

*Secretary of the Commonwealth--Preparation of a list of titles of Acts of Assembly approved by the Governor within thirty days after the final adjournment of the General Assembly.*

There is no statutory law requiring the Governor to send to the General Assembly a list by title of the bills which he approved after the Legislature adjourned.

Department of Justice,

Harrisburg, Pa., May 22, 1930.

Honorable Robert R. Lewis, Secretary of the Commonwealth, Harrisburg, Pennsylvania.

Sir: We have your letter asking to be advised whether it is necessary for the Department of State to prepare a communication to be sent by the Governor to the next Session of the General Assembly, advising what bills passed by the 1929 Session of the Legislature, he approved within thirty days after the date of final adjournment.

You state that it has been customary from time immemorial for the Governor to address such communications to the Legislature; that the communication recites in full the titles of all bills approved by the Governor within the thirty day period following the adjournment of the preceding Session of the Legislature; that if this custom must be followed, it will be necessary for your Department to prepare a list of the full titles of upwards of three hundred (300) Acts of Assembly, which now appear in full in the 1929 Pamphlet Laws and Appropriation Acts; and that the preparation of such a document involves a substantial expense and is, in your judgment, of no value either to the Legislature or to the public.

You further state that the custom can no doubt be traced to the time when the Legislature met annually and the laws of one Session had not been fully printed and published before the next Session convened. Under those circumstances, there was obviously a substantial purpose to be served in having the Governor transmit the communication in question to the Legislature.

There is no constitutional provision which requires your Department to prepare such a communication or the Governor to forward it to the Legislature. Article IV, Section 15 of the Constitution does require the Governor to give notice by public proclamation within thirty days after the adjournment of the General Assembly of all bills which he has filed with his objections, in the office of the Secretary of the Commonwealth. This is the only constitutional provision requiring the Governor to make a proclamation or give notice of his action on bills following the adjournment of the Legislature.

There is no statutory law whatever requiring the Governor to send to the General Assembly a list by title of the bills which he approved after the Legislature adjourned.

Accordingly, whether the Governor shall continue to send such a communication to the Legislature, is a matter wholly within his discretion. Should the present Governor decide to transmit to the Legislature the customary communication, it would be the duty of your office, upon the Governor's request, to prepare it. If, on the other hand, the Governor agrees with your view, that the preparation of the communication is an unnecessary waste of public funds which serves no useful purpose whatever, there is no reason why the custom should not be discontinued.

As stated by you, the Pamphlet Laws and Appropriation Acts are official publications and any person can, by reference to these volumes, ascertain for himself not only the titles to the measures which the Governor approved subsequent to the adjournment of the Legislature, but the full text of the acts.

Very truly yours,

DEPARTMENT OF JUSTICE,

WM. A. SCHNADER,

*Special Deputy Attorney General.*

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*Election law—Voting machines—Approval by Secretary of Commonwealth—Revocation—Act of April 18, 1929, P. L. 549—Change in device—Procedure—Petition of elector—Security required.*

1. Where a voting machine has been approved by the Secretary of the Commonwealth, in accordance with the Act of April 18, 1929, P. L. 549, and no change in device in such machine has been made, the approval once given cannot be revoked.
2. Where, upon examination, a voting machine is found to have been changed in device so as to impair its accuracy or efficiency, the Secretary of the Commonwealth may re-examine and refuse to approve the machine as changed, and may cancel the existing approval, notifying the several county commissioners so that they may take proper steps to withdraw the machine.
3. Such re-examination may be initiated upon complaint of an elector under oath alleging such change, accompanied by the statutory fee or a bond with approved surety to secure the payment of the cost of such examination.