

dividend of the profits after deducting losses and incidental charges, and whose charter further provides that the net profit, arising by interest or otherwise, shall be ascertained yearly to every member in proportion to his, her, or their deposit for which each member shall have credit on the company's books, payable at the cancellation of the policy, may, instead of collecting such deposit money as above provided under such charter, charge a cash premium in advance, on which no dividend or return shall be due or accrue, other than return premiums on canceled policies.

Section 3. The surplus of any domestic mutual fire insurance companies issuing policies in accordance with the provisions of section one or two of this act shall be held as a reserve for the payment of losses and expenses; and, in the event of dissolution of the company, shall be divided pro rata among the policyholders whose policies are in force at the time of dissolution, but no policyholder, other than loss claimants, shall receive more than the amount of the unearned cash premium last paid to the company for the current term of such policy. Any balance remaining shall escheat to the Commonwealth of Pennsylvania.

Surplus to be held
as reserve.

Disposition on
dissolution.

Escheat.

APPROVED—The 25th day of May, A. D. 1921.

WM. C. SPROUL.

No. 420.

AN ACT

To further amend section fifteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred and nineteen), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," by empowering the court of common pleas, instead of the return board, to open ballot-boxes when fraud or error not manifest on the general return is alleged.

Section 1. Be it enacted, &c., That section fifteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred and nineteen), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conven-

Primary elections.

tions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein, and repealing inconsistent legislation," which, as amended by section five of the act, approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred and thirty-nine), entitled "An act to amend sections seven, ten, thirteen, fourteen, and fifteen of an act, entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the 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 and nineteen), as amended, so as to provide fully how many official and specimen ballots shall be provided for each party at the primaries and to whom the same shall be delivered, what other election materials shall be furnished, and what printed instructions shall be given voters and election officers, how the official ballots shall be given to qualified electors, how party membership shall be evidenced, and how and when it may be challenged, how the vote shall be counted, recorded, and returned by the election officers, what shall be done with the ballots voted, their stubs, and the unused, spoiled, and void ballots, tally papers, oaths of election officers, affidavits of voters, et cetera, lists of voters of each party, triplicate and other return sheets, and who shall have the custody of same; to require the return and public inspection of all the spoiled and unused ballots from each election district before the computation of any returns therefrom; to prescribe the method of computing and canvassing such returns publicly; to provide

who shall constitute the return board for any county wherein one or more of the commissioners are candidates at any primary; to regulate the manner of correcting apparent errors in certain returns, and the opening of ballot-boxes and the recounting of votes, when any county commissioner, prothonotary, or judge of the court of common pleas deems it necessary in order to obtain a correct count or upon the petition of three electors averring fraud or error; to assure the right of any authorized representative of any party or candidate to hear, record, and check up the returns as read, as well as to inspect the same and any other public documents relating to any primary election; to allow any person aggrieved by any decision of the county commissioners or prothonotary to appeal therefrom to the court of common pleas of the proper county; to make certain violations of said act, as amended hereby, misdemeanors; and to provide penalties for the punishment of such offenses; to provide that nomination petitions of candidates for any municipal office to be filled by a vote of the electors of a senatorial district shall be signed by at least two hundred qualified electors of such district; and to repeal inconsistent legislation," reads as follows:—

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

Section 15, act of July 12, 1913 (P. L. 719), as amended by act of July 9, 1919 (P. L. 839), cited for amendment.

"Upon the sworn affidavit of three qualified electors of any election precinct, division, or district of any

county. that, upon information which they consider reliable, they believe an act of fraud or error, although not manifest upon the general return of votes made therefrom, has been committed therein, the *return board shall*, at any time prior to the completion of the computation and canvassing of all the returns for the county, open the ballot-box of such election district, and cause the entire vote thereof to be recounted in manner aforesaid, and if *they discover* any fraud or material error, *they shall correct*, compute, and certify the votes of such election district justly, regardless of any fraudulent or erroneous returns made by the election officers thereof, and correct any entries previously made in the papers being prepared by the return board accordingly.

“Any person aggrieved by any order or decision of any return board, not consisting of a judge or judges of the court of common pleas, regarding the computation or canvassing of the returns, or by any refusal to open the ballot-box of any election district upon a proper petition as aforesaid, may appeal therefrom, within two days thereafter, to the court of common pleas of the proper county, setting forth why he feels that an injustice has been done, and praying for such order as will give him relief, and, upon the payment to the prothonotary of a fee of three dollars for filing such appeal, a judge of the said court shall fix a time and place for hearing the matter in dispute within three days thereafter, of which due notice shall be served, with a copy of said appeal, by the appellant upon one of the return board whose action is complained of, and upon every attorney who opposed the contention of the appellant before such return board, and upon any other person that said judge shall direct, at least two days before said matter shall be reviewed by the court, and proof of such notice or the waiver thereof must be filed therein before any appeal is sustained. The court on such appeal 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, and, pending such appeal, the return board shall suspend any official certification of the votes cast in such election district, but none of the orders or decisions of either the return board or any judge or judges acting as a return board or the court of common pleas on any appeal shall be deemed a final adjudication regarding the results of any primary election so as to preclude any contest thereof. Contests of primaries shall originate and be conducted as in cases of elections. No appeal shall be allowed from any decision of any judge or judges acting as a return board or from

any order or decree of the court of common pleas made in pursuance of this section; and the said court may compel the appellant or any opposing party, other than the commissioners or prothonotary, to pay all the witness fees, if any, and other legal costs of rehearing any matter in dispute, which cost may be taxed by the prothonotary in the usual manner," is hereby further amended to read as follows:—

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

Crimes and penalties.

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

Opening of ballot-boxes by court upon request of electors.

Any person aggrieved by any order or decision of any return board, not consisting of a judge or judges

Appeal to court.

of the court of common pleas, regarding the computation or canvassing of the returns, may appeal therefrom, within two days thereafter, to the court of common pleas of the proper county, setting forth why he feels that an injustice has been done, and praying for such order as will give him relief, and, upon the payment to the prothonotary of a fee of three dollars for filing such appeal, a judge of the said court shall fix a time and place for hearing the matter in dispute within three days thereafter, of which due notice shall be served, with a copy of said appeal, by the appellant upon one of the return board whose action is complained of, and upon every attorney who opposed the contention of the appellant before such return board, and upon any other person that said judge shall direct, at least two days before said matter shall be reviewed by the court, and proof of such notice or the waiver thereof must be filed therein before any appeal is sustained. The court on such appeal *and upon the opening of any ballot-box* shall have full power and authority to hear and determine all matters pertaining to any fraud or error committed in any election district to which such appeal *or petition to open a ballot-box* relates, and to make such decree as right and justice may require, and, pending such appeal *or the opening of any ballot-box*, the return board shall suspend any official certification of the votes cast in such election district; but none of the orders or decisions of either the return board or any judge or judges acting as a return board or the court of common pleas on any appeal *or the opening of any ballot-box* shall be deemed a final adjudication regarding the results of any primary election so as to preclude any contest thereof. Contests of primaries shall originate and be conducted as in cases of elections. No appeal shall be allowed from any decision of any judge or judges acting as a return board or from any order or decree of the court of common pleas made in pursuance of this section; and the said court may compel the appellant or any opposing party, other than the commissioners or prothonotary, to pay all the witness fees, if any, and other legal costs of rehearing any matter in dispute, which costs may be taxed by the prothonotary in the usual manner.

Fee.

Hearing.

Notice.

Powers of court.

Contest of primaries.

Appeals from judges.

Fees and costs.

APPROVED—The 25th day of May, A. D. 1921.

WM. C. SPROUL.