

FRAUDS AT ELECTIONS IN THE CITY OF PHILADELPHIA - PREVENTION OF
Act of Apr. 17, 1866, P.L. 969, No. 939
AN ACT

Cl. 25

To prevent frauds at elections, in the city of Philadelphia.

Section 1. Setting aside election of officers in Philadelphia

Whenever thirty citizens of any ward, in the City of Philadelphia, shall present a petition to the court of common pleas of the said city, setting forth that in any election division of said ward the inspectors of elections, or the return inspectors, are of the same political party, and have been chosen, or elected, in violation of the spirit and intention of the several acts of Assembly, regulating elections, verified by the oaths, or affirmations, of any two of them, it shall be the duty of the said court to grant a rule on the officers returned, chosen or elected, for such division, to show cause, if any they have, why the selection of such election officers should not be set aside; and if, upon the investigation of the matters set forth in the said petition, they shall be found to be true, it shall be the duty of said court to set aside the selection of such officers, and to appoint a judge, two inspectors and two return inspectors, to serve in such election division, for the next election, and until others are duly elected, or chosen; said appointments may be made from any part of the ward in which such election division is located; and the officers, so appointed, shall have and exercise the same powers and duties, and be liable to the same penalties, as officers elected by the qualified voters now are. 1866, April 17, P.L. 969, Sec. 1.

Section 2. Payment of poll tax in Philadelphia; wrongful issuance of receipt

From and after the passage of this act it shall not be lawful for any alderman of said city to receive the payment of personal taxes, unless specially deputed by the receiver of taxes of said city; and no receipt for the payment of taxes, heretofore given by any alderman, shall be taken as evidence of the payment of any such tax by the election officers of any election division of said city. The said receiver of taxes shall have power, and he is hereby required, to appoint at least one person, in each of the wards of said city, to receive poll taxes from citizens assessed therefor; said appointment shall be made at least three weeks before any election; and the person, so appointed, shall have some public place wherein he shall be found for at least three hours, between 10 and 1 o'clock, in each secular day prior to the day of the election; and on the day of the election during the whole time the polls are open; of which time and place notice shall be given upon the street lists now required to be published and posted: Provided, That in the rural wards there shall be not less than three persons appointed, to each of whom shall be assigned the district for which he is to collect and receive such personal taxes; but no election division shall be divided in forming such district; said deputies shall be

required to collect both city and State taxes from the citizen assessed, either on the regular or extra assessment, unless he shall make oath or affirmation that he is unable to pay both; and not then, unless he shall have paid at least one of said taxes within fourteen months next previously; provided, that if any person so appointed shall issue or give a receipt to, or for, any person whose name is not upon the assessment list, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding \$200, and imprisoned for a period not exceeding three months, both or either, in the discretion of the court. 1866, April 17, P.L. 969, Sec. 2.

Section 3. Receiving votes without proof, in Philadelphia

Whenever, in the investigation of any contested election, whether before any committee of councils, any court of the city and county of Philadelphia, of committee of the Senate, or House of Representatives, or a joint committee thereof, it shall appear that in any election division of said city, the officers of election shall have wilfully received the votes of ten persons, or upwards, whose names are not contained in the list of taxable inhabitants, furnished to the election officers of such division, by the city commissioners, without requiring proof of the payment of taxes, citizenship and residence, which now are, or hereafter may be, required by law, such dereliction of duty shall be deemed a misdemeanor; upon conviction whereof the said officers of election shall be fined in a sum not exceeding one thousand dollars, and be imprisoned for a period not exceeding two years, both, or either, at the discretion of the court. 1866, April 17, P.L. 969, Sec. 3.