

No. 230

AN ACT

Waiving bonds conditional for performance of contracts between the several subdivisions, departments, bureaus, commissions, and institutions of the Commonwealth, and with educational and charitable institutions receiving aid from the Commonwealth.

Bonds for performance of contracts between subdivisions of Commonwealth and the Commonwealth waived.

Section 1. Be it enacted, &c., That wherever, by existing laws or regulation, a bond is required by any county, city, borough, township, school district, or other organized subdivision of the Commonwealth, or by any State institution, or any educational or charitable institution receiving aid from the Commonwealth, conditioned for the performance of a contract entered into with it, such bond shall be deemed to be, and it is hereby, waived whenever such contract shall be proposed by or entered into with the Commonwealth of Pennsylvania by or through any department, bureau, or commission thereof.

APPROVED—The 22d day of April, A. D. 1927.

JOHN S. FISHER

No. 231

AN ACT

Providing for the opening of ballot boxes after general, municipal, special, or primary elections, upon petition to the court of common pleas, or a judge thereof, under certain circumstances, and imposing certain duties in connection therewith upon the court, the prothonotary, and the county treasurer.

Elections.

Opening of ballot boxes and counting of vote.

Petition of three electors.

Section 1. Be it enacted, &c., That the court of common pleas, or a judge thereof, of the county in which any election district, precinct, or division is located, shall open the ballot box of such election district, precinct, or division used at any general, municipal, special, or primary election held therein, and cause the entire vote thereof to be correctly counted, by persons designated by such court or judge, if three qualified electors of the ward of a city or borough containing such election district, precinct, or division, or, if the election district, precinct, or division is not contained in a ward, three qualified electors of such election district, precinct, or division, or of a contiguous or adjacent election district, precinct, or division, shall file, as hereinafter provided, a petition and affidavit alleging that, upon information which they consider reliable, they believe that fraud, although not manifest on the general return of votes made therefrom, was committed

in the computation of the votes cast in such election district, precinct, or division, or in the marking of the ballots or otherwise in connection with such ballots. It shall not be necessary for the petitioners to specify in their petition the particular act of fraud they believe to have been committed, nor to offer evidence to substantiate the allegations of their petition.

Specific acts or evidence need not be alleged.

Section 2. Every petition for the opening of a ballot box under the provisions of this act shall be filed in the office of the prothonotary of the proper county, accompanied by cash in the amount of fifty dollars (\$50.00), or by a bond signed by the petitioners as principals and by a corporate surety, to be approved by the court, in the amount of two hundred dollars (\$200.00), conditioned upon the payment to the county treasurer of the sum of fifty dollars (\$50.00) in the event that, upon the opening of the ballot box it shall not appear that fraud or substantial error was committed in the computation of the vote cast on the ballots contained therein, or fraud in the marking of the ballots contained therein, or otherwise in connection with such ballots.

Filing of petition.

Deposit of cash or bond.

Condition of bond.

Section 3. If, upon opening any ballot box under the provisions of this act, it shall appear that fraud or substantial error was committed in the computation of the vote cast on the ballots contained therein, or fraud in the marking of the ballots contained therein, or otherwise in connection with such ballots, it shall be the duty of the court to certify to the prothonotary such fact; and thereupon the prothonotary shall, if the petitioners shall have deposited with him cash in the amount of fifty dollars (\$50.00), return to them the said sum of fifty dollars (\$50.00); and, if the petitioners shall have filed with the prothonotary a bond in lieu of cash, the prothonotary shall forthwith mark said bond "cancelled."

Court to certify to prothonotary fraud found.

Cash to be returned.

Bond to be cancelled.

Section 4. If, upon opening any ballot box under the provisions of this act, it shall not appear that fraud or substantial error was committed in the computation of the vote cast on the ballots contained therein, or fraud in the marking of the ballots contained therein, or otherwise in connection with such ballots, the persons upon whose petition such ballot box shall have been opened shall forfeit to the county the sum of fifty dollars (\$50.00). If said petitioners shall have deposited the said sum in cash with the prothonotary at the time of filing their petition, the prothonotary shall promptly, upon the certification of the court that fraud or substantial error was not discovered, pay said sum deposited with him to the county treasurer; and, if the petitioners shall have filed with their petition a bond in the sum of two hundred dollars (\$200.00), it shall be the duty of the county treasurer forthwith to collect from the surety on said bond the sum of fifty dol-

If error not found, deposit to be forfeited.

Prothonotary to pay forfeit to county treasurer.

Prothonotary to collect on bond.

lars (\$50.00) and the costs of suit, and, for this purpose, he is hereby authorized to institute any necessary legal proceedings.

Time of opening.

When boxes opened before complete canvassing of returns.

Vote to be correctly counted.

Returns to be corrected.

Order of court not to preclude contest.

Order not to affect return unless boxes opened before completion of returns or where contest instituted.

If fraud is found, boxes and contents to be available as evidence.

Repeat.

Section 5. Ballot boxes may be opened, under the provisions of this act, at any time within four months after the date of the general, municipal, special, or primary election at which the ballots therein shall have been cast. If any ballot box shall have been opened, under the provisions of this act, before the completion of the computation and canvassing of all of the returns for the county, and the court shall discover therein any fraud or substantial error, it shall correct, compute, and certify to the return judges, or the return board, for the said county, the votes of the election district, regardless of any fraudulent or erroneous entries made by the election officers thereof; and it shall be the duty of the return judges or return board to enter in the returns the figures so certified, and to correct accordingly any entries previously made in the papers being prepared by the said return judges or return board. No order or decision of said court hereunder shall be deemed a final adjudication regarding the results of any election or primary so as to preclude any contest thereof; and no such order or decision shall affect the official return of said election district, unless the ballot boxes shall have been opened before the completion of the computation and canvassing of all the returns for the county as herein provided, or unless a contest shall have been instituted in the manner now or hereafter provided by law.

Section 6. If, upon the opening of any ballot box under the provisions of this act, it shall be found that fraud was committed in the computation of the votes cast on the ballots contained therein, or in the marking of the ballots contained therein, or otherwise in connection with such ballots, the court shall make such order as shall be appropriate to enable the ballot box and the contents thereof to be available as evidence in any prosecution which may be begun against any person or persons alleged to be guilty of such fraud.

Section 7. All acts or parts of acts in conflict or inconsistent with this act, or any part hereof, are hereby repealed, so far as they are inconsistent herewith.

APPROVED—The 23d day of April, A. D. 1927.

JOHN S. FISHER