

Repealing
section.

Section 3. All acts and parts of acts inconsistent with this act are hereby repealed.

APPROVED—The 28th day of June, A. D. 1935.

GEORGE H. EARLE

No. 194

AN ACT

Fixing the salary of the clerk to the President of the Senate and the salary of the stenographer to the Speaker of the House of Representatives.

Section 1. Be it enacted, &c., That the salary of the clerk to the President of the Senate is hereby fixed at two thousand four hundred dollars per annum, and the salary of the stenographer to the Speaker is hereby fixed at one thousand eight hundred dollars per annum.

Repealing
section.

Section 2. All acts and parts of acts inconsistent with this act are hereby repealed.

When effective.

Section 3. This act shall become effective immediately upon its final enactment.

APPROVED—The 28th day of June, A. D. 1935.

GEORGE H. EARLE

No. 195

AN ACT

To provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, county commissioners, registrars, inspectors of registration and other appointees of county commissioners, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties.

Permanent
registration in
third class cities.
Title.

Section 1. Be it enacted, &c., That—Short Title Citation.—This act shall be known, and may be cited, as “The Permanent Registration Act in Cities of the Third Class.”

Definitions.

Section 2. Definitions.—(a) The word “commission” shall mean any board of county commissioners in any county, within which is located a city of the third class, acting as a registration commission.

(b) "Commissioner" shall mean a member of a board of county commissioners acting as a registration commission.

(c) "Oath" shall include affirmation, and "swear" shall include affirm.

(d) "Election" shall mean any general, special, or municipal election, unless otherwise specified.

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years.

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years.

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

(h) "Party" shall mean any political party, or body of electors, one of whose candidates, either at the last general or at the last municipal election, shall have polled at least five per centum of the largest entire vote cast for any elected candidate in any city of the third class, although such percentage of said vote may not have been attained in any particular election district thereof.

(i) "Body of electors" shall mean any political body, not recognized as a political party but entitled to make nominations of candidates for any public office by nomination papers, on whose behalf proper affidavits shall have been filed with the prothonotary or elsewhere, as required by law, to obtain the exclusive right to use a party name or appellation for any election or primary.

(j) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth, or who, being otherwise qualified by continued residence in his election district, shall obtain such qualifications before the next ensuing election.

(k) "Register" shall mean the cards containing, or to contain, all or any part of the registry list of qualified electors prepared, or to be prepared, by the registration commissions as hereinafter provided.

(l) "County" shall mean any county of this Commonwealth within which is located a city of the third class.

(m) "City" shall mean only a city of the third class.

(n) All references to mayors, police officers, clerks, secretaries, courts, judges, prothonotaries, county treasurers, county controllers, county commissioners, sheriffs, peace officers, registrars of vital statistics, boards of school directors, and other officials of counties, cities, and school districts, where not otherwise specified, shall refer only to those of any city of the third class, or to those of any county within which such city is located, or to any school district within such city.

(o) "Public office" shall mean and include any National, State, judicial, county, city, school district, poor district, ward, or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation, except the office of notary public or commissioner of deeds.

(p) Wherever a term in the masculine form is used in this act it shall refer alike to men and women.

Section 3. Registration Commissions; Membership; Actions by Vote of Majority of Members; Record of Proceedings.—(a) There shall be a registration commission, consisting of the county commissioners, in each county in which there is located a city of the third class, which commissions shall have jurisdiction over the registration of electors of such city under the provisions of this act.

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

(c) Each commission shall keep a record, in permanent form, of all its proceedings.

Section 4. Powers of Commissions; Regulations; Enforcement; Correction of Errors or Irregularities; Cancellation of Registration; Powers of Commissioners.—

Subjects which
commission
may regulate.

(a) The commission may make regulations, not inconsistent with this act or the laws of this Commonwealth, (1) To govern the public sessions of such commission, and (2) for the performance of the duties imposed by this act, and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided, and, if necessary, shall have the assistance of the court of common pleas of the county, and of all public officers subservient thereto, in enforcing the same, which assistance said officers, as well as the judges of said court, shall render when requested to do so, subject, however, to the right of certain persons to appeal from the orders of the commission as herein provided.

(b) The commission shall have power to correct any error or any irregularity in registration, and to cancel the registration of any person whom it may find to be improperly registered, subject only to the provisions of this act, and provided that notice in writing shall be given to, or left at the address of, each person whose registration is cancelled.

(c) The commission shall have power, (1) to investigate any irregularities in registration, (2) to summon and examine witnesses on a matter pending before the commission, (3) to require the production of any relevant books and papers.

(d) Each commissioner shall have power to administer oaths and affirmations. Each person testifying before a commission shall be first duly sworn or affirmed.

Section 5. *Employes, Registrars, Inspectors of Registration; Duties; Appointment; Appointment of Chief Clerk as Registrar; Incompatible Officers.*—(a) The commission shall have power to appoint such assistants and employes as, from time to time, it may deem necessary to carry out the provisions of this act, and may at any time remove the same. The commission may appoint employes of the county to act as such for the commission without any additional compensation as such.

Commission to have power to employ assistants, etc.

(b) The employes to be appointed by the commission shall include: (1) Registrars, who shall be empowered to register the qualified electors of such cities and, in so doing, to administer oaths and affirmations; and (2) inspectors of registration, who shall have and may exercise the powers conferred upon them by this act.

List of employes.

(c) Registrars and inspectors of registration shall be qualified electors of the city. No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission, except as otherwise provided by this act. Registrars and inspectors of registration shall receive such compensation, either on a per diem basis for time actually employed, or on the basis of work actually done by them, as shall be fixed by the salary board of the county.

Qualifications necessary to be appointed registrar or inspector of registration.

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office, which the commission shall prescribe, and shall have received from the commission a certificate of appointment, setting forth his name and address, the date of his appointment, and the length of time for which he shall have been appointed.

(e) Each commission may appoint a chief clerk, who shall have authority to administer oaths, to sign vouchers, and to register qualified electors who apply at the office of the commission for registration.

Chief clerk.

(f) Any inspector of registration, when directed by the commission, shall—

Duties of inspector of registration.

(1) Investigate all questions relating to the registration of electors in such city, and, for that purpose, shall have power to enter and inspect any inn, lodging house or hotel within such city, and to interrogate any lodger, lessee, keeper, caretaker, owner, proprietor, or agent thereof or therein, regarding any person or persons residing or claiming to reside thereat or therein, without being required to show any warrant for so doing except his certificate of appointment.

(2) Inspect in like manner and copy any register of lodgers in any lodging house, inn or hotel relating to or affecting the right of any person to vote or to be registered in such city.

(3) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration.

County commission to appropriate money for wages, supplies, etc.

Section 6. Appropriations by County Commissioners; Unexpended Balances of Appropriations Heretofore Made; Additional Appropriations.—(a) The county commissioners shall appropriate annually, and from time to time, the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act, therein including the payment of the compensation of the registrars, inspectors of registration, counsel, and other assistants and employes, and the fees of witnesses, as herein provided, and likewise for preparing, in accordance with the direction of the commission, securing and distributing, or receiving and preserving, all street lists, registration cards, affidavits, vouchers, notices, account books, stationery and other supplies which the commission shall consider necessary for the purpose of this act, and for all other necessary expenses.

(b) The county commissioners shall provide the commission with suitable and adequate offices, properly furnished, for keeping its records, holding its public sessions, and otherwise performing its duties.

(c) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provision of any existing registration act, or the amendments thereto, shall be transferred to and made available for the commission hereby created or constituted, for the expenses of carrying out the provisions of this act, immediately after the passage of this act. All moneys required in addition to any original appropriation in the current year, or any other year, shall be appropriated from time to time as soon as it shall appear what extra sums are needed.

Section 7. Acts of Employes.—Any insertion or removal of names or other information in registers, or the amending of any records, done by any employe of the commission, by order of the commission, shall be construed to have been done by the commission itself, which shall likewise be responsible for the correction of any errors in the doing thereof.

Section 8. Commissioners May Act as Registrars and Inspectors.—A commissioner may act at any time as registrar or inspector of registration and, when so acting, shall have and may exercise the powers, and shall perform the duties and obligations, conferred by or in accordance with law upon registrars and inspectors of registration, respectively.

Section 9. Records and Documents to Be Open to Public Inspection.—The records of each commission, and all district registers, street lists, lists of voters, voter's certificates, affidavits, petitions, appeals, witness lists, accounts, contracts, reports, and other documents in its custody, except the general registers, shall be open to public inspection, except as herein provided, and may be

inspected and copied by any qualified elector of the county during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto. Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission, and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act.

Section 10. Watchers at Places of Registration; Privileges.—

(a) Any party or body of electors which now is, or hereafter may be, entitled to have watchers at any election, as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds, may recommend not more than three electors to act as watchers, without expense to the county, at any place of registration during the time when it shall remain open for the registration of electors. The commission shall appoint all such persons as watchers, and shall provide them with proper certificates, stating their names and the party or policy or citizens' organization which they represent respectively, unless any be shown to have previously been convicted of any crime.

Parties and bodies of electors entitled to have watchers present at registration.

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors, and to keep a list or other memorandum of or concerning the persons applying for registration, or challenge any person regarding his right to be registered and to inspect any papers produced by such person. The registrars, commissions, and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties: Provided, That a registrar, commission, or commissioner may, at any time, require any watcher to show his certificate of appointment: And provided, That not more than one watcher for any party or body of electors or citizens' organization represented shall be allowed in a place of registration at any one time.

Privileges of watchers.

Section 11. Watchers or Attorneys at Sessions of Commission.—Any party or body of electors or body of citizens which now is, or hereafter may be, entitled to have watchers at any place of registration or at any election, shall also be entitled to appoint any watchers, who are qualified electors of the city, or attorneys to represent such party or body of electors or body of citizens at any public session or sessions of the commission. Such watchers or attorneys may exercise the same rights as watchers at places of registration, but the number who may be present at any one time may be limited by the commis-

Watchers or attorneys may be present at public sessions.

Number limited.

sion to not more than three for any party or body of electors.

Section 12. Candidates May Be Present at Proceedings.—Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized, and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard.

Section 13. Days and Hours of Registration; Places of Registration; Use of Polling Places; Payments of Rentals; Use of School Buildings; Public Notice.—(a) From and after the first day of July, one thousand nine hundred and thirty-five, each commission, or any commissioner or the chief clerk of the commission or a registrar, shall, during ordinary business hours, and during such additional hours as the commission shall from time to time prescribe, on each day, except Sundays, holidays, the day of each election and each primary, the thirty days next preceding each election and each primary, and the sixty days next following each election, and the five days next following each primary, at the office of the commission and at such additional places in the city as the commission may from time to time designate, receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration: Provided, however, That in the year one thousand nine hundred and thirty-five, applications for personal registration may be received up to and including the third day of September, anything in this section to the contrary notwithstanding:

Proviso.

And provided further, That in the year one thousand nine hundred and thirty-five, each commission shall arrange to have two registrars present to receive applications for the personal registration of electors at the polling place or some other suitable place in each election district of the city on at least three separate days prior to September fourth. Of the two registrars who shall sit in each election district prior to September fourth, in the year one thousand nine hundred and thirty-five, one shall be a member of the party enrolling the largest number of voters within the election district for the preceding November election, and the other shall be a member of the party enrolling the second largest number of voters within the election district for such election. Such registrars shall be appointed by the commission for the year of one thousand nine hundred and thirty-five, and shall hold office only during such year. No person shall be so appointed unless his name is suggested in writing by the county chairman of the party which is entitled to a registrar in such district as herein provided, unless the county chairman of the proper party fails to make such suggestion on or before July fifteenth,

Proviso.

Registrars to
be suggested
by county
chairman.

one thousand nine hundred and thirty-five, in which case the commission may appoint any qualified person.

(b) The county commissioners shall cause any polling place to be open, in proper order for use, as a place of registration, on each day when such polling place may be desired by the registration commission for use as a place of registration; and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county.

(c) The board of public education or school directors of each city, or school district thereof, shall furnish a room or rooms in any public school building under its jurisdiction or control, and shall cause the room or rooms to be open and in proper order for use as a place of registration on each day when such room or rooms may be desired by the registration commission for use as a place of registration: Provided, That such use shall not interfere with instruction for the conduct of which such board of school directors shall be responsible.

(d) The proper city authorities shall furnish a room or rooms in the city hall or other municipal building under their jurisdiction or control, and shall cause the room or rooms to be opened and in proper order for use as a place of registration on each day when such room or rooms may be desired by the commission for use as a place of registration: Provided, That such use shall not interfere with the use for which such room or rooms is primarily designed.

(e) The commission shall publicly announce the address of each place of registration, other than the office of the commission, and the days and hours when the place shall be open for the registration of electors, by posting a notice thereof at its office, and at least five placards or notices thereof in conspicuous places in the neighborhood of such place of registration at least three days prior to the date when the place shall be so open, and by such newspaper publication as it deems desirable.

Section 14. Registration Cards; Preparation and Distribution.—(a) For the purpose of registering the qualified electors of each city, the commission shall prepare registration cards, serially numbered, in duplicate, and containing spaces for entering the information required by section eighteen of this act, and the following affidavit:

REGISTRATION AFFIDAVIT

State of Pennsylvania }
County of } ss:

I hereby swear, or affirm, that I am a citizen of the United States, that on the day of the next election I shall be at least twenty-one years of age, and shall have resided in the State of Pennsylvania for one year (or, having previously been a qualified elector or a native

born citizen of the State, and having removed and returned, then six months) next preceding said election, and in the election district two months, that I am legally qualified to vote, that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct.

Subscribed and sworn to before
me this day of19....

.....
Signature of Voter.

.....
Signature of Registrar.

(b) Subject to the foregoing provisions of this section, the Secretary of the Commonwealth shall prescribe the form of such registration cards.

(c) Each card shall be printed on stock of good quality, shall be of suitable uniform size, and shall be filled out in duplicate for each applicant for registration. The commission shall provide suitable binders for filing and indexing the registration cards.

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar.

(e) Before ten o'clock antemeridian on the day following the last day for registration before an election or primary, and at such other times as the commission may prescribe, each registrar shall return to the commission, at its office, all registration cards used or unused in his possession, and shall account fully in writing for each missing card.

(f) Unused registration cards may be reissued by the commission, but the commission shall preserve all other papers, records and memoranda as a part of its record.

Registration procedure.

Section 15. Manner of Registration.—(a) Every person claiming the right to be registered as an elector must appear in person before the commission, or a commissioner, or a registrar, at the office of the commission, or at such other place as the commission shall have designated, and answer the questions required to be asked in accordance with this act.

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make, and informed that any wilful false statement will constitute perjury and will be punishable as such. He then shall be asked to state the facts required herein, and his answers, together with the other information herein required, shall be recorded in his presence by the registrar or commissioner, in permanent writing or typewriting, in duplicate in the proper spaces on the registration cards, as follows:

Registration cards.

Contents.

(c) (1) The surname of the applicant; (2) his Christian name or names; (3) his occupation; (4) the street and number of his residence; (5) if his residence is a

portion only of the house, the location or number of the rooms, apartment, flat or floor which he occupies; (6) the date his residence in the district began; (7) his residence address when he last registered, and the year of such registration; (8) the sex of the applicant; (9) the color of the applicant; (10) the state or territory of the United States, or the foreign country, where he was born; (11) the date when, place where, and the court by which naturalized, and number of the naturalization certificate; (12) if not naturalized personally, the name of father or husband through whom naturalized; (13) the designation of the political party of the elector, for the purpose of voting at primaries; (14) the affidavit of registration, which shall be signed by the elector, attested by the signature of the registrar and dated by him. If the elector is unable to sign his name, there shall also be recorded on the registration card (15) his height, in feet and inches; (16) the color of his hair; (17) the color of his eyes; and (18) the date of his birth. Each registration card shall also have a sufficient number of spaces thereon for the insertion of (19) the ward and election district in which the elector resides; (20) the date of each election and primary at which the elector votes; and (21) the signature or initials of the election officer who enters the record of voting on the card.

(d) The applicant shall subscribe, by oath or affirmation, to the registration affidavit on both copies of the registration card. This card will hereafter be referred to in this act as the registration card or registration affidavit. When filed for the whole city, the registration affidavits will be known as the General Registers; when filed by election districts as the District Registers.

Affirmation.

Section 16. Who May Register; Who May Vote; Electors Need Register Only Once; Exception.—Every person who shall possess all the 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 general or municipal election, shall be entitled to be registered as herein provided. From and after the first day of August, one thousand nine hundred and thirty-five, no person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered, except by order of a court of common pleas as hereinafter provided; and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address, unless his registration is cancelled by reason of his failure to vote during a period of two years as hereinafter provided.

Section 17. Applicants to Register May Be Challenged; Procedure; Challenge Affidavit.—(a) Any person claiming the right to register may be challenged by

a registrar, or by any commissioner, or by a qualified elector of the city. Any person so challenged shall answer the questions of the challenge affidavit, as herein specified, and, after his answers have been recorded, he shall subscribe to them by his signature or mark, and swear to their truth.

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits, and shall be returned with them to the office of the registration commission.

(c) The challenge affidavit shall be in form prescribed by the commission, and shall contain spaces for the following information: (1) Serial number; (2) place and date of execution; (3) full name of challenged applicant; (4) whether he is married or single; (5) if married, where his family resides; (6) if single, where his parents reside; (7) where applicant actually resided immediately before he took up his present residence; (8) his residences for the four months immediately preceding date of execution; (9) the name of his present employer; (10) the city, street and number of his place of business; (11) sex of the applicant; (12) his color; (13) the date of his birth; and (14) such distinguishing marks, peculiarities, and further information for identification as the commission shall prescribe.

(d) If such challenged applicant shall establish his right to be registered, as required by this act, to the satisfaction of the registrar or commissioner, he shall be permitted to be registered.

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city. Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe an affidavit that, at the last election at which he voted, he voted for a majority of the candidates of such party, all of the candidates of a party for presidential elector being counted as two candidates; but if he is unable or unwilling to make such affidavit, he shall be denied enrollment as a member of such party, but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof.

Section 18. Naturalized Applicants; Applicants Whose Fathers or Husbands Were Naturalized.—All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers, or a certificate under the seal of the court in which naturalization was effected, before they shall be registered: Provided, That any person claiming citizenship by reason of the naturalization of his father during his minority may be registered either by the production of his father's original papers, or a certified copy thereof, or by making affidavit as to the court in which, and times

when, his father was naturalized, and that at a time when he, the applicant, was less than twenty-one years of age and that he is unable to produce his father's papers or a certified copy thereof: And provided further, That any woman claiming citizenship by reason of her marriage prior to September twenty-second, one thousand nine hundred and twenty-one, may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof, or by making affidavit that her husband was naturalized prior to their marriage, stating therein the time when, and court where, such naturalization took place, or (b) by the production of evidence that her husband was a native born citizen of the United States. Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects, and shall be returned therewith to the office of the registration commission.

Section 19. Incomplete or Rejected Applications to Be Recorded.—The registrar or commissioner shall record on registration cards the surname, Christian name or names, and street and number of residence of each person who applies for registration, whether or not the application is accepted. Whenever the applicant is rejected after a portion of the record has been filled in, the registration card or cards shall be marked "Applicant Rejected," and the registrar or commissioner shall note thereon the reason for the rejection and shall sign his name thereto. All such cards shall be returned to the commission and shall be preserved for a period of two years.

Section 20. Appeal of Rejected Applicant.—Any person whose application to be registered has been denied by a registrar or by a commissioner may file a petition with the commission, not later than the fifteenth day prior to an election or primary, setting forth the ground of his complaint under oath, and praying to be registered. The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary. At the time so fixed, the commission shall hear and dispose of the petition, having first given at least forty-eight hours' notice of the hearing to the registrar or commissioner who rejected the petitioner's application for registration. The commission, if satisfied that the petitioner is entitled to be registered, shall direct a registrar or commissioner to register him in the usual manner, and shall amend accordingly the records affected, but any registrar or inspector of registration or qualified elector of the city may appear and show cause why the petitioner should not be registered.

Section 21. General Register.—The duplicate registration affidavits shall be placed in exact alphabetical order and shall be indexed for the entire city, and shall

be kept at the office of the commission in a place and in such manner as to be properly safeguarded. These affidavits shall constitute the General Register of such city, and shall not be removed from the office of the commission except upon order of the court of common pleas of the county.

Section 22. District Registers.—The original registration affidavits shall be filed by election districts, and within each election district, in exact alphabetical order and indexed. The affidavits so filed for each election district shall constitute the District Register for such district. The district register shall be kept at the office of the commission, except as herein provided, and shall be open to the public inspection at all times, subject to reasonable safeguards, rules, and regulations.

Section 23. Removal Notices.—The commission shall provide removal notices, which it shall cause to be made available for the convenient use of registered electors. These notices shall be printed upon cards suitable for mailing, addressed to the office of the registration commission, and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof, including the number of the room, apartment, flat or floor, if his residence is a portion only of a house; (2) the street and number of the address from which he was last registered; (3) the date of his removal to his present address; and (4) space wherein the elector shall sign his name. The removal notice shall contain a statement that the elector may, by filling out properly and signing a removal notice and returning it to the office of the commission, secure the transfer of his registration to the election district in which he resides, effective to the elections and primaries occurring sixty days or more after the receipt of the notice at the office of the commission. Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission with the elector's signature in the general and district register.

Section 24. Transfer of Registration.—(a) Upon receipt of a signed removal notice properly filled out, or a signed request containing the required information and setting forth a removal of residence to another location in the same city, the commission shall cause the signature thereon to be compared with the signature on the registration affidavit of the elector from whom the removal notice purports to come, and, if the signature shall appear authentic, shall enter the change of residence in the general and district registers, and, if the removal shall have been from one election district to another in the same city, shall transfer the registration affidavit of the elector from the district register of the election district

of his previous residence to the district register of the election district of his new residence.

(b) When a request for transfer, believed authentic by the commission, is received at the office of the commission and shows thereon removal within the period of two months next preceding an election or primary, and the removal shall have been from one election district to another, the commission shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence, but shall not include it in the register of the district of his new residence until after the election or primary. In any case, the commission shall advise the elector promptly in writing of its action.

(c) If the commission shall doubt that the request for transfer is authentic, it shall, without transferring the registration of the elector, notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration, or again register by personal application as provided by this act.

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice, but each such elector must apply in person at the office of the commission, establish his identity, and state, under oath or affirmation, to which he shall affix his mark in the presence of a registrar or a commissioner, who shall affix his own signature thereto as a witness, the information required of registered electors in a removal notice.

Section 25. Change of Enrollment of Political Party; Cancellation of Party Enrollment; Persons Suffering* Disability After Registration to Have Fact Recorded; Cancellation.*—(a) At any time prior to the tenth day next preceding a primary, any person who desires to change the enrollment of his political designation, or who, although registered, has not hitherto enrolled as a member of a party, may appear before a registrar or commissioner and state in writing, over his signature, the political party in which he desires to be enrolled, and the registrar or commissioner shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers. In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made.

(b) At any time not later than the tenth day preceding any primary, any qualified elector of the city, including any watcher, may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections,

May change party enrollment up to 10 days before a primary.

* The material under these headings was eliminated from this section.

setting forth, under oath, that he believes that such elector is no longer a member of the party with which he has been enrolled, and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered, at least twenty-four hours prior to presentation of the same, by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides. If, at the hearing of any such petition, the elector against whom the petition is filed appears and swears or affirms that, at the last election at which he voted, he voted for a majority of the candidates of the party with which he was then enrolled, all of the candidates of a party for presidential elector being counted as two candidates, the petition shall be refused, otherwise, upon the presentation, under oath, by the person making the challenge, of a prima facie case which satisfies the commission, the party enrollment of such elector shall be forthwith cancelled.

Section 26. Reports of Deaths from Registrars of Vital Statistics; Cancelling Registration; Correction if Person is Falsely Reported Deceased; Notice.*—(a) The registrar of vital statistics of every registration district, containing, constituted by, or contained within any city, shall report, in writing, at least weekly, to the registration commission the deaths of residents of the city, except residents less than twenty years of age. The commission shall forthwith cancel the registration of each registered elector so reported.

(b) Any person falsely reported deceased may appear in person before a registrar or commissioner, at the office of the commission in such city, and prove his identity, and the commission thereupon shall correct its records accordingly.

Section 27. Mail Check-up of Registers.—(a) At any time prior to the thirtieth day next preceding an election or primary, the commission may send, by mail, to any elector whose name appears in any district register a notice, setting forth the elector's name and address as it shall appear in the register, and requesting him in case of any error to present the notice, on or before the tenth day next ensuing, at the office of the commission and secure the correction of the error, and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote. Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon. At least once in each four years the commission shall send such notice by mail to each registered elector in the city.

* The material under this heading was eliminated from this section.

(b) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there, the commission shall direct an authorized employe to visit in person the address of the elector, and if he shall find that the elector does not reside at the address, he shall leave at such address the notice prescribed by section twenty-eight of this act, and the commission shall, at the expiration of the time specified in such notice, cancel the registration of such person unless he personally appears and proves his qualifications as an elector.

Section 28. Canvass of Registered Voters.—(a) The commission may at any time, by individual commissioners or by inspectors of registration, verify the registration in any election district of the city by visiting each building from which an elector is registered, and such other buildings as the commission may deem necessary, and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered, or who, for any other reason, shall appear to be not qualified to vote in the election district from which he is registered, and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission, on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day preceding the election or primary next ensuing, and satisfy the commission of his qualifications as an elector, and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered.

(b) At the expiration of the time specified in the notice, the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector.

(c) For the purpose of facilitating any such canvass, the commission may, when necessary, appoint special inspectors of registration, in number not exceeding double the number of election districts which the commission shall determine to canvass.

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration. They shall be qualified electors of the city, and shall be appointed without reference to residence in election districts, but of the two special inspectors canvassing any election district, one shall be a member of the party polling the highest vote within such district at the last preceding November election, and the other shall be a member of the party polling the second highest vote within the district at such election. Each such person shall be suggested in writing by the county chairman of his party, unless such county chairman fails to make such suggestion within thirty days after written notice

is given by the commission, in which case the commission may appoint any qualified person.

(e) The commission shall instruct each special inspector in his duties.

Section 29. Corrected Street Lists.—Not later than the fifteenth day prior to each primary and election, the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district, arranged by streets and house numbers. The commission shall cause to be made a sufficient number of exact copies of each such list. Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided.

Section 30. Petitions to Strike Off Names.—At any time not later than the tenth day preceding any election or primary, any qualified elector of the city, including any watcher and any registrar or inspector of registration, may petition the commission to cancel the registration of any registered elector of such city, setting forth under oath, supported by the affidavits of at least two adult persons, sufficient grounds for such cancellation, and also setting forth that due notice of the time and place when said petition would be presented and heard had been given to the person so registered, personally, at least twenty-four hours prior to the presentation of the same, or that he could not be found at the place given in the district register as his residence and that the person in charge thereof, to be mentioned by name in said petition, had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them, or that no person is residing at the address given, whereupon the commission may forthwith cancel the registration of such elector, and amend accordingly the general and district registers and the other records affected, unless the person so registered shall appear and show cause why the same should not be done.

Section 31. Delivery of District Registers to Election Officers.—(a) Not later than noon of the second day preceding an election or primary, the commission shall have the district register accurately corrected to date, for each election district, and shall deliver the same to the election officers with other election materials, for use on election day, in the manner in which the county commissioners now are or hereafter may be required to deliver the same: Provided, That the registration commission shall not deliver the registration card, for use at the polls on election day, of any person who has removed from one election district to another within two months

of any general, municipal, primary or special election. The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered.

(b) District registers, when so delivered, shall be contained in suitable binders so constructed that the name, address, voting record, and other data on each card may easily be made visible, and that entries may be made on each card, but that the cards may not be removed by the election officers. Said binders shall have printed or written thereon the words "District Register of Voters" and the name of the district.

Section 32. Persons Registered Are Entitled to Vote at General or Municipal Elections if Identified by Signature, Proviso; Evidence of Registration Discrepancies; Persons Registered and Enrolled May Vote at Primaries if Identified by Signatures, Proviso; Persons Not Registered Are Not Entitled to Vote; Challenging of Persons; Registered Voter's Certificates; List of Voters; Elections and Primaries; Counting, Et Cetera, of Names Checked as Having Voted; Sealing of Registers and Lists of Voters; Return of Lists of Voters and Registers.—(a) Any person whose name is in the district register of any election district, and who, upon applying to vote, shall have signed his name to a voter's certificate, in the form hereinafter provided for, as a means of identification, and whose signature thereon shall have been compared by the election officers, in the presence and view of the watchers, with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers, shall be entitled to vote in such district at any general, municipal or special election, unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration, or that he has violated any law of this Commonwealth prohibiting betting or bribery at elections.

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered, or if, having been able to sign his name when registered, he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote, but each such elector shall establish his identity by affidavit, and, in such case, a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer.

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until

after he shall have signed his name to the voter's certificate.

(d) Any person who is registered and also enrolled as a member of a political party, and who, upon applying to vote, shall have established his identity by signing his name, or otherwise, as herein required at elections, and is otherwise qualified, may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership. No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election, and any qualified elector registered, although not enrolled as aforesaid, shall be permitted to vote a nonpartisan ballot according to any law providing for same at any primary election.

(e) No one, except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth, shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote, except by order of the court of common pleas as herein provided regarding appealed cases. Any person, although personally registered, may be challenged by any qualified elector, watcher, overseer or election officer, at any election or primary, as to his identity, as to his continued residence in the election district, or as to any alleged violation of the laws of this Commonwealth prohibiting betting or bribery at elections; and if challenged as to identity or residence, he shall make affidavit of his identity or continued residence in the election district, or that he has not violated any such election laws.

(f) The county commissioners shall cause to be printed for each election district a suitable number of Voter's Certificates, which shall be, in form, approved by the Secretary of the Commonwealth substantially as follows:

VOTER'S CERTIFICATE

(Primary) (Election)19....

I hereby certify that I am qualified to vote at this
(primary) (election)

Signature

Address

..... Pennsylvania

Approved

Number of stub of ballot issued (or number of admission to voting machines)

(and party at primary)

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a

suitable file or binder, to be furnished by the county commissioners. After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved, or, in the case of an elector who is unable to write, the notations hereinabove required have been made thereon, one of the election officers who made the comparison shall sign his name or initials thereon, and, if the elector's signature is not readily legible, shall print such elector's name over his signature. After the elector has been admitted to vote, the number of the stub of the ballot issued to him, or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes, shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder. One such file or binder shall be furnished for each election district for each primary and election, and shall have printed or written thereon the words "List of Voters" and the name of the district and date of the primary or election. The voter's certificates, so bound, shall constitute the ballot check list, required by law to be kept by the clerks of election. All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the list of voters.

(g) As each voter is found to be qualified and votes, the election officer in charge of the district register shall write or stamp the date of the election or primary and sign his name or initials in the proper space on the registration affidavit of such voter contained in the district register. After the polls are closed, the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting, shown by the list of voters, and announced, and the cause of any difference ascertained, if possible, before the ballot box or voting machine is opened. The list of voters and the district register shall be immediately sealed in envelopes, and shall be returned to the custody of the registration commission by the judge of election before noon on the day following the election or primary.

Section 33. Entry of Information in General Registers Following Elections and Primaries; Report of Indications of Fraud to District Attorney.—(a) In the case of any elector whom the election officers shall have recorded as removed, deceased, or challenged and prevented from voting, the commission shall ascertain the facts and shall correct the general and district registers in accordance therewith.

(b) The commission shall report forthwith, in writing, to the district attorney any evidence or indication of

probable fraud, personation, or forgery which may appear to the commission by reason of any comparison of voter's certificates and registers hereby prescribed.

Section 34. Cancellation of Registration Upon Failure to Vote Within Two Years.—Within three months after the municipal election held in the year one thousand nine hundred and thirty-seven, and within three months after each general and municipal election thereafter, the registration commission shall cause all of the district registers to be examined, and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of two years immediately preceding, the commission shall send to such elector by mail, at his address appearing upon his registration affidavit, a notice, setting forth that the records of the commission indicate that he has not voted within a period of two years and that his registration will be cancelled at the expiration of ten days after publication of the information contained in the notice, mailed as aforesaid, at least one time in at least one newspaper of general circulation published in the city where such elector resides. The commission shall cancel the registration of such elector unless, within ten days after the publication of the information contained in the notice as aforesaid, he appears in person before the commission and offers satisfactory proof that he has actually voted at a primary or general election within two years. The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently register by personal application to the commission, or a commissioner, or a registrar, in the manner provided by this act.

Section 35. Cancellation, Removal, and Preservation of Registration Affidavits.—Whenever the registration of an elector is cancelled for any cause, the commission shall mark on the registration affidavits of the elector the word "Cancelled" and the date and cause of cancellation, and shall remove them from the general and district registers, but each such affidavit shall be kept for five years, after which the commission may destroy it.

Section 36. Appeals to Court; Time of Hearing; Notice; Postponement; Hearing; Decision of Court; Costs and Fees.—(a) Any person whose claim for registration has been denied by the commission, or whose name, although previously registered, has been removed and not restored by the commission upon a petition filed for that purpose as herein provided, or any qualified elector of any city whose rights are impaired by any general order made by the commission, not including registration of particular names by the commission on personal application made to it as aforesaid, or refusals

to remove names upon any petition of any kind aforesaid, may file an appeal with the proper court of common pleas not later than the fourth day preceding any election or primary, setting forth why he feels that an injustice has been done, and praying for such order as will give him relief. Thereupon any judge of the court may fix a time and place for hearing the matter in dispute, of which notice shall be served, with a copy of said appeal, by the appellant upon the counsel for the commission and upon any elector, or his attorney, who opposed the contention of the appellant before the commission, at least forty-eight hours before such matter may be reviewed by the court. Proof of notice or the waiver thereof must be filed therein.

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary. At the time so fixed, the court, or any judge thereof assigned for the purpose, shall hear all the witnesses and other evidence that may be offered, unless the issue can be decided in some other manner by agreement of the parties concerned.

(c) If, after any such public hearing, the court shall find that an injustice has been done, it may reverse or alter the decision of the commission and modify any order made by it accordingly, and, if necessary, issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district. If the appellant shall not satisfy the court that an injustice has been done, the decision of the commission shall be affirmed.

(d) The court may compel the appellant or any opposing party, other than the commission, or, in proper cases, the county, to pay all the witness fees and other legal costs of such appeal, which may be taxed by the prothonotary in the usual manner.

Section 37. Production of Documents, Et Cetera, at Appeals.—At the written request of any person taking an appeal from any action or order of a commission as aforesaid, the commission shall produce at the hearing thereof any petition, register, or other record in its custody relevant to the issue involved, but the commission shall not be obliged to answer any appeal, and shall not be obliged, by subpoena or otherwise, to appear at any such hearing unless it shall deem it expedient to do so.

Section 38. Subpoenas and Witness Fees.—(a) Any person filing any petition of any kind with a commission, or opposing same, shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses, upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents

each per day as witness fees, in the manner herein provided.

(b) The commission, on its own motion, may subpoena witnesses, including registrars, each of whom shall also be entitled to daily witness fees at the rate aforesaid, to be paid out of any money to be provided for the purpose to the commission by the county commissioners in the same manner as other necessary expenses of such commission are to be provided for.

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas. The commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission.

(d) No subpoena shall be issued for the benefit of any person, other than the commission, until he shall have paid the commission a fee of twenty-five cents for issuing the same, and deposited with said commission one day's witness fees for each witness to be summoned thereby, whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission. No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission, and unless, before four o'clock postmeridian of said day, the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired. As soon as convenient after any hearing is concluded (or postponed or continued) on any day, the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoenas issued, and shall return to the person who deposited the same any fees deposited for others who did not attend, and shall also pay like fees to any summoned by the commission, taking their receipts therefor, so long as there are sufficient funds available for such payments.

(e) The commission shall pay over to the county treasurer all fees received for subpoenas. The accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller.

Penalties.

Section 39. Crimes and Penalties.—(a) Any wilful false statement made under oath by any person regarding any material matter or thing relating to any subject being investigated, heard, or acted upon by any registrar, commissioner, judge, watcher, inspector of registration, court, or commission by virtue of this act, shall be perjury, and any person, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred

dollars (\$500) and to undergo an imprisonment of not more than two (2) years.

(b) Any registrar or commissioner who knowingly registers, or permits to be registered, a person not lawfully entitled to be registered, or who, without reasonable cause, refuses to register a person entitled to be registered, or knowingly assists in preventing such person from being registered, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000) and to undergo an imprisonment of not more than two (2) years.

(c) Any person who applies for registration knowing, or having reason to know, that he is not entitled to be registered, or who falsely personates another in an application for registration, or who knowingly offers false naturalization papers to establish his claim to be registered, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000) and to undergo an imprisonment of not more than three (3) years.

(d) Any registrar, commissioner, or assistant or employe of a commission, who inserts, or intentionally permits to be inserted, a name or other entries in any registration card without a proper application in person on the part of the person registered or without requiring the proper evidence of the right of the applicant to be registered, or who materially alters any registration card after the entries have been made, except upon an order of the court of common pleas or of the commission, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000) and to undergo an imprisonment of not more than two (2) years.

(e) Any election officer who knowingly refuses the vote of a duly registered and qualified elector, or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service or a person having an order of court), or who knowingly receives a vote from a person falsely claiming to be a registered voter, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000) and to undergo an imprisonment of not more than two (2) years.

(f) Any commissioner, registrar, inspector of registration, or other officer, assistant or employe, upon whom a duty is laid by this act, who shall wilfully neglect or refuse to perform such duty, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000) and to undergo an imprisonment of not more than one year.

(g) Any person who inserts, or intentionally permits to be inserted, any name or material entry in any registration card, street list, affidavit, petition, subpoena, certificate, report, or other record, authorized or required by this act to be made or prepared for any purpose herein mentioned, except in accordance herewith, or who materially alters or destroys an entry which has been duly made therein, except as herein provided, or who takes and removes any such book, paper, card, or other 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 herein provided, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000) and to undergo an imprisonment of not more than two (2) years.

(h) Any constable, policeman, sheriff, or other peace or police officer, or deputy or subordinate thereof, who shall fail, upon demand of any commissioner or inspector of registration, to render such aid and assistance to him as he shall demand in the maintenance of peace as herein provided, or who shall wilfully hinder or delay, or attempt to hinder or delay, any commissioner or inspector of registration in the performance of any duty, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) and to undergo an imprisonment of not more than two (2) years.

(i) Any person who intentionally interferes with, hinders, or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500).

Constitutional
provision.

Section 40. Partial Invalidity; Legislative Intent.—It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof, the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein.

Repeals.

Section 41. Repeals.—The act approved the fifth day of March, one thousand nine hundred and six (Pamphlet Laws, sixty-three), entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth, to make such registration a condition of the right to vote in such cities, and to provide penalties for violations of its provisions," and the various supplements and amendments thereto are hereby repealed.

All other acts or parts of acts inconsistent herewith are hereby repealed in so far as they affect cities of the third class.

Section 42. Effective Date.—This act shall become effective July first, one thousand nine hundred and thirty-five. When effective.

APPROVED—The 1st day of July, A. D. 1935.

GEORGE H. EARLE

No. 196

AN ACT

Limiting the time within which suits for malicious prosecution or false arrest must be brought.

Section 1. Be it enacted, &c., That every suit to recover damages for malicious prosecution or for false arrest, because of a right of action hereafter accruing, must be brought within one year from the date of the accruing of such right of action, and not thereafter: Provided, however, That actions already accrued must be brought within one year from the passage of this act. Malicious prosecution and false arrest.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed. Repealing section.

Section 3. This act shall become effective immediately upon final enactment. When effective.

APPROVED—The 1st day of July, A. D. 1935.

GEORGE H. EARLE

No. 197

AN ACT

To protect the obligors or guarantors of bonds and mortgages, and owners of property affected thereby, and others indirectly liable for the payment thereof, and owners of mortgaged property affected thereby, by restricting the right to proceed against certain property and persons; limiting the amount of deficiency judgments; and continuing rights, duties, and obligations established or forfeited under prior laws relating to deficiency judgments.

Section 1. Be it enacted, &c., That in all cases where a bond and mortgage, or any other obligation securing or guaranteeing the payment thereof, is or has been given for the same debt, the real property, bound by such bond and mortgage, shall first be proceeded against and sold on execution, and the amount of the deficiency judgment ascertained, as hereinafter provided, before any other real property of the mortgage debtor may be Deficiency judgments.
Plaintiff must proceed against mortgaged property before any other property may be attached.