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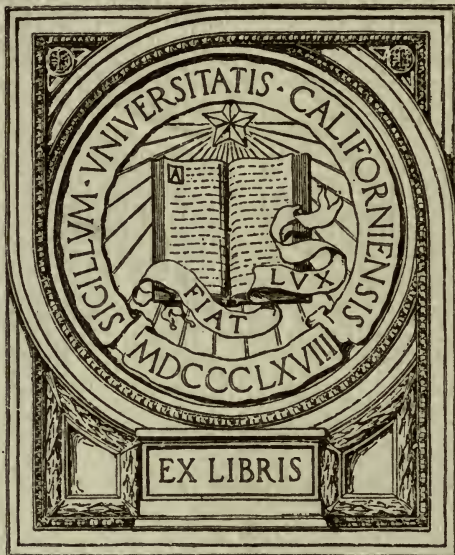
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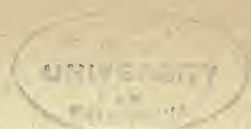


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No. 400.

AN ACT

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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.

Section 1. Be it enacted, &c., That hereafter all candidates of political parties, as herein defined, for the office of United States Senator, for the office of Representative in Congress, for all elective State, county, city, ward, borough, township, school district, and election division or district offices, and for all other elective public offices except that of presidential elector, shall be nominated, and delegates and alternate delegates to National party conventions and State committeemen shall be elected, at primaries held in accordance with the provisions of this act, and in no other manner. All such party officers as are required by the rules of the several political parties to be elected by the vote of the party electors shall be elected at primaries held in accordance with the provisions of this act, excepting members of the National committee, who shall be elected as hereinafter provided. In the years when candidates for the office of President of the United States are to be nominated, every qualified elector of a political party, herein defined to be a political party within the State, shall have opportunity at the primaries held in such years, subject to the provisions of this act, to vote his preference for one person to be the candidate of his political party for President. This act shall not apply to the nomination of candidates to be voted for at special elections to fill vacancies except when such special election is held at the time of a regular election and such vacancy occurred or existed at least sixty days prior to the regular primary antecedent to such regular election; and nothing herein contained shall prevent any body of electors not constituting a political party from nominating candidates by nomination papers, as is now or may hereafter be provided by law.

How candidates shall be nominated.

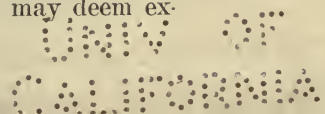
Party officers.

May vote for preference for President.

Nomination papers.

Party rules.

The State committee of each political party may make such rules for the government of such State committee, not inconsistent with law, as it may deem ex-



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pedient; and may also revoke or alter or amend, in any manner not inconsistent with law, any present or future rules of such State committee.

National Committee. State Committee. Organization of. Election of. Proviso. Vacancies.

National committeemen shall be elected by the State committee of each respective party, unless the rules of the National party otherwise provided; in which case they shall be elected in the manner provided by the rules of the National party, and all State committeemen shall be elected by Senatorial districts. Each Senatorial district shall be entitled to elect two members of the State committee, except where a Senatorial district is composed of more than one county or part of a county; in which event the electors residing in each county or part of a county embraced in the said senatorial district shall be entitled to elect one State committeeman. The State committeemen thus elected shall meet for organization not later than the third Wednesday following their election, at such hour and place as shall be designated by the State chairman of each respective party. The said State committeemen shall be elected at the fall primary in the year one thousand nine hundred and thirteen, and shall hold office until their successors are duly elected and qualified at the spring primary of the year one thousand nine hundred and fourteen: Provided however, That where the existing rules of a party provide for the election of State committeemen by the county committeemen of the respective counties, in the year one thousand nine hundred and thirteen the State Committeemen so elected shall serve until their successors are duly elected and qualified under the provisions of this act at the spring primary in the year one thousand nine hundred and fourteen. Thereafter the said State committeemen of all parties shall be elected at the spring primary.

Vacancies happening at any time in the office of National committeeman shall be filled by the State committee of the respective party, unless the rules of the National party otherwise provide; in which case vacancies shall be filled in the manner provided by the rules of the National party.

Vacancies happening at any time in the office of State committeeman shall be filled by the city or county committee of the respective parties: Provided, That when said vacancy occurs in a county composed of more than one Senatorial district, the members of the city or county committee embraced within the Senatorial district in said county shall elect said committeeman; and when a vacancy occurs in a Senatorial district composed of more than one county or part of a county, the members of the county committee embraced within said county or part of a county shall elect said committeeman.

Section 2. Any party or body of electors, 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 committeemen, 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.

Definition of
political party.

Party within the
State.

Any party or body of electors, 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.

Party within a
county.

Section 3. One primary shall be held each year, in every election district of this Commonwealth in which nominations are to be made, or delegates and alternate delegates to National party conventions, State committeemen or party officers, including members of the National committee, are to be elected as herein provided. The said primaries shall be held on the third Tuesday of September in all odd-numbered years, and on the third Tuesday of May in all even-numbered years. The primary held on the third Tuesday of September shall be known as the Fall primary, and the primary held on the third Tuesday of May shall be known as the Spring primary.

Primary.

Date of.

Candidates for all offices to be filled at the general election shall be nominated at the Spring primary. Delegates and alternate delegates to National party conventions, State committeemen, and such party officers, including members of the National committee, as are 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, except as otherwise provided in this act.

Nominations at
the Spring pri-
mary.

The vote for candidates for the office of President of the United States, as herein provided for, shall be cast at the Spring primary.

Vote for Presi-
dent.

Fall primary.

Candidates for all offices to be filled at the municipal election shall be nominated at the Fall primary.

Notice of primary.

Section 4. On or before the ninth Tuesday preceding the Spring primary, the Secretary of the Commonwealth shall send to the county commissioners 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 representatives in Congress and officers of the Commonwealth to be elected at the next succeeding election by a vote of the electors of the State at large, and the number to be elected 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.

Notices designat-
ing candidates to
be elected.

On or before the ninth Tuesday preceding the Fall primary, the Secretary of the Commonwealth shall send to the county commissioners 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, and designating how many persons are to be elected to such offices, respectively, at the next succeeding election; and also designating the number of aldermen and justices of the peace to be nominated therein at the ensuing primary, and also the political divisions in which said aldermen and justices of the peace are to be nominated. On or before the ninth Tuesday preceding the spring primary, the chairman of the State committee of each political party herein defined to be a political party within the State shall send to the county commissioners of each county 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 of which such county 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 of which such county or part thereof forms a part.

Notice as to
delegates.

On or before the ninth Tuesday preceding the Spring

primary, the chairman, of the county, and, in cases where a city is coextensive with a county, the chairman of the city committee of each party, shall send to the county commissioners of such county a written notice, setting forth the names of all party offices within the county or city to be filled by election at the ensuing primary.

Duty of Chairmen
of Committees.

On or before the ninth Tuesday preceding the Fall primary, the clerks or secretaries of the various cities, boroughs, townships, and school districts, shall, respectively, send to the county commissioners of their respective counties a written notice setting forth the names of all city, borough, township, and school district offices for which candidates are to be nominated at the ensuing primary.

Duty of secre-
taries.

Beginning not earlier than nine weeks, nor later than eight weeks, before the primary, the county commissioners of each county shall publish 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 such delegates and alternate delegates and State committeemen who are to be elected at said primary in said county, or in any district of which such county or part thereof forms a part; and shall also publish the names of all 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 committeemen, 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 inserted in two newspapers of general circulation published within the county, wherever such course is possible, at least once each week for three successive weeks. Such newspapers, so far as practicable, shall be representative of the two different political parties polling the highest vote in such county at the last preceding November election, the highest vote cast within the county for any candidate of a party being deemed to be the vote of that party.

Duties of County
Commissioners.

Publication.

Section 5. Official primary ballots for each party shall be prepared by the county commissioners. These ballots shall be printed on white paper of uniform quality, and shall be uniform in size, style of printing, and general appearance. The ballot for each party shall be in the following form:—

Primary ballots.

..... Primary Ballot.

(Name of Party).

.....District,Ward, City of

County ofState of Pennsylvania.

Primary held on the.....day of....., 19...

Instructions.

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.

Form of ballot.

President of the United States.	
(Vote for one)	
John Doe,	<input type="checkbox"/>
Richard Roe,	<input type="checkbox"/>
John Stiles,	<input type="checkbox"/>

United States Senator.	
(Vote for one)	
John Doe,	<input type="checkbox"/>
Richard Roe,	<input type="checkbox"/>
John Stiles,	<input type="checkbox"/>

Governor.	
(Vote for one)	
John Doe,	<input type="checkbox"/>
Richard Roe,	<input type="checkbox"/>
John Stiles,	<input type="checkbox"/>

Representative in Congress at Large.

(Vote for.....)

John Doe,

Richard Roe,

John Stiles,

Representative in Congress.....District.

(Vote for one)

John Doe,

Richard Roe,

John Stiles,

Delegate 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 in.....district for President),

State Senator.....District.	
(Vote for one)	
John Doe,	<input type="checkbox"/>
Richard Roe,	<input type="checkbox"/>
John Stiles,	<input type="checkbox"/>

State Committeeman.	
(Vote for.....)	
John Doe,	<input type="checkbox"/>
Richard Roe,	<input type="checkbox"/>
John Stiles,	<input type="checkbox"/>

District Attorney.	
(Vote for one)	
John Doe,	<input type="checkbox"/>
Richard Roe,	<input type="checkbox"/>
John Stiles,	<input type="checkbox"/>

Party Committeemen.	
(Vote for.....)	
John Doe,	<input type="checkbox"/>
Richard Roe,	<input type="checkbox"/>
John Stiles,	<input type="checkbox"/>

Under each group of names of candidates shall be printed as many blank spaces, defined by light lines or rules three-eighths of an inch apart, as there are to be candidates nominated for such office.

Blank spaces.

On the back of such ballot shall be printed in prominent type the words, "Official primary ballot ofParty," and there shall also appear on the back of such ballot the facsimile signatures of the county commissioners of the county.

Printing on back.

The ballot shall vary in form only as the names of districts, offices, candidates, or the provisions of this act may require. The names of candidates shall appear in alphabetical order under the respective offices.

Form.

Names.

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 township, borough, or ward, and city, as the case may be, in which such candidate resides.

Name of district.

The voter may designate his choice as is indicated by the instructions shown on the form of ballot above set forth. If he shall vote for more persons for any office than there are candidates to be nominated or elected 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 rest of his ballot if properly marked shall be counted. No ballot shall be rejected for any technical error which does not render it impossible to determine the voter's choice.

How to vote.

Section 6. The names of candidates for nomination as President of the United States, and the names of all other party candidates, shall be printed upon the official ballot of a designated party, upon the filing of nomination petitions in their behalf, signed by qualified electors of the State, or of the political district or division, as the case may be, within which the nomination is to be made or election is to be held, and the filing of affidavits by the candidates as provided in this act; and the names of no candidates shall be printed upon an official ballot of a political party, to be used at any primary, unless such petitions shall have been filed, and unless such candidates, except they be candidates for the office of President of the United States, shall have filed affidavits, as hereinafter provided.

Filing of nomination petition.

Affidavit.

(a) 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 member of the party designated in such petition: Provided, however, That where there are to be elected two or more persons to

Signers may not sign more than one petition for same office.

Qualifications of signers.	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 or division 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. No nomination
Requirements.	petition shall be circulated prior to sixty (60) days before the last day on which such petition may be filed, and no signature shall be counted unless it bears date within sixty (60) days of the last day for filing the same.
Time of signing.	—Said nomination petition may be on one or more sheets, and different sheets must be used for signers resident in different counties. 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 that the affiant is a qualified elector of the State, or of the political district or division, as the case may be, referred to in said petition; his residence, giving city, borough, or township, with street and number, if any; that the signers signed with full knowledge of the contents of the petition; that their respective residences are correctly stated therein; that they all reside in the county named in the affidavit, and that each signed on the date set opposite his name; and that to the best of affiant's knowledge and belief the signers are qualified electors and members of the designated party of the State, or of the political district or division, as the case may be.
Affidavit.	(b). Each candidate for any State, county, or city office shall file, with his nomination petition, his affidavit stating his residence, with street and number, if any, and his postoffice address, his election district, the name of the office for which he consents to be a candidate, that he is eligible for such office, and that he will not knowingly violate any election law, or any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith: Provided, That in no event shall any person's name be printed upon the official ballot of any party as a delegate, State committeeman, National committeeman, or party officer, unless he is a qualified elector of said party.
Contents of affidavit.	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 postoffice ad-
Candidates' affidavit.	
Exception.	

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

(c). 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 any be made, 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.

Statement of
delegate.

(Signature of candidate for delegate or alternate delegate).

On the ballot 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 as if the candidate included, or failed to include, the above statement with his affidavit.

Section 7. The nomination petitions in the case of candidates for the office of President of the United States, Senator of the United States, member of the House of Representatives of the United States, for all State offices, for the office of delegate or alternate delegate to a National party convention, and for the office of member of the State or National committee, shall be filed, at least four weeks prior to the primary, with the Secretary of the Commonwealth. Nomina-

Filing of petitions.

tion petitions in all other cases shall be filed, at least three weeks prior to the primary, with the county commissioners of the respective counties.

Nomination petitions of candidates shall be signed—

(a). If for the office of President of the United States or of Senator of the United States, by at least one hundred qualified electors 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 Representative from the State at large in the Congress of the United States, 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 qualified electors in each of at least five counties of the State.

(c). If for the office of a member of the House of Representatives of the United States, to be filled by a vote of the electors of a Congressional district; 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, 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, by at least two hundred qualified electors.

(d). If for the office of a member of the State House of Representatives, or for the office of member of the State Committee, or an office to be voted for by the electors of the entire county, by at least one hundred qualified electors.

(e). If for the office of inspector of election, at least five qualified electors.

(f). And for all other offices, and all other party offices, by at least ten qualified electors.

Section 8. No nomination petition shall be refused or set aside except for—

(a). Material error or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or

(b). Material alterations made after signing, without the consent of the signers; or

(c). Want of a sufficient number of genuine signatures of persons qualified, with respect to age, sex, residence, and citizenship, to be electors.

The invalidity of any sheet of a petition shall not affect the validity of such petition, if a sufficient petition remains after eliminating such invalid sheet.

Application to set aside any nomination petition shall be by petition to the court of common pleas of the county in which such nomination petition has been filed, setting forth specifically the matters objected to, and must be filed within five days after the last day for filing said nomination petition. Upon the presentation of such a petition the court shall make an order

Number of signers
for President or
U. S. Senator.

For State offices
and delegates.

Members of Con-
gress, delegates,
Judges, Senators.

Members and
county officers.

Other offices.

Causes for refus-
ing petitions.

Invalidity of any
sheet.

Application for
setting aside of
petition.

Procedure.

fixing a time for hearing, which shall not be later than ten days after the last day for filing said nomination petition, and specifying the time and manner of notice that shall be given to the candidate named in the nomination petition sought to be set aside.

If the matters objected to are such as are specified in subdivision (a) of this section, the court upon hearing the case may, in its discretion, permit amendments within such time and upon such terms as to payment of costs, as the said court may specify.

Amendment of
petition.

In case the petition to set aside a nomination petition is dismissed, the petitioner shall pay the whole of the costs of the proceeding, including all witness fees.

Costs.

Section 9. The Secretary of the Commonwealth, immediately after the last day fixed for the filing of said petitions with him, shall forward to the county commissioners of each county a correct list of candidates of each party for the various offices, as shown in such petitions, with their respective residences 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 commissioners. 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 subdivision (c) of section six of this act.

Duty of Secretary
of the Common-
wealth.

The county commissioners shall have on file in their office, on and after the Wednesday preceding the primary, open to public inspection, forms of the ballots 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 such county.

Duties of County
Commissioners.

Section 10. The county commissioners shall prepare, and furnish to the election officers for use at the primaries, as many official ballots of each party as are equal to double the largest entire vote cast for any candidate of said party, within the election district, at any of the last three preceding general elections: Provided, That the county commissioners, upon request made in writing by any candidate of any party, within four weeks prior to the primary, shall furnish such additional number of ballots in any election district as said county commissioners may deem necessary.

To furnish official
ballots.

The county commissioners shall also furnish specimen ballots for the use of electors at the polls, equal in number to one fourth the whole number of official ballots; said specimen ballots to be printed on colored paper, and to be of the same size and form as the official ballot.

Specimen ballots.

On the back of each specimen ballot for the primary next preceding the election of a President of the United

States, the county commissioners shall print subdivision (c) of section six of this act.

Ballots to be bound in books.

The official ballots shall be bound in books of one hundred each, in the same manner as ballots at elections; and shall be delivered to the officers of election in the same manner as ballots are or hereafter may be required by law to be delivered to officers of election, for use at elections.

County Commissioners shall furnish ballot boxes, supplies, etc.

The county commissioners shall prepare, and furnish to the election officers at the primaries, such ballot boxes, properly numbered for each election district, lists of voters, forms,—including forms of affidavits for obtaining assistance in marking ballots, and for voters challenged as to identity, party membership, residence, and bribery,—blanks, return sheets, blank books, and other supplies as they are or hereafter may be required to furnish by law, to said officers for use at elections, and shall deliver them in the same manner as at elections. The said supplies shall have printed upon them appropriate instructions, and shall be in appropriate form for use at the primaries. They shall also provide for the opening of the polling-places, for the compensation of the owners thereof, shall see that they are in proper order and provided with voting booths, as at elections.

Provide polling places, etc.

Regular election boards to conduct primaries.

Section 11. The primaries shall be conducted by the regular election boards duly elected under existing or future laws, who shall receive the same compensation for their services as they receive at elections. Inspectors of elections shall have the right to appoint clerks to assist them as at elections, who shall receive the same compensation that clerks receive for such services at elections. Vacancies in election boards shall be filled in the manner now provided by law. Before entering upon their duties the election officers and clerks shall be sworn, and execute written oaths, as is now required by law.

Vacancies in election boards.

The polls shall be open between the hours of seven o'clock ante meridian and seven o'clock post meridian. All persons licensed to sell liquors, either at wholesale or retail, or as bottlers, shall be compelled to keep their places of business closed, on said days for holding said primary, only between the hours of six o'clock ante meridian and eight o'clock post meridian.

When polls shall be open.

Primaries to be conducted like general elections.

Primaries shall be conducted in conformity with the laws governing the conduct of general elections, in so far as the same are not modified by the provisions of this act or are not inconsistent with its terms: Provided, That no elector shall be permitted to receive any assistance in marking his ballot, unless he shall first make an affidavit that he cannot read the names on the ballot, or that by reason of physical disability he is unable to mark his ballot.

No assistance permitted.

Exception.

Section 12. The county commissioners shall keep

an accurate account of the entire expense of holding such primaries, including the preparation and delivery of supplies, voting materials, et cetera, and the total amount shall be paid, in the first instance, by the county treasurer, upon the order of the county commissioners. As soon as convenient thereafter, the county commissioners shall prepare an itemized statement of the amount so paid, verified by oath, and send the same, accompanied by the receipted vouchers, to the Auditor General, who, if he finds the same correct, shall draw a warrant on the State Treasurer, for the proper county, for the amount so approved, which shall be paid by the State Treasurer out of the money in the State Treasury appropriated for said purpose.

Expense of
primaries.

Payment of.

Section 13. The qualifications of electors entitled to vote at a primary shall be the same as the qualifications of electors entitled to vote at elections, within the election district where the primary is held; except that, with respect to the payment of taxes, it shall be sufficient if an elector shall have paid within two years before the next succeeding election a State or county tax, which shall have been assessed at least two months before the said election and paid on or before the day of the primary, and, in cases where personal registration is required, on or before the registration day on which the elector registers. Each elector shall prove his qualifications and his identity in the same manner in which electors in the election district in which he offers to vote are, or hereafter may be, required by law to prove their qualifications or identity on election day, and may be challenged as at elections.

Qualifications of
voters.

Registration.

Proof of identity.

Each elector shall have the right to receive the ballot of the party for which he asks: Provided, That, if he is challenged, he shall be required to make oath or affirmation that, at the last preceding election at which he voted, he voted for a majority of the candidates of the party for whose ballot he asks.

Challenge.

Oath.

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

Presidential
electors defined as
two candidates.

Upon executing such affidavit the voter shall be entitled to receive the ballot for which he has called, and to cast his vote according to law. If he is unable or unwilling to make such affidavit, he shall be denied the right to receive such ballot, but he shall not be deemed thereby to be guilty of any violation or attempted violation of this law.

Affidavit.

Section 14. The ballot boxes, lists of voters (a copy of which shall be posted outside of the polling-place), and other records shall be delivered into the custody

of the officers who are or hereafter may be required by law to keep similar records of elections.

Election officers.

Counting of vote.

Certification.

Judge of elections.

Canvassing returns.

Upon the closing of the polls at such primary, the election officers shall forthwith proceed to open the ballot boxes and take therefrom the ballots, and first count the number cast for each party, and make a record thereof; and then count the vote cast for the different persons named upon said party ballots, and make a record thereof; and, when said count is finally completed, they shall certify, in due and proper form, to the number of votes cast for each person upon the respective party tickets. They shall then replace the ballots, so counted and canvassed, in the boxes, and lock the same. They shall then place all stubs and unused ballots in an envelope or package to be furnished by the county commissioners, and forthwith seal the same; and they shall also place the returns of votes and the register of voters aforesaid, for each party, together with affidavits made pursuant to the provisions of this act, in separate envelopes, and forthwith seal the same. All of said envelopes shall then be kept by the judge of election, and shall, on or before noon of the Thursday following, be deposited by him in person, or by registered mail, with the county commissioners, who shall on the succeeding day, at noon, publicly commence the computation and canvassing of the returns, and continue the same from day to day until completed; and for that purpose to have the right to petition the court of common pleas for the use of its processes to enforce the provisions of this act in relation to the returns of the election officers.

The stubs and unused ballots, and all returns of votes, registers of voters, and affidavits, returned to the county commissioners as aforesaid, shall be carefully preserved by them for a period of at least one year.

Charges of fraud.

Ballot boxes to be opened.

Duty of court.

Section 15. Upon the sworn petition of five qualified electors of any election precinct, division, or district that any act of fraud or error, which, upon information which they consider reliable, they believe, has been committed in any election precinct, division, or district of the county, the court of common pleas of said county shall order the county commissioners to open the ballot box of such election precinct, division, or district and recount the votes; such recount to be conducted in such manner and under such condition as the court shall prescribe. Any person aggrieved by any decision of the county commissioners may appeal therefrom, within ten days from the decision of the county commissioners, to the court of common pleas of the proper county, whose duty it shall be to hear the said appeal. The court, on said appeal, shall have full power and authority to hear and determine all matters pertaining to any fraud or error

committed in said election precinct, division, or district, and to make such decree as right and justice may require. Contests of primaries shall be originated and conducted as in cases of elections.

Contests.

Section 16. The county commissioners shall make the proper certification of returns of votes cast for the candidates of the various political parties for nomination for the office of President of the United States, Senator of the United States, member of the House of Representatives of the United States, for all State offices, for the office of delegate and alternate delegate to a National party convention, and member of the National committee and members of the State committee, to the Secretary of the Commonwealth, who shall tabulate the same, and shall certify to the county commissioners of the respective counties the result of the computation of the vote for all such offices as shall be voted for at the succeeding election, at least thirty days prior to the date of such election; and shall also certify, within said time, to said county commissioners, the names of the Presidential electors chosen and certified to him as hereinafter provided.

Certification of returns.

Tabulation.

The Secretary of the Commonwealth shall forthwith prepare a statement from said returns, showing the total number of votes cast in the State, and in each Congressional district of the State, for each candidate of each political party for nomination as President of the United States, and shall make public announcement thereof. He shall also, forthwith, send a duplicate of such statement to the county commissioners of each county.

Statement of Secretary of the Commonwealth.

The Secretary of the Commonwealth shall also, forthwith, ascertain from said returns the persons in each political party who have been duly elected as delegates and alternate delegates to the National convention of such party, and the persons in each party who have been duly elected members of the National committee or State committee of the party; and shall forthwith issue to each of such persons a certificate of election, which certificate of election, in the case of delegate and alternate delegate to a National party convention, shall show the number of votes received in the State, or in the political district of the State, as the case may be, by each candidate of such delegate's and 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 respective party the votes cast for each candidate for the office of State committeeman.

Certification of delegates.

Section 17. Candidates of the various political parties for nomination as herein provided for, except for the office of the President of the United States, who receive a plurality of votes of their party electors in the State, or in the political district or division, as

Persons receiving
a plurality of
votes shall be the
candidates.

the case may be, at a primary, together with the candidates for the office of Presidential elector nominated as hereinafter provided, shall be the candidates of their respective parties, and it shall be the duty of the proper officers to print their names upon the official ballots for use at the succeeding election, as is now or may hereafter be required by law.

United States
Senator.

The name of the person, in each political party, who receives at a primary a plurality of the votes of such party in the State at large for United States Senator, shall be printed upon the official ballots for use at the succeeding election as the candidate of his party for said office, under the heading "United States Senator."

Delegates.

Candidates of the various political parties for the office of delegate and alternate delegate 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 or division in which they are candidates, shall be the duly elected delegates and alternate delegates to the National convention of their respective parties.

Political Com-
mittees.

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.

Tie votes.

In case of a tie, the candidates receiving the tie vote shall cast lots before the county commissioners or the Secretary of the Commonwealth, as the case may be, on the third Friday after the primary, and the one to whom the lot shall fall shall be entitled to the nomination or election: Provided, however, That in any case where the fact of a tie vote is not authoritatively determined until after the third Wednesday after 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 o'clock noon on said day, the county commissioners 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

How decided.

candidate may appear in person, or by proxy appointed in writing.

Where a nomination petition has been duly filed under the provisions of this act, 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 ballot. Said petition filed shall have the same force and effect as the original petition.

When vacancy occurs before primary.

Vacancies happening or existing after the date of the primary may be filled in accordance with the party rules, as is now or may hereafter be provided for by law.

Vacancies after primary.

Section 18. 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, 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 political party for the office of President of the United States fails or is unable to make the said nominations within the time herein provided, then the nominee of such party for the office of Vice-President of the United States shall, as soon as may be possible after the expiration of said thirty days, make the nominations.

Candidates for President to nominate electors.

The names of such nominees, with their 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.

Certification of nominees.

Vacancies happening or 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.

Vacancies Presidential Electors.

Section 19. Any of the candidates for nomination, including candidates for President of the United States, to be voted for at a primary under this act, may, at any time before four o'clock of the Friday next succeeding the last day fixed for filing nomination petitions, withdraw his name as a candidate, by a request in writing, signed by him and acknowledged before a notary public or justice of the peace and filed with the Secretary of the Commonwealth, if such candidate filed his nomination petition with the Secretary of the Commonwealth, and in all other cases with the county commissioners.

Withdrawal of candidates.

The Secretary of the Commonwealth, upon the filing

Certification.

of requests for withdrawal in the manner herein provided, shall forthwith certify to the county commissioners of the proper county a correct list of candidates filing such requests.

Overseers at primary.

Section 20. Upon the petition of five or more citizens, who are lawful voters of any election district, setting forth that the appointment of overseers is a reasonable precaution to secure the purity and fairness of the primary in said district, it shall be the duty of the court of common pleas of the proper county, in its discretion, to appoint two overseers of election in said district, who shall be entitled to remain within the polling-place during the casting and counting of the ballots.

Watchers.

Section 21. Each candidate shall be entitled to appoint two watchers at the primary in each election district, division, or precinct in which such candidate is to be voted for, who shall be qualified electors of the district, division, or precinct. Each watcher shall be provided with a certificate from the county commissioners, stating his name, the district in which he is authorized to act, and the name of the candidate appointing him, and shall have the right to remain in the room outside of the enclosed space. Watchers shall be required to show their certificates, when requested to do so.

Election officers.

In any election officers officiating at any primary shall refuse to permit a watcher appointed under the provisions of this act to be present as herein provided, such officer or officers shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine not exceeding one thousand (\$1,000.00) dollars, or to undergo an imprisonment not exceeding one year, or both, in the discretion of the court.

Misdemeanor.

Penalty. Threaten watchers or overseers a misdemeanor.

Section 22. Any person or persons who, by violence or intimidation, shall threaten or drive away said watchers or overseers, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine not exceeding one thousand (\$1,000.00) dollars, or to undergo imprisonment for a period not exceeding one year, or both, in the discretion of the court.

Unqualified signers to petitions guilty of misdemeanor.

Section 23. If any person shall knowingly and wilfully sign any nomination petition without being qualified, with respect to age, sex, residence, and citizenship to be an elector of the State, or of the political district or division, as the case may be, named in said petition, and a resident of the county named on the sheet which he signs; or if any person shall set opposite a signature on a nomination petition a date other than the actual date such signature was affixed thereto; or if any person shall set opposite a signature on the nomination petition a false statement of the signer's place of residence; or if any person shall sign more nomination

petitions 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 of not more than one hundred (\$100.00) dollars.

Penalty.

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 if any person shall fraudulently sign any name not his own to any nomination petition, or if any person shall fraudulently alter any nomination petition without the consent of the signers, he shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred (\$500.00) dollars, or to undergo imprisonment for not more than one year, or either or both, at the discretion of the court.

False statement
in affidavit.

Penalty.

Any person who shall vote or attempt to vote more than once at a primary shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred (\$500.00) dollars, or to undergo imprisonment for a period not exceeding three years, or either or both, at the discretion of the court.

Illegal voting.

Any person who votes or attempts to vote at a primary, knowing that he does not possess the qualifications of a voter at such primary as indicated by this act, or who shall have unlawfully in his possession an official ballot outside the polling-place, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand (\$1,000.00) dollars, or to undergo an imprisonment for a period not exceeding one year, or either or both, in the discretion of the court.

Any voter who, for the purpose of securing assistance in marking his ballot, shall falsely make oath or declare that he cannot read the names on the ballot, or that by reason of physical disability he is unable to mark his ballot; or who, without having made the affidavit provided for in this act, that he cannot read the names on the ballot, or that by reason of physical disability he is unable to mark his ballot, shall permit another to accompany him into the voting compartment, or shall permit another person to mark his ballot for him; or any person who shall assist a voter in marking his ballot contrary to the provisions of this act, or who shall attempt to influence the vote of the voter whom he is assisting, or who shall mark a ballot in any other way than that requested by the voter whom he is assisting,—shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred (\$500.00) dollars, or to undergo imprisonment for a period not exceeding one year, or either or both, at the discretion of the court.

False statement
to secure assist-
ance in voting a
misdemeanor.

Penalty.

Police officer.	No police officer in commission, whether in uniform or in citizens' clothes, shall be within one hundred feet of a polling-place during the conduct of a primary, unless in the exercise of his privilege of voting, or for the purpose of serving warrants, or in case of disturbance of the peace; and any police officer being so present, within one hundred feet of a polling-place, during the conduct of a primary, except for the purposes specified, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred (\$500.00) dollars, or to undergo imprisonment for a term not exceeding one year, or either or both, at the discretion of the court.
Penalty.	
Illegal assistance.	Any person who shall accompany a voter into a voting compartment without the said voter having first made affidavit, as provided in this act, that he cannot read the names on the ballot, or that by reason of physical disability he is unable to mark his ballot; or who shall accompany a voter into the voting compartment, when the affidavit which the voter has made is false, to the knowledge of such person; or any judge of election who shall fail to properly file and return affidavits and other papers, required by this act or by law to be filed and returned to the county commissioners,—shall, for each such offense, be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand (\$1,000.00) dollars, or to undergo imprisonment for a period not exceeding two years, or either or both, at the discretion of the court.
Penalty.	
Election officers violating law.	Any election officer who permits a person to vote at any primary, with the knowledge that such person is not so entitled to vote, or refuses to permit any lawfully entitled elector to vote at such primary, with the knowledge that such person is entitled to vote, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred (\$500.00) dollars, or to undergo imprisonment for a period not exceeding three years, or either or both, at the discretion of the court.
Penalty.	
Misdemeanor.	Any election officer or clerk who shall be guilty of any wilful fraud in the conduct of his duties at a primary, or who shall make a false return of the votes cast at such primary, or who shall deposit fraudulent ballots in the ballot box, or who shall certify as correct a return of ballots in the ballot box which he knows to have been fraudulently deposited therein, or who shall write false names in the lists of voters for the purpose of concealing the deposit of such fraudulent ballots or of aiding in the perpetration of such fraud, or who shall conspire with others to commit any of the offenses herein mentioned, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred (\$500.00) dollars, or to un-
Penalty.	

dergo imprisonment for a period not exceeding three years, or either or both, at the discretion of the court.

Any election officer who refuses to permit a person to receive the party ballot for which he asks, after having executed the affidavit herein provided for, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand (\$1,000.00) dollars, or to undergo an imprisonment not exceeding two years, or either or both, in the discretion of the court.

Misdemeanor.

Penalty.

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 at any primary; or 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 shall, 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 at any primary, 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,—the person so offending shall be guilty of a misdemeanor and on conviction be sentenced to pay a fine not exceeding five hundred (\$500.00) dollars, or to undergo imprisonment for a period not exceeding three years, or either or both, at the discretion of the court.

Misdemeanor.

Penalty.

Except as modified by the terms of this act, election officers and clerks shall be subject to the same pains and penalties for violations or neglect of their duties at a primary as they are or hereafter may be subject to for violations or neglect of such duties at elections. In all other respects, officers and clerks officiating at primaries shall be subject to the pains and penalties provided by law for offenses committed at primaries. The existing laws relating to bribery at primaries, except as modified by the terms of this act, shall continue in force and shall apply to bribery at primaries as provided by this act.

Violations of primary law.

Section 24. The invalidity of any portion of this act shall in no wise affect the validity of any other portion thereof which can be given effect without such invalid portion.

Validity of act.

Section 25. That the following acts of Assembly; namely, an act of Assembly, entitled "An act providing a uniform method of electing certain party officers, and delegates to the State and National conven-

Repeal.

tions, and of making nominations for certain public offices; providing for the payment of the expenses of the same; making certain violations thereof misdemeanors, and prescribing penalties for the violation of its provisions," approved the seventeenth day of February, Anno Domini one thousand nine hundred and six, and;

Repeal.

An act of Assembly, approved the twenty-second day of May, Anno Domini one thousand nine hundred and seven, entitled "An act to amend section twelve of an act, entitled 'An act providing a uniform method of electing certain party officers, and delegates to the State and National conventions, and of making nominations for certain public offices; providing for the payment of the expenses of the same making certain violations thereof misdemeanors, and prescribing penalties for the violation of its provisions,' approved the seventeenth day of February, Anno Domini one thousand nine hundred and six;" and

Repeal.

An act of Assembly, approved the sixth day of April, Anno Domini one thousand nine hundred and eleven, entitled "An act to amend sections two, three, ten, and eleven of an act, entitled 'An act providing a uniform method of electing certain party officers, and delegates to the State and National conventions, and of making nominations for certain public offices; providing for the payment of the expenses of the same; making certain violations thereof misdemeanors, and prescribing penalties for the violation of its provisions,' approved the seventeenth day of February, Anno Domini one thousand nine hundred and six, by providing for only one primary election each year, in place of two; fixing the time for holding the same; providing what political party shall be entitled to participate therein, and what voter shall be entitled to participate in such primary; fixing the time for the election of party officers, and changing time for the certifying by the Secretary of the Commonwealth of the computation of the vote for State offices;"

Repeal.

And all other acts or parts of acts, inconsistent with this act, be and the same are hereby repealed: Provided, however, That the repeal of said acts shall not in any way interfere with or affect any proceeding pending at the date of the approval of this act: And provided further, That nothing herein contained shall repeal any act, or part of act, providing a non-partisan method of nominating or electing candidates for any public office,—it being intended that any provisions of this act for the nomination of candidates for any such office shall be suspended while such other act or part of act remains in force.

This act shall not effect any nominations of candi-

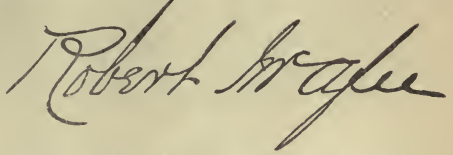
Nominations not
affected.

dates for borough and township offices, which have been made prior to the time of the passage of this act.

APPROVED—The 12th day of July, A. D. 1913.

JOHN K. TENER.

The foregoing is a true and correct copy of the act of the General Assembly, No. 400.



Secretary of the Commonwealth.

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