

AN ACT

Relating to the preparation of a new or revised Constitution of the Commonwealth by convention, and its adoption or rejection by the people; providing for the nomination of delegates to the convention, and for their election, and for a vote of the electors on the question of calling such a convention with limited powers; conferring jurisdiction on the court of common pleas of Dauphin County; and making an appropriation.

Section 1. Be it enacted, &c., That at the municipal election in November, one thousand nine hundred thirty-five there shall be elected by the qualified electors of this Commonwealth delegates to a constitutional convention, to draft a new Constitution for or revise the present Constitution of this Commonwealth, if such convention shall have been called by the electors pursuant to the question herein required to be submitted.

At the fall primary election in the year one thousand nine hundred thirty-five, the following question shall be submitted to the electors of the Commonwealth in the following form, in which the number of this act shall be filled in :

Form of ballot.

Shall a constitutional convention be called in accordance with, and subject to, the limitations contained in act number of the one thousand nine hundred thirty-five session of the Legislature, to prepare a new or revised Constitution of this Commonwealth?	Yes	
	No	

Ballot.

Such question shall be submitted on a separate ballot at the said primary election, and one such ballot prepared by the county commissioners, in the manner provided by the election laws, shall be handed to each qualified voter, regardless whether he or she is enrolled in a political party. Where voting machines are used, said question may be voted on such machines, if the machines can be so protected that each enrolled voter can vote for such question and only candidates of the party in which he or she is enrolled, or if a voter is not enrolled in a party, so that he or she can vote only on said question. Returns of the votes cast on said question shall be made to the county commissioners who shall compute the vote for the whole county, and certify the same to

Voting machines.

Returns.

the Secretary of the Commonwealth who shall compute the vote on said question for the entire Commonwealth and certify the result to the Governor. If a majority of the votes cast on said question in the entire Commonwealth are in favor of calling said convention, the Governor shall issue his proclamation to that effect.

Governor's
proclamation.

Section 2. The constitutional convention, if called by the electors, shall consist of fifty district delegates, one to be elected from each senatorial district, and twenty delegates-at-large who shall be elected from the Commonwealth at large.

Number of
delegates.

Section 3. In choosing the delegates for each senatorial district, each elector shall be entitled to vote for one candidate for delegate from the district, and the candidate receiving the highest number of votes shall be declared elected. In choosing the delegate-at-large, each elector shall be entitled to vote for not more than ten of the candidates for delegates to be chosen from the Commonwealth at large, and the twenty candidates receiving the highest number of votes shall be declared elected.

District
delegates.

Delegates-
at-large.

Section 4. Each candidate for delegate shall have been a citizen of the United States of America for at least ten years, and a qualified elector of this Commonwealth for at least five years prior to the day of the municipal election in the year one thousand nine hundred thirty-five. Each candidate for district delegate also shall be a qualified elector of the senatorial district from which he or she shall be a candidate.

Qualifications
necessary to
be eligible as
a delegate.

Section 5. All political parties required by law to nominate their candidates for public office at primary elections may, in the manner hereinafter set forth, nominate one candidate from each senatorial district as district delegate to the constitutional convention, and ten candidates from the Commonwealth at large as delegates-at-large. Such political parties shall nominate their candidates for delegates-at-large by State-wide conventions, composed of the members of their State committees, and their candidates for district delegate shall be nominated in senatorial districts by conventions called in each senatorial district which, except in the senatorial districts located within cities of the first class, shall be composed of the members of the county committees who represent the election districts or divisions within the particular senatorial districts. In the case of senatorial districts within cities of the first class, such conventions shall be composed of the members of the ward committees of the election divisions within the particular senatorial district.

Political parties
may nominate
candidates for
delegates.

Method of
nominating
delegates.

Cities of
first class.

Conventions for the nomination of delegates-at-large and district delegates shall be convened by the State chairmen of the respective State committees of the political parties at such times not later than October fifth,

Conventions
shall be con-
vened not
later than
October 5, 1935.

one thousand nine hundred thirty-five, and such places as shall be designated by the chairmen.

Nomination certificates.

The presiding officer and secretary of each nominating convention shall prepare certificates of nomination for the candidates nominated which shall be sworn to or affirmed by them, before an officer authorized to administer oaths, to be true and correct to the best of their knowledge and belief. More than one nomination may be included in one certificate of nomination. Such certificates of nomination shall be filed with the Secretary of the Commonwealth within the time hereinafter required in this act.

Nominations by bodies not entitled to make the same at primaries.

Section 6. Any body of qualified electors, not entitled to make nominations of candidates for public office at the primary election, may make nominations for delegates-at-large and district delegates to the constitutional convention by nomination papers in the manner provided by law for the nomination by nomination papers of candidates for State offices or for members of the Senate of Pennsylvania, except that such papers or objections thereto shall be filed within the periods of time hereinafter provided in this act. A qualified elector may sign nomination papers for not more than one candidate for district delegate and for not more than ten candidates for delegates-at-large.

Papers must be filed with Secretary of the Commonwealth.

Section 7. All nomination certificates or nomination papers shall be filed with the Secretary of the Commonwealth at least twenty-seven days before the date of the municipal election in one thousand nine hundred thirty-five. Blank forms for certificates of nomination and nomination papers shall be prescribed and furnished by the Secretary of the Commonwealth, and no forms other than the ones so prescribed shall be used for such purposes. Objections to nomination papers may be made and shall be disposed of in the manner provided by law for objections to nomination papers, except that objections to such papers must be filed in the court of common pleas of Dauphin County and with the Secretary of the Commonwealth at least twenty-two days before the date of said municipal election.

Objections to nomination papers.

Withdrawals.

Section 8. Any person, whose name has been presented as a candidate, may cause his or her name to be withdrawn from nomination by request in writing, signed by him or her, and acknowledged before an officer qualified to take acknowledgments of deeds, and filed in the office of the Secretary of the Commonwealth at least twenty-two days previous to the day of said municipal election. No name so withdrawn shall be printed upon the ballots.

Certification of candidates.

Section 9. The Secretary of the Commonwealth shall, at least fourteen days prior to the date of said municipal election, transmit to the county commissioners and the sheriff in each county duplicate official lists, stating the

names and residences of and parties or policies represented by all candidates whose nomination certificates or nomination papers have been filed with him under the provisions of this act, and have not been found or declared to be invalid, and who are to be voted for at such election.

Section 10. The names of the candidates for delegates-at-large to the constitutional convention shall be printed upon the official ballots or ballot labels, used at the municipal election in one thousand nine hundred thirty-five, in a separate column or row, under or following the heading "Delegates-At-Large to Constitutional Convention," with the party affiliation of each candidate following the name of the candidate. The names of candidates for district delegate to the constitutional convention shall be printed upon the official ballots or ballot labels, in a separate column or row, under or following the heading "District Delegate to Constitutional Convention," with the party affiliation of each candidate following his name. A vote in the party column provided for at the left of the official ballot shall constitute a vote for each candidate of the party for delegate-at-large and for the candidate of the party for district delegate, and where voting is done by voting machines, a straight party vote shall have a like effect.

Form of
ballot.

Section 11. The votes cast at said municipal election for district delegate shall be counted, canvassed, returned, and certified as is now provided by law in the case of elections of members of the Senate of Pennsylvania at general elections.

Method of
counting,
computing, etc.,
the votes.

Section 12. The votes cast at the said municipal election for delegates-at-large shall be counted, canvassed, certified, and returned as is now provided by law in the case of elections of United States Senators.

Section 13. The Secretary of the Commonwealth, upon the completion of the computation of the election returns of the delegates-at-large, and the receipt by him of the certificates of the proper election officials, showing the district delegates elected in the several senatorial districts of the Commonwealth, and in all events within fifteen days after said municipal election, shall certify to the Governor the names of all district delegates and delegates-at-large to the constitutional convention elected at the municipal election in one thousand nine hundred thirty-five. The Governor shall, forthwith, issue his proclamation, declaring the names of the persons chosen as delegates to the convention, and the Secretary of the Commonwealth shall issue a certificate of election to each delegate so chosen.

Secretary of
the Common-
wealth to certify
names of dele-
gates to the
Governor.

Governor
to issue his
proclamation.

Section 14. The members of the constitutional convention shall each receive, for the payment of their trav-

eling and other expenses, the sum of one thousand dollars (\$1,000), payable in four equal installments.

Vacancy.

Section 15. Any vacancy, occurring in the nomination for the office of district delegate or delegate-at-large prior to the election, may be filled, by the party or group on whose ticket such vacancy occurs, at any time before the ballots for such election are printed, in such manner as the convention or rules of such party or group may prescribe. Any vacancy, occurring in the office of district delegate or delegate-at-large after the election, shall be filled by the vote of the delegates-at-large of the party or group of which the delegate, whose place is to be filled, was a representative.

Time and place specified for the convention to convene.

Section 16. The delegates to the constitutional convention shall convene at twelve o'clock noon on the first Monday of December, one thousand nine hundred thirty-five, in the Hall of the House of Representatives, in the city of Harrisburg, Pennsylvania, and shall immediately organize by electing a president and secretary, and shall from time to time elect such other officers and assistants as may be deemed necessary for the transaction of the business of the convention. The convention shall have the power to adopt rules of procedure, and to determine the qualification of delegates, and to adjourn to such time or times and place in the city of Harrisburg as it shall determine.

Compensation of officers.

Section 17. The convention shall have the power to fix the compensation of the secretary, other officers and assistants, and shall also have the right to call upon the Legislative Reference Bureau for such aid and assistance as it may require.

Convention to draft a new Constitution.

Section 18. It shall be the duty of the convention, subject to the Constitution of the United States of America, to draft, prepare, and propose a new or revised Constitution for the Commonwealth of Pennsylvania. The convention, in the proposed constitution, shall not authorize the future creation of indebtedness for any purposes other than those enumerated in article nine, section four of the existing Constitution of the Commonwealth as originally adopted by the people on December sixteenth, one thousand eight hundred seventy-three, unless the General Assembly shall, at the time the indebtedness is authorized, be required to enact legislation estimated to produce sufficient revenue to pay the interest on such indebtedness and provide for the retirement thereof at maturity. The indebtedness, authorized to be created for the purpose of supplying casual deficiencies in revenue, shall never, together with any existing indebtedness created for such purposes, exceed in the aggregate, at any one time, fifty million dollars.

Limitation on indebtedness.

Bill in Equity by taxpayer.

If the convention shall not observe the limitations imposed by this section, any taxpayer may proceed by

bill in equity, in the court of common pleas of Dauphin County to restrain the submission to the electors of the proposed Constitution, and for this purpose, jurisdiction is hereby conferred upon the court of common pleas of Dauphin County. The convention may by a majority vote submit the proposed new or revised Constitution to the qualified voters of the Commonwealth for their adoption or rejection at the spring primary election in the year one thousand nine hundred thirty-six, or at the general election in the year one thousand nine hundred thirty-six, as the convention may designate.

Section 19. Such Constitution, as may be proposed by the constitutional convention, shall be engrossed and signed by the president and secretary of the convention, and shall, if possible, be delivered to the Secretary of the Commonwealth not later than the tenth day of March, if it is to be submitted at the spring primary in one thousand nine hundred thirty-six, and not later than the fifteenth day of September, if it is to be submitted at the general election in one thousand nine hundred thirty-six. The Secretary of the Commonwealth shall enter the proposed Constitution upon the records of his office. He shall cause the proposed Constitution to be published in two newspapers of general circulation, as defined by the Newspaper Advertising Act of May sixteenth, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand seven hundred eighty-four), in every county of the Commonwealth, wherein such number of newspapers may be published, two times before the date of the election at which the proposed Constitution is to be submitted to the electors. The newspapers selected in each county shall be those having the largest bona fide circulation. He shall also publish the same in convenient form for distribution, and shall send a copy thereof to every elector of the Commonwealth making application therefor.

Publication of
Constitution to
be submitted
to the citizens
for approval.

Section 20. Subject to the provisions of this section, the Secretary of the Commonwealth shall prescribe the form of a special ballot, to be designated as "Constitution Ballot," for submission of the proposed Constitution to the voters of the Commonwealth, in such form, and with such instructions as will enable each voter to indicate by a "yes" or "no" vote his approval or rejection of the proposed Constitution as a whole. Such ballots shall be bound into books of convenient numbers with stubs, and each ballot shall bear the facsimile signatures of the county commissioners of the county in which the ballot is to be used. The stubs shall be numbered consecutively, beginning with the number one, in each county. Each ballot shall have at the upper right-hand corner of the back of the ballot a diagonal perforated printed line, and upon the corner of the ballot and included within such line shall be printed the same num-

Secretary of the
Commonwealth
to prescribe
form of the
ballot.

ber as appears on the stub to which the ballot is attached. Such number, so printed on the ballot, shall be removed by the voter, in the manner provided by the election laws for removal of such numbers, before the ballot is deposited in the ballot box.

County commissioners shall print the ballot.

Section 21. The county commissioners of the several counties shall cause to be printed, in the form prescribed by the Secretary of the Commonwealth, a sufficient number of official "Constitution Ballots" for all the voters in their respective counties. The county commissioners shall, at the time distribution is made of the usual ballots for such election, distribute the constitution ballots to each of the several voting precincts in their respective counties in sufficient quantities to provide such ballots for the voters of each respective county.

Counties to be reimbursed by the State for moneys expended.

The several counties of the Commonwealth shall be reimbursed out of the funds hereinafter appropriated, for all expenses lawfully incurred by such counties in printing official "Constitution Ballots" authorized by this act for the submission of the proposed Constitution to the electors of such counties, upon bills rendered to the Secretary of the Commonwealth by the various county commissioners.

Effective date, if Constitution is approved.

Section 22. A majority of the electors voting upon the adoption or rejection of the proposed Constitution shall be necessary for its adoption. Such proposed Constitution, if approved by a majority of electors voting thereon, shall become effective, unless the proposed Constitution or the schedule thereto shall otherwise provide, upon the first day of June, one thousand nine hundred thirty-six, if voted on at the spring primary in one thousand nine hundred thirty-six, and on the first day of January, one thousand nine hundred thirty-seven, if voted on at the general election in one thousand nine hundred thirty-six. Returns of the vote cast for and against the proposed Constitution shall be counted, canvassed, and returned by election officers and return boards as provided by law in the case of votes cast on proposed amendments to the Constitution, and shall be certified by the prothonotary of each and every county to the Secretary of the Commonwealth who shall compute the same and certify the result to the Governor. If, from such certificate, it shall appear that the proposed Constitution shall have been adopted by the people, the Governor shall immediately make proclamation thereof.

Appropriation.

Section 23. The sum of six hundred fifty thousand dollars (\$650,000), or so much thereof as may be necessary, is hereby appropriated out of the General Fund of the State Treasury for the payment of the expenses of members of the constitutional convention, and the compensation of the officers and assistants of the convention, for the payment of expenses lawfully incurred

by the several counties in printing official "Constitution Ballots" as authorized in this act, and for the payment of postage, telegraph, telephone, advertising, printing, and express charges, and all incidental and miscellaneous expenses lawfully incurred by the convention or its officers or the Secretary of the Commonwealth in carrying out the provisions of this act. All payments from this appropriation shall be made on the warrant of the Auditor General upon requisition of the president of the convention or of the Secretary of the Commonwealth, as the case may be.

Section 24. This act shall become effective immediately upon final enactment. When effective.

APPROVED—The 8th day of July, A. D. 1935.

GEORGE H. EARLE

No. 213

AN ACT

To amend clause (b) of section twenty-three of the act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred three), entitled "An act relating to the form, execution, revocation, and interpretation of wills; to nuncupative wills; to the appointment of testamentary guardians; to spendthrift trusts; to forfeiture of devise or legacy in case of murder of testator; to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto, and to the fees therefor," as amended, extending the period for a surviving spouse to elect to take under or against a will, in case a will is contested.

Section 1. Be it enacted, &c., That clause (b) of section twenty-three of the act, approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred three), entitled "An act relating to the form, execution, revocation, and interpretation of wills; to nuncupative wills; to the appointment of testamentary guardians; to spendthrift trusts; to forfeiture of devise or legacy in case of murder of testator; to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto, and to the fees therefor," as last amended by section one of the act, approved the twenty-fourth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, six hundred forty-eight), is hereby further amended to read as follows:

(b) A surviving spouse electing to take under or against the will of the decedent, shall, in all cases, except where such surviving spouse is the sole legatee and beneficiary under the will, manifest the election by Election to take against a will.