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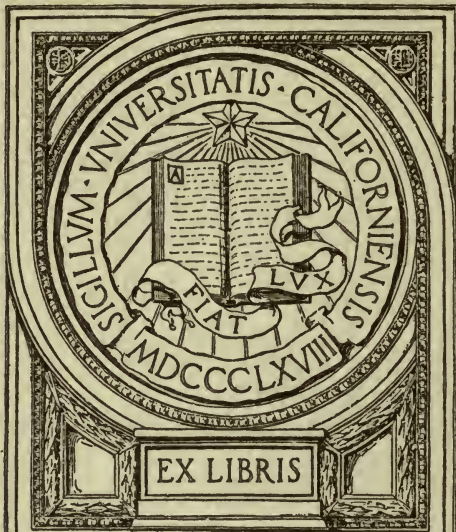
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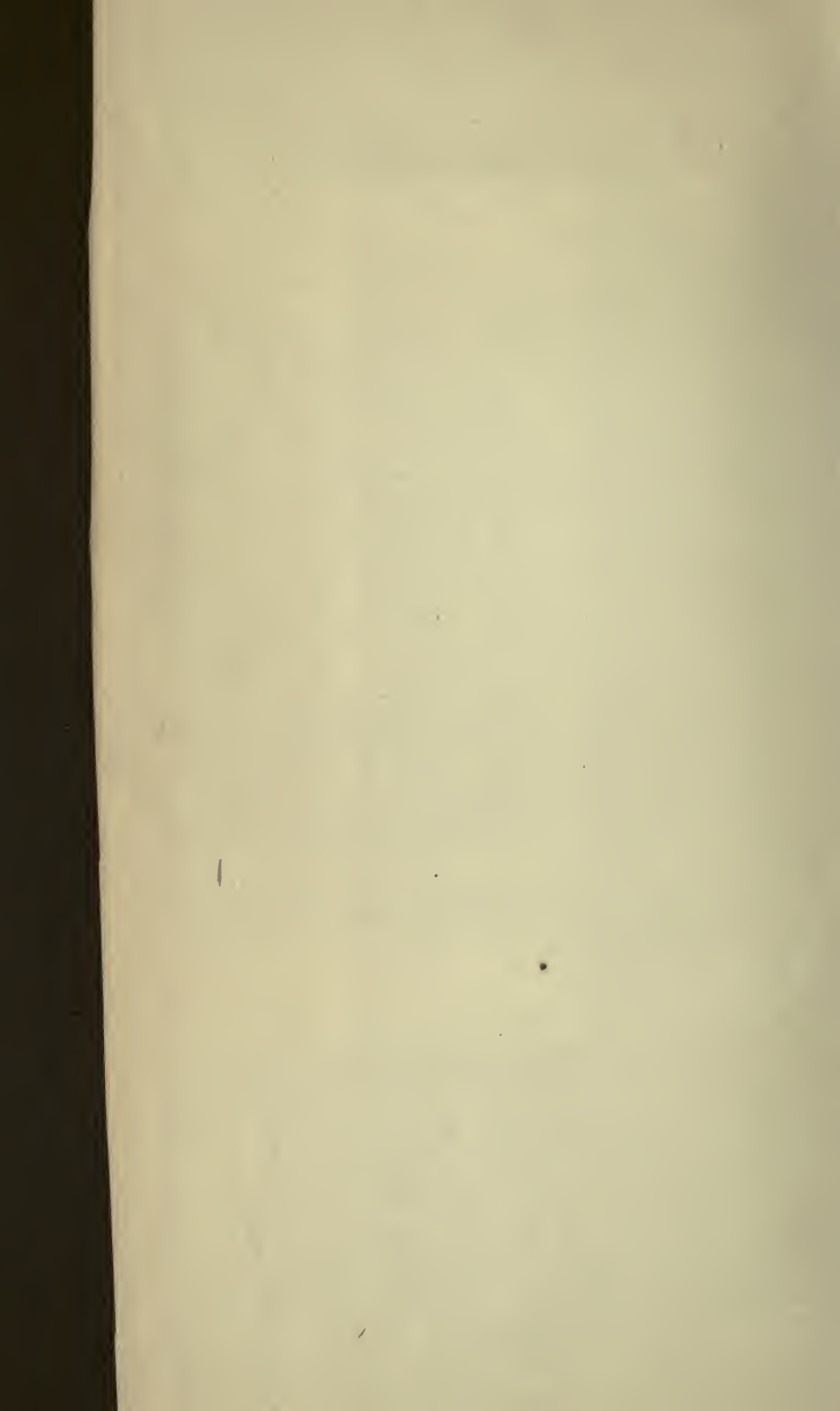
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ELECTION LAW.

CHAP. 303.—An ACT to establish and regulate the holding of primary elections; to pay expenses of same; to secure the regularity and purity of the same, and to prevent and punish any corrupt practices in connection therewith.

Approved March 14, 1912.

1. Be it enacted by the General Assembly of Virginia, That the words and phrases in this act, unless inconsistent with the context, shall be construed as follows:

(a) The word "primary," the primary elections provided for by this act.

(b) The word "election," a general or municipal election as distinguished from a primary election.

(c) The words "general election," the election provided by law for the Tuesday after the first Monday in November of each year.

(d) The word "party," a political party or organization which at a presidential election next preceding the primary polled at least one-fourth of the total vote cast at such election. This act shall be liberally construed so that the will of the electors may not be defeated by any informality: provided, the objects of the provisions of the act are substantially accomplished.

To What Nominations this Act Applies.

2. This act shall apply to the nomination of candidates for such offices as shall be nominated by a direct primary and to no other nominations. For any State office the duly constituted authorities of any political party for the State at large, and for any district office or member of the house of representatives in the congress of the United States the duly constituted authorities of any political party for the district, and for members of the State senate the duly constituted authorities of any political party for the senatorial district, and for any county, city or town office, and for members of the house of delegates the duly constituted authorities of any political party for the county, city or town, shall have the right to provide that the nomination shall be made by a direct primary or by some other method. All nominations made by a direct primary shall be made in accordance with the provisions of this act, but nothing in this act shall be construed to prohibit the printing of the name of an independent candidate or the candidate of a political organization not included in the definition of a "party" as established by this act, upon the official ballot used at any election: provided, such candidate complies with election laws concerning the same.

Primaries; When Held.

3. Primaries for the nomination of candidates coming within the terms of this act shall be held as follows:

A primary for the nomination of candidates to be voted for at the general election shall be held as follows: A primary for the nomination of United States senators and State officers shall be held at such time as the State committees of the respective parties shall determine; a primary for the nomination of members of the house of representatives of the United States shall be held at such time as the congressional committees of the several districts of the respective parties shall determine; and a primary for the nomination of State senators shall be held

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at such time as the chairman of the counties and cities of the several senatorial districts of the respective parties shall determine; and a primary for the nomination of a member of the house of delegates shall be held at such time as the county and city committees of the respective parties in the legislative districts shall determine; and a primary for the nomination of county and city officers at such time as the county and city committees of the respective parties in said counties and cities shall determine.

Primaries; How Held.

4. Primaries herein provided for shall be held by the judges appointed by the county or city committees of the party holding the primary, which said committees shall appoint three judges, one of whom shall act as clerk at each of the several precincts as they are now or may hereafter be provided by law for their respective counties or cities: provided, that if two or more political parties should hold an election at the same time, then the judges of election shall be appointed by the electoral board of the county or the city.

All provisions of law affecting such officers in general election not inconsistent herewith are hereby made applicable to primaries. There shall be used a separate ballot box for each party participating.

All the provisions and requirements of the statutes of this State in relation to the holding of elections, the sale of intoxicating liquor on election day, of counting ballots, of making and certifying returns, and all other kindred subjects, shall apply to all primaries in so far as they are consistent with this act, the intent of this act being to place the primary under the protection and regulation of the laws of this State, governing elections. The courts of record of this State and the judges thereof in vacation, shall have jurisdiction to enforce the provisions of this act by injunction, mandamus, prohibition, or any other proper remedy.

All the provisions of the penal code of this State, in so far as they relate to crimes against the electoral franchise, are hereby made applicable to primaries except when inconsistent with this act.

Lists of qualified voters shall be furnished the judges of the primary in the same manner as they are directed by law to be furnished the judges of election.

The Vote Required to Nominate.

5. Any candidate for party nomination to any office who receives a plurality of the votes cast shall be the nominee of his party for such office, and his name shall be printed on the official ballots used in the election for which the primary was held. In case of a tie the nominee shall be determined by lot in accordance with election law of the State.

6. This act shall not apply to the nomination of presidential electors, or to the nomination of candidates to fill vacancies, or to the nomination of candidates for the officers of towns which, by the terms of their charters, hold their elections at times other than the date upon which the general elections are held.

Right and Power of Parties.

7. Each party shall have the power to make its own rules and regulations, call conventions to proclaim a platform or ratify a nomination, or for any other purpose, and perform all functions inherent in such organizations. Each party shall have the power to provide in any way it sees fit for the nomination of its candidate, and the nomination and election of its candidates for office in case of any vacancy, and the nomination and election of its State, county and city committees: provided, that no convention shall have the power to nominate any candidate to

be voted for at any primary. Should the nominee of any party die, or refuse his candidacy, or if his nomination is set aside for fraud between any primary and the succeeding election, any party may nominate to fill such vacancy in accordance with its own rules, except that no party shall nominate any person whose nomination has been set aside for fraud participated in by the candidate.

Who May Vote.

8. All persons qualified to vote at the election for which the primary is held may vote at the primary: provided, however,

(a) No person shall vote for the candidates of more than one party.

(b) No person shall be permitted to vote for the candidates of any party unless in the last next preceding general elections he voted for the presidential electors nominated by such party, or for the nominee of the house of representatives of such party, or the nominee of such party for governor, or the nominee of such party for the house of delegates: provided, further, that if he did not vote at such general election, then upon his declaration that he will support at the ensuing election the nominee of the party in whose primary he wishes to vote, he shall be allowed to vote.

(c) Any person offering to vote at a primary upon challenge shall be sworn by one of the judges of the primary, and if he knowingly makes any false statement as to any matter material to his right to vote, he shall be deemed guilty of perjury, and upon conviction shall be punished accordingly.

Declaration of Candidacy.

9. The name of no candidate shall be printed upon any official ballot used at any primary unless such person is legally qualified to hold the office for which he is a candidate, and unless at least sixty days before the primary he makes and files a written declaration of candidacy, and has paid the fee required on or before the day upon which he has been required to file his declaration of candidacy by the proper committee, and has complied with the rules and regulations of the proper committee of his party, which declaration shall be in, substantially, the following form:

I,, of the county of (or the town or city of), a member of party, declare myself to be a candidate for nomination to the office of, to be made at the primary to be held on the day of

This declaration must be acknowledged before some officer who has the authority to take the acknowledgments to deeds, or attested by two persons who can write, signing as witnesses.

10. Candidates for nomination shall file their declarations with the chairman of the several committees of the respective parties, which committees have hereinbefore been charged with determining the time of holding primaries.

(c) Candidates for city offices with the clerk of the corporation court, and candidates for county offices with the clerk of the county.

Fees of Candidates.

11. Every candidate for any office at any primary, before he files his declaration of candidacy as herein provided, shall pay a fee equal to five per centum of one year's salary attached to the office for which he is a candidate. In the case of a candidate whose compensation is paid in whole or in part by fees, the amount to be paid by such candidate as his contribution for the payment of the expenses of the primary shall be fixed by the proper committee of the respective parties.

(a) A candidate for United States senate, for representative in

Congress and for all State offices shall pay said fee to the treasurer of Virginia.

(b) All other candidates shall pay said fee to the treasurer of the city or county in which they reside. A receipt for the payment of said fee must accompany and be attached to said declaration of candidacy, otherwise the same shall not be received or filed.

Provided, that if only one person shall file a declaration of candidacy for any office and is declared by the proper committee to be the candidate of his party without the holding of a primary for the office for which he is a candidate, the treasurer to whom the said fee has been paid shall refund said fee to said person.

Expenses of Candidates.

12. No person in order to aid or promote his nomination to any public office at any primary provided for by this act shall, directly or indirectly, himself or through another person, give, pay, expend or contribute any money or other valuable thing except for expenses herein expressly allowed, and no others. The permitted expenses shall include only expenses directly incurred and paid by a candidate for traveling and for purposes properly incidental to traveling, and for writing, printing and preparing for transmission any letter or circular or any advertisement in any newspaper, magazine or other periodical, whereby he states his position or views on public questions and requests the suffrage of the voters; for stationery, postage, telegraph and telephone tolls, and for other similar expenses, and for the necessary expenses of hiring halls or other rooms in which to address the voters and others, upon public questions and matters concerning his candidacy, and halls to be used as campaign headquarters. Any person incurring other expense than those herein expressly permitted shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred and not more than five hundred dollars. Such conviction shall disqualify such person from voting or holding office in this State for five years thereafter.

Regulating Publications in Newspapers.

13. It shall be unlawful for any owner, proprietor, editor, manager, officer, clerk, agent, reporter or employee of any newspaper, magazine or periodical printed or published in this State, to take, accept or receive, or agree to take, accept or receive, for himself or any other person, firm or corporation, either by himself or any other person or persons, firm or corporation, any money or other valuable consideration for such newspaper, magazine or other periodical supporting or advocating the election or defeat of any candidate or candidates at any primary election. Any such owner, proprietor, editor, manager, officer, clerk, agent, reporter or employee of any newspaper, magazine or other periodical violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

Provided, however, that nothing herein shall prevent any person or persons, firm or corporation, engaged in the publication of any newspaper, magazine or periodical from receiving from any person for publication and publishing any matter, article or articles advocating the election or defeat of any candidate or candidates and receiving from such person a compensation therefor, if such article so published or printed have placed at the beginning thereof in plain type in black face Roman capitals in a conspicuous place the statement, "paid advertisement."

Statement of Candidates.

14. Every candidate for nomination under the terms of this act shall, within twenty days after the day of holding the primary in which

he is a candidate, file an itemized statement in writing, duly sworn to, with the clerk of the court of the county or corporation in which he resides, setting forth each sum of money and thing of value or any consideration whatever constituted, paid or promised by him or any one for him with his knowledge or acquiescence, for the purpose of securing or influencing or in any way affecting his nomination to said office. Said statement must set forth the sum paid as personal expenses, setting forth fully and in detail the nature, kind and character of the expense for which the sums were expended. If any money or other consideration has been paid or promised to any newspaper, magazine or other periodical, the name of such newspaper, magazine or other periodical must be set forth as well as the amount or thing promised or paid.

In this statement all sums or other consideration promised by him and not paid shall be included. Such statement when so filed shall immediately be subject to the inspection and examination of any person, and shall be and become a public record. No officer shall receive and file any statement of any candidate unless it is made in accordance with the requirements of this act.

Penalties for Failure to Make Statement.

15. Any candidate for nomination for any office under the terms of this act who shall fail, neglect or refuse to file with the proper officer the statement provided for in section fourteen within the time provided therein, or who shall fail to fully set out in detail any and all sums of money, or other thing of value or consideration expended, paid or promised, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars or more than five hundred dollars.

Expenses of Candidates Limited in Amount.

16. No candidate for any office at any primary shall spend for any purpose whatever, exclusive of the entrance fee provided for in section eleven, a larger sum than an amount equal to fifteen cents for every vote cast for the candidate of his party receiving the largest vote at the last preceding gubernatorial election, within the territory, the qualified voters of which have the right to vote for the office for whose nomination such person is a candidate at such primary: provided, however, in legislative districts where more than six candidates are to be nominated for the general assembly, no candidate for the general assembly shall spend more than forty per centum of the salary to be paid him if elected. Any persons violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, and such conviction shall disqualify such person from voting or holding office in this State for five years thereafter.

17. No person shall solicit, request, demand, directly or indirectly, any money, intoxicating liquor or anything of value to influence his vote, or to be used, or under the pretense to be used to procure the vote of any other person or persons, at any primary for or against any candidate for office.

Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than five hundred dollars, and such conviction shall disqualify such person from voting in this State for five years thereafter.

Primary Ballots and Poll Books.

18. The primary ballots for the several parties taking part in a primary shall be printed and delivered to the judges of election by the

city or county committees of the party holding the primary. These ballots shall be official and shall be composed, arranged, printed and provided in the same manner as the official election ballots except as herein provided. Across the head of each official primary ballot shall be printed in plain black type first the name of the political party, the names of whose candidates are printed thereon, and immediately underneath the following words: "Primary election ballot." The number of ballots printed for each party participating in the primary shall be equal to twice the number of votes polled by such party at the last preceding gubernatorial election.

Poll Books and Ballot Boxes.

19. There shall be a separate poll book and separate ballot box provided for each party taking part in any primary. The ballot box of each party shall have plainly marked upon its top the words, "Primary ballot box," and immediately under these words the name of the party which uses the same. A separate poll book shall be provided for each party participating in the primary, and each poll book shall bear conspicuously upon its cover the name of the party whose voters are recorded therein. The form of these poll books shall be prescribed by the secretary of the Commonwealth.

Copies of this act shall be distributed by the secretary of the Commonwealth to the various members of the electoral board and judges of election and clerks of circuit and corporation or hustings courts throughout the State.

Ballots; How Canvassed and Certified.

20. The vote at all primaries shall be canvassed, counted by the judges of election and certified to the county or city chairman of the respective parties holding the primary, and in the case of the election of representatives to congress be certified to the chairman of the congressional committee of the respective parties for the congressional districts, and in the case of United States senators and State officers to the chairman of the central committee of the respective parties.

Expenses of Primary; How Paid.

21. The necessary expenses incident to holding and conducting primaries, such as the payment of judges and clerks of election, necessary stationery and supplies, rent of polling places, furnishing and distributing ballot boxes and poll books, delivering poll books, printing and providing ballots, and other like expenses shall be paid as expenses of elections are paid.

When No Primary Shall Be Held.

22. Whenever within the time prescribed by this act there is only one declaration of candidacy for the nomination for any office, the person filing such declaration shall be the nominee of his party and his name shall not be printed on the official primary ballot. The name of such nominee shall be printed upon the official election ballot. In case there is only one candidate offering for any office, the fee paid by him shall be returned by the treasurer, and he shall be declared the nominee of his party for the office for which he has announced his candidacy.

Should there be no contest over any nomination at a primary and one declaration of candidacy be filed for the nomination for the officer or each officer to be voted for at such primary, then such primary shall not be held, and it shall be the duty of the proper committee to declare the said candidate the nominee of his party.

There shall be no primary held for the nomination of candidates for offices which in the discretion of party authorities are required to be nominated otherwise.

How Primaries May Be Contested.

23. Any primary election may be contested as follows:

The nomination for United States senators and State officers before the State central committees of the appropriate party; the nomination for candidates for the house of representatives of the United States before the congressional committees of the several districts of the appropriate party; the nomination for State senators before the chairman of the appropriate party of the counties and cities composing the senatorial district; the nomination for members of the house of delegates by the county and city committees of the appropriate party of the county and city committees composing the legislative district; the nomination for county and city officers before the county and city committees of the appropriate party of said county or city.

All contests shall be conducted according to the rules and regulations prescribed by the State central committee of the appropriate party, and in all cases where the said State central committee has not original jurisdiction there shall be a right of appeal to said State central committee.

Duty of Party Authorities.

24. It shall be the duty of the chairman and secretary of the State central committee of every party, by a writing signed by themselves, to notify the secretary of the Commonwealth whether such committee has or has not adopted the direct primary and to what candidates such adoption refers. In case the discretion of nominating local candidates be vested in the local committees, then it shall be the duty of the chairman and secretary of such local committee to notify the secretary of the Commonwealth of the action taken by them in such regard; and the secretary of the Commonwealth shall thereupon order the holding of a primary election in any county, city or other district of the State in which he is so notified that a primary is intended to be held.

The notification required by this section must be made at least thirty days before the date herein set for the primaries: provided, that at all primaries held under this act each candidate may have a representative at the polls: provided, when there are more than two candidates there shall be only two representatives, one to be appointed by a majority of the candidates and the other by the minority of the candidates.

Nothing in this act shall be construed to require the county and city treasurers to pay expenses of more than one primary held by any one party for one election, but if any of the subordinate party committees call a primary at a date other than the date set for the general primary, then the expenses of the primary called by such subordinate party committee shall be paid by the candidates themselves. In these primaries, the expenses of which are not paid out of the city and county funds, no fee shall be paid by the candidates to the several treasurers.



CHAP. 305.—An ACT to amend and re-enact an act entitled an act to establish and regulate the holding of primary elections; to pay expenses of same; to secure the regularity and purity of the same, and to prevent and punish any corrupt practices in connection therewith, approved March 14, 1912. (S. B. 161.)

Approved March 25, 1914.

1. Be it enacted by the general assembly of Virginia, That an act entitled an act to establish and regulate the holding of primary elections; to pay expenses of same; to secure the regularity and purity of the same, and to prevent and punish any corrupt practices in connection therewith; approved March fourteenth, nineteen hundred and twelve, be amended and re-enacted so as to read as follows:

The words and phrases in this act, unless inconsistent with the context, shall be construed as follows:

(a) The word "primary," the primary elections provided for by this act.

(b) The word "election," a general or municipal election as distinguished from a primary election.

(c) The words "general election," the election provided by law for the Tuesday after the first Monday in November of each year.

(d) The word "party," a political party or organization which at a presidential election next preceding the primary polled at least one-fourth of the total vote cast at such election.

This act shall be liberally construed so that the will of the electors may not be defeated by any informality; provided, the objects of the provision of the act are substantially accomplished.

2. To what nominations this act applies.—This act shall apply to the nomination of candidates for such offices as shall be nominated by a direct primary and to no other nominations. For any State office the duly constituted authorities of any political party for the State at large, and for any district office or member of the house of representatives in the congress of the United States the duly constituted authorities of any political party for the district, or member of the senate in the congress of the United States the duly constituted authorities of any political party for the State at large, and for members of the State senate the duly constituted authorities of any political party for the senatorial district, and for any county, city or town office, and for members of the house of delegates the duly constituted authorities of any political party for the county, city or town, or legislative district, shall have the right to provide that the nomination shall be made by a direct primary or by some other method. All nominations made by a direct primary shall be made in accordance with the provisions of this act, but nothing in this act shall be construed to prohibit the printing of the name of an independent candidate or the candidate of a political organization not included in the definition of a "party" as estab-

lished by this act, upon the official ballot used at any election; provided, such candidate complies with election laws concerning the same.

3. Primaries; when held.—Primaries for the nomination of candidates coming within the terms of this act shall be held as follows: (a) A primary for the nomination of candidates to be voted for at the general election shall be held on the first Tuesday in August of each year; (b) A primary for the nomination of candidates for officers to be voted for on the second Tuesday in June in the cities of the State shall be held on the first Tuesday in April next preceding such election.

4. Primaries; how held.—The primaries herein provided for shall be held by three judges appointed for each party participating and from members of that party by the electoral boards of the respective cities and counties in the State, upon application made by the duly constituted authorities of the party or parties desiring to hold a primary under this law, in such manner as may be provided by the party plan of such party or parties, one of which judges so appointed shall act as clerk in the conduct of such primary so held, at each of the several precincts as designated at the passage of this act, or hereafter, may be provided by law.

No judge or clerk of any election held under this act shall during the progress of the same, shall attempt to influence any voter to vote for or against any candidate.

Any judge or clerk violating this provision shall be deemed guilty of a misdemeanor and punished accordingly.

Provided the said primaries shall be held by three judges and two clerks, appointed as above provided, for each party participating in said primary, if in the judgment of said board the two clerks are necessary in order to have the vote cast at any voting place.

Provided further that the judges so appointed for each party, shall conduct the primary for that party.

All provisions of law affecting such offices in general election not inconsistent herewith are hereby made applicable to primaries. There shall be used a separate ballot box and poll book for each party participating.

All the provisions and requirements of the statutes of this State in relation to the holding of elections, the sale of intoxicating liquor on election day, of counting ballots, of making and certifying returns and all other kindred subjects shall apply to all primaries in so far as they are consistent with this act, the intent of this act being to place the primary under the protection and regulation of the laws of this State governing elections. The courts of record of this State, and the judges thereof in vacation, shall have jurisdiction to enforce the provisions of this act by injunction, mandamus, prohibition, or any other proper remedy.

All the provisions of the penal Code of this State, in so far as

they relate to crimes against the electoral franchise, are hereby made applicable to primaries except when inconsistent with this act.

Lists of qualified voters shall be furnished the judges of the primary of each party participating in the same manner as they are directed by law to be furnished the judges of election.

Each judge of a primary, shall before entering upon the discharge of his duties take an oath which may be administered by any judge, faithfully to discharge the duties of his office.

And in the event of the absence from the voting place of any of the judges appointed by the electoral board for one hour after sun rise, then the other judge or judges present shall appoint a substitute judge or judges from duly qualified voters present, and in the absence for two hours after sun rise of all the judges appointed by the electoral board, then three duly qualified voters belonging to the political party holding the election may act as judges and conduct the election in the manner herein prescribed.

5. The vote required to nominate.—Any candidate for party nomination to any office who receives a plurality of the votes cast by his party shall be the nominee of his party for such office and his name shall be printed on the official ballots used in the election for which the primary was held. In case of a tie, the nominee shall be determined by lot in accordance with election law of the State. But nothing in this act shall prohibit the county or city committee of any political party from holding a primary which requires a majority of the vote cast in the said primary to nominate.

6. This act shall not apply to the nomination of presidential electors, or to the nomination of candidates to fill vacancies.

7. Right and power of parties.—Each party shall have the power to make its own rules and regulations, call conventions to proclaim a platform or ratify a nomination, or for any other purpose, and perform all functions inherent in such organizations. Each party shall have the power to provide in any way it sees fit for the nomination of its candidates, and the nomination and election of its candidates for office in case of any vacancy, and the nomination and election of its State, county or city committees; provided, that no convention shall have the power to nominate any candidate to be voted for at any primary. Should the nominee of any party die, or refuse his candidacy, or if his nomination is set aside for fraud between any primary and the succeeding election, any party may nominate to fill such vacancy in accordance with its own rules, except that no party shall nominate any person whose nomination has been set aside for fraud participated in by the candidate.

Nothing in this act shall be construed to limit or circumscribe the power of any political party to prescribe the rules and regulations for its own government, and to determine its own methods of making nominations for public office; provided, however, no party which has adopted the plan of making nominations for office by

primary, shall have the power to nominate by a convention any candidate to be voted for at any particular primary, the said primary shall be conducted in all respects under the provisions of this act.

8. Who may vote.—All persons qualified to vote at the election for which the primary is held, and not disqualified by reasons of other requirements in the law of the party, to which he belongs, may vote at the primary; provided, however,

(a) No person shall vote for the candidates of more than one party;

(b) No person shall be permitted to vote for the candidates of any party unless in the last next preceding general election he voted for the presidential electors nominated by such party, or for the nominee of the house of representatives of such party, or the nominee of such party for governor, or the nominee of such party for the house of delegates; provided further, that if he did not vote at such general election, then upon his declaration that he will support at the ensuing election the nominee of the party in whose primary he wishes to vote, he shall be allowed to vote.

(c) Any person offering to vote at a primary upon challenge shall be sworn by one of the judges of the primary, and if he knowingly makes any false statement as to any matter material to his right to vote, he shall be deemed guilty of perjury, and, upon conviction, shall be punished accordingly.

9. Declaration of candidacy.—The name of no candidate shall be printed upon any official ballot used at any primary unless such person is legally qualified to hold the office for which he is a candidate, and unless at least sixty days before the primary he makes and files a written declaration of candidacy, and has complied with the rules and regulations of the proper committee of his party, which declaration shall be in, substantially, the following form:

I,, of the county of (or town or city of), a member of the party, declare myself to be a candidate for nomination to the office of, to be made at the primary to be held on the day of

This declaration must be acknowledged before some officer who has the authority to take the acknowledgements to deeds, or attested by two persons who can write, signing as witnesses.

The name of no candidate for United States senate, for representatives in congress, or for any State office shall be printed upon any official ballot used at any primary unless he filed along with his declaration of candidacy as petition therefor signed by two hundred and fifty qualified voters of the congressional district of the candidate for house of representatives and of the State at large with respect to a candidate for United States senate or any State office, each signature to which has been witnessed by a person whose affidavit to that effect is attached to the petition. Nor shall the

name of any candidate for the general assembly, or for any city or county office be printed upon any official ballot used at any primary unless he filed along with his declaration of candidacy a petition therefor signed by fifty qualified voters of his city or county witnessed as aforesaid and with like affidavit attached thereto.

10. Candidates for nomination shall file their declarations with the chairman or chairmen of the several committees of the respective parties, and it shall be the duty of such chairman or chairmen to furnish to the electoral boards charged with the duty of preparing and printing the primary ballots the names of the candidates to be printed thereon.

11. Expense of candidates.—No person, in order to aid or promote his nomination to any public office at any primary provided for by this act, shall, directly or indirectly, himself or through another person, give, pay, expend or contribute any money or other valuable thing except for expenses herein expressly allowed and no others, or make any promise to any person as a condition upon which that person's vote or support is given. The permitted expenses shall include only expenses directly incurred and paid by a candidate for traveling and for purposes properly incidental to traveling, and for writing, printing, and preparing for transmission any letter or circular or any advertisement in any newspaper, magazine, or other periodical, whereby he states his position or views on public questions and requests the suffrage of the voters; for stationery, postage, telegraph and telephone tolls, and for other similar expenses, and for the necessary expenses of hiring halls or other rooms in which to address the voters and others, upon public questions and matters concerning his candidacy, and halls to be used as campaign headquarters. Any person incurring other expense than those herein expressly permitted shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred and not more than five hundred dollars. Such conviction shall disqualify such persons from voting or holding office in this State for five years thereafter.

12. Regulating publications in newspapers.—It shall be unlawful for any owner, proprietor, editor, manager, officer, clerk, agent, reporter or employee of any newspaper, magazine or periodical printed or published in this State to take, accept or receive, or agree to take, accept or receive, for himself or any other person, firm or corporation, either by himself or any other person or persons, firm or corporation, any money or other valuable consideration for such newspaper, magazine or other periodical supporting or advocating the election or defeat of any candidate or candidates at any primary election. Any such owner, proprietor, editor, manager, officer, clerk, agent, reporter or employee of any newspaper, magazine or other periodical violating the provisions of this act shall be deemed guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

Provided, however, that nothing herein shall prevent any person or persons, firm or corporation engaged in the publication of any newspaper, magazine or periodical from receiving from any person for publication and publishing any matter, article or articles advocating the election or defeat of any candidate or candidates and receiving from such person a compensation therefor, if such article so published or printed have placed at the beginning thereof in plain type in black face Roman capitals in a conspicuous place the statement, "Paid advertisement."

13. Statement of candidates.—Every candidate for nomination under the terms of this act shall, within twenty days after the day of holding the primary in which he is a candidate, file an itemized statement in writing, duly sworn to, with the clerk of the court of the county or corporation in which he resides, setting forth each sum of money and thing of value or any consideration whatever constituted, paid or promised by him or any one for him with his knowledge or acquiescence, for the purpose of securing or influencing or in any way affecting his nomination to said office. Said statement must set forth the sum paid as personal expenses, setting forth fully and in detail the nature, kind and character of the expense for which the sums were expended. If any money or other consideration has been paid or promised to any newspaper, magazine or other periodical, the name of such newspaper, magazine or other periodical must be set forth as well as the amount or thing promised or paid.

In this statement all sums or other consideration promised by him and not paid shall be included. Such statement when so filed shall immediately be subject to the inspection and examination of any person, and shall be and become a public record. No officer shall receive and file any statement of any candidate unless it is made in accordance with the requirements of this act.

14. Penalties for failure to make statement.—Any candidate for nomination for any office under the terms of this act who shall fail, neglect or refuse to file with the proper officer the statement provided for in section fourteen within the time provided therein, or who shall fail to fully set out in detail any and all sums of money, or other thing of value or consideration expended, paid or promised, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars or more than five hundred dollars.

15. Expenses of candidates limited in amount.—No candidate for any office at any primary shall spend for any purpose whatever, a larger sum than an amount equal to fifteen cents for every vote cast for the candidate of his party receiving the largest vote at the last preceding gubernatorial election, within the territory, the qualified voters of which have the right to vote for the office for whose nomination such person is a candidate at such primary; provided, however, in legislative districts where more than six

candidates are to be nominated for the general assembly, no candidate for the general assembly shall spend more than forty per centum of the salary to be paid him if elected. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, and such conviction shall disqualify such person from voting or holding office in this State for five years thereafter.

16. No person shall solicit, request, demand, directly or indirectly, any money, intoxicating liquor or anything of value to influence his vote, or to be used, or under the pretense to be used to procure the vote of any other person or persons, at any primary for or against any candidate for office.

Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than five hundred dollars, and conviction shall disqualify such person from voting in this State for five years thereafter.

17. Primary ballots and poll books.—The primary ballots for the several parties taking part in a primary shall be printed and delivered to the judges of election by the city or county electoral boards. These ballots shall be official and shall be composed, arranged, printed and provided in the same manner as the official election ballots except that across the head of each official primary ballot shall be printed in plain black type the date of the primary, the name of the political party, the names of whose candidates are printed thereon, and immediately underneath the following words: "Primary election ballot." The number of ballots printed for each party participating in the primary shall be equal to twice the number of qualified voters.

18. Poll books and ballot boxes.—There shall be two poll books and separate ballot box provided for each party taking part in any primary. The ballot box of each party shall have plainly marked upon its top the words, "Primary ballot box," and immediately under the words the name of the party which uses the same. Two poll books shall be provided for each party participating in the primary, and each poll book shall bear conspicuously upon its cover the name of the party whose voters are recorded therein.

Tally Sheet.

for (name of party) for theprecinct,
in the county offor a primary held on.....
day ofA. D.

The names of candidates for nominations shall be placed on the tally sheets of each political party by the primary clerks in the order in which they appear on the primary ballot.

Copies of this act shall be distributed by the secretary of the Commonwealth to the various members of the electoral board and

judges of election and clerks of circuit and corporation or hustings courts throughout the State.

19. Ballots; how canvassed and certified.—Poll books and ballots to be sealed; when and by whom delivered to clerk; where kept; if returns not made, how obtained. After canvassing the votes, the judges, before they adjourn, shall put under cover the poll books, seal the same, and direct them to the clerk of the circuit court of the county or clerk of the corporation or hustings court of the corporation or hustings (as the case may be) in which the election is held, and the poll books thus sealed and directed (together with the ballots strung, enclosed and sealed), shall be conveyed by one of the judges to be determined by lot, if they cannot otherwise agree, to the clerk to whom they are directed on the day following the election, there to remain for the use of the persons who may be lawfully entitled to inspect the same. The clerk to whom the ballots are delivered, as aforesaid, shall without breaking the seal, deposit them in his office, where they shall be safely kept for twelve months; and he shall not allow the same to be inspected unless in cases of contested elections or unless they become necessary to be used in evidence, and then only on the order of the court given jurisdiction of such contest, or as otherwise provided in this act. The judges of election shall be responsible for all the primary ballots delivered to them, and shall return to the clerk of the circuit court of the county or the corporation or hustings court of the corporation (as the case may be) all unused ballots, including those not voted and those spoiled by votes while attempting to vote. Said clerk shall give his receipt for such unused ballots and shall retain the same in his office as provided in respect of ballots which have been voted. If from any cause the judges of election shall fail to make return as provided by this section, within the time limited by section twenty of this act for the commissioners to meet and open the returns, it shall be the duty of the clerk to whose office such returns ought to have been made to dispatch a special messenger to obtain such returns, who shall be subject to the same penalties and entitled to the same compensation as a judge of elections for such services.

20. How commissioners of election appointed; when to meet and open returns; how vacancies supplied.

The electoral board in each county and city shall at the time they appoint judges and clerks of election designate five of the judges so appointed to act as commissioners, who, or any three of whom, shall constitute a board, which shall elect one of their number secretary, whose duty it shall be to meet at the clerk's office of the county or corporation for which they are appointed, on the second day (Sunday excepted) after any primary election held therein, and proceed to open the returns which shall have been made at that office; and the said commissioners shall ascertain from the returns the candidates who have received the greatest number of votes in the county or corporation. The result as so ascertained shall be

reduced to writing and signed by a majority of the commissioners present and constituting such board, and attested by the secretary, and shall be annexed to the abstract of votes cast at such election, as provided for in section twenty-b. If from any cause the number of commissioners in attendance at the time and place for opening returns be less than three, the commissioner or commissioners in attendance shall select from the voters of the county or corporation, as the case may be, one or more persons having the qualification of judges of election, who shall act as commissioner or commissioners. The electoral boards of the respective counties and cities shall have power to fill vacancies in such appointments in their respective cities and counties whenever necessary to do so. Any person appointed under this section to fill a vacancy in the board of commissioners, shall, before entering upon the discharge of his duties as commissioner, take an oath before some one authorized to administer oaths, to faithfully discharge his duties as commissioner, and when so sworn shall have all the power and authority, and be subject to all the penalties of a judge of election. The fact of the appointment being made, and the oath taken, shall be noted by the secretary at the foot of the abstract of votes provided for in section twenty-c.

20-a. How irregularities in returns corrected.—If it shall appear to any board of election commissioners, in determining the candidates who have received the greatest number of votes, that irregularities or informalities occur in the returns of the judges or clerks of election, which can be cured by amending or correcting the same, it shall be the duty of said board of commissioners immediately to summon the said judges and clerks, or such of them as may be requisite, to appear before the said board, on some day not exceeding five days from the date of the summons, for the purpose of amending such returns so that the same may conform to the law. The summons may be executed by any sheriff, sergeant, constable, or qualified voter, who shall receive for such service fifty cents for each person summoned, to be paid by the county or corporation in which such election was held.

20-b. Abstracts of votes to be made out and certified in nomination of United States senators; members of the house of representatives of the United States; members of the general assembly, and State and other officers: to whom forwarded.—As soon as the commissioners aforesaid shall determine the persons who have received the highest number of votes for nomination to any such office, the secretary shall immediately make out abstracts of the votes cast for United States senators, members of the house of representatives, State officers, members of the general assembly, county, city and district officers (as the case may be) which abstracts being certified and signed by said commissioners and attested by the secretary shall be deposited in the office of the clerk of the court, under seal, and certified copies thereof shall be placed in an envelope by said

secretary and forwarded by registered mail as follows: For United States senator and State officers to the secretary of the Commonwealth; as to members of the house of representatives of the United States, to the chairman of the congressional district committee; in case of a State senator to the chairman or several chairmen, as the case may be, of the county or counties and cities composing the senatorial district; in cases of a delegate, to the chairman, or several chairmen, of the county or counties and cities comprising the house district; and in the case of county and city and district officers to the chairman of the county or city; and the said secretary shall endorse on the back of the envelope in which said certified copies are enclosed: "Copy of the abstract of votes cast in the primary election in..... county (or city as the case may be) on nineteen hundred and"

Any secretary wilfully violating any of the provisions of this section shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by confinement in jail for a period of not less than thirty days or more than six months.

And the chairman or chairmen in the several instances aforesaid shall ascertain and publish in some newspaper in the district, county or city the names of the persons receiving the nomination. If from any county, city or congressional district the abstract of votes shall not have been received within eight days after any primary by the chairman or chairmen of the party holding the election, he or they, as the case may be, shall dispatch a messenger to obtain a copy of the same from the secretary of the board of election commissioners, and the expense thereof shall be borne by the council of the city or the board of supervisors of the county wherein the delinquent secretary resides.

20-c. When a secretary to make out and deliver certificate of nomination.—The secretary shall immediately make out, in pursuance of the determination of the commissioners, a certificate of the the votes cast for each of the candidates, the house of delegates, county or city officers. Any secretary wilfully violating the provisions of this section shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by confinement in jail for a period of not less than thirty days nor more than six months.

20-d. The secretary of the Commonwealth shall lay the certified abstract aforesaid before the State board of canvassers whom he shall convene for the purpose not later than ten days after their reception, and they shall open and tabulate the said returns and declare the nominees in manner and form as they do in general elections.

20-e. If abstracts not forwarded, messenger to be sent for them. If from any county or city the abstract of votes shall not have been received within twelve days after any State primary election by the secretary of the Commonwealth, he shall dispatch a special messen-

ger to obtain a copy of the same from the secretary of the board of election commissioners; and said secretary shall immediately, on demand of such messenger, make out and deliver to him the copy required, which copy of the abstract of votes the messenger shall deliver to the secretary of the Commonwealth without delay.

The said special messenger shall receive for his services and mileage, same compensation and mileage provided for a special messenger under section forty-one of the general election laws, to be paid upon warrant of the board of supervisors or council of the city, on the treasurer of such county or city to be paid by him out of such funds as may be provided for the expenses of said election.

20-f. False entries, et cetera.—Any person who is guilty of stealing, wilfully, fraudulently and wrongfully breaking, destroying, mutilating, defacing, falsifying, or unlawfully moving, securing or detaining the whole or any part of any ballot box, or any record, primary poll book, tally sheet or copy thereof, or the returns or any other paper or document required to be used in holding elections, or who shall fraudulently make any entry, erasure or alteration therein, or who fraudulently permits any other person to do so, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than two hundred dollars nor more than one thousand dollars, and be confined in jail not more than sixty days, and such conviction shall disqualify such person from voting or holding office in this State thereafter.

21. Expense of primary; how paid.—The necessary expenses incident to holding and conducting primaries, such as the payment of judges and clerks of election, necessary stationery and supplies, rent of polling places, furnishing and distributing ballot boxes and poll books, delivering poll books, printing and providing ballots, and other like expenses shall be paid as expenses of elections are paid.

22. When no primary shall be held.—Whenever within the time prescribed by this act there is only one declaration of candidacy for the nomination for any office, the name of the person filing such declaration shall be declared the nominee of his party for the office for which he has announced his candidacy. No primary shall be held for the nomination of candidates to offices, the nomination to which the party authorities, acting within the discretion vested in them by this act, shall require to be made otherwise.

23. How primaries may be contested.—Any primary election may be contested as follows:

The nomination for United States senators and State officers in the circuit court of the city of Richmond; the nomination for candidates for the house of representatives of the United States, State senators, members of the house of delegates, and all county, district and city officers in the circuit court of the county or city in which the contestee resides.

All contests shall be conducted according to the rules of law and equity governing contest in regular elections.

24. Duty of party authorities.—It shall be the duty of the chairman and secretary of the State central committee of every party, by writing signed by themselves, to notify the secretary of the Commonwealth whether such committee has or has not adopted the direct primary and to what candidates such adoption refers. In case the discretion of nominating local candidates be vested in the local committees, then it shall be the duty of the chairman and secretary of such local committee to notify the secretary of the Commonwealth of the action taken by them in such regard; and the secretary of the Commonwealth shall thereupon order the holding of a primary election in any county, city or other district of the State in which he is so notified that a primary is intended to be held.

The notification required by this section must be made at least thirty days before the date herein set for the primaries; provided, that at all primaries held under this act each candidate may have a representative at the polls; provided, when there are more than two candidates there shall be only two representatives, one to be appointed by a majority of the candidates and the other by the minority of the candidates.

Nothing in this act shall be construed to require the county and city treasurers to pay expenses of more than one primary held by any one party for one election, but if any of the subordinate party committees call a primary at a date other than the date set for the general primary, then the expenses of the primary called by such subordinate party committee shall be paid by the candidates themselves.

24-a. Every candidate for any office at any primary shall, before he files his declaration of candidacy as provided in the foregoing sections, pay a fee equal to two per centum of one year's salary attached to the office for which he is candidate.

In case of a candidate whose compensation is paid in whole or in part by fees, the amount to be paid by such candidate as his contribution for the payment of the expenses of the primary shall be fixed by the proper committee of the respective parties.

If there is no salary the fee shall be one dollar. These fees shall be paid as follows:

(a) Candidates for United States senators, for representatives in congress, and for all State offices shall pay such fee to the auditor of public accounts of Virginia.

(b) All other candidates shall pay said fee to the treasurer of the city or county in which they reside. A receipt for the payment of said fee must accompany and be attached to said declaration of candidacy; otherwise the same shall not be received or filed; provided, that when for district officers of more than one county the fee shall be divided equally between the counties comprising such district and paid to the respective treasurers thereof.

24-b. The judges conducting a primary may require a constable present to assist in preserving order at or near the polls, and in his absence may appoint a special constable for the purpose aforesaid, who for the time being shall be clothed with all the powers and subject to all the duties of a duly elected constable.

24-c. The circuit court of the county, and the hustings or corporation or circuit court of the city shall have exclusive original jurisdiction of all prosecutions for violations of this statute.

25. This act shall go into effect on the first day of January, nineteen hundred and fifteen.

26. All acts and parts of acts in conflict with the provisions of this act are hereby expressly repealed.

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