

No. 34

AN ACT

To amend sections ten and fourteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," as amended by substituting additional copies of the general return sheet for the triplicate party return sheets in the preparation for, conduct of, and returning, canvassing, and computing the vote cast at primary elections; regulating the form of the numbered lists of voters; regulating the duties of election officers in calling and tabulating the votes; and regulating return board procedure.

Section 10, act of July 12, 1913 (P. L. 719), as amended by section 2, act of July 9, 1919 (P. L. 839), further amended.

Section 1. Be it enacted, &c., That section ten of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," as amended by section two of the act, approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred thirty-nine), is hereby further amended to read as follows:

Section 10. The county commissioners shall prepare, and furnish to the election officers in each election district in due time for use at the primaries, one book of fifty official ballots of each party for every forty and fraction of forty votes cast within the particular election district for the candidate of the particular party who received the largest vote cast for any candidate of such party at any of the last three preceding elections, either

general or municipal; and no additional official ballots shall be furnished any party in any election district, unless the number of electors registered and enrolled as members of any particular party in any election district shall exceed the largest vote aforesaid, in which case the county commissioners shall furnish official ballots for said party in the ratio aforesaid, upon the basis of such enrollment or registration.

With the official ballots to be furnished in advance of the primaries, the county commissioners shall also furnish, and deliver to the election officers, specimen ballots for the use of electors at the polls, equal in number to one-fifth the whole number of such official ballots; said specimen ballots to be printed on colored paper, and to be of the same size and form as the official ballots, but without any permanent binding or stubs; and in addition thereto, on the Wednesday preceding every primary, the county commissioners shall, upon request made at their office, there deliver to each candidate whose name is printed on any party ballot or to his authorized representative, without charge, three specimen ballots of such party for each election district in the county or city or political district thereof in which such candidate may be voted for, for the use of such candidate and the watchers whom he may appoint as hereinafter provided.

On the back of each specimen ballot for the primary next preceding the election of a President of the United States, the county commissioners shall print subdivision (c) of section six of this act.

The official ballots shall be attached to stubs, which shall be numbered consecutively from one to the highest number to be furnished to each particular election district, and bound in books of fifty each, which shall be numbered in the order of the numbers of their stubs in the same manner as at elections; and the county commissioners shall keep a record of the number of such books and ballots printed and delivered to each election district, and of the number of stubs, unused ballots, and spoiled and canceled ballots subsequently returned therefrom.

In addition to official and specimen ballots as aforesaid, the county commissioners shall prepare, and furnish to the election officers in due time for use at the primaries, sufficient ballot-boxes and other election materials, properly numbered for each election district, including the assessor's lists or registers, known as the "ballot check list" and the "voting check list" respectively, blank forms, including forms for the duplicate oaths of the election officers, and forms of affidavits for electors desiring assistance in marking their ballots, and for those challenged as to their identity, party membership, residence, or bribery, to make proof of their right to vote, blank tally papers, [and triplicate return sheets

for each party] blank statements for general returns of all votes cast, blank books for making lists of persons voting, with sufficient space for noting their party enrollments *and the number of the ballot issued to each such person*, printed instructions and notice of penalties, for the information of electors and election officers, and such other supplies as they are or hereafter may be required by law to furnish to said election officers for use at elections, and shall deliver them in the same manner as at elections. The said forms, blanks, books, and other supplies shall have printed upon them appropriate instructions, and shall be in appropriate form for use at the primaries. The county commissioners shall also provide for the opening of the polling-places and for the compensation of the owners thereof, and shall see that they are in proper order and provided with voting booths, as at elections.

The county commissioners shall provide each election district with cards of instructions as aforesaid, equal in number to one-fifth of the whole number of official ballots furnished thereto, on which shall be printed the last paragraph of section eleven of this act and all of section thirteen hereof and such part of section fourteen as relates to the duties of the election officers after the closing of the polls and such other directions regarding the marking and counting of ballots or the general election laws, not inconsistent herewith, as the county commissioners may think proper. The election officers shall post at least three cards of instructions in the voting room, outside of the guard-rail, as soon as the polls are open, and thereafter give such cards to such persons desiring to vote as shall request the same.

Section 14, act of July 12, 1913 (P. L. 719), as amended in part by act of May 21, 1923 (P. L. 293), and as amended by act of June 29, 1923 (P. L. 920), further amended.

Section 2. That section fourteen of the aforesaid act as amended in part by the act, approved the twenty-first day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred ninety-three) and as amended by the act, approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, nine hundred twenty), is hereby further amended to read as follows:

Section 14. Upon the closing of the polls at such primary, and before the ballot boxes are opened, the number of ballots issued to the voters of each party, as shown by the stubs, and the number of ballots of each party, if any, spoiled and returned by voters and canceled, shall be announced to all present in the voting room, and entered on the general return sheets aforesaid; and then the names checked as having voted in the two assessor's lists or registers, marked "ballot check list" and "voting check list," respectively, shall be immediately counted, and the result announced and compared with the number of ballots issued as above ascertained, after deducting the number spoiled and

canceled, and said results shall also be compared with the number of names written in the numbered lists of voters, which shall be made, as at elections, as the electors receive and cast their ballots, with the addition of a note of each elector's party enrollment after his name. If any differences exist which are not found to be due merely to clerical errors, such differences shall also be noted on the general return sheets aforesaid. Then the numbered lists of voters (except a copy of the latter which shall be hung outside of the polling place) shall be placed in the separate envelopes provided for them respectively, and sealed. In cities the voting and ballot check lists shall be put in one envelope and sealed, and subsequently delivered to the registration commissioners or county commissioners as required by the personal registration acts relating to cities of various classes.

Also the stubs of all ballots used, together with all unused ballots and all spoiled and canceled ballots of each party, and the ballot check list in boroughs, townships, and districts other than in cities, shall be placed in separate [envelope] *envelopes*, and sealed before the ballot boxes are opened; which package shall be kept by the judge, and delivered by him in person to the county commissioners, at such place as they shall designate, on or before noon of the Thursday following such primary.

As soon as all the ballots of each party have been properly accounted for, and those outside the ballot boxes, as well as the said lists sealed, as aforesaid, the election officers shall forthwith open the ballot boxes and take therefrom all ballots therein, and separate the same according to the party to which they belong, and, first, audibly count the number cast for each party, one by one, and make a record thereof; and, then, the judge [or one of the inspectors,] *under the scrutiny of the minority inspector or the minority inspector under the scrutiny of the judge* in the presence of the other officers, shall read aloud the names marked or inserted upon each ballot, keeping the ballots of each party in sequence, together with the office for which the person named is a candidate, and any other relevant matter necessary to identify him, and the *majority inspector and clerks* shall carefully enter each vote as read, and keep account of the same in triplicate tally papers for each party, to be provided as aforesaid, *all three of which shall be made at the same time*. All ballots, after being removed from the box, shall be kept within the unobstructed view of all persons in the voting room until replaced in said box; and no person, while handling same, shall have in his hand any pencil, pen, stamp, or other means of marking or spoiling any ballot. When the vote cast for the different persons named upon said party ballots shall have been fully recorded on said tally papers and count-

ed, the election officers shall duly certify to the number of votes cast for each person upon the respective party tickets, and shall prepare [triplicate returns thereof for each party, and also] *five* general returns, [in duplicate] showing, besides the entries made thereon as aforesaid, the number of ballots of each party cast and the number of ballots of each party declared altogether void, including any blank ballots cast, as well as the votes cast for each candidate on each party ticket; one of which [statements] *general returns* shall be immediately posted for the information of the public outside the voting room or polling place, and [the other] *another* of which shall be entrusted to the judge for delivery *unsealed* to the county commissioners with the package of unused ballots, et cetera, aforesaid. The election officers shall then replace the ballots cast, so counted and canvassed, in the boxes, including those declared void, together with one set of tally papers, one [set of said triplicate return sheets,] *general return sheet*, one numbered list of voters sealed as aforesaid (and the voting check lists in districts other than cities), and one oath of each election officer, and lock and seal each ballot box so that nothing can be inserted therein until it be opened again; and the judge and minority inspector shall deliver them to the place which has been designated by the court of common pleas or by law for the delivery of ballot boxes at general and municipal elections, on or before noon of the Thursday following such primary, and the county commissioners or return boards shall not compute any returns from any election district until the ballot boxes thereof, as well as the package of unused ballots, et cetera, aforesaid therefrom, are delivered as aforesaid.

The minority inspector shall retain one complete set of tally papers, and one [of the triplicate return sheets for each party,] *general return sheet*, and one set of the affidavits of voters and other persons, except oaths of election officers, made pursuant to the provisions of this act at such primary, and carefully preserve the same for the period of at least one year. The remaining tally papers, [triplicate return sheets and] affidavits of voters and others, including oaths of election officers, and *one general return sheet* shall be placed in separate envelopes, to be provided for the same, and sealed as soon as the count is finally completed. All of such envelopes and the other numbered list of voters, previously sealed as aforesaid, shall be entrusted to the judge of election, and shall, on or before noon of the Thursday following, be deposited by him, in person or by registered mail, with the county commissioners, who shall, on the succeeding day at noon, publicly commence the computation and canvassing of the returns, and continue the same from day to day until completed in the manner hereinafter provided, except that, if any of the county com-

missioners of any county shall be a candidate for any nomination at any primary, he shall not act as a member of the return board for computing or canvassing any returns of such primary, but the other two commissioners, if both are qualified, shall act; and in case in any county there are not at least two commissioners so qualified, two or more judges of the court of common pleas of such county shall be designated by said court to act as a return board, provided that neither of them are candidates for any nomination at such primary either on a party or a nonpartisan ballot; and if there shall be only one judge of such court in such county, or if less than two judges are qualified and able to act in such county, any judge who is qualified may act alone, and, if there be none qualified, the prothonotary of such county shall act as the return board and if the prothonotary shall be a candidate at the primary, then the sheriff of the county shall act as the return board.

The general returns from the various districts, *which are returned unsealed to the county commissioners*, shall be open to public inspection at the office of the county commissioners as soon as they receive same from the judges thereof.

The county commissioners shall provide a convenient public place for holding the sessions of the return board, whoever may compose it as aforesaid, with adequate accommodations for the authorized representatives of each party and candidate concerned in any such primary, not exceeding two such representatives for each of them at any one time, to attend and to keep or check up their own computation of the votes cast in the several election districts as the returns from the same are read as hereinafter directed; and the county commissioners shall give at least one week's previous notice by advertising once in at least two newspapers of a large paid circulation, published at the county seat, of the time aforesaid and place when and where such return board will commence and hold its sessions, and keep copies of such advertisement posted in their office during said period.

At noon on the Friday following any such primary, the county commissioners shall have ready a sufficient number of blank forms of returns, made out in a proper manner and headed as the nature of the ballots may require, for making out full and fair statements of all votes which shall have been given, within the county or any political district therein, according to the returns from the several election districts thereof, for any person voted for therein for any party nomination or party office.

All the clerks of the county commissioners and other persons assisting in the official computation and canvassing of the votes shall be first sworn to perform their

duties impartially, and not to read, write, count, or certify any return or vote falsely or fraudulently.

The general returns made by the election officers [as aforesaid] from the various election districts, and *returned unsealed to the county commissioners as aforesaid*, shall be read one after another in the usual order, slowly and audibly, by one of the clerks, who shall in each case read therefrom the number of ballots of each party issued, spoiled, and canceled, and cast respectively, whereupon the clerk having charge of the records of the county commissioners showing the number of ballots of each party furnished for each election district and the number of stubs and unused ballots and spoiled and canceled ballots returned, shall publicly announce the number of same respectively; and unless it appears by said numbers or calculations therefrom that said records and the said general return correspond, no further returns shall be read from the latter until all the ballots issued are fully accounted for; and all the stubs and unused ballots, spoiled and canceled ballots, as well as the other election returns aforesaid, shall be open to public inspection, and shall be carefully preserved, together with the contents of the ballot box, by the county commissioners for at least eleven months, and not destroyed in any event without the previous consent in writing by the district attorney. None of the envelopes sealed by election officers and entrusted to the judges of election shall be opened by any person, except by order of the return board or of the court of common pleas.

When the records agree with the said returns regarding the ballots, the votes recorded for each candidate on each party ticket shall be read by the said clerk slowly, audibly, and in an orderly manner, from the said *unsealed* returns, and the figures announced shall be compared by other clerks with the *general* return sheets [of each party] for the respective districts, *returned sealed to the county commissioners*, and discrepancies shall be immediately called to the attention of the return board, which shall thereupon compare said return sheets with the tally papers for the same election district respecting the same candidates or party ballots; and if the tally papers and [party] *sealed general* return sheets agree, the *unsealed* general return shall be forthwith corrected to conform thereto; but, in every other case, the return board shall forthwith cause the ballot box of such division to be brought before it, and opened under its direction, and the ballots therein recounted respecting any vote in question, in the presence of representatives of each party and candidate interested who are attending the canvass of such votes; and if such recount shall not be sufficient to correct the error in any of the said returns, the return board may summon the election officers

and overseers, if any, to appear forthwith, with all election papers in their possession, and the court of common pleas shall use its processes to enforce such summons if necessary; and if any error or fraud is discovered, the return board shall compute and certify the votes justly, regardless of any fraudulent or erroneous returns presented to it, and report the facts to the district attorney of the proper county for action in cases that appear to warrant same.

As the returns from each election district are read, computed, and found to be correct or corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose of casting up the total vote of each candidate on each party ticket, until all the returns from the various election districts which are entitled to be counted shall have been duly recorded, when they shall be added together, announced, and attested by the clerks who made and computed the entries respectively, and at the expiration of five days after the completion of said computation, the return board shall certify the several returns accordingly to the county commissioners, unless, upon appeals taken from any decision, the court of common pleas shall have directed any returns to be revised, in which cases such returns shall be revised and certified accordingly.

Section 3. This act shall be effective immediately upon its passage and approval by the Governor. When effective.

APPROVED—The 25th day of April, A. D. 1935.

GEORGE H. EARLE

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No. 35

AN ACT

To amend section twenty-one and to repeal section forty-five of the act, approved the fifteenth day of April, one thousand eight hundred and thirty-four (Pamphlet Laws, five hundred nine), entitled "An act relating to county rates and levies and township rates and levies," as amended, abolishing imprisonment for failure to pay taxes.

Section 1. Be it enacted, &c., That section twenty-one of the act, approved the fifteenth day of April, one thousand eight hundred and thirty-four (Pamphlet Laws, five hundred nine), entitled "An act relating to county rates and levies and township rates and levies," as last amended by the act, approved the twenty-second day of April, one thousand nine hundred and thirty-one (Pamphlet Laws, forty-two), is hereby further amended to read as follows:

Section 21. If any person, copartnership, association, or corporation shall neglect or refuse to make payment

Section 21, act of April 15, 1834 (P. L. 509), as amended by act of April 22, 1931 (P. L. 42), further amended.