

No. 122

AN ACT

To amend section 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 providing for the delivery of the ballot box to the proper custodian immediately upon the completion, by the election officers, of the count and canvass of the vote, and the sealing of the ballot box.

Section 1. Be it enacted, &c., That section 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 last amended by the acts, approved the twenty-first day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred ninety-three), and 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 as-

Primary
elections.

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

Accounting for
and counting
ballots.

Announcement of number issued and spoiled.

Counting and announcement of names marked on lists as having voted.

Comparison of lists and ballots.

Noting of differences on return sheets.

Lists of voters to be put in sealed envelopes.

Disposition of stubs and unused and spoiled ballots.

Opening of ballot boxes.

Separation of ballots.

Counting and recording of votes.

Handling of ballots which have been removed from ballot box.

essor'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, 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 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 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 hands any pencil, pen, stamp, or other means of marking or spoiling any ballot. When the vote cast for the different per-

sons named upon said party ballots shall have been fully recorded on said tally papers and counted, 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 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 shall be immediately posted for the information of the public outside the voting room or polling place, and the other of which shall be entrusted to the judge for delivery 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 triplicate return sheets, 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 *immediately* 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 board 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, 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, shall be placed in separate envelopes, to be provided for the same, and sealed as soon as the count is finally completed. All 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 commis-

Certification of number of votes cast.

Preparation of returns.

Posting of returns.

Delivery of returns.

Replacing of ballots in boxes.

Delivery of ballot boxes.

Disposition of tally papers, triplicate returns, and affidavits.

Computations and canvassing of returns by commissioners.

Commissioner
a candidate.

Computation
by judges.

Computation
by prothonotary.

Computation
by sheriff.

General returns
to be open to
public.

Place of meeting
of return board.

Admission of
candidates, etc.

Notice of meet-
ing of return
board.

Blank forms of
returns.

Employes of
return boards to
be sworn.

sioners 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 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 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 returns, and the figures announced shall be compared by other clerks with the return sheets of each party for the respective districts, 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 return sheets agree, the 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

Reading and comparison of returns and commissioners records.

Failure of returns and records to correspond.

Preservation of stubs and unused and spoiled ballots.

Opening of sealed envelopes.

Agreement of returns and records.

Reading and comparison of votes recorded.

Opening of ballot boxes.

Recount of votes.

Discovery of fraud.

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.

Recording of returns.

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.

Attestation.

Certification to commissioners.

Section 2. This act shall become effective immediately upon final enactment.

APPROVED—The 5th day of June, A. D. 1935.

GEORGE H. EARLE

No. 123

AN ACT

To amend clause one of section three of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, one thousand forty-three), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended, by extending the time for a present employe, as defined in the act, to elect to be covered by the retirement system; and providing for the making of back contributions.

Public School Employes' Retirement System.

Clause 1, section 3, act of July 18, 1917 (P. L. 1043), as last amended by act of April 24, 1931 (P. L. 65), further amended.

Section 1. Be it enacted, &c., That clause one of section three of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, one thousand forty-three), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by