

No. 37

AN ACT

To amend section six as amended, section eight and section ten as amended of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," providing that only registered and enrolled members of political parties shall be qualified to sign nomination petitions, and limiting the number of specimen ballots to be given candidates at primaries.

Section 1. Be it enacted, &c., That section six of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," as amended by section two of the act, approved the eighteenth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, two hundred forty-four), is hereby further amended to read as follows:

Section 6. The names of candidates for nomination as President of the United States, and the names of all other party candidates, shall be printed upon the official ballot of a designated party, upon the filing of nomination petitions in their behalf, signed by *registered and enrolled members of such party who are qualified electors* of the State, or of the political districts 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

Section 6, act of July 12, 1913 (P. L. 719), as amended by section 2, act of May 18, 1917 (P. L. 244), further amended.

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 *registered and enrolled* member of the party designated in such petition: Provided, however, That where there are to be elected two or more persons to the same office, each signer may sign petitions for as many candidates for such office as, and no more than, he could vote for at the succeeding election. He shall also declare therein that he is a qualified elector of the county therein named, and, in case the nomination is not to be made or candidates are not to be elected by the electors of the State at large, of the political district 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 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 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.

(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 post-office 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 prohibit-

ing corrupt practices in connection therewith: Provided, That, in no event, shall any person's name be printed upon the official ballot of any party as a delegate, State committeeman, National committeeman, or party officer unless he is a qualified elector of said party.

In the case of a candidate for nomination as President of the United States, it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates, but the post-office address of such candidate shall be stated in such nomination petition.

(c) Each candidate for election as delegate or alternate delegate to a National party convention may include, with his affidavit, the statement hereinafter set forth in this section; but his failure to include such statement shall not be a valid ground, on the part of the Secretary of the Commonwealth, for refusal to receive and file his nomination petition. Such statement, if any be made, shall be in substantially the following form:

DELEGATE'S STATEMENT

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

.....
(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 Presi-

Section 8, act
of July 12, 1913
(P. L. 719),
amended.

dent," according as if the candidate included, or failed to include, the above statement with his affidavit.

Section 2. Section eight of said act is hereby amended to read as follows:

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

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

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

(c) Want of a sufficient number of genuine signatures of persons qualified, *by registration and enrollment as a member of the designated party, and* with respect to age, sex, residence, and citizenship, to be electors.

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

Application to set aside any nomination petition shall be by petition to the court of common pleas of the county in which such nomination petition has been filed, setting forth specifically the matters objected to, and must be filed within five days after the last day for filing said nomination petition. Upon the presentation of such a petition the court shall make an order fixing a time for hearing, which shall not be later than ten days after the last day for filing said nomination petition, and specifying the time and manner of notice that shall be given to the candidate named in the nomination petition sought to be set aside.

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

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.

Section 10, act
of July 12, 1913
(P. L. 719), as
amended by
section 2, act
of July 9, 1919
(P. L. 839),
further amended.

Section 3. Section ten of said act as last amended by section two of the act, approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred thirty-nine), is hereby further amended to read as follows:

Section 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.

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 *or before* the Wednesday preceding every primary, the county commissioners shall, upon request [made at their office, there deliver] *furnish* 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] *three official specimen ballots for the entire district* in which such candidate may be voted for, [for the use of such candidate and the watchers whom he may appoint as hereinafter provided] *and the candidate may at his own expense have printed on different colored paper as many copies as he requires for conducting his campaign.*

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.

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.

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 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.

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.

When effective.

Section 4. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 25th day of April, A. D. 1935.

GEORGE H. EARLE

No. 38

AN ACT

To further amend sections one and two, and to add sections two A, two B, two C, and two D to the act, approved the tenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, nine hundred), entitled "An act relating to eggs, prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, eggs, for and as fresh, that are not fresh eggs, or of branding or of labeling or marking eggs as being fresh eggs that are not fresh eggs; prescribing certain duties of the Dairy and Food Commissioner in reference