges of courts of record, and of county, city, borough, township, ward, school district or poor district officers, the contestant or contestants establish his or their right to the nomination or office, or, if they fail to establish their rights, but the court or judge shall

decide that the complaint was not without probable cause, the court or judge shall apportion all the costs among the proper districts, counties, cities, boroughs, townships, wards, school districts or poor districts, of the whole district in which contest is had, in such way as said court or judge shall think just, and shall compel by order, the payment of such amounts so apportioned to each, by the properly constituted authorities of each of the proper districts, counties, cities, boroughs, townships, wards, school districts or poor districts, as the payment of debts by the same can now be enforced.

Section 1771. Court or Committee May Limit Time for Taking Testimony.—In all contested nomination and election cases, the committee or court may, in its discretion, limit the time to be consumed in taking testimony, dividing said time equitably among all parties concerned, with a view therein to the circumstances of the matter and the proximity of the next succeeding election.

Section 1772. Nominations or Elections Declared Invalid; Filling of Vacancies.—Whenever in any contested nomination or election, the tribunal trying the case shall decide that the ballots or ballot labels used in one or more election districts, by reason of the omission, addition, misplacing, misspelling or misstatement of one or more titles of office, or names of candidates, or parties or bodies represented by them, were so defective as to the office in contest as to be calculated to mislead the voters in regard to any of the candidates nominated or seeking nomination for said office, and that the defective condition of the said ballots or ballot labels may have affected the result of the entire primary or election for said office, the said tribunal shall declare the primary or election to be invalid as regards the said office, and in the case of elections shall report their decision, in cases where vacancies in such offices are filled by appointment, to the proper officer or officers who are by law authorized to fill vacancies occurring in such office, who, upon receipt of such notice, shall, without delay, proceed to appoint a suitable person or persons to fill the vacancies thus created, and the person or persons so appointed shall continue in office until the next election succeeding his appointment at which such office is by law required to be filled. All other vacancies so created shall be filled in such manner as now or hereafter may be provided by law, and all vacancies in nominations so created shall be filled in the manner provided by section 979 of this act.

Section 1773. Specific Findings by Trial Court.—It is hereby made the duty of the judges in the court of

common pleas trying an election contest to, first, find separately and explicitly the facts deemed by them material to the decision, and also such other facts as any party to the contest may request them in writing to ascertain; and second, to answer such points of law as may be submitted to them.

Section 1774. Certified Copy of Order of Court to Be Forwarded to Secretary of the Commonwealth and County Boards.—Immediately upon the entry of any order or decree of court deciding any contested nomination or election, it shall be the duty of the prothonotary of said court to transmit immediately to the Secretary of the Commonwealth and to the proper county board a certified copy of said order or decree.

Section 1775. Appeal in Judicial Contests When Constitutional Questions Involved.—When the nomination or election of a judge of the Supreme or Superior Court or of a judge of any subordinate court of record, required to be learned in the law, shall be contested, if the trial and determination of such contest shall involve the true construction of any provision of the Constitution, or if the decision shall depend on any question arising upon the Constitution, an appeal shall lie from the decision of the court or judges empowered to try such contested nomination or election, to the Supreme Court.

Section 1776. When and by Whom Appeal Taken; Filing; Time and Place of Hearing.—Such appeal may be taken by any person whose right to the nomination or office was tried and determined, or by any person aggrieved by the decision, within ten days after the decision of the judges shall have been entered of record to the case in the court of common pleas. The appeal shall be filed in the prothonotary's office of the proper district, but may be heard by the said Supreme Court in any district; and it shall be the duty of said court to hear and decide the same without delay.

Section 1777. Decision of Supreme Court to Be Certified to Secretary of the Commonwealth.—The said Supreme Court, having decided the constitutional question involved in such nomination or election contest, shall thereupon proceed to decide and declare which of the candidates voted for received the greatest number of legal votes and is entitled to the nomination or office, and shall cause their decision to be certified to the Secretary of the Commonwealth, whereupon, the person who, by the decision of the said Supreme Court, shall appear to have received the largest number of legal votes, shall be declared nominated or shall be declared entitled to the office, and be commissioned accordingly.

ARTICLE XVIII

Penalties

Section 1801. Disobeying Lawful Instructions. — Any person who wilfully disobeys any lawful instruction or order of any county board of elections, or who refuses to obey their subpoena 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 (\$500) dollars, or to undergo an imprisonment not exceeding one (1) year, or both, in the discretion of the court.

Section 1802. Perjury.—Any wilful false statement made under oath or affirmation or in writing, stating that it is so made, although such oath or affirmation may not have actually been made, by any person regarding any material matter or thing relating to any subject being investigated, heard, determined or acted upon by any county board of elections, or member thereof, or by any court or judge thereof, judge of election, inspector of election, or overseer, in accordance with the terms of this act, shall be perjury, and any person upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo an imprisonment of not less than three (3) months nor more than two (2) years, or both, in the discretion of the court.

Section 1803. Refusal to Permit Inspection of Papers; Destruction or Removal; Secretary of the Commonwealth. — Any Secretary of the Commonwealth, deputy, or employe of his office, who shall refuse to permit the public inspection or copying as authorized, except when in use in his office, by this act, of any return, nomination petition, certificate or paper, other petition, account, contract, report or any other document or record in his custody which, under the provisions of this act, is required to be open to public inspection; or who shall destroy or alter, or permit to be destroyed or altered, any such document or record during the period for which the same is required to be kept in his office; or who shall remove any such document or record from his office during said period, or permit the same to be removed, except pursuant to the direction of any competent court or any committee required to determine any contested primary or election, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than one (1) month nor more than two (2) years, or both, in the discretion of the court.

Section 1804. Refusal to Permit Inspection of Papers; Destruction or Removal; County Boards of Elections.—Any member, chief clerk or other employe of

any county board of elections, who shall refuse to permit the public inspection or copying, as authorized by this act, of any general or duplicate return sheet, tally paper, affidavit, nomination petition, certificate or paper, other petition, witness list, account, contract, report or any other document or record in the custody of such county board which, under the provisions of this act, is required to be open to public inspection; or who shall destroy or alter, or permit to be destroyed or altered, any such document or record during the period for which the same is required to be kept in the office of such county board; or who shall remove any such document or record from the office of such county board during said period, or permit the same to be removed, except pursuant to the direction of any competent court or any committee required to determine any contested primary or election, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than one (1) month nor more than two (2) years, or both, in the discretion of the court.

Section 1805. Insertion and Alteration of Entries in Documents; Removal; Refusal to Deliver.—Any member, chief clerk or employe of any county board of elections or judge, inspector or clerk of election, machine inspector, overseer, or other person, who knowingly inserts or knowingly permits to be inserted any fictitious name, false figure or other fraudulent entry on or in any registration card, district register, voter's certificate, list of voters, affidavit, tally paper, general or duplicate return sheet, statement, certificate, oath, voucher, account, ballot or other record or document authorized or required to be made, used, signed, returned or preserved for any public purpose in connection with any primary or election; or who materially alters or intentionally destroys any entry which has been lawfully made therein, except by order of the county board of elections or court of competent jurisdiction, or who takes or removes any such book, affidavit, return, account, ballot or other document or record from the custody of any person having lawful charge thereof, in order to prevent the same from being used or inspected or copied as required or permitted by this act, or who neglects or refuses, within the time and in the manner required by this act, to deliver the same into the custody of the officers who are required by this act to use or keep the same, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than one (1)

month or more than two (2) years, or both, in the discretion of the court.

Section 1806. Refusal to Permit Overseers, Watchers, Attorneys or Candidates to Act.—Any member of a county board of elections, judge of election or inspector of election who shall refuse to permit any overseer or watcher, attorney or candidate to be present, as authorized by this act, at any session of a county board, computation and canvassing of returns of any primary or election, recount of ballots or recanvass of voting machines, as authorized by this act, or at any polling place during the time the polls are open at any primary or election, and after the close of the polls during the time the ballots are counted or voting machine canvassed and until the returns of such primary or election have been made up and signed, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment not exceeding one (1) year, or both, in the discretion of the court.

Section 1807. Driving away Watchers, Attorneys, Candidates or Overseers.—Any person who by violence or intimidation shall threaten or drive away any watcher, attorney, candidate or overseer, or representative of the county board of elections, or of the Secretary of the Commonwealth, required or permitted to be present at any polling place, or who shall in any manner prevent any overseer, or representative of the county board of elections or of the Secretary of the Commonwealth from performing his duty under this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than one (1) month nor more than two (2) years, or both, in the discretion of the court.

Section 1808. Refusal to Permit Election Officers, Clerks and Machine Inspectors to Act; Driving away Said Persons.—Any person, including any election officer, who shall refuse to permit any election officer, clerk or machine inspector, duly elected or appointed and authorized to act, to perform the duties imposed on him or to act as permitted by this act; or who shall by violence or intimidation threaten or drive away, any such election officer, clerk or machine inspector or who shall, in any manner, prevent any such election officer, clerk or machine inspector from performing his rights and duties under this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than one (1)

month or more than two (2) years, or both, in the discretion of the court.

Section 1809. Refusal to Administer Oath; Acting Without Being Sworn.—If any judge of election or minority inspector of election refuses or fails to administer the oath to the officers of election, in the manner required by this act, or if any judge of election, inspector of election, clerk of election, or machine inspector, shall act without being first duly sworn, or if any such person shall sign the written form of oath without being duly sworn, or if any judge of election or minority inspector of election or any other person authorized to administer oaths shall certify that any such person was sworn when he was not, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred (\$100) dollars, or to undergo an imprisonment not exceeding six (6) months, or both, in the discretion of the court.

Section 1810. Violation of Oath of Office by Election Officers.—Any judge of election, inspector of election, clerk of election, or machine inspector who shall wilfully violate any of the provisions of his oath of office, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment not exceeding one (1) year, or both, in the discretion of the court.

Section 1811. Peace Officers; Failure to Render Assistance; Hindering or Delaying County Board Members and Others.—Any sheriff, deputy sheriff, constable, deputy constable, police or other peace officer, who shall fail upon demand of any member of a county board of elections, judge or inspector of election, or overseer to render such aid and assistance to him as he shall request in the maintenance of peace and in the making of arrests, as herein provided, or who shall wilfully hinder or delay or attempt to hinder or delay any member of a county board, judge or inspector of election, or overseer in the performance of any duty under this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo an imprisonment of not less than three (3) months nor more than two (2) years, or both, in the discretion of the court.

Section 1812. Nomination Petitions and Papers; Offenses by Signers.—If any person shall knowingly and wilfully sign any nomination petition or nomination paper, without having the qualifications prescribed by this act, or if any person shall set opposite a signature on a nomination petition or paper, a date other than the actual date such signature was affixed thereto, or if

any person shall set opposite the signature on a nomination petition or nomination paper, a false statement of the signer's place of residence or occupation, or if any person shall sign more nomination petitions or nomination papers than permitted by the provisions of this act, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred (\$100) dollars, or to undergo an imprisonment of not less than three (3) months nor more than two (2) years, or both, at the discretion of the court.

Section 1813. False Signatures and Statements in Nomination Petitions and Papers.—If any person shall knowingly make a false statement in any affidavit required by the provisions of this act, to be appended to or to accompany a nomination petition or a nomination paper, or if any person shall fraudulently sign any name not his own to any nomination petition or nomination paper, or if any person shall fraudulently alter any nomination petition or nomination paper without the consent of the signers, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1814. Nomination Petitions; Certificates and Papers; Destruction; Fraudulent Filing; Suppression.—Any person who shall falsely make any nomination certificate or who shall wilfully deface or destroy any nomination petition, nomination certificate or nomination paper, or any part thereof, or any letter of withdrawal, or who shall file any nomination petition, nomination certificate or nomination paper or letter of withdrawal knowing the same, or any part thereof, to be falsely made, or who shall suppress any nomination petition, nomination certificate or nomination paper, or any part thereof, which has been duly filed, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1815. Offenses by Printers of Ballots.—Any printer employed by any county board of elections to print any official ballots, or any person engaged in printing the same who shall appropriate to himself or give or deliver or knowingly permit to be taken any of said ballots by any other person than such county board of election or their duly authorized agent, or who shall wilfully print or cause to be printed any official ballot in any form other than that prescribed by such county board or with any other names or printing, or with the

names spelled otherwise than as directed by them or the names or printing thereon arranged in any other way than that authorized and directed by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than six (6) months nor more than five (5) years, or both, in the discretion of the court.

Section 1816. Unlawful Possession of Ballots; Counterfeiting Ballots.—Any person other than an officer charged by law with the care of ballots, or a person entrusted by any such officer with the care of the same for a purpose required by law, who shall have in his possession outside the polling place any official ballot, or any person who shall make or have in his possession any counterfeit of an official ballot, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than three (3) months nor more than one (1) year, or both, in the discretion of the court.

Section 1817. Forging and Destroying Ballots.—Any person who shall forge or falsely make the official endorsement on any ballot or wilfully destroy or deface any ballot or wilfully delay the delivery of any ballots, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than three (3) months nor more than two (2) years, or both, in the discretion of the court.

Section 1818. Tampering with Voting Machines.—Any election officer or other person who shall unlawfully open or who shall tamper with or injure or attempt to injure any voting machine to be used or being used at any primary or election, or who shall prevent or attempt to prevent the correct operation of such machine, or any unauthorized person who shall make or have in his possession a key to a voting machine to be used or being used in any primary or election, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than six (6) months nor more than one year, or both, in the discretion of the court.

Section 1819. Destroying, Defacing or Removing Notices, Et Cetera.—Any person who shall, prior to any primary or election, wilfully deface, remove or destroy any notice or list of candidates posted in accordance with the provisions of this act, or who, during any primary or election, shall wilfully deface, tear down, remove or destroy any card of instructions, notice of

penalties, specimen ballot or diagram printed or posted for the instruction of electors, or who shall, during any primary or election, wilfully remove or destroy any of the supplies or conveniences furnished by the county board of elections to any polling place in order to enable electors to vote, or the election officers to perform their duties, or who shall wilfully hinder the voting of others, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred (\$100) dollars, or to undergo an imprisonment of not more than three (3) months, or both, in the discretion of the court.

Section 1820. Police Officers at Polling Places.—Any police officer in commission, whether in uniform or in citizen's clothes, who shall be within one hundred (100) feet of a polling place during the conduct of any primary or election, except in the exercise of his privilege of voting or for the purpose of serving warrants, or unless called upon to preserve the peace, as provided by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1821. Peace Officer; Failure to Quell Disturbances at Polls; Hindering or Delaying Election Officers and Others.—Any mayor, chief burgess, sheriff, deputy sheriff, constable, deputy constable, police officer or other peace officer who shall neglect or refuse to clear an avenue to the door of any polling place which is obstructed in such a way as to prevent electors from approaching, or who shall neglect or refuse to maintain order and quell any disturbance if such arises at any polling place upon the day of any primary or election, when called upon so to do by any election officer or any three qualified electors of the election district, or who shall wilfully hinder or delay, or attempt to hinder or delay, any judge, inspector or clerk of election, machine inspector or overseer in the performance of any duty under this act, shall be guilty of a misdemeanor in office, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1822. Constables; Failure to Perform Duties.—Any constable who shall neglect or refuse to perform the duties herein required of him shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo an imprisonment of not less than one (1) month nor more than one (1) year, or both, in the discretion of the court.

Section 1823. Election Officers Permitting Unregistered Electors to Vote; Challenges; Refusing to Permit Qualified Electors to Vote.—Any judge or inspector of election who permits any person to vote at any primary or election who is not registered in accordance with law, except a person in actual military service or a person as to whom a court of competent jurisdiction has ordered that he shall be permitted to vote, or who permits any registered elector to vote knowing that such registered elector is not qualified to vote, whether or not such person has been challenged, or who permits any person who has been lawfully challenged to vote at any primary or election without requiring the proof of the right of such person to vote which is required by law, or who refuses to permit any duly registered and qualified elector to vote at any primary or election, with the knowledge that such elector is entitled to vote, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, and to undergo an imprisonment of not less than three (3) months nor more than five (5) years, or both.

Section 1824. Election Officers Refusing to Permit Elector to Vote in Proper Party at Primaries.—Any judge, inspector or clerk of election who refuses to permit an elector at any primary at which ballots are used to receive the ballot of the party with which he is enrolled, or who gives to any such elector the ballot of any party in which he is not enrolled, or any judge, or inspector of election, or machine inspector who, at any primary at which voting machines are used, adjusts any voting machine about to be used by an elector so as not to permit him to vote for the candidates of the party in which he is enrolled, or so as to permit him to vote for the candidates of any party in which he is not enrolled, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than one (1) month nor more than two (2) years, or both, in the discretion of the court.

Section 1825. Frauds by Election Officers. — Any judge, inspector or clerk of election or machine inspector who shall be guilty of any wilful fraud in the conduct of his duties at a primary or election, and any person who shall make a false return of the votes cast at any primary or election, or who shall deposit fraudulent ballots in the ballot box or certify as correct a return of ballots in the ballot box which he knows to be fraudulent, or who shall register fraudulent votes upon any voting machine or certify as correct a return of votes cast upon any voting machine which he knows to

be fraudulently registered thereon, or who shall make any false entries in the district register, or who shall fail to insert in the voting check list the voter's certificate of any elector actually voting at any primary or election, or who shall fail to record voting information as required herein, or who shall fail to insert in the numbered lists of voters the name of any person actually voting, or who shall wilfully destroy or alter any ballot, voter's certificate, or registration card contained in any district register, or who shall wilfully tamper with any voting machine, or who shall prepare or insert in the voting check list any false voter's certificates not prepared by or for an elector actually voting at such primary or election, for the purpose of concealing the destruction or removal of any voter's certificate, or for the purpose of concealing the deposit of fraudulent ballots in the ballot box, or the registering of fraudulent votes upon any voting machine or of aiding in the perpetration of any such fraud, or who shall fail to return to the county board of election following any primary or election any keys of a voting machine, ballot box, general or duplicate return sheet, tally paper, oaths of election officers, affidavits of electors and others, record of assisted voters, numbered list of voters, district register, voting check list, unused, spoiled and cancelled ballots, ballots deposited, written or affixed in or upon a voting machine, or any certificate, or any other paper or record required to be returned under the provisions of this act; or who shall conspire with others to commit any of the offenses herein mentioned, or in any manner to prevent a free and fair primary or election, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than six (6) months nor more than five (5) years, or both, in the discretion of the court.

Section 1826. Prying into Ballots.—Any judge, inspector or clerk of election, or other person, who, before any ballot is deposited in the ballot box as provided by this act, shall unfold, open or pry into any such ballot, with the intent to discover the manner in which the same has been marked, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1827. Interference with Primaries and Elections; Frauds; Conspiracy.—If any person shall prevent or attempt to prevent any election officers from holding any primary or election, under the provisions of this act, or shall use or threaten any violence to any

such officer; or shall interrupt or improperly interfere with him in the execution of his duty; or shall block up or attempt to block up the avenue to the door of any polling place; or shall use or practice any intimidation, threats, force or violence with design to influence unduly or overawe any elector, or to prevent him from voting or restrain his freedom of choice; or shall prepare or present to any election officer a fraudulent voter's certificate not signed in the polling place by the elector whose certificate it purports to be; or shall deposit fraudulent ballots in the ballot box; or shall register fraudulent votes upon any voting machine; or shall tamper with any district register, voting check list, numbered lists of voters, ballot box or voting machine; or shall conspire with others to commit any of the offenses herein mentioned, or in any manner to prevent a free and fair primary or election, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than six (6) months nor more than five (5) years, or both, in the discretion of the court.

Section 1828. Persons Interfering in Other Districts.—Any person who shall on the day of any primary or election visit any polling place at which he is not entitled to vote and at which he is not entitled to be present under any provision of this act, and shall use any intimidation or violence for the purpose of preventing any election officer from performing the duties required of him by this act, or for the purpose of preventing any qualified elector from exercising his right to vote or from exercising his right to challenge any person offering to vote, or for the purpose of influencing the vote of any elector, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than five (5) years, or both, in the discretion of the court.

Section 1829. Assault and Battery at Polls. — Any person who shall unlawfully strike, wound or commit an assault and battery upon the person of any elector at or near the polling place during the time of any primary or election, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than three (3) months nor more than two (2) years, or both, in the discretion of the court.

Section 1830. Unlawful Assistance in Voting.—Any elector at any primary or election who shall allow his ballot or the face of the voting machine voted by him to be seen by any person with the apparent intention

of letting it be known how he is about to vote; or in districts in which ballots are used, shall cast or attempt to cast any other than the official ballot which has been given to him by the proper election officer; or who, without having made the declaration under oath or affirmation required by section 1218 of this act, or when the disability which he declared before any registration commission no longer exists, shall permit another to accompany him into the voting compartment or voting machine booth, or to mark his ballot or prepare the voting machine for voting by him; or who shall mark his ballot or prepare the voting machine for voting while another is unlawfully present in the voting machine compartment or voting machine booth with him; or who shall state falsely to any election officer that because of illiteracy he is unable to read the names on the ballot or ballot labels or that by reason of physical disability he cannot see or mark the ballot or enter the voting compartment without assistance or that he cannot see or operate the voting machine or enter the voting machine booth without assistance; or who shall state, as his reason for requiring assistance, a disability from which he does not suffer; or any person who shall go into the voting compartment or voting machine booth with another while voting or be present therein while another is voting, or mark the ballot of another or prepare the voting machine for voting with another, except in strict accordance with the provisions of this act; or any person who shall interfere with any elector when inside the enclosed space or when marking his ballot, or preparing the voting machine for voting, or who shall endeavor to induce any elector before depositing his ballot to show how he marks or has marked his ballot; or any person giving assistance who shall attempt to influence the vote of the elector whom he is assisting or who shall mark a ballot or prepare a voting machine for voting in any other way than that requested by the voter whom he is assisting, or who shall disclose to anyone the contents of any ballot which has been marked or any voting machine which has been prepared for voting with his assistance, except when required to do so in any legal proceeding, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1831. Election Officers Permitting Unlawful Assistance. — Any election officer who shall permit a voter to be accompanied by another into the voting compartment or voting machine booth when the registration card of such person contains no declaration that

such person requires assistance, or when such person has not made, under oath or affirmation, the statement required by section 1218 of this act, or when such election officer knows that the disability which the elector declared before any registration commission no longer exists, or who shall permit any person to accompany an elector into the voting compartment or voting machine booth, except as provided by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1832. Failure to Keep and Return Record of Assisted Voters.—Any judge of election who shall fail to record, as required by section 1218 (c) of this act, the name of each elector who received assistance or who is accompanied by another into the voting compartment or voting machine booth; or who shall insert in the record of assisted voters the name of any elector who does not receive assistance or is not accompanied by another into the voting compartment or voting machine booth; or who shall fail to record the exact disability of any assisted elector which makes the assistance necessary, or shall record in respect of any assisted elector a disability, other than that stated by the elector; or who shall fail to record the name of each person rendering assistance to an elector as prescribed by this act; or who shall knowingly record as the name of such person giving assistance a name which is not the name of such person; or who shall fail or neglect to return the record of assisted voters to the county board of elections as required by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than two (2) months nor more than two (2) years, or both, in the discretion of the court.

Section 1833. Unlawful Voting.—Any person who votes or attempts to vote at any primary or election, knowing that he does not possess all the qualifications of an elector at such primary or election, as set forth in this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1834. Elector Voting Ballot of Wrong Party at Primary.—Any elector who shall wilfully vote at any primary the ballot of a party in which he is not enrolled, in violation of the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction there-

of, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1835. Repeat Voting at Elections.—If any person shall vote in more than one election district, or otherwise fraudulently vote more than once at the same primary or election, or shall vote a ballot other than the ballot issued to him by the election officers, or shall advise or procure another so to do, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than three (3) months nor more than five (5) years, or both, in the discretion of the court.

Section 1836. Removing Ballots.—Any person removing any ballot from any book of official ballots, except in the manner provided by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1837. Commissioners to Take Soldiers' Votes.—Any commissioner appointed by or under the provisions of Article XIII of this act who shall knowingly violate his duty or knowingly omit or fail to do his duty thereunder or violate any part of his oath, shall be guilty of perjury, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1838. Fraudulent Voting by Soldiers.—Any person who shall vote or attempt to vote at any election by electors in military service under the provisions of Article XIII of this act, not being qualified to vote at such election, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1839. Bribery at Elections.—Any person who shall, directly or indirectly, give or promise or offer to give any gift or reward in money, goods or other valuable thing to any person, with intent to induce him to vote or refrain from voting for any particular candidate or candidates or for or against any constitutional amendment or other question at any primary or election; or who shall, directly or indirectly, procure for or offer or promise to procure for such person any such gift or reward with the intent aforesaid; or, who with

the intent to influence or intimidate such person to give his vote or to refrain from giving his vote for any particular candidate or candidates or for or against any constitutional amendment or other question at any primary or election, shall give to or obtain for or assist in obtaining for or offer or promise to give to or obtain for or assist in obtaining for such person any office, place, appointment or employment, public or private, or threaten such person with dismissal or discharge from any office, place, appointment or employment, public or private, then held by him, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo an imprisonment of not more than three (3) years, or both, in the discretion of the court.

Section 1840. Receipts and Disbursements of Primary and Election Expenses by Persons Other Than Candidates and Treasurers.—Any member of a political committee who shall receive or disburse any money or incur any liability for primary or election expenses, except through the treasurer of such political committee, and any person not a candidate or member of a political committee who shall receive or disburse any money or incur any liability for primary or election expenses, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than one (1) month nor more than two (2) years, or both, in the discretion of the court.

Section 1841. Receipts and Disbursements of Primary and Election Expenses by Unauthorized Persons.—Any treasurer or other member of any political committee who receives or disburses money or incurs any liability for the primary or election expenses of any candidate without being authorized to do so under the provisions of section 1603 of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than one (1) month nor more than two (2) years, or both, in the discretion of the court.

Section 1842. Contributions and Disbursements Made in Unauthorized Manner.—Any person who shall make any contribution for primary or election expenses in violation of the provisions of sections 1604 and 1605 of this act or any candidate, treasurer of a political committee or other person who shall pay any primary or election expenses in violation of the provisions of sections 1604 and 1605 of this act or any candidate, treasurer of a political committee or other person who shall pay any primary or election expenses in any manner

not authorized by section 1604 of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than one (1) month nor more than two (2) years, or both, in the discretion of the court.

Section 1843. Contributions by Corporations.—Any corporation which shall pay, give or lend or agree to pay, give or lend any money belonging to such corporation or in its custody or control, in violation of the provisions of section 1605 of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than five hundred (\$500) dollars nor more than five thousand (\$5,000) dollars. Any director, officer, agent or employe of any corporation who shall on behalf of such corporation pay, give or lend or authorize to be paid, given or lent any money belonging to such corporation or in its custody or control in violation of the provisions of section 1605 of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than one (1) month nor more than two (2) years, or both, in the discretion of the court.

Section 1844. Unlawful Primary and Election Expenses.—Any person who shall pay or incur any primary or election expenses not expressly authorized by the provisions of Article XVI of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than one (1) month nor more than two (2) years, or both, in the discretion of the court.

Section 1845. Failure to File Expense Account.—Any candidate or treasurer of a political committee or person acting as such treasurer who shall fail to file an account of primary or election expenses, as required by section 1607 of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than one (1) month nor more than two (2) years, or both, in the discretion of the court.

Section 1846. Anonymous Publication; Libel.—Any person who writes, prints, posts or distributes, or causes to be written, printed, posted or distributed, a circular or poster, cartoon or other written or printed paper which is designed or tends to injure or defeat any candidate for nomination or election to public office, by reflecting on his personal character or political actions, unless the same shall be published in a newspaper

avowedly responsible therefor, or unless there appears on such circular, poster, cartoon or paper, in a conspicuous place, either the names of the chairman and secretary, or at least the names of at least two officers of the political or other organization issuing the same, or the name of some duly registered elector with description of his election district, as responsible therefor, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo an imprisonment of not more than six (6) months, or both, in the discretion of the court, and if the statements are untrue, the person so offending shall also be guilty of libel and subject to criminal prosecution and civil action therefor.

Section 1847. Prohibiting Duress and Intimidation of Voters and Interference with the Free Exercise of the Elective Franchise.—Any person or corporation who, directly or indirectly—(a) uses or threatens to use any force, violence or restraint, or inflicts or threatens to inflict any injury, damage, harm or loss, or in any other manner practices intimidation or coercion upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election, or to vote or refrain from voting for or against any particular person, or for or against any question submitted to voters at such election, or to place or cause to be placed or refrain from placing or causing to be placed his name upon a register of voters, or on account of such person having voted or refrained from voting at such election, or having voted or refrained from voting for or against any particular person or persons or for or against any question submitted to voters at such election, or having registered or refrained from registering as a voter; or (b) by abduction, duress or coercion, or any forcible or fraudulent device or contrivance, whatever, impedes, prevents, or otherwise interferes with the free exercise of the elective franchise by any voter, or compels, induces, or prevails upon any voter to give or refrain from giving his vote for or against any particular person at any election; or (c) being an employer, pays his employes the salary or wages due in “pay envelopes” upon which or in which there is written or printed any political motto, device, statement or argument containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employes, or within ninety days of any election or primary puts or otherwise exhibits in the establishment or place where his employes are engaged in labor, any handbill or placard containing any threat, notice, or information that if any particular ticket or candidate is elected or defeated work in his place or establishment will cease, in whole or in part, his establishment be closed up, or the wages

of his employes reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his employes, shall be guilty of a misdemeanor. Any person or corporation, convicted of a violation of any of the provisions of this section, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or such person or the officers, directors or agents of such corporation responsible for the violation of this section, shall be sentenced to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1848. Failure to Perform Duty.—Any Secretary of the Commonwealth, member of a county board of elections, chief clerk, employe, overseer, judge of election, inspector of election, clerk of election, machine inspector or custodian or deputy custodian of voting machines on whom a duty is laid by this act who shall wilfully neglect or refuse to perform his duty, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than two (2) years, or both, in the discretion of the court.

Section 1849. Hindering or Delaying Performance of Duty.—Any person who intentionally interferes with, hinders or delays or attempts to interfere with, hinder or delay any other person in the performance of any act or duty authorized or imposed by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1850. Violation of Any Provision of Act.—Any person who shall violate any of the provisions of this act, for which a penalty is not herein specifically provided, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1851. Candidate Violating Act Disqualified from Holding Office.—Any person who shall, while a candidate for office, be guilty of bribery, fraud or willful violation of any provision of this act, shall be forever disqualified from holding said office or any other office of trust or profit in this Commonwealth.

Section 1852. Persons Convicted of Violating Act to Be Disfranchised for Four Years.—Any person convicted of the willful violation of any provision of this act shall, in addition to any of the penalties herein provided for, be deprived of the right of suffrage absolutely

for a term of four years from the date of his conviction, and it shall be the duty of the proper registration commission to cause one of its members at the request of the trial judge to produce in court at the time of sentence the district register containing the registration card of such convicted person, which registration card shall thereupon be forthwith cancelled in open court in the presence of the convicted person by a member of the registration commission, who shall promptly also cancel the registration card of such convicted person in the general register.

ARTICLE XIX

Repeals

Section 1901. The following acts and parts of acts of Assembly are hereby repealed as particularly set forth:

The act approved the twenty-fourth day of August, one thousand seven hundred and seventeen (Volume III. Statutes at Large, page one hundred thirty-eight), entitled "An act for the better regulating of elections of sheriffs, coroners and assessors," absolutely.

The act approved the eleventh day of March, one thousand seven hundred and fifty-two (Volume V. Statutes at Large, page one hundred fifty-nine), entitled "An act for preventing bribery and corruption in the election of sheriffs and coroners within this province," absolutely.

The act approved the fourth day of October, one thousand seven hundred and eighty-eight (Volume XIII. Statutes at Large, page one hundred forty), entitled "An act directing the time, places and manner of holding elections for representatives of this State in the Congress of the United States and for appointing electors on the part of this State for choosing a President and Vice-President of the United States," absolutely.

The act approved the twenty-ninth day of September, one thousand seven hundred and ninety-one (3 Smith's Laws, forty-five), entitled "An act to regulate the trials of contested elections," absolutely.

The act approved the sixth day of March, one thousand seven hundred and ninety-three (3 Smith's Laws, ninety-one), entitled "A supplement to the act, entitled 'An act to regulate the trials of contested elections,'" absolutely.

The act approved the second day of April, one thousand eight hundred and two (Pamphlet Laws, one hundred forty-five), entitled "An act to provide for the election of Representatives of the People of this State in the Congress of the United States," absolutely.

The act approved the twenty-first day of March, one

thousand eight hundred and eight (Pamphlet Laws, eighty-six), entitled "An act to fix the number of Senators from the State into districts, and determine the portion to be allotted to each, also to fix the number of Representatives for the city and the several counties of the Commonwealth, in pursuance of the provisions of the constitution," absolutely.

The act approved the twentieth day of March, one thousand eight hundred and twelve (Pamphlet Laws, one hundred twenty-seven), entitled "An act to provide for the election of representatives of the people of this state, in the congress of the United States," absolutely.

The act approved the eighth day of March, one thousand eight hundred and fifteen (Pamphlet Laws, ninety-three), entitled "An act to fix the number of Senators and Representatives, and form the state into districts, in pursuance of the provisions of the constitution," absolutely.

The act approved the twenty-fourth day of March, one thousand eight hundred and seventeen (Pamphlet Laws, two hundred four), entitled "An act to prevent the practice of wagering or betting on elections," absolutely.

The act approved the twenty-third day of March, one thousand eight hundred and eighteen (Pamphlet Laws, two hundred fifty-eight), entitled "A further supplement to an act, entitled 'An act to regulate the trials of contested elections' passed the twenty-ninth day of September, one thousand seven hundred and ninety-one," absolutely.

The act approved the twenty-fifth day of March, one thousand eight hundred and twenty-two (Pamphlet Laws, seventy-four), entitled "An act to fix the number of Senators and Representatives and form the State into districts, in pursuance of the provisions of the constitution," absolutely.

The act approved the twelfth day of January, one thousand eight hundred and twenty-four (Pamphlet Laws, five), entitled "A supplement to the act, entitled 'An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public moneys, and for other purposes,'" absolutely.

The act approved the nineteenth day of March, one thousand eight hundred and twenty-four (Pamphlet Laws, fifty-three), entitled "A supplement to the act, entitled 'An act to regulate the trial of contested elections,'" absolutely.

The act approved the tenth day of April, one thousand eight hundred and twenty-six (Pamphlet Laws,

three hundred ninety-eight), entitled "An act regulating election districts," absolutely.

The act approved the twentieth day of April, one thousand eight hundred and twenty-nine (Pamphlet Laws, two hundred twelve), entitled "An act to fix the number of Senators and Representatives and form the state into districts, in pursuance of the provisions of the constitution," absolutely.

The act approved the sixteenth day of June, one thousand eight hundred and thirty-six (Pamphlet Laws, seven hundred ninety-four), entitled "An act to fix the number of Senators and Representatives, and form the state into districts, in pursuance of the provisions of the constitution," absolutely.

The act approved the thirteenth day of December, one thousand eight hundred and thirty-six (Pamphlet Laws, one—1836-37), entitled "A supplement to an act, entitled 'An act to prescribe the times, places, and manner of choosing Senators to represent this state in the Senate of the United States,' " absolutely.

Section two of the act, approved the twenty-first day of June, one thousand eight hundred and thirty-nine (Pamphlet Laws, three hundred seventy-six), entitled "An act providing for the election of Aldermen and Justices of the Peace," absolutely.

The act approved the second day of July, one thousand eight hundred and thirty-nine (Pamphlet Laws, five hundred nineteen), entitled "An act relating to the elections of this Commonwealth," absolutely.

Sections two, three, four, five and seven of the act, approved the second day of July, one thousand eight hundred and thirty-nine (Pamphlet Laws, five hundred fifty-nine), entitled "An act to provide for the election of Prothonotaries, Clerks, Recorders, and Registers," absolutely.

Sections one, twenty-seven, twenty-eight and twenty-nine of the act, approved the seventh day of March, one thousand eight hundred and forty (Pamphlet Laws, seventy-two), entitled "An act relative to the election of Borough and Township officers, and for other purposes," absolutely.

Section four of the act, approved the sixteenth day of April, one thousand eight hundred and forty (Pamphlet Laws, four hundred ten), entitled "An act relating to Executions, and for other purposes," absolutely.

Sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, fourteen and fifteen of the act, approved the sixteenth day of April, one thousand eight hundred and forty (Pamphlet Laws, six hundred eighty-three), entitled "A supplement to an act, entitled 'An act relating to the elections of this Commonwealth'

passed the second day of July, Anno Domini one thousand eight hundred and thirty-nine, and for other purposes," absolutely.

Sections three and four of the act, approved the thirteenth day of June, one thousand eight hundred and forty (Pamphlet Laws, six hundred eighty-nine), entitled "A further supplement to an act, entitled 'An act providing for the election of Aldermen and Justices of the Peace' passed twenty-first day of June, one thousand eight hundred and thirty-nine, and for other purposes," absolutely.

Section eighty-four of the act, approved the fourth day of March, one thousand eight hundred and forty-two (Pamphlet Laws, forty-three), entitled "An act regulating Election Districts and for other purposes," absolutely.

The act approved the twenty-fifth day of March, one thousand eight hundred and forty-three (Pamphlet Laws, one hundred fifteen), entitled "An act to divide the State into Congressional districts, for the election of Representatives in the Congress of the United States," absolutely.

The act approved the fourteenth day of April, one thousand eight hundred and forty-three (Pamphlet Laws, two hundred forty-seven), entitled "An act to fix the number of Senators and Representatives, and form the State into districts, in pursuance of the provisions of the Constitution," absolutely.

Sections two, three and four of the act, approved the eleventh day of April, one thousand eight hundred and forty-eight (Pamphlet Laws, five hundred twelve), entitled "A further supplement to an act, entitled 'An act relating to the elections in this Commonwealth,' " absolutely.

The act approved the fifteenth day of May, one thousand eight hundred and fifty (Pamphlet Laws, seven hundred seventy-seven), entitled "An act to fix the number of Senators and Representatives, and form the state into districts, in pursuance of the provisions of the constitution," absolutely.

Section nine of the act, approved the fifteenth day of April, one thousand eight hundred and fifty-one (Pamphlet Laws, six hundred forty-eight), entitled "An act to provide for the election of judges of the several courts of this Commonwealth, and to regulate certain judicial districts," absolutely.

Sections 3, 30, 31, 32, 34, 35 and 36 of the act, approved the second day of February, one thousand eight hundred and fifty-four (Pamphlet Laws, twenty-one), entitled "A further supplement to an act, entitled 'An act to incorporate the City of Philadelphia,' " absolutely.

The act approved the first day of May, one thousand eight hundred and fifty-two (Pamphlet Laws, four hundred ninety-two), entitled "An act to divide the State into Congressional districts for the election of Representatives in the Congress of the United States," absolutely.

The act approved the thirty-first day of March, one thousand eight hundred and fifty-four (Pamphlet Laws, two hundred fifty), entitled "An act relative to the payment of Constables for attending the General and Township Elections," absolutely.

The act approved the twentieth day of April, one thousand eight hundred and fifty-four (Pamphlet Laws, four hundred nineteen), entitled "An act in relation to establishing and changing the places for holding general elections throughout the Commonwealth," absolutely.

The act approved the sixteenth day of January, one thousand eight hundred and fifty-five (Pamphlet Laws, one), entitled "A supplement to an act, entitled 'An act relating to the Elections of this Commonwealth passed the second day of July, Anno Domini one thousand eight hundred and thirty-nine,'" absolutely.

The act approved the thirty-first day of January, one thousand eight hundred and fifty-five (Pamphlet Laws, five), entitled "A supplement to an act in relation to establishing and changing the places for holding General Elections throughout the Commonwealth, passed April twentieth, one thousand eight hundred and fifty-four," absolutely.

The act approved the twentieth day of May, one thousand eight hundred and fifty-seven (Pamphlet Laws, six hundred nineteen), entitled "An act to fix the number of Senators and Representatives, and to form the State into districts, in pursuance of the provisions of the Constitution," absolutely.

The act approved the eleventh day of April, one thousand eight hundred and fifty-nine (Pamphlet Laws, four hundred ninety-five), entitled "An act to provide for taking Testimony in cases of Contested Elections of Members of the General Assembly," absolutely.

Sections fifty and fifty-one of the act, approved the thirty-first day of March, one thousand eight hundred sixty (Pamphlet Laws, three hundred eighty-two), entitled "An act to Consolidate, Revise and Amend the Penal Laws of this Commonwealth," absolutely.

The act approved the second day of April, one thousand eight hundred and sixty (Pamphlet Laws, six hundred nine), entitled "An act relating to Township Elections," absolutely.

The act approved the first day of May, one thousand eight hundred and sixty-one (Pamphlet Laws, four hun-

dred seventy-one), entitled "An act to divide the state into Congressional Districts for the Election of Representatives in the Congress of the United States," absolutely.

The act approved the tenth day of April, one thousand eight hundred and sixty-two (Pamphlet Laws, four hundred five), entitled "An act to re-organize the Congressional Districts of Pennsylvania, in accordance with the act of Congress, approved March fourth, one thousand eight hundred and sixty-two," absolutely.

The act approved the sixteenth day of March, one thousand eight hundred and sixty-four (Pamphlet Laws, ten), entitled "An act providing for the election of a State Treasurer," absolutely.

The act approved the fifth day of May, one thousand eight hundred and sixty-four (Pamphlet Laws, two hundred fifty-eight), entitled "An act to fix the number of Senators, and Representatives, and to form the State into districts, in pursuance of the provisions of the Constitution," absolutely.

The act approved the twenty-fifth day of August, one thousand eight hundred and sixty-four (Pamphlet Laws, nine hundred ninety), entitled "An act to regulate elections by soldiers in actual military service," absolutely.

The act approved the twenty-fourth day of* August, one thousand eight hundred and sixty-four (Pamphlet Laws, ten hundred fourteen), entitled "A supplement to an act to fix the number of Senators and Representatives, and to form the State into districts, in pursuance of the provisions of the constitution, approved May fifth, one thousand eight hundred and sixty-four," absolutely.

The act approved the thirtieth day of March, one thousand eight hundred and sixty-six (Pamphlet Laws, ninety-two), entitled "An act regulating the mode of voting at all elections, in the several counties of this Commonwealth," absolutely.

The act approved the seventeenth day of April, one thousand eight hundred and sixty-six (Pamphlet Laws, one hundred seven), entitled "A supplement to an act, entitled 'An act regulating boroughs' approved the third day of April, Anno Domini one thousand eight hundred and fifty-one, to authorize courts to fix and change the places for holding general elections," absolutely.

The act approved the fourth day of June, one thousand eight hundred and sixty-six (Pamphlet Laws, eleven hundred seven), entitled "A further supplement to the election laws of this Commonwealth," absolutely.

The act approved the eleventh day of January, one thousand eight hundred and sixty-seven (Pamphlet

* "of" inserted.

Laws, eighteen), entitled "An act to define the time and regulate the manner of electing Senators, to represent this state in the Senate of the United States," absolutely.

The act approved the fifteenth day of April, one thousand eight hundred and sixty-seven (Pamphlet Laws, eighty-six), entitled "A supplement to an act, approved the seventeenth day of April, one thousand eight hundred and sixty-six, authorizing the courts to fix and change the places for holding general elections, in certain cases," absolutely.

Sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and thirty-eight of the act, approved the seventeenth day of April, one thousand eight hundred and sixty-nine (Pamphlet Laws, forty-nine), entitled "An act further supplemental to the act relative to the elections of this Commonwealth," absolutely.

Sections 1, 2, 3, 5, 6, 7, 8, 9, 10 of the act, approved the sixth day of April, one thousand eight hundred and seventy (Pamphlet Laws, fifty-three), entitled "A further supplement to the act relating to elections in this Commonwealth," absolutely.

The act approved the sixth day of May, one thousand eight hundred and seventy-one (Pamphlet Laws, two hundred fifty-two), entitled "An act to fix the number of senators and representatives and to form the state into districts, in pursuance of the provisions of the constitution," absolutely.

The act approved the eleventh day of May, one thousand eight hundred and seventy-one (Pamphlet Laws, two hundred fifty-nine), entitled "A supplement to an act, entitled 'An act to fix the number of senators and representatives and to form the state into districts, in pursuance of the Constitution,' which became a law on the sixth day of May, Anno Domini one thousand eight hundred and seventy-one," absolutely.

The act approved the twenty-first day of February, one thousand eight hundred and seventy-two (Pamphlet Laws, seventeen), entitled "An act entitled 'A further supplement to an act relating to the elections of this Commonwealth' approved July second, Anno Domini one thousand eight hundred and thirty-nine," absolutely.

The act approved the thirteenth day of March, one thousand eight hundred and seventy-two (Pamphlet Laws, twenty-four), entitled "An act to prevent the sale of intoxicating drinks on election day," absolutely.

The act approved the nineteenth day of March, one thousand eight hundred and seventy-two (Pamphlet Laws, thirty-two), entitled "An act supplementary to

an act relative to the election of auditor general, surveyor general and county surveyors by the people, approved the ninth day of April, Anno Domini one thousand eight hundred and fifty," absolutely.

The act approved the twenty-eighth day of April, one thousand eight hundred and seventy-three (Pamphlet Laws, seventy-nine), entitled "An act to re-organize the Congressional districts of Pennsylvania," absolutely.

The act approved the thirtieth day of January, one thousand eight hundred and seventy-four (Pamphlet Laws, thirty-one), entitled "A further supplement to the act regulating elections in this Commonwealth," absolutely.

The act approved the thirteenth day of February, one thousand eight hundred and seventy-four (Pamphlet Laws, forty-four), entitled "An act declaratory of and amending the act, entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January, Anno Domini one thousand eight hundred and seventy-four," absolutely.

The act approved the ninth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, fifty-four), entitled "An act designating the judicial districts of the Commonwealth, and providing for the appointment and election of judges therein, for issuing to additional judges learned in the law commissions as president judges, and manner of fixing the terms of courts therein," absolutely.

The act approved the eighteenth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, sixty-four), entitled "An act to define the necessary and proper expenses incident to the nomination and election of senators, representatives, state, judicial, municipal and county officers, and to authorize the payment thereof," absolutely.

The act approved the nineteenth day of May, one thousand eight hundred and seventy-four (Pamphlet Laws, two hundred eight), entitled "An act designating the several classes of contested elections in this Commonwealth, and providing for the trial thereof," absolutely.

The act approved the eighteenth day of March, one thousand eight hundred and seventy-five (Pamphlet Laws, twenty-nine), entitled "An act in relation to the payment of the costs and expenses of the division of election districts," absolutely.

The act approved the eighth day of May, one thousand eight hundred and seventy-six (Pamphlet Laws, one hundred thirty-six), entitled "An act authorizing the commissioners of the several counties of this Commonwealth to fix the compensation for light, rent and

fuel for election districts in their respective counties," absolutely.

The act approved the eighth day of May, one thousand eight hundred and seventy-six (Pamphlet Laws, one hundred forty-eight), entitled "A supplement to an act, entitled 'An act designating the several classes of contested elections in this Commonwealth and providing for the trial thereof' approved the nineteenth day of May, Anno Domini one thousand eight hundred and seventy-four, providing for the payment of the costs in contested elections of president or additional law judges, senators and members of the house of representatives and of county, borough, township or municipal officers when the court decides the complaint is not without probable cause," absolutely.

The act approved the eighteenth day of May, one thousand eight hundred and seventy-six (Pamphlet Laws, one hundred seventy-eight), entitled "An act to prescribe the manner by which the courts of quarter sessions may change the boundaries of election districts and townships," absolutely.

Section three of the act, approved the tenth day of May, one thousand eight hundred and seventy-eight (Pamphlet Laws, fifty-one), entitled "A supplement to an act, entitled 'An act to prescribe the manner in which the courts may divide boroughs into wards,' approved the fourteenth day of May, Anno Domini one thousand eight hundred and seventy-four," absolutely.

The act approved the twelfth day of June, one thousand eight hundred and seventy-eight (Pamphlet Laws, two hundred four), entitled "An act to provide for an appeal to the Supreme Court in contested elections of judges of courts of records, wherein constitutional questions are involved," absolutely.

The act approved the ninth day of May, one thousand eight hundred and seventy-nine (Pamphlet Laws, fifty-one), entitled "An act to provide for the receiving, opening and publishing of the returns of the election for state treasurer and of auditor general when elected at the same election," absolutely.

The act approved the eighth day of June, one thousand eight hundred and eighty-one (Pamphlet Laws, seventy), entitled "An act to prevent bribery and fraud at nominating elections, nominating conventions, returning boards, county or executive committees, and at election of delegates to nominating conventions, in the several counties in this Commonwealth," absolutely.

The act approved the twenty-ninth day of June, one thousand eight hundred and eighty-one (Pamphlet Laws, one hundred twenty-eight), entitled "An act to regulate the holding of, and to prevent frauds in, the

primary elections of the several political parties in the Commonwealth of Pennsylvania," absolutely.

The act approved the thirteenth day of June, one thousand eight hundred and eighty-three (Pamphlet Laws, ninety-two), entitled "An act for the better protection of the electors of this Commonwealth," absolutely.

The act approved the thirteenth day of June, one thousand eight hundred and eighty-three (Pamphlet Laws, ninety-six), entitled "An act to prohibit political parties, committees, or members thereof from assessing upon or demanding from public officials contributions for political purposes, in the several counties of this Commonwealth," absolutely.

The act approved the thirteenth day of June, one thousand eight hundred and eighty-three (Pamphlet Laws, one hundred twenty-four), entitled "An act to empower any judge of any court of common pleas, of any county in this Commonwealth, to fix the place of election in certain cases," absolutely.

The act approved the twenty-third day of June, one thousand eight hundred and eighty-five (Pamphlet Laws, one hundred forty-four), entitled "An act for the regulation of advertising of general elections," absolutely.

The act approved the twenty-fourth day of June, one thousand eight hundred and eighty-five (Pamphlet Laws, one hundred forty-nine), entitled "An act amendatory of an act, entitled 'An act to prescribe the manner by which the courts of quarter sessions may change the boundaries of election districts and townships,'" absolutely.

The act approved the nineteenth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws, one hundred twenty-six), entitled "An act to preserve the purity of elections by declaring drunkenness on the part of election officers and assessors of poll taxes to be a misdemeanor, and by requiring elections to be held in rooms in which liquor is not sold, so far as possible," absolutely.

The act approved the nineteenth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws, one hundred thirty-six), entitled "An act to organize and define the congressional districts of Pennsylvania," absolutely.

Section one of the act, approved the twenty-sixth day of April, one thousand eight hundred and eighty-nine (Pamphlet Laws, sixty), entitled "An act providing for the issuing of commissions in cases of contested election," absolutely.

The act approved the ninth day of May, one thousand eight hundred and eighty-nine (Pamphlet Laws,

one hundred sixty-two), entitled "An act to punish bribery at certain elections," absolutely.

The act approved the twenty-ninth day of May, one thousand eight hundred and ninety-one (Pamphlet Laws, one hundred thirty-four), entitled "An act to amend sections one, two and three of an act, entitled 'A further supplement of the act regulating elections in this Commonwealth' approved the thirtieth day of January, Anno Domini one thousand eight hundred and seventy-four, changing the time and manner of making the registry of voters and the duties of registry assessors," absolutely.

The act approved the eleventh day of June, one thousand eight hundred and ninety-one (Pamphlet Laws, two hundred ninety-six), entitled "An act to enable any township within this Commonwealth which surrounds or immediately adjoins any borough or city, within this Commonwealth, to hold all elections authorized by law within the corporate limits of such borough or city," absolutely.

The act approved the nineteenth day of June, one thousand eight hundred and ninety-one (Pamphlet Laws, three hundred forty-nine), entitled "An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties and certain other expenses to be paid by the Commonwealth, and punishing certain offenses in regard to such elections," absolutely.

The act approved the tenth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, thirty-six), entitled "An act relating to the naturalization of aliens and prohibiting the payment of the expenses connected therewith by officers and members of political organizations and by candidates," absolutely.

The act approved the eighteenth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, one hundred one), entitled "An act to amend section six of the act, entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January, one thousand eight hundred and seventy-four, extending the power of the several courts of common pleas of the Commonwealth to appoint election officers in certain cases," absolutely.

The act approved the eighteenth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, one hundred six), entitled "An act to empower the court of quarter sessions of any county of this Commonwealth to fix the place of holding the general election," absolutely.

The act approved the eighteenth day of April, one thousand eight hundred and ninety-three (Pamphlet

Laws, one hundred seven), entitled "An act providing that voters in this Commonwealth shall cast their ballots at polling places inside the election district in which they are domiciled and making it the duty of the courts of quarter sessions of the several counties to carry out the provisions of the same," absolutely.

The act approved the twenty-fourth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, one hundred twenty-nine), entitled "An act to amend the thirty-second section of an act, entitled 'An act relating to elections in this Commonwealth' approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine, providing for mileage for Presidential electors and increasing the contingent expenses of said electors," absolutely.

The act approved the sixth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, three hundred twenty-four), entitled "An act amending the eighty-fourth section of an act, entitled 'An act regulating election districts, and for other purposes' approved the fourth day of March, Anno Domini one thousand eight hundred and forty-two, providing for the appointment of judges and inspectors of elections in case of tie votes in elections for said judges and inspectors," absolutely.

The act approved the tenth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred nineteen), entitled "An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections," absolutely.

The act approved the twenty-fourth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, two hundred thirty-seven), entitled "An act regulating the pay of election officers at all elections hereafter to be held within this Commonwealth," absolutely.

The act approved the twenty-fifth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, two hundred ninety), entitled "An act to amend the tenth section of an act, entitled 'A supplement to an act, entitled 'An act relating to the elections of this Commonwealth'' passed the second day of July, Anno Domini one thousand eight hundred and thirty-nine, and for other purposes,' approved the thirteenth day of June, Anno Domini one thousand eight hundred and forty, providing for daily pay of judges for making returns of township elections," absolutely.

Sections two and three of the act, approved the twenty-fifth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, two hundred ninety-

six), entitled "An act requiring tax collectors of townships and boroughs of the Commonwealth to give a numbered tax receipt from a book to be furnished by the county commissioners containing a correspondingly numbered stub, and requiring a sheet setting forth name, amount of tax paid and number of receipt to be sent, twenty days before each election, to the county commissioners for public inspection, and to provide for punishment of tax collectors violating the provisions of this act," absolutely.

The act approved the twenty-sixth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, three hundred seventy-seven), entitled "An act to authorize the courts of quarter sessions to consolidate election districts in townships, boroughs and cities, and for the appointment of election officers, and the fixing of the place of elections therein," absolutely.

The act approved the twenty-sixth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, three hundred eighty-nine), entitled "An act punishing the printing, posting and distributing of any libelous circular or poster or other written or printed paper," absolutely.

The act approved the twenty-sixth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, three hundred ninety-two), entitled "An act to amend the tenth section of an act, entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections,' " absolutely.

The act approved the fourteenth day of April, one thousand eight hundred and ninety-seven (Pamphlet Laws, twenty-three), entitled "An act to amend section twenty-nine of an act, approved the tenth day of June, one thousand eight hundred and ninety-three, entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections,' providing for the filling of vacancies in contested elections where the tribunal trying the case shall declare the election to be invalid," absolutely.

The act approved the fifth day of May, one thousand eight hundred and ninety-seven (Pamphlet Laws, thirty-eight), entitled "An act to amend section six of the act, entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January, one thousand eight hundred and seventy-four, amended by the act, entitled 'An act to amend section six of the act, entitled "A further supplement to the act regulating elections in

this Commonwealth" approved the thirtieth day of January, one thousand eight hundred and seventy-four, extending the power of the several courts of common pleas of the Commonwealth to appoint election officers in certain cases' which amending act was approved the eighteenth day of May, one thousand eight hundred and ninety-three, providing for the filling of vacancies in the election boards heretofore or hereafter elected or appointed by the judges of the courts of common pleas of the proper county," absolutely.

The act approved the nineteenth day of May, one thousand eight hundred and ninety-seven (Pamphlet Laws, seventy-eight), entitled "An act amending the eighty-fourth section of an act, entitled 'An act regulating election districts, and for other purposes' approved the fourth day of March, Anno Domini one thousand eight hundred and forty-two, as amended by an act approved the sixth day of June, Anno Domini one thousand eight hundred and ninety-three, entitled 'An act amending the eighty-fourth section of an act, entitled "An act regulating election districts, and for other purposes" approved the fourth day of March, Anno Domini one thousand eight hundred and forty-two, providing for the appointment of judges and inspectors of elections in case of tie votes in the election of said judges and inspectors' by providing for a tie vote for either of said officers," absolutely.

The act approved the fifteenth day of June, one thousand eight hundred and ninety-seven (Pamphlet Laws, one hundred sixty-five), entitled "An act authorizing, empowering and directing the county commissioners of the several counties of this Commonwealth to pay to the constables of their respective counties, for the services rendered by such constables in making returns to court of elections, attending special, borough, township or ward elections, and traveling expenses incidental thereto, since the first day of January, Anno Domini one thousand eight hundred and ninety-six, in all cases where the same remain unpaid," absolutely.

The act approved the twenty-second day of June, one thousand eight hundred and ninety-seven (Pamphlet Laws, one hundred seventy-nine), entitled "An act to amend section two of an act, entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections' approved June ten, one thousand eight hundred and ninety-three, providing for certifying nominations in cases where there is no opposition to a candidate or candidates," absolutely.

The act approved the ninth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two

hundred twenty-three), entitled "An act to amend sections three, four, five, six, nine and fourteen of an act, entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections' approved the tenth day of June, Anno Domini one thousand eight hundred and ninety-three, by specifying how the names adopted by political bodies may be protected, fixing the time for filing certificates of nominations and nomination papers, limiting the number of times that names of candidates shall appear on the official ballot, and prescribing how the same shall be certified by the Secretary of the Commonwealth," absolutely.

The act approved the twelfth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred fifty-seven), entitled "An act to amend section one hundred and twenty of an act, entitled 'An act relating to elections of this Commonwealth' approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine, so as to increase the penalty for fraudulent and illegal voting, and aiding and abetting the same," absolutely.

The act approved the fourteenth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred sixty-one), entitled "An act to amend section one hundred and nineteen of an act, entitled 'An act relating to the elections in this Commonwealth' approved the second day of July, one thousand eight hundred and thirty-nine, so as to increase the penalty for fraudulent and illegal voting, and aiding and abetting the same," absolutely.

The act approved the fifteenth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred seventy-five), entitled "An act to prohibit assessments of and demands for contributions from the officers and employes of this Commonwealth, and of any county or city therein, and providing penalties therefor," absolutely.

The act approved the fifteenth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred seventy-six), entitled "An act to prohibit the payment of any occupation or poll tax assessed for State or county purposes of any elector, by any person other than the elector against whom such tax is assessed, except upon the written and signed order of such assessed elector, and prescribing penalties," absolutely.

The act approved the twenty-eighth day of April, one thousand eight hundred and ninety-nine (Pamphlet Laws, one hundred three), entitled "A further supple-

ment to an act designating the several classes of contested elections in this Commonwealth, and providing for the trial thereof, approved the nineteenth day of May, Anno Domini one thousand eight hundred and seventy-four, limiting the time within which testimony shall be taken in certain contested elections," absolutely.

The act approved the twenty-eighth day of April, one thousand eight hundred and ninety-nine (Pamphlet Laws, one hundred eighteen), entitled "An act to amend the ninth section of an act, entitled 'An act designating the several classes of contested elections in this Commonwealth, and providing for the trial thereof' approved the nineteenth day of May, Anno Domini one thousand eight hundred and seventy-four, providing that the costs in certain cases shall be placed on the petitioners," absolutely.

The act approved the twenty-eighth day of April, one thousand eight hundred and ninety-nine (Pamphlet Laws, one hundred twenty-seven), entitled "An act to amend section thirteen of an act, entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January, Anno Domini one thousand eight hundred and seventy-four, to provide for the computation of the returns of the election of any officer of a district composed of two or more counties, or parts of two or more counties, other than a Representative or Senator of the State Legislature, or a Representative in Congress, or a Judge of the Courts, by return judges to be appointed by the courts of the counties comprising such district," absolutely.

The act approved the sixth day of May, one thousand eight hundred and ninety-nine (Pamphlet Laws, two hundred fifty-four), entitled "An act to amend the tenth section of an act, entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January, Anno Domini one thousand eight hundred and seventy-four," absolutely.

The act approved the fourteenth day of April, one thousand nine hundred and three (Pamphlet Laws, one hundred eighty-seven), entitled "An act relating to change of polling-places, and authorizing the county commissioners to change the same," absolutely.

The act approved the sixteenth day of April, one thousand nine hundred and three (Pamphlet Laws, two hundred thirteen), entitled "An act amending section twenty-three of the act of June tenth, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred thirty), relating to watchers at elections, and providing that they must be residents of the district or division within which they act," absolutely.

An act approved the sixteenth day of April, one thousand nine hundred and three (Pamphlet Laws, two hundred seventeen), entitled "An act amending section seventy-four of an act 'Relating to the elections of this Commonwealth' approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine," absolutely.

An act approved the sixteenth day of April, one thousand nine hundred and three (Pamphlet Laws, two hundred twenty), entitled "An act amending an act, entitled 'An act regulating the pay of election officers at all elections hereafter held within this Commonwealth' approved the twenty-fourth day of June, Anno Domini one thousand eight hundred and ninety-five, and fixing the pay of elections officers," absolutely.

The act approved the twenty-first day of April, one thousand nine hundred and three (Pamphlet Laws, two hundred twenty-four), entitled "An act to amend section six of the act of July the ninth, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred twenty-three), by providing that, where objections to nomination certificate or paper are not sustained by any court, the petitioner shall be compelled to pay the costs," absolutely.

The act approved the twenty-ninth day of April, one thousand nine hundred and three (Pamphlet Laws, three hundred thirty-eight), entitled "An act to further amend the ninth and fourteenth sections of the act, entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections' approved the tenth day of June, eighteen hundred and ninety-three, as amended by an act approved the ninth day of July, one thousand eight hundred and ninety-seven, also to amend the twenty-second, twenty-seventh, twenty-eighth, and thirtieth sections of said act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections, approved the tenth day of June, eighteen hundred and ninety-three, by repealing the limit upon the number of times the names of candidates shall appear on the official ballot; by specifying the form, contents, and manner of printing, and counting of official ballots, and of making return of all votes, and of announcing the total vote; by directing the manner in which voters may designate their choice of candidates, and their votes upon constitutional amendments or other questions submitted for their votes; by prescribing the duties of voters, elections officers, police officers, con-

stables, deputy constables, and helpers; and prescribing forms of punishment for violations thereof," absolutely.

The act approved the fifth day of March, one thousand nine hundred and six (Pamphlet Laws, seventy-eight), entitled "An act to regulate nominations and election expenses, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this act," absolutely.

The act approved the sixth day of May, one thousand nine hundred and nine (Pamphlet Laws, four hundred twenty-five), entitled "An act to amend section thirteen of an act, entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January, Anno Domini one thousand eight hundred and seventy-four, as amended by the act of April twenty-eight, one thousand eight hundred and ninety-nine, so as to reduce from three to two the minimum number of judges to be designated in the counties of Philadelphia and Allegheny to receive, compute, and certify the election returns, required by said section to be presented by the prothonotary to the courts of common pleas, thus assimilating the practice of said counties to that in the other counties of the Commonwealth," absolutely.

The act approved the twenty-first day of April, one thousand nine hundred and eleven (Pamphlet Laws, eighty), entitled "An act to authorize any territory that may be annexed to a city under existing laws to be added to an adjacent ward or wards, or created into a new ward, and providing for the election of officers and places of holding elections in new wards thus created," absolutely.

The act approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, six hundred thirty-two), entitled "An act regulating pay of elections officers and clerks at certain elections hereafter held within this Commonwealth," absolutely.

The act approved the seventh day of July, one thousand nine hundred and thirteen (Pamphlet Laws, six hundred ninety-three), entitled "An act prescribing the manner and time of submitting to the qualified electors of the State proposed amendments to the Constitution in order to determine whether the same be approved by a majority of those voting thereon, as provided by Article eighteen, section one of the Constitution," absolutely.

The act approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate dele-

gates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment of the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules, and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," absolutely.

The act approved the twenty-fourth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, nine hundred ninety-five), entitled "An act to provide for the nomination and election of candidates for the office of United States Senator, and the filling of vacancies in said office," absolutely.

The act approved the fourteenth day of April, one thousand nine hundred and fifteen (Pamphlet Laws, one hundred twenty-two), entitled "An act requiring and regulating the declaring and posting of the vote at election districts at a primary election," absolutely.

The act approved the twenty-eighth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, six hundred thirty-eight), entitled "An act providing for the payment by the several counties of the Commonwealth of the expenses of holding primary elections," absolutely.

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

The act approved the eighteenth day of June, one thousand nine hundred and fifteen (Pamphlet Laws,

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

The act approved the eighteenth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, two hundred forty-four), entitled "An act to amend the first, sixth, and seventh sections of an act, entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' approved the twelfth day of July, Anno Domini one thousand nine hundred and thirteen; so as to change the time for filing petitions of nomination, and the time for the organization of the State committees," absolutely.

The act approved the sixth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, seven hundred fifty-three), entitled "An act to amend section three of an act, approved the twelfth day of July, one thousand nine hundred thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain

party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation,' ' absolutely.

The act approved the twentieth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eleven hundred fifty-eight), entitled "An act to fix, regulate, and establish the fees to be charged and received by constables in this Commonwealth" in so far as it relates to fees to be charged and received by constables for attending elections.

The act approved the eighteenth day of April, one thousand nine hundred and nineteen (Pamphlet Laws, sixty-eight), entitled "An act amending section five of an act, approved the fifth day of March, one thousand nine hundred and six (Pamphlet Laws, seventy-eight), entitled 'An act to regulate nomination and election expenses, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this act,' " absolutely.

An act approved the twelfth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, four hundred fifty-eight), entitled "An act fixing the time of meeting of the return judges in the several congressional, senatorial, representative, and judicial districts, composed of two or more counties or parts of two or more counties; prescribing the manner of making and certifying the consolidated returns; imposing certain duties on prothonotaries and county commissioners; and fixing the compensation of such return judges," absolutely.

The act approved the twenty-third day of May, one thousand nine hundred and nineteen (Pamphlet Laws, two hundred seventy-four), entitled "An act to amend part of section one of an act, approved the twentieth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, one thousand one hundred fifty-eight), entitled 'An act to fix, regulate and establish the fees to be charged and received by constables in this Commonwealth,' " absolutely.

The act approved the eighth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred sixty-nine), entitled "An act to amend section one of an act, approved the fourteenth day of April, one thousand nine hundred and three, entitled 'An act

relating to change of polling-places, and authorizing the commissioners to change the same,''' absolutely.

The act approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred five), entitled "An act to enable county commissioners to abolish election districts in which less than ten qualified electors reside," absolutely.

The act approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred twenty-nine), entitled "An act to further amend the twenty-second section of an act, entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections' approved the tenth day of June, eighteen hundred and ninety-three, as amended by an act, approved the twenty-ninth day of April, nineteen hundred and three, by providing a manner in which voters may designate their choice of candidates; and repealing acts or parts of acts inconsistent therewith,''' absolutely.

The act approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred thirty-two), entitled "An act amending sections five, six, and seven of an act, approved the tenth day of June, one thousand eight hundred ninety-three, entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections' as the same was amended by an act, approved the ninth day of July, one thousand eight hundred and ninety-seven, and an act, approved the twenty-first day of April, one thousand nine hundred and three," absolutely.

The act approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred thirty-six), entitled "An act to amend section three of an act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of president of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the vio-

lation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation,' as amended," absolutely.

The act approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred thirty-nine), entitled "An act to amend sections seven, ten, thirteen, fourteen, and fifteen of an act, entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment of the several counties, and their reimbursement by the State, of the expenses of the same, authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' approved the twelfth day of July, Anno Domini one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), as amended, so as to provide fully how many official and specimen ballots shall be provided for each party at the primaries and to whom the same shall be delivered, what other election materials shall be furnished, and what printed instructions shall be given voters and elections officers, how the official ballots shall be given to qualified electors, how party membership shall be evidenced, and how and when it may be challenged, how the vote shall be counted, recorded, and returned by the election officers, what shall be done with the ballots voted, their stubs, and the unused, spoiled, and void ballots, tally papers, oaths of election officers, affidavits of voters, et cetera, lists of voters of each party, triplicate and other return sheets, and who shall have the custody of same; to require the return and public inspection of all the spoiled and unused ballots from each election district before the computation of any returns therefrom; to prescribe the method of computing and canvassing such returns publicly; to provide who shall constitute the return board for any county wherein one or more of the commissioners are candidates at any primary; to regulate the manner of correcting apparent errors in certain returns, and the opening of ballot boxes, and the recounting of votes, when any county commissioner, prothonotary, or judge of the court of common pleas deems it necessary in order to obtain a correct count or upon the petition of three electors averring fraud or

error; to assure the right of any authorized representative of any party or candidate to hear, record, and check up the returns as read, as well as to inspect the same and any other public documents relating to any primary election; to allow any person aggrieved by any decision of the county commissioners or prothonotary to appeal therefrom to the court of common pleas of the proper county; to make certain violations of said act, as amended hereby, misdemeanors; and to provide penalties for the punishment of such offenses; to provide that nomination petitions of candidates for any municipal office to be filled by a vote of the electors of a senatorial district shall be signed by at least two hundred qualified electors of such district; and to repeal inconsistent legislation," absolutely.

The act approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred fifty-five), entitled "An act to amend section three of an act, approved the tenth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred nineteen), entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections' as amended," absolutely.

The act approved the fifteenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, nine hundred sixty-six), entitled "An act providing for voting by soldiers, sailors, and marines, in service or discharged therefrom, returning to their homes, who have been unable to qualify themselves as electors in accordance with existing law," absolutely.

The act approved the tenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, four hundred twenty-three), entitled "An act providing for the nomination and election of judges of courts of record, and repealing certain acts," absolutely.

Section one of an act, approved the tenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, four hundred twenty-six), entitled "An act regulating nominations and elections for all elective offices of cities of the second class, and repealing certain acts," absolutely.

Sections 4, 5, 6, 7 and 8 of an act, approved the tenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, four hundred forty-nine), entitled "An act to fix the number of Senators in the General Assembly of the State; to apportion the State into senatorial districts, as provided by the Constitution; and to regulate the election of, and the terms of office of, the present and future elected Senators."

The act approved the sixteenth day of May, one thou-

sand nine hundred and twenty-one (Pamphlet Laws, six hundred eighteen), entitled "An act to amend section six of the act, approved the thirtieth day of January, one thousand eight hundred and seventy-four (Pamphlet Laws, thirty-one), entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended; authorizing the Court of quarter sessions to appoint election officers in cases of vacancy," absolutely.

The act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, six hundred sixty-nine), entitled "An act to further amend section fourteen of an act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation,'" as amended, absolutely.

The act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, six hundred eighty), entitled "An act to amend section five of an act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation,'" absolutely.

The act approved the twentieth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, nine hundred fifty-eight), entitled "An act to fix the time for filing nomination certificates and nomination papers to fill vacancies caused by the withdrawal of candidates," absolutely.

The act approved the twenty-fourth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, ten hundred seventy-nine), entitled "An act to amend section sixteen of an act, approved the tenth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred nineteen), entitled 'An act to regulate the nomination and election of public officers; requiring certain expenses incident thereto to be paid by the several counties; and punishing certain offenses in regard to such elections,' " absolutely.

The act approved the twenty-fifth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, eleven hundred twenty-five), entitled "An act to further amend section fifteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' by empowering the court of common pleas, instead of the return board, to open ballot boxes when fraud or error not manifest on the general return is alleged," absolutely.

The act approved the third day of April, one thousand nine hundred and twenty-three (Pamphlet Laws, fifty-five), entitled "An act to amend section one of the act, approved the seventh day of July, one thousand nine hundred and thirteen (Pamphlet Laws, six hundred ninety-three), entitled 'An act prescribing the manner and time of submitting to the qualified electors of the State proposed amendments to the Constitution in order to determine whether the same be approved by a majority of those voting thereon, as provided by article eighteen, section one, of the Constitution,' " absolutely.

The act approved the eighteenth day of April, one thousand nine hundred and twenty-three (Pamphlet Laws, sixty-seven), entitled "An act to amend section seven of the act, approved the tenth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred nineteen), entitled 'An act to regulate the nomination and election of Public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections,' as amended," absolutely.

The act approved the seventh day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, one hundred forty-seven), entitled "An act to amend section seventy-four of an act, approved the second day of July, one thousand eight hundred thirty-nine (Pamphlet Laws, five hundred and nineteen), entitled 'An act relating to the elections of this Commonwealth,' as amended," absolutely.

The act approved the eighteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred fifty-six), entitled "An act to amend section three of an act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation,' as amended," absolutely.

The act approved the nineteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred sixty-seven), entitled "An act to amend section thirteen of the act, approved the thirtieth day of January, one thousand eight hundred and seventy-four (Pamphlet Laws, thirty-one), entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended, by authorizing the members of the board for receiving, computing, and certifying election returns to act when a majority of the members thereof are not qualified," absolutely.

The act approved the twenty-first day of May, one

thousand nine hundred and twenty-three (Pamphlet Laws, two hundred ninety-three), entitled "An act to amend the fourth paragraph of section fourteen of an act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidate for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation,' as amended," absolutely.

The act approved the twenty-second day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred nine), entitled "An act providing a system whereby persons absent from their regular polling places may cast their votes, imposing certain powers and duties upon the county commissioners, prothonotaries, return boards of the various counties, and the board of registration commissioners in cities of the first and second class, in relation thereto; and providing penalties," absolutely.

The act approved the twenty-third day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred forty), entitled "An act to amend section eleven of the act, approved the thirteenth day of June, one thousand eight hundred and forty (Pamphlet Laws, six hundred and eighty-three), entitled 'A supplement to an act, entitled "An act relating to the elections of this Commonwealth" passed the second day of July, Anno Domini one thousand eight hundred and thirty nine and for other purposes' allowing constables mileage for advertising elections, and compensation for advertising elections where there is more than one polling place in a district, said mileage and compensation to be paid by counties," absolutely.

The act approved the twenty-fifth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, four hundred fifty-five), entitled "An act fixing the pay of election officers and clerks in cities of the first class," absolutely.

The act approved the twenty-ninth day of June, one

thousand nine hundred and twenty-three (Pamphlet Laws, nine hundred twenty), entitled "An act to amend section fourteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation,' as amended," absolutely.

The act approved the eleventh day of July, one thousand nine hundred and twenty-three (Pamphlet Laws, ten hundred thirty-four), entitled "An act concerning the domicile of a married woman," absolutely.

The act approved the first day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, one hundred three), entitled "An act to further amend section thirteen of the act, approved the thirtieth day of January, one thousand eight hundred and seventy-four (Pamphlet Laws, thirty-one), entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended; empowering associate judges to act as return boards where the resident president judge is a candidate," absolutely.

The act approved the twenty-seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred five), entitled "An act fixing the pay of election officers and clerks in counties of the second class," absolutely.

The act approved the twenty-seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred eleven), entitled "An act to amend section one of the act, approved the seventh day of July, one thousand nine hundred and thirteen (Pamphlet Laws, six hundred and ninety-three), entitled 'An act prescribing the manner and time of submitting to the qualified electors of the State proposed amendments to the Constitution in order to determine whether the same be approved by a majority of those voting thereon, as provided by article eighteen, section one, of the Constitution,' as amended," absolutely.

The act approved the twenty-ninth day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred sixty-one), entitled "An act to amend the first paragraph of the seventh section, and the nineteenth section of an act, entitled 'An act regulating certain political parties; providing for the regulating and nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' approved the twelfth day of July, Anno Domini one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), as amended, so far as to change the time for filing petitions of nomination and for withdrawal of candidates," absolutely.

The act approved the twenty-third day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred sixty), entitled "An act providing for the opening of ballot boxes after general, municipal, special, or primary elections, upon petition to the court of common pleas, or a judge thereof, under certain circumstances, and imposing certain duties in connection therewith upon the court, the prothonotary, and the county treasurer," absolutely.

The act approved the twenty-third day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred sixty-three), entitled "An act to amend section twenty-six, and section thirty as amended, of the act, approved the tenth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred and nineteen), entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections' by specifying the circumstances and conditions under which voters may have assistance in marking their ballots at general, municipal, special, and primary elections; prescribing certain duties to be performed by the Secretary of the Commonwealth and election officers; providing penalties; and repealing inconsistent legislation," absolutely.

The act approved the twenty-third day of April, one

thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred sixty-seven), entitled "An act to amend section four of the act of the fifth day of March, one thousand nine hundred and six (Pamphlet Laws, seventy-eight), entitled 'An act to regulate nomination and election expenses, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this act,' " absolutely.

The act approved the twenty-third day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred seventy-two), entitled "An act to fix the time for filing petitions for nomination with the county commissioners," absolutely.

The act approved the fifth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, eight hundred nineteen), entitled "An act fixing the pay of election officers and clerks appointed by the inspectors, except in cities of the first class and counties of the second class," absolutely.

The act approved the eighteenth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, five hundred forty-nine), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries in any county, city, borough or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act," absolutely.

The act approved the twenty-sixth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, eight hundred thirty-six), entitled "An act providing for a separate ballot when constitutional amendments or other questions are submitted to the vote of the people," absolutely.

The act approved the ninth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, sixteen hundred ninety-one), entitled "An act relating to return boards computing general and municipal election returns," absolutely.

The act approved the third day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred thirty-one), entitled "An act to amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-five (Pamphlet Laws, three hundred five), entitled 'An act fixing the pay of election officers and clerks in counties of the second class,' " absolutely.

"Sections 3, 4, 5, 6, 7 and 8 of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (Pamphlet Laws, one hundred sixty-seven), entitled 'An act to designate the several judicial districts of the Commonwealth as required by the Constitution, and to provide for the election and commissioning of judges, learned in the law, for the said districts.' "

The act approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (Pamphlet Laws, two hundred thirty-eight), entitled "An act to amend section thirteen of the act, approved the thirtieth day of January, one thousand eight hundred and seventy-four (Pamphlet Laws, thirty-one), entitled 'A further supplement to the act regulating elections in this Commonwealth,' as amended; by authorizing the members of the board for receiving, computing, and certifying election returns to provide for election returns in school districts which comprise the territory of or territory from two or more municipalities," absolutely.

The act approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, eleven hundred eighty-five), entitled "An act to amend sections one, three, four, five, six, seven, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty-one, twenty-two, twenty-three, and twenty-seven of the act, approved the eighteenth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, five hundred forty-nine), entitled 'An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries in any county, city, borough or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election

districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act,''' absolutely.

The act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, six hundred twenty-six), entitled "An act to amend section fourteen of the act, approved the fifth day of March, one thousand nine hundred and six (Pamphlet Laws, seventy-eight), entitled 'An act to regulate nomination and election expenses, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this act,''' absolutely.

The act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, six hundred twenty-seven), entitled "An act providing a method for preventing any elector from depositing in the ballot box, at primary, municipal, general, or other elections, any ballot other than that received from the election officers; and imposing penalties," absolutely.

The act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, six hundred twenty-eight), entitled "An act to further amend sections fourteen and twenty-two of an act, approved the tenth day of June, eighteen hundred ninety-three (Pamphlet Laws, four hundred nineteen), entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections' so as to provide that the names of candidates for Presidential electors shall no longer be printed on the ballot," absolutely.

The act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, six hundred thirty-four), entitled "An act supplementing the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National Party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State com-

mittee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' by providing a method for determining the period of time as provided therein," absolutely.

The act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, six hundred thirty-five), entitled "An act to amend section thirteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States, and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' as amended, providing that electors in boroughs, towns, and townships may at primaries declare their party preference and vote on age," absolutely.

The act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, six hundred eighty-five), entitled "An act to amend paragraph (d) of section seven of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation'

as amended, changing the number of signers required on the nomination petitions of candidates for the office of magistrate in cities of the first class," absolutely.

The act approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, nine hundred three), entitled "An act to amend sections one and two of the act, approved the fifteenth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred seventy-six), entitled 'An act to prohibit the payment of any occupation or poll tax assessed for State or county purposes of any elector, by any person other than the elector against whom such tax is assessed, except upon the written and signed order of such assessed elector, and prescribing penalties' by providing certain exemptions," absolutely.

"Sections three, four, five, six and seven of the act, approved the twenty-seventh day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, fourteen hundred sixteen) entitled 'An act to apportion the State into congressional districts.'"

The act approved the twenty-seventh day of April, one thousand nine hundred and thirty-three (Pamphlet Laws, ninety-three), entitled "An act to amend section five of the act, approved the fifth day of March, one thousand nine hundred and six (Pamphlet Laws, seventy-eight), entitled 'An act to regulate nomination and election expenses, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this act' as amended, by requiring the treasurers of political committees concerned in the nominations of candidates to file accounts of election expenses," absolutely.

The act approved the twenty-second day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred thirty-eight), entitled "An act to amend section one of the act, approved the twenty-sixth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, eight hundred thirty-six), entitled 'An act providing for a separate ballot when constitutional amendments or other questions are submitted to the vote of the people' by providing that such constitutional amendments or other questions may be printed upon a separate ballot," absolutely.

The act approved the twenty-second day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred forty-six), entitled "An act to further amend clause (a) of section four of the act, approved the eighteenth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, five hundred forty-nine), entitled 'An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries, in any county, city,

borough, or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act' as amended, by providing that the courts of quarter sessions may order that one additional voting machine be provided in certain election districts," absolutely.

The act approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, ten hundred twenty-five), entitled "An act to amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred five), entitled 'An act fixing the pay of election officers and clerks in counties of the second class' as amended; by fixing the compensation of judges of election for services, mileage and expenses of delivering the primary and election returns and ballot boxes into proper custody; providing compensation to minority inspectors in certain cases for services, mileage and expenses of delivering the minority inspector's primary and election returns, if any, and the ballot boxes into proper custody; and repealing inconsistent, general, local and special, legislation," absolutely.

The act approved the thirty-first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eleven hundred six), entitled "An act to amend section seven of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; author-

izing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' as amended, by increasing the number of signers required for nomination petitions for magistrates in cities of the first class," absolutely.

The act approved the seventeenth day of January, one thousand nine hundred and thirty-four (Pamphlet Laws, two hundred thirty-six, one thousand nine hundred thirty-three—thirty-four), entitled "An act to further amend sections one, two, three, ten, fifteen, eighteen and nineteen of the act, approved the thirtieth day of January, one thousand eight hundred and seventy-four (Pamphlet Laws, thirty-one), entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended, pursuant to Amendment Number Five to the Constitution of the Commonwealth adopted November seventh, one thousand nine hundred thirty-three, eliminating the tax-paying qualification for voters," absolutely.

The act approved the twenty-fifth of April, one thousand nine hundred and thirty-five (Pamphlet Laws, seventy-four), entitled "An act to amend sections ten and fourteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' as amended, by substituting additional copies of the general return sheet for the triplicate party return sheets in the preparation for, conduct of, and returning, canvassing, and computing the vote cast at primary elections; regulating the form of the numbered lists of voters; regulating the duties of election officers in calling and tabulating the votes; and regulating return board procedure," absolutely.

The act approved the twenty-fifth day of April, one

thousand nine hundred and thirty-five (Pamphlet Laws, eighty-three), entitled "An act to amend section six as amended, section eight and section ten as amended of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation,' providing that only registered and enrolled members of political parties shall be qualified to sign nomination petitions, and limiting the number of specimen ballots to be given candidates at primaries," absolutely.

The act approved the seventh day of May, one thousand nine hundred and thirty-five (Pamphlet Laws, one hundred thirty-one), entitled "An act to amend sections one and seven as amended, clauses (a) and (d), and clause (g) as amended, of section fifteen, and clauses (b) and (c) as amended, of section twenty-three, and sections twenty-four and twenty-six of the act, approved the eighteenth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, five hundred forty-nine), entitled 'An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries, in any county, city, borough or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are

used; and providing penalties for violation of the provisions of this act,' by making provisions for voting machines designed to be made secure by the use of two or more seals; changing the requirements as to the printing of return sheets and statements; providing the requirements of and rules and regulations for the conduct of elections held with voting machines equipped with mechanism for printing paper proof-sheets; providing for the printing and distribution of said proof-sheets; providing for their use in canvassing the vote; making them part of the election returns; defining their probative value and effect; and enlarging the powers of return boards," absolutely.

The act approved the twenty-ninth day of May, one thousand nine hundred and thirty-five (Pamphlet Laws, two hundred forty-six), entitled "An act requiring return courts, judges, and boards, sitting to record, compute, and certify the returns of any primary, general, municipal, or special election, to take cognizance of the number of registered or enrolled voters by parties of each election district, and the number of persons who voted at said election, and the number of ballots cast thereat, whether said election was conducted by the use of voting machines or paper ballots; providing that any excess of votes, returned over registered or enrolled voters, or over the number of voters or the number of ballots cast, shall be deemed a discrepancy and palpable error requiring investigation; defining the scope and extent of such investigation, and providing for an appeal from the decision thereon; prescribing the effect of such excess; imposing duties on courts of common pleas and judges thereof, county commissioners, county controllers, county treasurers, prothonotaries, registration commissions, and other public officers; and repealing inconsistent legislation," absolutely.

The act approved the fifth day of June, one thousand nine hundred and thirty-five (Pamphlet Laws, two hundred seventy-seven), entitled "An act to amend section fourteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter,

amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' as amended, by providing for the delivery of the ballot box to the proper custodian immediately upon the completion, by the election officers, of the count and canvass of the vote, and the sealing of the ballot box," absolutely.

The act approved the fourteenth day of June, one thousand nine hundred and thirty-five (Pamphlet Laws, three hundred thirty-seven), entitled "An act to amend section six as amended and section eight of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices; the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' prohibiting candidates for certain offices from being candidates for more than one party nomination, and requiring candidates affidavits from candidates for additional offices," absolutely.

All other acts of Assembly and parts of acts, general, special and local, in conflict or inconsistent with this act, or any part hereof, are hereby repealed, in so far as they are in conflict or inconsistent herewith.

The Secretary of the Commonwealth is authorized and empowered to prepare and print an index of this act. The index, if prepared, shall be attached to the advance sheets of the pamphlet laws, and shall also be printed in the pamphlet laws.

APPROVED—The 3d day of June, A. D. 1937.

GEORGE H. EARLE