

No. 81

AN ACT

To provide for a convention to ratify or reject an amendment to the Constitution of the United States, proposed by both Houses of Congress, for the repeal of the eighteenth amendment to the said Constitution, and for the prohibition of the transportation, importation, delivery, or use of intoxicating liquors in violation of the laws of States, territories, or possessions of the United States; and to provide for the election of delegates to such convention.

WHEREAS, The Congress of the United States has proposed an amendment to the Constitution of the United States, in the following language:—

Preamble.

"JOINT RESOLUTION

"Proposing an amendment to the Constitution of the United States.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by conventions in three-fourths of the several States:

"Article ———

"Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

"Section 2. The transportation or importation into any State, territory, or possession of the United States, for delivery or use therein, of intoxicating liquors in violation of the laws thereof is hereby prohibited.

"Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

Section 1. Be it enacted, &c., That a convention shall be held in this State for the purpose of ratifying or rejecting the proposed amendment to the Constitution of the United States recited in the preamble hereof. An election shall be held, at the same time as the municipal election, in the year one thousand nine hundred and thirty-three for the election of delegates to such convention.

Constitutional convention.

Election.

Section 2. At such election, all persons qualified as electors shall be entitled to vote.

Persons entitled to vote.

Section 3. Except as in this act otherwise provided, such election shall be conducted, and the results thereof ascertained and certified, in the same manner as in the case of the election of Representatives in Congress of

Manner of conducting election.

Election laws.	the United States at large at general elections; and all provisions of the laws of this State relative to elections, except so far as inconsistent with this act, are hereby made applicable to such election. The expenses incident to such election of delegates to the said convention shall be paid by the respective counties.
Expenses.	
Number of delegates.	Section 4. The number of delegates to be elected at such convention shall be fifteen, all of whom shall be elected from the State at large.
Candidates.	Section 5. Candidates for the office of delegate to the convention shall be qualified electors of the State. Nominations shall be by petition and not otherwise. A single petition may place in nomination any number of candidates for delegate, not exceeding the total number of such delegates to be elected, and nomination petitions shall be signed by at least two thousand resident voters in each of at least ten congressional districts in the State, as apportioned by the act of June twenty-seventh, one thousand nine hundred and thirty-one (Pamphlet Laws, one thousand four hundred sixteen), entitled "An act to apportion the State into congressional districts."
Nomination petitions.	
Non-partisan nominations.	Nomination shall be without party or official designation, but the nominating petitions shall contain a statement by each nominee to the effect that he favors ratification or that he opposes ratification of the proposed amendment. No nominating petition for delegate shall contain the name of any nominee whose position as stated therein is different from that of any other nominee as stated therein. Nominating petitions shall be prepared and furnished by the Secretary of the Commonwealth, and, except as above provided, shall be substantially in the form provided by the election laws for nomination petitions for candidates at primaries for the office of Representative in Congress of the United States at large. Any number of petitions may be circulated for a candidate or group of candidates, and, when filed, shall be considered as one petition for that candidate or group of candidates. Signatures shall not be obtained on any petitions prior to one hundred and twenty days before the date of the election.
Signatures.	
Time of filing petitions.	All nomination petitions shall be filed with the Secretary of the Commonwealth not less than sixty (60) days before the date of the election. After the last day for filing petitions, the Secretary of the Commonwealth shall proceed to ascertain the nominees by selecting two groups of nominees.
Secretary of Commonwealth to ascertain nominees.	
	The two groups of nominees shall be the fifteen having the largest number of signers to their petitions among those favoring ratification, and the fifteen having the largest number of signers to their petitions among those opposing ratification.
Ties.	Ties shall be decided by lot drawn by the Secretary of the Commonwealth.

Within thirty days after the last day for filing petitions, the Secretary of the Commonwealth shall certify the nominees to the county commissioners of the respective counties. Certification of nominees.

Section 6. The election shall be by ballot, separate from any ballot to be used at the same election, which shall be prepared by the Secretary of the Commonwealth in substantially the following form, and shall be furnished to the various election districts by the county commissioners of the respective counties: Ballot.

CONSTITUTIONAL CONVENTION BALLOT

(Copy of Amendment)

Instructions to Voters. A cross mark (X) in the square at the head of any one of the two columns on this ballot votes for all candidates for delegates named in that column. Do not mark a cross mark in more than one square at the head of a column.

If you do not desire to vote for the group of nominees in any one column, mark a cross mark (X) after the name or names of the candidates of your choice to the number indicated on the ballot.

Delegates	
Favor Ratification	
(Repeal)	
<input type="checkbox"/>	
Vote for 15	
John Doe	
Richard Roe	
John Smith	
(Etc.)	

Delegates	
Oppose Ratification	
(Against Repeal)	
<input type="checkbox"/>	
Vote for 15	
John Doe	
Richard Roe	
John Smith	
(Etc.)	

Each elector may vote for fifteen candidates for delegate. A cross mark (X) in the square at the head of any one of the two columns on the ballot shall count as a vote for each of the candidates for delegate appearing in that column. If an elector does not desire to vote by a cross mark (X) in the square at the head of a column, then he may indicate the fifteen candidates for delegates

Marking ballot.

of his choice by marking a cross mark (X) in the square opposite their respective names, or he may insert the name of any candidate or candidates for whom he desires to vote in the appropriate blank spaces provided on the ballot.

Void ballots.

When an elector votes in the square at the head of a column, his power to vote is exhausted, and, if he thereafter inserts any cross mark (X) in any other square at the head of another column, or after the name of a candidate in any column other than the one at the head of which he has placed his cross mark (X), his ballot shall be void.

Delegates to convention.

Vacancies.

Section 7. The fifteen candidates receiving the highest number of votes in the entire State at said election shall be the delegates to said convention. Any vacancy in the membership of the convention, caused by the death or disability of any delegate, or for any other cause, shall be filled by appointment of a person by the majority vote of the group of delegates favoring ratification or opposing ratification, as the case may be, to which the absent delegate belonged.

Time and place of meeting.

Section 8. The delegates to the convention shall serve without compensation, and shall meet at the Capitol on the twenty-eighth day after their election, at twelve o'clock noon, in the hall of the Senate, and shall thereupon constitute a convention to pass upon the question of whether or not the proposed amendment shall be ratified.

Convention to be judge of qualifications.

Personnel.

Section 9. The convention shall be the judge of the election and qualification of its members. The convention shall be called to order by the Lieutenant Governor, who shall be the chairman thereof, but who shall not have any vote unless elected as a delegate. The secretary of the Senate shall be the secretary of the convention, and the chief clerk of the Senate and the chief clerk of the House of Representatives shall be the tellers of the convention. The secretary of the Senate shall provide a reporter or reporters for the convention, a sergeant-at-arms, and one page, whose compensation shall be paid out of the appropriation made by this act, upon the approval of the Lieutenant Governor and secretary of the Senate. In case of the inability of any of the persons herein named to be present, the convention shall name some one in his stead.

Election returns.

Roll call.

The Secretary of the Commonwealth shall, as soon as the convention is called to order, present the election returns of delegates, which shall be opened and read, after which the roll of names of those elected, as shown by the returns, shall be called, and if any elected delegate is absent, the vacancy shall then be filled as in this act provided.

Oath of office.

Before proceeding with the business of the convention, the delegates shall take the constitutional oath of office,

which shall be administered by a judge of the court of common pleas.

Section 10. The convention shall keep a journal of its proceedings, in which shall be recorded the vote of each delegate on the question of ratification of the proposed amendment, and the debates thereon. Upon final adjournment, the journal shall be filed with the Secretary of the Commonwealth. Journal of proceedings.

Section 11. If the convention shall agree by vote of a majority of the total number of delegates to the ratification of the proposed amendment, a certificate to that effect shall be executed by the president and secretary of the convention and transmitted to the Secretary of the Commonwealth of this State, who shall transmit the certificate, under the great seal of the Commonwealth, to the Secretary of State of the United States. Certification of ratification.

Section 12. If, at or about the time of submitting any such amendment, Congress shall, by statute, prescribe the manner in which the conventions shall be constituted, and shall not except from the provisions of such statute such States as may theretofore have provided for constituting such conventions, the preceding provisions of this act shall be inoperative and the convention shall be constituted and shall operate as the said act of Congress shall direct, and all officers of the State who may, by the said statute, be authorized or directed to take any action to constitute such a convention for this State are hereby authorized and directed to act thereunder and in obedience thereto with the same force and effect as if acting under a statute of this State. Congressional enactment.

Section 13. The sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, is hereby specifically appropriated to the secretary of the Senate for the payment of the compensation of the reporter or reporters, sergeant-at-arms, and page, and for the payment of all other incidental and necessary expenses in connection with said convention. Appropriation.

Section 14. This act shall become effective immediately upon final enactment. When effective.

APPROVED—The 3d day of May, A. D. 1933.

GIFFORD PINCHOT

No. 82

AN ACT

To enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and thirty-one and one thousand nine hundred and thirty-two, and validating the liens of such taxes.

Section 1. Be it enacted, &c., That whenever any tax collector or receiver of taxes of any county, city, bor- Taxation.
Seated lands.