

No. 192.

AN ACT

Relating to the Elections of this Commonwealth.

I—OF THE ELECTION OF INSPECTORS OF THE GENERAL ELECTION.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the constable or constables, of each township, ward and district, at least ten days before the day herein after appointed for the election of inspectors, to give public notice, by six or more printed or written advertisements, affixed at as many of the most public places therein, of the time and place of holding such election.

Inspectors }
election
Constables
notice of, to be
given

SECTION 2. In case of the neglect, refusal, death or absence from the county, of the constable or constables, of any township, ward or district, the supervisors of the township or district, or the assessors of the ward, as the case may be, shall perform the duties hereinbefore required to be done by such constable or constables, under the like penalty. *Provided,* That the said supervisors or assessors shall not be required to give more than five days notice of the time and place for holding such election.

When super-
visors or asse-
sors to give
the notice

Provide

SECTION 3. The qualified citizens of the several wards, districts and townships, shall meet in every year, at the time and place of holding the election for constable of such ward, district or township, and then and there elect, as hereinafter provided, two inspectors and one judge of elections.

Inspectors—
Where elec-
tion for, to be
held

SECTION 4. Each of such qualified citizens shall vote for one person as judge, and also for one person as inspector of elections, and the person having the greatest number of votes for judge shall be publicly declared to be elected judge; and the two persons having the greatest number of votes for inspectors, shall, in like manner, be declared to be elected inspectors of elections.

Votes, how to
be given

Who to be de-
clared elected

SECTION 5. The elections, as aforesaid, shall be opened between the hours of eight and ten o'clock, in the forenoon, by a public proclamation thereof, made by the officers appointed to hold the same, and be kept open until seven o'clock, except in the city and county of Philadelphia, where it shall be kept open until eight o'clock, in the afternoon, when the polls shall be closed, the number of votes be forthwith ascertained, and the persons highest in vote, publicly declared to be elected.

SECTION 6. The judges of the elections, within the limits of their respective wards, districts or townships, shall have power, and are hereby required to decide on the qualifications of any person claiming to vote at any election, whenever the inspectors thereof shall disagree upon the right of such person to vote, but not otherwise, and the inspectors thereof shall, upon such decision, forthwith receive or reject the vote of such person, as the case may be.

SECTION 7. Where any township has been, or shall be, divided in forming an election district, the qualified citizens of each part of such divided township, shall severally elect in the manner and at the time and place aforesaid, two inspectors for each of said several election districts, and shall also elect one person to serve as judge of the elections in each district, to perform the duties enjoined by the sixth section of this act.

SECTION 8. It shall be the duty of the inspectors and judges of such election to make out duplicate returns of all the votes given at such election for inspectors and judge, one of which shall, with the tally lists and lists of voters, be deposited in one of the ballot boxes, and the other be delivered by the judge of such election, within five days thereafter, to the prothonotary of the court of common pleas of the proper county, to be filed in his office, and the said inspectors and judge, shall also make out a certificate of election for each person chosen as an inspector or judge, which certificate shall be delivered to the person so chosen, or left at his usual place of abode by the constable of the proper ward, district or township, within five days after such election.

SECTION 9. The qualified citizens of the several wards, districts and townships, shall meet on the Friday next preceding the second Tuesday in October next, at the several places now prescribed by law for holding the ward, district and township elections, and each of said qualified citizens shall vote by ballot for one person as judge, and also for one person as inspector of election, and the person having the greatest number of votes for judge shall be publicly declared to be the judge of elections, and the two persons having the greatest number of votes for inspector shall be publicly decla-

red to be inspectors of election. But when any township has been or shall be divided in forming an election district, judges and inspectors of the election shall be chosen in the manner prescribed in the seventh section of this act.

SECTION 10. The inspectors and judges so elected shall hold the general election on the second Tuesday in October, next, and also the township elections on the third Friday in March, next, pursuant to the general provisions of this act, and shall take the same oaths, perform the same duties, and be subject to the same penalties as is therein prescribed.

SECTION 11. The election of said inspectors and judges shall be conducted by the officers now required by law to hold the elections for inspectors and assessors in the several townships of this commonwealth, and the same shall be conducted in the manner now prescribed by law, except so far as is otherwise herein specifically directed, and the officers for holding the general elections in the city of Philadelphia, and the several incorporated districts of the county of Philadelphia, shall act as officers in conducting said election for judges and inspectors, in their several wards, districts and townships.

SECTION 12. The qualified voters shall also, then and there, elect one person as assessor for the ensuing year, and assessor and assistant assessors, shall thereafter be elected at the time and places fixed by law for holding the elections for constable.

II—PROVISIONS RELATING TO THE GENERAL ELECTIONS.

SECTION 13. It shall be the duty of the sheriff of every county to give notice of the general elections, by advertisements posted up in the most public places in every election district, or by publication in one or more newspapers of the county, at least twenty days before the election, and in every such advertisement he shall—

- I. Enumerate the officers to be elected.
- II. Designate the place at which the election is to be held.
- 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 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

Duty of Inspectors, to be elected in October next

How elections of Inspectors, &c., to be conducted in October next

Assessors and assistant assessors, when to be elected

Notice of general election, how to be given

Forms

Description of officers, who may not be judges, inspectors, or clerks

Officers of elections, when not eligible

What elections to be conducted by the inspectors and judges
Time of meeting of officers on the day of the general election

Clerks how appointed; to be qualified voters

How vacancies of inspectors to be supplied

How vacancies of judges to be supplied

When electors present, may fill vacancies

Clerks, how vacancies to be supplied

Oaths of officers of elections

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.

SECTION 14. The general, special, city, incorporated, district and township elections, and all elections for electors of president and vice president of the United States, shall be held and conducted by the inspectors and judges elected as aforesaid, and by clerks appointed as is hereinafter provided.

SECTION 15. The inspectors and judges, chosen as aforesaid, shall meet at the respective places appointed for holding the election in the district to which they respectively belong, before nine o'clock in the morning of the second Tuesday of October, in each and every year, and each of said inspectors shall appoint one clerk, who shall be a qualified voter of such district.

SECTION 16. In case the person who shall have received the second highest number of votes for inspector, shall not attend on the day of any election, then the person who shall have received the second highest number of votes for judge at the next preceding election, shall act as an inspector in his place. And in case the person who shall have received the highest number of votes for inspector shall not attend, the person elected judge shall appoint an inspector in his place; and in case the person elected a judge shall not attend, then the inspector who received the highest number of votes shall appoint a judge in his place; and if any vacancy shall continue in the board for the space of one hour after the time fixed by law for the opening of the election, the qualified voters of the township, ward or district, for which such officer shall have been elected, present at the place of election, shall elect one of their number to fill such vacancy.

SECTION 17. In case any clerk, appointed under the provisions of this act, shall neglect to attend at any election during said year, it shall be the duty of the inspector who appointed said clerk (or of the person filling the place of such inspector,) to forthwith appoint a suitable person as clerk, qualified as aforesaid, who shall perform said duties for the year.

SECTION 18. The inspectors, judges and clerks, aforesaid, shall, before entering on the duties of their offices, severally take and subscribe the oath or affirmation hereinafter directed, which shall be administered to them by any judge, alderman

or justice of the peace, but if no such magistrate be present, By whom to one of the inspectors of the election shall administer the oath be administered or affirmation to the other judge and inspector, and then ed the inspector so qualified shall administer the oath or affirmation to him.

SECTION 19. The following shall be the form of the oath or affirmation to be taken by each inspector, viz :

“I (A. B.) do that I will duly attend to the ensuing election during the continuance thereof, as an inspector, and that I will not receive any ticket or vote from any person, other than such as I shall firmly believe to be, according to the provisions of the constitution and the laws of this commonwealth, entitled to vote at such election, without requiring such evidence of the right to vote as is directed by law, nor will I vexatiously delay or refuse to receive any vote from any person who I shall believe to be entitled to vote as aforesaid, but that I will in all things truly, impartially and faithfully perform my duty therein, to the best of my judgment and abilities, and that I am not directly, nor indirectly, interested in any bet or wager on the result of this election.”

Oath of inspectors

SECTION 20. The following shall be the oath or affirmation of each judge, viz :

“I (A. B.) do that I will as judge duly attend the ensuing election during the continuance thereof, and faithfully assist the inspectors in carrying on the same ; that I will not give my consent that any vote or ticket shall be received from any person other than such as I firmly believe to be, according to the provisions of the constitution and laws of this commonwealth, entitled to vote at such election, without requiring such evidence of the right to vote as is directed by law, and that I will use my best endeavors to prevent any fraud, deceit or abuse, in carrying on the same by citizens qualified to vote, or others, and that I will make a true and perfect return of the said election, and will in all things truly, impartially and faithfully perform my duty respecting the same, to the best of my judgment and abilities, and that I am not directly or indirectly interested in any bet or wager on the result of this election.”

Oath of judges

SECTION 21. The following shall be the form of the oath or affirmation to be taken by each clerk, viz :

“I (A. B.) do that I will impartially and truly write down the name of each elector who shall vote at the ensuing election, which shall be given me in charge, and also the name of the township, ward or district, wherein such elector resides, and carefully and truly write down the number of votes that shall be given for each candidate at the election, as often as his name shall be read to me by the inspectors thereof, and in all things truly and faithfully per-

Oath of clerks

form my duty respecting the same to the best of my judgment and ability; and that I am not directly or indirectly interested in any bet or wager on the result of this election."

Two copies of oaths to be signed and certified

SECTION 22. It shall be the duty of the said clerks, forthwith to make out two copies of the forms of each of the said oaths or affirmations, which shall be severally subscribed by each of the inspectors, judges and clerks, and the said oaths or affirmations shall be certified under the hands of the persons by whom they shall be administered.

III—ELECTION OF MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

Time of electing members of congress

SECTION 23. The election of representatives of the people of this commonwealth in the congress of the United States, shall take place on the second Tuesday in October, in the year one thousand eight hundred and forty, and on the second Tuesday in October, in every second year thereafter, at the places appointed by law for holding the general elections.

Notice of election to be given

SECTION 24. It shall be the duty of the sheriffs of the several counties, to give notice of such election in the manner hereinbefore required in the case of the general elections.

Governor to make proclamation of names of persons elected Returns to be transmitted to congress

SECTION 25. It shall be the duty of the governor, on the receipt of the returns of the election of members of the house of representatives of the United States, as aforesaid, by the secretary of the commonwealth, to declare by proclamation the names of the persons so returned as elected in the respective districts, and he shall also, as soon as conveniently may be thereafter, transmit the returns so made to the house of representatives of the United States.

IV—ELECTIONS OF ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

Time of electing electors of President and V. President

SECTION 26. The citizens of this commonwealth, qualified as is herein provided, shall, at their several places of election, on the fifth Friday preceding the first Wednesday in December, in the year one thousand eight hundred and forty, and on the same Friday in every fourth year thereafter, elect a sufficient number of persons to be electors of a president and vice president of the United States.

Notice of election to be given

SECTION 27. It shall be the duty of the sheriff of the respective counties, to give like notice of such election as is hereinbefore required of the election of members of the general assembly.

Kind and contents of tickets

SECTION 28. At every such election every qualified citizen shall be entitled to vote, by delivering to the proper officer a written or printed ticket, containing the names of a

number of persons equal to the whole number of senators and representatives, to which this state may be entitled in the congress of the United States.

SECTION 29. It shall be the duty of the secretary of the commonwealth, on receiving the returns of the election of electors, as hereinafter directed, to lay them before the governor, who shall enumerate and ascertain the number of votes given for each person so voted for, and shall thereupon declare, by proclamation, the names of the persons duly elected, and shall cause a notification of his election, to be delivered to each person so chosen, on or before the last Wednesday in the month of November, next, after such election.

Governor to make proclamation of the names of electors, elected
Notice to electors

SECTION 30. The electors chosen, as aforesaid, shall assemble at the seat of government of this commonwealth, at twelve o'clock of the day which is, or may be, directed by the congress of the United States, and shall then and there perform the duties enjoined upon them by the constitution and laws of the United States.

Assembling of electors
Their duties

SECTION 31. If any such elector shall die, or from any cause fail to attend at the seat of government, at the time appointed by law, the electors present shall proceed to choose *viva voce*, a person to fill the vacancy occasioned thereby, and immediately after such choice, the name of the person so chosen shall be transmitted by the presiding officer of the college to the governor, whose duty it shall be forthwith to cause notice in writing to be given to such person of his election, and the person so elected (and not the person in whose place he shall have been chosen) shall be an elector, and shall, with the other electors, perform the duties enjoined on them, as aforesaid.

Vacancies in the college of electors, how supplied

SECTION 32. Every elector aforesaid shall receive from the state treasury the sum of three dollars for every day spent in travelling to, remaining at, and returning from the place of meeting aforesaid. And the contingent expenses of the electoral college, not exceeding fifty dollars in amount, shall likewise be paid by the state treasurer in both cases, upon warrants drawn by the presiding officer of the college.

Pay of electors and incidental expenses of college

SECTION 33. In the event of an election of president and vice president taking place at any other period than that mentioned in this act, the election of electors shall, in all respects, be held, conducted and concluded, as is hereinbefore provided.

Proceedings if election of president, &c. should take place at any other period

V—ELECTION TO SUPPLY VACANCIES.

1st—*In the office of Governor.*

SECTION 34. In case any vacancy shall occur in the office of governor of this commonwealth more than three calendar months next preceding the second Tuesday in October, in any year, it shall be the duty of the speaker of the senate, or whoever shall be in the exercise of the office of governor, to issue his writs to the sheriffs of the several counties, requiring them to give the usual notice that an election to supply such vacancy will take place on the second Tuesday in October next, thereafter, and when such vacancy occurs within three calendar months before the second Tuesday in October, it shall be the duty of the speaker of the senate, or whoever shall be in the exercise of the office of governor, to issue his writs, as aforesaid, requiring notice of such election on the second Tuesday in October next, after the issuing of said writ, and in each case said writ shall issue at least three calendar months before the election.

Vacancies in the office of governor, how supplied

2d—*In the Legislature of the Commonwealth.*

SECTION 35. Every writ which shall be issued by the speaker of either house of the legislature, in pursuance of the constitution of this commonwealth, to supply a vacancy in such house, shall be directed to the sheriff or sheriffs of the proper county or counties, as the case may be, and shall particularly express the day on which the election shall be held to supply such vacancy. If such writ shall be issued by the speaker of the senate during the recess of the legislature, he shall, except as is hereinafter provided, direct the election to be held at the time appointed for holding the general elections.

Writs to supply vacancies in the legislature
Day of holding election
When day to be the same as general election

SECTION 36. If such vacancy shall happen during the session of the legislature, or if the members shall be required by their own adjournment, or by the governor, to meet at some time previous to the next general election, the speaker issuing the writ, shall appoint a time as early as may be convenient, not exceeding thirty days thereafter for holding such election. But if the return of such election cannot be made before the time appointed for the adjournment of the legislature, such writ shall not be issued, or if issued, shall, in the case of a vacancy in the house of representatives, be countermanded, and in case of a vacancy in the senate, shall, by another writ issued as aforesaid, be extended until the next general election.

Writs to supply vacancies during the session

When to be countermanded or extended

SECTION 37. If, after a writ shall have been issued directing the election to fill such vacancy to take place on the day of the general election, or countermanding a previous writ, ^{if special sessions is called} as aforesaid, the governor shall issue his proclamation for convening the legislature, the sheriff to whom such writ shall be directed, shall give notice, as is hereinafter provided, of an election to be held within thirty days after the date of such proclamation.

SECTION 38. Every writ for holding a special election, as aforesaid, shall be delivered to the sheriff, to whom the same shall be directed, at least fifteen days before the day appointed for such election, who shall forthwith give due and public notice thereof throughout the county, at least ten days before such election, and shall send a copy thereof to at least one of the inspectors of each election district therein. ^{When writ to be delivered to sheriff His notice}

3d—*In the House of Representatives of the United States.*

SECTION 39. Every writ which shall be issued by the governor of this commonwealth, in pursuance of the constitution of the United States, to supply a vacancy in the representation of the people of this commonwealth in the house of representatives of the United States, shall be directed to the sheriff of the county or counties, composing the congressional district, and shall particularly express the day on which the election shall be held to supply such vacancy. ^{Writs to fill vacancies in congress Day to be fixed}

SECTION 40. If such vacancy shall happen during the session of congress, or if congress shall be required to meet at some time previous to the next general election, the governor shall appoint a time as early as may be convenient for holding such election, otherwise he shall direct the election to be held at the time appointed for holding the general elections. ^{When election to be held, on other than the day of the general election}

SECTION 41. Every writ for holding a special election, as aforesaid, shall be delivered to the sheriff to whom the same may be directed, at least fifteen days before the day appointed for such election, who shall forthwith give due and public notice thereof throughout the county, at least ten days before such election, and shall send a copy thereof to at least one of the inspectors of each election district therein. ^{When writ shall be delivered to sheriff His notice}

SECTION 42. When the returns of any special election for a member of the house of representatives of the United States, shall be received by the secretary of the commonwealth, the governor shall declare by proclamation the name of the person elected; and he shall also, as soon as conveniently may be thereafter, transmit the returns so made to the house of representatives of the United States. ^{Returns of special elections}

VI—PROVISIONS IN CASE ANY OF THE MILITIA OR VOLUNTEERS SHALL BE IN ACTUAL SERVICE AT THE TIME OF THE GENERAL ELECTION.

Citizens in military service may exercise the right of suffrage

SECTION 43. Whenever any of the citizens of this commonwealth qualified as hereinbefore provided, shall be in any actual military service in any detachment of the militia or corps of volunteers, under a requisition from the President of the United States, or by the authority of this commonwealth, on the day of the general election, as aforesaid, such citizens may exercise the right of suffrage at such place as may be appointed by the commanding officer of the troop, or company, to which they shall respectively belong, as fully as if they were present at the usual place of election. *Provided,* That no member of any such troop or company, shall be permitted to vote at the place so appointed, if at the time of such election he shall be within ten miles of the place at which he would be entitled to vote, if not in service as aforesaid.

Officers of, and mode of conducting such elections

SECTION 44. The proceedings for conducting such elections shall be as far as practicable, in all respects the same as are herein directed in the case of general elections, except that the captain or commanding officer of each company or troop shall act as judge, and that the first lieutenant or officer second in command, shall act as inspector, at such election, so far as shall relate to such company or troop; and in case of the neglect or refusal of such officers, or either of them, to serve in such capacity, the officer or officers next in command, in such company or troop, shall act as judge or inspector as the case may be.

Oaths of officers, how administered

SECTION 45. The officer authorized to perform the duties of judge, shall administer the proper oath or affirmation to the officer who shall act as inspector, and as soon as such officer shall have been sworn or affirmed, he shall administer the proper oath or affirmation to the officer whose duty it shall be to act as judge, and such officer acting as judge shall appoint two persons to act as clerks, and shall administer to them the proper oaths or affirmations.

Clerks

SECTION 46. The several officers authorized to conduct such election shall take the like oaths or affirmations, shall have the like powers, and they, as well as other persons who may attend, vote, or offer to vote, at such election, shall be subject to the like penalties and restrictions, as are declared or provided in this act, in the case of elections by the citizens at their usual places of election.

Powers and duties of officers of such elections

SECTION 47. Within three days after such election, the judges thereof shall respectively transmit through the nearest post office, a return thereof, together with the tickets, tally

Returns of such elections how to be made

lists and lists of voters, to the prothonotary of the county in which such electors would have voted, if not in military service. And the said judges shall transmit another return of such election to the commanding officer of the regiment or battalion, as the case may be, who shall make a general return under his hand and seal, of the votes of all the companies or troops under his command, and shall transmit the same through the nearest post office to the secretary of the commonwealth.

SECTION 48. It shall be the duty of the prothonotary of the county, to whom such returns shall be made, to deliver to the return judges of the same county, a copy certified under his hand and seal, of the return of votes so transmitted to him by the judges of the election in the companies or troops aforesaid.

Duty of prothonotaries

SECTION 49. The return judges of the proper county or counties, in which the volunteers or militia men aforesaid may have resided at the time of being called into actual service as aforesaid, shall meet on the second Tuesday in November next after the election. And when two or more counties are connected in the election, the meeting of the judges from each county shall be postponed in such case until the Friday following the said second Tuesday in November.

Duty of return judges of counties where the volunteers or militia, resides

SECTION 50. The return judges so met, shall include in their enumeration the votes so returned, and thereupon shall proceed in all respects in the like manner as is provided in this act, in cases where all the votes shall have been given at the usual place of election.

Duty of return judges

VII—OF THE ELECTION OF TOWNSHIP OFFICERS.

SECTION 51. The elections for assessors in the several townships, wards, and districts in this commonwealth, shall be held and conducted under the same regulations as are hereinbefore provided.

Election of assessors, how to be conducted

SECTION 52. The election for all other township officers authorized by law, shall take place as follows: It shall be the duty of the constable of every township, at least ten days before the day appointed by law for the election of the said township officers, to give public notice by ten or more printed or written advertisements, affixed at as many of the most public places therein, of the time and place of holding such election.

Election of other township officers

Notice of

SECTION 53. The election for the said township officers shall be held during the same hours, and by the persons appointed to hold the election of inspectors and assessors, on the third Friday in March, of every year, except in the counties of Bradford, Susquehanna, Potter, M'Kean, Clearfield, Ly-

When and by whom to be held

Exceptions

coming, Wayne and Pike, the township elections of which shall be held on the third Friday in February of every year.

Certificates of election, how to be made and delivered

SECTION 51. It shall be the duty of the said inspectors and judge to make out a certificate of the election of each township officer aforesaid, which shall be signed by them and delivered to the constable of the proper ward, district or township, and by him delivered to the said officer or left at his usual place of abode within six days thereafter.

Certificates to be delivered by constables to clerk Q. S.

SECTION 55. It shall be the duty of the said inspectors and judge, to make out one other certificate setting forth the votes given for each of the persons voted for, for the several township officers aforesaid, which they shall sign and deliver to the constable of the proper township, ward or district, who shall within five days thereafter deliver the same to the clerk of the court of quarter sessions of the county, to be filed in his office.

Place of electing inspectors and township officers, may be changed

SECTION 56. It shall be lawful for the electors of any township, ward or district, to change the place for holding the elections for inspectors, and other officers of such township, ward, or district in the manner following, to wit :

- I. On the requisition in writing of at least thirty of the electors of the township, ward or district, in case there are one hundred or more taxables in said township, ward or district, or of ten electors in case there are less than one hundred taxables in said township, ward or district, the constable shall give notice by at least ten printed or written handbills, set up in the most public places within such township, ward or district, at least fifteen days before the time appointed for the purpose, that a meeting of the electors of the township, ward or district, as the case may be, will be held at the usual place of holding elections therein, at a certain day and hour to be appointed in such notice, for the purpose of determining upon the expediency of changing the place of holding such elections.
- II. If at least fifty electors of said ward, district or township, provided there be one hundred or more electors in said township, ward or district, or twenty electors of said township, ward or district, provided there be less than one hundred electors in said township, ward or district, be present at the time appointed, the constable shall organize the meeting, and if at such meeting a majority of the electors present shall determine by ballot that it is expedient to change the place of holding such election, two certificates thereof and of the names of the qualified citizens, voting at such meeting, shall be made out and signed by the officers of the meeting and attested by the constable, one

Mode of

Proceeding

of which shall be delivered by the constable to the town clerk, if there be one, and the other to the prothonotary of the court of common pleas of the county, to be filed in his office.

SECTION 57. It shall be the duty of the several assessors A-assessors to make alphabetical lists of taxables within this commonwealth, in making the enumeration now required by law, of the taxable inhabitants residing within their respective wards, districts and townships, to arrange the names of such taxables in alphabetical order.

SECTION 58. It shall be duty of said assessors, on or before the first day of August, in each year, to cause at least one copy of the said alphabetical list of the taxable inhabitants Assessors to post up said list of taxables to be posted up at the place where any coming election is to be held, and at such other places within such ward, district or township, as the commissioners of said county may think necessary, to afford to the inhabitants thereof an opportunity of freely examining the same, and they shall further keep To keep copies for inspection copies of the said returns in their office or possession, subject at all reasonable times, to the inspection of any person, without charge, and shall at any time, ten days before the election, on the application of any person claiming to be assessed within their proper ward, district or township, or claiming a Shall assess persons ten days before the election right to vote therein as being between the age of twenty-one and twenty two years, and having resided in the state one year, enter the name of such person upon the said return. The said assessors, on the ninth day preceding the second Tuesday of October, in each year, shall sign and certify the return of the taxable inhabitants and qualified voters residing within their respective wards, districts and townships, and deliver When list of taxables to be delivered to county commissioners the same to the county commissioners, to be by them held and handed over, without addition or alteration, to the inspectors of the elections at the time required by law.

SECTION 59. It shall be the duty of said assessors, respectively, to attend at the place of holding every general, special or township election, during the whole time said election is kept open, for the purpose of giving information to the inspectors and judge, when called on, in relation to the right of any person assessed by them to vote at such election, or such other matters in relation the assessment or voters, as the said inspectors or judge, or either of them, shall from time to time require, for which attendance said assessor shall be entitled Assessors to attend elections to the sum of one dollar per day, to be paid as officers of election are paid by law, and when the township is divided for which said assessor is elected, he shall attend at the election district in which he resides and is entitled to vote. Their duties and compensation

VIII—GENERAL PROVISIONS RELATING TO ELECTIONS BY THE CITIZENS.

SECTION 60. It shall be the duty of the commissioners of every county to cause to be delivered to one of the inspectors of every election district in the county, on or before eight of the clock in the morning of the day of election, an alphabetical list of the names and surnames of all the white male taxable inhabitants of each ward, township or portion of a township (if the same shall be divided in such election district) within the same, who shall have been assessed for a state or county tax at least ten days before that day; and also a sufficient number of boxes for containing the tickets, and of blank forms, and returns made out in a proper manner, and headed as the nature of the election may require.

Commissioners to furnish inspectors with list of taxables

Boxes and blank forms

When elections opened and closed

SECTION 61. Every general and special election shall be opened between the hours of eight and ten in the forenoon, and shall continue without interruption or adjournment until seven o'clock in the evening, when the polls shall be closed, except in the city and county of Philadelphia, the polls shall not be closed before 10 o'clock in the evening.

Position of inspectors at elections Names of districts to be placed on windows

SECTION 62. The inspectors shall be placed so as most conveniently to receive the tickets of the electors, and over or near to the door, window or other place at which the tickets are received, the name of the township, ward or district whose inspectors shall be there placed, shall be written or printed in legible characters, so that the electors may readily find the inspectors to whom their tickets are to be delivered.

Qualifications of electors

SECTION 63. No person shall be permitted to vote at any election, as aforesaid, other than a white freeman of the age of twenty-one years or more, who shall have resided in this state at least one year, and in the election district where he offers to vote at least ten days immediately preceding such election, and within two years paid a state or county tax which shall have been assessed at least ten days before the election. But a citizen of the United States, who had previously been a qualified voter of this state, and removed therefrom and returned, and who shall have resided in the election district and paid taxes, as aforesaid, shall be entitled to vote after residing in this state six months. *Provided,* That the white freemen, citizens of the United States, between the ages of twenty-one and twenty-two years, and having resided in this state one year, and in the election district ten days, as aforesaid, shall be entitled to vote, although they shall not have paid taxes.

Proviso

SECTION 64. Every person claiming a right to vote at

any election, as aforesaid, shall, if required by either of the inspectors, make proof:

- I. That he is a natural born citizen of this commonwealth, or
- II. That he was settled therein on the twenty-eighth of September, one thousand seven hundred and seventy-six, and has since continued to reside therein, or
- III. That having been a foreigner, who since that time came to settle therein, he took an oath or affirmation of allegiance to the same on or before the twenty-sixth of March, Anno Domini, one thousand seven hundred and ninety, agreeably to the then existing constitution and laws, and as evidence of any of the said facts the oath or affirmation of such person shall be sufficient, or
- IV. That he is a natural born citizen of some other of the United States, or had been lawfully admitted or recognized as a citizen thereof, on or before the twenty-sixth day of March, one thousand seven and ninety, and as evidence thereof he shall, if required by any judge or inspector of the election, produce a certificate in due form from some judge, prothonotary or clerk of a court, mayor, alderman or justice of the peace, or shall be examined on his oath or affirmation, or
- V. That having been an alien he has been naturalized conformably to the laws of the United States, and as the only evidence thereof he shall produce a certificate thereof under the seal of the court where such naturalization took place, except where such person shall have resided in said ward, district or township, for ten years or upwards next preceding such application to vote, in which case the oath of such applicant shall be prima facie evidence of naturalization.

Proofs of right to vote, which may be required by inspectors

SECTION 65. No person shall be admitted to vote whose name is not contained in the list of taxable inhabitants furnished by the commissioners, as aforesaid, unless, First: He produce a receipt for the payment, within two years, of a state or county tax assessed agreeably to the constitution, and give satisfactory evidence either on his own oath or affirmation, or the oath or affirmation of another, that he has paid such a tax, or on failure to produce a receipt, shall make oath to the payment thereof, or Second: If he claim a right to vote by being an elector between the ages of twenty-one and twenty-two years, he shall depose on oath or affirmation, that he has resided in the state at least one year next before his application, and make such proof of residence in the district

Proofs required when name is not on list of taxables

Proof required of persons between 21 and 22

Names to be inserted on list of taxables by inspectors

is required by this act, and that he does verily believe from the accounts given him that he is of the age aforesaid, and give such other evidence as is required by this act, whereupon the name of the person so admitted to vote shall be inserted in the alphabetical list by the inspectors, and a note made opposite thereto by writing the word "tax," if he shall be admitted to vote by reason of having paid a tax, or the word "age," if he shall be admitted to vote on account of his age, and in either case the reason of such vote shall be called out to the clerks, who shall make the like notes in the list of voters kept by them.

Proofs required where name is not on list, or right to vote, is questioned

SECTION 66. In all cases where the name of the person claiming to vote is not found on the list furnished by the commissioners and assessor, or his right to vote whether found thereon or not is objected to by any qualified citizen, it shall be the duty of the inspectors to examine such person on oath as to his qualifications, and if he claims to have resided within the state for one year or more, his oath shall be sufficient proof thereof, but he shall make proof by at least one competent witness, who shall be a qualified elector, that he has resided within the district for more than ten days next immediately preceding said election, and shall also himself swear that his bona fide residence, in pursuance of his lawful calling, is within the district, and that he did not remove into said district for the purpose of voting therein.

Proof of actual residence

SECTION 67. Every person qualified as aforesaid, and who shall make due proof, if required, of his residence and payment of taxes, as aforesaid, shall be admitted to vote in the township, ward or district in which he shall reside.

Persons qualified to vote in proper districts

Inspectors only to receive votes from electors in their district

SECTION 68. No inspector shall receive any ticket from any person other than an elector residing within the township, ward or district, for which such inspector shall have been elected or appointed.

Electors may vote by written or printed tickets

How to be folded

SECTION 69. Every voter may deliver written or printed tickets as he shall see cause, but each ticket shall be on a separate piece of paper folded so as to conceal the name of the person or persons voted for, and containing on the outside fold the designation of the office, and that only thus—there shall be contained in one ticket the name of a person for governor; in one other ticket the name or names of a senator or senators; in one other ticket the name or names of a member or members of the house of representatives, and thus with respect to other offices as the case may be.

Inspector when he receives a vote, to call out

SECTION 70. It shall be the duty of each inspector who shall receive the ticket of an elector, to call aloud the name of such elector, which shall be entered by the clerks in separate lists, and the name shall be repeated by each of them, and the inspector shall insert the letter V in the margin of

the alphabetical list, opposite to the name of such elector, and if such elector shall have been sworn or affirmed, or produced a certificate or other evidence, as before provided, of having been naturalized, the inspector shall also note the same in the margin of such list, and where proof of residence is made, shall also note the name of the person making such proof.

SECTION 71. All tickets folded and endorsed, as aforesaid, and personally delivered by the voter and none other, shall, by the respective inspectors, be deposited in separate boxes, according to the office designated on the back of the ticket, and shall there remain until the poll be closed.

SECTION 72. When the poll shall be closed, the boxes wherein the tickets shall have been deposited, shall be opened one by one, and the inspectors, in the presence of the judge, shall deliberately take out such tickets and shall each read aloud the name or names written or printed thereon, respectively, and the clerks shall each carefully enter, as read, each ticket as it is taken from the box, and keep account of the same on papers prepared for the purpose, so that the number of votes for each candidate tallied thereon may be readily cast up and known.

SECTION 73. If upon opening any ticket, as aforesaid, there be found any more names written or printed on any of them than there ought to be, or if any two or more such papers be deceitfully folded together, such tickets shall be rejected and not counted among the votes, but no ticket shall be rejected by reason of its containing fewer names than the proper number.

SECTION 74. As soon as the election shall be finished, the tickets, list of taxables, one of the lists of voters, the tally papers and one of the certificates of the oath or affirmation, taken and subscribed by the inspectors, judges and clerks, shall all be carefully collected and deposited in one or more of the ballot boxes, and such box or boxes, being closely bound round with tape, shall be sealed by the inspectors and judge of the election, and together with the remaining ballot boxes, shall within one day thereafter be delivered, by one of the inspectors, to the nearest justice of the peace, who shall keep such boxes containing the tickets and other documents, to answer the call of any persons or tribunal authorized to try the merits of such election, and the other list of voters, tally papers and certificates, shall be enclosed by the said inspectors and judge in a sealed cover, directed to the prothonotary of the court of common pleas of the county, and shall by some one of them be delivered into his office within three days thereafter, where the same shall be filed.

SECTION 75. As soon as all the votes given for any office

Judge to declare the number of votes for candidates Certificates, how to be made, shall be read off and counted, the judge shall publicly declare the number of votes given for each person for such office, and the inspectors and judge of each election district shall make out a certificate under their hands and seals, setting forth in words at length, the number of votes given for the several persons voted for, and distinguishing the office or station in respect to which the votes were given.

SECTION 76. The said judge shall then take charge of the certificate aforesaid, and on the third day after the day of election shall produce the same at a meeting of one judge from each district within the same county, at the court house of the said county; and for the city and county of Philadelphia, at the state house in the said city, except where such judge by sickness or unavoidable accident is unable to attend, in which case one of the inspectors or clerks shall take charge of said certificate and perform the duties required of said judge. *Provided,* That if the third day after the election shall be Sunday, the meeting shall be held on the Monday next following.

SECTION 77. When the qualified voters of more than one ward, township, or district, meet at the same place to hold their election, it shall be the duty of the respective judges of said election districts, in addition to the certificates required in the seventy-sixth section of this act, to make out a fair statement and certificate of all the votes, which shall have been then and there given for each candidate, distinguishing the office or station which he shall have been voted for; and one of said judges shall take charge of said certificate, and, also, of the several certificates made out for each election district, as before directed, and produce the same at a meeting of all the judges in the county, in the manner prescribed in the seventy-eighth section of this act.

SECTION 78. The judges of the several election districts, in each county, being so met, shall select one of their number to act as president of the board; and, also, select two suitable qualified electors of the county, either members of the board, or otherwise, to act as clerks, who, before entering on their duties, shall be severally sworn or affirmed to perform the duties of their office with honesty and fidelity; and on the board being so formed, it shall be the duty of the several return judges to deliver the certificates of election, in their respective districts, to the president of said board, who shall cause the clerks, in presence of said board, to add together the number of votes, which shall appear, by said certificates, to have been given for any person or persons, in respect to each office or station; and said clerks, when not return judges, shall be allowed two dollars per day, in full for their services, and when return judges, fifty cents, in ad-

dition to the pay allowed by law as judges, which, in either case, shall be paid out of the county treasury, on a certificate to the commissioners of the proper county, signed by the president of the board.

SECTION 79. The clerks shall, thereupon, in presence of the judges, make out returns in the manner hereinafter directed, which shall be signed by all the judges present, and attested by said clerks; and it shall not be lawful for said judges or clerks, in casting up the votes which shall appear to have been given, as shown by the certificates under the seventy-sixth and seventy-seventh sections of this act, to omit or reject any part thereof, except where, in the opinion of said judges, such certificate is so defective, as to prevent the same from being understood, and computed in adding together the number of votes, in which case, it shall be the duty of said clerks to make out a true and exact copy of said paper or certificate, to be signed by said judges, and attested by said clerks, and attached to, and transmitted with said return (where the same is directed to be transmitted) to the secretary of the commonwealth, and the original paper shall be deposited in the prothonotary's office, and by said officer copied and transmitted, with the return of said election, to the secretary, as aforesaid.

Returns to be signed by all the judges

Of imperfect certificates

How to be disposed of

- I. Duplicate returns of all the votes given for every person and persons, who shall have been voted for, for any office or station, which the electors of the county are entitled to choose of themselves, unconnected with any other county or district.
- II. Like returns of all the votes given in the county, for every person voted for as governor.
- III. Triplicate returns of all the votes given for any person voted for in the county, as electors of president and vice president of the United States.

Number of returns to be made

SECTION 80. When the returns shall be completed, the president of the board of judges, aforesaid, shall forthwith lodge one of each of such returns in the office of the prothonotary of the court of common pleas of the county; and in the case of an election of electors for president and vice president of the United States, one other of the returns in the same office, and the other duplicates shall be transmitted as follows, viz:

One return to be lodged with prothonotary

- I. In case of a governor, the remaining duplicate shall be enclosed in an envelope, directed to the speaker of the senate, and endorsed according to the fact, which having been sealed, shall be enclosed in another envelope, sealed and directed to the secretary of the commonwealth, and the same shall forth-

Return of governor, how to be directed and sent to secretary commonwealth

with be placed, by the said president, in the nearest post office?

Return of electors of president, &c.

II. In case of electors of president and vice president of the United States, and of members of the house of representatives of the United States, and of county offices to be commissioned by the governor, the remaining duplicate shall be enclosed in an envelope, sealed and directed to the secretary of the commonwealth, and in like manner placed, by the said president, in the nearest post office.

Return of senators

III. In case of the election of a senator or senators of this commonwealth, the same shall be enclosed in an envelope, sealed and directed "to the senate of Pennsylvania;" and in case of the election of a member or members of the house of representatives of this commonwealth, the same shall, in like manner, be enclosed in an envelope, sealed and directed "to the house of representatives of Pennsylvania," and each of said returns shall be enclosed in an envelope, and directed to the secretary of the commonwealth, and in like manner placed, by said president, in the nearest post office.

House of representatives

County officers

IV. In the case of county commissioners, and county auditors, the remaining duplicates shall be lodged in the office of the prothonotary of the county.

District returns

SECTION 81. When two or more counties shall compose a district for the choice of a member or members of the senate of this commonwealth, or of the house of representatives of the United States, or of this commonwealth, the judges of the election, in each county, having met, as aforesaid, the clerks shall make out a fair statement of all the votes which shall have been given at such election, within the county, for every person voted for, as such member or members, which shall be signed by said judges, and attested by the clerks; and one of the said judges shall take charge of such certificate, and shall produce the same at a meeting of one judge from each county, at such place, in such district, as is or may be appointed by law for the purpose; which meeting shall be held on the seventh day after the election.

District return judges, time of meeting

One return to be lodged with prothonotary

The other to be sent to Secretary of Commonwealth.

SECTION 82. The judges of the several counties having met, as aforesaid, shall cast up the several county returns, and make duplicate returns of all the votes given for such office, in said district, and of the name of the person or persons elected, and one of said returns, for each office, shall be deposited in the office of the prothonotary of the court of common pleas of the county in which they shall meet, and the other shall be by said judges deposited in the nearest post office, sealed and directed to the secretary of the common-

wealth, in the manner directed in parts two and three, of the eightieth section of this act.

SECTION 83. It shall also be the duty of the return judges, in every case, to transmit to each of the persons elected to serve in congress, or in the senate, or in the house of representatives of this commonwealth, a certificate of his election, within five days after the day of making up such return.

SECTION 84. It shall be the duty of the prothonotary of every county to whom the return of any election shall be delivered by the judges, as aforesaid, where said judges are required to send a copy of said return to the secretary of the commonwealth, to make out a copy of such return, certified under his hand and official seal, and forthwith to transmit such copy, under a sealed cover, to the secretary of the commonwealth, by placing the same in the nearest post office. It shall also be the duty of the prothonotary of every county to record all the election returns in a book to be procured for that purpose, and to lay the returns of the election of county commissioners and county auditors, and of all township officers, before the court of quarter sessions of such county.

SECTION 85. It shall also be the duty of every prothonotary to give a certified copy of the list of voters and other papers deposited in his office by the judges of an election, to any person applying for the same, on payment of the usual fees as in other cases.

SECTION 86. If the returns of any elections, which, by this law, are directed to be transmitted to the secretary of the commonwealth shall not be received within fifteen days after the same are required to be deposited in the post office, it shall be the duty of said secretary to forthwith notify the prothonotary of the proper county to transmit, without delay, a certified copy of such returns.

SECTION 87. It shall be the duty of the secretary of the commonwealth, on the receipt of the returns of the election of any township or county officer, who is by law to be commissioned by the governor, to forthwith lay the same before him; and on the first Tuesday of January, in each and every year, as soon as the senate shall convene, all returns of the election of senators for that year to the speaker of the senate.

SECTION 88. It shall be the duty of said secretary, between the hours of eleven o'clock, A. M., and one o'clock, P. M., of the first Tuesday in January, of each and every year, to take into the hall of the house of representatives, several returns of the elections of members of said house.

SECTION 89. In all cases of election to fill vacancies in either branch of the legislature, the secretary shall on receiving the returns of such election deliver the same without

Return judges to give certificates to persons elected.

Prothonotaries to send copies of returns to secretary of commonwealth.

Prothonotaries to record returns. To lay county returns before court.

To give copies.

Duty of Secretary of commonwealth when returns are not received in time.

Secretary of commonwealth to lay certain returns before Governor. To lay returns of senators before speaker of senate. To take returns of members of H. R. into the hall.

Secretary to deliver re-

turns of special elections. delay to the speaker of the house; in which such vacancy occurred, and if said house is not in session, when said return is received, then the same shall be delivered so soon as said house convenes.

Secretary to deliver returns of Governor to speaker of senate. SECTION 90. It shall be the duty of said secretary, within five days after the meeting of the general assembly, to deliver to the speaker of the senate the returns of the election of governor, received by him from the several counties of this commonwealth.

Of returns of governor received after election, published. SECTION 91. Whenever the returns of an election for governor shall not be received from any county by the secretary of the commonwealth before the election of governor shall be published, every such return so delayed shall be considered as void, unless the election be contested, in which case such returns shall be allowed to be of the same validity, and liable to the same exceptions, as other returns received in due time.

Pay of judges, inspectors and clerks. SECTION 92. Every judge, inspector and clerk as aforesaid, shall receive the sum of one dollar and fifty cents, except the city and county of Philadelphia, where they shall receive two dollars each, for every day employed in the duties required of him by law, in conducting the general, special or township elections, to be paid by the treasurer of the proper county, on orders to be drawn upon him by the commissioners, which allowance shall be in full for his services and expenses other than the mileage hereinafter allowed, and in lieu of all kinds of refreshment which may have been customary to provide, and no such expense for refreshment, shall be paid or allowed by the commissioners of any county.

No pay for refreshment

Pay of return judges

SECTION 93. Every return judge shall be allowed out of the treasury of his proper county, the sum of ten cents for every mile he shall necessarily have travelled in going to the place appointed by law, for the meeting of return judges, and in returning thence to his own house.

When malignant diseases prevail

Governor may change place of holding elections

SECTION 94. It shall be lawful for the governor of this commonwealth, on the representation of the board of health, or of the municipal authority of any city, borough, town, or incorporated district in this commonwealth, that from the prevalence of any malignant or contagious disease, in such city, borough, town, or district, the lives of the electors may be in danger by attending at the places fixed by law for holding elections within the same, to direct the sheriff of the proper county to give notice that the election for such city, borough, town, or district, will be held at such place within the limits, or in the neighborhood of the same, as he, the governor, may judge most safe and convenient, and it shall be the duty of such sheriff to give public notice of such place, in the manner

hereinbefore required, at least seven days before the day of election, under the same penalty, as is hereinafter provided.

SECTION 95. No body of troops in the army of the United States, or of this commonwealth, shall be present, either armed or unarmed, at any place of election within this commonwealth, during the time of such election. *Provided*, That nothing herein contained shall be so construed as to prevent any officer or soldier, from exercising the right of suffrage in the election district to which he may belong, if otherwise qualified according to law.

No U. States troops to be present at elections
Provide

SECTION 96. In all cases where a sheriff is directed to perform any duty by the provisions of this act, and said sheriff is absent from the district, or there is any vacancy in said office, the duty directed to be performed by the sheriff, shall be done and performed by the coroner of the proper county, who shall be entitled to the same fees and subject to like penalties.

When sheriffs duty to be performed by coroner

SECTION 97. If the constables or supervisors of any town, ward or district, shall neglect or refuse to perform the duties herein required of him or them, they shall respectively, on conviction, be fined in any sum not less than fifty nor more than one hundred dollars.

Penalty on supervisors and constables for neglect of duty

SECTION 98. If the commissioners of any county shall wilfully omit to insert in the list of taxables, delivered by them to the inspectors, as before directed, the name of any person duly assessed and returned to them by the assessor, they shall, on conviction thereof, be fined, and severally pay any sum not less than fifty nor more than one hundred dollars.

Penalty on commissioners for omitting to insert names of persons assessed

SECTION 99. If any person elected to serve as inspector or judge as aforesaid, and having received due notice thereof, shall neglect, or without good cause refuse, to attend on the day of election at the time appointed by law, he shall in every such case forfeit the sum of twenty dollars.

Penalty on judges and inspectors for not attending at proper time

SECTION 100. If any inspector, judge or clerk, as aforesaid, shall neglect or refuse to take upon himself the duties of such office, he shall forfeit and pay the sum of fifty 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 dollars for every such offence.

Penalty on inspectors, judges and clerks, for refusing or neglecting to perform their duties

SECTION 101. 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, nor more than two hundred dollars.

Penalty on officers for acting without being qualified

SECTION 102. If any inspector, judge or clerk, as aforesaid, shall be convicted of any wilful fraud in the discharge

Frauds of inspectors, judges, and clerks how punished of his duties, as aforesaid, he shall undergo an imprisonment for any term not less than three, nor more than twelve months, and be fined in any sum not less than one hundred dollars, nor more than five hundred dollars, and shall be for seven years thereafter disabled from holding any office of honor, trust or profit in this commonwealth, and shall moreover be disabled for the term aforesaid, from giving his vote at any general or special election within this commonwealth.

Penalty on officers for rejecting votes of qualified electors, &c. SECTION 103. If any inspector or judge of an election, shall, knowingly, reject the vote of any qualified citizen, or knowingly, receive the vote of any person not qualified, or conceal from his fellow officers any fact on the knowledge of which such vote should by law be received or rejected, each of the persons so offending, shall, on conviction, be punished in the manner prescribed, in the one hundred and seventh section of this act.

Penalty for receiving certain votes without proof SECTION 104. If any such inspector or judge shall receive the vote of any person, whose name shall not be returned on the list furnished by the commissioners or assessor, without first requiring the evidence directed in this act, the person so offending shall on conviction, be fined in any sum not less than fifty, nor more than two hundred dollars.

Penalty for prying into tickets SECTION 105. If any judge of an election, inspector, clerk or other person, before the poll shall be closed, shall unfold, open, or pry into any ticket, with a design to discover the name of any candidate therein, every person so offending shall on conviction be fined in any sum not less than fifty nor more than one hundred dollars, and imprisoned for any time not less than one nor more than three months.

Penalty for defacing tickets or election papers SECTION 106. If any person shall embezzle or unlawfully deface, alter, change, substitute or destroy any ticket, list of voters, tally paper or certificate, taken or made at any election, as aforesaid, he shall on conviction suffer imprisonment for a term not less than twelve months nor more than three years, at the discretion of the court, and be fined in any sum not less than one hundred nor more than one thousand dollars.

Penalty on commissioners for adding names to list of taxables SECTION 107. If the commissioners of any county shall add or knowingly permit to be added, the name of any person to the list of taxable inhabitants furnished them by the assessor, and shall return such name to the inspectors of election, each commissioner concerned therein, shall, on conviction, thereof, be fined in any sum not less than fifty nor more than two hundred dollars.

Penalty on assessors for neglecting to SECTION 108. If any assessor shall intentionally neglect or refuse to assess any citizen of this commonwealth, who is or shall be subject to assessment by law, or shall in like manner neglect or refuse to return the name of the person so assessed

to the commissioners of the proper county, or intentionally neglect or refuse to perform any other duty enjoined on him by the provisions of this act, he shall, on conviction thereof, be fined in any sum not less than fifty nor more than two hundred dollars.

SECTION 109. If the commissioners of any county, shall neglect or refuse to furnish the inspectors of each election district within the said county, the lists, papers and boxes, required by the sixtieth section of this act, each commissioner shall be subject to a penalty of fifty dollars.

Penalty on commissioners for neglecting to furnish inspectors with lists, boxes, &c.

SECTION 110. If any person shall prevent or attempt to prevent any officers of an election under this act, from holding such election, or use or threaten any violence to any such officer, or shall interrupt or improperly interfere with him in the execution of his duty, or shall block up or attempt to block up the window, or avenue to any window where the same may be holden, or shall riotously disturb the peace at such election, or shall use or practice any intimidation, threats, force or violence, with design to influence unduly, or overawe any elector, or to prevent him from voting, or to restrain the freedom of choice, such person, on conviction, shall be fined in any sum not exceeding five hundred dollars, and be imprisoned for any time not less than one nor more than twelve months. And if it shall be shown to the court, where the trial of such offence shall be had, that the person so offending was not a resident of the city, ward, district or township, where the said offence was committed, and not entitled to vote therein, then, on conviction, he shall be sentenced to pay a fine of not less than one hundred nor more than one thousand dollars, and be imprisoned not less than six months nor more than two years.

Penalty for obstructing officers of elections

For blocking up windows

For disturbing peace

For threats of violence

When offender not a resident, additional penalty

Duty of peace officers to clear windows

Penalty

Constables to attend elections

SECTION 111. 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 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 nor more than one thousand 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.

SECTION 112. 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 said court to cause indictments to be preferred before the grand jury against the persons so offending.

SECTION 113. 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 a misdemeanor in office, and on conviction thereof, the said officer shall be fined in any sum not exceeding one hundred dollars.

SECTION 114. 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.

SECTION 115. If any person or persons shall make any bet or wager upon the result of any election within this commonwealth, or shall offer to make any such bet or wager, either by verbal proclamation thereof, or by any written or printed advertisement, challenge or invite any person or persons to make such bet or wager, upon conviction thereof, he or they shall forfeit and pay three times the amount so bet or offered to be bet.

SECTION 116. It shall be the duty of every judge, sheriff, mayor, alderman, justice of the peace or constable, knowing of any person having offended against the provisions of the one hundred and fifteenth section of this act, to commence proceedings against the person so offending; and it shall be the duty of the grand juries of the respective counties within this commonwealth, to make a presentment of all such offences coming within their knowledge.

SECTION 117. It shall be the duty of the inspectors and judge of the election to reject the votes of all persons, who they, or any of them, shall know, or who shall be proven before them to have made, or who are in any manner interested in any bet or wager on the result of said election, and

on the request of any qualified elector, said inspectors and judge shall receive proof to show the person so offering to vote, has or has not made any such bet or wager, or is or is not interested therein.

SECTION 118. It shall be the duty of the several constituted authorities having care and charge of the poor in the respective counties, districts and townships of this commonwealth, knowing, or being informed under oath, of any person or persons having made any bet or wager of any land, goods, money, or thing of value, on the result of any election within this commonwealth, or deposited the same in the hands of any person within their respective counties, districts or townships, to bring suit in the name of the commonwealth of Pennsylvania, for the use of the poor of such county, district or township, against such deposittee or stakeholder; where said bet is deposited in the hands of a third person, or against the party winning said bet, when the same is not so deposited for the recovery of the amount so bet; and if on the trial it shall be made appear that said lands, goods, money, or thing of value, was bet on the result of any election within this commonwealth, said guardians, directors or overseers of the poor, shall be entitled to recover the amount or value thereof, for the use of the poor from said stakeholder, or person winning said bet, where there is no stakeholder. *Provided*, Said suit is brought within two years from the time of making said bet. And the stakeholder is hereby prohibited during said time to pay over the amount so bet to either of the parties, and shall be liable for the same whether such bet is paid over or delivered to the parties, or either of them or not, and the party winning shall in like manner be liable to the payment of the whole amount so bet, where the same is received by him. And said bet, or the value thereof, may be recovered as debts of like amount are by law recoverable; and if said guardians, directors or overseers of the poor shall neglect or refuse to bring such suit, they shall be guilty of a misdemeanor in office, and on conviction, shall be fined in any sum not less than the amount so bet, nor more than double the amount.

SECTION 119. If any person, not by law qualified, shall fraudulently vote at any election within this commonwealth, or being otherwise qualified, shall vote out of his proper district, or if any person knowing the want of such qualification, shall aid or procure such person to vote, the person or persons so offending, shall, on conviction, be fined in any sum not exceeding two hundred dollars, and be imprisoned for any term not exceeding three months.

SECTION 120. If any person shall vote at more than one election district, or otherwise fraudulently vote more than once

For voting more than once, or two tickets

on the same day, or shall fraudulently fold and deliver to the inspector two tickets together, with the intent to illegally vote, or shall vote the same, or if any person shall advise and procure another so to do, he or they so offending, shall on conviction, be fined in any sum not less than fifty, nor more than five hundred dollars, and be imprisoned for any term not less than three, nor more than twelve months.

Penalty on persons not qualified for interfering at elections

SECTION 121. If any person not qualified to vote in this commonwealth, agreeably to law, (except the sons of qualified citizens) shall appear at any place of election, for the purpose of issuing tickets or of influencing the citizens qualified to vote, he shall, on conviction, forfeit and pay any sum not exceeding one hundred dollars for every such offence, and be imprisoned for any term not exceeding three months.

Penalty on electors for receiving bribes

SECTION 122. If any elector shall receive any gift or reward for his vote, in meat, drink, money or otherwise, he shall forfeit his right to vote at that election, and shall, on conviction, be fined in any sum not exceeding one hundred dollars, and suffer imprisonment for a term not less than one, nor more than six months.

Penalty for offering bribes to voters, or threats

SECTION 123. If any person shall give or bestow any such gift or reward, in order to procure any person to be elected, or shall promise or attempt, either directly or indirectly, to confer any such gift or reward for such purpose, or shall attempt or endeavor to influence any voter by any offer or promise of any appointment, employment or pecuniary benefit, or by threats of loss of any appointment, employment or pecuniary benefit, he shall, on conviction, be fined in a sum not less than one hundred dollars, nor exceeding one thousand dollars, and suffer imprisonment not less than one, nor more than twelve months.

Penalty for swearing falsely

SECTION 124. If any person shall wilfully and corruptly make or procure any person to make falsely any oath or affirmation, required or authorized by this act, such person shall suffer such penalties and disabilities as are incurred on conviction of wilful and corrupt perjury, or subornation of perjury.

For uttering forged receipts or certificates

SECTION 125. If any person shall knowingly publish, utter, or make use of any forged or false receipt, or certificate, with intent to impose the same upon, or deceive any inspector or judge, at any election, as aforesaid, such person shall, on conviction, be fined in any sum not less than fifty, or more than five hundred dollars, and suffer imprisonment not less than six months, nor more than two years.

Penalty on prothonotary and sheriffs

SECTION 126. If any prothonotary or sheriff shall neglect or refuse to perform any of the duties hereinbefore enjoined upon him, or shall wilfully misbehave in the doing thereof, he shall, on conviction thereof, be fined in any sum not less

than one hundred, nor exceeding five hundred dollars, and for neglecting shall suffer imprisonment for a term not exceeding twelve their duty months.

SECTION 127. If any justice of the peace shall refuse to receive any ballot box delivered to him, as is hereinbefore provided, or having received the same, shall neglect the safe keeping thereof, he shall, on conviction of any such refusal or neglect, be fined in any sum not less than one hundred, nor more than one thousand dollars. Penalty on justice for neglect of box

SECTION 128. Every specific fine or forfeiture, imposed by this act, may be recovered by action of debt, in the name of the commonwealth, as debts of like amount, are by law recoverable, or by indictment in the court of quarter sessions of the proper county; and where the fine and forfeiture is not specific, the proceeding shall be by indictment in the quarter sessions of the proper county: *Provided*, That all such suits and prosecutions shall be instituted within one year next after the cause thereof shall accrue, unless otherwise herein provided. How fines and forfeitures to be removed
Limitation of suits.

IX--OF THE TRIAL OF CONTESTED ELECTIONS.

I. *In the cases of Governor and Members of the Legislature of this Commonwealth.*

SECTION 129. The election of any person as governor, or as member of either branch of the legislature, may be contested on the petition of qualified electors of this commonwealth, under the following regulations and restrictions, but no petition complaining of an undue election, or false return of a person elected governor, senator, or member of the house of representatives, shall be acted upon by the legislature, unless Petitions contesting election of governor or member of the legislature

- I. The same be presented within ten days after the organization of the legislature next succeeding the election. When to be presented
- II. Nor unless the same be signed, in the case of a governor, by at least fifty qualified electors; and in the case of a senator or representative, by at least twenty such electors of the proper district, city, or county. Requisites of
- III. Nor unless the same shall be accompanied by an affidavit, taken and subscribed by at least five of the petitioners, before some person having authority to administer oaths, that the facts stated in such petition are true to the best of their knowledge and belief.
- IV. Nor unless the same be accompanied by a certificate from the treasurer, prothonotary, or one of the commissioners of the county in which the petitioners

reside, setting forth that the said petitioners, or as many of them as are hereinbefore required, were, at the time of signing the same, duly qualified electors.

Petition con-
testing elec-
tion of gover-
nor, to be de-
livered to
speaker of the
senate
To be read in
both houses

SECTION 130. In the case of a governor, every such petition shall be delivered to the speaker of the senate, who shall immediately give information thereof to both houses. And such petition being read in each house, shall be laid on the table, without any question being thereon taken, until the two houses shall proceed thereon, which proceeding shall be as follows :

Joint meeting
of both houses

SECTION 131. The senate and house of representatives, on a day and hour to be agreed upon between them, not exceeding five days after the delivery of the petition, shall convene in the hall of the house of representatives, where the petition shall be read by the speaker of the senate. The names of the members of each house shall then be called over by the respective clerks, and a quorum of each house being present, a joint committee shall be formed as follows :

To select
committee

I. The names of all the senators present, except the speaker, shall be written on distinct pieces of paper, as nearly alike as may be, each of which shall be rolled up, and put into a box, by the clerk of the house of representatives, and placed on the speaker's table.

Names of sen-
ators to be
placed in a
box

To be shaken
and placed in
three boxes

II. The clerk of the senate having shaken and intermixed the said papers, shall draw them out one by one, and put them alternately into three boxes, also, placed on the speaker's table.

To be shaken
and drawn

III. When the whole number shall be so distributed, the clerk of the house of representatives shall shake and intermix the papers in each box, and shall draw alternately from each box the papers so rolled up, and shall deliver them singly to the speaker of the house of representatives.

To be read

IV. The speaker of the house of representatives shall open the said papers singly, and read aloud the name on each, and then deliver the papers singly to the speaker of the senate, who shall place them openly on the table.

Tellers to take
down names
in writing

V. A member of each house to be designated for the purpose by the respective speaker, shall take down in writing the name so called, and shall each of them repeat aloud the name he has so written, until the number of twelve names be drawn out and written down.

SECTION 132. The like proceedings shall then be had for the drawing of twenty-five members of the house of representatives for the said purpose, excepting

Same proceedings with regard to members H. R.

- I. That the duties hereinbefore enjoined upon the clerk of the house of representatives, shall be performed by the clerk of the senate.
- II. That the duties hereinbefore enjoined upon the clerk of the senate, shall be performed by the clerk of the house of representatives.
- III. That the duties hereinbefore enjoined upon the speaker of the house of representatives, shall be performed by the speaker of the senate.
- IV. That the duties hereinbefore enjoined upon the speaker of the senate, shall be performed by the speaker of the house of representatives, whose name shall not be placed in the box.

SECTION 133. If any objection be made, by either of the parties, to any member so drawn by lot, such member shall be discharged, and another name shall be drawn to supply the place, and so on, until the whole number of twelve members of the senate, and twenty-five of the house of representatives, shall be completed; and in all cases, the members drawn in place of those objected to, shall be in like manner liable to be set aside, and others shall be drawn in their places, but if so many be set aside by reason of objections, as aforesaid, that there shall not remain more than the number, aforesaid, then no further objections shall be admitted.

Objections how made

When inadmissible

SECTION 134. When the number, aforesaid, shall be completed, the clerk of the house of representatives shall draw out, one by one, the names of the remaining members of the senate, and deliver them singly to the speaker of the house of representatives, who shall unfold and read them aloud; and the clerk of the senate shall, in like manner, draw out the names of the remaining members of the house of representatives, and deliver them singly to the speaker of the senate, who shall unfold them, and read them aloud; and if any unfairness or mistake shall be then discovered therein, the whole proceedings shall be set aside, and the same shall be renewed in manner and form hereinbefore directed; but after the committee is sworn, no objection, for such cause, shall be received.

Remaining names to be drawn from boxes

SECTION 135. When the proceedings aforesaid shall be concluded, a list of the twelve members of the senate, and a separate list of the twenty-five members of the house of representatives, so drawn, shall be given to each of the parties, who shall immediately withdraw to some adjoining room with a clerk or member appointed by the joint vote of members present, where they shall proceed to strike off alternately

List of the 12 members of senate, and 25 members H. R., to be delivered to parties

How to be stricken and reduced. the names upon such list, until the number shall be reduced to four members of the senate, and nine of the house of representatives.

Joint meeting to be continued. SECTION 136. On the parties withdrawing to form such select committee, the members of both houses shall continue convened, and the members whose names shall have been drawn out of the boxes, shall not depart the conference room without leave, until the time and place for the meeting of the select committee shall be fixed, as is hereinafter provided.

Names of members joint committee to be delivered to speaker H. R. Oath of members committee. SECTION 137. Within one hour from the time of withdrawing, as aforesaid, the parties shall deliver to the speaker of the senate the names of the said four members of the senate, and nine of the house of representatives, remaining on the list, who shall then respectively take an oath or affirmation, to be administered by the speaker of the senate, to "try the matter of the petition and to give a true judgment thereon according to the evidence, unless the committee shall be dissolved."

Time and place of meeting of committee. SECTION 138. The time and place for the meeting of the select committee, so appointed, shall then be directed by the joint vote of the members of both houses, which time shall be within twenty-four hours of the appointment.

Members may be excused, and others substituted. SECTION 139. If any person appointed a member of such select committee shall, at the time of such appointment, swear or affirm that he cannot without great inconvenience serve on such committee, he shall be excused, and in such case another shall be substituted. But if any member of such committee shall neglect to attend upon the committee, his name shall be reported in writing to the house of which he shall be a member, and unless satisfactory reasons be given for his non-attendance, he shall be reprimanded by the speaker of the house of which he is a member.

Member of committee, neglecting to attend

To be reprimanded

Chairman of select committee to be chosen

SECTION 140. The select committee so chosen shall on their first meeting elect a chairman from among themselves, and in the event of the death or unavoidable absence of such chairman, they shall choose another in his place, and if in any such election there shall be an equal number of votes, the member whose name was first drawn shall have a casting vote.

Sittings of committee

Quorum

When committee to be dissolved

Proviso

SECTION 141. The select committee shall sit from day to day, Sundays excepted, at such hours as shall not interfere with their attendance in the legislature, but unless nine of their number be present, the committee after waiting one hour, shall adjourn to the next day, and if the number of the committee shall unavoidably be reduced to less than nine members, and shall so continue for the space of three days, Sundays excepted, the committee shall be dissolved and shall beheranot chosen in manner aforesaid. *Provided, That*

when the two houses shall stand adjourned for more than three days the committee may adjourn to the same time.

SECTION 142. The select committee shall have power to send for persons, papers and records, and to compel the attendance of, and examine all witnesses who may come before them, upon oath or affirmation, which the chairman or clerk of the committee may administer in their presence, and to decide not only on the validity of such contested election, but also which of the candidates had the greatest number of legal votes.

SECTION 143. When it is proven to the satisfaction of said committee, that any person not a legally qualified voter, voted at any such contested election, it shall be lawful for said committee to compel said voter to disclose, under oath, for which of the respective candidates he voted. But when the committee examines the witness, on oath, as to the person or persons for whom he voted, and said witness on such examination discloses the name of the person or persons for whom he voted at such election, he shall not afterwards be presented for having illegally voted at such election.

SECTION 144. The doors of the room in which the select committee shall meet, shall remain open during the examination of witnesses, but may be shut at any other time. All determinations of such committee shall be by a majority of the whole number appointed, and, as soon as the committee shall have agreed upon the same, the chairman shall make two reports thereof in writing, one of which shall be delivered to the speaker of the senate, and the other to the speaker of the house of representatives, which reports shall be entered on the journals of the respective houses, and shall be final and conclusive.

SECTION 145. If the committee or a majority thereof, as aforesaid, shall report that either of the candidates had the greatest number of legal votes and ought to be admitted to the office, such candidate shall thereupon be entitled to such office.

SECTION 146. If the committee or a majority thereof, as aforesaid, shall report that such election or return is invalid, a new election shall take place on the second Tuesday in October ensuing, agreeably to the constitution, of which the speaker of the senate and speaker of the house of representatives, shall immediately give notice by their joint writ, directed to the sheriffs of the respective counties. And the sheriffs of the respective counties shall give due notice thereof according to law.

SECTION 147. Every petition, as aforesaid, complaining of an undue election or false return of a member of the senate, shall be delivered to the speaker of the senate, and thereupon

try contested
election of
senator

Powers of
committee

the like proceedings shall be had in the senate in selecting a committee of such house by lot, and the like powers and authorities shall be vested in the senate, in relation to such committee, and the said committee shall have the like powers and authorities, and be subject to the like rules and regulations, as are hereinbefore directed in case of a contested election of a governor; excepting,

- I. That the several duties which are hereinbefore directed to be performed in such case by the speaker of the senate and the speaker of the house of representatives, shall be performed by the speaker of the senate.
- II. That the several duties which are hereinbefore directed to be performed in such case by the clerk of the senate and the clerk of the house of representatives, shall be performed by the clerk of the senate.
- III. That the number of members of the senate first taken out by lot shall be thirteen, and that the select committee shall consist of seven members, and shall not be dissolved unless reduced to less than five members.

Selection of
committee, to
try contested
election of
member H. R.

Powers of
committee

SECTION 148. Every petition, as aforesaid, complaining of an undue election or a false return of a member of the house of representatives, shall be delivered to the speaker thereof, and thereupon the like proceedings shall be had in such house in selecting a committee thereof by lot, and the like powers and authorities shall be vested in such house in relation to such committee. And such committee shall have the like powers and authorities, and be subject to the like rules and regulations, as is hereinbefore directed in the case of contested elections of a governor; excepting,

- I. That the several duties which are hereinbefore directed, to be performed in such case by the speaker of the senate and the speaker of the house of representatives, shall be performed by the speaker of the house of representatives.
- II. That the several duties which are hereinbefore directed to be performed in such case by the clerk of the senate and the clerk of the house of representatives, shall be performed by the clerk of the house of representatives.
- III. That the number of the members of the house of representatives, first taken out by lot, shall be seventeen, and that the select committee shall consist of nine members, and shall not be dissolved unless reduced to less than seven members.

SECTION 149. If the committee or a majority of them as aforesaid, shall report that either of the candidates had the greatest number of legal votes and ought to be admitted to his seat, such candidate shall thereupon be entitled to such seat. But if they shall report that such election is invalid, a new election shall be directed and held to fill the vacancy, in the manner hereinbefore provided in case of vacancies in either branch of the legislature.

Report in favor of a candidate

Report that election is invalid

SECTION 150. In all contested elections, as aforesaid, the person returned, and the candidate next highest in votes, shall be the parties in the trial thereof. And in case of the absence or neglect of such candidate, any one of the petitioners duly qualified, taking precedence according to the order in which they have signed the petition, shall be considered one of the parties.

Parties to the trial of contested election

SECTION 151. If either, or both of the parties shall fail to attend, for the purpose of objecting to, and striking from the names drawn as is hereinbefore provided, the members of the senate and of the house of representatives jointly, or the members of either house, separately, as the case may require, shall appoint one of their own number in the place of either or both of the said parties so neglecting to attend, which member or members so appointed, shall have full power and authority to do and perform every act and thing touching the same in as valid and effectual a manner as if the party or parties were personally present.

Proceeding when parties fail to attend

SECTION 152. Every witness sent for, and attending the trial of any contested election as aforesaid, shall be allowed six cents for every mile of the distance, necessarily travelled by him in coming to, and returning from the place of trial, and shall also be allowed the sum of one dollar and thirty-three cents for every day he may be detained at the place of such trial, which mileage and expense, as well as the expense of summoning such witness, shall be taxed by the select committee, and certified by their chairman to the speaker of one or both houses, as the case may require. And the amount thereof, the same being first approved by the house or houses to which such certificate may be made, shall be paid by the treasurer of the county or counties in which the facts complained of took place, if such facts be substantiated; or by the treasurer of the county or counties, in which the petitioners shall reside, if the statements in the petition shall not be substantiated, on orders drawn by the speaker of either or both houses, as the case may require.

Pay of witnesses

Expenses to be taxed

By whom to be paid

2.—*Contested elections of county and township officers.*

Courts of
Q. S. to try
contested e-
lection of
county and
tp. officers.

SECTION 153. The several courts of quarter sessions shall have jurisdiction to hear and determine all cases in which the election of any county or township officer, by the citizens in the respective county, may be contested.

Petition

SECTION 154. Upon the petition in writing of at least twenty qualified electors of the proper county, or township, as the case may be, complaining of an undue election or false return of any such officer, the court shall appoint a suitable time for hearing such complaint, notice of which shall be given to the person returned, at least ten days before such hearing. *Provided*, That no order shall be taken on such petition, unless it be accompanied by the oath or affirmation of at least two of such petitioners, setting forth that the facts therein stated are true, to the best of their knowledge and belief.

Hearing

Proviso

SECTION 155. The respective courts of quarter sessions shall have authority to compel the attendance of any officer of such election, and of any other person capable of testifying concerning the same, and also to compel the productions of all books, papers, tally lists, tickets and other documents which may be required at such hearing in like manner, and to the same extent as in other cases litigated, before such court, and shall have all the powers which are conferred upon committees of the legislature, by the several provisions of this act.

Power of
courts on the
premises

SECTION 156. Every person who shall be subpoenaed and attend or be examined at such hearing, shall be entitled to receive the same daily pay and mileage, as are by law allowed to witnesses attending such court in other cases, which shall be paid out of the treasury of the proper county, or township, as the case may be.

Pay of wit-
nesses

SECTION 157. If the judges of such court, or a majority of them shall certify that such complaint was without probable cause, the petitioners, and every of them, shall be liable for all the costs of such hearing; and it shall be the duty of the commissioners of the proper county to proceed to recover the same by attachment issued from such court.

When peti-
tioners to pay
costs

X—ELECTIONS BY THE LEGISLATURE.

1.—*Election of Senators of the United States.*

Election of
senators Uni-
ted States

SECTION 158. The election of senators to represent this state in the senate of the United States, shall take place as follows, to wit: Each house of the legislature shall appoint one teller, and nominate at least one person to fill such office, and at least one day previous to the joint meeting hereinafter

Tellers

mentioned, communicate to the other house the names of the persons so appointed and nominated.

SECTION 159. At the hour of twelve, on the second Tuesday in January next, preceding the expiration of the constitutional term of a senator aforesaid, the members of both houses shall meet in convention, in the chamber of the house of representatives. The speaker of the senate, or in his absence the speaker of the house of representatives shall preside, and in the absence of both, a president pro tempore, shall be appointed by joint vote.

SECTION 160. When the convention shall be organized as aforesaid, the members present shall proceed to choose, viva voice, from the persons so as aforesaid nominated, a senator to represent the state in the senate of the United States, the names of the persons voted for, and of the members voting, shall be entered in writing by the tellers, who shall report to the president of the convention the number of votes given for each candidate.

SECTION 161. If neither of the candidates shall receive the votes of a majority of the members present, a second poll shall be taken, and so from time to time, until some one of the candidates shall receive the votes of a majority of the members present.

SECTION 162. If the election shall not be completed at the first meeting, the president shall adjourn the meeting to such time as a majority of the members, then present, shall determine, and so from time to time, until some one of the candidates shall receive a majority as aforesaid.

SECTION 163. When the election shall be closed, as aforesaid, the president of the convention shall announce the person who shall have received a majority of votes aforesaid, to be duly elected a senator to represent this state in the senate of the United States, and he shall, in the presence of the members of both houses, sign four several certificates of the election, attested by the tellers, one of which certificates shall be transmitted by the president of the convention to the presiding officer of the senate of the United States, one to the person so elected, and the remaining two shall be preserved among the records, and entered at length on the journals of each house.

SECTION 164. Whenever a vacancy, by resignation or otherwise, shall happen in the representation of this state in the senate of the United States, the legislature, if in session, shall, within eight days after being informed of the same by the governor, proceed to supply such vacancy by an election, conducted in the manner hereinbefore prescribed.

2—Election of State Treasurer.

Election of state treasurer SECTION 165. The state treasurer shall be elected on the third Tuesday in January, in every year, in the manner following, viz :

Tellers SECTION 166. Each house of the legislature shall on the said third Tuesday in January, or on the day immediately previous thereto, choose one teller, and furnish the other house with a minute of such choice.

Time and place of meeting of both houses President SECTION 167. At the hour of twelve on the said third Tuesday in January, the senate and house of representatives shall meet in convention in the chamber of the house of representatives, the speaker of the senate, or in his absence the speaker of the house of representatives, shall preside, and in the absence of both, a president pro tempore shall be appointed by joint vote.

How election to be made SECTION 168. When the convention shall be organized, as aforesaid, the members present shall proceed to elect a state treasurer, *viva voce*, the names of the persons voted for, and of the members voting, shall be entered in writing by the tellers, who shall report to the president of the convention the number of votes given for each candidate, and the president of the convention shall thereupon declare the same.

Second poll SECTION 169. If neither of the candidates shall receive the votes of a majority of the members present, a second poll shall be taken, and so from time to time, until some one of the candidates shall receive the votes of a majority of the members present.

Adjournments SECTION 170. If the election shall not be completed at the first meeting, the president shall adjourn the meeting to such time as a majority of the members then present shall determine, and so from time to time, until some one of the candidates shall receive a majority of the votes as aforesaid.

President to announce name of person elected SECTION 171. When the election shall be closed, as aforesaid, the president of the convention shall announce the person who shall have received a majority of the votes, as aforesaid, to be duly elected state treasurer for the current year, and triplicate certificates shall be immediately made out and signed by the said president, and attested by the tellers, and the said tellers shall make report to their respective houses, which shall be entered at length upon their journals, and a certificate of such election shall be transmitted to the governor.

Certificates SECTION 172. When a vacancy in the office of state treasurer shall happen, by resignation or otherwise, the legislature, if in session, shall within five days after being informed

Vacancies how supplied

of the same by the governor, proceed to supply such vacancy by an election, conducted in the manner hereinbefore prescribed.

SECTION 173. In case no state treasurer is elected at the time fixed by law, the treasurer for the time being, shall hold the office until a successor is appointed according to the provisions of this act, and the bond given by the treasurer and his securities shall be held valid and binding so long as he continues in office. When treasurer may hold over

SECTION 174. That an act entitled "an act to regulate the general elections of this commonwealth," passed the fifteenth day of February, seventeen hundred and ninety-nine, the second section of the act of first of March, eighteen hundred, third Smith's laws, page four hundred and twelve, an act entitled "an act to direct the manner, time and place of holding elections for electors of president and vice president of the United States," passed the second day of February, eighteen hundred and two, with the supplement thereto, passed the seventh day of March, eighteen hundred and twenty-nine; an act entitled "an act to prescribe the times, places and manner of choosing senators to represent this state in the senate of the United States," passed the fifth of February, eighteen hundred and two; an act entitled "an act to alter and amend the act to regulate the general elections within this commonwealth," passed the fourth day of April, eighteen hundred and three; an act entitled "an act directing the mode of filling vacancies in the representation of this state in the house of representatives of the United States," passed the eighteenth day of February, eighteen hundred and five, and the supplements thereto, passed the second day of April, eighteen hundred and seventeen; an act entitled "an act altering the times of holding township elections and meeting of return judges of the general elections," passed the seventeenth day of March, eighteen hundred and six; also an act passed the thirteenth of April, eighteen hundred and seven, 4th Smith's laws, page four hundred and seventy-one; also act of same date, fourth Smith's laws, page four hundred and seventy-six; an act entitled "an act to enable the militia or volunteers of this state, when in the military service of the United States or of this state, to exercise the rights of election," passed the twenty-ninth day of March, eighteen hundred and thirteen; an act entitled "a further supplement to an act to regulate the general elections within this commonwealth," passed the second day of April, eighteen hundred and twenty-one; an act entitled "an act to provide for the election of representatives of the people of this state in the congress of the United States, passed the second day of April, eighteen hundred and twenty-two. The second, third, fourth, sixth List of acts repealed

and seventh sections of an act, entitled "an act dividing the city of Philadelphia into fifteen wards, and providing for the choice of judges of the general election, and for other purposes," passed the thirty-first day of March, eighteen hundred and twenty-five; the sixty-sixth section of an act regulating election districts, passed tenth April, eighteen hundred and twenty-six; a supplement to an act entitled "act to regulate the general elections within this commonwealth," passed the sixteenth day of April, eighteen hundred and twenty-nine, and "an act regulating election districts, and for other purposes," passed the sixteenth day of June, eighteen hundred and thirty-six, and all other laws of this commonwealth which are hereby altered or supplied by, or inconsistent with this act, be, and the same are hereby repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—This second day of July, A. D., eighteen hundred and thirty-nine.

DAVID R. PORTER.