

contract shall be made, nor the payment thereof certified, by the controller for over three hundred dollars, except in counties of the second class *and in counties of the third, fourth and fifth classes*, in which counties [of the second class] the amount of said contract shall not exceed (\$500.00) five hundred dollars, unless made with the lowest and best bidder, after due notice to be published by the controller, if he approves the purpose of the proposals invited. All bids shall be received by the controller under seal and shall be opened in his presence by the commissioners and the contracts awarded thereon. The controller shall keep a record of all such awards, and shall certify no warrants for contracts not made agreeably thereto: Provided, however, That on an appeal heretofore or hereafter taken from a controller's report, the court shall not be required to enter or to sustain a surcharge for failure to comply with the provisions of this section, where it appears that the county commissioners acted honestly and in good faith for the best interests of the county, and where no loss or damage resulted to the county from such non-compliance: *Provided, That during the continuation of the present wars in which the United States is engaged, and for a period of six months after the cessation of all hostilities, the contracts which must be made with the lowest and best bidder, after advertisement in counties of the second, third, fourth and fifth classes, shall be those involving an expenditure of over five hundred dollars (\$500). But thereafter, the limitation of three hundred dollars (\$300) shall apply as heretofore.*

Where advertising and bidding not required.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN

No. 165

AN ACT

To amend clause (k) of section three hundred two and sections nine hundred fourteen and nine hundred seventy-seven of the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand three hundred thirty-three), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the time for the certification of returns to the Secretary of the Commonwealth, the time for the withdrawal

of candidates for nomination or election at any primary, and the time for filing objections to nomination petitions and nomination papers.

"Pennsylvania
Election Code."

Clause (k),
sections 302, 914
and 977, act of
June 3, 1937,
P. L. 1333,
amended.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Clause (k) of section three hundred two and sections nine hundred fourteen and nine hundred seventy-seven of the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand three hundred thirty-three), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," are hereby amended to read as follows:

Section 302. Powers and Duties of County Boards.—The county boards of elections, within their respective counties, shall exercise, in the manner provided by this act, all powers granted to them by this act, and shall perform all the duties imposed upon them by this act, which shall include the following:

* * * *

(k) To receive from district election officers the returns of all primaries and elections, to canvass and compute the same, and to certify, *no later than the third Monday following the primary or election*, the results thereof to the Secretary of the Commonwealth, as may be provided by law, and to such other authorities as may be provided by law.

Section 914. Withdrawal of Candidates.—Any of the candidates for nomination or election at any primary may withdraw his name as a candidate by a request in writing, signed by him and acknowledged before an officer empowered to administer oaths, and filed* in the office in which his nomination petition was filed. Such withdrawals, to be effective, must be received in the office of the Secretary of the Commonwealth not later than 5 o'clock P. M. on the [fifth] *seventh* day next succeeding the last day for filing nomination petitions in said office, and in the office of any county board of elections, not later than the ordinary closing hour of said office on the [fifth] *seventh* day next succeeding the last day for filing nomination petitions in said office. No name so withdrawn shall be printed on the ballot or ballot labels. No candidate may withdraw any with-

* "file" in original.

drawal notice already received and filed, and thereby reinstate his nomination petition.

Section 977. Objections to Nomination Petitions and Papers.—All nomination petitions and papers received and filed within the periods limited by this act shall be deemed to be valid, unless, within [five] *seven* days after the last day for filing said nomination petition or paper, a petition is presented to the court of common pleas of the county in which the nomination petition or paper was filed, specifically setting forth the objections thereto, and praying that the said petition or paper be set aside. A copy of said petition shall, within said period, be served on the officer or board with whom said nomination petition or paper was filed. Upon the presentation of such a petition, the court shall make an order fixing a time for hearing which shall not be later than ten days after the last day for filing said nomination petition or paper, and specifying the time and manner of notice that shall be given to the candidate or candidates named in the nomination petition or paper sought to be set aside. On the day fixed for said hearing, the court shall proceed without delay to hear said objections, and shall give such hearing precedence over any other business before it, and shall finally determine said matter not later than fifteen (15) days after the last day for filing said nomination petitions or papers. If the court shall find that said nomination petition or paper is defective under the provisions of section 976, or does not contain a sufficient number of genuine signatures of electors entitled to sign the same under the provisions of this act, or was not filed by persons entitled to file the same, it shall be set aside. If the objections relate to material errors or defects apparent on the face of the nomination petition or paper, or on the face of the accompanying or appended affidavits, the court, after hearing, may, in its discretion, permit amendments within such time and upon such terms as to payment of costs, as the said court may specify. In case any such petition is dismissed, the court shall make such order as to the payment of the costs of the proceeding, including witness fees, as it shall deem just. If a person shall sign any nomination petitions or papers for a greater number of candidates than he is permitted under the provisions of this act, if said signatures bear the same date, they shall, upon objections filed thereto, not be counted on any petition or paper and if they bear different dates, they shall be counted in the order of their priority of date, for only so many persons as there are candidates to be nominated or elected.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN