

that the district shall pay to the owner or owners any amount found to be due by reason of an increase in the value of its property and works between the date the value was finally determined and the time when actual possession was taken by the district. Any such accrued valuation shall be determined by viewers, subject to exceptions and appeals as hereinbefore in this act provided, and the amount of any such accrued value as finally determined shall be paid by the district to the company.

Section 100. Exclusive System of Law.—This act shall be construed as furnishing and including a complete and exclusive system of law for the purchase of lands and the construction thereon of property and works as well as the acquisition of the property and works of a company or municipality by a water supply district, and no other approvals than those required by this act shall be deemed necessary.

Section 101. Repeal; Saving Clauses.—All acts or parts of act of Assembly supplied by, inconsistent or appertaining to, the subject matter covered by this act are hereby repealed, but nothing contained in this act shall be construed to repeal any law relating to the Board of Commission of Navigation for the River Delaware and its Navigable Tributaries, or the provisions of any law the enforcement of which is vested in the Department of Health or Sanitary Water Board, or the provisions of any law the enforcement of which is vested in the Department of Forests and Waters or the Water and Power Resources Board.

Section 102. Effective Date.—This act shall be in full force and effect immediately upon its passage, and approval by the Governor.

APPROVED—The 29th day of May, A. D. 1931.

GIFFORD PINCHOT

No. 129

AN ACT

To amend section thirteen of the act, approved the thirtieth day of January, one thousand eight hundred and seventy-four (Pamphlet Laws, thirty-one), entitled "A further supplement to the act regulating elections in this Commonwealth," as amended; by authorizing the members of the board for receiving, computing, and certifying election returns to provide for election returns in school districts which comprise the territory of or territory from two or more municipalities.

Elections.

Section 1. Be it enacted, &c., That section thirteen of the act, approved the thirtieth day of January, one

thousand eight hundred and seventy-four (Pamphlet Laws, thirty-one), entitled "A further supplement to the act regulating elections in this Commonwealth," which was last amended by the act, approved the first day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, one hundred three), entitled "An act to further amend section thirteen of the act, approved the thirtieth day of January, one thousand eight hundred and seventy-four (Pamphlet Laws, thirty-one), entitled 'A further supplement to the act regulating elections in this Commonwealth,' as amended; empowering associate judges to act as return boards where the resident president judge is a candidate," is hereby further amended to read as follows:

Section 13,
act of
January 30, 1874
(P. L. 31),
as last amended
by act of
April 1, 1925
(P. L. 103),
further amended.

Section 13. As soon as the polls shall close, the officers of election shall proceed to count all the votes cast for each candidate voted for, and make a full return of the same in triplicate, with a return sheet in addition, in all of which the votes received by each candidate shall be given after his or her name, first in words and again in figures, and shall be signed by all of said officers, and certified by overseers, if any, or, if not so certified, the overseers and any officer refusing to sign or certify, or either of them, shall write upon each of the returns his or their reasons for not signing or certifying them. The vote, as soon as counted, shall also be publicly and fully declared from the window to the citizens present, and a brief statement showing the votes received by each candidate shall be made and signed by the election officers as soon as the vote is counted, and the same shall be immediately posted upon the door of the election house for information of the public. The triplicate returns shall be enclosed in envelopes, and sealed in presence of the officers, and one envelope, with the unsealed return sheet, given to the judge, which shall contain one list of voters, tally paper and oaths of officers, and another of said envelopes shall be given to the minority inspector. All judges living within twelve miles of the prothonotary's office, or within twenty-four miles, if their residence be in a town, village, or city upon the line of a railroad leading to the county seat, shall, before two o'clock post meridian of the day after the election, and all other judges shall, before twelve o'clock meridian of the second day after election, deliver said return, together with return sheet, to the prothonotary of the court of common pleas of the county, which said return sheet shall be filed, and the day and hour of filing marked thereon, and shall be preserved by the prothonotary for public inspection. At twelve o'clock on the said second day following any election, the prothonotary of the court of common pleas shall present the said returns to the said court. In counties where there is no resident president judge, or where the

Counting
of votes.

Return.

Certifying.

Vote to be
declared and
statement posted.

Custody of
returns.

Delivery to
the court.

Opening and
computation.

Record.

Missing return,
or fraud or
mistake charged.

Summary
process.

Decisions.

Returns for
township and
borough officers.

Two judges to
compute and
certify returns.

Judge when
a candidate
not to act.

resident president judge is himself a candidate for any office at said election, the associate judges shall perform the duties imposed upon the court of common pleas, which shall convene for said purpose; the returns presented by the prothonotary shall be opened by said court, and computed by such of its officers and such sworn assistants as the court shall appoint, in the presence of the judge or judges of said court, and the returns certified and certificates of election issued under the seal of the court as is now required to be done by return judges; and the vote as so computed and certified shall be made a matter of record in said court. The sessions of the said court shall be open to the public. And in case the returns of any election district shall be missing when the returns are presented, or in case of complaint of a qualified elector, under oath, charging palpable fraud or mistake, and particularly specifying the alleged fraud or mistake, or where fraud or mistake is apparent on the return, the court shall examine the return, and, if in the judgment of the court it shall be necessary to a just return, said court shall issue summary process against the election officers, and overseers, if any, of the election districts complained of, to bring them forthwith into court, with all election papers in their possession; and if palpable mistake or fraud shall be discovered, it shall, upon such hearing as may be deemed necessary to enlighten the court, be corrected by the court, and so certified; but all allegations of palpable fraud or mistake shall be decided by the said court within three days after the day the returns are brought into court for computation; and the said inquiry shall be directed only to palpable fraud or mistake, and shall not be deemed a judicial adjudication to conclude any contest now or hereafter to be provided by law; and the other of said triplicate returns shall be placed in the box and sealed up with the ballots. Nothing in this act shall require the returns of election of township or borough officers to be made to the court, as directed in this section; but all returns of the election of township and borough officers shall be enclosed in a sealed cover, directed to the prothonotary of the court of common pleas of the proper county, and shall, by some one of them, be delivered into his office within three days after every such election and filed therein. In counties where there are three or more judges of said court, learned in the law, at least two judges shall sit to compute and certify returns, unless unavoidably prevented. If any of the said judges shall himself be a candidate for any office at any election, he shall not sit with the court, or act in counting the returns of such election, and in such cases the other judges, if any, shall act; and if in any county there shall be no judge qualified to hold the said court, under the provisions of this act, present and able

to act, then, and in every such case, the register of wills, the sheriff, and the county commissioners of the proper county, shall be and constitute a board, who, or a majority of whom, shall have and exercise all the powers and perform all the duties vested in, or required to be performed by, the court of common pleas of such county, by and under the provisions of this section; but none of the said officers shall act as a member of such board when himself a candidate for any office at the election, the returns of which the said board is required to count under the provisions of this section. If, in any such case, a majority of such officers or candidates for office at such election, then the officer or officers, members of said board, who are not candidates shall have and exercise the powers and perform the duties herein delegated to the said board. The returns required by this act to be presented by the prothonotary of the courts of common pleas of Philadelphia and Allegheny, respectively, shall be presented to such two or more of the judges of the several courts of common pleas of said counties, respectively, as the judges of said courts, or a majority of them, may designate to perform the duty of receiving, computing, and certifying said returns. When two or more counties, or parts of two or more counties, are connected for the election of any officer, the courts of such counties, or parts of counties, comprising the district, shall each appoint a return judge, resident within such district, to meet within seven days after the day of election of such officer, at such place as is required by law, or, if no place of meeting is designated by law, at such place within such district where the returns of the election of such officer shall by law be directed to be filed, to compute and certify the vote of such district; and it shall be the duty of the return judges, in such cases, to transmit to the person elected as such officer's certificate of his election, within five days after the day of making up such return. *The judge, inspectors, and clerks of each election district in any school district in this Commonwealth which comprises the territory of or territory from two or more municipalities shall make out a complete return of all the votes given at any election for officers in the school district, or for the submission of any question to the electors of such district, designating the number of votes cast for each person and for and against each question so submitted to the electors; and the judge and inspectors shall appoint one of their number for return judge, to meet the other return judge or judges of the said school district, on the second day after any such election, at the oldest election place within the district, or at such place within the district as shall have been appointed by the court of common pleas, and there add together the number of votes cast for each person*

Board.

No such officer shall act when himself a candidate.

Returns of Philadelphia and Allegheny Counties.

When two or more counties compose a district.

Duties of election officers in school districts comprising territory of two or more municipalities.

Return judge.

Computation of vote.

Delivery
of returns.

Certificates
of election.

Compensation
of officers.

Where ballot
boxes are to
be deposited.

Boxes not to be
opened until
officers are
sworn.

Destruction of
ballots and
papers.

voted for and for and against any question submitted to the electors, and make out the returns as the nature of the election may require, complying in all respects with the provisions of existing election laws; and after the performance of said duties, said return judges shall appoint one of their number, by consent or lot, to deliver the full returns of the vote for officers to the prothonotary of the court of common pleas and of the vote on questions submitted to the electors to the clerk of the court of quarter sessions of the proper county, within two days thereafter, in the manner now provided by law for making township or borough returns; they shall ascertain and declare the result of such election; they shall, within five days after making up such returns, issue certificates to persons elected to fill such offices. All officers provided for by this act shall be compensated as like officers are paid by existing laws. Whenever a place has been or shall be provided by the authorities of any city, county, township, or borough for the safe-keeping of ballot boxes, the judge and minority inspector shall, after the election shall be finished, and the ballot box or boxes containing the tickets, list of voters and other papers have been securely bound with tape and sealed, and the signatures of the judges and inspectors affixed thereto, forthwith deliver the same, together with the remaining boxes, to the mayor and recorder of such city, or, in counties, townships, or boroughs, to such person or persons as the court of common pleas of the proper county may designate, at the place provided as aforesaid, who shall then deposit the said boxes and keep the same to answer the call of any court or tribunal authorized to try the merits of such election. Whenever the election officers of any election district shall require the election boxes of such district, to hold any election which by law they are or shall be required to hold, they shall keep the same securely in their possession, without opening, until the morning of such election, and until they shall severally be sworn or affirmed not to disclose how any elector shall have voted, and, after being so sworn or affirmed, they shall open the said boxes, and burn and totally destroy all the ballots and other papers which they shall find therein, before proceeding to hold such election.

APPROVED—The 29th day of May, A. D. 1931.

GIFFORD PINCHOT