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REVISED 1921-1922

PENNSYLVANIA
ELECTION
LAWS

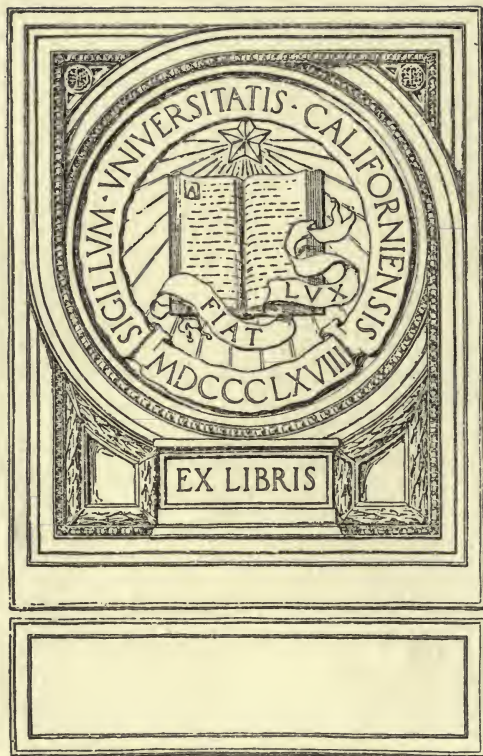
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THE VOTER'S GUIDE.

Published By
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PITTSBURGH,
PA.

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The Voter's Guide

A DIGEST OF THE

ELECTION LAWS

OF

PENNSYLVANIA

A Complete Description of the Method of
Holding All Elections in this State

ALSO DEFINING THE DUTIES OF

County and Election Officers, Constables,
Assessors and Registrars, as well as
Candidates' Information.

Revised and Enlarged by
J. OSCAR EMRICH, Librarian,
Allegheny County Law Library.

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1921-22

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PREFACE.

THE VOTER'S GUIDE has been revised as found necessary and published after each session of the legislature for the past twenty-six years. The purpose of this Guide has been to place the election laws in concrete form before election officers and those interested therein.

The present edition has been revised to conform to the important changes in the law as passed by the last legislature which repealed the Non-Partisan Act as well as amended the Primary and Baker Ballot Acts and enacted the Congressional Representative, State Senatorial, State Representative and Judicial Apportionment Acts. The information has been written with a view of giving the law in a clear and concise manner, eliminating the technical language as used in the statutes.

Beginning with the 1920 edition of the Guide, references to the source of information were given which system has been retained in the present edition.

The classification system as used in the 1920 edition as well as the section numbers have been retained as far as practical. Where such law or information had been modified or repealed and no new matter could be readily obtained to supply the same under a given classification the section number was left blank and so marked.

The information has been arranged under seven parts as follows. (See also Table of Contents, page 3.)

Part I contains the law of General and Municipal Elections and the second sub-division thereof gives the Preliminary Duties of the Election Officers in organizing the various Boards on election morning. Following this is given the various duties of the Boards and steps of the Voters, and by following the instructions, it should enable the Election Boards to intelligently perform their duties as well as the Electors cast their vote.

Part II contains the law on Primaries and as far as practical cross references are given to the General and Municipal Election Laws under Part I as applicable.

Parts III and IV contain the Election and County Officers' specific duties. The various Registration laws for cities, boroughs and townships are given under Part V, and Part VI is devoted to Candidates' information, as well as their election expenses, while Part VII contains various election statutes.

An Index has been added which should make the information readily accessible.

I wish to acknowledge with thanks the valuable assistance given me by George D. Thorn, Esq., Chief of the Election Bureau, State Department, Harrisburg, Pa., who supplied advance copies of the election laws and various information from time to time, also to Major W. T. Rees, Chief Clerk, Allegheny County Commissioners, whose suggestion of new matter has been of much assistance.

The undersigned would be pleased to learn of any errors or receive suggestions, which might increase the usefulness of the Guide.

J. Oscar Emrich, Editor.

Pittsburgh, Pa., July 1, 1921.

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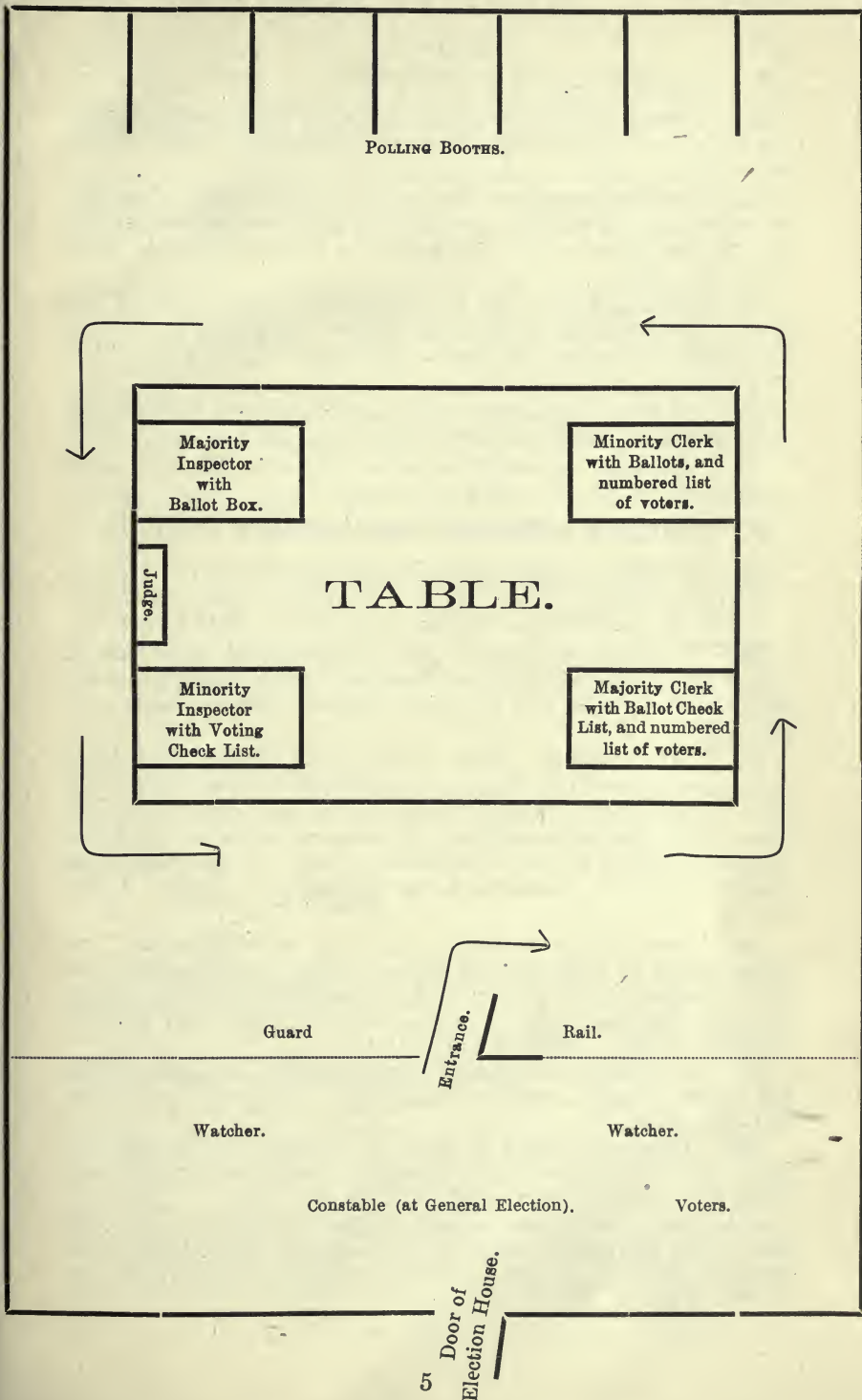
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DIAGRAM OF VOTING ROOM.

The arrangement of the inspectors and clerks shown in the diagram of voting room is not mandatory, but is recommended, so that the officers and clerks of different political parties may be a check on each other, and to comply with the general election law.



ELECTIONS

PART I.

I. ELECTION DAYS AND HOURS.

§1. General elections are held on the Tuesday next following the first Monday of November in even numbered years. (Const. Art. 8, §2.)

§2. Municipal elections for county, city, ward, borough, township and school officers are held on the Tuesday next following the first Monday of November in odd numbered years. (Const. Art. 8, §3.)

§3. Special elections are to be regulated and conducted like general elections and by the same officers. Their duties shall be the same, save where contrary is prescribed by law. (1874, P. L. 31, §23.)

§4. The first Tuesday after the first Monday of November is designated as a public holiday. (1911, P. L. 3, §1.)

§5. Polls shall be opened at seven o'clock A. M., and closed at seven o'clock P. M. (1874, P. L. 31, §5.)

II. ELECTION OFFICERS—PRELIMINARY DUTIES.

See also Election Districts and Rooms, §§280 to 291.

Overseers, Duties of, see (Subject) Overseers, §§242 to 245.

Watchers, Duties of, see (Subject) Watchers, §§246 to 254.

§6. The judge or inspector who without good cause fails or neglects to attend at the time of opening the polls shall in every such case forfeit the sum of twenty (\$20.00) dollars. (1839, P. L. 519, §99.)

§7. If any inspector, judge or clerk, shall neglect or refuse to take upon himself the duties of such office, he shall forfeit and pay the sum of fifty (\$50.00) dollars, or having entered upon the same, shall afterwards neglect or refuse to perform the duties thereof according to law, he shall forfeit and pay the sum of one hundred (\$100.00) dollars for every such offense. (1839, P. L. 519, §100.)

§8. If any inspector, judge or clerk of an election shall presume to act in such capacity before taking and subscribing the oath required by this act, he shall, on conviction, be fined in any sum not less than fifty (\$50.00), nor more than two hundred (\$200.00) dollars. (1839, P. L. 519, §101.)

§9. The judge shall publicly break open the package containing ballots, blanks, cards of instruction, stationery, etc. (1893, P. L. 419, §20.)

§10. Judge of election is sworn or affirmed by the minority inspector, or in his absence by a justice of the peace, or alderman. (1839, P. L. 519, §20, 22, also 1874, P. L. 31, §9.)

§11. Judge of election swears or affirms inspectors, overseers and clerks, also attests certificates of oaths or affirmations which must be signed by persons so sworn. (1839, P. L. 519, §§19, 21 and 22, also 1874, P. L. 31, §9.)

§12. If any judge or minority inspector refuses or fails to swear the officers of election in the manner required by this act, or if any officer of election shall act without being first duly sworn, or if any officer of election shall sign the form of oath without being duly sworn, or if any judge or minority inspector shall certify that any officer was sworn when he was not, it shall be deemed a misdemeanor, and, upon conviction, the officer or officers so offending shall be fined not exceeding one thousand (\$1000.00) dollars, or imprisoned not exceeding one (1) year, or both, in the discretion of the court. (1874, P. L. 31, §9.)

§13. If the minority inspector does not attend on election morning the person who received the second highest vote for judge at the preceding election will take his place. If the majority inspector does not attend the judge shall appoint an inspector. If the judge does not attend the majority inspector shall appoint a judge. If any vacancy continues until eight o'clock the qualified electors present shall elect one of their number to fill the vacancy. (1839, P. L. 519, §16.)

§14. The place of a non-attending clerk is filled by the inspector appointing him or by the acting inspector. (1839, P. L. 519, §17.)

§15. The board shall open the ballot box, burn and totally destroy all the old ballots and other papers which it contains before holding the subsequent election. (1909, P. L. 425, §1.)

§16. Post one card of instructions and one card of penalties at or in each voting booth, and three or more cards of instructions and penalties and five or more specimen ballots in the voting room outside the guard rail. The board shall give cards of instruction, penalties or specimen ballots to any voter requesting same. (1893, P. L. 419, §20.)

§17. Properly arrange the places of election officers and clerks. Place ballot box at least six (6) feet from the guard rail. (1893, P. L. 419, §19.)

III. PEACE OFFICERS.

A. GENERAL.

§18. It shall be the duty of every mayor, sheriff, deputy sheriff, alderman, justice of the peace and constable, or deputy constable of every city, county and township or district within this Commonwealth, whenever called upon by any officer of an election, or by any three qualified electors thereof, to clear any window, or avenue to any window, at the place of the general election, which shall be obstructed in such a way as to prevent voters from approaching the same, and on neglect or refusal (so) to do, on such requisition, said officer shall be deemed guilty of a misdemeanor in office, and on conviction shall be fined in any sum not less than one hundred (\$100.00) dollars and not more than one thousand (\$1,000.00) dollars. And it shall be the duty of the respective constables of each ward, district or township within

this Commonwealth to be present in person, or by deputy, at the place of holding such elections in said ward, district or township, for the purpose of preserving the peace, as aforesaid. (1839, P. L. 519, §111.)

§19. It shall be the duty of every peace officer, as aforesaid, who shall be present at any such disturbance at an election as is described in this act, to report the same to the next court of quarter sessions, and also the names of the witnesses who can prove the same; and it shall be the duty of the said court to cause indictments to be preferred before the grand jury against the persons so offending. (1839, P. L. 519, §112.)

§20. It shall be the duty of the police officers, constables, and deputy constables, now required by law to be present at the polls, to remain in the voting room, but outside of the guard rail, while the votes are being counted, and preserve order therein. No person, except the said peace officers, when necessary for the preservation of the peace, or persons acting by their authority, shall enter into the space within the guard rail, or converse with any election officer, in any way after the polls are closed and until the counting of the votes has been completed. (1903, P. L. 338, §5.)

§21. If the constables or supervisors of any township, ward, or district, shall neglect or refuse to perform the duties herein required of him or them, they shall respectfully, on conviction, be fined in any sum not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars. (1839, P. L. 519, §97.)

B. CONSTABLES.

See also Incompatible Offices, §§345 to 369-D.

§22. Give notice of all officers to be elected at the municipal election in odd numbered years, ten (10) days prior to the date of the election, by advertisements posted up in most public places. Enumerating officers to be elected and designating the places at which the election is to be held. (1839, P. L. 539, §13, Cls. 1 and 2; also 1840, P. L. 683, §2.)

§23. If it shall be made appear to any court of quarter sessions of this Commonwealth, that any riot or disturbance occurred at the time and place of holding any election under this act, and the constables who are enjoined by law to attend at such elections have not given information thereof, according to the provisions of this act, it shall be the duty of said court, to cause the officer or officers, so neglecting the duty aforesaid, to be proceeded against by indictment for misdemeanor in office, and on conviction thereof, the said officer shall be fined in any sum not exceeding one hundred (\$100.00) dollars. (1839, P. L. 519, §113.)

§24. It shall be the duty of the several courts of quarter sessions of this Commonwealth, at the next term of said court after any election shall have been held under this act, to cause the respective constables in said county to be examined on oath, as

to whether any breaches of the peace took place at the election within their respective townships, wards or districts; and it shall be the duty of said constables respectively to make return thereof as part of their official return at said court. (1839, P. L. 519, §114, —Repealed as to Bradford and Susquehanna counties, Act 1869, P. L. 441, §1.)

§25. Serve certificates of election. (1840, P. L. 683, §1.)

§25-A. Constable may appoint deputy constable subject to the approval of the Court of Quarter Sessions for the purpose of preserving the peace at election. Appointee must be a bona fide resident of the ward, borough, or township for which he is appointed. (1839, P. L. 519, § § 111, 112, 113 and 1913, P. L. 534, § § 1, 2.)

§26. Constable or deputy constable shall receive five (\$5.00) dollars for attending general, special, township, ward or borough election, which sum shall include pay for serving notices in writing to persons elected at the above stated elections. (1919, P. L. 274, §1).

IV. QUALIFICATIONS OF VOTERS.

See also Registration, §§292 to 344.

A. GENERAL.

§27. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. (U. S. Const. 15th Amendment, §1.)

§28. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation. (U. S. Const. 19th Amendment, §1, Ratified August 26th, 1920.)

§29. All * * * citizens, twenty-one years of age, possessing the following qualifications shall be entitled to vote at all elections:

1. They shall have been citizens of the United States at least one month.
2. They shall have resided in the State one year immediately preceding the election (or six months if previously a qualified elector or native born citizen, removed from the State and returned).
3. They shall have resided in the election district at least two months preceding the election.
4. If twenty-two years of age or more, they shall have paid a State or County Tax within two years, that was assessed at least two months and paid one month before the election. (Const. Art. 8, §1.) See also §28.

§30. The tax must have been assessed upon them personally at least two (2) months and paid (1) month before the election. (Const. Art. 8, §1.)

§31. The tax must be paid by the voter himself or upon his written order. (1897, P. L. 276, Act No. 218, §1.)

§32. A mercantile tax is not a State or County tax within the meaning of the Constitution. (Conway v. Carpenter 11 W. N. C. 169.)

§33. Any person who while a citizen of the United States and during the European War, entered the military or naval service of any country at war with the country with which the United States was at war, shall have lost his citizenship by reason of any oath or obligation taken by him for the purpose of entering such service may resume his citizenship, by taking the oath of allegiance to the United States as prescribed by the naturalization law and regulations. (May 9, 1918-40 U. S. Stat. at L. 545, C1. 12.)

§34. Any American Woman who marries a Foreigner shall take the nationality of her husband. At the termination of the marital relation, she may resume her American Citizenship by continuing to reside in the United States. (March 2, 1907-34 U. S. Stat. at L. 1228, §3.)

§35. Any Foreign Woman who acquires American Citizenship by marriage to an American (1), or one having been naturalized (2), shall be assumed to retain the same after the termination of the marital relation, if she continues to reside in the United States (3). (1 & 3) March 2, 1907-34 U. S. Stat. at L. 1229, §4-(2) Rev. Stat. §1994.

§36. Naturalization papers granted to the father or mother when children are minors make them citizens. (U. S. Rev. Stat. §2172.)

§37. For the purpose of 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 poor house or other asylum at public expense, nor while confined in public prison. (Const. Art. 8, §13.)

§38. A voter cannot cast his ballot at any polling place outside the election district in which he is domiciled except when in actual military service of this State or the United States. (1893, P. L. 107, Act No. 60, §1.)

§39. Residence means the domicile, abode, home, or the place where a man abides with the intention of making it his permanent habitation. (Fry's Election Case, 71 Pa. 302.)

§40. In cases of students attending college for an education only, a teacher going into a district to teach a school, a laborer at work for a definite period, a contractor to carry out his contract, persons going from the city to the country for the summer,

do not lose their residence in the district they formerly resided in, nor do they gain a residence in the district in which they are for the purposes aforesaid, unless it be their fixed intention to acquire a permanent residence in the district to which they have moved. (Fry's Election Case, 71 Pa. 302.)

B. BOROUGHES AND TOWNSHIPS.

See also §§27 to 40; Registration, §§292 to 307.

§41. Require voter to establish his right to vote when not registered (1), or when challenged (2). (1) 1899, P. L. 254, §1— (2) 1874, P. L. 31, §11.

§42. Election officers are guilty of a crime for receiving unregistered votes without the required affidavits. (In re Contested Election of McDonough, 105 Pa. 488.)

§43. If not registered, he shall produce one qualified voter of the district as a witness of his residence. (1899, P. L. 254, §1.)

§44. If a native born citizen, claiming vote on age, he shall produce a witness as above and subscribe to affidavit. (1899, P. L. 254, §1.)

§45. If a native born citizen, twenty-two years of age or more, he shall produce a witness as above, exhibit his tax receipt or make oath that it was lost, destroyed or never received. Also subscribe to affidavit. (1899, P. L. 254, §1.)

§46. If a naturalized citizen he shall produce a witness as above, exhibit his naturalization papers, except when he has been a voter five consecutive years in the district and subscribe to affidavit. (1899, P. L. 254, §1.)

§47. If a person claiming the right to vote on age was born elsewhere than in the United States, he shall state that fact in addition to his affidavit and produce evidence that he is naturalized, or entitled to citizenship by his father's naturalization. (1899, P. L. 254, §1.)

§48. Naturalization papers granted to the father or mother when children are minors make them citizens (1). The naturalization certificate must be produced and indorsed by the judge of election, showing who voted thereon and when and where, unless proved that the person voting has voted in the district continuously for five years (2). (1) U. S. Revised Statutes, §2172—(2) 1874, P. L. 31, §11.

§49. For the purpose of voting on age, a minor becomes of age on the day preceding the twenty-first anniversary of his birth. (In re Griffiths, 1 Kulp, 157.)

§50. After elector has established his right to vote, add his name to both check lists. (1893, P. L. 419, §21.)

§50A. A woman who is registered and subsequently marries a native born or naturalized citizen of the United States between the registration and election day may vote by making a proper affidavit; providing, she continues to reside in the election district as required by law. (Editor.)

§51. Election officers must take the proofs required by law where the claimant is not registered, or is challenged. The Act of Assembly declares that the proofs must be taken, preserved, and returned with the rest of the papers. Their oaths require it. The courts hold it absolutely essential, and a fine of five hundred (\$500.00) dollars and one year's imprisonment, emphasize that they must obey the law. (1874, P. L. 31, §§11 and 12.)

C. CITIES.

See also §§27 to 40; Registration, §§308 to 344.

§52. Any person whose name is on the register of second (1), and third (2) class cities shall be entitled to vote at any general, special, municipal, or primary election, unless it shall be shown, to the satisfaction of the election officers, that he is no longer a resident of the election district in which he is registered. If his name is not registered, he shall not be entitled to vote at any election. Before receiving his ballot every voter shall satisfy the election officers of his identity, and, if challenged, by signing his name in the place provided for that purpose. (1) 1913, P. L. 977, §17—(2) 1917, P. L. 738, §6.

§52A. A woman who is registered and subsequently marries a native born or naturalized citizen of the United States between the registration and election day may vote by making a proper affidavit; providing, she continues to reside in the election district as required by law. (Editor.)

§53. An elector desiring to vote on age must have been registered before the election. See §§315, 324 and 333.

V. CHALLENGING.

See also Qualifications of Voters, §§27 to 51; Registration, §§317, 318, 336 and 337.

§54. Any person who shall give, or promise or offer to give, to an elector, any money, reward or other valuable consideration for his vote at an 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, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election

officers shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received. (Const. Art. 8, §8.)

§55. But if the challenger offers testimony in support of the truth of the charge, the board must decide according to the weight of the evidence. (Editor.)

§56. In boroughs and townships when a person's name is on the registry list but his right to vote is challenged by a qualified citizen, he shall make the same proof of the right to vote as required of a person not registered. See §§41 to 51. (1874, P. L. 31, §11.)

§57. In boroughs and townships if tax receipts are called for and not produced by the claimant, he must make the same proofs as required of the unregistered. (1899, P. L. 254, §1.)

§58. In cities of the second (1), and third (2) class, if elector is challenged he shall sign his name in the register at the place provided for that purpose. If his name is not registered he shall not be entitled to vote. (1) 1913, P. L. 977, §17—(2) 1917, P. L. 733, §6.

VI. BALLOTS AND VOTING.

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Federal and State Employees registered on petition and voting in second class cities, see §327.

Qualifications of voters, see §§27 to 53.

Registration of voters, see §§292 to 344.

Overseers, Duties of—, see (Subject) Overseers, §§242 to 245.

Watchers, Duties of—, see (Subject) Watchers, §§246 to 254.

§59. All elections by the citizens shall be by ballot or by such method as may be prescribed by law: Provided, that secrecy in voting be preserved. (Const. Art. 8, §4.)

§60. Permit no more than ten (10) voters, not including watchers and peace officers, outside the guard rail at one time. (1903, P. L. 213, §1.)

§61. Permit no more than four (4) voters in excess of the number of voting booths, not including persons giving assistance, within the guard rail at one time. (1893, P. L. 419, §21.)

§62. The elector shall give his name and residence to the officer in charge of the ballots. (1893, P. L. 419, §21.)

§63. Elector claiming right to vote whose name does not appear on the Voting Check List in boroughs and townships. See §§41 to 51.

If his name does not appear on the register in cities of the second and third class. See §52.

§64. Controversies as to the elector's right to vote are decided by the inspectors. If they disagree, the judge decides and for that purpose may examine under oath the person claiming such right. (1839, P. L. 519, §6—See also 47 Pa. Super. Ct. 592 and 600.)

§65. When the voter has established his right to vote the board shall (1)

Write his name on the numbered list of voters (2).

Admit him within the guard rail.

Deliver him folded ballot.

Mark "B" against his name on the Ballot Check List (3).

(1) 1899, P. L. 254, §1—(2) 1893, P. L. 419, §24,—(3) 1893, P. L. 419, §21.

§66: He shall have assistance in marking his ballot when he declares to the judge that by reason of disability he desires such assistance. (1893, P. L. 419, §26.)

§67. Allow no voter to occupy a voting booth already occupied by another except when giving the help allowed or to remain within the booth over three minutes, if all of the booths are in use and other voters waiting. (1903, P. L. 213, §1.)

§68. On receiving his ballot he shall immediately enter the booth, close the screen or door and mark the ballot. He shall then refold the ballot as received and deposit it in the ballot box and quit the enclosed space at once. (1919, P. L. 829, §1.)

§69. When a voter spoils a ballot in marking he may obtain another by surrendering the spoiled one to the election board which ballot must be cancelled. (1893, P. L. 419, §25.)

§70. Marking the Ballot. To vote a straight party ticket, mark a cross (X) within the square in the first column opposite the party of your choice.

To vote a split or mixed ticket, place a cross (X) opposite the name of every candidate desired to be voted for. 1919, P. L. 829, §1.

§71. Exceptions in Marking. If he desires to vote for every candidate of a political party, he may make a cross-mark in the appropriate square, opposite the name of the party of his choice, in the straight party column, on the left of the ballot, and every such cross-mark shall be equivalent to a vote for every candidate for the party so marked: Provided, That the voter may make a cross-mark in the appropriate square, opposite the name of the party of his choice, in the straight party column on the left of the ballot, and may also make a cross-mark in the square to the right of any individual candidate whom he favors. In such case his vote shall be counted for all the candidates of the party in whose straight party column on the left of the ballot he placed

such cross-mark, except for those offices for which he has indicated his choice by marking in the squares to the right of individual candidates, and his vote shall be counted for such individual candidates, which he has thus particularly marked, notwithstanding the fact that he made a mark in the straight party column on the left of the ballot. Provided further, That in any case where more than one candidate is to be elected to any office, the voter shall, if he desires to divide his vote among candidates of different parties, make a cross (X) mark in the appropriate square, to the right of each candidate for whom he desires to vote, not exceeding the total number to be elected for such office, and no vote shall be counted for any candidate in such group not individually marked, notwithstanding the mark in the party square. (1919, P. L. 829, §1.)

§72. The following statements and illustrations showing how certain marked ballots should be counted, being sections 73 to 82, have been prepared by George D. Thorn, Esq., Chief of the Election Bureau, State Department, Harrisburg, Pa., to whom due credit is hereby acknowledged.

§73. There are two ways to vote a split ticket.

First: By making a cross in the party square in the first column, and then by making a cross-mark opposite the names of candidates of another party. A ballot marked thus will be counted for every candidate of the party whose party square has been marked, except candidates for offices for which the voter has indicated his intention to vote for candidates of another party by marking the names individually, and will be counted for the latter candidates.

Where there are two or more candidates in a group for an office and the voter makes a mark in a party square and a mark after the name of but one candidate of another party in the group; that name is the only one for whom a vote can be counted, as it is impossible to determine for which other candidates in the group, if any, the voter desired to cast his ballot.

Second: By making a cross (X) mark opposite the name of each candidate for whom he desires to vote, not exceeding the number to be elected to any office.

FIRST COLUMN.

To Vote a Straight Party Ticket, Mark a Cross (X) in this Column.

REPUBLICAN.	<input checked="" type="checkbox"/>
--------------------	-------------------------------------

DEMOCRATIC.	<input type="checkbox"/>
--------------------	--------------------------

SOCIALIST.	<input type="checkbox"/>
-------------------	--------------------------

PROHIBITION.	<input type="checkbox"/>
---------------------	--------------------------

UNITED STATES SENATOR (VOTE FOR ONE)	
Morton,	REPUBLICAN
Rummel,	DEMOCRATIC
Brenner,	SOCIALIST
Love,	PROHIBITION

REPRESENTATIVE IN CONGRESS AT LARGE (VOTE FOR FOUR)	
Killheller,	REPUBLICAN
Larkin,	REPUBLICAN
Leopold,	REPUBLICAN
McConnell,	REPUBLICAN
Wright,	DEMOCRATIC
Tyler,	DEMOCRATIC
Repp,	DEMOCRATIC

REPRESENTATIVE IN CONGRESS (VOTE FOR ONE)	
Wagner,	REPUBLICAN
Schleicher,	DEMOCRATIC
Hepfinger,	SOCIALIST
Fraisin,	PROHIBITION

A Ballot marked as above, votes for all Republican Candidates for all offices except Congress-at-Large. The only Candidate in that group for whom a vote can be counted is "Larkin".

**JUSTICE OF THE SUPREME COURT
(VOTE FOR ONE)**

Brown,	REPUBLICAN	
Jones,	DEMOCRATIC	
Smith,	SOCIALIST	
Clark,	PROHIBITION	

**AUDITOR GENERAL
(VOTE FOR ONE)**

Hendricks,	REPUBLICAN	
Huckins,	DEMOCRATIC	
Huntington,	SOCIALIST	
Kane,	PROHIBITION	

**JUDGE OF THE SUPERIOR COURT
(VOTE FOR ONE)**

Black,	REPUBLICAN	
Gray,	DEMOCRATIC	
Crane,	SOCIALIST	
Spooner,	PROHIBITION	

**SENATOR IN THE GENERAL
ASSEMBLY
(VOTE FOR ONE)**

Schaeffer,	REPUBLICAN	
Homan,	DEMOCRATIC	
Weaver,	SOCIALIST	
Bellman,	PROHIBITION	

**STATE TREASURER
(VOTE FOR ONE)**

Smith,	REPUBLICAN	
Leinbach,	DEMOCRATIC	
Dunham,	SOCIALIST	
Packer,	PROHIBITION	

**REPRESENTATIVE IN THE
GENERAL ASSEMBLY
(VOTE FOR ONE)**

Jamison,	REPUBLICAN	
McShane,	DEMOCRATIC	
Fisher,	SOCIALIST	
Johnson,	PROHIBITION	

ILLUSTRATION NO. 2—Condensed Form of Ballot.

To vote a straight party ticket, mark a cross (X) in this column.

Republican

Democratic

Socialist

Prohibition

JUDGE OF SUPERIOR COURT (Vote for one)	
George Elpies,	Rep.
James Smith,	Dem.

SHERIFF (Vote for one)	
King,	Rep.
Morris,	Dem.
Mitchell,	Soc.

MAYOR (Vote for one)	
Hoover,	Rep.
Hart,	Dem.

JUDGE COMMON PLEAS (Vote for two)	
Charles Brown,	Rep.
William Kuhns,	Rep.
John Jones,	Dem.
Robert Blair,	Dem.

County Commissioners (Vote for two)	
Crane,	Rep.
Stone,	Rep.
Walsh,	Dem.
Hill,	Dem.
Brown,	Soc.
Fink,	Soc.

CITY COUNCIL (Vote for four)	
Bowers,	Rep.
Trent,	Rep.
Hess,	Rep.
Link,	Rep.
Goss	Dem.
Rose,	Dem.
Shields,	Dem.
Shuck,	Dem.

A ballot marked as above must be counted as a vote for each and every REPUBLICAN candidate named upon the ticket.

ILLUSTRATION No. 3—Condensed Form of Ballot.

To vote a straight party ticket, mark a cross (X) in this column.

Republican

Democratic **X**

Socialist

Prohibition

JUDGE OF SUPERIOR COURT (Vote for one)	
George Elpies,	Rep.
James Smith,	Dem.

SHERIFF (Vote for one)	
King,	Rep.
Morris,	Dem.
Mitchell,	Soc.

MAYOR (Vote for one)	
Hoover,	Rep.
Hart,	Dem.

JUDGE COMMON PLEAS (Vote for two)	
Charles Brown,	Rep.
William Kuhns	Rep.
John Jones,	Dem.
Robert Blair,	Dem.

County Commissioners (Vote for two)	
Crane,	Rep.
Stone,	Rep.
Walsh,	Dem.
Hill,	Dem.
Brown,	Soc.
Fink,	Soc.

CITY COUNCIL (Vote for four)	
Bowers,	Rep.
Trent,	Rep.
Hess,	Rep.
Link,	Rep.
Goss,	Dem.
Rose,	Dem.
Shields,	Dem.
Shuck,	Dem.

A ballot marked as above is a vote for all the DEMOCRATIC candidates, named upon the ticket.

To vote a straight party ticket, mark a cross (X) in this column.

Republican

Democratic

Socialist

Prohibition

JUDGE OF SUPERIOR COURT (Vote for one)	
George Elpies,	Rep.
James Smith,	Dem.

SHERIFF (Vote for one)	
King,	Rep.
Morris,	Dem.
Mitchell,	Soc.

MAYOR (Vote for one)	
Hoover,	Rep.
Hart,	Dem.

JUDGE COMMON PLEAS (Vote for two)	
Charles Brown,	Rep.
William Kuhns,	Rep.
John Jones,	Dem.
Robert Blair,	Dem.

County Commissioners (Vote for two)	
Crane,	Rep.
Stone,	Rep.
Walsh,	Dem.
Hill,	Dem.
Brown,	Soc.
Fink,	Soc.

CITY COUNCIL (Vote for four)	
Bowers,	Rep.
Trent,	Rep.
Hess,	Rep.
Link,	Rep.
Goss	Dem.
Rose,	Dem.
Shields,	Dem.
Shuck,	Dem.

A ballot marked as above must be counted as a vote for each candidate of the DEMOCRATIC PARTY except Hart. It must be counted as a vote for Hoover for Mayor.

ILLUSTRATION No. 5—Condensed Form of Ballot.

To vote a straight party ticket, mark a cross (X) in this column.

Republican

Democratic

Socialist

Prohibition

JUDGE OF SUPERIOR COURT (Vote for one)	
George Elpies,	Rep.
James Smith,	Dem.

SHERIEF (Vote for one)	
King,	Rep.
Morris,	Dem.
Mitchell,	Soc.

MAYOR (Vote for one)	
Hoover,	Rep.
Hart,	Dem.

JUDGE COMMON PLEAS (Vote for two)	
Charles Brown,	Rep.
William Kuhns,	Rep.
John Jones,	Dem.
Robert Blair,	Dem.

County Commissioners (Vote for two)	
Crane,	Rep.
Stone,	Rep.
Walsh,	Dem.
Hill,	Dem. <input checked="" type="checkbox"/>
Brown,	Soc.
Fink,	Soc.

CITY COUNCIL (Vote for four)	
Bowers,	Rep.
Trent,	Rep.
Hess,	Rep.
Link,	Rep.
Goss,	Dem.
Rose,	Dem.
Shields,	Dem.
Shuck,	Dem.

A ballot marked as above must be counted as a vote for each candidate of the REPUBLICAN PARTY for all offices except COUNTY COMMISSIONER. The only candidate for office in that group for whom a vote will be counted is Hill.

ILLUSTRATION No. 6—Condensed Form of Ballot.

To vote a straight party ticket, mark a cross (X) in this column.

Republican

Democratic

X

Socialist

Prohibition

JUDGE OF SUPERIOR COURT
(Vote for one)

George Elpies,	Rep.
James Smith,	Dem.

SHERIFF
(Vote for one)

King,	Rep.
Morris,	Dem.
Mitchell,	Soc.

MAYOR
(Vote for one)

Hoover,	Rep.
Hart,	Dem.

CITY COUNCIL
(Vote for four)

Bowers,	Rep.
Trent,	Rep.
Hess,	Rep.
Link,	Rep.
Goss,	Dem.
Rose,	Dem.
Shields,	Dem.
Shuck,	Dem.

County Commissioners
(Vote for two)

Crane,	Rep.
Stone,	Rep.
Walsh,	Dem.
Hill,	Dem.
Brown,	Soc.
Fink,	Soc.

JUDGE COMMON PLEAS
(Vote for two)

Charles Brown,	Rep.
William Kuhns,	Rep.
John Jones,	Dem.
Robert Blair,	Dem.

X

A ballot marked as above must be counted as a vote for each candidate of the DEMOCRATIC PARTY for all offices except CITY COUNCIL. The only candidate for the office in that group for whom a vote will be counted is Link.

To vote a straight party ticket, mark a cross (X) in this column.

Republican

Democratic

Socialist

Prohibition

JUDGE OF SUPERIOR COURT
(Vote for one)

George Elpies, Rep.

James Smith, Dem.

SHERIFF
(Vote for one)

King, Rep.

Morris, Dem.

Mitchell, Soc.

JUDGE COMMON PLEAS
(Vote for two)

Charles Brown, Rep.

William Kuhns, Rep.

John Jones, Dem.

Robert Blair, Dem.

County Commissioners
(Vote for two)

Crane, Rep.

Stone, Rep.

Walsh, Dem.

Hill, Dem.

Brown, Soc.

Fink, Soc.

MAYOR
(Vote for one)

Hoover, Rep.

Hart, Dem.

CITY COUNCIL
(Vote for four)

Bowers, Rep.

Trent, Rep.

Hess, Rep.

Link, Rep.

Goss, Dem.

Rose, Dem.

Shields, Dem.

Shuck, Dem.

A ballot marked as above must be counted as a vote for each DEMOCRATIC candidate for all offices except the Judicial candidates and CITY COUNCIL. For those offices they must be counted as marked.

ILLUSTRATION No. 8—Condensed Form of Ballot.

To vote a straight party ticket, mark a cross (X) in this column.

Republican

Democratic

Socialist

Prohibition

JUDGE OF SUPERIOR COURT (Vote for one)	
George Elpies,	Rep.
James Smith,	Dem.
	X

SHERIFF (Vote for one)	
King,	Rep.
Morris,	Dem.
Mitchell,	Soc.
	X

MAYOR (Vote for one)	
Hoover,	Rep.
Hart,	Dem.
	X

JUDGE COMMON PLEAS (Vote for two)	
Charles Brown,	Rep.
William Kuhns	Rep.
John Jones,	Dem.
Robert Blair,	Dem.
	X

County Commissioners (Vote for two)	
Crane,	Rep.
Stone,	Rep.
Walsh,	Dem.
Hill.	Dem.
Brown,	Soc.
Fink,	Soc.
	X

CITY COUNCIL (Vote for four)	
Bowers,	Rep.
Trent,	Rep.
Hess,	Rep.
Link,	Rep.
Goss,	Dem.
Rose,	Dem.
Shields,	Dem.
Shuck,	Dem.
	X

A ballot marked as above is another illustration of how to vote a "split" ticket. It must be counted as one vote for each candidate marked.

To vote a straight party ticket, mark a cross (X) in this column.

Republican

Democratic

Socialist

Prohibition

JUDGE OF SUPERIOR COURT (Vote for one)	
George Elpies,	Rep.
James Smith,	Dem.
	X

SHERIFF (Vote for one)	
King,	Rep.
Morris,	Dem.
Mitchell,	Soc.

MAYOR (Vote for one)	
Hoover,	Rep.
Hart,	Dem.

JUDGE COMMON PLEAS (Vote for two)	
Charles Brown,	Rep.
William Kuhns	Rep.
John Jones,	Dem.
Robert Blair,	Dem.

County Commissioners (Vote for two)	
Crane,	Rep.
Stone,	Rep.
Walsh,	Dem.
Hill,	Dem.
Brown,	Soc.
Fink,	Soc.

CITY COUNCIL (Vote for four)	
Bowers,	Rep.
Trent,	Rep.
Hess,	Rep.
Link,	Rep.
Goss	Dem.
Rose,	Dem.
Shields	Dem.
Shuck,	Dem.

A ballot marked as above votes only for ELPIES for JUDGE of the SUPERIOR COURT.

§83. If a voter who votes a mixed or split ticket desires to vote for all the Presidential electors of a party, he will place a cross (X) in the large square opposite the names of the candidates for President and Vice-President, at the head of the group of Presidential electors he desires to vote for. (1903, P. L. 338, §2.)

§84. When a constitutional amendment or other question is submitted to a vote of the people, the voter will place a cross (X) opposite the answer he desires to give. (1903, P. L. 338, §2.)

§84-A. Increasing indebtedness of various municipalities. Ballot to be used at an election to ascertain whether the indebtedness of a municipality shall be increased must be an official ballot furnished by the County Commissioners and in the form prescribed by the Act of April 29, 1903, P. L. 338, §2. (168 Pa. 578; 224 Pa. 425; 231 Pa. 461; 52 P. L. J. 178.)

§85. Ballot Decisions. Names of the candidates (but not the title of the office to be filled) not on the printed ballots may be inserted by writing or pasting a printed slip with a name on it in the space provided for that purpose. (165 Pa. 233; 173 Pa. 60; 180 Pa. 566; 234 Pa. 512.)

A blanket sticker which covers not only the space left vacant for the insertion of names, but also other parts of the ballot, renders the vote for the office in question illegal and void. (The candidate's name, only, is to be inserted, not the title of the office.) 47 P. L. J. 318; 234 Pa. 512.

§86. The courts have no jurisdiction to direct what instruction the County Commissioners shall or shall not give to voters as to marking ballots. (190 Pa. 134.)

§87. The mark of one (1) in the square provided in the official ballot for a cross-mark, or a cross-mark (X) in a square below such square, has not the effect of a cross-mark (X) in the proper place for it. 181 Pa. 457; 21 D. R. 1091; Nor ballots marked by a "Y" or a part of a cross. (14 D. R. 645.)

§88. Where several persons are to be elected to the same office for different terms, ballots must designate terms for which each person is to serve. (152 Pa. 544.)

§89. Every voter must deposit his ballot in the ballot box himself (1), and the Inspector must announce the name of the voter to the Clerk in charge of the Voting Check List, who will mark the letter "V" opposite the name of the voter, in the space provided for that purpose (2). (1) 1919, P. L. 829, §1—(2) 1839, P. L. 519, §70.

§90. No list of the names of voters, except such lists as are expressly authorized by law, shall be made within the voting room by any person, nor shall any list of the ballots be made except such lists as are authorized by law. Provided, that any

voter may make a memorandum of his own ballot and watchers may keep their poll books and challenge lists. (1893, P. L. 419, §24.)

VII. CLOSING THE POLLS.

See also Return of Votes, §§107 to 115.

§91. Polls shall be closed at seven o'clock P. M. (1874, P. L. 31, §5.)

§92. Permit only persons who have already received ballots, to mark and deposit them after the time for closing the polls has arrived. (1903, P. L. 213, §1.)

§93. Make a record and announce the number of the last vote cast. (1903, P. L. 338 §5.)

§94. Count and announce the number of names checked in the Voting Check List. (1903, P. L. 338, §5.)

§95. The number of ballots cast and the number of names checked on the Voting Check List should be identical. (1903, P. L. 338, §5.)

§96. Inspectors open the ballot box and count and announce the number of ballots cast. (1903, P. L. 338, §5.)

§97. In counting the votes the judge shall read aloud the names marked or inserted upon each ballot with the party name or political appellation under which each vote was cast, and the answers marked thereon to the questions submitted, if any. The judge or inspectors shall not have in their hands any pen, pencil or stamp for marking while counting votes or ballots. (1903, P. L. 338, §5.)

§98. Illustrations showing how certain marked ballots should be counted, see (Ballots & Voting), §§74 to 82.

§99. Keep ballots in view but out of reach of persons in the voting room until replaced in the ballot box. (1903, P. L. 338, §5.)

§100. The clerks shall each carefully enter each vote as read, and keep count of the same in duplicate tally papers prepared for the purpose. (1903, P. L. 338, §5.)

§101. Fill out two tally sheets, one return sheet and triplicate return sheets. (1909, P. L. 425, §1.)

§102. Fill out statement showing the votes received for each candidate from each political party and post on the door of the election house. (1909, P. L. 425, §1. See also 1903, P. L. 338, §5.)

§103. Inspectors and judge shall make out a certificate of election, for each person chosen as an inspector, judge, borough or township officer, which certificate shall be delivered by the constable of the proper ward, township, district, or borough, within five (5) days after such election. (1840, P. L. 683, §1.)

§104. The ballot box shall contain,

All ballots cast,
Voting Check List (boroughs and townships only),
One numbered List of Voters,
One tally paper,
One of the triplicate return sheets in a sealed envelope.
One oaths of the election officers.
(1903, P. L. 217, §1.)

§105. When the proper election papers have been deposited in the ballot box and locked, the signatures of the judge and inspectors should be affixed on a strip of paper and pasted across the opening in the top or the lid of the box, which should be tied securely with red tape and sealing wax freely applied (1); the judge and minority inspector shall return the box together with its contents to the place or person designated as its repository. If no place has been appointed by the Court of Common Pleas then to the nearest Justice of the Peace or Alderman (2). (1) 1903, P. L. 217, §1—(2) 1909, P. L. 425, §1.

§106. The minority inspector shall retain in his possession, one of the complete triplicate return sheets in a sealed envelope. (1909, P. L. 425, §1.)

VIII. RETURN OF VOTES.**A. RETURN JUDGES.**

See also Pay of Election Officers, §§116 to 123.

§107. Judges residing within twelve (12) miles from the Prothonotary's office, or twenty-four (24) miles if on a railroad, shall make returns before two o'clock P. M. the next day after the election, and all other judges to make said returns before noon the second day after election. (1919, P. L. 425, §1.)

§107-A. Consolidated returns of local elections in divided boroughs or townships. The judge, inspectors and clerks of each election district of any borough or township, which have been divided by the court into separate election districts shall make out a complete return of all the votes given at any borough or township (municipal) election, designating the number of votes each person received; and the judge and inspectors shall appoint one of their number for return judge, to meet the other return judge or judges of the borough or township, at the oldest election place on the third day after any borough or township (municipal) election, and then add together the number of votes given for each person voted for, and make out the consolidated returns, as the nature of the election may require, and after the performance of said duties, appoint one of their number, by consent or lot, to deliver the consolidated returns to the clerk of courts office of the county. (1860, P. L. 609, §1. See also 16 D. R. 235; 29 D. R. 923.)

§108. Court of Common Pleas appoints one of the judges of election of such county or part of such county as a return judge to compute consolidated return in congressional (1), senatorial (2), and judicial districts (3) composed of two or more counties or parts of two or more counties, who meet at the court house as designated in the various districts. After computing the return, same is deposited in the prothonotary's office of the county in which they met.—(1) 1921, P. L. Act No. 216, §3.—(2) 1921, P. L. Act No. 217, §4. (3) 1921, P. L. Act No. 198, §4.

§109. Return judges meet in congressional (1) and senatorial (2) districts on the Tuesday next following the day on which the official computation of the country returns in all such counties of the district shall have been completed. In judicial districts (3) they meet on the seventh day after the election. (1) 1921, P. L. Act No. 216, §5. (2) 1921, P. L. Act No. 217, §6. (3) 1921, P. L. Act No. 198, §4.

§110. In judicial districts composed of two or more counties or parts of two or more counties, return judges file one certified copy of the consolidated return for judges in the prothonotary's office of the county in which they met, also send one copy to the Secretary of the Commonwealth and a copy to each person elected. (1921, P. L. Act No. 198, §5).

§111. Representative Congressional Districts.

Return judges of the following districts composed of two or more counties meet at the court house of the respective counties..

Districts' Nos.	County
8th.....	Chester.
9th.....	Montgomery.
14th.....	Berks
15th.....	Susquehanna
16th.....	Tioga.
17th.....	Northumberland.
18th.....	Mifflin.
19th.....	Dauphin.
21st.....	Blair.
22nd.....	York.
23rd.....	Clearfield.
24th.....	Fayette.
25th.....	Washington.
26th.....	Beaver.
27th.....	Indiana.
28th.....	Warren.
29th.....	Crawford.
30th.....	Northampton.

1921, P. L. Act No. 216, §4.

§111-A. State Senatorial Districts. Return judges of the following districts composed of two or more counties or parts of two or more counties meet at the court house of the respective counties.

Districts Nos.	Counties.
14th.....	Monroe.
17th.....	Lebanon.
23rd.....	Bradford.
24th.....	Lycoming.
25th.....	Potter.
26th.....	Clinton.
27th.....	Northumberland.
30th.....	Blair.
31st.....	Perry.
33rd.....	Franklin.
34th.....	Clearfield.
36th.....	Bedford.
37th.....	Indiana.
41st.....	Armstrong.
46th.....	Washington.
47th.....	Beaver.
48th.....	Venango.
50th.....	Crawford.

1921, P. L. , Act No. 217, §5.

B. PROTHONOTARY.

§112. At the General Election the judge shall deliver to the Prothonotary's Office:

- (a) Small envelope containing Return Sheet.
- (b) Large envelope (addressed to the Prothonotary), which shall contain the following:
 - One tally paper.
 - One oaths of election officers.
 - Oaths of various voters and their witnesses (in boroughs and townships).
 - Two small envelopes containing the following papers shall also be inserted in the large envelope.
 - One triplicate return sheet.
 - One numbered list of voters.
- (c) Seal in Wrapper all stubs, unused, spoiled and canceled ballots and Ballot Check List in boroughs and townships. (1893, P. L. 419, §§24, 25.)
- (d) In cities of the second and third class, Wrapper containing stubs, unused, spoiled and canceled ballots are returned to Prothonotary, while Voting and Ballot Check Lists in cities of the second class (1913, P. L. 977, §17) are put in one envelope and returned to the Board of Registration Commissioners and in cities of the third class (1906, P. L. 63, §13) to the County Commissioners. (1909, P. L. 425, §1—See also 1903, P. L. 217, §1.)

§113. At the Municipal Election, the judge shall deliver two separate returns. For all offices or questions voted on by the whole county and for justices or aldermen and Local City Elections (except third class city charters), returns are made to the Prothonotary's office. These should include the same papers as returned at a General Election. See §§112 and 114.

§113-A. In representative congressional (1), senatorial (2), and judicial (3) districts composed of two or more counties, or parts of two or more counties, return judges deposit the consolidated return with the prothonotary of the county in which they met. (1) 1921, P. L. , Act No. 216, §6; (2) 1921, P. L. , Act No. 217, §7—(3) 1921, P. L. , Act No. 198, §4.

§113-B. Prothonotary to certify to Secretary of commonwealth under seal, copy of return of votes given each person in congressional (1) and senatorial (2) districts, also certified copy of such return to be mailed to each person as elected in such districts. (1) 1921, P. L. , Act No. 216, §6; (2) 1921, P. L. , Act No. 217, §7.

C. CLERK OF QUARTER SESSIONS COURT.

§114. For all boroughs and township offices (except justices of the peace and alderman) a separate return is made to the office of the Clerk of the Court of Quarter Sessions (See also §107-A.) at the same time the return is made to the Prothonotary. The papers delivered to the Clerk of Quarter Sessions are as follows:

One return sheet (in an unsealed envelope).

A large envelope (sealed and addressed to the Clerk of the Court of Quarter Sessions) containing:

One of the triplicate returns in a sealed envelope.

One tally paper.

(1909, P. L. 425, §1—See also 16 D. R. 245.)

§115. Returns for election for charter of third class city are made to the Clerk of the Court of Quarter Sessions and a duplicate return is duly certified to the Secretary of the Commonwealth by the Clerk of said Court. (1907, P. L. 268, §1.)

IX. PAY OF ELECTION OFFICERS.

§116. Judge, inspectors and clerks appointed by inspectors at elections are entitled to receive a minimum pay of five (\$5.00) dollars each for all services rendered in the conducting of each election without regard to time. (1913, P. L. 632 Act No. 368, §1.)

§117. In any election district where more than 250 ballots are cast at any election, each judge, inspector, and clerk shall be paid one dollar (\$1.00) for each 100 ballots or fraction thereof, cast after the first 250 ballots, in addition to the minimum pay. (1919, P. L. 115, §1.)

§118. The Acts of 1913 and 1919 regarding pay of election officers does not alter the compensation of return judges as fixed by existing laws.

§119. Judge of Election in Allegheny County receives seven dollars and fifty cents (\$7.50) which includes two dollars and fifty cents (\$2.50) as pay for return judge.

§120. General Elections in even numbered years. Return judges are entitled to ten cents (10c) a mile for each mile traveled, to be computed circular, and one dollar and fifty cents (\$1.50) for each day necessarily spent in delivering returns. (The above does not apply to Allegheny County.) (1839, P. L. 519, §§92, 93—See also 8 Pa. C. C. 24.)

§121. Municipal Elections in odd numbered years. Return judges are entitled to two dollars (\$2.00) for return day and six cents (6c) a mile, circular, for every mile traveled in delivering returns. (The above does not apply to Allegheny County.) (1895, P. L. 290, §1.)

§122. Pay of return judges in congressional (1), senatorial (2) and judicial districts (3) composed of two or more counties or parts of two or more counties, ten dollars (\$10.00) per day actually employed and ten cents (10c) per mile. (1) 1921, P. L., Act No. 216, §7—(2) 1921, P. L. , Act No. 217 §8,—(3) 1921, P. L. , Act No. 428, §8.

§123. Constable or deputy constable shall receive five (\$5.00) dollars for attending general, special, township, ward or borough election, which sum shall include pay for serving notices in writing to persons elected at the above stated elections. (1919, P. L. 274, §1.)

§124. Each registrar in cities of the third class shall receive five (\$5.00) dollars per day, for the time actually employed in the work of registration. (1911, P. L. 1014, §1.)

§125. The five (\$5.00) dollars per day compensation is due registrar for the day he delivers the register and vouchers to the County Commissioners' office, but he is not entitled to mileage. (Griffin v. Crawford County, 19 D. R. 1150.)

§126. Each registrar in second class cities shall receive ten (\$10.00) dollars per day for the time actually spent in registration. (1913, P. L. 977, §5.)

§126-A. It shall be the duty of each assessor and assistant assessor of each township of the second class, borough and ward in a borough to keep an account of the several days by him actually employed in the performance of his duties and to make return of the same to the county commissioners verified by his oath or affirmation and for each day so employed, he shall receive the sum of five dollars. (1921, P. L. , Act No. 243, §1.)

X. COUNTY RETURN BOARD.**A. GENERAL.**

§127. At twelve o'clock on the said second day following any election, the prothonotary of the court of common pleas shall present the said returns to the said court. In counties where there is no resident president judge, the associate judges shall perform the duties imposed upon the court of common pleas, which shall convene for said purpose; the returns presented by the prothonotary shall be opened by said court and computed by such of its officers and such sworn assistants as the court shall appoint, in the presence of the judge or judges of said court, and the returns certified and certificates of election issued under the seal of the court as is now required to be done by return judges; and the vote as so computed and certified shall be made a matter of record in said court. The sessions of the said court shall be open to the public. (1909, P. L. 425, §1.)

§128. And in case the returns of any election district shall be missing when the returns are presented, or in case of complaint of a qualified elector under oath, charging palpable fraud or mistake, and particularly specifying the alleged fraud or mistake, or where fraud or mistake is apparent on the return; the court shall examine the return, and if in the judgment of the court it shall be necessary to a just return, said court shall issue summary process against the election officers and overseers, if any, of the election district complained of, to bring them forthwith into the court, with all election papers in their possession; and if palpable mistake or fraud shall be discovered, it shall, upon such hearing as may be deemed necessary to enlighten the court, be corrected by the court, and so certified; but all allegations of palpable fraud or mistake shall be decided by the said court within three (3) days after the day the returns are brought into court for computation; and the said inquiry shall be directed only to palpable fraud or mistake, and shall not be deemed a judicial adjudication to conclude any contest now or hereafter to be provided by law; and the other of said triplicate returns shall be placed in the box and sealed up with the ballots. (1909, P. L. 425, §1—See also In Returns, 32nd Cong. Dist. 256 Pa. 342).

§129. In counties where there are three or more judges of said court learned in the law, at least two judges shall sit to compute and certify returns, unless unavoidably prevented. If any of the said judges shall himself be a candidate for any office at any election, he shall not sit with the court, or act in counting the returns of such election, and in such cases the other judges, if any, shall act; and if in any county there shall be no judge qualified to hold the said court, under the provisions of this act, present and able to act, then, and in every such case, the Register of Wills, the Sheriff and the County Commissioners of the proper county shall be and constitute a board, who, or a majority of whom, shall

have and exercise all the powers and perform all the duties vested in, or required to be performed by the court of common pleas of such county, by and under the provisions of this section; but none of the said officers shall act as a member of such board, when himself a candidate for any office at the election, the returns of which the said board is required to count under the provisions of this section. The returns required by this act to be presented by the prothonotary of the courts of common pleas of Philadelphia and Allegheny, respectively, shall be presented to such two or more of the judges of the several courts of common pleas of said counties, respectively, as the judges of said courts, or a majority of them, may designate to perform the duty of receiving, computing and certifying said returns. When two or more counties, or parts of two or more counties, are connected for the election of any officer, the courts of such counties, or parts of counties, comprising the district, shall each appoint a return judge, resident within such district, to meet within seven days after the day of the election of such officer, at such place as is required by law, or if no place of meeting is designated by law, at such place within such district where the returns of the election of such officer shall, by law, be directed to be filed, to compute and certify the vote of such district, and it shall be the duty of the return judges, in such case, to transmit to the person elected, as such officer's certificate of his election, within five days after the day of making up such return. All officers provided for by this act shall be compensated as like officers are paid by existing laws. (1909, P. L. 425, §1.)

B. TIE VOTES.

§130. In elections for school directors, tie votes are settled in any manner determined by the candidates within twenty (20) days or the office becomes vacant and is filled by the board. In school districts of the first class, directors are appointed by the court and not elected. (1911, P. L. 309, §§202 and 213.)

§131. At an election if there is a tie vote for judge, the majority inspector appoints. If two inspectors receive a tie vote the majority inspector is decided by casting lots. The person so decided majority inspector appoints a judge if there be a tie for judge. (1897, P. L. 78, §1.)

C. CONTESTED ELECTIONS.

See also Ballots and Voting, §§73 to 82 and 85 to 88.

§132. The following is a partial skeleton of the law on contested elections. Candidates proposing to inaugurate a contest should immediately consult an attorney-at-law. (Editor.)

§133. The trial and determination of contested elections of electors of President and Vice-President, Members of the General Assembly, and of all public officers, whether State, Judicial, Municipal or Local, shall be by the courts of law, or by one or

more of the law judges thereof; the General Assembly shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage. (Const. Art. 8, §17.)

§134. Classes,

- First Class— The Governor and Lieut. Governor.
 Second Class—All other State Officers, including Presidential electors.
 Third Class— All Law Judges other than Supreme Court Judges.
 Fourth Class—All county, city, borough, township, ward, school district, etc. (excepting members of General Assembly).
 (1874, P. L. 208, §1.)

§134-A. Trial,

- The first class, by committee of the General Assembly (1).
 The second class, by the court of common pleas of Dauphin County (2).
 The third class, also legislators, by the court of common pleas of the proper county (3).
 The fourth class, by the quarter sessions court of the proper county (4).
 (1) 1874, P. L. 208, §2 —(2) 1874, P. L. 208, §3—
 (3) 1874, P. L. 208, §11—(3) 1874, P. L. 208, §16.

§135. Petition to contest. The petition for contesting an election must be filed within thirty (30) days after such election (1), except school-directors, which must be filed within ten (10) days after election (2). (1) 1874, P. L. 208, §18—(2) 1911, P. L. 309, §223.

§136. Number of Petitioners,

- A petition in the first class must be signed by at least one hundred (100) qualified electors who voted at the election contested (1).
 One in the second class, by one hundred (100) electors (2).
 One in the third class, by fifty (50) such electors (2).
 One in the fourth class, by at least twenty-five (25) of such electors (2).
 School-directors, by ten (10) of such electors (3).
 (1) 1874, P. L. 208, §21—(2) 1874, P. L. 208, §18—
 (3) 1911, P. L. 309, §223.

§137. In a contested election case, the Supreme Court is not limited to a formal examination of the record, but may ascertain the facts from the record and correct all erroneous conclusions, judgments, or decrees based thereon.

A petition alleging fraud, mistake, or irregularity in the counting of ballots and praying that the ballot boxes be opened, and for a recount, is addressed to the sound discretion of the court, and the court does not abuse its discretion in ordering such ballot boxes to be opened without first requiring proof of the matters alleged.

Where, after the ballot boxes of certain districts of a ward have been opened, the respondent in the proceeding prays that the ballot boxes of the remaining districts be opened, he thereby waives his right to object to the original order. (Pfaff v. Bacon, 249 Pa. 297. See Returns, 32rd Cong. Dist., 256 Pa. 342.)

PART II.

XI. ELECTION DAYS AND HOURS.

§138. One primary is held each year in every election district in which nominations are made for candidates of political parties, United States Senator, Representative in Congress, for all elective state, county, city, ward, borough, township, school district, and elective division or district offices, and for all other elective public offices, except that of presidential elector.

Fall Primary, held in odd numbered years on the third Tuesday of September.

Spring Primary, held in even numbered years on the third Tuesday of May. (1919, P. L. 836, §1.)

§139. The polls shall be open between 7 A. M. and 7 P. M. (Eastern Standard Time. 1919 P. L. 282, §1-68, P. L. J. 310), and all persons licensed to sell liquors must keep their places of business closed between 6 A. M. and 8 P. M. on the day of the primary. (1913, P. L. 719, §11.) (This does not seem to be repealed by the Liquor Act of May 5, 1921, P. L. , Act No. 192, §9.)

XII. ELECTION OFFICERS—PRELIMINARY DUTIES.

See also Election Districts and Rooms, §§280 to 291.

Overseers, Duties of—, see (Subject) Overseers, §§242 to 245.

Watchers, Duties of—, see (Subject) Watchers, §§246 to 254.

§140. Primaries are conducted in the same manner as other elections by the regular election boards, who are sworn before entering upon their duties. See §§6 to 17. (1913, P. L. 719, §11.)

XIII. PEACE OFFICERS.

A. GENERAL.

§141. No police officer in commission, whether in uniform or in citizens' clothes, shall be within one hundred (100) 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 (100) 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 (1) year, or either, or both, at the discretion of the court. (1913, P. L. 719, §23.)

B. CONSTABLES.

Duties, see Elections, §§22 to 26.

XIV. QUALIFICATIONS OF VOTERS.

See also §§27 to 40; Registration, §§292 to 344.

A. GENERAL.

§142. Qualifications of electors to vote at primaries shall be the same as qualifications of electors entitled to vote at elections, except that, with respect to the payment of taxes, it shall be sufficient if an elector shall have paid within two (2) years before the next succeeding election, a state or county tax which shall have been assessed at least two (2) months before the said election. In boroughs and townships taxes may be paid on or before the primary, and in cities of the second and third class on or before the last day to register. (1919, P. L. 839, §3.)

B. BOROUGHS AND TOWNSHIPS.

See also §142.

§143. Electors desiring to vote a party ballot at the primary must enroll according to their party preference or affiliation (1), a refusal thereof will not permit them to vote for a party candidate at the primary (2). (1) 1913, P. L. 1043, §1—(2) 1919, P. L. 839, §3.

§144. (Blank), Law Repealed.

§145. Elector Voting on Age must have been enrolled as to his party preference or affiliation on or before the sixty-third or sixty-second day before the primary. He must make proper affidavit to qualify himself at primary.

(1913, P. L. 1043, §§ 1, 3, 4, 5, 8; See also §§ 27 to 51.)

§145-A. A woman who is registered and subsequently marries a native born or naturalized citizen of the United States between the registration and election day may vote by making a proper affidavit; providing, she continues to reside in the election district as required by law. (Editor.)

C. CITIES.

See also §142; Registration, §§308 to 344.

§146. Electors desiring to vote a party ballot at the primary must enroll according to their party preference or affiliation (1), a refusal thereof will not permit them to vote for a party candidate at the primary (2). (1) 1913, P. L. 1043, §1—(2) 1919, P. L. 839, §3.

§147. Any person whose name is on the register of second (1) and third (2) class cities shall be entitled to vote at any primary election, unless it shall be shown, to the satisfaction of the election officers, that he is no longer a resident of the election district in which he is registered. If his name is not registered he shall not be entitled to vote at any election. Before receiving

his ballot every voter shall satisfy the election officers of his identity, and, if challenged, by signing his name in the place provided for that purpose. (1) 1913, P. L. 977, §17—(2) 1917, P. L. 738, §6.)

147-A. A woman who is registered and subsequently marries a native born or naturalized citizen of the United States between the registration and election day may vote by making a proper affidavit; providing, she continues to reside in the election district as required by law. (Editor.)

§148. An elector desiring to Vote on Age must have been registered before the primary. See §§ 308 to 342.

XV. CHALLENGING.

See also Qualifications of Voters, §147; Registration, §§317, 318, 336 and 337.

§149. Each elector is entitled to the ballot of the party in which he is enrolled, provided that in boroughs and townships if challenged he shall make oath or affirmation that he voted for the majority of the candidates of that party at the last preceding election at which he voted. If he does not make this oath or affirmation he shall be refused the party ballot, except in cities where personal registration is required, all challenges respecting party membership must be made at the time of such registration, and in such cases the designation of the political party of the elector on the register shall be conclusive evidence of such membership at the succeeding primary or primaries. (1919, P. L. 839, §3—See also 1913, P. L. 1043, §6.)

XVI. BALLOTS AND VOTING.

See also §§59 to 90.

Crimes, see §§370 to 374.

Federal and State employees registered on petition and voting in second class cities, see §327.

Overseers, Duties of—, See (Subject) Overseers, §§242 to 245.

Watchers, Duties of—, see (Subject) Watchers, §§246 to 254.

§150. Ballot Check List and Voting Check List in boroughs and townships and Registers in cities shall have a check column, and the officers and clerks keeping same shall make a check or notation of ballot as issued and deposited. (1913, P. L. 977, §7—1911, P. L. 1014, §3.)

§151. Write electors name in the Numbered Lists of Voters and make notation as to party ballot voted. (1919, P. L. 839, §4.)

§152. Official party ballots shall be attached to stubs, which stubs shall be numbered consecutively from one to the highest number to be furnished the election district and bound in books of fifty (50) each. (1919, P. L. 839, §2.)

§153. No official party ballot shall be taken or detached from its stub in any book of ballots, except by an election officer when a person desiring to vote has been found to be a qualified elector entitled to vote. (1919, P. L. 839, §3.)

§154. Not more than one party ballot shall be removed at any one time or given to any voter, except when a voter inadvertently spoils a ballot, and immediately returns it to the election officers for cancellation in which case he may be given another. (1919, P. L. 839, §3.)

§155. (Blank), Law Repealed.

§156. (Blank), Law Repealed.

§157. A voter asking assistance in marking his ballot at a primary must make affidavit (in duplicate) that he cannot read the names on the ballot or that by reason of disability he is unable to mark the ballot. Assistance must not be allowed otherwise. (1913, P. L. 719, §11.)

§158. The voter must make a cross (X) in the square to the right of each party candidate for whom he desires to vote. If he desires 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. (1915, P. L. 1025, §1.)

§159. The voter may designate his choice as is indicated by the instructions shown on the form of ballot. 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. (1915, P. L. 1025, §1.)

XVII. CLOSING THE POLLS.

See also Ballots & Voting, §§59 to 90, 92; Return of Votes, §§172 to 174.

§160. The polls close at 7 o'clock P. M. (1913, P. L. 719, §11.)

§161. Before the ballot box is opened, announce the number of ballots issued to the voters of each party as shown by the stubs. Announce also the number of spoiled or cancelled ballots returned. Enter same on the General Return Sheets. (1919, P.L. 839, §4.)

§162. Count the names marked in the Ballot Check List and Voting Check List as having voted. Announce the result and compare with the number of ballots issued, less any spoiled or cancelled ballots. Also compare the total with the number of names entered on the Numbered List of Voters. (1919, P. L. 839, §4.)

§163. Place one copy of the Numbered List of Voters on the outside of the polling place. Place one in the envelope as provided to be put in ballot-box, the other in the large return envelope. (1919, P. L. 839, §4.)

§164. Open the ballot box and remove all ballots and separate them according to their respective party: First, audibly count the number cast for each party one by one and make record thereof. Second, the judge or one of the inspectors shall read aloud the names marked on the ballots, keeping the ballots of each party in sequence, and the office for which each person named is a candidate. The clerks shall enter each name as read and keep account on triplicate tally papers for each party. No person handling ballots shall have pencil, pen, stamp, or other means of marking or spoiling a ballot in his hand. (1919, P.L. 839, §4.)

§165. Keep ballots in view but out of reach of persons in the Voting Room until replaced in ballot boxes. (1919, P.L.839, §4.)

§166. For various decisions as to marking ballots, see §§85 to 88.

§167. After the vote cast has been recorded and counted on the tally papers, certify to the number of votes cast and prepare triplicate returns for each party. Also general returns in duplicate. Post one general return outside the polling place. (1919, P. L. 839, §4.)

§168. (Blank) Law Repealed.

§169. **The ballot box shall contain,**

- All ballots cast
- Voting check list (boroughs and townships only.)
- One triplicate return sheet for each party.
- One set of tally papers for each party.
- One numbered list of voters.
- One oath of election officers.
- 1919, P. L. 839, §4.

§170. When the proper election papers have been deposited in the ballot box and locked, the signatures of the judge and inspectors should be affixed on a strip of paper and pasted across the opening in the top or lid of the box, which should be tied securely with red tape and sealing wax freely applied (1). The judge and minority inspector shall return the box together with its contents to the place designated by the court of common pleas or by law on or before Thursday following the primary (2). (1) 1903, P. L. 217, §1—(2) 1921, P. L. , Acts No. 282, §1.)

§171. **Minority inspector retains for one year,**

- One set of tally papers for each party.
- One triplicate return sheet for each party.
- One set of affidavits of electors and other persons.
- 1919, P. L. 839, §4.

XVIII. RETURN OF VOTES.**A. COUNTY COMMISSIONERS.**

§172. The Judge shall deliver to the County Commissioners or place designated by them on or before noon of the Thursday following the primary:

Seal in Wrapper, stubs of all ballots cast, together with all unused, cancelled and spoiled ballots, and Ballot Check Lists in boroughs and townships.

In cities of the second and third class, Wrapper containing stubs, unused, spoiled and cancelled ballots are returned to Commissioners, while Voting and Ballot Check Lists in cities of the second class (1913, P. L. 977, §17) are put in one envelope and returned to the Board of Registration Commissioners and in cities of the third class (1906, P. L. 63, §13) to the County Commissioners.

One Numbered List of Voters.

One General Return Sheet.

One Triplicate Return Sheet for each party.

One set of tally papers for each party.

One oaths of election officers.

One affidavits of electors and other persons.

(1919, P. L. 839, §4.)

§173. The general returns as soon as received from the various judges shall be open to public inspection at the office of the County Commissioners, or place designated by them. (1919, P. L. 839, §4.)

§173-A. In representative congressional (1), senatorial (2), and judicial (3) districts composed of two or more counties or parts of two or more counties, return judges deposit the consolidated return with the county commissioners of the county in which they met: (1) 1921, P. L. , Act No. 216, §6—(2) 1921, P. L. , Act No. 217, §7—(3) 1921, P. L. Act No. 198, §4.)

§173-B. County commissioners to certify to secretary of commonwealth under seal, copy of return of votes given each person in congressional (1) and senatorial (2) districts; also certify copy of such return to be mailed each person as nominated in such districts. (1) 1921, P. L. , Act No. 216, §6—(2) 1921, P. L. , Act No. 217, §7.

B. RETURN JUDGES.

See also §§107 and 107-A.

§174. County commissioners appoint one of the judges of elections of such county or part of such county as a return judge to

compute consolidated return in congressional (1), senatorial (2), and judicial (3) districts composed of two or more counties or parts of two or more counties who meet at the court house as designated in the various districts. After computing the return, same is deposited in the county commissioners office of the county in which they met. (1) 1921, P. L. , Act No. 216, §3—(2) 1921, P. L. , Act No. 217, §4—(3) 1921, P. L. , Act No. 198, §4.

§174-A. Return judges meet in congressional (1) and senatorial (2) districts on the Tuesday next following the day on which the official computation of the county returns in all such counties of the district shall have been completed. In judicial districts (3) they meet on the seventh day after the primary. (1) 1921, P. L. , Act No. 216, §5—(2) 1921, P. L. , Act No. 217, §6—(3) 1921, P. L. , Act No. 198, §4.

§174-B. In judicial districts composed of two or more counties or parts of two or more counties, return judges file one certified copy of the consolidated return for judges in the commissioners office of the county in which they met, also send one copy to the secretary of the commonwealth and a copy to each person nominated. (1921, P. L. , Act No. 198, §5.)

§174-C. Representative Congressional Districts.

Return judges of the following districts composed of two or more counties or parts of two or more counties meet at the court house of the respective counties.

Districts Nos.	Counties
8th.....	Chester.
9th.....	Montgomery.
14th.....	Berks.
15th.....	Susquehanna.
16th.....	Tioga.
17th.....	Northumberland.
18th.....	Mifflin.
19th.....	Dauphin.
21st.....	Blair.
22nd.....	York.
23rd.....	Clearfield.
24th.....	Fayette.
25th.....	Washington.
26th.....	Beaver.
27th.....	Indiana.
28th.....	Warren.
29th.....	Crawford.
30th.....	Northampton.

(1921, P. L. , Act No. 216, §4.)

§174-D. State Senatorial Districts. Return judges of the following districts composed of two or more counties or parts of two or more counties meet at the court house of the respective counties.

Districts Nos.	Counties.
14th.....	Monroe.
17th.....	Lebanon.
23rd.....	Bradford.
24th.....	Lycoming.
25th.....	Potter.
26th.....	Clinton.
27th.....	Northumberland.
30th.....	Blair.
31st.....	Perry.
33rd.....	Franklin.
34th.....	Clearfield.
36th.....	Bedford.
37th.....	Indiana.
41st.....	Armstrong.
46th.....	Washington.
47th.....	Beaver.
48th.....	Venango.
50th.....	Crawford.

(1921, P. L. , Act No. 217, §5.)

XIX. PAY OF ELECTION OFFICERS.

§175. The compensation for election officers and clerks serving at primaries are the same as for such services at elections. See §§116 to 123. (1913, P. L. 719, §11.)

XX. COUNTY RETURN BOARD.

A. GENERAL.

§176. The County Commissioners or Return Board shall not compute any returns from any election district until the ballot boxes have been returned to the place as designated by the court of common pleas or by law, and package of stubs, unused ballots, etc., have been returned to the commissioners or place designated by them. (1921, P. L. , Act No. 282, §1.)

§177. The County Commissioners shall at noon on Friday following the day of the primary, publicly commence the computation and canvassing of the returns, and continue the same from day to day until completed in the manner hereinafter provided, except that, if any of the county commissioners of any county shall be a candidate for any nomination at any primary, he shall not act as a member of the Return Board for computing or canvassing any returns of such primary, but the other two commissioners, if both are qualified, shall act, and in case in any county there are not at least two commissioners so qualified, two judges

of the court of common pleas of such county shall be designated by said court to act as a Return Board, provided that neither of them are candidates for any nomination at such primary [either on a party or a non-partisan ballot]; and if there shall be only one judge of such court in such county or if less than two 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. The words in brackets are repealed by implication May 10, 1921, P. L. , Act No. 198. (1921, P. L. Act No. 282, §1.)

§178. All persons assisting in the official computation and canvassing of the votes shall be sworn. (1921, P. L. , Act No. 282, §1.)

§179. The County Commissioners shall provide a convenient public place for holding the sessions of the return board, whoever may compose it as aforesaid, with adequate accommodations for the authorized representatives of each party and candidate concerned in any such primary, not exceeding two such representatives for each of them at any one time, to attend and to keep or check up their own computations of the votes cast in the several election districts as the returns from the same are read as hereinafter directed; and the county commissioners shall give at least one week's previous notice by advertising once in at least two newspapers of a large paid circulation, published at the county-seat, of the time aforesaid and place when and where such return board will commence and hold its sessions, and keep copies of such advertisement posted in their office during said period. (1921, P. L. , Act No. 282, §1.)

B. TIE VOTES.

§180. In case of a tie at a primary election, 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 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 candidate may appear in person, or by proxy appointed in writing. (1913, P. L. 719, §17.)

C. CONTESTED ELECTIONS.

See also Ballots and Voting, §§85, 86 and 87.

§181. Court of common pleas to Open Ballot-Boxes and Re-count Vote at Request of Three Qualified Electors who allege Fraud or Error—Correction of Returns in Cases of Error or Fraud.

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 discover 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. (See Braddock's Election Case, 251 Pa. 110). (1921, P. L. , Act No. 420, §1.)

§182. Persons aggrieved by Decision of Return Board may Petition Court—Court on Appeal to Hear and Determine all Matters Pertaining to Fraud—How Contests of Primaries shall be Conducted—Payment of Fees and Costs.

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, 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 (\$3.00) 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 the 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. (1921, P. L. , Act No. 420, §1.)

§183. Where two candidates at a primary election each presented to the court petitions for a recount of the ballots on account of alleged frauds in certain named election precincts, and, after the recount of the county commissioners, the court upon an appeal, by one of the candidates, from the recount of the county commissioners inquired only into the frauds alleged in the districts covered by the petition of the appellant, and threw out sufficient votes to give the appellant the nomination, the candidate returned by the county commissioners as nominated had no standing to urge that the court should continue the inquiry so as to include an investigation into the precincts covered by the petition, which he had originally filed in the court, where he failed to appeal from the recount of the county commissioners within the time prescribed by the statute. (Phillips Appeal, 262 Pa. 396.)

§183-A. The Primary Act of July 12, 1913, P. L. 719, §15 as amended July 9, 1919, P. L. 852 does not authorize the commissioners in computing the vote cast at a primary election, or the court on appeal from their action, to determine the qualifications of those who actually voted, or to exclude a poll because of defects in the election machinery. Only such matters can be considered on a contest of the election, which "shall originate and be conducted as in cases of general elections." (Twenty-eighth Congressional District Nomination, 268 Pa. 313.)

§183-B. The Court of Quarter Sessions has no jurisdiction to entertain a petition to contest the nomination of a candidate for Congress at a primary election. (Ransley's Contested Election, 268 Pa. 303.)

PART III.**XXI. CLERKS.**

See also Crimes, §§370 to 374; Elections, §§1 to 123; Primaries, §§138 to 175.

§184. If any clerk shall neglect or refuse to take upon himself the duties of such office, he shall forfeit and pay the sum of fifty (\$50.00) dollars, or having entered upon the same, shall afterwards neglect or refuse to perform the duties thereof according to law, he shall forfeit and pay the sum of one hundred (\$100.00) dollars for every such offense. (1839, P. L. 519, §100.)

§185. If any clerk of an election shall presume to act in such capacity before taking and subscribing the oath required by this act, he shall, on conviction be fined in any sum not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars. (1839, P. L. 519, §101.)

§186. If any judge or minority inspector refuses or fails to swear the officers of election in the manner required by this act, or if any officer of election shall act without being first duly sworn, or if any officer of election shall sign the form of oath without being duly sworn, or if any judge or minority inspector shall certify that any officer was sworn when he was not, it shall be deemed a misdemeanor, and, upon conviction, the officer or officers so offending shall be fined not exceeding one thousand (\$1000.00) dollars, or imprisoned not exceeding one (1) year or both, in the discretion of the court. (1874, P.L. 31, §9.)

§187. Take and subscribe to the oath of office. (1839, P. L. 519, §§21 and 22, also 1874, P. L. 31, §9.)

§188. The election officer in charge of the Voting Check List shall insert the letter "V" in the space provided for that purpose when the elector deposits his ballot.

The election officer in charge of the ballots shall announce the names of all persons offering to vote and detach and deliver to a voter a ballot when entitled to one. (1893, P. L. 419, §21.)

§189. Make two copies of each oath or affirmation, subscribed by inspectors, judge and clerks, and certify to the same. (1839, P. L. 519, §§19, 20, 21 and 22, also 1874, P. L. 31, §9.)

§190. At elections, clerks shall keep two numbered lists of voters (1839, P. L. 519, §§19, 20, 21 and 22, also 1874, P. L. 31, §9) and at primaries, three such lists (1919, P. L. 839, §4.)

§191. Each clerk shall record each vote on the tally papers as read by the judge. (Elections: 1903, P. L. 338, §5—Primary 1919, P. L. 839, §4.)

§192. Assist the election officers in the general duties of holding the election, making up package of stubs and unused ballots, and other sealed and unsealed packages required by law, counting the vote, announcing and posting the result, sealing the returns, and preparing and sealing the ballot box.

To be thoroughly competent, clerks should carefully study the duties of all election officers. (Editor.)

XXII. INSPECTORS.

See also (Subjects) Crimes, §§370 to 374; Elections, §§1 to 123 and 131; Incompatible Offices, §§345 to 369-D; Primaries, §§138 to 183.

§193. A judge and two inspectors shall compose the regular Election Board. They shall be chosen biennially in odd numbered years by the citizens. Each voter may vote for a judge and one inspector only. Each inspector shall appoint one clerk. (Const. Art. 8, §14.)

§194. The two persons having the greatest number of votes for inspectors shall in like manner be declared to be elected. (1839, P. L. 519, §4.)

§195. At an election if there is a tie vote for judge, the majority inspector appoints. If two inspectors receive a tie vote the majority inspector is decided by casting lots. The person so decided majority inspector appoints a judge if there be a tie for judge. (1897, P. L. 78, §1.)

§196. Vacancies occurring in the office of judge or inspector previous to election may be filled by the Judge of the Court of Quarter Sessions upon petition and proof of vacancy. (1921, P. L. , Act No. 268, §1.)

§196-A. Polling places in which new townships, boroughs or election districts are erected, the Court of Quarter Sessions appoints the officers for holding the first election. (1854, P. L. 419, §2, and 1855, P. L. 5, §1.)

§197. The judge or inspector who without good cause fails or neglects to attend at the time of opening the polls shall in every such case forfeit the sum of twenty (\$20.00) dollars. (1839, P. L. 519, §99.)

§198. If any inspector, judge or clerk shall neglect or refuse to take upon himself the duties of such office, he shall forfeit and pay the sum of fifty (\$50.00) dollars, or having entered upon the same shall afterwards neglect or refuse to perform the duties thereof according to law, he shall forfeit and pay the sum of one hundred (\$100.00) dollars for every such offense. (1839, P. L. 519, §100.)

§199. If any inspector, judge or clerk of an election shall presume to act in such capacity before taking and subscribing the oath required by this act, he shall on conviction, be fined in any sum not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars. (1839, P. L. 519, §101.)

§200. If any judge or minority inspector refuses or fails to swear the officers of election in the manner required by this act, or if any officer of election shall act without being first duly sworn, or if any officer of election shall sign the form of oath without being duly sworn, or if any judge or minority inspector shall certify that any officer was sworn when he was not, it shall be deemed a misdemeanor, and, upon conviction, the officer or officers so offending shall be fined not exceeding one thousand (\$1000.00) dollars, or imprisoned not exceeding one year or both, in the discretion of the court. (1874, P. L. 31, §9.)

§201. When the judge shall not attend, the majority inspector shall appoint a judge in his place.

When the minority inspector shall not attend, the person who received the next highest number of votes for judge shall act in his stead. (1839, P. L. 519, §16.)

§202. When the majority inspector shall not attend the judge shall appoint an inspector in his place. (1839, P. L. 519, §16.)

§203. When a clerk shall not attend, the inspector who appointed him, or the inspector acting in his place, shall appoint a clerk to fill the vacancy. (1839, P. L. 519, §17.)

§204. The minority inspector shall swear or affirm the judge of election. (1839, P. L. 519, §§20 and 22, also 1874, P. L. 31, §9.)

§205. Both inspectors shall be sworn or affirmed by the judge. (1839, P. L. 519, §§19 and 22, also 1874, P. L. 31, §9.)

§206. Decide upon the qualifications of electors. (1839, P. L. 519, §6; See also 49 Pa. Super. Ct. 592 and 600.)

§207. One inspector shall have charge of the ballot box; (1), the other inspector shall have charge of one of the Check Lists (2). (1) (2) 1874, P. L. 31, §8.

§208. The election officer in charge of the Ballot Check List shall call out the name of the person offering to vote, if registered, and mark the letter "B" against his name in the space provided for that purpose when the voter received his ballot. (1893, P. L. 419, §21.)

§209. The inspector in charge of the ballot box shall announce the name of the person voting, and require voter to deposit his ballot in the box. (1839, P. L. 519, §70, also 1919, P. L. 829, §1.)

§210. Shall add, or cause to be added to both Check Lists, name of electors not registered, when they shall have established their right to vote, in boroughs and townships only (1). In cities, names cannot be added. (2). (1) 1893, P. L. 419, §21—(2) 1913, P. L. 977, §17.)

§211. May administer oaths to, and examine persons claiming the right to vote. See (Subjects) Challenging §§54 to 58; Qualifications of Voters, §§27 to 51. (1840, P. L. 683, §14.)

§212. After the polls are closed, count and announce the number of names checked on the Voting Check List. (1903, P. L. 338, §5.)

§213. Open the ballot box and count and announce the number of ballots cast. (Elections, 1903, P. L. 338, §5.)

§214. Inspect the counting of the votes by the judge and clerks. Inspectors shall not have in their hand any pen, pencil, or stamp for marking while counting ballots. (Elections, 1903, P. L. 338, §5—Primary, 1919, P. L. 839, §4.)

§215. At Elections, minority inspector shall retain in his possession, one of the complete triplicate return sheets in a sealed envelope. (1909, P. L. 425, §1.)

§216. At Primaries, minority inspector retains for one year,
 One set of tally papers for each party.
 One triplicate return sheet for each party.
 One set of affidavits of electors and other persons.
 (1921, P. L. , Act No. 282, §1.)

§217. At Elections, minority inspector and the judge shall deliver the ballot box to the place designated for its safe keeping, and if no place has been so designated by the court of common pleas, then to the nearest justice of the peace or alderman. (1909, P. L. 425, §1.)

§218. At Primaries, note on the General Return Sheets in duplicate, the number of ballots issued to the voters of each party and the number cast for each party, and the number declared void including any blank ballots cast also votes for each candidate on each part ticket. Deliver ballot box to the place designated by the court of common pleas or by law. (1921, P. L. , Act No. 282, §1.)

XXIII. JUDGE OF ELECTION.

See also (Subjects) Crimes, §§370 to 374; Elections, §§1 to 123 and 131; Incompatible Offices, §§345 to 369-D; Primaries, §§138 to 183.

§219. A judge and two inspectors shall compose the regular Election Board. They shall be chosen biennially in odd numbered years by the citizens. (Const. Art. 8, §14.)

§220. At an election if there is a tie vote for judge, the majority inspector appoints. If two inspectors receive a tie vote the majority inspector is decided by casting lots. The person so decided majority inspector appoints a judge if there be a tie for judge. (1897, P. L. 78, §1.)

§220-A. Polling places in which new townships, boroughs, or election districts are erected, the Court of Quarter Sessions appoints the officers for holding the first election. (1854, P. L. 419, §2 and 1855, P. L. 5, §1.)

§221. Vacancies occurring in the office of judge or inspector previous to election may be filled by the judge of the Court of Quarter Sessions upon petition and proper proof of the vacancy. (1921, P. L. , Act No. 268, §1.)

§222. The judge or inspector who without good cause fails or neglects to attend at the time of opening the polls shall in every such case forfeit the sum of twenty (\$20.00) dollars. (1839, P. L. 519, §99.)

§223. If any inspector, judge or clerk shall neglect or refuse to take upon himself the duties of such office, he shall forfeit and pay the sum of fifty (\$50.00) dollars, or having entered upon the same, shall afterwards neglect or refuse to perform the duties thereof according to law, he shall forfeit and pay the sum of one hundred (\$100.00) dollars for every such offense. (1839, P. L. 519, §100.)

§224. If any inspector, judge or clerk of an election shall presume to act in such capacity before taking and subscribing the oath required by this act, he shall, on conviction, be fined in any sum not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars. (1839, P. L. 519, §101.)

§225. If any judge or minority inspector refuses or fails to swear the officers of election in the manner required by this act, or if any officer of election shall act without being first duly sworn, or if any officer of election shall sign the form of oath without being duly sworn, or if any judge or minority inspector shall certify that any officer was sworn when he was not, it shall be deemed a misdemeanor, and, upon conviction, the officer or officers so offending shall be fined not exceeding one thousand (\$1000.00) dollars, or imprisoned not exceeding one year or both, in the discretion of the court. (1874, P. L. 31, §9.)

§226. Receive package containing ballots, specimen ballots, cards of instruction, penalties and other necessary papers, etc., from the county commissioners and receipt to them for same.

The county commissioners may deliver the package containing the ballots, etc., to the judges or require the judges to call on the day before the election to receive same. In any case the judge must exhibit to the county commissioners his certificate of election before receiving the package. (Elections, 1893, P. L. 419, §17—Primaries, 1919, P. L. 839, §2.)

§227. Appoint an inspector to act in his place when prevented by illness from performing his duties as aforesaid.

In this case the inspector should exhibit to the county commissioners his appointment in writing, together with his certificate of election as inspector and the certificate of the election of the judge.

Keep said package sealed until opened in the presence of the election board. (1893, P. L. 419, §17.)

§228. Publicly open package containing ballots, cards of instruction, etc. (1893, P. L. 419, §20.)

§229. Replace ballots when original are not delivered, lost or stolen. (1893, P. L. 419, §18.)

§230. Be sworn or affirmed by the minority inspector, or in his absence by a justice of the peace or alderman. (1839, P. L. 519, §§20 and 22, also 1874, P. L. 31, §9.)

§231. Appoint majority inspector if one elected to office fails to attend, also see that all clerks are duly appointed and if any vacancies exist one hour after poll opens, elect necessary qualified electors from those present to fill such vacancies. (1839, P. L. 519, §16.)

§232. Swear or affirm inspectors, overseers and clerks. (1839, P. L. 519, §§19, 21 and 22, also 1874, P. L. 31, §9.)

§233. Make and attest certificates of oaths which shall be signed by persons so sworn. (1839, P. L. 519, §§19, 21 and 22, also 1874, P. L. 31, §9.)

§234. Assign duties and positions of election officers (see diagram of election room p. 5).

The arrangement of the inspectors and clerks shown in the diagram of voting room is not mandatory, but is recommended, so that the officers and clerks of different political parties may be a check on each other, and to comply with the general election law. (Editor.)

§235. Decide questions when the inspectors disagree as to an elector's right to vote, and for this purpose may examine under oath persons claiming such right. (1839, P. L. 519, §6, see also 47 Pa. Super. Ct. 592 and 600.)

§236. Write or stamp the word "Voted" on the certificate of naturalization with the day, month, and year and the name of the person voting on naturalization papers. (1874, P. L. 31, §11.)

§237. Permit elector to have assistance in the preparation of his ballot. (1903, P. L. 338, §6.)

§238. At primary elections elector is required to make affidavit of his disability before being allowed assistance. (1913, P. L. 719, §11, paragraph 3.)

§239. Transmit all ballots unlawfully obtained to the district attorney with information concerning them. (1903, P. L. 338, §4.)

§240. Require peace officers to perform their duties. See §§18 to 26 and 141. (1839, P. L. 519, §§111, 112 and 113.)

§240A. The minority inspector and the judge shall deliver the ballot box to the place designated for its safe keeping, and if no place has been so designated by the Court of Common Pleas, then to the nearest justice of the peace or alderman. (1909, P. L. 425, §1.)

§241. At primaries, ballot box is delivered to County Commissioners or place designated by them. (1919, P. L. 839, §4.)

XXIV. OVERSEERS OF ELECTIONS.

See also Crimes, §§370 to 374; Elections, §§1 to 123; Primaries, §§138 to 183.

§242. Upon the petition of five or more citizens of an election district, the Court of Common Pleas shall appoint two electors of different political parties to act as overseers of the election (1) and primary (2). (1) 1874, P. L. 31, §4—(2) 1913, P. L. 719, §20.

§243. Overseers are sworn by the Judge of Election. (1874, P. L. 31, §9.)

§244. Privileges of Overseers at Elections (1) or Primaries (2); may be present with the election officers during the whole time the election is held, the votes counted and the returns made out and signed by the election officers.

May keep a list of voters.

Election officers are forbidden to interfere with the duties of overseers, under a penalty of fine and imprisonment. (1) 1874, P. L. 31, §4—(2) 1913, P. L. 719, §20.

§245. Overseers may challenge in boroughs and townships any person offering to vote, interrogate him and his witnesses under oath and examine his papers (1). In cities of the second (2) and third (3) class, if elector is challenged he shall sign his name in the register at the place provided for that purpose. If his name is not registered he shall not be entitled to vote. (1) 1874, P. L. 31, §4—(2) 1913, P. L. 977, §17—(3) 1907, P. L. 251, §5.

XXV. WATCHERS.

See also Crimes, §§370 to 374; Elections §§1 to 123; Primaries, §§138 to 183.

§246. Each political party on the ballot at an election may appoint three electors to act as watchers. (1903, P. L. 213, §1.)

§247. Each watcher shall have a certificate of appointment from the County Commissioners. (Elections, 1903, P. L. 213, §1; Primaries, 1913, P. L. 719, §21.)

§248. Only one watcher of each party or policy may be in the voting room at one time, while the election is in progress. (1903, P. L. 213, §1.)

§249. Shall be required to show certificates when requested to do so by election officers. (1903, P. L. 213, §1.)

§250. May keep poll books. (1893, P. L. 419, §24.)

§251. All watchers may remain in the voting room outside the guard rail while the vote is being counted. (1903, P. L. 338, §5.)

§252. At the Primary each candidate may appoint two watchers. (1913, P. L. 719, §21.)

§253. (Blank), Law Repealed.

§254. Each political party who is entitled to have watchers at the general election may appoint not more than three watchers for each place of registration in cities of the second (1) and third (2) class. No more than one watcher from each party to be present at any one time. Watchers shall be entitled to be present at each registration day. Certificate to be furnished by county commissioners. Watchers shall have power to challenge. (1) 1913, P. L. 977, §11—(2) 1906, P. L. 63, §8.

PART IV.**XXVI. CLERK OF QUARTER SESSIONS.**

See also (Subjects) Candidates—Expenses, §§469 to 490; Return of Votes, §§113 to 115.

§255. Certificate of election for school directors where such officers are elected shall be made by the clerk or prothonotary within ten (10) days after the result of such election is ascertained and a copy sent to the president of the school board. (1911, P. L. 309, §222.)

XXVII. COUNTY COMMISSIONERS.

See also (Subjects) Candidates, §§375 to 468; Election Districts and Rooms, §§280 to 291; Elections, §§1 to 137; Incompatible Offices, §§345 to 369-D; Primaries, §§138 to 183; Registration, §292 to 344.

A. PRIMARIES.

§256. Petitions of candidates for county, borough, township and ward offices must be filed at least four (4) weeks prior to the primary. (1919, P. L. 839, §1.) Refuse to receive petitions when found manifestly defective. (1913, P. L. 719, §8.)

§257. (Blank), Law Repealed.

§258. County Commissioners furnish to each election district one book of fifty (50) official ballots of each party for every forty (40) and fraction of forty votes cast within the election district for the candidate of the particular party who received the largest vote cast for any candidate of such party at any of the last three preceding general or municipal elections. (1919, P. L. 839, §2.)

§259. No additional ballots shall be furnished any party in any election district, unless the number of electors registered and enrolled of any particular party in any election district shall exceed the largest vote aforesaid, in which case the county commissioners shall furnish ballots for said party in the ratio aforesaid, upon the basis of such enrollment or registration. (1919, P. L. 839, §2.)

§260. Print ballots, specimen ballots, cards of instruction, penalties, stationery, etc., and deliver package containing same to each judge of election on the Saturday or Monday before the primary. They may notify the judges, if they prefer, to call at their office the day before election to receive and receipt for the package. (1919, P. L. 839, §2.)

§261. Keep a record of the number of ballots printed and forward to each election district as well as the number of stubs, unused, spoiled and cancelled ballots, subsequently returned therefrom. (1919, P. L. 839, §2.)

§262. Provide for each election district in boroughs and townships, two copies of the assessor's lists or registers, i. e., The Ballot Check List and the Voting Check List (1) and in third class cities, two registers to be used in place of the above named books (2), and in second class cities (3) see that registers are delivered to each polling place on election days. The above Ballot Check Lists and Voting Check Lists as well as the Registers shall have separate columns for party ballots. (1) 1919, P. L. 839, §2—(2) 1906, P. L. 63, §13—(3) 1921, P. L. , Act No. 121, §1.)

B. ELECTIONS.

§263. Receive nomination papers for county, city and ward, borough, township offices, school directors and election officers which shall be filed at least twenty-eight (28) days before the election.

In reckoning time as above, exclude the day of filing but count election day. (1919, P. L. 832, §1.)

§264. Examine and refuse to file nomination papers when found manifestly defective. (1919, P. L. 832, §2.)

§265. Permit parties who have filed nomination papers for election to amend them at any time before ballots are printed. (1919, P. L. 832, §2.)

§266. Candidates wishing to withdraw their names may do so by filing their request with the commissioners at least twenty-five (25) days previous to the election. (1919, P. L. 832, §3.)

§266-A. Increasing indebtedness of various municipalities. Ballot to be used at an election to ascertain whether the indebtedness of a municipality shall be increased must be an official ballot furnished by the County Commissioners and in the form prescribed by the Act of April 29, 1903, P. L. 338, §2. (168 Pa. 578; 224 Pa. 425; 231 Pa. 461; 52 P. L. J. 178.)

§267. Commissioners to transmit to sheriff at least ten (10) days before any general election, lists of candidates nominated by nomination papers filed in their office. (1903, P. L. 338, §1.)

§268. Mistakes in publication of names on ballots shall be corrected when required to do so by Common Pleas Court or any Judge thereof. (1893, P. L. 419, §15.)

§269. Keep nomination papers for two years after filing for inspection. (1893, P. L. 419, §8.)

§269-A Commissioners to cause ballots to be printed. They shall ascertain the offices to be filled, and be responsible for accurate printing of ballots and safe keeping thereof while in their possession. (1893, P. L. 419, §13; 29 D. R. 946.)

§270. Print ballots, specimen ballots, cards of instruction, penalties, stationery, etc., and deliver package containing same to each judge of election on Saturday or Monday before election.

They may notify the judges, if they prefer to call at their office the day before election to receive and receipt for the package. (1893, P. L. 419, §17. 1921, P. L. , Act No. 400, §1.)

§271. Keep a record of the number of ballots printed and furnished to each voting place. (1893, P. L. 419, §15.)

§272. Provide for each election district in boroughs and townships, two copies of the assessor's list of voters arranged alphabetically, viz: The "Ballot Check List" and the "Voting Check List" (1), and in third class cities, two registers to be used in place of the above named books (2). In second and third class cities see that registers are delivered to each polling place on election days. (1) 1921, P. L. , Act No. 400, §1, also 1921, P. L. , Act No.121, §1.—(2) 1906, P. L. 63, §13.)

XXVIII. PROTHONOTARY.

See also (Subject) Return of Votes, §§112 & 113-B.

§273. Duties in presenting the returns of elections to the common pleas courts, see §§127 to 131.

§274. Certificate of election for school directors where such officers are elected shall be made by the clerk or prothonotary within ten (10) days after the result of such election is ascertained and a copy sent to the President of the School Board. (1911, P. L. 309, §222.)

XXIX. SHERIFFS.

§275. Proclamation to be issued by sheriff. It shall be the duty of the sheriff of every county, at least ten (10) days before any general election to be held therein, except borough and township elections, to give notice of the same by advertisements in at least three newspapers, if there be so many published in the county, two of said newspapers representing so far as practicable the political party which at the preceding November election cast the largest number of votes, and the other one of said newspapers representing so far as practicable the political party which at the preceding November election cast the next largest number of votes, and in addition thereto the sheriff of every county shall, at least ten (10) days before any general election to be held in cities of the first, second, and third classes, give notice of the same by proclamation posted up in the most conspicuous places in every election district in said cities of the first, second and third classes and in every such advertisement or proclamation.

I. Enumerate the officers to be elected and give a list of all the nominations made as provided in this act and to be voted for in such county, and the full text of all constitutional amendments submitted to a vote of the people, but the proclamation posted in each election district need not contain the names of any candidates but those to be voted for in such district.

II. Designate the place at which the election is to be held. (1895, P. L. 392, §1.)

§276. In contracting for the publication of the election proclamation, the sheriff acts as the agent of the public, and the county is directly liable to the publishers for the advertising expenses this incurred:

If the sheriff exceeds his authority, the county is not liable, but the limits of his authority so far as the selection of the newspapers is concerned, are prescribed by the statute and cannot be narrowed or enlarged by any action of the county commissioners. (*Graham v. Schuylkill County*, 16 Pa. Superior Ct. 180.)

§277. He shall give notice that every person, excepting justices of the peace, who shall hold any office or appointment of profit or trust under the government of the United States, or of this State, or of any city or incorporated district, whether a commissioned officer or otherwise, a subordinate officer or agent who is or shall be employed under the Legislative, Executive or Judiciary Department of this State, or of the United States, or of any city or incorporated district, and also that every member of Congress and of the State Legislature, and of the select or common council of any city, or commissioners of any incorporated district, is, by law, incapable of holding or exercising at the same time the office or appointment of judge, inspector or clerk of any election of this Commonwealth, and that no inspector, judge or other officer of any such election shall be eligible to any office to be then voted for except that of an election officer. (1895, P. L. 392, §1.)

§278. It shall be the duty of the sheriff of every county in this Commonwealth to give notice of the general election by publication of the same once a week in not more than four (4) weekly or daily newspapers, published in the county, one of said newspapers to be published in the German language in counties where such newspaper is published, the first insertion to be at least twenty (20) days before the time such election is to be held; in counties of the Commonwealth where no newspapers are published, the sheriff of any such county shall give notice of such general election by posters, to be posted in at least three (3) public places in each election district and at the place where such election is to be held. (1885, P. L. 144, Act No. 112, §1.) See also publication of legal notices, 1917, P. L. 49.

§279. The act of June 23, 1885 providing for the advertisement of general elections "in not more than four (4) weekly or daily newspapers published in the county," is not repealed by the tenth section of the act of June 10, 1893, P. L. 419, as amended by the act of June 26, 1895, P. L. 392, which provides for the advertisement "in at least three (3) newspapers." The two acts may well stand together and each supply what is lacking in the other, namely, the maximum number of publications in the act of 1885, and the minimum number in the act of 1895. (*York Gazette Company, Limited v. York County*, 25 Pa. Superior Ct. 517.)

PART V.

XXX. ELECTION DISTRICTS AND ROOMS.

See also Ballots and Voting; §§59 to 90 and 150 to 159; Registration, §§292 to 344.

§280. The Court of Quarter Sessions determines the territory and bounds of election districts. (Const. Art. 8, §11.)

§281. The Court of Quarter Sessions also has jurisdiction to fix polling place in following cases:

Division of a district,

April 20, 1854, P. L. 419, §2; Jan. 31, 1855, P. L. 5, §1.

Consolidation of districts,

June 26, 1895, P. L. 377.

Annexation to a city,

April 21, 1911, P. L. 80.

Costs for the division or creation of an election district are paid by the county.

March 18, 1875, P. L. 29.

§281-A. Polling places in which new townships, boroughs, or election districts are erected, the Court of Quarter Sessions appoints the officers for holding the first election. (1854, P. L. 419, §2; 1855, P. L. 5, §1.)

§282. When two or more adjoining election districts are consolidated by the Court of Quarter Sessions, the court shall appoint the election officers and fix the place of holding the first election in said district. (1895, P. L. 377, §2.)

§283. Court of Common Pleas upon petition of five (5) electors may change polling place owing to fire, impossibility to obtain room, or any other unavoidable cause, if the election cannot be held in the district at the place designated by the sheriff's proclamation. Change not to be made within less than three (3) days unless in case of fire. (1883, P. L. 124, §1.)

§284. Governor may change polling place where there is a malignant disease. (1839, P. L. 519, §94.)

§284-A. Court of Quarter Sessions upon petition of at least ten (10) electors may change polling place upon proper notice to County Commissioners, or election may be held to settle question. (1893, P. L. 106, [Act No. 158], §1—See also In Re Change of Polling Place, 34 York, 13.)

§284-B. Court of Quarter Sessions may establish, divide or alter election districts in townships of the first class. (1921, P. L. , Act No. 106, §1.)

§285. County Commissioners have power to change polling places in townships upon petition of at least ten (10) qualified electors and at least three (3) weeks prior to any election. (1919, P. L. 769, §1.) See In Re Change of Polling Place, 34 York, 13.

§286. County Commissioners may abolish election districts in which less than ten (10) qualified electors reside. (1919, P. L. 805, Act No. 332, §1.)

§287. Electors of each district select room as polling place upon petition of ten or more electors to Court of Quarter Sessions (1). County Commissioners enter into an agreement with the owners of such rooms for payment of rental. Where a building must be erected commissioners pay ground rent. Commissioners equip each polling place with necessary booths, tables, chairs, etc. (2) (1) See §§280, 281; (2) 1893, P. L. 419, §19, 158 Pa. 65; 248 Pa. 208; 40 P. L. J. (O. S.) 150.

§288. The provisions of this section relating to the arrangement of the rooms in which elections are held is mandatory. (Cramer's Election Case, 248 Pa. 208.)

§289. The Sheriff's proclamation of general elections must designate the place at which the election is to be held. (1895, P. L. 392, §1.)

§290. County Commissioners must see that all polling places are open and in proper order for the use of registrars on all registration days. (1921, P. L. , Act No. 121—1911, P. L. 1014, §7.)

§291. Owners or lessees of any room or rooms provided by the County Commissioners for the use of registrars in third class cities shall receive ten (\$10.00) dollars per day for each day such room is so used, which shall be paid by the county. (1919, P. L. 117, §1.)

XXXI. REGISTRATION.

See also Election Districts and Rooms, §§280 to 291; Qualifications of Voters, §§27 to 51.

A. BOROUGHES AND TOWNSHIPS.

§292. All laws regulating the registration of electors shall be uniform throughout the State, but laws regulating and requiring the registration of electors may be enacted to apply to cities only: Provided, That such laws be uniform for cities of the same class. (Const. Art. 8, §7.)

§293. Duties of Registry Assessors:

Personally visit every dwelling house in his district on the first Monday of May in each year, or as soon thereafter as possible.

§294. Make an original list in a book furnished by the County Commissioners, grouping electors by houses, streets, alleys or courts.

Ascertain on what grounds electors claim the right to vote.

Enter on said list the names of all citizens twenty-one (21) years of age and upwards claiming the right to vote. (1891, P. L. 134, §1.)

§295. Electors desiring to vote a party ballot at the primary must enroll according to their party preference or affiliation (1), a refusal thereof will not permit them to vote for a party candidate (2). If the elector is absent when the assessor or registry assessor calls, he shall leave a certificate of enrollment which the elector may fill out and give to the assessor of registry assessor on or before the time he sits at the polls on the sixty-second and sixty-third days before the primary (3). (1) 1913, P. L. 1043, §1—(2) 1919, P. L. 839, §3—(3) 1913, P.L. 1043, §§3, 4.

§296. Certificate of Enrollment.

Date,.....192...

I....., a duly qualified voter residing in.....election district, hereby declare that I desire to be enrolled as a member of theparty, and express my desire to vote the ticket of the.....party at the.....primary election next ensuing, and request that my name be enrolled on the assessor's list as a member of said party for the purpose of participating in said primary or primaries.

.....
(Signature of Elector)

.....
(Witness)

.....
(Address)

(1913, P. L. 1043, §3.)

297. When the party affiliation of a voter has been registered it is carried from year to year in the registry list or until the voter changes same. (1913, P. L. 1043, §5.)

§298. Mistakes in registering the party of a voter may be corrected at any time up to ten (10) days before the primary, by petition to the Common Pleas Courts. (1913, P. L. 1043, §8.)

§299. Mark opposite his name whether he is a housekeeper or not.

Give number of street, alley or court, and occupation of elector.

When elector is not a housekeeper, give occupation, place of boarding and name of employer.

Write the word "voter" opposite each name.

Mark naturalized voter with the letter "N."

(1891, P. L. 134, §1.)

§300. Naturalized voters must exhibit certificate of naturalization to the assessor.

§301. Mark persons who have declared intentions, "D. I." and persons who intend to be naturalized without declaring intentions, "I. N."

Mark persons who claim the right to vote on age "Age."

Mark persons who have moved into the district since last preceding election "R." (1891, P. L. 134, §1.)

§302. Make a copy of Original Registry List, and place said copy on the door of the election house on or prior to the fourth Monday of May in each year. (1895, P. L. 75, §1.)

§303. Retain Original Registry List for revision or inspection, free of charge, of any person resident in the said election district, who shall desire to see the same; and assess all persons on application, and mark C. V. in addition to the marks above. (1895, P. L. 75, §1.)

In Allegheny County no assessment is made by the Registrar. (1919, P. L. 1093.)

§304. Be present at the polling place from 10 A. M. to 3 P. M. and 6 to 9 P. M. (Eastern Standard Time) on the sixty-third and sixty-second days before each Primary to receive Party enrollment certificates from Electors not enrolled or desiring to change their party affiliation, also to revise the Registry List of Voters (1). He shall also be present during the same hours at the polling place on the sixty-third and sixty-second day before the November Election to make corrections on the Registry List of Voters (2). (1) 1913, P. L. 1043, § 4, 5 & 8; (2) 1895, P. L. 75, §1.

§305. Assessors have the right to administer oaths to any person in regard to any matter or thing required to be done or asked by him. (1874, P. L. 31, §17.)

§306. Return the Original Registry List as revised and completed, to the County Commissioners on the sixty-first day before the November Election (1) also on the sixty-first day before the Primary (2). (1) 1895, P. L. 75, §1—(2) 1913, P. L. 1043, §4.

§307. It shall be the duty of each assessor and assistant assessor of each township of the second class, borough and ward in a borough to keep an account of the several days by him actually employed in the performance of his duties and to make return of the same to the county commissioners verified by his oath or affirmation and for each day so employed, he shall receive the sum of five dollars. (1921, P. L. , Act No. 243, §1.)

B. SECOND CLASS CITIES.

See also Qualifications of Voters, §§27 to 40.

§308. All laws regulating the registration of electors shall be uniform throughout the State, but laws regulating and requiring the registration of electors may be enacted to apply to cities only: Provided, That such laws be uniform for cities of the same class. (Const. Art. 8, §7.)

§309. The Governor appoints a Board of Registration Commissioners consisting of four (4) duly qualified electors of said city, not more than two (2) of them shall be members of the same political party. The Commissioners hold office for four (4) years and receive a salary of three thousand (\$3,000.00) dollars per year. (1917, P. L. 1108, §1.)

§310. The Commissioners shall keep a permanent record of all proceedings, which shall be open to the public. They have power to administer oaths. (1913, P. L. 977, §4.)

§311. Commissioners shall no later than August 15th, of each year appoint four (4) registrars for each election district. Registrars must be qualified electors of said district and residents of the city two (2) years and of the district one (1) year. No person who holds or is a candidate for public office shall act as Registrar. (1913, P. L. 977, §5.)

§312. Board of Registration Commissioners has discretionary authority as to the appointment of election registrars and are not compelled to appoint or re-appoint persons suggested by them by Ward Executive Committees. (*Hutchinson v. Goshorn*, 256 Pa. 69.)

§313. Each registrar shall receive ten (\$10.00) dollars per day for the time actually spent in registration. (1913, P. L. 977, §5.)

§314. Registrars meet at the polling places in even numbered years on the ninth Thursday, the seventh Tuesday and the fifth Saturday preceding the November election; and on the fifth Wednesday preceding the Spring Primary. In odd numbered years on the ninth Thursday, eighth Tuesday and Saturday preceding the November election. The registrars remain in session from seven to ten o'clock A. M. and from four to ten o'clock P. M. (Eastern Standard Time. 1919, P. L. 282, §1; 68 P. L. J. 310.) They have power to administer oaths. (1915, P. L. 576, §1.)

§315. Electors desiring to register must appear on one of the registration days in person before the registrars of the precinct or ward in which he lives and answer under oath questions asked them as well as sign their name in the register. (1913, P. L. 977, §7.)

§316. Electors who have paid their taxes within two (2) years or before the last day for registration and possess all the other qualifications shall be entitled to register at the Fall Registration; or at the Spring Registration only, if he was not qualified to register at the Fall Registration which registration will qualify him to vote only at the Spring Primary. (1913, P. L. 977, §8.)

§317. Challenged Applicant to produce such further proof as is required on Election Day—Naturalized Persons to produce Naturalization Papers—How Persons claiming Citizenship by Reason of Father's Naturalization may be Registered—Disposition of Vouchers and Affidavit.

The challenged applicant shall produce such further proof as the law requires challenged persons to produce on election day (1), and it shall be the duty of the registrars to require it before permitting him to be registered. All persons claiming the right to vote by reason of naturalization shall be required to produce the proper naturalization papers, or a certified copy thereof, before they shall be registered; but no such person shall be required to produce his papers a second time in the same district, unless he is challenged; Provided, That any person claiming citizenship by reason of the naturalization of his father may be registered either by the production of his father's papers, or a certified copy thereof, or by making affidavit that his father was naturalized at a time when he, the applicant, was less than twenty-one (21) years of age, and that he is unable to produce his father's papers. All affidavits and vouchers shall be executed in duplicate, one being delivered into the custody of each registrar who has charge of the registers (2). (1) See topic Qualifications of Voters, §§27 to 40. (2) 1913, P. L. 977, §9.

§318. Persons claiming right to register may be challenged—What proof required to be registered—Disposition of affidavits.

Any person, claiming the right to register may be challenged by a registrar, or by any qualified elector of the election division. Any person so challenged shall answer the questions of the challenge affidavit, sign and swear to their truth. He shall also make affidavit at the same time to the truth of his answers as recorded in the register. The affidavit, of all persons so registered shall, at the close of each day of registration, be numbered and filed. (1913, P. L. 977, §9.)

§319. Electors desiring to vote a party ballot at the primary must enroll according to their party preference or affiliation (1), a refusal thereof will not permit them to vote for a party candidate at the primary (2). (1) 1913, P. L. 1043, §1—(2) 1919, P. L. 839, §3.

§320. When his party affiliation is registered at the Fall Registration, the voter may vote the ballot of that party at the next Fall and Spring Primaries. Should he change his party by voting for the majority of candidates of another party at the following November election and desire to be registered in the party for which he voted for the majority of candidates, he may appear before the registrars at the Spring Registration and state under oath that he has so changed and the registrars shall change his party on the registers. (1913, P. L. 1043, §2.)

§321. Registered electors who have removed from one election district to another two calendar months before the spring primary may have their names changed to the new district by applying to the Commissioners no later than ten (10) days before the spring primary. (1913, P. L. 977, §10.)

§322. Each political party who is entitled to have watchers at the general election may appoint not more than three (3) watchers for each place of registration. No more than one (1) watcher from each party to be present at any one time. Watchers shall be entitled to be present at each registration day. Certificates to be furnished by County Commissioners. Watchers shall have power to challenge. (1913, P. L. 977, §11.)

§323. No more than six (6) electors other than registrars and watchers shall be allowed in the Registry Room at any one time. (1913, P. L. 977, §12.)

§324. A qualified elector who has paid his taxes after the last day of the Fall Registration, and on or before the final day for payment of same in odd numbered years, or an elector who will arrive at the age of twenty-one (21) years, been naturalized or qualified as to residence in the district between the primary election and the next succeeding election may on the twentieth day preceding the election in odd-numbered years be registered by presenting a petition to the Registration Commissioners setting forth the facts, etc. (1915, P. L. 1027, §1.)

§325. If any elector was too ill to appear at the polling place or was unavoidably absent from the city on all registration days, he may present a petition to the Registration Commissioners setting forth the facts as to his illness or unavoidable absence as well as appear personally before the Registration Commissioners and if the facts are proven to their satisfaction, they may order the name of the petitioner to be inserted on the register in the proper district. (1915, P. L. 1027, §1.)

§326. County Commissioners are to provide for payment of all personal registration expenses, to furnish rooms for Registration Commissioners, also books, papers, etc. and see that polling places are in good condition. See that registers are properly delivered to election officers on election days. (1921, P. L. , Act No. 121, §1.)

§327. State and Federal Employees may register by petition without appearing before Registration Commissioners. Employees claiming right to register to give satisfactory proof that he is by payment of taxes and otherwise so entitled, also sign Ballot Check List upon voting. Commissioners to furnish blanks. (1919, P. L. 1065, Act No. 432, §1, 2.)

C. THIRD CLASS CITIES.

See also Qualifications of Voters, §§27 to 40.

§328. All laws regulating the registration of electors shall be uniform throughout the State, but laws regulating and requiring the registration of electors may be enacted to apply to cities only. Provided, That such laws be uniform for cities of the same class. (Const. Art. 8, §7.)

§329. County Commissioners shall not later than June 15th, 1920, and every four years thereafter appoint two registrars for each precinct or ward. Registrars must be qualified electors of said district and residents of the city for two years and of the district one year. (1) Registrars shall be of different political faith. If no petitions are filed, County Commissioners may appoint without regard to party (2). (1) 1911, P. L. 1014, §1—(2) 1907, P. L. 251, §1.

§330. Each registrar shall receive five (\$5.00) dollars per day for the time actually spent in the work of registration. (1907, P. L. 251, §1.)

§331. The five (\$5.00) dollars per day compensation is due registrar for the day he delivers the register and vouchers to the County Commissioners Office, but he is not entitled to mileage. (Griffin v. Crawford County, 19 D. R. 1150.)

§332. The registrars meet at the polling places in even numbered years on the ninth Thursday, seventh Tuesday, and fifth Saturday, preceding the November election, and on the third Wednesday preceding the Spring primary. In odd numbered years on the tenth Thursday, ninth Tuesday and eighth Saturday preceding the November election, and in any year when any special election is held on the third Wednesday preceding such special election. The registrars remain in session on each registration day from eight o'clock A. M. to one o'clock P. M. and from two to six and seven to ten o'clock P. M. (Eastern Standard Time, 1919, P. L. 282, §1—68 P. L. J. 310) (1917, P. L. 738, §1.)

§333. Every person claiming the right to vote must appear in person before the registrars, in the district in which he lives on one of the registration days prior to every November election, if he has subsequently to said November election moved into another district, he must appear in person before the registrars in the district to which he has thus removed, in order to enable him to vote at the ensuing Spring primary, or any ensuing special election. If the elector was prevented by sickness or absence from the city on all registration days he may present a petition to the County Commissioners setting forth the facts and if proven to their satisfaction, they may order his name to be inserted in the register of the proper district, or if they refuse an appeal can be taken to the Court of Common Pleas. (1917, P. L. 738, §2.)

§334. Every person appearing before the registrars after being sworn shall answer the questions put to him by them. These answers must be recorded on a single line in two registers. The size and character of the registers shall be determined by the County Commissioners. Provided, however, that the county commissioners shall at each fall registration preceding the November election furnish to the registrars of the several wards and precincts the registers of the proper ward or precinct for the previous year. Every person appearing before the registrars who was registered

in said district for the previous year and who still resides at the same residence within said district as in the previous year shall after being sworn upon the production of a proper tax receipt and the making of a statement that he was registered in said election district the year immediately preceding, that he resides in the same residence as during the year immediately preceding, and naming the political party if any, to which he belongs, be again registered by the registrars without answering the additional questions. In all such cases the registrars shall complete the registration of such person from the registers of the preceding year, making due allowance for the elapsing of one year. (1921, P. L. , Act No. 349, §1.)

§335. Qualifications of an Elector claiming right to be Registered—How Elector who has paid his taxes after last day of Fall Registration may Register.

Every person who shall have paid his taxes on or before the last day of registration, and who shall possess all the other qualifications of an elector as provided in the Constitution and laws of this Commonwealth, or who by continued residence in his election district will obtain such qualifications before the next ensuing election, shall be entitled to be registered. Any qualified elector who has paid his taxes after the last day of the Fall registration, and on or before the final day for the payment of the same, in odd-numbered years, may, on the twentieth day preceding the election in odd-numbered years present his petition to the County Commissioners, setting forth the fact as to the payment of his taxes and giving in detail the information required to be recorded in the register, and praying that his name may be added to the register in the proper division. If the facts are proven to the satisfaction of the commissioners, subject to the same condition as though the applicant for such registration had presented himself for registration before the board of registrars of his district, they shall order the name of the petitioner to be inserted in the register in the proper place. (1911, P. L. 1014, §4.)

§336. Persons claiming right to register may be challenged—Challenged Persons to make affidavits—Disposition of Affidavits.

Any person claiming the right to register may be challenged by a registrar or by any elector of the precinct or ward. Any person so challenged shall answer the questions of the challenge affidavit; and after his answers have been recorded, he shall sign and swear, or affirm, to their truth. He shall also make affidavit, at the same time, of the truth of his answers as recorded in the registers. The affidavits of all persons so registered shall, at the close of each day of registration, be numbered and filed. (1906, P. L. 63, §6.)

§337. Challenged Applicant to Produce such further proof as is required on Election Day—Naturalized Persons to Produce Naturalization Papers—Duty of Registrars when Applicant is Rejected.

The Challenged applicant shall produce such further proof as the law requires challenged persons to produce on election day, and it shall be the duty of the registrars to require it before permitting him to be registered. All persons claiming the right to vote by reason of naturalization shall be required to produce the proper naturalization papers, or a certified copy thereof, before they shall be registered; but no such person shall be required to produce the papers a second time in the same precinct or ward, unless he is challenged. (1906, P. L. 63, §6.)

§338. Electors desiring to vote a party ballot at the primary must enroll according to their party preference or affiliation (1), a refusal thereof will not permit them to vote for a party candidate at the primary (2). (1) 1913, P. L. 1043, §1—(2) 1919, P. L. 839, §3.

§339. When his party affiliation is registered at the Fall registration, the voter may vote the ballot of that party at the next Fall and Spring primaries. Should he change his party by voting for the majority of candidates of another party at the following November election and desire to be registered in the party for which he voted for the majority of candidates, he may appear before the registrars at the Spring registration and state under oath that he has so changed and the registrars shall change his party on the registers. (1913, P. L. 1043, §2.)

§340. Each political party who is entitled to have watchers at the general election may appoint not more than three (3) watchers for each place of registration. No more than one (1) watcher from each party to be present at any one time. Watchers shall be entitled to be present at each registration day. Certificates to be furnished by County Commissioners. Watchers shall have power to challenge. (1906, P. L. 63, §8.)

§341. No more than six (6) electors other than the registrars and watchers shall be allowed in the registry room at any one time. (1906, P. L. 63, §9.)

§342. If any citizen shall object to the action of the registrars in accepting or rejecting any claim for registration, they may file within ten (10) days a petition with the County Commissioners setting forth the facts. The Commissioners shall set a time and place for hearing them. All applications for correcting the registers must be made no later than ten (10) days before an election. (1906, P. L. 63, §11.)

§343. County Commissioners are to provide for payment of all personal registration expenses, to furnish rooms for use of registrars, also books, papers, etc. and see that polling places are in good condition. See that registers are properly delivered to election officers on election days. (1911, P. L. 1014, §7.)

§344. Owners or lessees of any room or rooms provided by the County Commissioners for the use of registrars in third class cities shall receive ten (\$10.00) dollars per day for each day such room is so used, which shall be paid by the county. (1919, P. L. 117, §1.)

XXXII. INCOMPATIBLE OFFICES.

§345. 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, or county, or 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 filled at an election at which he shall serve, save only to such subordinate municipal or local offices, below the grade of city or county offices, as shall be designated by general law. (Const. Art. 8, §15.)

§346. The sheriff shall give notice that every person excepting justices of the peace, who shall hold any office or appointment of profit or trust under the government of the United States, or of this State, or of any city or incorporated district, whether a commissioned officer or otherwise, a subordinate officer, or agent who is or shall be employed under the Legislative, Executive or Judiciary Department of this State, or of the United States, or of any city or incorporated district, and also that every member of Congress and of the State Legislature, and of the select or common council of any city, or commissioners of any incorporated district, is, by law, incapable of holding or exercising at the same time the office or appointment of judge, inspector, or clerk of any election of this Commonwealth, and that no inspector, judge or other officer of any such election shall be eligible to any office to be then voted for except that of an election officer. (1895, P. L. 392, §1.)

§347. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office. (U. S. Const. Art. 1, §6, Cl. 2.)

§348. No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State, to which a salary, fees, or perquisites shall be attached. (Const. Art. 12, §2.)

§349. Every person who shall hold any office, or appointment of profit or trust under the Government of the United States, whether a commissioned officer or otherwise, a subordinate officer or agent, who is or shall be employed under the legislative, executive or judiciary department of the United States, and also every member of Congress, is hereby declared to be incapable of holding or exercising, at the same time, the office or appointment of justice of the peace, notary public, mayor, recorder, burgess or

alderman of any city, corporate town or borough, resident physician of the lazaretto, constable, judge, inspector or clerk of election under this Commonwealth (1). But the office of justice of the peace and notary public can be held by the same person, but limits his jurisdiction (2). (1) 1874, P. L. 186, §1. Above repealed insofar as it relates to boroughs by Chap. XIII, Art. 1, Sec. 1-(c), May 14, 1915, P. L. 312.—(2) 1909, P. L. 151, Act No. 103, §1.) See also Sec. 348.

§350. The holding of any of the aforesaid offices or appointments under this State is declared to be incompatible with any office or appointment under the United States, and every such commission, office or appointment so holden under the government of this State is null and void. (1874, P. L. 186, §2.) Above repealed insofar as it relates to boroughs by Chap. XIII, Art. 1, Sec. 1-(c), May 14, 1915, P. L. 312.) See also Sec. 348.

§351. If any person, after the expiration of the fifteenth day of November, one thousand eight hundred and seventy-four, exercises any office or appointment, the exercise of which is incompatible, every person so offending shall, for every such offense, being thereof legally convicted in any court of record, forfeit and pay any sum not less than fifty (\$50.00) dollars, nor more than five hundred (\$500.00) dollars, at the discretion of the Court, one moiety of said forfeiture to be paid to the overseers, guardians or directors of the poor of the township, district, county, or place where such offense shall have been committed, to be applied to the support of the poor, and the other moiety thereof to the prosecutor who shall sue for the same. (1874, P. L. 186, §3.) Above repealed insofar as it relates to boroughs by Chap. XIII, Art. 1, Sec. 1-(c), May 14, 1915, P. L. 312.) See also Sec. 348.

§352. No person shall be capable of holding at the same time, the office of justice of the peace, prothonotary, and clerk of any court. (1874, P. L. 186, §4.)

§353. Nor of associate judge and justice of the peace. (1874, P. L. 186, §5.)

§354. No district attorney can hold any other office under the law and constitution of the State. (1874, P. L. 186, §6.)

§355. Nor of county commissioner, school director, or board of health. (1874, P. L. 186, §7.)

§356. No alderman or attorney-at-law to be county prison inspector. (1874, P. L. 186, §8.)

§357. No person can, at one time, be a member of more than one of the following bodies, viz: City council, guardians of the poor, board of health, and inspector of the county prison. (1874, P. L. 186, §9.)

§358. Members of the Legislature cannot be councilmen in an incorporated city. (1874, P. L. 186, §10.)

§359. No member of council is eligible to any office, employment or agency chosen by council during the term for which he was elected to council. (1874, P. L. 186, §11.)

§360. No member of said councils shall hereafter hold any office or employment in the choice of said councils, during the term for which he shall have been elected. (1874, P. L. 186, §13.)

§361. Members of council cannot hold any other city or county office in the choice of the people. (1874, P. L. 186, §14.)

§362. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth; and no member of Congress or other person holding any office, except of attorney-at-law or in the militia, under the United States or this Commonwealth, shall be a member of either House during his continuance in office. They shall receive no other compensation, fees or perquisites of office for their services from any source, nor hold any other office of profit under the United States, this State, or any other State. (1874, P. L. 186, §15.)

§363. No Senator or Representative can be appointed to any civil office during the term for which he was elected. (1874, P. L. 186, §15.)

§364. No person hereafter elected shall be capable of holding and exercising the office of school director, constable, pathmaster or commissioner of roads, and that of township or borough auditor. (1876, P. L. 179, §1.)

§365. Any person holding the office of mayor, chief burgess, county commissioner, district attorney; city, borough or township treasurer; city councilman, township commissioner, road supervisor, tax collector, comptroller, auditor, or constable, county superintendent or assistant county superintendent, shall not be eligible as a school director in this Commonwealth. (1919, P. L. 517.)

§366. No member of Congress or any person holding any office or appointment of profit or trust under the Government of the United States shall be capable of holding the office of burgess. (1915, P. L. 312, Chap. 7, Art. 2, §2.)

§367. No township auditor shall at the same time hold the office of constable. (1917, P. L. 840, §150.)

§368. No person who holds or is a candidate for public office shall act as registrar in second class cities. (1913, P. L. 977, §5.)

§369. No person shall be eligible to the office of county auditor who within two (2) years shall have been treasurer of the county. (1871, P. L. 79, §1.)

§369-A. No person holding the office of county auditor shall at the same time be County Treasurer. (1871, P. L. 79, §2.)

§369-B. No judge, clerk or prothonotary of any court, register of wills, recorder of deeds, county commissioner, or county auditor shall be eligible to election as county treasurer, during their continuance in office, nor shall any county commissioner be eligible until the expiration of one year next after the term for which he shall have been elected. (1841, P. L. 400, §3, Partly repealed 1871, P. L. 79, §2.)

§369-C. In counties containing over one hundred thousand (100,000) inhabitants, no person holding office under the United States shall be eligible to the office of county controller during his continuance in office as aforesaid, nor until one (1) year thereafter; and the county commissioners, county treasurer, prothonotary, register of wills, clerk of the courts, recorder of deeds, sheriff and district attorney and their chief clerks or deputies shall be ineligible for two years to the office of county controller. (1895, P. L. 403, §2.)

§369-D. Providing for the office of county controller in counties where such office is not now in existence, no person holding office under the United States shall be eligible to the office of county controller during his continuance in office as aforesaid; and the county commissioners, county treasurer, prothonotary, register of wills, clerk of the courts, recorder of deeds, sheriff, and district attorney and their chief clerks or deputies, shall be ineligible to the office of county controller. (1909, P. L. 436, Act No. 242, §2.)

XXXIII. CRIMES.

§370. Supplying False Tickets to Voters.

At general or primary elections it is a misdemeanor, punishable by fine and imprisonment, to supply a voter with tickets and falsely represent that they contain names which are not thereon. (1883, P. L. 92, §1.)

§371. He who purchases a vote, to be cast or withheld as he directs, or who gains that end through the mediation of another by cash, reward, anything of value, or promise thereof, as well as the voter who sells the control of his vote for such consideration, is disqualified from voting at the election unless when challenged therefor the charge is denied under oath. (Const. Art. 8, §8.)

§372. While betting on any matter should be discouraged, it may as well be made known that betting on elections does not disqualify a voter; the contract is void, and a misdemeanor, when the fine will be thrice the bet, and the poor authorities can sue and recover from the bettors or stakeholders. (1839, P. L. 519, §§115, 116 and 118.)

§373. 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 subject to a fine of five hundred (\$500.00) dollars, or three (3) years imprisonment. (1913, P. L. 719, §23.)

§374. A voter convicted of violating any election law is disqualified for four (4) years. (Const. Art. 8, §9.)

§374-A. A primary election held in pursuance of the Pennsylvania Act of 1913, P. L. 719, and its supplements to nominate candidates for various federal offices is not such an election as contemplated by the Federal Criminal Code or within the provisions of Art. 1 of the Federal Constitution. Indictments for alleged offenses committed at the primary not sustained as the District Court of the United States was without jurisdiction. (United States v. Spero et al. 69 P. L. J. 68.)

PART VI.

XXXIV. PRIMARIES.

A. NOMINATIONS OF CANDIDATES AND ELECTION OF PARTY OFFICERS.

§375. All candidates of political parties, as herein defined, for the office of United States Senator, 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, at primaries held in accordance with the provisions of this act, and in no other manner. (1917, P. L. 244, §1.)

§376. 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. (1917, P. L. 244, §1.)

§377. 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. (1917, P. L. 244, §1.)

§378. National committeemen shall be elected by the State committee of each respective party, unless the rules of the National party otherwise provide; in which case they shall be elected in the manner provided by the rules of the National party. (1917, P. L. 244, §1.)

§379. 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 expedient; and may also revoke or alter or amend, in any manner not inconsistent with law, any present or future rules of such State Committee. (1917, P. L. 244, §1.)

§380. 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 fifth 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 of all parties shall be elected at the Spring primary. (1917, P. L. 244, §1.)

B. POLITICAL PARTIES DEFINED.

§381. Party Within the State

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. (1913, P. L. 719, §2.)

§382. Party Within a County.

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. (1913, P. L. 719, §2.)

C. SPRING NOMINATIONS.

§383. Candidates for all offices to be filled at the general elections 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. (1919, P. L. 836, §1.)

§384. On or before the ninth Tuesday preceding the Spring primary, the Secretary of the Commonwealth shall notify County Commissioners of the offices for which candidates are to be nominated, including President, Congressmen and State Officers. (1913, P. L. 719, §4.)

§385. On or before the ninth Tuesday preceding the Spring primary, the Chairmen of State Committees shall notify County Commissioners number of delegates to National Convention, also National Committeemen, if any, and State Committeemen to be elected in their district. (1915, P. L. 1044, §1.)

§386. On or before the ninth Tuesday preceding the Spring primary, the Chairmen of County Committees shall notify County Commissioners of all Party Offices to be filled. (1913, P. L. 719, §4.)

§387. Beginning not earlier than nine (9) weeks, nor later than eight (8) weeks, before the primary, the County Commissioners shall publish number of National Delegates and National and State Committeemen to be elected, and names of offices for which nomination are to be made, or candidates for party offices to be elected. (1913, P. L. 719, §4.)

D. FALL NOMINATIONS.

§388. Candidates for all offices to be filled at the Municipal election shall be nominated at the Fall primary. (1919, P. L. 836, §1.)

§389. On or before the ninth Tuesday preceding the Fall primary, the Secretary of the Commonwealth shall notify County Commissioners of the offices for which candidates are to be nominated. (1915, P. L. 1044, §1.)

§390. On or before the ninth Tuesday preceding the Fall primary, the Clerks or Secretaries of cities, boroughs, townships and school districts shall notify County Commissioners of all offices for which candidates are to be nominated. (1913, P. L. 719 §4.)

F. PETITIONS.

§391. No petition may be legally circulated prior to forty (40) days before the last day for filing same. No signature shall be counted unless it bears date within forty (40) days of last day to file. (1917, P. L. 244, §2.)

§392. Number of Signatures Required to Petitions.

For President of the United States or United States Senator, one hundred (100) qualified electors in each of at least ten (10) counties.

For a State office to be voted for by the State at large, Representative in Congress at large, delegate or alternate delegate at large to National Convention or member of National Committee, by one hundred (100) qualified electors in each of at least five (5) counties.

For Representative in Congress (district), delegate or alternate delegate to National Convention (district), [judge of any court, not to be elected by the State at large,] or State Senator, or of any Municipal Office to be filled by a vote of the electors of a Senatorial district by two hundred (200) qualified electors. (1919, P. L. 839, §1.) The words in brackets are repealed 1921, P. L. Act No. 198, §2.—See §416.

§393. For Representative in the General Assembly, member of the State Committee or an office to be voted for by the entire county, by one hundred (100) qualified electors.

For inspector of election, by five (5) qualified electors.

For all other offices and other party offices, by ten (10) qualified electors. (1919, P. L. 839, §1.)

§394. It is the plain duty of the county commissioners when a candidate's petition is presented to them, even though it be regular on its face, to inquire whether the requirements of the Act have been complied with in regard to the number of signers and their qualifications as electors of the division. In such a case the Commissioners have authority to refuse such a petition, where it appears that ten of the fifty-six signers of the petition had been induced to sign upon a false representation that the candidate was a democrat and had withdrawn from the petition, and that the remaining signers were not qualified voters of the Democratic Party. (Moore v. Neil et al. 233 Pa. 408.)

§395. Time of Filing Petitions.

At least forty (40) days prior to the primary with the Secretary of the Commonwealth for the office of President of the United States, Senator of the United States, Member of Congress, for all State offices, for the office of delegate or alternate to a National party convention and member of State or National Committee.

At least four (4) weeks prior to the primary with the County Commissioners of the respective counties for all other offices. (1919, P. L. 839, §1.)

§396. A signer of a nomination petition shall sign but one for each office to be filled unless there are to be two or more elected to the same office, when he may sign as many petitions as the candidates he can vote for. He shall declare in the petition that he is a member of the party designated and that he is a qualified elector of the county named therein; if the candidates are not to be voted for by the State at large, that he is a qualified elector of the district named therein.

He shall give his occupation, residence, with city, borough or township and street and number, if any, and also add the date of signing. (1917, P. L. 244, §2.)

§397. Petitions may be on one or more sheets and different sheets must be used for signers resident in different counties. (1917, P. L. 244, §2.)

§398. Each petition shall have appended thereto the affidavit of some person, not necessarily a signer, and not necessarily the same person on each sheet, stating that the affiant is a qualified elector of the state or division referred to in the petition. He shall give his residence, city, borough, or township, with the street and number, if any; stating that the signers signed with full knowledge of the contents of the petition, that their respective

residences are correctly stated, that all reside in the county named, that each signed on the date opposite his name and that to the best of the affiant's knowledge and belief the signers are qualified electors and members of the designated party. (1917, P. L. 244, §2.)

§399. Candidates for any State, county or city office shall file with his petition, his affidavit stating his residence with street and number, if any; his post office address, his election district, the name of the office for which he is a candidate, that he is eligible for such office and that he will not knowingly violate any election law, regulating nomination and election expenses, or prohibiting corrupt practices. (1917, P.L. 244, §2.)

§400. Each candidate for delegate or alternate delegate to a National party convention may include with his affidavit the following statement, but failure to include such statement is not valid ground for refusal to receive and file the petition. (1917, P. L. 244, §2.)

§401. 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 in my power to aid in securing the nomination for such candidate for President.

.....
Signature of candidate for delegate or alternate delegate

(1917, P. L. 244, §2.)

§402. Objection and Setting Aside Petitions.

Objection to a petition that has been filed shall be made to the Court of Common Pleas of the county wherein the petition has been filed within five (5) days after the last day for filing the same. The petition to the court to set aside must state specifically the matter objected to. The court then sets a time for a hearing, not latter than ten (10) days after the last day for filing, and specifying the time and manner of notice to the candidate whose petition is objected to. (1913, P. L. 719, §8.)

§403. Causes for Rejecting Petitions.

No nomination petitions shall be refused or set aside except for the following causes:

- (a) Material error or defects apparent on the face, or on the face of the accompanying affidavits.
- (b) Material alterations made after signing without the consent of the signers.
- (c) Want of sufficient number of genuine signatures of persons qualified, with respect to age, sex, residence and citizenship.

A petition is not invalidated by the invalidity of any sheet, if sufficient remains after eliminating the invalid portion. (See also Yost's Appeal, 253, Pa. 551; 1913, P. L. 719, §8.)

§404. Any person knowingly and wilfully signing a nomination petition without being qualified as an elector with respect to age, sex, residence, citizenship, or who sets opposite his name a date other than that on which he signs, or who makes a false statement of the signer's place of residence, or who shall sign more petitions than permitted, is guilty of a misdemeanor. Any person making a false affidavit to accompany a nomination petition or any person signing a name other than his own or any person fraudulently altering any nomination petition without the consent of the signers, is guilty of a misdemeanor. (1913, P. L. 719, §23.)

F. WITHDRAWAL AND VACANCIES.

§405. Any candidate for nomination may withdraw as a candidate at any time before four o'clock on the Friday next succeeding the last day for filing petitions, by a request in writing, signed by him and acknowledged before a notary public or justice of the peace and filed in the office where the petition was filed. (1913, P. L. 719, §19.)

§406. Vacancies happening at any time in the office of National committeeman shall be filled by the State committee of their 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. (1917, P. L. 244, §1.)

§407. 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. (1917, P. L. 244, §1.)

§408. 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 (60) 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. (1917, P. L. 244, §1.)

§409. The word "vacancy" as applied to an office has no technical meaning. An existing office without an incumbent is vacant. There is no basis for the distinction that it applies only to an office vacated by death, resignation or otherwise. It may be applied to an office when it is first created, and has been filled by no incumbent; and a vacancy may exist by the expiration of the term. (Commonwealth ex rel v. McAfee, 232 Pa. 36.)

§410. 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. (1913, P. L. 719, §17.)

§411. 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. (1913, P. L. 719, §17.) See also §§ 450 to 468.

G. PARTY BALLOTS.

§412. The names of all party candidates are printed on party ballots upon filing of nomination petitions in their behalf, signed by qualified electors of the State or political district or division in which the nomination is to be made or the election held and affidavits filed by the various candidates. (1917, P. L. 244, §2.)

§413. No person's name shall be printed on the ballot of a party for party office unless he is a qualified elector of that party. (1917, P. L. 244, §2.)

§413-A. The ballot shall vary in form only as the names of districts, offices, candidates or the provisions of this act may require. Immediately after the last day fixed for filing of such nomination petitions with them, the Secretary of the Commonwealth or the county commissioners, as the case may be, shall fix a day for the casting of lots for the position of names upon the primary ballot and shall give notice to the candidates to appear before them for that purpose. Such candidates shall 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 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 commissioners to appoint some person to represent such absentee. After said lots are cast the Secretary of the Commonwealth or the county commissioners, as the case may be, shall establish the order in which the names of said candidates are to appear upon the primary ballot and to certify the same for printing upon the official primary ballot. (1921, P. L. , Act No. 283, §1.)

§414. Opposite or under the name of each candidate for state office to have name of county printed opposite name. Candidates for county or district office to have residence printed opposite name. Candidates with same surnames may have occupation printed on ballot. (1915, P. L. 1025, §1.)

XXXV. NOMINATIONS FOR JUDGES AND SECOND CLASS CITY OFFICES.

§415. Judges of the Supreme Court and Superior Court are nominated on party tickets at party primaries in any year in the manner and subject to the same laws as govern the nomination of other state officers nominated by the voters of the state at large, and such judges as nominated are elected at the following general or municipal elections. (1921, P. L. , Act No. 198, §1.) See also §§375 to 414.

§416. All other judges of courts of record elected in any county or judicial district are nominated on party tickets at party primaries in odd numbered years in the manner and subject to the same laws in all respects as govern the election of members of the General Assembly and such judges as nominated are elected at the following municipal election. (1921, P. L. , Act No. 198, §2.) See also §§375 to 414.

§417. All candidates for any elective office in cities of the second class shall be nominated on party tickets at party primaries in odd numbered years in the same manner and subject to the same laws in all respects as govern the nomination of municipal officers in other municipalities and such officers in cities of the second class shall be elected at the municipal elections which elections shall be held and conducted in the manner provided by law. (1921, P. L. , Act No. 199, §1.) See also §§375 to 414.

§418 to 447. (Blank). Repealed 1921 P. L. , Act No. 198.

XXXVI. ELECTIONS.

A. PARTY NAME.

§448. If five (5) electors composing any political body making a nomination by nomination papers shall file with the prothonotary of the county in which the nomination paper or papers are to be filed an affidavit setting forth that they have adopted a certain political appellation to designate their policy, subject to

the limitations of this act regarding the selection of names, that thereafter such political body shall have the exclusive right to use the said name or appellation for the election for which such nomination or nominations are made, provided that a certificate from the prothonotary setting forth such a compliance with the act be filed with the nomination papers filed by such political body. See Wakefield's Appeal, 229 Pa. 582 and 585, also Independence Party Nomination, 208 Pa. 108. (1919, P. L. 855, §1.)

§449. If five (5) electors, composing any political body as hereinbefore provided, shall file an affidavit, as aforesaid, setting forth that they have adopted a certain political name or appellation to designate their policy for the purpose of making nominations for ward officers or officers to be elected in any ward, such affidavit shall give to such body of electors the exclusive right to use the said name or appellation for the nomination of any candidates for any precinct or other subdivision of such ward for the election for which such nominations are made. (1919, P. L. 855, §1.) See also Independence Party Nominations 208 Pa. 108.

B. CANDIDATES' PETITIONS.

§450. Nominations 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 or division thereof for which the nomination is made, and filed in the proper office as provided in section 5 (as amended July 9, 1919, P. L. 832, §1.) of this act. Blank forms for making such nomination shall be furnished by the Secretary of the Commonwealth, and no other form than the ones so prescribed shall be used for such purposes. (1919, P. L. 855, §1.)

§451. Where the nomination is for any office to be filled by the voters of the State at large, the number of qualified electors of the State signing such nomination paper shall be at least one-half of one per centum of the largest vote for any officer elected in the State at the last preceding election at which a State officer was voted for. In the case of all other nominations, the number of qualified electors of the electoral district or division signing such nomination paper shall be at least two per centum of the largest entire vote for any officer elected at the last preceding election in the said electoral district or division for which said nomination papers are designed to be made. (1919, P. L. 855, §1.)

§452. Each elector signing a nomination paper shall add to his signature his place of residence and occupation, and no person may subscribe to more than one nomination for each office to be filled. The signatures to each nomination paper and the qualification of the signers shall be vouched for by the affidavit of at least five (5) of the signers thereof, which affidavit shall accompany the nomination paper. (1919, P. L. 855, §1.)

§453. All certificates of nomination and nomination papers shall specify:

First: The party or policy which such candidate represents, expressed in not more than three words; in the case of electors of President and Vice-President of the United States, the names of the candidates for President and Vice-President shall be added to the party or political appellation.

Second: The name of each candidate nominated therein, his profession, business or occupation, if any, and his place of residence, with street and number thereon, if any.

Third: The office for which such candidate is nominated. (1897, P. L. 223, §2.)

§454. No words shall be used in any nomination papers to describe or designate the party or policy or political appellation represented by the candidate named in such nomination papers as aforesaid, identical with the words used for the like purpose in certificates of nominations made by a convention of delegates or primary meeting of electors, or caucus held under the rules of a political party, or any board authorized to certify nominations, representing a political party which, at the last preceding election, polled two per centum of the largest vote cast. (1897, P. L. 223, §2.)

§455. If objections filed to a nomination certificate or paper on account of the party or political appellation used therein, or involving the right as defined by sections two and three of this act, to file such certificate or paper, shall be decided by the Court of Common Pleas on hearing, as hereinafter provided. (1897, P. L. 223, §2.)

§456. Nomination Papers for Elections.

Nomination papers for Presidential electors. Members of the House of Representatives of the U. S. and for State Offices, including Judges, Senators and Representatives to be filed with the Secretary of the Commonwealth at least sixty (60) days before the day of the election. (1919, P. L. 832, §1.)

§457. Nomination Papers for all other offices to be filed with County Commissioners at least twenty-eight (28) days before the election. (1919, P. L. 832, §1.)

§458. Pennsylvania is entitled to thirty-eight (38) Presidential Electors being equal to the whole number of United States Senators and Representatives to which this state is entitled in Congress. (U. S. Const. Art. 2, §2 and 12th Amendment.)

§459. Presidential Electors are usually selected according to the various party rules. (Editor.)

§460. Nomination papers presented for filing to the Secretary of the Commonwealth or County Commissioners, if found defective, shall not be filed. Action of above officers for refusing to receive papers, are subject to review by Common Pleas Court. (1919, P. L. 832, §2.)

§461. Objections to nomination papers filed shall be made in writing and filed in the Court of Common Pleas of the County in which the paper objected to has been filed. Also with the officer or officers, with whom such papers has been filed and within the following periods:

First: Papers filed with the Secretary of the Commonwealth, at least fifty (50) days before election.

Second: In case of papers filed with County Commissioners, at least twenty-five (25) days before election. (1919, P. L. 832, §2.)

§462. Court shall hear and finally determine case, with respect to papers filed with the Secretary of the Commonwealth at least thirty (30) days before election, and in other cases at least eighteen (18) days before election. (1919, P. L. 832, §2.)

§463. In determining or reckoning the period of time, the day upon which the act is done, papers filed or notice given shall be excluded from and the date of the election shall be included in the calculation or reckoning. (1919, P. L. 832, §1.)

§464. The Secretary of the Commonwealth shall, fourteen (14) days at least previous to the day of any election of United States or State officers, or for the adoption of amendments to the Constitution of this Commonwealth, transmit to the county commissioners and the sheriff in each county, in which such election is to be held, duplicate official lists, stating the names and residences of, and parties or policies represented by, all candidates whose nomination certificates or papers have been filed and ~~found and~~ ^{as herein provided for} such election, and have not been to be voted for at each voting place ~~in each county~~ in section six, and substantially in the form of the ballots to be used therein, and duplicate copies of the text of all proposed constitutional amendments to be voted upon at such election. (1903, P. L. 338, §1.)

C. WITHDRAWALS AND VACANCIES.

§465. Any candidate whose name has been presented for the office of Presidential elector, Member of the House of Representatives of the United States or for any State office, including those of judges, Senators and Representatives may cause his name to be withdrawn from nomination by request in writing, signed by him and acknowledged before an officer qualified to take acknowledgments of deeds and filed in the office of the Secretary of the Commonwealth at least fifty (50) days before

election day. Names filed with the County Commissioners may be withdrawn twenty-five (25) days before election day. No names so withdrawn shall be printed upon the ballots. (1919, P. L. 832, §3.)

§466. In case of the death or withdrawal of any candidate nominated as herein provided, the citizens who nominated such candidate, may nominate a substitute in his place, by filing in the proper office at any time before the day of election, a nomination paper which shall conform to all the requirements of this act in regard to original papers. Provided, That if the said citizens shall have authorized any committee, to make nominations in the event of the death or withdrawal of candidates, the said citizens (shall not be required) to sign a new nomination paper, but the said committee shall have power to file the requisite nomination paper, which shall recite the facts of the appointment and powers of the said committee (naming all its members), of the death, or withdrawal of the candidate, and of the action of the committee thereon, and the truth of these facts shall be verified by the affidavit annexed to the paper of two members of the committee, and also of two of the citizens who made affidavit to the original paper: And provided, also, That in case of a substituted nomination paper not filed by a committee, but signed by citizens, it shall only be necessary that two-thirds of the signers of the said paper shall have been signers of the original paper. (1893, P. L. 419, §11. 29 D. R. 984.)

§467. All substituted nomination papers may be objected to as provided in section six of this act, (1), and if a substituted paper be filed after the last day for filing the original paper, objections must be made within four (4) days after the filing, and no objections, as to form and conformity to law shall be received after the time set for printing the ballots. (1893, P. L. 419, §12.)
(1) See §§461 and 462.

... caused by the withdrawal of candidates nominated at primary elections or by nomination papers shall be filed with the secretary of the commonwealth at least thirty-five days before the day of election and those to be filed with the county commissioners at least twenty days before the day of election. This does not apply to vacancies by the death of candidates nor to special elections. (1921, P. L. , Acts No. 337, §§1, 2.)

§468. As soon as any substituted candidate shall have been duly nominated, his name shall be substituted by the proper officers in the place of that of the candidate who has died or withdrawn so far as time may allow, and in case a substituted nomination be filed with or transmitted to the county commissioners after the ballots have been printed, the said commissioners shall prepare

and distribute with the ballots suitable slips of paper bearing the substituted name, together with the title of the office, and having adhesive paste upon the reverse side, which shall be offered to each voter with the regular ballot and may be affixed thereto. (1) (1893, P. L. 419, §12.) (1) See §85.

XXXVII. EXPENSES.

§469. "Candidate for Nomination" Defined.

The term "candidate for nomination", shall include all persons whose names are presented for nomination to public office at any primary meeting, caucus, or convention, whether or not such persons are actually nominated thereat. (1906, P. L. 78, §1.)

§470. "Candidate for Election" Defined.

The term "candidate for election" shall include all persons whose names are printed as candidates on the official ballots, or on any official sticker, used at any election; and also all persons voted for, for any public office, who shall receive at least ten per cent. of the highest vote received by the successful candidate for such office, but whose names were not printed on the official ballots. (1906, P. L. 78, §1.)

§471. "Candidate" Defined.

The term "candidate" as used in this act, shall, unless especially restricted therein, include both candidates for nomination and candidates for election. (1906, P. L. 78, §1.)

§472. "Public Office" Defined.

The term "public Office" shall include every public office to which persons can be elected by vote of the people. (1906, P. L. 78, §1.)

§473. "Political Committee" Defined.

The term "political committee", shall include every two or more persons who shall be elected, appointed or chosen, or who shall have associated themselves or co-operated, for the purpose, of controlling ~~or of raising~~ collecting or disbursing money, or of money, for election expenses. (1906, P. L. 78, §1.)

§474. "Election Expenses" Defined.

The term "election expenses", as used in this act, shall include all expenditures of money or other valuable things in furtherance of the nomination of any person or persons as candidates for public office or in furtherance of the election of any person or persons to public office, or to defeat the nomination or election to public office of any person or persons. (1906, P. L. 78, §1.)

§475. Political Committees shall appoint Treasurers, who shall receive and disburse all moneys for election expenses.

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 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 for any such purpose. All money collected or received by any political committee or by any of its members, for 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 election expenses, unless such money shall have passed through the hands of the treasurer.. (1906, P. L. 78, §2.)

§476. National Banks and Corporations authorized by Laws of Congress prohibited from making money contribution for election purposes.

That it shall be unlawful for any National bank, or any corporation organized by authority of any laws of Congress, to make money contribution in connection with any election to any political office. It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which Presidential and Vice-Presidential electors or a Representative in Congress is to be voted for or any election by any State Legislature of a United States Senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be subject to a fine not exceeding five thousand dollars (\$5,000.00) and every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall upon conviction be punished by a fine not exceeding one thousand (\$1,000.00) dollars and not less than two hundred and fifty (\$250.00) dollars, or by imprisonment for a term of not more than one (1) year, or both such fine and imprisonment in the discretion of the court. (Act of Cong. Jan. 26, 1907, 34 Stat. at L. 864, §1.)

Officers of Political Committees—Corporations through their Officers Prohibited from Making Contributions to Candidates of Political Committee for Election Expenses.

No person who is not a candidate, or the treasurer of a political committee, shall pay, give or lend, or agree to pay, give or lend, any money or other valuable thing, whether contributed by himself or by any other person, for any election expenses whatever, except to a candidate or to a political committee; and no officer of any corporation, whether incorporated under the laws of this or any other State or any foreign country, except corporations formed for political purposes, shall pay, give or lend, or authorize to be paid, given or lent, any money or other valuable thing belonging to such corporation to any candidate or to any political committee, for the payment of any election expenses whatever. (1906, P. L. 78, §3.)

§478. Lawful Expenses Which Shall be Paid by Treasurer or Political Committee, or by Candidates for Nomination or Election to Office.

No candidate, and no treasurer of any political committee, shall pay, give or lend, or agree to pay, give or lend, either directly or indirectly, any money or other valuable thing for any nomination 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 services.

Second: For dissemination of information to the public.

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 employment of watchers at primary meetings and elections, to the number allowed by law.

Seventh: For the transportation of voters to and from the polls.

Eighth: For legal expenses, bona fide incurred, in connection with any nomination or election.

(1906, P. L. 78, §4.)

§479. Candidates and Treasurers of Political Committees, Receiving or Disbursing Sums Exceeding Fifty (\$50.00) Dollars, shall file Detailed Accounts, when not in excess of fifty (\$50.00) Dollars shall certify same under Oath—When no Contributions Received or Disbursements Made, Account Need not be Filed.

Every candidate for nomination at any primary election, caucus, or convention, whether nominated thereat or not, shall, within fifteen (15) days after the same was held, if the amount received or expended shall exceed the sum of fifty (\$50.00) dollars, and every candidate for election, and every treasurer of a political committee, or person acting as such treasurer, shall, within thirty days after every election at which such candidate was voted for or with which such political committee was concerned, if the amount received or expended shall exceed the sum of fifty (\$50.00) dollars, file with the officers hereinafter specified, a full, true and detailed account, subscribed, and sworn or affirmed to, by him, before an officer authorized to administer oaths, setting forth each and every sum of money contributed, received or disbursed, by him for election expenses, the date of each contribution, receipt, and disbursement, the name of the person from whom received or to whom paid, and the object or purpose for which the same was disbursed. Such account shall also set forth

the unpaid debts and obligations of any such candidate or committee for election expenses, with the nature and amount of each and to whom owing. In the case of candidates for election who have previously filed accounts as candidates for nomination, the accounts shall only include contributions, receipts, and disbursements, subsequent to the date of such prior accounts. If the aggregate receipts or disbursements of a candidate or political committee in connection with any nomination or election shall not exceed fifty (\$50.00) dollars, the treasurer of the committee or candidate shall, within thirty (30) days after the election, certify that fact under oath to the officer with whom the statement is filed as hereinafter provided: Provided, however, That if a candidate or political committee does not receive any contributions or make any disbursements, the candidates or the treasurer of the political committee shall not be required to file any account or to make any affidavit. See also Umbel's Election, 231 Pa. 94; 43 Pa. Super. Ct. 598; Liebel's Case, 43 Pa. C. C. 667. (1919, P. L. 68, §1.)

§480. Vouchers shall accompany each expenditure exceeding ten (\$10.00) dollars—Disbursement of anonymous contributions prohibited—With whom account shall be filed.

Every such account shall be accompanied by vouchers for all sums expended exceeding ten (\$10.00) dollars in amount. It shall be unlawful for any candidate, or treasurer of a political committee, or person acting as such treasurer, to disburse any money received from any anonymous source.

Every such account, concerning 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 clerk of the court of quarter sessions of the several counties where such candidates ~~may~~ respectively reside: Provided, That if any account concerns expenses in regard to candidates who do not all reside in the same county, such accounts shall be filed in 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. (1906, P. L. 78, §6.)

§481. Oath not to be administered to persons elected to office until account is filed.

It shall be unlawful to administer the oath of office to any person elected to any public office, until he has filed an account as required by this act, and no such person shall enter upon the duties of his office until he has filed such account, nor shall he receive any salary for any period prior to the filing of the same. (1906, P. L. 78, §7.)

§482. Public Inspection of, and Preservation of Accounts.

All such accounts shall be open to public inspection in the offices where they are filed, and shall be carefully preserved there for a period of two (2) years. (1906, P. L. 78, §8.)

§483. Time for filing petition for auditing of accounts—Auditor may be appointed—Duties and powers of Auditor—Disposition of Costs.

Within twenty (20) days after the last day for filing of any account required by this act, any five (5) electors of the State, or of the political division thereof concerning which any such account has been filed, may present a petition to the court of quarter sessions of the county in which the office where such account has been filed is situated, praying for an audit of such account. The court shall thereupon direct the officer or officers 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 said account; but the fees of such auditor shall not exceed the sum of ten (\$10.00) dollars a day for each day actually engaged. The court or auditor shall fix a date, 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 answer, on oath or affirmation, all such relevant questions concerning same as may be put to him by the petitioners or their counsel. The auditor shall issue subpoenas to all parties whom the petitioner 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 illegal election expenses were incurred, the costs of said audit shall be paid by the accountant; ~~and otherwise~~, by the petitioners. (1906, P. L. 78, §9.)

§484. Under the Act of March 5, 1906, P. L. 78, which provides that "within twenty (20) days after the last day for the filing of any account required by this act, any five (5) electors of the State may present a petition in a court of quarter sessions of the county in which the office where such account has been filed, is situated, praying for an audit of such account", the filing of a petition for audit with the clerk of the court of quarter sessions, the court not being in session, is a sufficient presentation of the petition to give the court jurisdiction over it. (Jermyn's Election Expenses, 57 Pa. Super. Ct. 109.)

§485. Decision of Court upon audit subject to appeal—Decisions to be certified to Attorney-General—Writ of Quo Warranto to be Issued—Election shall be declared void and office vacant where illegal expenses are incurred—To whom decision of court shall be certified.

The decision of the court upon the audit shall be subject to appeal; but if the court shall decide that any candidate who has been elected has incurred any illegal election expenses, or has consented to the incurring of any illegal election expenses by any person or committee, the court shall certify its decision to the Attorney-General, who shall thereupon cause a writ of quo warranto to be used; and if, upon proceedings under such writ of quo warranto, it shall be decided that the candidate in question has incurred any illegal election expenses, or has consented to the incurring of illegal election expenses by any person or committee, his election shall be declared void and his office vacant: Provided, That in the case of candidates 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 any candidate elected to the office of member of the House of Representatives of the United States, the decision of the court shall be certified to the Governor of this Commonwealth, who shall transmit the same to the Speaker of the said House of Representatives. (1906, P. L. 78, §10.)

§486. If Court shall decide, upon audit, that illegal election expenses have been incurred, it shall certify its decision to District Attorney, who shall institute criminal proceedings.

If the court shall decide, upon the audit, that any person, whether a candidate or not, has incurred illegal election expenses, 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. (1906, P. L. 78, §11.)

§487. All questions asked must be answered—Answers not to be used as evidence—Except in an action for perjury.

No person shall be excused from answering any question, in any proceedings under this act, 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. (1906, P. L. 78, §12.)

§488. A candidate's sworn statement of expenses incurred by him having, on petition of five (5) electors, been referred to an auditor, as provided by section 9 of the Act of March 6, 1906, P. L. 78 and the candidate having declined to answer relevant questions, held, that section 12, of the act, providing that no person shall be excused from answering any question on the ground that such answer would tend to incriminate him, is constitutional. (Liébel's Account, 16 D. R. 595.)

§489. Secretary of Commonwealth shall furnish all blank forms for statements of candidates and committees—To whom Secretary of Commonwealth and County Commissioners shall transmit forms.

The Secretary of the Commonwealth shall, at the expense of the Commonwealth, furnish to the county commissioners, blanks, in the form approved by the Secretary and Attorney General, suitable for the statements hereinbefore required. On the receipt of the list of candidates for public offices, before a caucus or primary, or upon the filing of a nomination, before a municipal election, the county commissioners shall transmit to the candidate or candidates put in nomination, or at said primaries, and to the treasurers of political committees, the blanks above described. Upon the filing of a nomination for a State or National election, the Secretary of the Commonwealth shall transmit to the candidate or candidates put in nomination, and to the treasurer of the political committees, the blanks above described. To any person required to file a statement, such blank shall be furnished upon application therefor. (1906, P. L. 78, §13.)

§490. Penalty for incurring illegal election expenses.

Any person who shall incur any illegal election expenses, or otherwise violate any of the provisions of this act, shall be guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine of not less than fifty (\$50.00) dollars or more than one thousand (\$1,000.00) dollars, or by imprisonment for not less than one month or more than two years, either or both, at the discretion of the court. (1906, P. L. 78, §14.)

§490-A. Corrupt Practices Act of Congress. An Act of Congress requires candidates for the office of Senator or Representative in Congress to file, not less than ten days nor more than fifteen days before the day of any primary, special or general election, a full, correct and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge or consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

A similar statement must also be filed within fifteen (15) days after the primary and thirty (30) days after a special or general election with the clerk of the House of Representatives or the Secretary of the Senate, as the case may be. (Aug. 19, 1911, 37 Stat. at L. 25; Aug. 23, 1912—37 Stat. at L. 360. See also U. S. v. Newberry, , U. S. .)

PART VII.

UNIFORM PRIMARIES ACT

Approved July 12, 1913, P. L. 719 as amended to 1921.

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.

§491. Sec. 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 officers, 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.

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

Party
rules.

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 fifth 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 of all parties shall be elected at the Spring primary.

National
Committee.

State
Committee.

Organization
of.

Election
of.

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.

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. (As amended 1917, P. L. 244, §1.)

492. Sec. 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.

Party within
a county.

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.

Primary.

§493. Sec. 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.

Date of.

Nominations
at the Spring
primary.

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.

Vote for
President.

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

Fall
primary.

Candidates for all offices to be filled at the municipal election shall be nominated at the Fall primary. (As amended 1919, P. L. 836, §1.)

Notice of
primary.

§494. Sec. 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
designating
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. 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 co-extensive 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
secretaries.

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 member 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

Duties of
County
Commissioners.

Publication.

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. (As amended 1915, P. L. 1044, §1.)

Primary ballots

§495. Sec. 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 Ballot
 (Name of Party.)
 District..... Ward, City of.....
 County of..... State 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	□
Richard Roe	□
John Stiles	□

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.)	<input type="checkbox"/>
John Stiles (Does not promise to support popular choice of party in District for President.)	<input type="checkbox"/>

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.	□
Richard Roe.....	□
John Stiles	□
	□

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.

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

The ballot shall vary in form only as the names of districts, offices, candidates or the provisions of this act may require. Immediately after the last day fixed for filing of such nomination petitions with them, the Secretary of the Commonwealth or the county commissioners, as the case may be, shall fix a day for the casting of lots for the position of names upon the primary ballot and shall give notice to the candidates to appear before them for that purpose. Such candidates shall 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 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 commissioners to appoint some person to represent such absentee. After said lots are cast, the Secretary of the Commonwealth or the county commissioners, as the case may be, shall establish the order in which the names of said candidates are to appear upon the primary ballot and to certify the same for printing upon the official primary ballot. (Partly amended 1921, P. L. , Act No. 283, §1.)

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.

If two or more candidates for the same office shall have the same surname, or similar surnames, the county commissioners

shall, upon the request of any of said candidates filed in writing not later than five days after the last day for filing nomination petitions, print the occupation of any such candidate, so filing a request, on the ballot opposite or under his name.

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. (As amended 1915, P. L. 1025, §1.)

§496. Sec. 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.

(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 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 petition shall be circulated prior to forty (40) days before the last day on which such petition may be filed, and no signature shall be counted unless it bears date within forty (40) days of the last day for filing the same.

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

How
to voteFiling of
nomination
petition.

Affidavit.

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

Requirements.

Time of
signing.

Affidavit.

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.

Contents 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 committeemen, National committeeman or party officer, unless he is a qualified elector of said party.

Candidate's 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 address of such candidate shall be stated in such nomination petition.

Exception.

(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. (As amended 1917, P. L. 244, §2.)

Nomination
Petitions.

Filing.

Number of
signers

President and
U. S. Senators.

State Officers.

Congressman at
large and dele-
gates.

Congressmen,
Delegates,
Judges, State
Senators and
Municipal Offi-
cers.

Representative
and Committee-
men.

Inspector.

Other offices.

§497. Sec. 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 forty days prior to the primary, with the Secretary of the Commonwealth. Nomination petitions in all other cases shall be filed, at least four 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, or of any Municipal Office to be filled by a vote of the Electors of a Senatorial district 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. (As amended 1919, P. L. 839, §1.)

§498. Sec. 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 Causes for refusing petitions.

(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. Invalidity of any 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 with five days after the last day for filing said nomination petition. 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, 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. Application for setting aside of petition.

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. Procedure.

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. Amendment of petition.

§499. Sec. 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 postoffice 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. Costs.

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 ballot 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. Duty of Secretary of the Commonwealth

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 ballot 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.

Official ballots.

§500. Sec. 10. The county commissioners shall prepare, and furnish to the election officers *in each election district in due time* for use at the primaries, *one book of fifty official ballots of each party for every forty and fraction of forty votes cast within the particular election district for the candidate of the particular party who received the largest vote cast for any candidate of such party at any of the last three preceding elections, either general or municipal; and no additional official ballots shall be furnished any party in any election district, unless the number of electors registered and enrolled as members of any particular party in any election district shall exceed the largest vote aforesaid, in which case the county commissioners shall furnish official ballots for said party in the ratio aforesaid, upon the basis of such enrollment or registration.*

Specimen ballots.

With the official ballots to be furnished in advance of the primaries, the county commissioners shall also furnish, and deliver to the election officers, specimen ballots for the use of electors at the polls, equal in number to one-fifth the whole number of such official ballots; said specimen ballots to be printed on colored paper, and to be of the same size and form as the official ballots, but without any permanent binding or stubs; and in addition thereto, on the Wednesday preceding every primary, the county commissioners shall, upon request made at their office, there deliver to each candidate whose name is printed on any party ballot or to his authorized representative, without charge, three specimen ballots of such party for each election district in the county or city or political district thereof in which such candidate may be voted for, for the use of such candidate and the watchers whom he may appoint as hereinafter provided.

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.

Official ballots to be attached to stubs and bound in books.

The official ballots shall be attached to stubs, which shall be numbered consecutively from one to the highest number to be furnished to each particular election district, and bound in books of fifty each, which shall be numbered in the order of the numbers of their stubs in the same manner as at elections; and the county commissioners shall keep a record of the number of such books and ballots printed and delivered to each election district, and of the number of stubs, unused ballots, and spoiled and canceled ballots subsequently returned therefrom.

Record of books and ballots delivered.

In addition to official and specimen ballots as aforesaid, the county commissioners shall prepare, and furnish to the election officers *in due time* for use at the primaries, sufficient ballot-boxes and other election materials, properly numbered for each election district, including the assessor's lists or registers, known as the "ballot check list" and the "voting check list" respectively, blank forms, including forms for the duplicate oaths of the election officers, and forms of affidavits for electors desiring assistance in marking

Ballot boxes and supplies.

their ballots, and for those challenged as to their identity, party membership, residence, or bribery, to make proof of their right to vote, blank tally papers, and triplicate return sheets for each party, blank statements for general returns of all votes cast, blank books for making lists of persons voting, with sufficient space for noting their party enrollments, printed instructions and notice of penalties for the information of electors and election officers, and such other supplies as they are or hereafter may be required by law to furnish to said election officers for use at elections, and shall deliver them in the same manner as at elections. The said forms, blanks, books, and other supplies shall have printed upon them appropriate instructions, and shall be in appropriate form for use at the primaries. The county commissioners shall also provide for the opening of the polling-places and for the compensation of the owners thereof, and shall see that they are in proper order and provided with voting booths, as at elections. Polling-places.

The county commissioners shall provide each election district with cards of instructions as aforesaid, equal in number to one-fifth of the whole number of official ballots furnished thereto, on which shall be printed the last paragraph of section eleven of this act and all of section thirteen hereof and such part of section fourteen as relates to the duties of the election officers after the closing of the polls and such other directions regarding the marking and counting of ballots or the general election laws, not inconsistent herewith, as the county commissioners may think proper. The election officers shall post at least three cards of instructions in the voting room, outside of the guard-rail, as soon as the polls are open, and thereafter give such cards to such persons desiring to vote as shall request the same. Cards of instructions.

(As amended 1919, P. L. 839, §2.) Posting of instruction cards.

§501. Sec. 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. Regular election boards to conduct primaries.

The polls shall be open between the hours of seven o'clock ante meridian and seven o'clock post meridian. (Eastern Standard Time, 1919, P. L. 282, §1—68 P. L. J. 310.) 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. (This does not seem to be repealed by the Liquor Act of 1921, P. L. , Act No. 192, §9.) Vacancies in election boards.

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 When polls shall be open.

Primaries to be conducted like general elections.

No assistance permitted.

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.

Exception.

§502. Sec. 12. This section has been practically repealed by the Act of 1915, P. L. 638, §2 and the following is substituted therefor.

Expense of primaries.

“Each county shall be required to bear and pay the expenses of holding the primary election in said county.” (1915, P. L. 638, §1.)

Detachment of ballots from stubs.

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

Number of ballots to be given voter.

Misdemeanor.

Penalty.

Qualifications of voters.

Qualifications of electors entitled to vote at a primary shall be the same as the qualifications of the electors entitled to vote at elections 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: *Provided, That no elector who is not registered and enrolled as a member of a designated political party in accordance with the law requiring such registration and enrollment now or hereafter in force, shall be permitted to vote the ballot of such party or any other party ballot at any primary. Each elector may be challenged, and, if challenged, shall prove the aforesaid qualifications and his identity in the same manner in which electors in the election district in which he offers to vote are or hereafter may be required by law to prove their qualifications or identity on election day, except that in cases, as in cities, of the first, second, and third classes, where personal registration is required, all challenges respecting party membership must be made at the time of such registration, and in such cases the designation of the political party of the elector on the register shall be conclusive evidence of such membership at the succeeding primary or primaries. In other cases where personal registration is not required, as in districts other than in said cities, if an elector, although enrolled as a*

Proviso.

Enrollment as a member of a political party.

Proof of qualifications and identity.

Cities.

Districts other than cities.

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

If such last preceding election at which such elector voted was a general election at which Presidential electors were voted for, he shall, in determining the number of candidates for which he voted thereat, count the group of Presidential electors as two candidates. (As amended 1919, P. L. 839, §3.)

§504. Sec. 14. Upon the closing of the polls at such primary, and before the ballot-boxes are opened, the number of ballots issued to the voters of each party, as shown by the stubs, and the number of ballots of each party, if any, spoiled and returned by voters and canceled, shall be announced to all present in the voting room, and entered on the general return sheets aforesaid, and then the names checked as having voted in the two assessor's lists or registers, marked "ballot check list" and "voting check list," respectively, shall be immediately counted, and the result announced and compared with the number of ballots issued as above ascertained, after deducting the number spoiled and canceled, and said results shall also be compared with the number of names written in the numbered lists of voters, which shall be made, as at elections, as the electors receive and cast their ballots, with the addition of a note of each elector's party enrollment after his name. If any differences exist which are not found to be due merely to clerical errors, such differences shall also be noted on the general return sheets aforesaid. Then the numbered lists of voters (except a copy of the latter which shall be hung outside of the polling-place) shall be placed in the separate envelopes provided for them respectively, and sealed. In cities the voting and ballot check lists shall be put in one envelope and sealed, and subsequently delivered to the registration commissioners or county commissioners as required by the personal registration acts relating to cities of various classes.

Also the stubs of all ballots used, together with all unused ballots and all spoiled and canceled ballots of each party, and the ballot check list in boroughs, townships, and districts other than in cities, shall be placed in a separate envelope, and sealed before the ballot boxes are opened; which package shall be kept by the judge, and delivered by him in person to the county commissioners, at such place as they shall designate, on or before noon of the Thursday following such primary.

As soon as all the ballots of each party have been properly accounted for, and those outside the ballot-boxes, as well as the said lists, sealed as aforesaid, the election officers shall forthwith open the ballot-boxes, and take therefrom all ballots therein, and separate the same according to the party to which they belong, and, first, audibly count the number cast for each party, one by one, and make a record thereof; and, then, the judge or one of the inspectors, in the presence of the other officers, shall read aloud the names marked or inserted upon each ballot, keeping the ballots of each party in sequence, together with the office for which the person named is a candidate, and any other relevant matter necessary to identify him, and the clerks shall carefully enter each vote as read, and keep account of the same in triplicate tally papers for each party, to be provided as aforesaid. 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 said box; and no person, while handling same, shall have in his hand any pencil, pen, stamp, or other means of marking or spoiling any ballot. When the vote cast for the different persons named upon said party ballots shall have been fully recorded on said tally papers and counted, the election officers shall duly certify to the number of votes cast for each person upon the respective party tickets, and shall prepare triplicate returns thereof or each party, and also general returns in duplicate, showing, besides the entries made thereon as aforesaid, the number of ballots of each party cast and the number of ballots of each party declared altogether void, including any blank ballots cast, as well as the votes cast for each candidate on each party ticket; one of which statements shall be immediately posted for the information of the public outside the voting room or polling-place, and the other of which shall be entrusted to the judge for delivery to the county commissioners with the package of unused ballots, et cetera aforesaid. The election officers shall then replace the ballots cast, so counted and canvassed, in the boxes, including those declared void, together with one set of tally papers, one set of said triplicate return sheets, one numbered list of voters sealed as aforesaid (and the voting check list in districts other than in cities), 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 deliver them to the place which has been designated by the court of common pleas or by law for the delivery of ballot boxes at general and municipal elections, on or before noon of the Thursday following such primary, and the county commissioners or return board shall not compute any returns from any election district until the ballot-boxes thereof, as well as the package of unused ballots, et cetera, aforesaid therefrom, are delivered as aforesaid.

Opening of
ballot-boxes.

Separation of
ballots.

Counting and
recording of
votes.

Triplicate Tally
Papers.

Handling of
ballots which
have been
removed from
ballot-boxes.

Certification of
number of
votes cast.

Preparation
of returns.

Posting of
return.

Delivery of
return.

Replacing of
ballots in boxes.

Delivery of
ballot-boxes.

The minority inspector shall retain one complete set of tally papers, and one of the triplicate return sheets for each party, and one set of the affidavits of voters and other persons, except oaths of election officers, made pursuant to the provisions of this act at such primary, and carefully preserve the same for the period of at least one year. The remaining tally papers, triplicate return sheets, and affidavits of voters and others, including oaths of election officers, shall be placed in separate envelopes, to be provided for the same, and sealed as soon as the count is finally completed. All of such envelopes and the other numbered list of voters, previously sealed as aforesaid, shall be entrusted to 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 in the manner hereinafter provided, except that, if any of the county commissioners of any county shall be a candidate for any nomination at any primary, he shall not act as a member of the return board for computing or canvassing any returns of such primary, but the other two commissioners, if both are qualified, shall act, and in case in any county there are not at least two commissioners so qualified, two judges of the court of common pleas of such county shall be designated by said court to act as a return board, provided that neither of them are candidates for any nomination at such primary [either on a party or a non-partisan ballot; Repealed by implication 1921, P. L. , Act No. 198, §1.] and if there shall be only one judge of such court in such county or if less than two 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.

Disposition of tally papers, triplicate returns, and affidavits.

Computation and canvassing of returns by county commissioners.

Commissioner a candidate.

Computation by judges.

Computation by prothonotary.

The general returns from the various districts shall be open to public inspection at the office of the county commissioners as soon as they receive same from the judges thereof.

General returns to be open to public.

The county commissioners shall provide a convenient public place for holding the sessions of the return board, whoever may compose it as aforesaid, with adequate accommodations for the authorized representatives of each party and candidate concerned in any such primary, not exceeding two such representatives for each of them at any one time, to attend and to keep or check up their own computations of the votes cast in the several election districts as the returns from the same are read as hereinafter directed; and the county commissioners shall give at least one week's previous notice by advertising once in at least two newspapers of a large paid circulation, published at the county-seat, of the time aforesaid and place when and where such return board will commence and hold its sessions, and keep copies of such advertisement posted in their office during said period.

Place for meetings of return board.

Admission of party representatives and candidates, etc.

Notice of place and time of meeting of return board.

At noon on the Friday following any such primary the county commissioners shall have ready a sufficient number of blank forms of returns, made out in a proper manner and headed as the nature of the ballots may require, for making out full and fair statements of all votes which shall have been given, within the county or any political district therein, according to the returns from the several election districts thereof, for any person voted for therein for any party nomination or party office.

All the clerks of the county commissioners and other persons assisting in the official computation and canvassing of the votes shall be first sworn to perform their duties impartially, and not to read, write, count, or certify any return or vote falsely or fraudulently.

The general returns made by the election officers, as aforesaid, from the various election districts shall be read one after another in the usual order, slowly and audibly, by one of the clerks, who shall in each case read therefrom the number of ballots of each party issued, spoiled, and canceled, and cast respectively, whereupon the clerk having charge of the records of the county commissioners showing the number of ballots of each party furnished for each election district and the number of stubs and unused ballots and spoiled and canceled ballots returned, shall publicly announce the number of same respectively; and unless it appears by said numbers or calculations therefrom that said records and the said general return correspond, no further returns shall be read from the latter until all the ballots issued are fully accounted for; and all the stubs and unused ballots, spoiled and canceled ballots, as well as the other election returns aforesaid, shall be open to public inspection, and shall be carefully preserved, together with the contents of the ballot-box, by the county commissioners for at least eleven months, and not destroyed in any event without the previous consent in writing by the district attorney. None of the envelopes sealed by election officers and entrusted to the judges of election shall be opened by any person, except by order of the return board or of the court of common pleas.

When the records agree with the said returns regarding the ballots, the votes recorded for each candidate on each party ticket shall be read by the said clerk slowly, audibly, and in an orderly manner, from the said returns, and the figures announced shall be compared by other clerks with the return sheets of each party for the respective districts, and discrepancies shall be immediately called to the attention of the return board, which shall thereupon compare said return sheets with the tally papers for the same election district respecting the same candidates or party ballots; and if the tally papers and party return sheets agree, the general return shall be forthwith corrected to conform thereto; but, in every other case, the return board shall forthwith cause the ballot-box of such division to be brought before it,

Blank forms of returns.

Employes of return board to be sworn.

Reading and comparison of returns and commissioners' records.

Failure of returns and records to correspond.

Preservation of stubs and unused and spoiled ballots.

Opening of sealed envelopes.

Agreement of returns and records.

Reading and comparison of votes recorded.

and opened under its direction, and the ballots therein recounted respecting any vote in question, in the presence of representatives canvass party and candidate interested who are attending the of each of such votes; and if such recount shall not be sufficient to correct the error in any of the said returns, the return board may summon the election officers and overseers, if any, to appear forthwith, with all election papers in their possession, and the court of common pleas shall use its processes to enforce such summons, if necessary; and, if any error or fraud is discovered, the return board shall compute and certify the votes justly, regardless of any fraudulent or erroneous returns presented to it, and report the facts to the district attorney of the proper county for action in cases that appear to warrant same.

Opening of
ballot-boxes
when dis-
crepancies are
discovered.

Recount of
ballots.

Discovery of
fraud or error.

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 of casting up the total vote of each candidate on each party ticket, 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 at the expiration of five days after the completion of said computation, the return board shall certify the several returns accordingly to the county commissioners, unless, upon appeals taken from any decision, the court of common pleas shall have directed any returns to be revised, in which case such returns shall be revised and certified accordingly. (As amended 1921, P. L. , Act No. 282, §1.)

Recording of
returns.

Attestation.

Certification to
county com-
missioners.

§505. Sec. 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.

Opening of
ballot-boxes
and recounting
votes at
request of
electors.

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.

Appeals to
court.

Fee.

Hearing.

Notice.

Power of
court on
appeal.

Contest of
primaries.

Appeals from
judges.

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 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 the 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. (As amended 1921, P. L. , Act No. 420, §1.) Fees and costs.

§506. Sec. 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 return.
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 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.

§507. Sec. 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 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, Persons receiving a plurality of votes shall be the candidates.

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.

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."

United States
Senator.

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.

Delegates.

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.

Political
Committees.

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

How
decided.

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

When vacancy
occurs before
primary.

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.

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

§508. Sec. 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.

§509. Sec. 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, 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 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. Certification.

§510. Sec. 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. Overseers at primary.

Watchers.

§511. Sec. 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.

If 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.

Threaten watchers or overseers a misdemeanor.

§512. Sec. 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.

Penalty.

Unqualified signers to petitions guilty of misdemeanor.

§513. Sec. 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.

False statement in affidavit.

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.

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 assistance in voting a misdemeanor.
Penalty.

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. Police officer.
Penalty.

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 Illegal assistance.

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.

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.

Election
officers
violating law.

Penalty.

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

Misdemeanor.

Penalty.

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

Misdemeanor.

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. 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 offences committed at primaries. The existing laws realting 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.

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

§515. Sec. 25. That the following acts of Assembly; namely, Repeal.
An act of Assembly, 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;

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 or 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 Repeal.

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.

Nominations not affected. This act shall not affect any nominations of candidates for borough and township offices, which have been made prior to the time of the passage of this act.

Repeal. **Proviso.** §516. Section 6, July 9, 1919, P. L. 839, That all acts or parts of acts inconsistent herewith be, and the same are hereby repealed: Provided, however, That the repeal thereof shall not affect any act previously done, liability heretofore incurred, or right now accrued or vested, or affect any suit or prosecution, pending or to be instituted, to enforce any such right or penalty or punish any such offense under the authority of such repealed acts or parts of acts in conflict herewith: And provided further, That nothing herein contained shall repeal any act providing a non-partisan method of nominating or electing candidates at any primary, or regulating the manner of printing, furnishing, voting, counting, or preserving the non-partisan ballots or canvassing or computing the votes cast thereby.

Proviso.

§517. Apportionment of the State into Representative Congressional Districts.

For the purpose of electing representatives of the people of Pennsylvania to serve in the House of Representatives in Congress, the state is divided into the following districts:

Districts Nos.

1st.....	Phila. Wards,	1, 7, 26, 30, 36, 39, 48.
2nd.....	“ “	8, 9, 10, 13, 14, 15, 20, 37.
3rd.....	“ “	2, 3, 4, 5, 6, 11, 12, 16, 17, 18, 19
4th.....	“ “	28, 29, 32, 38, 47.
5th.....	“ “	23, 25, 31, 33, 35, 41, 45.
6th.....	“ “	24, 27, 34, 40, 44, 46.
7th.....	“ “	21, 22, 42, 43.
8th.....	Counties,	Chester, Delaware.
9th.....	“	Bucks, Montgomery.
10th.....	“	Lancaster.
11th.....	“	Lackawanna.
12th.....	“	Luzerne.

(1921, P. L. , Act No. 216, §1.)

§518.

Districts No.

13th.....	Counties	Schuylkill.
14th.....	“	Berks, Lehigh.
15th.....	“	Bradford, Pike, Susquehanna, Wayne, Wyoming.
16th.....	“	Clinton, Lycoming, Potter, Tioga.
17th.....	“	Columbia, Montour, North- umberland, Sullivan.
18th.....	“	Franklin, Fulton, Huntingdon, Juniata, Mifflin, Perry, Snyder, Union.
19th.....	“	Cumberland, Dauphin, Leba- non.
20th.....	“	Cambria.
21st.....	“	Bedford, Blair.
22nd.....	“	Adams, York.
23rd.....	“	Cameron, Centre, Clearfield, McKean.
24th.....	“	Fayette, Somerset.

(1921, P. L. Act No. 216, §1.)

§519.

District Nos.

25th.....	Counties	Greene, Washington.
26th.....	“	Beaver, Butler, Lawrence.
27th.....	“	Armstrong, Clarion, Indiana, Jefferson.
28th.....	“	Elk, Forest, Mercer, Vanango, Warren.

Districts Nos.		
29th.....	Counties	Crawford, Erie.
30th.....	“	Carbon, Monroe, Northampton.
31st.....	“	Westmoreland.
32nd.....	Pgh. Wards	21, 22, 23, 24, 25, 26, 27.
		All boroughs and townships lying north of the Ohio and Allegheny Rivers not included in the 33rd district.
33rd.....		All boroughs and townships lying between the Allegheny and Monongahela rivers and the boroughs of Springdale, Cheswick, Brackenridge, Tarentum, the townships of Harrison, Fawn, East Deer, Frazer, Springdale, and the City of McKeesport.
34th.....	Pgh. Wards,	1, 2, 3, 4, 5, 6, 9, 10, 11, 15.
35th.....	“ “	7, 8, 12, 13, 14, 16, 17, 18, 19, 20, and township of Chartiers, (now annexed to City of Pittsburgh).
36th.....	Cities of Clairton and Duquesne and all boroughs and townships lying south of the Ohio and Monongahela rivers, excepting the township of Chartiers (now annexed to City of Pittsburgh).	

(1921, P. L. , Act No. 216, §1.)

§520. Apportionment of the State into Senatorial Districts.

The State Senate shall consist of fifty members and the State is apportioned into fifty senatorial districts as follows:

District Nos.		
1st.....	Phila. Wards,	1, 26, 36, 39, 48.
2nd.....	“ “	2, 3, 4, 7, 8, 9, 30.
3rd.....	“ “	5, 6, 10, 11, 12, 13, 14, 16, 18.
4th.....	“ “	24, 27, 34, 40, 44, 46.
5th.....	“ “	17, 19, 20, 31, 37.
6th.....	“ “	21, 22, 38, 42.
7th.....	“ “	15, 28, 29, 32, 47.
8th.....	“ “	23, 25, 33, 35, 41, 43, 45.
9th.....	Counties,	Delaware.
10th.....	“	Bucks.
11th.....	“	Berks.
12th.....	“	Montgomery.

(1921, P. L. , Act No. 217, §1.)

§521.

Districts Nos.		
13th.....	Counties,	Lancaster, All that part not included in the 17th districts.
14th.....	“	Carbon, Monroe, Pike, Wayne.
15th.....	“	Dauphin.
16th.....	“	Lehigh.

Districts Nos.

17th.....	Counties	Lebanon and the boroughs of Adamstown, Akron, Columbia, Denver, Elizabethtown, Ephrata, Lititz, Manheim, Marietta, and Mount Joy, and the townships of Clay, Conroy, East Cocalico, East Donegal, Elizabeth, Ephrata, Mount Joy, Penn, Rapho, Warwick, West Cocalico, West Donegal, and West Hempfield, in the county of Lancaster.
18th.....	“	Northampton.
19th.....	“	Chester.

(1921, P. L. , Act No. 217, §1.)

§522.

Districts Nos.

20th.....	Counties,	Luzerne, and the townships of Black Creek, Butler, Conyngham, Dallas, Denison, Dorrance, Foster, Fairmount, Fairview, Hazle, Hollenback, Hunlock, Huntingdon, Lake Lehman, Jackson, Kingston, Nescopeck, Plymouth, Ross, Salem, Slocum, Sugarloaf, Union, and Wright, and the boroughs of Conyngham, Courtdale, Dallas, Dorranceton, Edwardsville, Forty Fort, Freeland, Jeddo, Kingston, Larksville, Nanticoke, Nescopeck, New Columbus, Nuangola, Plymouth, Shickshinny, West Hazleton and White Haven, and City of Hazleton.
21st.....	“	Luzerne, The residue not included in the 20th district.
22nd.....	“	Lackawanna.
23rd.....	“	Bradford, Susquehanna, Wyoming.
24th.....	“	Columbia, Lycoming, Montour, Sullivan.

(1921, P. L. Act No. 217, §1.)

§523.

Districts Nos.	Counties,	
25th.....	McKean, Potter, Tioga.	
26th.....	“	Cameron, Clarion, Clinton, Elk, Forest.
27th.....	“	Northumberland, Snyder, Union.
28th.....	“	York.
29th.....	“	Schuylkill.
30th.....	“	Blair and Huntingdon.
31st.....	“	Cumberland, Juniata, Mifflin, Perry.
32nd.....	“	Fayette.
33rd.....	“	Adams, Franklin.
34th.....	“	Centre, Clearfield.
35th.....	“	Cambria.
36th.....	“	Bedford, Fulton, Somerset.
37th.....	“	Indiana, Jefferson.

(1921, P. L. , Act No. 217, §1.)

§524.

Districts Nos.		
38th.....	Pgh. Wards,	1, 2, 6, 9, 16, 17, 18, 19.
39th.....	County,	Westmoreland.
40th.....	All the boroughs and townships in that portion of Allegheny County lying north of the Ohio and Allegheny Rivers and the boroughs of East Pittsburgh, East McKeesport, Pitcairn, Turtle Creek, Wall and Wilmerding, and the townships of Braddock, Patton, Plum and Wilkins.	
41st.....	Counties,	Armstrong, Butler.
42nd.....	Pgh. Wards,	21, 22, 23, 24, 25, 26, 27.
43rd.....	“ “	3, 4, 5, 7, 8, 10, 15.
44th.....	“ “	11, 12, 13, 14, City of McKeesport and all boroughs and townships in that portion of Allegheny County lying between the Allegheny and Monongahela rivers not included in the 40th district.
45th.....	“ “	20, and all the boroughs and townships in that portion of Allegheny County lying south of the Ohio and Monongahela rivers.
46th.....	Counties,	Greene, Washington.
47th.....	“	Beaver, Lawrence.
48th.....	“	Venango, Warren.
49th.....	“	Erie.
50th.....	“	Crawford. Mercer.

(1921, P. L. Act. No. 217, §1.)

§525. Apportionment of the State into Representative Districts.

The State House of Representatives shall consist of two hundred and eight (208) members and the State shall be apportioned as follows:

Philadelphia	41 members	26 districts.
1st District	Wards, 1, 39	2 members.
2nd	" " 2	1 "
3rd	" " 3, 4, 5	2 "
4th	" " 6, 8, 9	1 "
5th	" " 26, 36, 48	2 "
6th	" " 7	1 "
7th	" " 30	1 "
8th	" " 10, 13, 14	2 "
9th	" " 11, 12	1 "
10th	" " 15	2 "
11th	" " 17, 18	1 "
12th	" " 19	2 "
13th	" " 16, 20	2 "
14th	" " 21	1 "
15th	" " 22, 42	2 "
16th	" " 23, 35, 41	1 "
17th	" " 24, 34, 44	3 "
18th	" " 25, 45	2 "
19th	" " 28, 37	2 "
20th	" " 29, 47	2 "
21st	" " 27, 40, 46	2 "
22nd	" " 32	1 "
23rd	" " 38	1 "
24th	" " 33	1 "
25th	" " 43	1 "
26th	" " 31	1 "

(1921, P. L. , Act No. 218, §1.)

526. Adams County.....1 member.

Allegheny County	27 members	13 districts.
1st District	Pgh. Wards, 1, 3, 5	2 members.
2nd	" " " 2, 6, 9, 10	2 "
3rd	" " " 4, 15	1 "
4th	" " " 7, 8, 11	1 "
5th	" " " 12, 13, 14	1 "
6th	" " " 16, 17, 18, 19, 20 and township of Chartiers (now annexed to City of Pittsburgh.)	3 "
7th	" " " 22, 23, 24, 25	2 "
8th	" " " 21, 26, 27	2 "
9th	" City of McKeesport	1 "

10th District	Boroughs and townships lying between the Allegheny and Youghiogheny rivers and the boroughs and townships lying between the Youghiogheny and Monongahela rivers	4 members	
11th "	Cities of Clairton (Clairton, North Clairton, and Wilson boroughs), Duquesne, boroughs of Dravosburg, Hays, Homestead, Munhall, W. Elizabeth, W. Homestead and Whitaker, townships of Jefferson and Mifflin	2	"
12th "	All boroughs and townships south of the Ohio and Monongahela rivers not included in the eleventh district, including the township of Neville	4	"
13th "	Boroughs and townships north of the Ohio and Allegheny rivers	2	"
(1921, P. L. , Act No. 218, §1.)			
§527. Armstrong County		2 members.	
Beaver County		3 members	2 districts.
1st District	Boroughs of Ambridge, Baden, Conway, East Rochester, Eastvale, Freedom, New Brighton, Rochester, that portion of the borough of Elwood City lying within the county of Beaver and the townships of Daugherty, Economy, Franklin, Harmony, Marion, New Sewickley, North Sewickley, Pulaski, and Rochester	1 member	
2nd "	The residue of the county of Beaver not included in the first district	2 members	
Bedford County		1 member	
Berks County		5 members	4 districts.
1st District	City of Reading	2 members	
2nd "	Boroughs of Birdsboro, Mohn-ton, Mount Penn, Shillington, Sinking Spring, West Reading, and Wyomissing, townships of Amity, Brecknock, Caernarvon, Crumru, Douglass, Exeter, Lower Alsace, Robeson, Spring and Union	1 member	

3rd District	Boroughs of Bernville, Centreport, Hamburg, Lenhartsville, Robesonia, Wernersville, West Leesport, Womelsdorf and townships of Albany, Bern, Bethel, Centre, Greenwich, Heidelberg, Jefferson, Lower Heidelberg, Marion, North Heidelberg, Penn, Perry, South Heidelberg, Tilden, Tulpehocken, Upper Bern, Upper Tulpehocken and Windsor. . . .	1 member	
4th "	Boroughs of Bally, Bechtelville, Boyertown, Fleetwood, Kutztown, Topton and townships of Alsace, Colebrookdale, district, Earl, Hereford, Longswamp, Maiden creek, Maxatawny, Muhlenberg, Oley, Ontelaunee, Pike, Richmond, Rockland, Ruscombmanor and Washington.	1	"
(1921, P. L. , Act No. 218, §1.)			
§528. Blair County.	3 members.	2 districts..	
1st District.	City of Altoona.	1 member.	
2nd "	Residue of the county of Blair not included in the 1st district.	2	"
Bradford County.		1	"
Bucks "		2	"
Butler "		2	"
Cambria "	5 members.	2 districts.	
1st District.	City of Johnstown.	2 members	
2nd "	Residue of the county of Cambria not included in the 1st district.	3	"
Cameron County.		1	"
Carbon "		1	"
Centre "		1	"
Chester "	3 members.	2 districts.	
1st District.	City of Coatesville. Boroughs of Atglen, Avondale, Oxford, Parkesburg, Westgrove, and townships of East Fallowfield, East Nottingham, Elk, Franklin, Highland, London, Britain, London, Grove, Londonderry, Lower Oxford, New Garden, New London,		

Penn, Upper, Oxford, West Fallowfield, West Marlboro, and West Nottingham. 1 member

2nd District. Boroughs of Downington, Elverson, Honeybrook, Kennett Square, Malvern, Phoenixville, Spring City, and West Chester, and townships of Birmingham, Caln, Charlestown, East Bradford, East Brandywine, East Caln, East Coventry, East Goshen, East Marlboro, East Nantmeal, East Pikeland, East Vincent, East Whiteland, Easttown, Honeybrook, Kennett, Newlin, North Coventry, Pennsburg, Pocopson, Sadsbury, Schuylkill, South Coventry, Thornburg, Treddyfryn, Upper Uwchlan, Uwchlan Valley, Wallace, Warwick, West Bradford, West Brandywine, West Caln, West Goshen, West Nantmeal, West Whiteland, Westtown, and Willistown. 2 “

(1921, P. L. , Act No. 218, §1.)

§529. Clarion County. 1 member.

Clearfield County. 2 members. 2 districts.

1st District. Boroughs of Brisbin, Chester Hill, Clearfield, Houtzdale, Osceola, Ramey, Wallaceton, and townships of Bigler, Boggs, Bradford, Cooper, Covington, Decatur, Girard, Goshen, Graham, Gulich, Jordan, Karthaus, Lawrence, Morris, and Woodward. 1 member

2nd District. City of Du Bois, boroughs of Burnside, Coalport, Curwensville, Glen Hope, Grampian, Irvona, Lumber City, Mahaffey, Newburg, New Washington, Troutville and Westover, townships of Beccaria, Bell, Bloom, Brady, Burnside, Chest, Ferguson, Greenwood, Huston, Knox, Penn, Pike, Pine, Sandy and Union. 1 “

Clinton County	.....	1 member.
Columbia “	.....	1 “
Crawford “	.....	1 “
Cumberland “	.....	1 “
Dauphin “	..... 4 members.....	2 districts
1st District	..... City of Harrisburg.....	2 “
2nd “	..... Residue of the county of Dau- phin not included in 1st dis- trict.....	2 “
Delaware County	..... 4 members.....	2 districts.
1st District	..... City of Chester.....	1 member
2nd “	..... Residue of the county of Dela- ware not included in the 1st district.....	3 “
(1921, P. L. , Act No. 218, §1.)		
§530. Elk County	.....	1 member.
Erie County	..... 4 members.....	4 districts.
1st District	..... Wards, 3, 4, 6 of the City of Erie as constituted April 1, 1921.....	1 member.
2nd “	..... Wards, 1, 2, 5 of the City of Erie as constituted April 1, 1921.....	1 “
3rd “	..... City of Corry, boroughs of El- gin, North East, Union City, Wattsburg, and Westleyville, and townships of Amity, Con- cord, Greene, Greenfield, Har- bourcreek, North East, Union, Venango, and Wayne.....	1 “
4th “	..... Residue of the County of Erie not included in the 1st, 2nd and 3rd districts.....	1 “
Fayette County	..... 4 members.....	2 districts.
1st District	..... Boroughs of Fairchance, Mark- leysburg, Masontown, Point Marion, and Smithfield, town- ships of Georges, German, Henry Clay, Luzerne, Menal- len, Nicholson, Redstone, Springhill and Wharton.....	1 member.
2nd “	..... Residue of the county of Fay- ette not included in the first district.....	3 “
Forest County	.....	1 “
Franklin “	.....	1 “
Fulton “	.....	1 “
Greene “	.....	1 “
Huntingdon County	.....	1 “
Indiana “	.....	2 “
(1921, P. L. , Act No. 218, §1.)		

§531.	Jefferson County.....	1 member.
	Juniata “	1 “
	Lackawanna “	6 members..... 6 districts.
	1st District.....	Wards, 4, 5, 6, 14, 15, 18, 20, 22 of the City of Scranton . . . 1 member
	2nd “	Wards, 1, 2, 3, 7, 13, 16, 21 of the City of Scranton..... 1 “
	3rd “	Wards, 8, 9, 10, 11, 12, 17, 19 of the City of Scranton..... 1 “
	4th “	Boroughs of Dickson City, Dunmore, Elmhurst, Olyphant, Throop, and Winton, town- ships of Jefferson, and Roaring Brook..... 1 “
	5th “	City of Carbondale, Boroughs of Archbald, Blakely, Jermyn, Mayfield, and Vandling; town- ships of Carbondale, Fell, Greenfield, and Scott..... 1 “
	6th “	Boroughs of Clarks Green, Clarks Summit, Dalton, Glen- burn, Gouldsboro, La Plume, Moosic, Moscow, Old Forge, and Taylor; townships of Abington, Benton, Clifton, Covington, Lackawanna, Le- high, Madison, Newton, North Abington, Ransom, South Ab- ington, Spring Brook and West Abington..... 1 “
	(1921, P. L. , Act No. 218, §1.)	
§532.	Lancaster County.....	4 members..... 2 districts..
	1st District.....	City of Lancaster..... 1 member.
	2nd “	Residue of the County of Lan- caster not included in the 1st district..... 3 “
	Lawrence County.....	2 members..... 2 districts.
	1st District.....	City of New Castle..... 1 member.
	2nd “	Residue of the County of Law- rence not included in the 1st district..... 1 “
	Lebanon County.....	1 “
	Lehigh County.....	3 members..... 2 districts.
	1st District.....	City of Allentown..... 2 members.
	2nd “	Residue of the county of Le- high not included in the 1st district..... 1 “
	(1921, P. L. , Act No. 218, §1.)	

§533. Luzerne County.....		8 members.....	7 districts
1st District.....	City of Hazleton, Boroughs of Freeland, Jeddo and West Hazleton, townships of Foster and Hazel.....	1 member.	
2nd "	Boroughs of Ashley, Conyngham, Laurel Run, Nescopeck, Nuangola, Sugar Notch, Warrior Run and White Haven, townships of Bear Creek, Black Creek, Buck, Butler, Denison, Dorrance, Fairview, Hanover, Hollenback, Nescopeck, Sugarloaf, Wilkes-Barre and Wright.....	1	"
3rd "	City of Pittston, boroughs of Avoca, Dupont, Hughestown, Lafin, Miners Mills, Parsons and Yatesville, townships of Jenkins, Pittston and Plains..	1	"
4th "	Boroughs of Nanticoke, New Columbus and Shickshinny, townships of Conyngham, Fairmount, Hunlock, Huntington, Newport, Ross, Salem, Slocum and Union.....	1	"
5th "	Boroughs of Edwardsville, Kingston, Larksville, Plymouth, and township of Plymouth.....	1	"
6th "	Boroughs of Courtdale, Dallas, Dorranceton, Duryea, Exeter, Forty Fort, Luzerne, Pringle, Swoyersville, West Pittston, West Wyoming and Wyoming, townships of Dallas, Exeter, Franklin, Jackson, Kingston, Lake and Lehman.....	1	"
7th "	City of Wilkes-Barre.....	2 members	
(1921, P. L. , Act No. 218, §1.)			
§534. Lycoming County.....		2 members.	
McKean "		1 member.	
Mercer "		2 members.	
Mifflin "		1 member.	
Monroe "		1	"
Montgomery County.....		5 members.....	3 districts.
1st District.....	Boroughs of Bridgeport, Narberth and West Conshohocken and townships of Lower Merion, Upper Merion.....	1 member.	

2nd District.....	Boroughs of Conshohocken, Norristown and township of Plymouth.....	1 member.
3rd “	Residue of the county of Montgomery not included in the 1st and 2nd districts.....	3 members.
Montour County.....		1 member.
Northampton County.....	4 members.....	2 districts.
1st District.....	That portion of the City of Bethlehem in the county of Northampton.....	1 member.
2nd “	Residue of the county of Northampton not included in the 1st district.....	3 members.
Northumberland County.....	3 members.....	2 districts.
1st District.....	City of Sunbury, boroughs of McEwensville, Milton, Northumberland, Riverside, Turbotville and Watsonstown, townships of Delaware, East Chillisquaque, Gearhart, Lewis, Point Rockefeller, Rush, Turbot, Upper Augusta, and West Chillisquaque.....	1 member.
2nd “	Residue of the county of Northumberland not included in the 1st district.....	2 members.
(1921, P. L. , Act No. 218, §1.)		
§535. Perry County.....		1 member.
Pike “		1 “
Potter “		1 “
Schuylkill “	5 members.....	4 districts.
1st District.....	Boroughs of Frackville, Gilberton, Mahanoy City, Shenandoah and townships of Delano, Mahanoy, and West Mahanoy.....	1 member.
2nd “	Boroughs of Ashland, Girardville and Gordan, townships of Barry, Butler, Cass, Eldred, Foster, Hegins, Hubley and Upper Mahantango.....	1 “
3rd “	Borough of Coaldale, McAdoo, Middleport, New Philadelphia, New Ringgold, Port Clinton, Ringtown, Tamàqua, townships of Blythe, East Brunswick, East Union, Kline, North Union, Rahn, Rush, Ryan, Schuylkill, Union, Walker, West Brunswick and West Penn. 1	“

4th District	City of Pottsville, boroughs of Auburn, Cressona, Landingville, Mechanicsville, Minersville, Mount Carbon, Orwigsburg, Palo Alto, Pine Grove, Port Carbon, Saint Clair, Schuylkill, Haven and Tremont, townships of Branch, East Norwegian, Frailey, New Castle, North Manheim, Norweign, Pinegrove, Porter, Reilly, South Manheim, Tremont, Washington and Wayne.	2 members.
Snyder County		1 member.
Somerset "		2 members.
Sullivan "		1 member.
Susquehanna County		1 "
Tioga County		1 "
Union "		1 "
Venango "		1 "
Warren "		1 "

(1921, P. L. , Act No. 218, §1.)

§536. Washington County	4 members	2 districts.
1st District	Boroughs of Burgettstown, Canonsburg, Claysville, East Washington, Houston, McDonald, Midway, Washington, West Alexander, West Middleton, townships of Blaine, Buffalo, Canton, Cecil, Chartiers, Cross Creek, Donegal, East Finley, Hanover, Hopewell, Independence, Jefferson, Morris, Mount Pleasant, North Franklin, Robinson, Smith, South Franklin, South Strabane and West Finley.	2 members.
2nd "	Residue of the county of Washington not included in the 1st district.	2 "

(1921, P. L. , Act No. 218, §1.)

§537. Wayne County		1 member.
Westmoreland	6 members	2 districts.
1st District	Boroughs of Bolivar, Cokeville, Derry, Donegal, Latrobe, Ligonier, Livermore, Mount Pleasant, New Alexandria, New Florence, Seward and Youngstown, townships of Cook, Derry, Donegal, Fairfield, Ligonier, Loyalhanna, Mount Pleasant, Saint Clair and Unity.	3 members.

2nd District Residue of the county of West-
 moreland not included in the
 1st district 3 members.
 Wyoming County 1 member.
 (1921, P. L. , Act No. 218, §1.)

§538. York County 3 members 3 districts.
 1st District City of York 1 member.
 2nd “ Boroughs of Dillsburg, Dover,
 Franklinton, Goldsboro, Han-
 over, Hallam, Lewisberry,
 Manchester, Mount Wolf, New
 Salem, North York, Spring
 Grove, Wellsville, West York,
 Wrightsville and York Haven,
 townships of Carroll, Cone-
 wago, Dover, East Manches-
 ter, Fairview, Franklin, Hei-
 delberg, Hallam, Jackson,
 Manchester, Monaghan, New-
 berry, North Codorus, Para-
 dise, Penn, Spring Garden,
 Springettsbury, Warrington,
 Washington, and West Man-
 chester 1 member.
 3rd District Residue of the County of York
 not included in the first or sec-
 ond districts 1 “

(1921, P. L. , Act No. 218, §1.)

BALLOT LAW

Approved June 10, 1893, (P. L. 419) as amended to 1921.

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.

§539. Sec. 1. *Be it enacted, etc.,* That all ballots cast in elections for public officers within this Commonwealth shall be printed and distributed at public expense as hereinafter provided. The printing of the ballots and of the cards of instruction for the elections in each county, and the delivery of the same to the election officers as hereinafter provided, and all other expenses incurred under the provisions of this act shall be a county charge, unless herein otherwise provided, the payment of which shall be provided for in the same manner as the payment of other election expenses. It shall be the duty of the Secretary of the Commonwealth to prepare forms for all the blanks made necessary or advisable by this act, and to furnish copies of the same to the county commissioners of each county, who shall procure further copies of the same at the cost of the county and furnish them to the election officers or other persons by whom they are to be used, in such quantities as may be necessary to carry out the provisions of this act.

§540. Sec. 2. Any convention of delegates, or primary meeting of electors, or caucus held under the rules of a political party, or any board authorized to certify nominations representing a political party which, at the election next preceding, polled at least two per centum of the largest entire vote for any office cast in the State, or in the electoral district or division thereof for which such primary meeting, caucus, convention, or board desires to make or certify nominations, may nominate one candidate for each office which is to be filled in the State, or in the said district or division, at the next ensuing election, by causing a certificate of nomination to be drawn up and filed as hereinafter provided. Every such certificate of nomination shall be signed by the presiding officer and the secretary or secretaries of the convention or primary meeting or caucus or board, who shall add thereto their places of residence, and shall be sworn or affirmed to by them before an officer qualified to administer oaths, to be true to the best of their knowledge and belief, and a certificate of the oath shall be annexed to the certificate of nomination: Provided, That if any political party has by its rules provided for a registration of candidates for nominations, and at the time limited for such registration, or at any subsequent time, by reason of withdrawal or other cause there shall be no more candidates for any office registered or remaining than are to be elected to such office, the person or persons so registered or remaining shall be deemed the nominee or nominees, with the same effect as if he or they had been nominated by a convention or primary meeting, or caucus or board. And one or more or all of the officers of the committee of such political party with which

Ballots to be printed and distributed at public expense. Shall be a county charge, unless otherwise provided. To be paid for as other election expenses. Secretary of the Commonwealth to prepare forms for all blanks, and furnish copies of same to county commissioners. County commissioners to procure further copies at cost of county and furnish them to election officers. Convention, primary meeting, caucus or board authorized to certify nominations of party polling two per centum of entire vote, may nominate.

Certificate of nomination to be drawn up. How signed. Shall be sworn to. Proviso. If no more candidates are registered than are to be elected. They shall be the nominees.

Note.—In so far as this act refers to nomination see also Primary Act.

Form of certificate.

Nomination by nomination papers.

Blanks shall be furnished by the Secretary of the Commonwealth.

Number of voters who must sign for State officers.

Number of voters as to other offices.

Elector signing must add residence and occupation, and sign only one paper. Signatures and qualifications to be vouched for by affidavit.

Five electors may, by affidavit filed with the prothonotary, adopt a certain political appellation.

Subject to this act.

And have exclusive right thereto. Proviso.

Proviso.

Officers of wards or subdivision thereof

What nomination certificates and papers must certify, party or policy.

such registration shall be made, or the officer with whom it is made, shall make a certificate of such nomination in the same manner and with the same effect as if there had been a nomination by a convention or primary meeting or caucus or board. (As amended 1897, P. L. 179, §1—See Independence Party Nominations, 208 Pa. 108.) §541. Sec. 3. Nominations 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 or division thereof for which the nomination is made, and filed in the proper office as provided in section five of this act. Blank forms for making such nomination shall be furnished by the Secretary of the Commonwealth, and no other form than the ones so prescribed shall be used for such purposes. Where the nomination is for any office to be filled by the voters of the State at large, the number of qualified electors of the State signing such nomination paper shall be at least one-half of one per centum of the largest vote for any officer elected in the State at the last preceding election at which a State officer was voted for. In the case of all other nominations, the number of qualified electors of the electoral district or division signing such nomination paper shall be at least two per centum of the largest entire vote for any officer elected at the last preceding election in the said electoral district or division for which said nomination papers are designed to be made. Each elector signing a nomination paper shall add to his signature his place of residence and occupation, and no person may subscribe to more than one nomination for each office to be filled. The signatures to each nomination paper and the qualification of the signers shall be vouched for by the affidavit of at least five of the signers thereof, which affidavit shall accompany the nomination paper: Provided, That if five of the electors composing any political body making a nomination by nomination papers shall file with the prothonotary of the county in which the nomination paper or papers are to be filed an affidavit setting forth that they have adopted a certain political appellation to designate their policy, subject to the limitations of this act regarding the selection of names, that thereafter such political body shall have the exclusive right to use the said name or appellation for the election for which such nomination or nominations are made, provided that a certificate from the prothonotary setting forth such a compliance with the act be filed with the nomination papers filed by such political body: *And provided further, That if five electors, composing any political body as hereinbefore provided, shall file an affidavit, as aforesaid, setting forth that they have adopted a certain political name or appellation to designate their policy for the purpose of making nominations for ward officers or officers to be elected in any ward, such affidavit shall give to such body of electors the exclusive right to use the said name or appellation for the nomination of any candidates for any precinct or other subdivision of such ward for the election for which such nominations are made.* (As amended 1919, P. L. 855, §1.)

§542. Sec. 4. All certificates of nomination and nomination papers shall specify: One (1). The party or policy which such candidate represents, expressed in not more than three words; in the case of

Note.—In so far as this act refers to nomination see also Primary Act.

electors of President and Vice President of the United States, the names of the candidates for President and Vice President shall be added to the party or political appellation. Two (2). The name of each candidate nominated therein, his profession, business or occupation, if any, and his place of residence, with street and number thereon, if any. Three (3). The office for which such candidate is nominated: *Provided*, That no words shall be used in any nomination papers to describe or designate the party or policy or political appellation represented by the candidate named in such nomination papers as aforesaid, identical with the words used for the like purpose in certificates of nominations made by a convention of delegates or primary meeting of electors, or caucus held under the rules of a political party, or any board authorized to certify nominations, representing a political party which, at the last preceding election, polled two per centum of the largest vote cast: *And provided further*, That any objections filed to a nomination certificate or paper on account of the party or political appellation used therein, or involving the right as defined by sections two and three of this act, to file such certificate or paper, shall be decided by the court of common pleas on hearing, as herein-after provided. (As amended 1897, P. L. 223, §2.)

Name, etc., of candidate.

Office.

What words shall not be used in nomination papers.

Objections as to party or political appellation to be decided by the court of common pleas.

§543. Sec. 5. *Nomination* papers for candidates for the offices of Presidential electors and members of the House of Representatives of the United States and for State offices, including those of Judges, Senators and Representatives, shall be filed with the Secretary of the Commonwealth at least *sixty* days before the day of election. *Nomination* papers for candidates for all other offices shall be filed with the county commissioners of the respective counties at least twenty-eight days before the day of the election. 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 election shall be included in the calculation or reckoning. (As amended 1919, P. L. 832, §1.)

Nomination papers shall be filed with the Secretary of the Commonwealth

Time of filing.

How time is to be reckoned.

§544. Sec. 6. It shall be the duty of the officer or officers to whom any nomination paper is brought for the purpose of filing, to examine the said paper, and if it lacks sufficient signatures, or be otherwise manifestly defective, it shall not be filed, but the action of said officer or officers in refusing to receive such paper may be reviewed by the court of common pleas of the county upon an application for a mandamus to compel its reception as of the date when it was brought to the office. All nomination papers which have been filed shall be deemed to be valid, unless objections thereto are duly made by writing filed in the court of common pleas of the county in which the paper objected to has been filed, and with the officer or officers with whom such *papers* have been filed, and within the following periods:

Proper officer to examine paper

If defective, it shall not be filed

Action of officer subject to review.

Manner of making objections.

First. In the case of papers filed with the Secretary of the Commonwealth, at least *fifty* days before the day of election.

Time of making objections.

Second. In the case of other papers, at least *twenty-five* days before the day of election.

Note.—In so far as this act refers to nomination see also Primary Act.

Hearing.

Court in session.

Court not in session.

Proof of service of notice.

Decision of court.

Amendments.

Withdrawal of Candidate.

Vacancies.

Third. In case the court is in session, one or more judges thereof shall proceed to hear such objections without unnecessary adjournment or delay, and shall give such hearing precedence over all other business before him or them. With respect to papers filed with the Secretary of the Commonwealth, such objections shall be heard and finally determined at least thirty days before the day of the election, and in all other cases at least eighteen days before the day of election. In case the court is not in session, any judge thereof, on the presentation to him of the certificate of the prothonotary that such objections have been filed, shall proceed to hear such objections. No objection of any nature whatever shall be filed, unless accompanied by proof of service of notice of the proposed objection upon at least one of the candidates named in the paper objected to, nor shall any objection be heard in the absence of any of the said candidates without proof of service of notice of the hearing upon them. If the court decide that the paper objected to was not filed by parties entitled under this act to file the same, it shall be wholly void; but if it be judged defective only, the court shall indicate the matters in which it requires amendment and the time within which such amendments must be made, and every paper amended after the time when names therein contained should have been sent to the sheriff, shall be subject to the provisions of this act concerning substituted nominations. The officers with whom nomination papers have been filed, shall permit the political parties or bodies who have filed them to amend them of their own motion, at any time prior to the printing of the ballot. (As amended 1919, P. L. 832, §2.)

§545. Sec. 7. Any person whose name has been presented as a candidate for the office of Presidential elector, Member of the House of Representatives of the United States, or for any State office, including those of judges, Senators and Representatives, may cause his name to be withdrawn from nomination by request in writing, signed by him and acknowledged before an officer qualified to take acknowledgments of deeds, and filed in the office of the Secretary of the Commonwealth at least fifty days previous to the day of the election, and all candidates for other offices, with the county commissioners of the respective counties at least twenty-five days previous to the day of the election; and no name so withdrawn shall be printed upon the ballots.

Where any office not in court of record shall, for any cause, become vacant after the time for making nominations for such office shall have elapsed, or when a writ for a special election to supply a vacancy shall direct such election to be held at a date which would prevent the making of nominations in time to comply with section five of this act, nominations for the office to be filled may still be made in accordance with sections two and three of this act, but in other respects the provisions of section twelve of this act shall apply to such nominations. (As amended 1919, P. L. 832, §3.)

Note.—In so far as this act refers to nomination see also Primary Act.

§546. Sec. 8. All certificates of nomination and nomination papers when filed, shall be open, under proper regulations, to public inspection, and shall be preserved not less than two years in the offices where they have been filed.

Certificates and papers to be open for public inspection and preserved for two years.

§547. Sec. 9. The Secretary of the Commonwealth shall, fourteen days at least previous to the day of any election of United States or State officers, or for the adoption of amendments to the Constitution of this Commonwealth, transmit to the county commissioners and the sheriff in each county, in which such election is to be held, duplicate official lists, stating the names and residences of, and parties or policies 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 to be invalid as provided in section six, and to be voted for at each voting place in each county, respectively, substantially in the form of the ballots to be used therein; duplicate copies of the text of all proposed constitutional amendments to be voted upon at such election. The county commissioners of each county shall also send to the sheriff of their county, at least ten days prior to the day of any general election, an official list, containing the names and party or political appellations of all candidates whose nomination certificates or papers have been filed with the said commissioners, as herein provided for such election, and to be voted for at each voting place in the county, substantially in the form of the ballots to be used therein. (As amended 1903, P. L. 338, §1.)

Secretary of the Commonwealth shall transmit lists to county commissioners and sheriff. Contents.

In form of the ballots.

County commissioners shall send list to sheriff.

§548. Sec. 10. It shall be the duty of the sheriff of every county, at least ten days before any general election to be held therein, except borough and township elections, to give notice of the same by advertisements in at least three newspapers, if there be so many published in the county, two of said newspapers representing so far as practicable the political party which at the preceding November election cast the largest number of votes, and the other one of said newspapers representing so far as practicable the political party which at the preceding November election cast the next largest number of votes, and in addition thereto the sheriff of every county shall, at least ten days before any general election to be held in cities of the first, second and third classes, give notice of the same by proclamation posted up in the most conspicuous places in every election district in said cities of the first, second and third class, and in every such advertisement or proclamation,

Sheriff shall give notice of general election by advertisement in three newspapers.

Newspapers in which advertisement must appear.

Additional notice by proclamation in cities.

I. Enumerate the officers to be elected and give a list of all the nominations made as provided in this act, and to be voted for in such county, and the full text of all constitutional amendments submitted to a vote of the people, but the proclamation posted in each election district need not contain the names of any candidates but those to be voted for in such district.

Enumerate the officers to be elected.

II. Designate the place at which the election is to be held.

Place of election.

III. He shall give notice that every person, excepting justices of the peace, who shall hold any office or appointment of profit or trust under the government of the United States or of this State, or of any city or incorporated district, whether a commissioned officer or

Who shall be eligible as election officers.

Note.—In so far as this act refers to nomination see also Primary Act.

otherwise, a subordinate officer or agent who is or shall be employed under the Legislative, Executive or Judiciary department of this State, or of the United States, or of any city or incorporated district, and also that every member of Congress and of the State Legislature, and of the select or common council of any city, or commissioners of any incorporated district is, by law, incapable of holding or exercising at the same time the office or appointment of judge, inspector or clerk of any election of this Commonwealth, and that no inspector, judge or other officer of any such election shall be eligible to any office to be then voted for, except that of an election officer. (As amended 1895, P. L. 392, §1.)

How vacancy shall be filled.

§549. Sec. 11. In case of the death or withdrawal of any candidate nominated as herein provided, the party convention, primary meeting, caucus or board, or the citizens who nominated such candidate, may nominate a substitute in his place by filing in the proper office, at any time before the day of election, a nomination certificate or paper which shall conform to all the requirements of this act in regard to original certificates or papers: *Provided*, That if the said convention or citizens shall have authorized any committee, or if any executive committee of any political party be authorized by the rules of said party to make nominations in the event of the death or withdrawal of candidates, the said convention shall not be required to reconvene nor the said citizens to sign a new nomination paper, but the said committee shall have power to file the requisite nomination certificate or paper, which shall recite the facts of the appointment and powers of the said committee, (naming all its members,) of the death or withdrawal of the candidate and of the action of the committee thereon, and the truth of these facts shall be verified by the affidavit annexed to the certificate or paper of two members of the committee, and also of at least two of the officers of the convention who made affidavit in support of the original certificate, or two of the citizens who made affidavit to the original paper: *And provided also*, That in case of a substituted nomination paper, not filed by a committee, but signed by citizens, it shall only be necessary that two-thirds of the signers of the said paper shall have been signers of the original paper.

Time for filing substitute nomination papers, see §467-A.

Substituted nomination papers and certificates and objections thereto.

§550. Sec. 12. All substituted nomination certificates or papers may be objected to as provided in section six of this act, and if a substituted certificate or paper be filed after the last day for filing the original certificate or paper, objections must be made within four days after the filing, and no objections as to form and conformity to law shall be received after the time set for printing the ballots.

Substitution of candidate.

As soon as any substituted candidate shall have been duly nominated, his name shall be substituted by the proper officers in the place of that of the candidate who has died or withdrawn, so far as time may allow, and in case a substituted nomination be filed with or transmitted to the county commissioners after the ballots have been printed, the said commissioners shall prepare and distribute with the ballots suitable slips of paper bearing the substituted name, together with the title of the office, and having adhesive paste upon the reverse

If made after ballots have been printed, slips shall be prepared.

Note.—In so far as this act refers to nomination see also Primary Act.

side, which shall be offered to each voter with the regular ballot and may be affixed thereto.

Time for filing substitute nomination papers, see §467-A.

§551. Sec. 13. The county commissioners of each county shall cause all the ballots to be used therein to be printed. The said commissioners shall ascertain the offices to be filled, and shall be responsible for the accurate printing of the ballots in accordance with this act, and for the safe-keeping of the same while in their possession or that of their subordinates or agents.

County commissioners to cause all ballots to be printed.

Commissioners shall be responsible for accurate printing and safe keeping.

§552. Sec. 14. When Presidential electors are to be voted for the names of candidates for Presidential electors shall be arranged in party groups, as presented in the several certificates of party nomination and nomination papers, and the groups shall be printed upon the ballot in order of the vote obtained in the State, at the last Presidential election, by the parties nominating, beginning with the party which obtained the highest vote: *Provided*, That in the case of political parties not represented on the ballot in the last Presidential election, the order of arrangement shall be alphabetically.

Candidates for Presidential electors, arrangement of names on ballot.

At the head of each group of candidates shall be printed the appropriate party name or political appellation, together with the surnames of the candidates of such party for President and Vice President, underneath which shall be printed the names of the appropriate candidates for Presidential electors.

Party name.

At the right of the space containing the surnames of the candidates for President and Vice President, and their party name or political appellation, there shall be a square, of sufficient size for the convenient insertion of a cross-mark (X), and at the right of the name of each candidate for Presidential elector, there shall be a similar, but smaller, square.

Squares, size and position of.

The names of candidates for all other offices, shall, in all cases, be arranged under the title of the office for which they are candidates, and be printed in the order of the votes obtained for the head of the respective tickets of the parties or bodies nominating at the last Presidential election, beginning with the party obtaining the highest vote:

Names of candidates, how to be arranged.

Provided, That in the case of parties not represented on the ballot at the last Presidential election, the name of the nominees of such parties shall be arranged alphabetically, according to the party name or political appellation. At the right of the name of each nominee, or candidate, shall be printed the name or appellation of the political party presenting or nominating him, and at the right of such party name, or political appellation, there shall be a square of sufficient size for the convenient insertion of a cross-mark.

Proviso. Party not represented at last preceding State election.

Name of party.

Position of square.

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 to the right of the name of such candidate, arranged in the same order as candidates names are grouped, that is to say, in the order of the votes obtained by such party at the last preceding Presidential election, beginning with the party obtaining the highest vote. If such candidate

When candidate receives more than one nomination.

Position of party names.

Note.—In so far as this act refers to nomination see also Primary Act

When nomi- shall be nominated by any political party not represented on the
nated by party ballot in the last Presidential election, the name of such parties shall
not represented follow the other names, and be arranged alphabetically, according
on previous to the party name or appellation. At the right of every party name,
ballot. or political appellation, shall be a square, of sufficient size for the con-
venient insertion of a cross-mark.

Square.

There shall be left, at the end of the groups of candidates for Presidential electors, and of the list of candidates for each different office (or under the title of the office itself for which an election is to be held, in case there be no candidates legally nominated therefor), as many blank spaces as there are persons to be voted for, for such office, in which space the voter may insert the name of any person whose name is not printed on the ballot as a candidate for such office, and such insertion shall count as a vote, without the cross-mark as hereinafter mentioned.

Blank spaces, number of, etc.

Whenever the approval of a constitutional amendment, or other question, is submitted to the vote of the people, such question shall be printed upon the ballot in brief form, and followed by the words "yes" and "no," and if such question be submitted at an election of public officers, it shall be printed after the list of candidates.

When vote is to be taken on constitutional amendment, etc.

The ballots shall be so printed as to give to each voter a clear opportunity to designate his choice of candidates by a cross-mark (X), in a square of sufficient size, at the right of the name of each candidate, and inside the line enclosing the column, and, in like manner, answers to questions submitted, by similar marks, in squares at the right of the words "yes" and "no." And on the ballot may be printed instructions how to mark, and such words as will aid the voter to do this, as "mark one," "mark two," and the like.

Designation of choice by cross mark.

Position of square.

Instructions on ballot.

Proviso.

Provided, That a voter may designate his choice of an entire group of candidates for Presidential electors by one cross-mark (X), in a large square, which shall be placed at the right of the names of the candidates for President and Vice President, at the head of such group, and such mark shall be equivalent to a mark against every name in the group.

Cross-mark may designate group of candidates.

Proviso.

Provided further, That each voter may have the opportunity of designating his choice for all the candidates, as nominated by one political party, 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 groups of nominees, represented on such ballot and presenting 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 candidate at the head of the respective tickets of the parties or bodies nominating, beginning with the party that received the highest vote cast. Following the names of such political parties, shall be the names of the parties or principles not presented on the ballot at the last Presidential election, arranged alphabetically, according to the party name or political 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. Every mark within such square shall be

List of names of parties.

How to be arranged on ballot.

Parties not on previous ballot.

Square at right of each party name.

Note.—In so far as this act refers to nomination see also Primary Act.

equivalent to a mark against every name designated by that political appellation, or party name, including candidates nominated by more than one party, or group of citizens.

At the head of every ballot shall be printed the following instructions:

To vote a straight party ticket, mark a cross (X) in the square opposite the name of the party of your choice, in the first column. A cross-mark in the square opposite the name of any candidate, indicates a vote for that candidate. (As amended 1903, P. L. 338, §2.)

Instructions at head of ballot.

§553. Sec. 15. All the ballots used at the same voting place at any election shall be alike, and shall be at least six inches long and four inches wide. They shall be printed with the same kind or kinds of type, (which shall not be smaller than the size known as "brevier" or "eight-point body,") upon white paper, without any impression or mark to distinguish one from another, and of sufficient thickness to prevent the printed matter from showing through. Each ballot shall be attached to a stub or counterfoil, and all the ballots for the same voting place shall be bound together in convenient numbers in books, in such manner that each ballot may be detached and removed separately. * * * * *

All ballots shall be alike. Style of printing.

Each ballot shall be attached to stub.

Shall be bound together.

On the back of each ballot, or on the right hand side of the back, if the ballot is printed in two columns, there shall be printed as a caption, "official ballot for," followed by the designation of the voting place for which the ballot is prepared, the date of the election, and a fac-simile of the signatures of the county commissioners of the respective counties who have caused the ballots to be printed. A record of the number of ballots printed and furnished to each voting place shall be kept and preserved by the county commissioners of the several counties. When it is shown by affidavit that mistake or omission has occurred in the publication of names or description of candidates, or in the printing of the ballots, the court of common pleas of the district or county, or any judge thereof, may, upon the application of any qualified elector of the district or county, require the county commissioners to correct the mistake or omission, or to show cause why they should not.

Caption on back of ballot.

Fac-simile of signatures of county commissioners.

Record of number of ballots printed shall be kept.

How mistakes in publication of names shall be corrected.

§554. Sec. 16. The county commissioners of each county shall provide for each election district in which an election is to be held, one set of such ballots, of not less than fifty for every fifty and fraction of fifty voters therein, as contained upon the assessor's list. They shall also prepare full instructions for the guidance of voters as to obtaining ballots, as to the manner of marking them and the method of gaining assistance, and as to obtaining new ballots in place of those accidentally spoiled, and they shall respectively cause the same, together with copies of sections thirty to thirty-five, inclusive, of this act, to be printed in large, clear type on separate cards to be called cards of instruction. They shall also, in addition to the number of ballots required to be printed for general distribution, have printed five hundred official and one hundred sample ballots for every five thousand voters within the county, which ballots shall be kept at

Number of ballots for each election district.

To be provided by county commissioners.

Shall prepare instructions for guidance of voters.

How cards of instruction shall be printed.

Official and sample ballots.

Note.—In so far as this act refers to nomination see also Primary Act.

Certain ballots to be kept at office of county commissioners. Specimen ballots.

Cards of instruction and specimen ballots shall be furnished.

Shall also provide two copies of the assessor's list of voters.

Ballot check list.

Voting check list.

the office of the commissioners for the use of any district or districts, the ballots for which may be lost or destroyed. They shall also cause to be printed on tinted paper and without the fac-simile endorsements, copies of the form of the ballot provided for each voting place at each election therein, which shall be called specimen ballots; and at each election they shall furnish to each voting place, together with the ballots to be used there, a sufficient number of cards of instruction and specimen ballots for use as required in section twenty-one of this act. They shall deliver to each election district in cities of the first, second and third classes, where personal registration is required at every election therein, the registers of voters known as the voting check list and ballot check list. In all election districts other than in cities of the first, second and third classes, they shall provide for each election district, at every election therein, two copies of the assessor's lists of voters and shall deliver the same as such lists are now delivered, one copy to be called the "ballot check list," for the inspector in charge of the ballots, and the other copy to be called the "voting check list", to be used in marking the names of those who have voted. (As amended 1921, P. L. , Act No. 400, §1.)

How ballots, etc., shall be packed for delivery.

§555. Sec. 17. The ballots, together with the specimen ballots and cards of instruction printed by the county commissioners as herein provided, shall be packed by them in separate sealed packages with marks on the outside clearly designating the election districts for which they are intended and the number of ballots of each kind enclosed.

How delivered to judges of election.

Time of reception.

Judges shall return receipt therefor.

Commissioners to keep record of time and manner of sending ballots, etc.

May notify judges of election to call for ballots.

When to call.

Duties of judges of election, etc.

When inspector to perform said duties.

They shall then be sent by the county commissioners of the respective counties to the judges of election at the several voting places, so as to be received by them on the Saturday or Monday before the day of election. The respective judges of election shall, on delivery to them of such packages, return receipts therefor to the commissioners, who shall keep a record of the time when and the manner in which the several packages are sent, and shall preserve for the period of one year the receipts of the said judges of election.

The commissioners of any county may, if they prefer, instead of sending the packages to the judges or any number of them in the manner aforesaid, notify the judges of the election districts for which the said commissioners are required to provide ballots, to come to the said commissioners' office on the day before the election, at a time specified, and it shall be the duty of each of the said judges to come to the said office at that time, and there, on presentation of his certificate of election as judge, to receive and receipt for one package of ballots, specimen ballots and cards of instruction for use in his election district. He shall keep the said package sealed, and shall be responsible for the safe keeping thereof until the ballots are used at the election. In case a judge of the elections is prevented by illness from performing the duties aforesaid, he shall depute one of the inspectors to act in his place.

Note.—In so far as this act refers to nomination see also Primary Act.

§556. Sec. 18. In case the ballots to be furnished to any voting place in accordance with the provisions of this act shall fail for any reason to be duly delivered, or in case after delivery they shall be destroyed or stolen, it shall be the duty of the judge of election of such voting place to cause other ballots to be prepared substantially in the form of the ballots so wanting, and upon receipt of such other ballots from him accompanied by a statement, under oath, that the same have been so prepared and furnished by him, and that the original ballots have so failed to be received or have been so destroyed or stolen, the election officers shall cause the ballots so substituted to be used in lieu of the ballots wanting as above. It shall be the duty of the county commissioners of each county to mail complete specimens of the ballots and other necessary papers, by registered letter, to the judge of elections of each election district, at least four days before the election, to enable him to comply with the directions of this section.

If ballots are not delivered or are lost or stolen.

How same shall be replaced.

County commissioners shall mail specimen ballots by registered letter four days before election.

§557. Sec. 19. The county commissioners of each county shall provide for each election district therein, at each election, a room large enough to be fitted up with voting shelves and a guard rail as hereinafter provided. If in any district no such room can be rented or otherwise obtained, the said commissioners shall cause to be constructed for such district, a temporary room of adequate size to be used as a voting room; they shall also cause all the said rooms to be suitably provided with heat and light and with a sufficient number of voting shelves or compartments at or in which voters may conveniently mark their ballots, with a curtain, screen or door at the upper part of the front of each compartment, so that in the marking thereof they may be screened from the observation of others, and a guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot box and of such voting shelves or compartments. The arrangement shall be such that neither the ballot box nor the voting booths shall be hidden from view of those just outside the said guard rail. The number of such voting shelves or compartments shall not be less than one for every seventy-five names on the assessor's lists, but shall not, in any case, be less than three for the voters qualified to vote at such voting place. No persons, other than the election officers and voters admitted as hereinafter provided, shall be permitted within the said rail, except by authority of the election officers for the purpose of keeping order and enforcing the law. Each voting shelf or compartment shall be kept provided with proper supplies and conveniences for marking the ballots.

County commissioners shall provide election room properly fitted up.

If no room can be procured, they shall construct temporary room.

Shall provide heat and light and sufficient number of voting shelves.

Compartment to have curtain, screen or door.

Construction of guard rail.

Fixing distance persons inside rail may approach ballot box and shelves.

Arrangement of ballot box and voting booths.

Number of voting booths.

Persons permitted within rail.

Supplies for marking ballots.

§558. Sec. 20. At the opening of the polls in each voting place the seals of the packages shall be publicly broken and the said package shall be opened by the judge of elections. The cards of instruction shall be immediately posted at or in each voting shelf or compartment provided in accordance with this act for the marking of the ballots, and not less than three such cards and not less than five specimen ballots shall be immediately posted in or about the voting room, outside the guard rail, and such cards and specimen ballots shall be given to any voter at his request.

Duty of judge of election on opening of the polls.

Cards of instruction and specimen ballots to be posted at or in compartment, also outside guard rail, and given to voters on request.

Note.—In so far as this act refers to nomination see also Primary Act.

Manner of voting.

§559. Sec. 21. Any person desiring to vote shall give his name and residence to one of the election officers in charge of the ballots, who shall thereupon announce the same in a loud and distinct tone of voice, and if such name is found upon the ballot check-list by the inspector or clerks in charge thereof, he shall likewise repeat the said name, and the voter shall be allowed to enter the space enclosed by the guard rail, unless his right to vote be challenged. No person whose name is not on the said list, or whose right to vote shall be challenged by a qualified citizen, shall be admitted within said guard rail until he has established his right to vote in the manner now

No person shall be admitted within guard rail until he has established his right to vote.

How ballot shall be delivered to voter.

provided by law, and his name, if not on the check-lists, shall then be added to both lists. As soon as a voter is admitted within the rail, the election officer having charge of the ballots shall detach a ballot from the stub and give it to the said voter, but shall first fold it so that the words printed on the back and outside, as provided in section fifteen of this act, shall be the only wording visible; and no ballot shall be voted unless folded in the same manner. Not more

Only one ballot shall be given to a voter, unless he inadvertently spoils a ballot.

How ballot check-list shall be marked.

than one ballot shall be given to a voter, except as is provided in section twenty-five of this act. As soon as a voter receives a ballot, the letter "B" shall be marked against his name on the margin of the ballot check-list. * * * * Besides the election officers and such supervisors as are authorized by the laws of the United States, or overseers appointed by the courts of this Commonwealth, not more than four voters in excess of the number of voting shelves or compartments provided, shall be allowed in said enclosed space at one time.

Who may be admitted within rail.

Method of voting.

§560. Sec. 22. On receipt of his ballot, the voter shall forthwith, and without leaving the space enclosed by the guard-rail, retire to one of the voting shelves or compartments, and draw a curtain, or shut the screen or door, and shall then prepare his ballot as follows:

Voting booth. Preparation of ballot.

Straight tickets.

If he desires to vote for every candidate of a political party, he may make a cross-mark in the appropriate square, opposite the name of the party of his choice, in the straight party column on the left of the ballot, and every such cross-mark shall be equivalent to a vote for every candidate for the party so marked. *Provided, That the voter may make a cross-mark in the appropriate square, opposite the name of the party of his choice, in the straight party column on the left of the ballot, and may also make a cross-mark in the square to the right of any individual candidate whom he favors. in such case his vote shall be counted for all the candidates of the party in whose straight party column on the left of the ballot he placed such cross-mark, except for those offices for which he has indicated his choice by marking in the squares to the right of individual candidates, and his vote shall be counted for such individual candidates which he has thus particularly marked, notwithstanding the fact that he made a mark in the straight party column on the left of the ballot: Provided further,*

Proviso.

Straight tickets and individual marks.

That in any case where more than one candidate is to be elected to any office, the voter shall, if he desires to divide his vote among candidates of different parties, make a cross (X) mark in the appropriate square, to the right of each candidate for whom he desires to

Proviso.

Where more than one candidate is to be elected.

Note.—In so far as this act refers to nomination see also Primary Act.

vote, not exceeding the total number to be elected for such office, and no vote shall be counted for any candidate in such group not individually marked, notwithstanding the mark in the party square.

If he desires to vote for an entire group of Presidential electors, he may place a cross-mark in the appropriate square, at the right of the name of the party of his choice. If he desires to divide his vote among candidates from different groups of Presidential electors, he shall make a cross-mark in the appropriate square, to the right of the name of each candidate for Presidential elector for whom he desires to vote: *Provided*, That a mark in the straight party column, opposite the name of the party of his choice, shall also be counted as a mark for each Presidential elector nominated by such party.

He may vote, according to the above provisions, for the candidate of his choice for each office to be filled, according to the number of persons to be voted for by him for each office, or he may insert in the blank space provided therefor, in accordance with section fourteen of this act, any name not already on the ballot. And in case of a question submitted to the vote of the people, he may mark in the appropriate margin or space a cross (X), opposite the answer which he desires to give. In all cases where, by existing laws, a voter is entitled to cast more than one vote for a single candidate, he shall place in the appropriate square, instead of a cross (X), a number, which shall indicate the number of votes to be counted for the candidate whose name is so marked.

Before leaving the voting shelf or compartment, the voter shall fold his ballot, without displaying the markings thereon, in the same way it was folded when received by him, and he shall keep the same so folded, and deposit it in the ballot box without undue delay, and shall quit the enclosed space immediately thereafter. (As amended 1919, P. L. 829, §1.)

§561. Sec. 23. No voter shall be allowed to occupy a voting shelf or compartment already occupied by another, except when giving the help allowed by section twenty-six of this act, nor to remain within said compartment more than three minutes, in case all of such compartments are in use and other voters are waiting to occupy the same. No voter not an election officer shall be allowed to re-enter the enclosed space after he has once left it, except to give help as hereinafter described. Each voter's name shall be checked on the voting checklist, by the officer having charge thereof, as soon as he has cast his vote in the manner provided by law. 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 room in which the voting is held, and to see that no more persons are admitted within the enclosed space than are allowed by this act. Each party which has, by its primary meeting, caucus, convention, or board, sent to the proper office a certificate of nomination, and each group of citizens which has sent to the proper office a nomination paper, as provided in sections two and three of this act, shall be allowed to appoint three qualified electors, who must be three electors residents of the division in which they are authorized to act as watchers, in each voting place, without expense to the county; one

Presidential electors.

Proviso.

Insertion of names not on ballot.

Questions submitted to the people.

When entitled to more than one vote for a single candidate.

Folding and depositing of ballot.

Length of time the voter may remain in booth.

No voter shall re-enter enclosed space.

Checking of name.

Duty of judge of election.

Watchers, by whom appointed.

Eligibility of watchers.

Note.—In so far as this act refers to nomination see also Primary Act.

Certificate.

of whom shall be allowed to remain in the room outside of the enclosed space. Each watcher shall be provided with a certificate from the county commissioners, stating his name, the names of the persons who have appointed him, and the party or policy he represents; and no party or policy shall be represented by more than one

To be shown when required.

watcher in the same voting room, at any one time. Watchers shall be required to show their certificates when *required* to do so. Until the polls are closed, no person shall be allowed in the room outside of the said enclosed space, except the watchers, voters, not exceeding ten at any one time, who are awaiting their turn to prepare their ballots, and peace officers when necessary for the preservation of the peace.

Electioneering forbidden.

No person when within the voting room shall electioneer or solicit votes for any party or candidate, nor shall any written or printed matter be posted up within the said room, except as required by law.

Who may vote after the hour for closing.

When the hour for closing the polls shall *arrive*, all persons within the enclosed space, who have received ballots but have not yet deposited them, shall be required to mark and deposit their ballots forthwith, but no other person shall be allowed to vote. (As amended 1903, P. L. 213, §1.)

No lists or memorandum of voters shall be made in voting room except such as are authorized.

§562. Sec. 24. No list or memorandum of the names of voters, except such lists as are expressly authorized by law, shall be made within the voting room by any person or officer, nor shall any list or memorandum of * * * * the ballots be made or kept, except such lists as are expressly authorized by law: *Provided*, That any voter may make a memorandum of * * * * his own ballot, and the watchers may keep their poll books and challenge lists. After the closing of the polls and before the ballot boxes are opened, all the lists of voters upon which the numbers * * * * are recorded, * * * * shall be placed in separate sealed covers, properly marked, and the stubs of all the ballots used, together with all unused ballots and the ballot-check list, shall also be enclosed in a sealed package properly designating the voting place, which package shall be sent to the proper office as required by law in the case of the ballots cast, and neither the said package nor the said lists of voters shall thereafter be opened, except by the return judges, or in the case of a contest, or upon the order of a court of competent jurisdiction.

Lists of numbered voters shall be sealed before ballot boxes are opened.**Also stubs, unused ballots, and ballot check-list****These packages not to be opened except in certain cases.****No ballots to be removed from voting place.**

§563. Sec. 25. No person, other than the election officers, shall take or remove any ballot from the voting place. If any voter inadvertently spoils a ballot he may obtain another upon returning the spoiled one. The ballots thus returned shall be immediately canceled, and at the close of the polls shall be secured in an envelope, sealed and sent to the proper office as required by law in the case of the ballots cast.

Spoiled ballots. Returned ballots shall be canceled.**How voter may secure assistance in preparation of his ballot.**

§564. Sec. 26. If any voter declares to the judge of election that, by reason of any disability, he desires assistance in the preparation of his ballot, he shall be permitted by the judge of election to select a qualified voter of the election district to aid him in the preparation of his ballot, such preparation being made in the voting compartment.

Note.—In so far as this act refers to nomination see also **Primary Act**.

§565. Sec. 27. If a voter has marked his ballot otherwise than as directed by this act, so that for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office; but the ballot shall be counted for all other offices for which the names of candidates have been properly marked.

Ballots not to be counted.

Defective ballots may be counted for certain candidates.

No ballot without the official endorsement shall, except as herein otherwise provided, be allowed to be deposited in the ballot box, and none but ballots provided in accordance with the provisions of this act shall be counted. Ballots not marked, or improperly or defectively marked, shall be endorsed as defective, but shall be preserved with the other ballots. If any ballot appears to have been obtained otherwise than as provided in this act, the judge of election shall transmit such ballot to the district attorney, without delay, together with whatever information he may have tending to the detection of the person who deposited the same. (As amended 1903, P.L. 338, §4.)

None but official ballots shall be deposited.

Defective ballots to be endorsed and preserved.

Ballots obtained illegally to be sent to district attorney, etc.

§566. Sec. 28. After the polls are closed, the election officers only shall remain in the voting-room within the guard rail, and shall there at once proceed to count the votes. Such counting shall not be adjourned or postponed until it shall have been fully completed. A record shall first be made of the number of the last ballot cast; the officers in charge of the voting check-list shall, in the presence of the other officers and watchers, count in a distinct and audible voice the names checked on the said list, and announce the whole number thereof; and the list of voters, the stubs of ballots used, and all unused ballots, shall then be sealed up, as required by section twenty-four of this act. The ballot-box shall then be opened by the inspectors, the ballots taken therefrom, and audibly counted, one by one, by them, and when the count is completed, the whole number of ballots cast shall be announced; and the counting of the number of votes received by each person voted for shall then proceed. The judge, in the presence of the inspectors, shall read aloud the name or names marked or inserted upon each ballot, together with the party name, or political appellation, under which each vote was cast, and the answers marked thereon to the questions submitted, if any; and the clerks shall each carefully enter each vote as read, and keep account of the same in tally-papers prepared for the purpose. It shall be unlawful for either judge or inspector while counting the ballots or the votes thereon, to have in his hand any pen, pencil, or stamp for marking ballots.

Election officers only to remain within guard-rail after polls are closed. Counting not to be adjourned.

Duties of election officers.

Unused ballots, etc., to be sealed up

Ballot-boxes to be opened and votes counted.

Duty of judge.

Duty of clerks.

All ballots, after being removed from the box, shall be kept within the unobstructed view of those present in the voting-room, so that they may be able to see all the marks on each ballot, but out of their reach, until they are placed in the ballot-box as required by law.

Ballots to be kept within view.

A full return shall be made, in the manner now provided by law, of all votes cast; and such returns, as well as those made by the judges of the courts, shall state in every case the number of votes cast for each candidate by each political party or body of which such candidate is a nominee, as the same shall appear upon the ballots cast. The total vote, as soon as counted, shall be publicly announced.

Full returns to be made.

Public announcement.

Note.—In so far as this act refers to nomination see also Primary Act

Duties of police officers, constables, etc.

When peace officers enter within guard-rail.

Contested election.

When ballots are defective, tribunal shall declare election invalid.

How vacancies shall be filled. Term of a r-pointment.

Certain acts of voter, interfering person, or helper, made misdemeanors.

Fine and penalty.

Persons destroying lists of candidates or cards of instruction, etc., shall be guilty of a misdemeanor.

It shall be the duty of the police officers, constables, and deputy constables, now required by law to be present at the polls, to remain in the voting-room, but outside of the guard-rail, while the votes are being counted, and preserve order therein. No person, except the said peace officers when necessary for the preservation of the peace, or persons acting by their authority, shall enter into the space within the guard-rail, or converse with any election officer, in any way, after the polls are closed and until the counting of the votes has been completed. (As amended 1903, P. L. 338, §5.)

§567. Sec. 29. Whenever, in any contested election, the tribunal trying the case shall decide that the ballots used in one or more election districts were, by reason of the omission, addition, misplacing, mis-spelling, or mis-statement of one or more titles of offices, or names of candidates, or parties or policies represented by them, so defective as to the office in contest as to be calculated to mislead the voters in regard to any of the candidates nominated for the said office, and that the defective condition of the said ballots may have effected the result of the entire election for the said office, the said tribunal shall declare the election to be invalid as regards the said office, and shall report their decision to the proper officer or officers who are now 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 now by law required to be filled. (As amended 1897, P. L. 23, §1.)

§568. Sec. 30. A voter who shall allow his ballot to be seen by any person, with the apparent intention of letting it be known how he is about to vote, or shall cast or attempt to cast any other than the official ballot which has been given him by the proper election officer, or shall falsely declare to a judge of election that, by reason of any disability, he is unable to mark his ballot, and on that account desires assistance in marking it, or shall wilfully violate any other provision of this act; or any person who shall interfere with any voter when inside said enclosed space or when marking his ballot, or who shall endeavor to induce any voter before depositing his ballot to show how he marks or has marked his ballot; or any helper 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, or who shall disclose to any one the contents of any ballot which has been marked with his help, except when required so to do in any legal proceedings, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not to exceed one hundred dollars, or to undergo an imprisonment for not more than three months, or both, at the discretion of the court. (As amended 1903, P. L. 338, §6.)

§569. Sec. 31. Any person who shall, prior to an election, wilfully deface or destroy any list of candidates posted in accordance with the provisions of this act, or who during an election shall wilfully deface, tear down, remove or destroy any card of instruction or specimen

Note.—In so far as this act refers to nomination see also Primary Act.

ballot printed or posted for the instruction of voters, or who shall during an election wilfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot, or shall wilfully hinder the voting of others, shall be guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding **one hundred dollars**, or to undergo an imprisonment for not more than **three months**, or both, at the discretion of the court. Penalty.

§570. Sec. 32. Any person who shall falsely make or wilfully deface or destroy any certificate of nomination or nomination paper, or any part thereof, or any letter of withdrawal, or file any certificate of nomination or nomination paper, or letter of withdrawal, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination or nomination paper, or any part thereof, which has been duly filed, or 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, shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than one year, or both, at the discretion of the court. Persons destroying nomination papers, etc., shall be guilty of a misdemeanor. Fraudulent certificates and papers. Penalty.

§571. Sec. 33. Any public officer upon whom a duty is imposed by this act who shall negligently or wilfully fail to perform such duty, or who shall negligently or wilfully perform it in such a way as to hinder the objects of this act, or who shall negligently or wilfully violate any of the provisions thereof, shall be guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than one year, or both, at the discretion of the court. Public officers neglecting to perform their duties shall be guilty of a misdemeanor. Penalty.

§572. Sec. 34. Any printer employed by the commissioners of any county 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 commissioners or their duly authorized agent, or shall wilfully print or cause to be printed any official ballot in any other form than that prescribed by such commissioners, or with any other names thereon, 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, shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than five years, or both, at the discretion of the court. Printers violating this act in preparation of ballots, etc., shall be guilty of a misdemeanor. Penalty.

§573. Sec. 35. 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 voting room any official ballot, or any person who shall make or have in possession any counterfeit of an official ballot, shall be guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than one year, or both, at the discretion of the court. Possession of ballots by persons not entitled thereto declared to be a misdemeanor. Penalty.

§574. Sec. 36. All laws and parts of laws inconsistent herewith shall be and the same are hereby repealed. Repealing clause.

Note—In so far as this act refers to nomination see also Primary Act.

COUNTIES AND COUNTY SEATS IN PENNSYLVANIA.

COUNTIES.	When formed.	Population in 1910.	Population in 1920.	Area in acres.	COUNTY SEAT.	When laid out.
Adams.....	1800	34,319	34,583	339,840	Gettysburg.....	1780
Allegheny.....	1788	1,018,463	1,185,753	480,480	Pittsburgh.....	1765
Armstrong.....	1800	67,880	75,568	391,280	Kittanning.....	1804
Beaver.....	1800	78,353	111,621	289,280	Beaver.....	1791
Bedford.....	1771	38,879	38,277	641,920	Bedford.....	1766
Berks.....	1752	183,222	200,854	576,000	Reading.....	1748
Blair.....	1846	108,858	128,334	326,900	Holidaysburg.....	1820
Bradford.....	1810	54,526	52,157	743,680	Towanda.....	1812
Bucks.....	1682	76,530	82,476	380,800	Doylestown.....	1778
Butler.....	1800	72,689	77,270	520,960	Butler.....	1803
Cambria.....	1804	166,131	197,839	426,240	Ebensburg.....	1806
Cameron.....	1860	7,644	6,297	243,840	Emporium.....	1861
Carbon.....	1843	52,846	62,565	257,280	Mauch Chunk.....	1815
Centre.....	1800	43,424	44,304	785,280	Bellefonte.....	1795
Chester.....	1682	109,213	115,120	488,320	West Chester.....	1786
Clarion.....	1839	36,638	36,170	366,080	Clarion.....	1840
Clearfield.....	1804	93,768	103,236	723,200	Clearfield.....	1805
Clinton.....	1839	31,545	33,555	548,480	Lock Haven.....	1833
Columbia.....	1813	48,467	48,349	306,560	Bloomsburg.....	1802
Crawford.....	1800	61,565	60,667	643,200	Meadville.....	1795
Cumberland.....	1750	54,479	58,578	354,560	Carlisle.....	1751
Dauphin.....	1785	136,152	153,116	384,720	Harrisburg.....	1785
Delaware.....	1789	117,906	173,084	124,800	Media.....	1849
Elk.....	1843	35,871	34,981	495,360	Ridgway.....	1843
Eric.....	1800	115,517	153,586	494,080	Erie.....	1795
Fayette.....	1783	167,449	188,104	531,200	Uniontown.....	1767
Forest.....	1848	9,435	7,477	275,840	Tionesta.....	1852
Franklin.....	1784	59,775	62,275	483,840	Chambersburg.....	1764
Fulton.....	1850	9,703	9,617	282,880	McConnellsburg.....	1786
Greene.....	1796	28,882	30,804	396,800	Waynesburg.....	1796
Huntingdon.....	1787	38,304	39,848	575,360	Huntingdon.....	1767
Indiana.....	1803	66,210	81,111	529,920	Indiana.....	1805
Jefferson.....	1804	63,090	62,104	413,440	Brookville.....	1830
Juniata.....	1831	15,013	14,464	260,480	Mifflintown.....	1791
Lackawanna.....	1878	259,570	286,311	271,360	Scranton.....	1841
Lancaster.....	1729	167,029	173,797	622,720	Lancaster.....	1730
Lawrence.....	1850	70,033	85,545	240,640	New Castle.....	1802
Lebanon.....	1813	69,565	63,152	227,840	Lebanon.....	1750
Lehigh.....	1812	118,832	143,101	232,960	Allentown.....	1751
Luzerne.....	1786	343,186	391,001	592,640	Wilkes-Barre.....	1783
Lycoming.....	1795	80,813	83,100	776,320	Williamsport.....	1796
McKean.....	1804	47,868	48,934	644,480	Smethport.....	1807
Mercer.....	1800	77,699	93,788	426,240	Mercer.....	1803
Mifflin.....	1789	27,785	31,439	215,680	Lewistown.....	1790
Monroe.....	1836	22,941	24,295	380,800	Stroudsburg.....	1806
Montgomery.....	1784	169,590	199,310	309,760	Norristown.....	1784
Montour.....	1850	14,868	14,080	89,600	Danville.....	1790
Northampton.....	1752	127,667	153,506	244,480	Easton.....	1738
Northumberland.....	1772	111,420	122,079	295,680	Sunbury.....	1772
Perry.....	1820	24,136	22,875	304,640	New Bloomfield.....	1822
Philadelphia.....	1682	1,549,008	.....	82,603	Philadelphia.....	1682
Pike.....	1814	8,033	6,318	403,840	Milford.....	1800
Potter.....	1804	29,729	21,089	685,440	Coudersport.....	1807
Schuylkill.....	1811	207,894	217,754	587,600	Pottsville.....	1816
Snyder.....	1855	16,800	17,129	202,880	Middleburg.....	1800
Somerset.....	1795	67,717	82,112	705,280	Somerset.....	1795
Sullivan.....	1847	11,293	9,520	277,780	Laporte.....	1850
Susquehanna.....	1810	37,746	34,763	529,920	Montrose.....	1811
Tioga.....	1804	42,829	37,118	719,360	Wellbore.....	1806
Union.....	1813	16,249	15,850	201,600	Lewisburg.....	1785
Venango.....	1800	56,359	59,184	483,840	Franklin.....	1795
Warren.....	1800	39,573	40,024	584,960	Warren.....	1795
Washington.....	1781	143,680	188,992	568,960	Washington.....	1781
Wayne.....	1796	29,236	27,435	478,080	Honesdale.....	1826
Westmoreland.....	1773	231,304	273,568	669,440	Greensburg.....	1782
Wyoming.....	1842	15,509	14,101	237,920	Tunkhannock.....	1790
York.....	1749	136,405	144,521	589,440	York.....	1741

ELECTORAL VOTE BY STATES FOR PRESIDENT—1888-1920.

STATES	1888		1892		1896	1900	1904	1908	1912		1916		1920								
	Harrison-Rep.	Cleveland-Dem.	Cleveland-Dem.	Harrison-Rep.	Weaver-Peo.	McKinley-Rep.	Bryan-Dem.	McKinley-Rep.	Bryan-Dem.	Roosevelt-Rep.	Parker-Dem.	Taft-Rep.	Bryan-Dem.	Wilson-Dem.	Taft-Rep.	Roosevelt-Prog.	Wilson-Dem.	Hughes-Rep.	Harding-Rep.	Cox-Dem.	
Alabama	17	11				11		11		11		11	12			12				12	
Arizona																			3		
Arkansas		7	8			8		8		9		9	9			9				9	
California	8		8	1		8	1	9		10		10	2			11			13		
Colorado	3				4		4						5								
Connecticut		6	6			6		6		7		7	6						6		
Delaware		3	3			3		3		3		3	3						7		
Florida		4	4			4		4		5		5	6						6		
Georgia		12	13					13		13		13	14							14	
Idaho					3		3														
Illinois	22		24			24		24		27		27	29					29	29		
Indiana	15		15			15		15		15		15	15					15	15		
Iowa	13			13		13		13		13		13	13					13	13		
Kansas	9			10		10		10		10		10	10					10	10		
Kentucky		13	13			12	1	13		13		13	13					13	13		
Louisiana		8	8			8		8		9		9	9					10	10		
Maine	6			6		6		6		6		6	6				6	6	6		
Maryland		8	8			8		8		7		2	6				8	8	8		
Massachusetts	14		15			15		15		16		16	18					18	18		
Michigan	13		5	9		14		14		14		14				15		15	15		
Minnesota	7		9	9		9		9		11		11			12		12	12	12		
Mississippi		9	9			9		9		10		10	10				10			10	
Missouri	16	17				17		17	18		18	18	18				18	18	18		
Montana				3		3		3		3		3	4				4	4	4		
Nebraska	5			8		8		8		8		8	8				8	8	8		
Nevada	3			3		3		3		3		3	3				3	3	3		
New Hampshire	4			4		4		4		4		4	4				4	4	4		
New Jersey		9	10			10		10		12		12	14				14	14	14		
New Mexico													3				3	3	3		
New York	36		36			36		36		39		39	45				45	45	45		
North Carolina		11	11			11		11		12		12	12				12	12	12		
North Dakota			1	1	3		3			4		4	5				5	5	5		
Ohio	23		1	22		23		23		23		23	24				24	24	24		
Oklahoma													7				10	10	10		
Oregon	3			3	1	4		4		4		4	5				5	5	5		
Pennsylvania	30			32		32		32		34		34	34			38		38	38		
Rhode Island	4			4		4		4		4		4	5				5	5	5		
South Carolina		9	9			9		9		9		9	9				9	9	9		
South Dakota				4		4		4		4		4			5		5	5	5		
Tennessee		12	12			12		12		12		12	12				12	12	12		
Texas		13	15			15		15		18		18	18				20	20	20		
Utah						3		3		3		3			4		4	4	4		
Vermont	4			4		4		4		4		4			4		4	4	4		
Virginia		12	12			12		12		12		12	12				12	12	12		
Washington				4		4		4		5		5	7				7	7	7		
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