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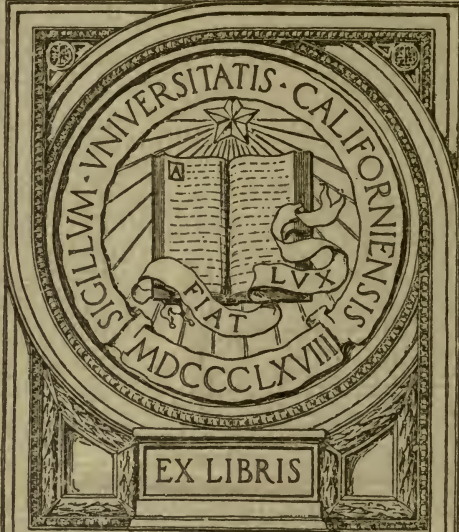
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# ELECTION LAWS OF TEXAS

INCLUDING ALL ACTS OF THE LEGIS-  
LATURE GOVERNING ELECTIONS,  
BOTH GENERAL AND PRI-  
MARY, TO DATE

COMPILED BY  
**F. C. WEINERT**  
SECRETARY OF STATE



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# ELECTION LAWS.

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## TIME AND PLACE OF HOLDING ELECTIONS.

Article 2910. ELECTIONS, GENERAL, TIME FOR HOLDING.—A general election shall be held on the first Tuesday after the first Monday in November, A. D. 1912, and every two years thereafter, at such places as may be prescribed by law, after notice given as prescribed by law. [Acts 1905, 1st S. S. p. 535.]

Art. 2911. ELECTIONS, SPECIAL, TIME FOR HOLDING.—Special elections shall be held at such times and places as may be fixed by law providing therefor. [Id. sec. 62.]

Art. 2912. POLLS, HOURS OF OPENING AND CLOSING.—In all elections, general, special or primary, the polls shall be open from eight o'clock in the morning until seven o'clock in the evening; and the election shall be held for one day only. [Id. sec. 64].

Art. 2913. PRECINCTS, ELECTION, FORMED HOW AND WHEN, PUBLICATION.—The county commissioners court of each county may, if they deem it proper, at each August term of the court, divide their respective counties, and counties attached thereto for judicial purposes, into convenient election precincts, each of which shall be differently numbered and described by natural or artificial boundaries or survey lines by an order to be entered upon the minutes of the court. They shall immediately thereafter publish such order in some newspaper in the county for three consecutive weeks. If there be no newspaper in the county, then such copy of such order shall be posted in some public place in each precinct in the county. No election precinct shall be formed out of two or more justice precincts, nor out of the parts of two or more justice precincts. [Id. sec. 7.]

Art. 2914. PRECINCTS IN CITIES AND TOWNS, HOW FORMED.—The county commissioners court, in establishing new election precincts, shall divide any city or town into as many election precincts as they see proper, none of which shall have resident therein more than three hundred and fifty voters, as ascertained by the vote of the last preceding general city or town election. Every ward in every incorporated city, town or village shall constitute an election precinct, unless there shall have been cast in the said ward, at the last general city or town election held therein, more than three hundred and fifty votes. Cities and towns, and towns and villages incorporated under the general laws shall not necessarily constitute election precincts; and no precinct shall be made out of parts of two wards. Provided, that this section [article] shall not apply to cities, towns and villages of less than ten thousand inhabitants; and, in such cities, towns and villages, the justice precincts in which said cities, towns and villages are situated may be divided

into election precincts without regard to the wards of such cities, towns and villages, and without reference to the number of votes to be cast. [Id. sec. 8.]

Art. 2915. [1709] UNORGANIZED COUNTIES, PRECINCTS AND VOTING IN.—Each unorganized county of the State of Texas which is attached, for judicial purposes, to an organized county shall be attached, for election purposes, to some one of the commissioners precincts of such organized county, and voters in such unorganized county shall be authorized to vote in any election for commissioner of such commissioners precinct; provided, when more than one election precinct has been established by law in such unorganized county of the State, each election precinct therein shall be attached, for election purposes, severally to one of the commissioners precincts of such organized county; and voters in such election precincts shall be authorized to vote in any election for commissioner of the commissioners precinct to which such election precinct has been attached. [Acts 1885, p. 89.]

Art. 2916. [1732] [1689] VOTERS SHALL VOTE IN PRECINCT WHERE THEY RESIDE.—All voters in any county shall vote in the election precinct in which they reside. [Act Aug. 23, 1876, p. 308, sec. 14. Acts of 1881, p. 97.]

Art. 2917. COLLECTOR, ORDER FIXING PRECINCTS TO BE SERVED ON.—The county commissioners court shall cause to be made out and delivered to the county collector of taxes, before the first day of September, annually, a certified copy of the last order fixing the limits and designating the number or name of each precinct for the year following. [Acts 1905, 1 S. S., p. 535.]

Art. 2918. POLLING PLACES AND POLL TAX LISTS IN TOWNS, ETC., UNDER GENERAL LAW.—In towns or cities incorporated under the general laws, the city council may provide for city or town elections that there shall be one or more polling places; and, in such case, the certified list of poll taxpaying voters for all election precincts in which voters reside who are to vote at any such polling place shall be used therefor. [Id. sec. 9.]

Art. 2919. BUT ONE ELECTION POLL IN CERTAIN CITIES AND TOWNS.—In all cities and towns in this State in which the number of electors at the last municipal election does not exceed four hundred in number, but one election poll shall be opened at any municipal election; and all officers of such towns and cities to be elected shall be voted for at such poll. [Acts 1897, p. 10.]

#### OFFICERS OF ELECTION.

Article 2920. JUDGES AND CLERKS OF ELECTION; PRESIDING JUDGES; APPOINTMENT, QUALIFICATION AND DUTIES.—The county commissioners court shall, at the February term, appoint from among the citizens of each voting precinct in which there are less than one hundred voters who have paid their poll tax and received their certificates of exemption two reputable men who are qualified voters as judges of the election. They shall be selected from different political parties, if practicable,

and shall continue to act until their successors are appointed. When the bounds of the precinct are changed so that one or more judges reside outside of the precinct for which they were appointed, the court shall appoint others to fill such vacancy or vacancies. One of the judges, who shall, in all cases, belong to the party that, at the last general election, cast the largest vote for governor throughout the State shall be designated as the presiding judge at elections; he shall appoint two competent and reputable clerks of different political parties, if practicable, who are qualified voters, to act as clerks of the election. The order appointing all judges shall be entered of record. The presiding judge shall act in receiving and depositing the votes in the ballot boxes, and the other judge shall act in counting the votes cast; one of the clerks shall keep the poll list and list of qualified voters, and, upon the poll list he shall write at the time of voting the name and number of each voter; the other clerk shall act as canvassing clerk, and shall keep the tally list of votes counted; said officers shall perform such other duties as the presiding judge may direct. [Acts 1905, S. S., p. 533, sec. 57.]

Art. 2921. JUDGES AND CLERKS OF ELECTION IN PRECINCTS OF OVER 100 POLL TAX RECEIPTS, APPOINTMENT AND DUTIES.—For every precinct in which there are one hundred male citizens or more who have paid their poll tax or received their certificates of exemption, the commissioners court shall appoint four judges of election, who shall be chosen when practicable from opposing political parties, one of whom shall be designated as presiding judge. The presiding and one associate judge shall act in receiving and depositing the votes in the ballot box, and the other two judges shall act in counting the vote cast. The presiding judge shall appoint four competent and reputable clerks who have paid their poll tax, and of different political parties, when practicable; two of said clerks shall assist in keeping poll lists and the list of qualified voters; upon the poll lists they shall write the name and number of each voter, and at the time voted. Two clerks shall be canvassing clerks, who shall keep tally lists of votes counted and perform such other duties as the presiding judge may direct. At the close of the canvassing, and during its progress, the tally clerks shall compare their tally lists and certify officially to their correctness. Provided, that in all elections held under the provisions of this title, other than general elections, local option elections and primary elections, the officers to be appointed by the commissioners court to hold said elections shall be a presiding judge, and assistant judge and two clerks, whose compensation shall be two dollars per day, and two dollars to the presiding judge extra for making return of the election. [Id. sec. 58.]

[Note.—For appointment of judges and clerks by voters, see Art. 2994.]

Art. 2922. DISQUALIFICATIONS FOR BEING JUDGES, ETC., OR MEMBERS OF EXECUTIVE COMMITTEES.—No one who holds an office of profit or trust under the United States or this State, or in any city or town in this State, except a notary public, or who is a candidate for office, or who has not paid his poll tax, shall act as judge, clerk, or supervisor of any election, nor as chairman nor as member of an executive committee, either for the State or any district or county. [Id. sec. 60.]

Art. 2923. SUPERVISORS OF ELECTIONS, APPOINTMENT, ETC., POWERS AND DUTIES.—The chairman of the county executive committee, for each political party that has candidates on the official ballot, or if he fails to act, any three members of such committee, may, not less than five days before the general election, nominate one supervisor of election for each voting precinct, who has paid his poll tax, by presenting his name to the county judge, who shall indorse his approval on the certificate of his nomination if he is a reputable citizen, but not otherwise. And thereupon, on his presenting such nomination and its approval to the presiding judge of the precinct, he shall be permitted to sit conveniently near the judges, so that he can observe the conduct of the election, including the counting of the votes, the locking and sealing of the ballot boxes, their custody and safe return. He shall not be permitted to enter into any conversation with the judges or clerks regarding the election while it is progressing, except to call the attention of the judges or clerks to any irregularity or violation of the law that he may observe. Before he shall be permitted to act as supervisor, he shall take an oath, to be administered by the presiding judge, that he will mention and note any errors he may see in testing or counting the votes, and that he will well and truly discharge his duties as supervisor impartially, and will report in writing all violations of the law and irregularities that he may observe to the next grand jury. [Id. sec. 59.]

Art. 2924. SUPERVISORS, APPOINTED, HOW, ETC.; DUTIES.—Any one-fifth of the candidates whose names appear on the official ballot may, on the day preceding the election or prior thereto, agree in writing signed by them upon two supervisors who, when selected, shall be sworn as election officers. Said supervisors shall be qualified voters of the county in which they may serve as such supervisors. Said supervisors, while the election is being held, shall remain in view of the ballot boxes until the count is concluded. It shall be their duty to be present at the marking of the ballot of any voter, by the judge of said election, not able to make his own ballot, to see that said ballot is marked in accordance with the wishes of the voter; and it shall further be their duty to see that each and every ballot is correctly called. The said supervisors shall note any and all fraud or irregularity occurring, and report same to the next grand jury. [Acts 1905, 1 S. S., p. 552. Acts 1909, 2 S. S., p. 451, sec. 12.]

[Note.—For appointment of officers and supervisors of election in cities, towns, etc., see Arts. 2934 and 785.]

Art. 2925. COMPENSATION OF JUDGES AND CLERKS.—Judges and clerks of general and special elections shall be paid two dollars a day each; and the judge who delivers the returns of election, immediately after the votes have been counted, shall be paid two dollars for that service; provided, the polling place of his precinct is at least two miles from the court house and provided, also, he shall make returns of all election supplies not used when he makes return of the election. [Acts 1905, 1 S. S., p. 557, sec. 146.]

Art. 2926. [1752] COMPENSATION OF JUDGES AND CLERKS.—The compensation of judges and clerks of general and special elections shall be paid by the county treasurer of the county where such services are rendered, upon the order of the commissioners court of such county;



provided, twelve working hours shall be considered a day within the meaning of this article.

Art. 2927. PRECINCTS, ORDER DEFINING TO BE SERVED ON PRECINCT JUDGES.—Precinct judges for all general elections shall be served with copies of the order of the county commissioners court, properly certified to by the clerk of the said court, designating the number, name and bounds of the election precinct and of their appointment as judges. Such service shall be made by the sheriff or a constable within ten days after the entry of such order, and return shall be made thereof on a copy showing when, where and how he executed the same. [Id. sec. 11.]

Art. 2928. [1708] [1665b] PRESIDING OFFICERS IN UNORGANIZED COUNTIES.—It shall be the duty of the commissioners court to which any unorganized county is attached for judicial purposes to appoint some suitable person in each of such unorganized counties to serve as a presiding officer of elections in said unorganized county; which appointment shall be made in the same manner as in the appointment of presiding officers in election precincts in organized counties. [Acts of 1881, p. 97.]

#### ORDERING ELECTIONS, ETC.

Article 2929. PROCLAMATION OF ELECTION BY GOVERNOR.—Notice shall be given to the people of all elections for State and district officers, electors for President and Vice-President of the United States, members of Congress, Members of the Legislature and all officers who are elective every two years. Such notices shall be by proclamation by the Governor ordering the election, not less than thirty days before the election, issued and mailed to the several county judges. [Acts 1905, 1 S. S., p. 528, sec. 30.]

Art. 2930. ORDER FOR ELECTION BY COUNTY JUDGE, ETC.; WRITS OF ELECTION, ETC.—The county judge, or if his office is vacant, or if he fails to act, then two of the county commissioners shall order an election for county and precinct officers, and all other elections which under the law the county judge may be authorized to order. The county judge, or county commissioners, as the case may be, shall issue writs of election ordered by him or them, in which shall be stated the office or offices to be filled by the election or the question to be voted on, or both, as the case may be, and the day of election. [Id. sec. 31.]

Art. 2931. [1725] [1682] WRITS OF ELECTION, HOW SERVED, ETC.—The writs of election and copies of the form of returns shall be delivered to the sheriff of the county, who shall, previous to the day of election, deliver the same to the presiding officer of each election precinct in which the election is ordered to be held, and in case there be no presiding officer in any such election precinct, the writ and form shall be delivered to the qualified voter of such election precinct who resides at or nearest to the voting place in such precinct.

Art. 2932. INVALIDATED—ELECTION NOT; HOW.—A failure, from any cause, on the part of the Governor or the county judge or commissioners court, or of both to order or give notice of any general election shall not invalidate the same if otherwise legal and regular. [Id.]

Art. 2933. NOTICE OF ELECTION; BY WHOM GIVEN; REQUIREMENTS AS TO.—The county judge, or if he fails to act, then two county commissioners, shall cause notice of a general election or any special election to be published by posting notice of election at each precinct thirty days before the election; which notice shall state the time of holding the election, the office to be filled, or the question to be voted on, as the case may be; provided, that in local option, stock law, and road tax elections, the notices of elections, or any other special election specially provided for by the laws of this State, shall be given in compliance with the requirements of laws heretofore or hereafter enacted governing said elections respectively; and provided, also, that if a vacancy occurs in the State Senate or House of Representatives during the session of the Legislature, or within ten days before it convenes, then twenty days notice of a special election to fill such vacancy shall be sufficient. Posting of notice of an election shall be made by the sheriff or a constable, who shall make return on a copy of the writ, how and when he executed the same. [Id. sec. 33.]

Art. 2934. IN CITIES, TOWNS, ETC., ORDERING ELECTIONS, NOTICE, OFFICERS, SUPERVISORS.—In all city, town and village elections, the mayor, or if he fails to, then the board of aldermen or the officials in whom authority is vested by law, shall order elections pertaining alone to municipal affairs, give notice and appoint election officers to hold the election, unless a different method be prescribed by the charter of such city, town or village; but, in all cases, supervisors may be selected as in general elections, and the judges and clerks shall each be selected from different political parties when practicable. [Id. sec. 34.]

Art. 2935. VACANCY, ORDER FOR ELECTION TO FILL, ETC.—In all cases of vacancy in a civil office in the State, caused by death or resignation or otherwise, the vacancy of which is to be filled by election, the officer or officers, authorized by this title to order elections shall immediately make such order, fixing the day, not exceeding thirty days after the first public notice of such order to fill the unexpired term, and cause like notice to be given and issue writs as provided for in general elections. [Id. sec. 35.]

Art. 2936. [1805] [1754] IN CASE OF A TIE ANOTHER ELECTION SHALL BE HELD.—Whenever, at any election, there shall be an equal number of votes given to two or more persons, for the same office, except executive offices as provided in the Constitution, and no one elected thereto, the officer to whom the returns are made shall declare such election void as to such office only, and shall immediately order another election to fill such office; and notice shall be given, and such other election shall be held in the same manner as is provided in other elections. [Act Aug. 23, 1876, p. 310, sec. 24. P. D. 3606.]

Art. 2937. FORMS OF BLANKS FURNISHED BY SECRETARY OF STATE.—The Secretary of State shall, at least thirty days before the general election, prescribe to the county judge of each county forms of all blanks necessary under this title. [Acts 1905, S. S., p. 528, sec. 32.]

## SUFFRAGE.

Article 2938. QUALIFICATIONS FOR VOTING; WHO NOT QUALIFIED.—The following classes of persons shall not be allowed to vote in this State:

1. Persons under twenty-one years of age.
2. Idiots and lunatics.
3. All paupers supported by the county.
4. All persons convicted of any felony, except those restored to full citizenship and right of suffrage, or pardoned.
5. All soldiers, marines and seamen employed in the service of the army or navy of the United States. [Acts 1905, 1 S. S., p. 520, sec. 1.]

Art. 2939. [1731] QUALIFICATIONS FOR VOTING; WHO QUALIFIED.—Every male person subject to none of the foregoing disqualifications who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided in this State one year next preceding an election, and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector; and every male person of foreign birth, subject to none of the foregoing disqualifications, who has not less than six months before an election in which he offers to vote, declared his intention to become a citizen of the United States, in accordance with the Federal naturalization laws, and shall have resided in this State one year next preceding such election and the last six months in the county in which he offers to vote, shall also be deemed a qualified voter; and all electors shall vote in the voting precinct of their residence; provided, that the electors living in an unorganized county may vote at an election precinct in the county to which such county is attached for judicial purposes; and provided, further, that any voter who is subject to pay his poll tax under the laws of the State of Texas or ordinances of any city or town in this State, shall have paid said tax before he offers to vote at any election in this State, and hold a receipt showing the payment of his poll tax before the first day of February next preceding such election; and, if he is exempt from paying a poll tax and resides in a city of ten thousand inhabitants or more, he must procure a certificate showing his exemption, as required by this title. Or, if such voter shall have lost or misplaced said tax receipt, he shall be entitled to vote, upon making affidavit before any officer authorized to administer oaths that such tax was actually paid by him before said first day of February next preceding such election at which he offers to vote, and that said receipt has been lost. Such affidavit shall be made in writing and left with the judge of the election. Provided, that in any election held only in a subdivision of a county for the purpose of determining any local question or proposition affecting only such subdivision of the county, then, in addition to the foregoing qualifications, the voter must have resided in said subdivision of the county for six months next preceding such election. [Id. sec. 2.]

Art. 2940. QUALIFICATIONS FOR VOTING IN CITY ELECTIONS.—All qualified electors of this State, as described in Articles 2938 and 2939, who shall have resided for six months immediately preceding an election within the limits of any city or incorporated town shall have a right to vote for mayor and all other elective officers; but, in all elections to de-

termine the expenditure of money or assumption of debt, or issuance of bonds, only those shall be qualified to vote who pay taxes on property in such city or incorporated town; provided, that no poll tax for the payment of debts thus incurred shall be levied upon the person debarred from voting in relation thereto. [Id. sec. 3.]

Art. 2941. "RESIDENCE" DEFINED.—The "residence" of a single man is where he usually sleeps at night; that of a married man is where his wife resides, or if he be permanently separated from his wife, his residence is where he sleeps at night; provided, that the residence of one who is an inmate or officer of a public asylum or eleemosynary institute, or who is employed as a clerk in one of the departments of government at the capital of this State, or who is a student of a college or university, unless such officer, clerk, inmate or student has become a bona fide resident citizen in the county where he is employed, or is such student, shall be construed to be where his home was before he became such inmate or officer in such eleemosynary institution or asylum or was employed as such clerk or became such student; and, if on payment of his poll tax he would be a qualified voter, he shall be permitted to return during the month of January in each year to his home to pay his poll tax or obtain his certificate of exemption, and shall be permitted to return again to his home to vote at any general or primary election. The inmates of the Confederate Home situate within the limits of the city of Austin shall, after obtaining their certificates of exemption, be entitled to vote for State, district, municipal and county officers. [Id. sec. 4.]

Art. 2942. POLL TAX COLLECTED FROM WHOM; WHEN PAID; RECEIPT.—The poll tax required by the Constitution and laws in force shall be collected from every male person between the ages of twenty-one and sixty who resided in this State on the first day of January preceding its levy, Indians not taxed, persons insane, blind, deaf or dumb and those who have lost a hand or foot, or permanently disabled, excepted; which tax shall be collected and accounted for by the tax collector each year and appropriated as required by law. It shall be paid at any time between the first day of October and the first day of February following; and the person, when he pays it, shall be entitled to his poll tax receipt, even if his other taxes are unpaid. [Id. sec. 12.]

Art. 2943. POLL TAX, WHO NOT REQUIRED TO PAY.—Every male person who is more than sixty years old or who is blind or deaf and dumb, or is permanently disabled, or has lost one hand or foot, shall be entitled to vote, without being required to pay a poll tax, if he has obtained his certificate of exemption from the county collector when the same is required by the provisions of this title. [Id. sec. 6.]

Art. 2944. MODE OF PAYING POLL TAX.—If the taxpayer does not reside in a city of ten thousand inhabitants or more, his poll tax must either be paid by him in person or by some one duly authorized by him in writing to pay the same, and to furnish the collector the information necessary to fill out the blanks in the poll tax receipt. Such authority and information must be signed by the party who owes the poll tax, and must be deposited with the tax collector and filed and preserved by him. [Id. sec. 16.]

Art. 2945. SAME SUBJECT.—In all cases where the taxpayer resides in a city of ten thousand inhabitants or more, the tax must be paid in person by the taxpayer entitled to the receipt, except as provided by this article. If a person residing in a city of ten thousand inhabitants who is subject to pay a poll tax, intends to leave the precinct of his residence before the first day of October, with the intention not to return until after the first day of the following February, and does not return before that time, he shall be entitled to vote, if possessing all other legal qualifications, by paying his poll tax or obtaining his certificate of exemption through an agent authorized by him in writing, which shall state truly his intention to depart from the precinct, the expected period of his absence, and every fact necessary to enable the tax collector to fill the blanks in his receipt. Such authority, in fact, must be sworn to by the citizen and certified to by some officer authorized to administer oaths. It shall be deposited with the tax collector and kept in his office. [Id. secs. 16 and 25.]

TAX RECEIPT NOT TO BE DELIVERED TO AGENT, ETC.—When, in cases permitted by this title, the tax is paid by an agent, the tax receipt shall not be delivered to such agent, but shall be sent by mail to the taxpayer or kept and delivered to him in person by the tax collector. [Id. sec. 16.]

Art. 2946. CANDIDATE, ETC., NOT TO PAY POLL TAX OF ANOTHER; PROVIDED, ETC.—In no event shall any candidate for office pay the poll tax for another. And no person shall for, or on behalf of, any candidate for office or person interested in any question to be voted on, pay the poll tax for another; provided, that any person who has bought the property of another, which property is legally bound for the payment of any poll tax, may pay the poll tax of such former owner; but the collector in such case shall not issue a poll tax receipt authorizing any person to vote, but shall give the party paying the same an ordinary memorandum receipt therefor; but such memorandum receipts shall not state either the race, occupation or residence of the taxpayer. [Id. sec. 16.]

Art. 2947. NO ONE TO GIVE MONEY TO ANOTHER TO PAY POLL TAX.—No one shall knowingly give money to a citizen to pay his poll tax. [Id. sec. 27.]

Art. 2948. NO ONE TO KEEP POLL TAX OF ANOTHER, EXCEPT.—No one shall keep the poll tax receipt of another person in his possession or under his control, except in cases specially authorized by law. [Id. sec. 27.]

Art. 2949. POLL TAX RECEIPT SHALL SHOW WHAT.—Each poll tax receipt and its duplicate shall show the name of the party for whom it was issued, the payment of the tax, age, his race, the length of time he has resided in the State, the length of time he has resided in the county, the voting precinct in which he lives, except when he lives in an unorganized county, his occupation, his postoffice address, or, if he lives in an incorporated city, ward, street and number of his residence, if numbered, and the length of time he has resided in such city or town. [Id. sec. 16.]

Art. 2950. POLL TAX RECEIPT, FORM OF.—The poll tax receipt shall be in the following form, and numbered consecutively in each book provided for in this title:

POLL TAX RECEIPT.

No. ....

State of Texas, county of. ....

Received of. .... on the.....day of  
 ..... A. D. 19....., the sum of.....dollars,  
 in payment of poll tax for the year A. D. 19.....

The said taxpayer being duly sworn by me, says that he is.....  
 years old, that he resides in voting precinct No.....in.....  
 county, that his race is....., that he has resided in Texas  
 .....years, and in.....county.....years, that  
 he is by occupation....., that his postoffice address is  
 .....

(If in an incorporated city or town, a blank must be provided for the ward, street and number of residence in lieu of his postoffice address, and length of time he has resided in such city or town.)

All of which I certify.

(Seal)

(Signed) .....

Tax Collector .....County, Texas.  
 [Id. sec. 18.]

Art. 2951. POLL TAX RECEIPT, ETC., IN CASE OF REMOVAL TO ANOTHER WARD OF CITY OVER 10,000.—If a citizen in a city of ten thousand inhabitants, after receiving his poll tax receipt or certificate of exemption, removes to another ward in the same city before the next election, he may vote at any general election in the ward of his new residence by presenting his poll tax receipt or certificate of exemption to the precinct election judges, or by making affidavit that it has been lost or misplaced; which affidavit shall be left with the judges and be forwarded with the election returns. But, in all such cases, if the removal was to the ward of his new residence in the same city before the certified list of voters was delivered to the precinct judges, he shall appear before the collector of taxes not less than five days before such election or primary election, and obtain a corrected receipt or certificate; and his name shall be added to the list of voters for the precinct of his new residence; and he shall not vote in that event, unless his name appears on the certified list of voters. [Id. sec. 21.]

Art. 2952. POLL TAX RECEIPT IN CASE OF REMOVAL TO ANOTHER COUNTY OR PRECINCT; PROVISIO.—If a citizen, after receiving his poll tax receipt or certificate of exemption, removes to another county or to another precinct in the same county, he may vote at an election in the precinct of his new residence in such other county or precinct by presenting his poll tax receipt or his certificate of exemption or his written affidavit of its loss to the precinct judges of election, and stating in such affidavit where he paid such poll tax or received such certificate of exemption, and by making oath that he is the identical person described in such poll tax receipt or certificate of exemption, and that he then resides in the precinct where he offers to vote and has resided for the last six

months in the district or county in which he offers to vote and twelve months in the State. But no such person shall be permitted to vote in a city of ten thousand inhabitants or more, unless he has first presented to the tax collector of his residence a tax receipt or certificate, not less than four days prior to such election or primary election or made affidavit of its loss and stating in such affidavit where he paid such poll tax or received such certificate of exemption; and the collector shall thereupon add his name to the list of qualified voters of the precinct of his new residence; and, unless such voter has done this and his name appears in the certified list of voters of the precinct of his new residence, he shall not vote. [Id. sec. 22.]

Art. 2953. EXEMPTION CERTIFICATE IN CITIES OVER 10,000; REQUISITES, ETC.; FORM.—Every person who is exempted by law from the payment of a poll tax and who is in other respects a qualified voter, who resides in a city of ten thousand inhabitants or more, shall, after the first day of October and before the first day of February following, before he offers to vote, obtain from the tax collector of the county of his residence a certificate showing his exemption from the payment of a poll tax. Such exempt person shall, on oath, state his name, county of his residence, occupation, race, age, the length of time he has resided in Texas, the length of time he has resided in the county and the length of time he has resided in the city, and the ward and voting precinct in which his residence is located, the street and number of his residence, if numbered. He shall also state the grounds on which he claims exemption from the payment of a poll tax. Such certificate shall be detached from said book, leaving thereunder a duplicate carbon or other copy thereof which shall contain the same description; and the original shall be delivered, bearing its proper number, to the citizen in person to identify him in voting. Certificates of exemption for each precinct shall be numbered consecutively, beginning at one. They shall be in the following form:

CERTIFICATE OF EXEMPTION FROM POLL TAX.

No .....

State of Texas, county of .....

I....., tax collector for said county, Texas, do hereby certify that .....personally appeared before me on the .....day of.....A. D....., and being sworn, said his name is....., that his race is....., that he is.....years old, that his occupation is....., that he has resided in Texas for.....years, in the county of.....for.....years, and in the city of.....for.....years, that he now resides in precinct No. ...., in ward No. ....; and on.....street, and in house No. .... (if numbered); that he is exempt from the payment of the poll tax by reason of..... and that he is a qualified voter under the Constitution and laws of Texas.

(Seal)

(Signed).....

Tax Collector.....county, Texas.

[Id. sec. 19.]

Art. 2954. **MINOR REACHING MAJORITY BETWEEN FEBRUARY 1, AND ELECTION DAY, CERTIFICATE.**—Every male person who will reach the age of twenty-one years after the first day of February and before the day of a following election at which he wishes to vote, and who possesses all the other qualifications of a voter shall be entitled to vote at such election, if he has obtained a certificate of exemption from the county collector before the first day of February, which shall specify the day when he will be twenty-one years old, and contain all the other requisites of a certificate of exemption. Before the certificate of exemption shall issue, the applicant therefor shall make written affidavit of his age, to be administered and certified to by the county collector, who shall file and preserve the same. [Id. sec. 23.]

Art. 2955. **POLL TAX IN UNORGANIZED COUNTIES.**—The poll tax due from citizens of unorganized counties shall be paid in the county to which the unorganized county is attached for judicial purposes. [Id. sec. 13.]

Art. 2956. **POLL TAX RECEIPT, ETC., BOOKS, FURNISHED BY COMMISSIONERS TO COLLECTOR; REQUISITES.**—The commissioners court of each county shall, before the first day of October every year, furnish to the county tax collector a blank book for each voting precinct, which shall be marked with the name and number of the precinct for which it is intended. Each book shall contain a sufficient number of blank poll tax receipts for each voting precinct not in a city of ten thousand inhabitants or more, and not exceeding three hundred and fifty blank poll tax receipts and certificates of exemptions for each precinct in a city of ten thousand inhabitants or more, of which not more than sixty shall be certificates of exemptions, and a greater or less number of each in the same proportion when sufficient for the voters of the precinct. Each receipt and certificate shall, in each such book, be bound immediately over a duplicate copy thereof; which duplicate copy, when filled out, shall correspond with the receipt or certificate in its number, the name, length of residence in the State or county, the voting precinct, race, occupation and postoffice address of the citizen to whom the tax receipt or certificate of exemption is given. If the voting is in a city, the receipt or certificate and duplicate must show the ward, street and number, if numbered, of the citizen's residence (in lieu of postoffice address); and the length of time he has resided in such city. The receipts and certificates shall be numbered in consecutive order. Similar blank books of poll tax receipts shall be furnished to each unorganized county attached to such county for judicial purposes, except that the voting precinct need not appear therein. When the tax receipt or certificate is delivered to the citizen, it shall be detached from the book and retained by him for his future use and identification in voting. [Id. sec. 14.]

Art. 2957. **POLL TAX DEPUTY TO BE APPOINTED, ETC., IN CERTAIN COUNTIES.**—In all counties containing a city of ten thousand inhabitants or more, other than the county seat of such county, it shall be the duty of such collector to have a duly authorized and sworn deputy to represent him for the purpose of accepting poll taxes and giving receipts therefor, who shall keep his office for such purpose at some convenient place in such city during the entire month of January of each year, and he shall publish four weeks' notice of the authority of such deputy and the location of the office. [Id. sec. 17.]



Art. 2958. COLLECTOR MAY ADMINISTER OATHS, ETC.—The county collector is authorized to administer oaths and certify thereto under the seal of his office in every case where an oath is required in complying with any portion of this title connected with his official duties. [Id. sec. 24.]

Art. 2959. RESIDENCE, PROOF OF, WHEN; FALSE STATEMENT REPORTED TO GRAND JURY.—If the county collector does not personally know one who applies to pay his poll tax or secure his certificate of exemption from its payment, as being a resident in the precinct which such person claims as that of his residence, it shall be the duty of such collector to require proof of such residence; and, if he has reason to believe such person has falsely stated his age, occupation, precinct of his residence, or the length of his residence in the State, county and city, he shall require proof of such statement; and, if on inquiry, he is satisfied that said person has sworn falsely, he shall make a memorandum of the words used in such statement, and present the same to the foreman of the next grand jury. [Id. sec. 26.]

Art. 2960. FALSE SWEARING TO BE REPORTED TO GRAND JURY.—Whenever the county collector shall have reason to believe that a citizen who has paid his poll tax or received a certificate of exemption has sworn falsely to obtain the same, he shall report the facts upon which such belief is founded to the next grand jury organized in the county. [Id. sec. 20.]

Art. 2961. LISTS OF POLL TAXPAYERS, ETC., FURNISHED BY COLLECTOR TO BOARD, AND BY BOARD TO JUDGES; REQUISITES.—Before the first day of April every year, the county collector of taxes shall deliver to the board that is charged with the duty of furnishing election supplies separate certified lists of the citizens in each precinct who have paid their poll tax or received their certificates of exemption, the names being arranged in alphabetical order, and to each name its appropriate number, as shown by the duplicates retained in his office, with a description of the voter as to his residence, his voting precinct, length of his residence in the State and county, his race, occupation and postoffice address if not in a city of more than ten thousand inhabitants. If the county has any unorganized county or counties attached to it for judicial purposes, the collector of taxes shall also deliver to said board, before the first day of April of each year, as many certified lists of the electors resident in such unorganized county or counties who have paid their poll tax or received the certificate of exemption as there are election precincts in his county; which lists shall be identical with those of poll taxpayers in his own county, except that the voting precinct shall not be stated. The tax collector of any county containing a town or city of more than ten thousand inhabitants shall also furnish to said board, not less than four days prior to any primary or general election, supplemental lists in the form herein prescribed, of all poll taxpaying voters who have, since paying their poll tax, removed to each voting precinct in each such city or town in the county from another county or in another precinct in the same county. Said board shall furnish each presiding judge of a precinct the certified list and supplemental list of the voters of his precinct at the time when he furnishes other election supplies. Such certified lists of qualified voters shall be in the following form:

VOTERS IN ELECTION PRECINCT.

No. ....  
 Name .....  
 Precinct .....  
 Age .....  
 Length of residence in State .....  
 Length of residence in county .....  
 Occupation .....  
 Race .....  
 Length of residence in city and ward.....  
 Street and number of residence.. .....  
 Postoffice address .....  
 [Id. sec. 15.]

Art. 2962. POLL TAX RECEIPTS, DUPLICATES TO BE SECURELY KEPT, ETC.—The county collector shall keep securely in a safe place the duplicates for each precinct from which such poll tax receipts and certificates of exemption have been detached; and they must remain there except when taken out for examination, which must always be done in his presence, but they shall be burned by the county judge at the expiration of three years. [Id. sec. 29.]

Art. 2963. POLL TAX RECEIPTS, STATEMENT OF, BY COLLECTOR.—On or before the tenth day of March of each year, the collector of taxes shall make statement to the county clerk showing how many poll tax receipts he has issued; said statement shall show how many poll tax receipts have been issued and to whom issued in each voting precinct in the county; and such statement shall become a record of the county commissioners court. [Id. sec. 28.]

OFFICIAL BALLOT.

Article 2964. BALLOT, VOTE SHALL BE BY; NUMBERING; SAFEGUARDS, ETC.; NO REGISTRATION; CITIES INCLUDED.—In all elections by the people, the vote shall be by official ballot, which shall be numbered, and elections so guarded and conducted as to detect fraud and preserve the purity of the ballot. No registration in cities with a population of ten thousand or more shall be hereafter required as a qualification to vote, but all the provisions of this title which prescribe qualifications for voting and which regulate the holding of elections, shall apply to elections in cities. [Acts 1905, 1 S. S., p. 521, sec. 5.]

Art. 2965. BALLOT, OFFICIAL, REQUIRED; TO CONTAIN WHAT.—No ballot shall be used in voting at any general, primary or special election held to elect public officers, select candidates for office or determine questions submitted to a vote of the people, except the official ballot, unless otherwise authorized by law. At the top of the official ballot shall be printed in large letters the words "Official Ballot." It shall contain the printed names of all candidates whose nominations for an elective office have been duly made and properly certified. The names shall appear on the ballot under the title of the party that nominates them, except as otherwise provided by this title. [Id. sec. 46.]

Art. 2966. NO CANDIDATE ON BALLOT, EXCEPT, ETC.—No name shall appear on the official ballot except that of a candidate who was actually nominated (either as a party nominee or as a non-partisan or independent candidate) in accordance with the provisions of this title. [Id. sec. 118.]

Art. 2967. CANDIDATES OF CERTAIN PARTIES NOT ON BALLOT UNLESS, ETC.—The name of no candidate of any political party that cast one hundred thousand votes or more at the last preceding general election shall be printed on any official ballot for a general election, unless nominated by primary election, on primary election day, except as herein otherwise provided. [Id. sec. 52.]

Art. 2968. VACANCY, WHERE NOMINEE DECLINES OR DIES, ETC., SUBSTITUTION ON BALLOT, ETC.—Where a nominee shall have declined his nomination, or shall have died, and the vacancy so created shall have been filled, and such facts shall have been certified in accordance with the provisions of Article 3172, thereupon the Secretary of State or county judge, as the case may be, shall promptly notify the official board created by this act to furnish election supplies that such vacancy has occurred, and the name of the new nominee shall then be printed upon the official ballot, if the ballots are not already printed. If such declination or death of the nominee occurs after the ballots are printed, or due notice of the name of the new nominee is received after such printing, the official board charged with the duty of furnishing election supplies shall prepare as many pasters bearing the name of the new nominee as there are official ballots, which shall be pasted over the name of the former nominee on the official ballot before the presiding judge of the precinct indorses his name on the ballot for identification.

No paster shall be used except as herein authorized, and if otherwise used the names pasted shall not be counted. [Id. sec. 50.]

Art. 2969. BALLOTS, HOW PRINTED; FORM, ETC.; MANNER OF VOTING.—All ballots shall be printed with black ink on clear white paper of sufficient thickness to prevent the marks thereon to be seen through the paper, and of uniform style. The tickets of each political party shall be placed or printed on one ballot, arranged side by side in columns separated by parallel rule. The space which shall contain the title of the office and the name of the candidate (or candidates, if more than one is to be voted for for the same office) shall be of uniform style and type on said tickets. At the head of each ticket shall be printed the name of the party. When a party has not nominated a full ticket, the titles of those nominated shall be in position opposite to the same office in a full ticket, and the titles of the offices shall be printed in the corresponding positions in spaces where no nominations have been made. In the blank columns and independent columns, the titles of the offices shall be printed in all blank spaces to correspond with a full ticket. When presidential electors are to be voted on, their names shall appear at the heads of their respective tickets. When constitutional amendments or other propositions are to be voted on, the same shall appear once on each ballot in uniform style and type. When a voter desires to vote a ticket straight, he shall run a pencil or pen through all other tickets on the official ballot, making a distinct marked line through such ticket not intended to be

voted; and when he shall desire to vote a mixed ticket he shall do so by running a line through the names of such candidates as he shall desire to vote against in the ticket he is voting, and by writing the name of the candidate for whom he desires to vote in the blank column and in the space provided for such office; same to be written with black ink or pencil, unless the names of the candidates for which he desires to vote appear on the ballot, in which event he shall leave the same not scratched. [Id. sec. 53.]

[Note.—For provision, prohibiting any symbol or device, etc., on ballot for primary or general election, see Arts. 3096 and 3097.]

Art. 2970. **BALLOT, FURTHER REGULATIONS AS TO.**—The name of no candidate shall appear more than once upon the official ballot, except as a candidate for two or more offices permitted by the Constitution to be held by the same person. The name of the candidate nominated by any political party shall appear on the ballot, and under the head of the party making such nomination. [Id. sec. 49.]

Art. 2971. **CONSTITUTIONAL AMENDMENT AND OTHER QUESTIONS, HOW SUBMITTED.**—When a constitutional amendment or other question submitted by the Legislature is to be voted on, the form in which it is submitted shall be described by the governor in his proclamation in such terms as to give the voter a clear idea of the scope and character of the amendment, and printed once at the bottom of each ballot as described by this title, the words “for” and “against” under it; provided, the Legislature has failed to prescribe a form. If a proposition or question is to be voted on by the people of any city, county or other subdivision of the State, the form in which such proposition shall be voted on shall be prescribed by the local or municipal authority submitting it. [Id. sec. 4]

Art. 2972. **BALLOT, ANY, AT SCHOOL ELECTION, CITY, ETC.**—At the election of school district officers or school officers for a city, town or village, at which no officer is to be elected, or election of officers of fire departments, any ballot may be used prescribed by local authorities. [Id. sec. 51.]

Art. 2973. **BALLOTS, HOW MANY FURNISHED.**—For each voting precinct, there shall be furnished one and a half times as many official ballots as there are qualified voters in the precinct, as shown by the list required to be furnished by the tax collector to precinct judges. [Id. sec. 48.]

Art. 2974. **BALLOTS (COUNTED) ETC., DELIVERED TO JUDGES.**—The official ballots to be counted before delivery and sealed up and together with the instruction cards, with poll lists, tally sheets, distance markers, returning blanks and stationery, shall be delivered to the precinct judges, and the number of each indorsed on the package, and entered of record by the county clerk in the minutes of the commissioners court. In like manner, shall be sent the list of qualified voters for the precinct, certified to by the collector, if the presiding judge has not already received it. [Id. sec. 44.]

Art. 2975. **BALLOTS, VOTERS MAY PROVIDE WHEN.**—If, from any cause, the official ballots furnished for an election precinct have been exhausted or not delivered to the precinct judges, the voters may provide

their own ballot after the style of the official ballot described in this title. [Id. sec. 47.]

#### SUPPLIES, ARRANGEMENTS, AND EXPENSES OF ELECTION.

Article 2976. **BOOTHS, VOTING, REQUIRED IN CITIES OF 10,000 AND OVER.**—Voting booths shall be furnished and used at elections at each voting precinct in towns or cities of ten thousand inhabitants or more. [Acts 1905, 1 S. S., p. 529, sec. 37.]

Art. 2977. **BOOTHS, VOTING, AND GUARD RAILS.**—There shall be one voting booth or place for every seventy citizens who, at the last general election paid their poll tax or obtained certificates of exemption from its payment, and who reside in the voting precinct; provided, the judges of the election may provide as many more booths and places as they shall deem necessary. Each polling place, whether provided with voting booths or not, shall be provided with a guard rail, so constructed and placed that only such persons as are inside of such guard rail can approach the ballot boxes or compartments, places or booths at which the voters are to prepare their votes, and that no person outside of the guard rail can approach nearer than six feet of the place where the voter prepares his ballot. The arrangement shall be such that neither the ballot boxes nor the voting booths nor the voters while preparing their ballots shall be hidden from view of those outside the guard rail, or from the judges, and yet the same shall be far enough removed and so arranged that the voter may conveniently prepare his ballot for voting in secrecy. There shall be provided in each voting place voting booths where voting booths are required, with three sides closed and the front side open. Each booth shall be twenty-two inches wide on the inside, thirty-two inches deep and six feet four inches high, and shall contain a shelf for convenience of the voter in preparing his ballot; and the booths shall be so constructed with hinges that they can be folded up for storage when not in use. [Id. sec. 38.]

Art. 2978. **SAME SUBJECT.**—Every guard rail shall be provided with a place for entrance and exit. The arrangement of the polling place shall be such that the booths or places prepared for voting can only be reached by passing within the guard rail; and the booths, ballot boxes, election officers and every part of the polling place, except the inside of the booths, shall be in plain view of the election officers and persons outside the guard rail, among whom may be one challenger for each political party and no more. [Id. sec. 40.]

Art. 2979. **BOOTHS, VOTING.**—The voting booths shall be so arranged that there shall be no access to them through any doors, window or opening except through the front of the booth; and the same care shall be observed in precincts where there are no booths in protecting the voter from intrusion while he is preparing his ballot. [Id. sec. 41.]

Art. 2980. **GUARD RAILS, AND SCREENED SHELF, ETC., WHEN BOOTH NOT REQUIRED.**—When voting booths are not required, a guard rail shall be so placed that no one not authorized can approach nearer than six feet of the voter while he is preparing his ballot; and a shelf for writing

shall be prepared for him, with black lead pencil, and so screened that no other person can see how he prepares his ballot. All booths and voting places shall be properly lighted. [Id. sec. 42.]

Art. 2981. **BALLOT BOXES.**—For each election precinct, there shall be provided four ballot boxes to be marked as follows: “Ballot box No. 1 for election precinct No. . . . .” (giving name and number of precinct); “Ballot box No. 2 for election precinct No. . . . .;” “Ballot box No. 3 for election precinct No. . . . .;” “Ballot box No. 4 for election precinct No. . . . .” [Id. sec. 43.]

Art. 2982. **BALLOT BOXES, HOW MADE.**—All ballot boxes shall be securely made of metal or wood, provided with a top, hinges, lock, and key, and an opening shall be made at the top of each just large enough to receive a ballot when polled. [Id. sec. 62.]

Art. 2983. **BOARD TO PROVIDE ELECTION SUPPLIES.**—The county judge, county clerk and sheriff shall constitute a board, a majority of whom may act, to provide the supplies necessary to hold and conduct the election, all of which shall be delivered to the presiding judges of the election by the sheriff or any constable of the county, when not called for and obtained in person by the precinct judges. [Id. sec. 38.]

Art. 2984. **BALLOT BOXES, ETC., PRESIDING JUDGE TO PROCURE, WHEN.**—If, from any cause, ballot boxes, voting booths, guard rails or other election supplies have not been received by the presiding judge, he shall procure them, and they shall be paid for as other election supplies; and, if the certified list of qualified voters is not in his possession at least three days before the election, he shall send for and procure them. [Id. sec. 45.]

Art. 2985. **SUPPLIES, REPORT OF TO COUNTY COMMISSIONERS.**—For all supplies furnished by the county the board to provide election supplies shall file with the county commissioners court a written report of their action, giving detailed statement of the expenses incurred in procuring such supplies. [Id. sec. 39.]

Art. 2986. **COLLECTOR'S FEES AND HOW PAID.**—The collector of taxes shall be paid fifteen cents for each poll tax receipt and certificate of exemption issued by him, to be paid pro rata by the State and county in proportion to the amount of poll tax received by each; and this shall include his compensation, for administering oaths, furnishing certified lists of qualified voters in election precincts for use in all general elections and primary conventions, when desired, and for all duties required of him under this title; provided, that collectors, whose salaries are fixed by what is known as the fee bill, shall receive ten cents for each poll tax receipt and certificate of exemption issued by him; and such fees shall be ex officio and not accountable under said fee bill. [Id. sec. 144.]

Art. 2987. **SHERIFF'S AND CONSTABLE'S FEES.**—The sheriff or any constable, for serving copies of the order designating the bounds of election precincts, or the election judges, posting notices, and for serving all other writs or notices prescribed by this title, shall be paid the amounts allowed by statutes for serving civil process. For delivering election sup-

plies to precinct judges, when they are not obtained by such judges in person, the sheriff or constable shall be paid such amount as may be allowed by the commissioners court not to exceed two dollars for each election precinct. [Id. sec. 145.]

Art. 2988. EXPENSES FOR ELECTION SUPPLIES, HOW PAID.—All expenses incurred in providing voting booths, stationery, official ballots, wooden or rubber stamps, tally sheets, polling lists, instruction cards, ballot boxes, envelopes, sealing wax and all other supplies required for conducting a general or special election shall be paid for by the county, except the cost of supplying booths for cities, which shall be provided for as required by former laws; provided, that all accounts for supplies furnished or services rendered shall first be approved by the county commissioners court, except the accounts for voting booths for cities. [Id. sec. 147.]

Art. 2989. EXPENSE OF CITY ELECTION PAID BY CITY.—The expenses of all city elections shall be paid by the city in which same are held. [Id. sec. 45.]

Art. 2990. MAYOR, ETC., TO PERFORM DUTIES REQUIRED OF COUNTY JUDGE, ETC.—In all elections in incorporated cities, towns and villages, the mayor, the city clerk, the board of commissioners or aldermen, shall do and perform each and every act in other elections required to be done and performed respectively by the county judge, the county clerk or the county commissioners court. [Id. sec. 45.]

#### MANNER OF CONDUCTING ELECTIONS AND MAKING RETURNS THEREOF.

Article 2991. OATHS OF OFFICERS OF ELECTION; INSTRUCTION CARDS.—Before opening the polls, the presiding judge of election shall, in an audible voice, take the following oath or affirmation, which shall be uttered slowly and distinctly, and each of the other judges and clerks shall repeat the same after him: "I solemnly swear (or affirm) that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or candidates, or for or against any proposition to be voted on; that I will not keep or make any memoranda or entry of anything occurring within the booths or polling places, as the case may be, nor disclose how any one whom I am permitted to assist in voting has voted, except I be called on to testify in a judicial proceeding; and that I will faithfully perform this day my duty as officer of the election, and guard, as far as I am able, the purity of the ballot box. So help me God." [Acts 1905, 1 S. S., p. 533, sec. 56.]

Art. 2992. POLLS, PRELIMINARY ARRANGEMENT OF AND EXAMINATION; REGULATIONS AS TO BALLOTS, INSTRUCTION CARDS, DISTANCE MARKERS; NOTICES AS TO ELECTIONEERING, LOITERING, ETC.—The judges and clerks of election for each precinct (and supervisors, if any have been selected) shall meet at the polling place at least half an hour before the time for opening the polls, and shall proceed to arrange the guard rail, the space within the guard rail, the voting booths (if

any), and the furniture for the orderly and legal conduct of the election. The judges of election shall then examine the ballot boxes required for the reception of the ballots and the blank official ballots, and shall deposit such ballots as are found to be defective in printing in ballot box No. 4 for mutilated or returned ballots. They shall also examine the sample ballots, instruction cards, distance markers, tally sheets, return sheets, certified list of voters, rubber or wooden stamps, and all things required for the election; but the package containing the official ballots shall not be opened until the morning of the election and at the polling place. On instruction card shall be posted near each distance marker, where it can be read by citizens before voting. The package of official ballots shall remain in the custody of the judges and the polling clerks. The judges shall cause to be placed at the distance of one hundred feet from the entrance of the room at which the election is held visible distance markers in each direction of approaches to the polls, on each of which shall be printed in large letters the words: "Distance markers. No electioneering or loitering between this point and the entrance to the polls." The judges shall examine the ballot boxes and then relock them, after all present can see they are empty. The instruction cards and distance markers shall be posted up and shall not be defaced or removed during the progress of the election. The ballot clerks with official ballots, the presiding officer of the election, the poll clerk, the election supplies and the certified lists of qualified voters for the precinct, and the supervisors, if there are any, shall be as conveniently near each other as practicable within the polling place. [Id. sec. 55.]

Art. 2993. INSTRUCTION CARD POSTED IN BOOTH.—Before the election begins, one instruction card shall be posted up in each voting booth where it can be read; and, when there are no voting booths, one shall be posted up in plain view at the place prepared for the voter to make out his ballot. [Id. sec. 56.]

Art. 2994. JUDGES, APPOINTMENT BY VOTERS, WHEN; CERTIFICATE; PRESIDING JUDGE TO APPOINT ASSISTANT, WHEN.—If a presiding judge fails to attend on election day, or fails to act, or none shall have been appointed, the voters present may appoint their own presiding officer, who has paid his poll tax, and such voters may also appoint the necessary assistant judges of election. When a presiding officer, who has been appointed by a commissioners court, fails to act in conducting an election, and one is selected by the voters present, the judges and clerks at such election shall, in making their returns of election, certify to that fact, and state that the acting judges were appointed by the voters present. When an assistant judge or clerk has not been appointed, or, having been theretofore appointed, fails to act at the opening of the polls or during the election, the presiding judge shall appoint in his place another with the same qualifications, and return a certificate of such appointment with each election return. [Id. sec. 83.]

Art. 2995. JUDGES MAY ADMINISTER OATHS; POWERS OF PRESIDING JUDGE.—Judges of elections are authorized to administer oaths to ascertain all facts necessary to a fair and impartial election. The presiding judge of election, while in the discharge of his duties as such, shall have the power of the district judge to enforce order and keep the peace.



He may appoint special peace officers to act as such during the election, and may issue warrants of arrest for felony, misdemeanor or breach of peace committed at such election, directed to the sheriff or any constable of the county, or such special peace officer, who shall forthwith execute any such warrants, and, if so ordered by the presiding judge, confine the party arrested in jail during the election or until the day after the election, when his case may be examined into before some magistrate to whom the presiding judge shall report; but the party arrested shall first be permitted to vote, if entitled to do so; provided, that, if said party is drunk from the use of intoxicating liquor, he shall not be permitted to vote until he is sober. [Id. sec. 67.]

Art. 2996. BALLOT BOXES, PRELIMINARY INSPECTION.—Before the balloting begins, the presiding judge shall unlock ballot box No. 1, and after all the officers of the election and supervisors have inspected the same to see that it is empty, relock it and place it within view, where it shall remain until removed to make room for ballot box No. 2. A like examination shall be made of ballot box No. 2. [Id. sec. 68.]

Art. 2997. POLL TAX RECEIPT, ETC.—No citizen shall be permitted to vote, unless he first presents to the judge of election his poll tax receipt or certificate of exemption issued to him before the first day of February of the year in which he offers to vote, except as otherwise permitted in this title, unless the same has been lost or mislaid, or left at home, in which event he shall make an affidavit of that fact, which shall be left with the judges and sent by them with the returns of the election; provided, that, if since he obtained his receipt or certificate he removes from the precinct or county of his residence, he may vote on complying with other provisions of this title. [Id. sec. 66.]

Art. 2998. POLL TAX RECEIPT, ETC., RECEIVING; TESTING VOTER, ETC.—One of the election judges shall receive from the voter his poll tax receipt or certificate of exemption, when he presents himself to vote; the voter shall announce his name, and the judge, after comparing the appearance of the party with the description given in the certified list of qualified voters of the precinct made out by the county collector, and being satisfied that it accords therewith, shall pronounce in an audible voice the name of the voter and his number, as given in the list of qualified voters. If the voter has lost, mislaid or left at home his receipt or certificate, and shall present his written affidavit of that fact, and if his appearance tallies with that given for the same number and name on the list of qualified voters, or if the voter presents his written affidavit of removal from some other precinct or county, in cases where the same is permitted by this title, together with his receipt or certificate or affidavit of the loss thereof, and the judges of election shall be satisfied that he paid his poll tax or received his certificate of exemption before the first day of the preceding February, the judge shall in like manner pronounce in an audible voice the name and number of the elector on the certified list of qualified voters with the word, "correct." [Id. sec. 71.]

Art. 2999. EXAMINATION OF CHALLENGED VOTER ON OATH; NOTED ON POLL LIST.—When a person offering to vote shall be objected to by an election judge or a supervisor or challenger, the presiding judge shall examine him upon an oath touching the points of such objection, and, if

such person fails to establish his right to vote to the satisfaction of the majority of the judges, he shall not vote. If his vote be received, the word, "sworn," shall be written upon the poll list opposite the name of the voter. [Id. sec. 73.]

Art. 3000. [1736] CHALLENGED VOTE IN CERTAIN CITIES, PROCEEDINGS ON.—In any election, State, county or municipal, being held in any city or town of ten thousand inhabitants or more, according to the last preceding United States census, when the right to vote of any elector offering to vote is challenged, proceedings shall be had as prescribed in Article 790. [Acts 1891, p. 47.]

Art. 3001. POLL TAX RECEIPT STAMPING; DELIVERY OF BALLOT WITH SIGNATURE OF PRESIDING JUDGE; PREPARING BALLOT.—When the judges are satisfied as to the right of the citizen to vote, and one has pronounced in an audible voice his name and number as shown on the list of qualified voters of the precinct, and the word "correct," the judge shall stamp in legible characters with a stamp of wood or rubber the poll tax receipt or certificate of exemption with the words: "Voted. . . . . day of . . . . ., A. D. 19. . . . ." or write the same words in ink and then return said receipt or certificate to the voter, and shall at the same time deliver to him one official ballot on the blank side of which the presiding judge shall have previously written his signature. The voter shall then immediately repair to one of the voting booths, or places prepared for voting by the election officers, and there prepare his ballot, in the manner provided by Article 2969. [Id. sec. 72.]

Art. 3002. MARKED BALLOT OR MEMORANDUM; POWERS AND DUTIES OF JUDGE.—Any judge may require a citizen to answer under oath before he secures an official ballot whether he has been furnished with any paper or ballot on which is marked the names of any one for whom he has agreed or promised to vote or for whom he has been requested to vote, or has such paper or marked ballot in his possession, and he shall not be furnished with an official ballot until he has delivered to the judge such marked ballot or paper, if he has one. [Id. sec. 70.]

Art. 3003. ONE VOTER AT A TIME IN BOOTH; ASSISTANCE TO ILLITERATES; REGULATIONS AS TO INTERPRETER; SUPERVISORS MAY BE PRESENT, ETC.—Not more than one person at the same time shall be permitted to occupy any one compartment, voting booth or place prepared for a voter, except when a voter is unable to prepare his ballot from inability to read or write, or physical disability, two judges or an interpreter, if he cannot both read and speak the English language, shall assist him, they having been first sworn that they will not suggest, by word or sign or gesture, how the voter shall vote; that they will confine their assistance to answering his questions, to naming candidates, and the political parties to which they belong, and that they will prepare his ballot as the voter himself shall direct. The judges who assist the voter in preparing his ballot shall be of different political parties, if there be such judges present, and an election supervisor or supervisors may be present, but must remain silent, except in case of irregularity or violation of the law. [Id. sec. 82.]

Art. 3004. JUDGE, ETC., SHALL NOT ELECTIONEER, ETC.—No elec-

tion judge, clerk or other person connected with the holding of an election shall, on election day, indicate by words, sign, symbol or writing to any citizen, how he shall or should not vote; provided, nothing herein shall interfere with the operation of Article 3003. [Id. sec. 65.]

Art. 3005. **BALLOT DELIVERY BY VOTER, DEPOSIT, AND REQUIREMENTS CONNECTED THEREWITH.**—When a citizen shall have prepared his ballot, he shall fold the same so as to conceal the printing thereon, and so as to expose the signature of the presiding judge on the blank side, which shall always be indorsed by the judge before the ballot is delivered, and shall, after leaving the booth, hand to the numbering judge his ballot, who shall number same. If the judges are satisfied that the ballot returned is the one delivered to the voter, the numbering judge shall number the ballot, writing on the blank side the number opposite the voter's name on the voting list, and shall stamp or write the same with the word, "voted," and deposit the ballot in the ballot box. The letter, "v," shall, at the same time, be marked by one of the clerks on the certified list or supplemental list of qualified voters opposite the voter's name thereon, and the voter shall thereupon immediately leave the polling place. [Id. sec. 74.]

Art. 3006. **MUTILATED, ETC., BALLOTS, RULE AS TO.**—No voter shall be entitled to receive a new ballot in lieu of one mutilated and defaced until he first returns such ballot and it is deposited in box No. 4; nor shall any one be supplied with more than three ballots in succession, when they are mutilated or defaced. A register shall be kept by the clerks as the voting progresses of the mutilated or defaced ballots, which shall be deposited in box No. 4, in which shall also be deposited and returned all official ballots not used. [Id. sec. 75.]

Art. 3007. **BALLOT BOXES AND BALLOTS, CUSTODY; ADMISSION TO POLLS, INFORMATION.**—From the time of opening the polls until the announcement of the results of the canvass of votes cast and the signing of the official returns, the boxes and official ballots shall be kept at the polling place in the presence of one or more of the judges and supervisors, if there are any. No person shall be admitted within the room where the election is being held, except the judges, clerks, persons admitted by the presiding judge to preserve order, supervisors of election, and persons admitted for the purpose of voting, provided, that the officers of the election shall permit an interpreter to assist any voter who cannot both speak and read the English language. [Id. sec. 76.]

Art. 3008. **DEFECTIVE, ETC., BALLOTS IN BOX 4; RETURN, STATEMENT, OPENING, ETC.**—In ballot box No. 4 shall be deposited, in addition to ballots defectively printed, all defaced and mutilated ballots, and, when the polls are closed, all the ballots that have not been voted. The box shall be locked and so returned sealed to the county clerk, with a statement which shall be placed therein signed by the presiding judge of the number of ballots received by him, the number of mutilated or defaced ballots that the box contained, and also the number of ballots not given to voters, as well as those defectively printed, so that, after adding such numbers, all ballots delivered to the election officers may be accounted for. Such ballot box shall, when the returns of votes cast are canvassed by the commissioners court, be opened, the ballots counted

and a record made of what they have found to be its contents. [Id. sec. 69.]

Art. 3009. DEPOSIT AND COUNT, USING BOXES 1 AND 2 ALTERNATELY; VOTED BALLOTS PUT IN BOX 3; RETURN, ETC.—At the expiration of one hour after voting has begun, the receiving judges shall deliver ballot box No. 1 to the counting judges, who shall at once deliver in its place ballot box No. 2, which shall again be opened and examined in the presence of all the judges and securely closed and locked; and, until the ballots in ballot box No. 1 have been counted, the receiving judge shall receive and deposit ballots in ballot box No. 2. Ballot box No. 1 shall, on its receipt by the counting judges, be immediately opened and the tickets taken out by one of them, one by one, when he shall read and distinctly announce, while the ticket remains in his hand, the name of each candidate voted for thereon, which shall be noted on the tally sheets, and shall then deliver the ballot to the other counting judge, who shall place the same in box No. 3, which shall remain locked and in view until the counting is finished, when said box shall be returned with the other boxes, locked and sealed to the county clerk. Ballot boxes Nos. 1 and 2 shall be used by the receiving judge and the counting judge alternately, as above provided, as often as the counting judge has counted and exhausted the ballots in either box. [Id. sec. 80.]

Art. 3010. UNFOLDING BALLOTS, ETC., FORBIDDEN.—No officer of election shall unfold or examine the face of a ballot when received from an elector, nor the indorsement on the ballot, except the signature of the judge, or the words stamped thereon, nor compare it with the clerk's list of voters, when the ballots are counted, nor shall he permit the same to be done, nor shall he examine, nor permit to be examined, the ballots after they are deposited in a ballot box, except as herein provided for in canvassing the votes, or in cases specially provided by law. [Id. sec. 77.]

Art. 3011. SIGNATURE OF JUDGE ON BALLOTS, NO BALLOT WITHOUT, COUNTED.—The counting judges and clerks shall familiarize themselves with the signature of the judge who writes his name on each ballot that is voted, and shall count no ballots that do not bear his signature or are unnumbered, or if, on examination by the judges, such signature is found to be a forgery. [Id. sec. 78.]

Art. 3012. [1741] [1697] BALLOTS WHICH SHALL NOT BE COUNTED.—No ballot which is not numbered as provided in Article 3005 shall be counted, nor shall either of two or more ballots folded together be counted, and where the names of two or more persons are upon a ballot for the same office, when but one person is to be elected to that office, such ballot shall not be counted for either of such persons. [Acts 1876, p. 308, sec. 16. R. S. 1879, 1697.]

Art. 3013. NOMINEE DYING BEFORE ELECTION, ETC., VOTE COUNTED, ETC.—If a nominee dies or declines the nomination before the election, and no one is nominated to take his place, the votes cast for him shall be counted and return made thereof; and, if he shall have received a plurality of the votes cast for the office, the vacancy shall be filled as in case of a vacancy occurring after the election. [Id. sec. 50.]

Art. 3014. SUPERVISORS MAY BE PRESENT.—The election supervisors may be present when the ballots are being examined and the votes called off and noted on the tally sheets. [Acts 1905, S. S., p. 539, sec. 80.]

Art. 3015. ANNOUNCEMENT OF VOTE AT EACH EXCHANGE OF BOXES.—At each change of the boxes, one of the judges shall announce at the outer door of the voting place the number of votes already cast. [Id. sec. 81.]

Art. 3016. STATUS OF COUNT ANNOUNCED, WHEN, ETC., MEMORANDUM PUBLIC.—Immediately upon the closing of the polls, and at intervals of two hours thereafter, the presiding judge or an associate judge shall make a correct but unofficial memorandum of the total number of votes counted for each candidate at that time, such memorandum being in the order in which the names of the candidates appear upon the ballot; and thereupon he shall publicly announce from such memorandum the status of the count at the door of the building where the counting is in progress. This memorandum shall thereafter be accessible to the public, and especially newspaper reporters, who may call for information; and the presiding judge or an associate judge may furnish reporters information concerning the status of the count at other times after the polls have closed. The announcement of the status of the count shall continue as aforesaid until the count has been completed, when a correct but unofficial announcement of the total number of votes received by each candidate shall be announced in the manner above provided. This section [article] shall also apply so as to require the same reports from judges of primary elections. [Id. sec. 88.]

Art. 3017. NO INFORMATION EXCEPT AS HEREIN PERMITTED.—No judge or clerk shall make any statement, nor give information in any manner, of the number of votes nor any other fact regarding their opinion of the state of the polls, after the closing thereof, except as herein permitted. [Id. sec. 76.]

Art. 3018. [1807] ARREST, PRIVILEGE FROM.—In all cases, except treason, felony, or breach of peace, voters shall be privileged from arrest during their attendance at elections, and in going to and returning therefrom. [Id. sec. 63. R. S. 1879, art. 1755. P. D. 3625.]

Art. 3019. LOITERING AND ELECTIONEERING WITHIN 100 FEET OF BOOTHS; SPECIAL CONSTABLE.—The election judges shall prevent loitering and electioneering while the polls are open, within one hundred feet of the door through which voters enter to vote, and within one hundred feet of the place where the voter is required to prepare his ballot; and, for this purpose, they shall appoint a special constable to enforce this authority. [Id. sec. 84.]

Art. 3020. CARRIAGES, ETC., FORBIDDEN, UNLESS, ETC.—No carriage or other vehicle shall be used by any person to convey voters to the voting places, unless the voter is physically unable to go to or to enter the polling place without assistance, in which event two of the judges of different political parties, if there are such, may deliver an official ballot to him at the entrance to the polling place and permit him to make out his ballot and deliver it there. [Id. sec. 85.]

Art. 3021. **BARROOM, ETC., NOT TO BE OPENED ON ELECTION DAY, NOR INTOXICATING LIQUOR SOLD, ETC.**—No person shall open or keep open any barroom, drinking saloon or wholesale beer or liquor house, where vinous, malt, spirituous and intoxicating liquors are sold during any portion of the day on which an election, either general, special or primary, is held for any purpose, in the voting precinct where such an election is held; nor shall any one, in such voting precinct, sell, barter or give away any vinous, spirituous or intoxicating liquor during the day of such election, nor shall any one carry, or cause to be carried, to the polling place on the day of election, any intoxicating liquor for the purpose of sale, gift or to be drunk; and if any one shall find any intoxicating liquor on election day he shall refrain from taking possession of it and shall not inform another of its whereabouts. [Id. sec. 86.]

Art. 3022. **INTOXICATING LIQUOR SOLD ON ELECTION DAY, HOW.**—Intoxicating liquor may be sold on election day by a druggist only to fill prescriptions by a physician, but who at the time must certify in writing, on his honor, that it is needed by his sick patient. [Id. sec. 87.]

Art. 3023. **REFRESHMENTS.**—If the officers of election need refreshments during the voting and before the canvass of votes, they shall be taken at the polling places, and in view of the ballot boxes; provided, that the refreshments shall contain no alcoholic, vinous, malt or intoxicating liquors. [Id. sec. 79.]

Art. 3024. [1743] [1698] **RETURN OF ELECTIONS, HOW AND TO WHOM MADE.**—When the ballots have all been counted, the managers of the election in person shall make out triplicate returns of the same, certified to be correct, and signed by them officially, showing: First, the total number of votes polled at such box; second, the number polled for each candidate; one of which returns, together with poll lists and tally lists, shall be sealed up in an envelope and delivered by one of the precinct judges to the county judge of the county; another of said returns, together with poll lists and tally lists, shall be delivered by one of the managers of election to the clerk of the county court of the county, to be kept by him in his office open to inspection by the public for twelve months from the day of the election; and the other of said returns, poll and tally lists shall be kept by the presiding officer of the election for twelve months from the day of election. [Acts 1883, p. 50, as modified by Acts 1905, S. S. p. 541, sec. 91.]

Art. 3025. [1744] [1699] **SAME SUBJECT.**—In case of vacancy in the office of county judge, or the absence, failure or inability of that officer to act, the election returns shall be delivered to the clerk of the county court of the county, who shall safely keep the same in his office, and he, or the county judge, as the case may be, shall deliver the same to the county commissioners court on the day appointed by law to open and compare the polls. [R. S. 1879, 1699.]

Art. 3026. **RETURNS, WITH ELECTION SUPPLIES; VOTING BOOTHS STORED, ETC.**—One of the precinct judges shall deliver the returns of election, with certified lists of qualified voters, with all stationery, rubber stamps and blank forms and other election supplies not used, to the county judge, immediately after the votes have been counted. He shall

provide for the safe storage of the voting booths in some place in the precinct, and notify the county judge. [Acts 1905, S. S. p. 541, sec. 91.]

Art. 3027. [1747] [1702] **BALLOTS, ETC., TO BE PLACED IN A BOX AND DELIVERED TO COUNTY CLERK.**—Immediately after counting the votes by the managers of election, the presiding officer shall place all the ballots voted, together with one poll list and one tally list, into a wooden or metallic box, and shall securely fasten the box with nails, screws or locks, and he shall, within ten days after the election, Sundays and the days of election excluded, deliver said box to the clerk of the county court of his county, or to the county to which the unorganized county is attached for judicial purposes, whose duty it shall be to keep the same securely; and, in the event of any contest growing out of elections within one year thereafter, he shall deliver said ballot box to any competent officer having a process therefor, from any tribunal or authority authorized by law to demand such ballot box; provided, that all questions arising at any election board shall be settled and determined by the presiding officer and the judges, anything in any law to the contrary notwithstanding. [Acts of 1811, p. 97. R. S. 1879, 1702.]

Art. 3028. [1748] [1703] **BALLOTS, ETC., SHALL BE BURNED, WHEN.**—In the event that no contest grows out of the election within one year after the day of such election, the said clerk shall destroy the contents of said ballot box by burning the same. [Id. R. S. 1879, 1703.]

Art. 3029. [1749] [1704] **PRESIDING OFFICER SHALL RETAIN ONE POLL AND TALLY LIST.**—The presiding officer of election shall retain in his custody one of the poll lists and one of the tally lists of the election, and shall keep the same for one year after election, subject to the inspection of any one interested in such election. [R. S. 1879, 1704.]

Art. 3030. [1753] [1705] **COUNTY COMMISSIONERS SHALL OPEN RETURNS, WHEN.**—On the Monday next following the day of election, and not before the county commissioners court shall open the election returns and estimate the result, recording the state of the polls in each precinct in a book to be kept for that purpose; provided, that, in the event of a failure from any cause of the commissioners court to convene on the Monday following the election to compute the votes, then said court shall be convened for that purpose upon the earliest day practicable thereafter. [Acts 1883, p. 50.]

Art. 3031. [1754] [1706] **RETURNS SHALL NOT BE ESTIMATED, UNLESS, ETC.**—No election returns shall be opened or estimated, unless the same have been returned in accordance with the provisions of this title.

Art. 3032. [1755] [1707] **CERTIFICATES OF ELECTION TO COUNTY AND PRECINCT OFFICERS.**—After an estimate of the result of an election has been made as provided for in this title, the county judge shall deliver to the candidate or candidates for whom the greatest number of votes have been polled for county and precinct officers a certificate of election, naming therein the office to which such candidate has been elected, the number of votes polled for him and the day on which such election was held and shall sign the same and cause the seal of the county court to be thereon impressed.

Art. 3033. [1792] **ADDITIONAL REGULATIONS BY CERTAIN CITIES.**—Cities containing a population of ten thousand inhabitants or more may, through their city council, adopt such methods to protect the purity of the ballot in elections held at their municipal elections, not inconsistent with the provisions of this chapter, as may be deemed advisable. [Acts 1892, S. S., p. 18, sec. 30.]

Art. 3034. [1756] [1708] **WHEN A COUNTY IS A REPRESENTATIVE OR SENATORIAL DISTRICT.**—If the county constitutes a senatorial or representative district of itself, the county commissioners court shall at the same time make an estimate of the votes polled for members of the Legislature; and the county judge shall give a like certificate of election, as provided in the preceding article, to the person receiving the highest number of votes for senator or representative, and shall also transmit a duplicate of such certificate to the Secretary of State. [Acts 1883, p. 50.]

Art. 3035. [1757] **RETURNS OF ELECTION FOR CERTAIN STATE AND DISTRICT OFFICERS.**—In all elections for Comptroller of Public Accounts, Treasurer of the State, Commissioner of the General Land Office, Attorney General, State Superintendent of Public Instruction, Commissioner of Agriculture, Railroad Commissioners, judges of the Supreme Court, Court of Criminal Appeals, Courts of Civil Appeals, and district courts, district attorneys, representatives in the Congress of the United States, and for the adoption or rejection of proposed constitutional amendments, the county judges shall, on the Monday next following the day of election, or as soon thereafter as the commissioners court shall have opened the returns and estimated the result, as provided in Article 3030, make out duplicate returns of the election; one of which he shall immediately transmit to the seat of government of the State, sealed in an envelope, directed to the Secretary of State, and endorsed, "Election Returns for.....county, for....." [filling the first blank with the name of the county and the other blank with the name of the office for which the election was held, or a designation of the proposed amendments to the Constitution voted upon, as the case may be]; and the other of such returns shall be deposited in the office of the clerk of the county court of the county where such election was held. [Acts 1897, p. 31.]

Art. 3036. [1758] [1710] **SUCH RETURNS SHALL BE COUNTED, WHEN AND BY WHOM.**—On the fortieth day after the election, the day of election excluded, and not before, the Secretary of State, in the presence of the Governor and Attorney General, or in case of vacancy in either of said offices, or of inability or failure of either said officers to act, then in the presence of either one of them, shall open and count the returns of the election. [Acts 1883, p. 50.]

Art. 3037. [1759] [1711] **GOVERNOR SHALL GIVE CERTIFICATE OF ELECTION, WHEN.**—When the returns have been counted, the governor shall immediately make out, sign and deliver a certificate of election, with the seal of the State thereto affixed, to the person or persons who shall have received the highest number of votes for each or any of said offices. [Id.]



Art. 3038. [1760] [1712] RETURNS FOR GOVERNOR AND LIEUTENANT-GOVERNOR.—The county judges of the several counties shall promptly make duplicate returns of the election for Governor and lieutenant-Governor, carefully sealed in an envelope, one of which shall be transmitted to the seat of government in this State, directed to the Speaker of the House of Representatives, and indorsed as provided in Article 3035, and the other of said returns shall be deposited in the office of the clerk of the county court of said county. [Id.]

Art. 3039. [1761] [1713] SECRETARY OF STATE SHALL KEEP RETURNS, ETC.—The transmitted returns provided for in the preceding article, directed to the Secretary of State, shall be taken charge of by him, and preserved in his office, the package and seal thereon to remain unbroken until the organization of the next Legislature, when he shall, on the first day thereof, deliver the said return to the Speaker of the House of Representatives. [Id.]

Art. 3040. [1762] [1714] RETURNS FOR MEMBERS OF THE LEGISLATURE.—When an election shall have been held for members of the Legislature in a district composed of more counties than one, the county judge to whom the returns in each county are made, and who is not authorized to give certificates of election to such members of the Legislature, shall make out and send complete returns of such election for members of the Legislature in his county immediately after examining and recording the same, to the county judge of the county, who may by law be authorized to give certificates of election to members of the Legislature for such district. [Id. sec. 26.]

Art. 3041. [1763] [1715] RETURNS SHALL BE TRANSMITTED HOW, AND TO WHOM.—The returns provided for in the preceding article shall be sealed in an envelope, and the name of the officer forwarding them shall be written across the seal, and the envelope shall be indorsed, "Election returns," and directed to the county judge of the proper county and transmitted by mail or other safe and expeditious conveyance. [Id.]

Art. 3042. [1764] [1716] DUTY OF COUNTY JUDGE.—The county judge to whom the returns named in the two preceding articles are forwarded, or in case of a vacancy in that office, or of inability or failure to act on the part of such officer, then the clerk of the county court of such county, or his deputy, shall, upon the thirtieth day after the election, Sunday excluded if Sunday be the thirtieth day, open and count said returns in the presence of at least two qualified voters of said district, and, after recording the same, shall give a certificate or certificates of election to the person or persons receiving the highest number of votes for senator or representative in that district; which certificate shall be under the seal of the county court of the county from whence it issues, and shall state the number of votes received by the person to whom the same is given; and the officer giving such certificate shall immediately forward a duplicate of the same to the Secretary of State. [Id.]

Art. 3043. [1765] [1717] COUNT MAY BE MADE BEFORE THIRTIETH DAY, WHEN.—If all the election returns of the district shall have been received by the returning officer of the district before the said thirtieth day, then he may count said returns and issue the certificate of

election as provided for in the preceding article at any time before said thirtieth day. [Id.]

Art. 3044. [1766] [1718] COUNTY JUDGE SHALL CERTIFY TO SECRETARY OF STATE THE OFFICERS ELECTED AND QUALIFIED.—At the expiration of thirty days from an election, and from time to time thereafter as the officers may qualify, the county judge of each county shall make out and certify to the Secretary of State a tabular statement showing who were elected, and to what office, and the date of qualification, giving the number of the precinct (if precinct officers), and he shall also certify the result of the vote for members of the Legislature; and he shall in like manner report to the Secretary of State all special elections to fill a vacancy in any county [or] precinct office, certifying when and how the vacancy occurred. [Act March 6, 1863. P. D. 3604.]

Art. 3045. [1809] [1758] GOVERNOR SHALL COMMISSION OFFICERS, EXCEPT, ETC.—The Governor shall commission all officers, except Governor, members of Congress, electors for President and Vice-President of the United States, members of the Legislature and municipal officers. [Act August 23, 1876, p. 310, sec. 22.]

#### CONTESTING ELECTIONS.

[Note.—This chapter comprised the Act of April 6, 1895, p. 58. It repealed and superseded the same chapter of the codification of 1893, being Articles 1793 to 1804, inclusive, or old Articles 1724 to 1726, inclusive, and 1746 to 1751, inclusive, and repealed all other conflicting laws.]

Article 3046. [1793] CONTEST OF ELECTION FOR DISTRICT ATTORNEY.—Contested elections for the office of district attorney shall be tried by the district judge of the district in the county where the candidate who shall have received the certificate of election shall reside and, if there are two district judges in said county, then to be tried before either of said judges. [Acts 1895, p. 58.]

Art. 3047. [1794] CONTEST OF ELECTION FOR DISTRICT JUDGE.—Contested elections for the office of district judge shall be tried in the county of the adjoining district, the county seat of which is nearest to the residence of the candidate who shall have received the certificate of election, and by the district court of such adjoining district, and in counties having two or more district courts, then to be tried by the district court of the adjoining district in said county. [Id.]

Art. 3048. [1795] CONTEST OF ELECTION FOR APPELLATE JUDGES.—Contested elections for the office of chief justice or associate justice of the Supreme Court and judges of the Court of Criminal Appeals shall be tried in the county and by the district court of the district, or one of them, in which the seat of government is located. And contested elections for the office of chief justice of the Court of Civil Appeals, or associate justice of any Supreme Judicial District in the State, shall be tried by the district court, or either of them if there are more than one, in the county where said Court of Civil Appeals has its sittings. [Id.]

Art. 3049. [1796] CONTEST OF ELECTION FOR ANY COUNTY OFFICE.—Contested elections for any county office shall be tried by the district court in the county where the election was held. If there are two such courts, then to be tried by either of them. [Id.]

Art. 3050. [1797] OTHER CONTESTED ELECTIONS THAN FOR OFFICERS.—Contested elections for other purposes than the election of officers shall be tried by the district court in the county where the election was held, or either of them, if there is more than one such court. [Id.]

Art. 3051. [1798] NOTICE OF CONTEST.—Any person intending to contest the election of any one holding a certificate of election as a member of the Legislature, or for any office mentioned in this law, shall, within thirty days after the return day of election, give him a notice thereof in writing and deliver to him, his agent or attorney, a written statement of the ground on which such contestant relies to sustain such contest. By the "return day" is meant the day on which the votes cast in said election are counted and the official result thereof declared. [Id.]

Art. 3052. [1799] REPLY TO NOTICE OF CONTEST.—The person holding such certificate shall, within ten days after receiving such notice and statement, deliver, or cause to be delivered, to said contestant, his agent or attorney, a reply thereto in writing. [Id.]

Art. 3053. [1800] SERVICE OF NOTICE, ETC.—The notice, statement and reply required by the two preceding articles may be served by any person competent to testify, and shall be served by delivering the same to the party for whom they are intended in person, if he can be found in the county, if not found, then upon the agent or attorney of such person, or by leaving the same with some person over the age of sixteen years at the usual place of abode or business of such person. [Id.]

Art. 3054. [1801] COPY OF NOTICE AND REPLY TO BE FILED, ETC.—If the contest be for the validity of an election for any State office, except the office of Governor and Lieutenant-Governor, or for any district office, except members of the Legislature, or for any county office, a copy of the notice and statement of the contestant and of the reply thereto of the contestee served on the parties shall be filed with the clerk of the court having jurisdiction of the case. [Id.]

Art. 3055. [1802] CAUSE TO HAVE PRECEDENCE; PROCEDURE IF CONTEST BE FOR DISTRICT CLERK.—When the notice, statement and reply have been filed with the clerk of the court, he shall docket the same as in other causes, and the said contest shall have precedence over all other causes. Should the office contested for be that of clerk of the district court, then a clerk pro tem. shall be appointed as is provided now by law in suits where the clerk is a party to the suit. [Id.]

Art. 3056. [1803] RULES OF EVIDENCE AND PROCEDURE ON TRIAL.—In trials of all contests of election, the evidence shall be confined to the issues made by the statement and reply thereto, which statement and reply may be amended as in civil cases; and, as to the admission and

exclusion of evidence, the trial shall be conducted under the rules governing proceedings in civil causes. [Id.]

Art. 3057. [1804] CONTESTEE IN CERTAIN CASES TO EXECUTE BOND.—Whenever the validity of an election for an officer other than for members of the Legislature is contested, the contestee shall, within twenty days after the service of the notice and statement of such contest upon him, as provided in this law, file with the clerk of the court in which such contest is pending a bond with two or more good and sufficient sureties, payable to the contestant, to be approved by said clerk, in an amount to be fixed by said clerk, and not less than double the probable amount of salary or fees or both, as the case may be, to be realized from the office being contested for a period of two years. Said bond to be conditioned that, in the event the decision of the contest shall be against such contestee and in favor of the contestant, such contestee will pay over to such contestant whatever sum may be adjudged against him by a court having jurisdiction of the subject matter of such bond. [Id.]

Art. 3058. [1804a] ON FAILURE OF CONTESTEE IN SUCH CASES, CONTESTANT TO EXECUTE BOND.—Should the contestee fail to file the bond as required in the preceding article, and within the time therein prescribed, it shall be the duty of said clerk to notify the contestant immediately of such failure; and such contestant shall have the right, within ten days after such notice, to file a like bond payable to the contestee, conditioned that, in the event the decision of the contest is against him and in favor of the contestee, he will pay over to such contestee whatever sum may be adjudged against him, the said contestant, by a court having jurisdiction of the subject matter of such bond. [Id.]

Art. 3059. [1804b] EXECUTION OF BOND BY CONTESTANT TO BE CERTIFIED TO GOVERNOR.—Immediately upon the filing of said bond by the contestant, the clerk shall certify in writing, and under his official seal, to the Governor that the contestee failed to give the required bond, and that the contestant has given such bond in accordance with law. [Id.]

Art. 3060. [1804c] GOVERNOR TO COMMISSION CONTESTANT TO PERFORM DUTIES OF OFFICE PENDING DETERMINATION OF CONTEST.—Upon receiving such certificate from the clerk, it shall be the duty of the Governor to issue a commission to the said contestant for the office in controversy pending such contest; and thereupon the contestant, upon qualifying in said office as required by law, shall exercise all the rights and powers and perform all the duties of said office for the full term thereof, unless it shall be otherwise determined and ordered by the court upon the trial of such contest. [Id.]

Art. 3061. [1804d] ON FAILURE OF CONTESTANT TO EXECUTE BOND GOVERNOR TO COMMISSION CONTESTEE.—It shall be the duty of the Governor to issue the commission to the contestee at the time provided by law as in other cases, unless he has been notified of the failure of such contestee to file the bond required by Article 3057, in which event the Governor shall withhold the issuance of such commission until after the time allowed the contestant to file such bond has elapsed; but, if the said contestant shall also fail to file bond as provided in Article 3058, and

within the time therein required, it shall be the duty of the clerk to certify all the facts in the case under his official seal to the Governor, who shall thereupon issue the commission to the contestee. [Id.]

Art. 3062. [1804e] FRAUDULENT VOTES NOT TO BE COUNTED.—If, upon the trial of any contested election case, any vote or votes be found to be illegal or fraudulent, the court trying the same, shall subtract such vote or votes from the poll of the candidate who received the same, and after a full and fair investigation of the evidence shall decide to which of the contesting parties the office belongs. [Id.]

Art. 3063. [1804f] ELECTION TO BE DECLARED VOID, WHEN.—Should it appear on the trial of any contest provided for in Article 3054 that it is impossible to ascertain the true result of the election as to the office about which the contest is made, either from the returns of the election or from any evidence within reach, or from the returns considered in connection with other evidence, or should it appear from the evidence that such a number of legal voters were, by the officers or managers of the election, denied the privilege of voting as, had they been allowed to vote, would have materially changed the result, the court shall adjudge such election void, and direct the proper officers to order another election to fill said office; which election shall be ordered and held and returns thereof made in all respects as required by the general election laws of the State. [Id.]

Art. 3064. [1804g] BONDS SUBJECT TO SUIT.—The bonds required to be filed by the contestant and contestee under the provisions of this chapter shall remain on file in the office of the clerk where filed, and may be sued upon as other bonds. [Id.]

Art. 3065. [1804h] APPEAL AVAILABLE, AND TO HAVE PRECEDENCE OF HEARING.—Either the contestant or contestee may appeal from the judgment of the district court to the Court of Civil Appeals, under the same rules and regulations as are provided for appeals in civil cases; and such cases shall have precedence in the Court of Civil Appeals over all other cases. [Id.]

Art. 3066. [1804i] TRANSCRIPT ON APPEAL.—In case of appeal as provided for in the preceding article, the clerk shall, without delay, make up the transcript and forward the same to the clerk of the Court of Civil Appeals for that district. [Id.]

Art. 3067. [1804j] COSTS, HOW TAXED.—The costs in all contested election cases shall be taxed according to the laws governing costs in civil cases, except when otherwise specially provided, and bond for cost may be required as in civil suits. [Id.]

Art. 3068. [1804k] MEASURE OF DAMAGES.—Where the contest shall have been decided against one of the parties and the other party shall have filed a bond and performed the duties of the office under the provisions of this chapter, the bond so filed shall inure to the benefit of the successful party in any suit thereon in a court having jurisdiction of the amount in controversy; and the measure of damages recoverable, besides cost of suit, shall be the salary, fees, and emoluments of office of which he has been deprived, less such reasonable expenses as the party

holding the office shall have incurred in executing the duties of the office; provided, that he shall have acted in good faith in receiving the certificate of election or commission for the office.

Art. 3069. [1804l] RECORD, COPIES OF, HOW SENT UP.—If the contest be for the validity of an election for members of the Legislature, a copy of the notice, the statement, and the reply served upon the parties as required by this chapter, shall, within twenty days after the service thereof, be filed with the district returning officer to whom the returns of such election were made, who shall envelope the same, together with a certified copy of the poll book or register of the votes of each precinct and county returned to him in said election, and shall seal the said envelope and write his name across the seals, and address the package to the President of the Senate or Speaker of the House of Representatives, as the case may be, to the care of the Secretary of State, and shall forward the same by mail or other safe conveyance, to the seat of government, so as to reach there if possible before the convening of the Legislature. [Id.]

Art. 3070. [1804m] DEPOSITIONS MAY BE TAKEN IN SUCH CASE.—At any time after filing said papers with said returning officer, either party to said contest may proceed, at his own expense, to take such written testimony as he may deem proper, having first served the opposite party, his agent or attorney, with a copy of the interrogatories he intends to propound to each witness, and the name of the officer before whom such interrogatories will be answered, as well as the time and place of taking such testimony. [Id.]

Art. 3071. [1804n] WHO MAY TAKE SUCH DEPOSITIONS.—Any officer authorized by the law of this State to administer oaths, upon being satisfied as to any costs, including his own fees, that may accrue in the taking of such testimony, shall proceed, upon the application of the party desiring it, to summon the witness or witnesses named in the interrogatories and take his or their answers in writing and under oath to such interrogatories and cross-interrogatories as may be propounded in writing.

Art. 3072. [1804o] HOW DEPOSITIONS MAY BE RETURNED.—The answers of each witness shall be reduced to writing and signed by such witness, and sworn to by such witness before the officer taking the same, and shall be certified to by such officer and sealed in an envelope; and the name of the said officer shall be written by him across the seals; and he shall forward the same without delay by mail or other safe conveyance to the President of the Senate or the Speaker of the House of Representatives, as the case may be, to the care of the Secretary of State, at the seat of government.

Art. 3073. [1804p] PROCEDURE IN THE HOUSE IN WHICH THE CONTEST IS PENDING.—The notice and statement of contest and the other papers pertaining thereto shall immediately after the organization of the Legislature be opened by the President of the Senate or the Speaker of the House of Representatives, as the case may be; and the same shall be referred to the committee on privileges and elections of the House in which the contest is pending, which committee shall proceed

without delay to fix a time for the hearing of said case, and, after due notice to the parties thereto shall investigate the issues between said parties, hearing all the legal evidence that may be presented to said committee, and shall as soon thereafter as practicable report their conclusions of law and fact in respect to said case to the House by which said committee was appointed, accompanied by all the papers in the cause, and the evidence taken therein, with such recommendations as may to them seem proper. Any one or more of the committee dissenting from the views of the majority may present a minority report. [Id.]

Art. 3074. [1804q] HEARING OF EVIDENCE BY COMMITTEE ON PRIVILEGES AND ELECTION; POWERS AND DUTIES OF COMMITTEE.—The rules of evidence and the laws in force respecting the admissibility of evidence, the taking of depositions and the issuance and service of process in the district courts of this State shall be observed by said committee, so far as the same may be applicable. Said committee shall have the power to send for persons and papers, and the chairmen of said committees shall have the power to issue all process necessary to secure the attendance of witnesses and the production of papers, ballot boxes and other documents before said committee, and such process shall be executed by the sergeant-at-arms of the house in which the contest is pending, or by such other person as may be designated by the presiding officer of said house. [Id.]

Art. 3075. [1804r] PROCEDURE ON FINAL TRIAL BY THE BODY; FEES, ETC.—The house in which the contest is pending shall, as soon as practicable after the report of the committee has been received, fix a day for the trial of the contest, and shall proceed to determine whether the contestant or contestee, or either of them, is entitled to the contestant's seat; provided, the said house may hold the election void after full consideration of all the evidence and for the reasons prescribed in Article 3063, and in such case the governor shall be at once notified of the vacancy. Such fees shall be paid to the witnesses and the officers serving the process as shall be prescribed by the rules of the house in which said contest is pending, and no mileage or per diem shall be paid to either of the parties to said contest until said case is determined, and in no case shall any mileage or per diem be paid to any party against whom any contest is decided. [Id.]

Art. 3076. [1804s] CONTEST FOR GOVERNOR; LIEUTENANT-GOVERNOR, ETC.—If the contest be for the validity of an election for Governor, Lieutenant-Governor, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office or Attorney General, the same shall be tried and determined by both houses of the Legislature in joint session, and the provisions of this chapter governing in the case of a contest for the validity of an election for members of the Legislature shall apply to and govern in a contest for the offices above named, as far as the same may be applicable. [Id. Const., art. 4, sec. 3.]

Art. 3077. [1804t] OTHER CONTESTED ELECTIONS.—If the contest be for the validity of an election held for any other purpose than the election of an officer or officers in any county or part of a county or precinct of a county, or in any incorporated city, town or village, any resident of such county, precinct, city, town or village, or any number of such residents, may contest such election in the district court of such

county in the same manner and under the same rules, as far as applicable, as are prescribed in this chapter for contesting the validity of an election for a county office.

Art. 3078. [1804u] PARTIES DEFENDANT UNDER PRECEDING ARTICLE.—In any case provided for in the preceding article, the county attorney of the county, or where there is no county attorney the district attorney of the district, or the mayor of the city, town or village, or the officer who declared the official result of said election, or one of them, as the case may be, shall be made the contestee, and shall be served with notice and statement, and shall file his reply thereto as in the case of a contest for office; but in no case shall the costs of such contest be adjudged against such contestee, or against the county, city, town or village which they may represent, nor shall such contestee be required to give any bond upon an appeal. [Id.]

#### MISCELLANEOUS PROVISIONS.

Article 3079. [1806] [1755] COUNTY COMMISSIONERS SHALL ACT, WHEN.—Whenever, by this title, any duty is devolved upon a county judge, and that office is vacant, or such officer from any cause fails to perform such duty, any two or more of the county commissioners of the county may perform such duty; and it shall be the duty of said commissioners to perform such duty in such case. [Act Feb. 11, 1850, P. D. 3625.]

Art. 3080. [1808] [1757] COUNTY JUDGE SHALL CERTIFY DEATH OF CERTAIN OFFICERS TO SECRETARY OF STATE.—When any State or district officer, member of Congress, member of the Legislature or notary public; shall depart this life, the county judge of the county where such death occurs or of the county where such officer resided, shall immediately certify the fact of the death of such officer to the Secretary of State. [Act March 6, 1863. P. D. 3604.]

Art. 3081. [1810] [1759] PROVISIONS OF TITLE APPLY TO ALL ELECTIONS, EXCEPT, ETC.—The provisions of this title shall apply to all elections held in this State, except as otherwise herein provided. [Act 1905, S. S., p. 520, sec. 93.]

Art. 3082. [1810a] PERSONS NOT ELIGIBLE TO HOLD OFFICE.—No person shall be eligible to any county or State office in the State of Texas, unless he shall have resided in this State for the period of twelve months, and six months in the county in which he offers himself as a candidate next preceding any general or special election, and shall have been an actual bona fide citizen in said county for more than six months. [Act 1895, p. 81.]

Art. 3083. [1810b] CERTIFICATE OF ELECTION SHALL NOT ISSUE, UNLESS, ETC.—There shall not be issued by the county judge of any county in this State to any person elected or appointed to any office in this State a certificate of election, unless he shall have resided in this State for the period of twelve months, and having been an actual bona fide citizen of said county for more than six months in the county or



district in which he offers himself for election next preceding any general or special election. [Id.]

## NOMINATIONS—BY PRIMARY ELECTIONS AND OTHERWISE.

### 1. NOMINATIONS BY PARTIES OF ONE HUNDRED THOUSAND VOTES AND OVER.

Article 3084. CANDIDATES OF PARTIES OF 100,000 VOTES AND OVER TO BE NOMINATED BY PRIMARY ELECTION.—On primary election day in 1912, and every two years thereafter, candidates for Governor and for all other State offices to be chosen by a vote of the entire State, and candidates for Congress and all district offices to be chosen by the vote of any district comprising more than one county, to be nominated by each organized political party that cast one hundred thousand votes or more at the last general election, shall, together with all candidates for offices to be filled by the voters of a county, or of a portion of a county, be nominated in primary elections by the qualified voters of such party. [Acts 1905, S. S., p. 549, sec. 117.]

Art. 3085. PRIMARY ELECTION DEFINED.—The term, "primary election," as used in this chapter, means an election held by the members of an organized political party for the purpose of nominating the candidates of such party to be voted for at a general or special election, or to nominate the county executive officers of a party. [Id. sec. 102.]

Art. 3086. PRIMARY ELECTION DAY AND SECOND PRIMARY; SPECIAL PRIMARIES; CITY, ETC., PRIMARIES.—The fourth Saturday in July in the year 1912, and every two years thereafter, shall be the legal primary election day, and primary elections to nominate candidates for a general election shall be held on no other day, except when specially authorized. Any political party may hold a second primary election on the second Saturday in August to nominate candidates for a county or precinct office, where a majority vote is required to make a nomination; but, at such second primary, only the two candidates who received the two highest votes at the first primary for the same office shall be voted for. Nominations of candidates to be voted for at any special election shall be made at a primary election at such time as the party executive committee shall determine, but no such committee shall ever have the power to make such nominations; provided, that all precincts in the same county and all counties in the same district, shall vote on the same day. Nominations of party candidates for offices to be filled in a city or town shall be made not less than ten days prior to the city or town election at which they are to be chosen, in such manner as the party executive committee for such city or town shall direct, and all laws prescribing the method of conducting county primary elections shall apply to them. [Id. sec. 105.]

Art. 3087. PLACES OF HOLDING PRIMARIES.—The places of holding primary elections of political parties in the various precincts of the State shall not be within one hundred yards of the place at which such elections or conventions are held by a different political party. When the chairman of the executive committees of the different parties cannot agree on the

places where precinct primary elections to be held on the same day shall be held, such places in each precinct shall be designated by the county judge, who shall cause public notice thereof to be given at once in some newspaper in the county, or if there be none, by posting notices in some public place in the precinct. [Id. sec. 122.]

Art. 3088. POLLS, PRIMARY, HOURS FOR OPENING AND CLOSING, ETC.—The polls at primary elections shall be open at eight o'clock in the morning and closed at seven o'clock in the evening of the same day, and the election shall be held for one day only. [Id. sec. 125.]

Art. 3089. OFFICERS, ETC., OF PRIMARY ELECTION; APPOINTMENT AND QUALIFICATIONS.—All the precinct primary elections of a party shall be conducted by a presiding judge, to be appointed by a chairman of the county executive committee of the party, with the assistance and approval of at least a majority of the members of the county executive committee. Such presiding judge shall select an associate judge and two clerks to assist in conducting the election; two supervisors may be chosen by any one-fourth of the party candidates, who, with the judges and clerks, shall take the oath required of such officers in general elections. Two additional clerks may be appointed, but only when, in the opinion of the presiding judge, there will be more than one hundred votes polled at the primary election in the precinct. No one shall serve as judge, clerk or supervisor at a primary election, unless he has paid his poll tax. [Id. sec. 123.]

Art. 3090. JUDGES OF PRIMARY ELECTION, POWERS AND DUTIES.—Judges of primary elections have the authority, and it shall be their duty, to administer oaths, to preserve order at the election, to appoint special officers to enforce the observance of order and to make arrests, as judges of general elections are authorized and required to do. Such judges and officers shall compel the observance of the law that prohibits loitering or electioneering within one hundred feet of the entrance of the polling place, and shall arrest, or cause to be arrested, anyone engaged in the work of conveying voters to the polls in carriages or other mode of conveyance, except as permitted by this title. [Id. secs. 134 and 104.]

Art. 3091. MAJORITY OR PLURALITY VOTE, QUESTION OF, DETERMINED HOW; SECOND ELECTION.—The county executive committee shall decide whether the nomination of county officers shall be by majority or plurality vote, and, if by majority vote, the committee shall call as many such elections as may be necessary to make such nomination, and, in case the committee fails to so decide, then the nomination of all such officers shall be by a plurality of the votes cast at such election. [Acts 1905, S. S., p. 546, sec. 111.]

Art. 3092. MAJORITY OR PLURALITY VOTE, QUESTION OF, DETERMINED HOW.—The county executive committee may determine whether the nomination of county officers shall be by a majority or plurality vote in such county, and, if by a majority vote, then the committee may call as many such elections as may be necessary to make such nomination. [Id. sec. 117.]

Art. 3093. QUALIFICATIONS FOR VOTING; POLL TAX IN CITIES OF 10,000 AND OVER; ADDITIONAL QUALIFICATIONS, ETC.—No one shall

vote in any primary election, unless he has paid his poll tax or obtained his certificate of exemption from its payment, in cases where such certificate is required, before the first of February next preceding, which fact must be ascertained by the officers conducting the primary election by an inspection of the certified lists of qualified voters of the precinct, and of the poll tax receipts or certificates of exemption; nor shall he vote in any primary election except in the voting precinct of his residence; provided, that, if this receipt or certificate be lost or misplaced, or inadvertently left at home, that fact must be sworn to by the party offering to vote; and provided, further, that the requirements as to presentation of the poll tax receipt, certificate of exemption or affidavit shall apply only to cities of ten thousand population or over as shown by the last United States census; provided, that the executive committee of any party for any county may prescribe additional qualifications for voters in such primaries, not inconsistent with this title. [Id. sec. 103.]

Art. 3094. EXPENSES OF PRIMARY ELECTION HOW MET.—At the meeting of the county executive committee provided for in Article 3106, the county committee shall also carefully estimate the cost of printing the official ballots, renting polling places where same may be found necessary, providing and distributing all necessary poll books, blank stationery and voting booths required, compensation of election officers and clerks and messengers, to report the result in each precinct to the county chairman, as provided for herein, and all other necessary expenses of holding such primaries in such counties, and shall apportion such cost among the various candidates for nomination for county and precinct offices only as herein defined, and offices to be filled by the voters of such county, or precinct only (candidates for State offices excepted), in such manner as in their judgment is just and equitable, giving due consideration to the importance and emoluments of each such office for which a nomination is to be made, and shall, by resolution, direct the chairman to immediately mail to each person whose name has been requested to be placed on the official ballot a statement of the amount of such expenses so apportioned to him, with the request that he pay the same to the county chairman on or before the fourth Monday in June thereafter. [Id. sec. 111.]

Art. 3095. BALLOT, OFFICIAL, AT PRIMARIES, FORM, ETC., OF, AND MANNER OF VOTING.—The vote at all general primaries shall be by official ballot, which shall have printed at the head the name of the party, and under such head the names of all candidates, those for each nomination being arranged in the order determined by the various committees as herein provided for, beneath the title of the office for which the nomination is sought. The voter shall erase or mark out all the names he does not wish to vote for. The official ballot shall be printed in black ink upon white paper and beneath the name of each candidate thereof for State and district offices, there shall be printed the county of his residence. The official ballot shall be printed by the county committee in each county, which shall furnish to the presiding officer of the general primary for each voting precinct at least one and one-half times as many of such official ballots as there are poll taxes paid for such precinct, as shown by the tax collector's list. Where two or more candidates are to be nominated for the same office, to be voted for by the qualified voters

of the same district, county or justice precinct, such candidates shall be voted for and nominations made separately, and all nominations shall be separately designated on the official ballots by numbering the same, "1," "2," "3," etc., printing the abbreviation "No.," and the designating number after the title of the office for which such nominations are to be made. Each candidate for such nominations shall designate in the announcement of his candidacy, and in his request to have his name placed on the official ballot, the number of the nomination for which he desires to become a candidate, and the names of all candidates so requesting shall have their names printed beneath title of the office and the number so designated. Each voter shall vote for only one candidate for each such nomination. [Id. sec. 107.]

Art. 3096. **BALLOT, PRIMARY, NO SYMBOL, ETC., ON, EXCEPT, ETC., BALLOT WITHOUT TEST NOT COUNTED, ETC.**—No official ballot for primary election shall have on it any symbol or device or any printed matter, except a primary test, to be uniform throughout the State, which shall read as follows: "I am a..... (inserting the name of the political party or organization of which the voter is a member), and pledge myself to support the nominees of this primary;" and any ballot which shall not contain such test printed above the names of the candidates thereon, shall be void and shall not be counted. Such ballot shall also contain the names and residences of the candidates.

Art. 3097. **BALLOT, PRIMARY OR GENERAL, NO SYMBOL, ETC., ON, ETC.; REFERENDUM ON UNITED STATES SENATOR.**—No official ballot, either for a primary or general election, shall have on it any symbol or device or any printed matter, except that which is authorized by law; and no ballot cast in violation of this article shall be counted for any candidate. Provided, that the executive committee of the party for any county shall print on the primary ticket the names of all persons whose names, not less than thirty days prior to the day of the primary, shall be requested to be printed thereon as candidates for United States Senator; and the executive committee shall forward to each nominee of the party for State Senator and Representative voted for by the voters of such county, a certified statement of the vote cast in the county for each such candidate. [Id. sec. 124.]

Art. 3098. **BALLOT, PRIMARY, CANDIDATE FOR STATE OFFICE, PLACED ON, HOW.**—Any person affiliating with any party who desires his name to appear on the official ballot for a general primary, as a candidate for the nomination of such party for any State office, shall file with the State chairman not later than the first Monday in June preceding such primary, his written request that his name be placed upon such official ballot as a candidate for the nomination named therein, giving his age and occupation, the county of his residence and his postoffice address, which shall be signed by him and acknowledged by him before some officer. Any twenty-five qualified voters may likewise join in the request that the name of any person affiliating with such party be placed upon the official ballot as a candidate for any State nomination, giving the occupation, county of residence and postoffice address of such person signing and acknowledging the same as above provided, and may file the same with the State chairman on, or prior to, the date above men-

tioned, with the same effect as if such request had been filed by the party named therein as a candidate for such nomination. All such requests shall be considered filed with the State chairman when they are sent from any point in this State by registered mail, addressed to the State chairman at his postoffice address. [Id. sec. 108.]

Art. 3099. STATE EXECUTIVE COMMITTEE TO MEET WHEN AND CERTIFY NAMES OF CANDIDATES IN PRIMARY TO COUNTY CHAIRMAN.—On the second Monday in June preceding each general primary, the State committee shall meet at some place to be designated by its chairman, of which designation it shall be the duty of such chairman to notify by mail all members of said committee, and all persons whose names have been requested to be placed upon the official ballot, not less than three days prior to such meeting. Such committee at this meeting shall, by resolution, direct their chairman to certify to each county chairman in the State the names of such candidates and county of residence of each as shown by the requests filed with the State chairman. Copies of such certificates shall be immediately furnished to each newspaper in the State desiring to publish the same, and one copy shall be immediately mailed to the chairman of the executive committee of each county. [Id. sec. 109.]

Art. 3100. BALLOT, PRIMARY, CANDIDATE FOR DISTRICT OFFICE PLACED ON HOW; CERTIFICATION.—Any person desiring his name to appear on the official ballot as a candidate for the nomination for chief justice or associate justice of the Court of Civil Appeals, or for Representative in Congress, or for State Senator, or for Representative, or district judge, or district attorney, in representative or judicial districts composed of more than one county, shall file with the chairman of the executive committee of the party for the district, the request prescribed in this chapter, with reference to the candidate for State nominations, or, if there be no chairman of such district executive committee, then with the chairman of each county composing such district, not later than the first Monday in June preceding the general primary. Such requests may likewise be filed not later than said date by any twenty-five qualified voters resident within such district, signed and acknowledged by such voters in the manner prescribed respecting such request signed by a candidate named therein. Immediately after said date it shall be the duty of each such district chairman to certify the names of all persons for whom such requests have been filed to the county chairman of each county composing such district; and each county committee shall determine by lot the order which the names of all candidates for each such district office shall be printed upon the official ballot. [Id. sec. 110.]

Art. 3101. BALLOT, PRIMARY, CANDIDATE FOR COUNTY, ETC., OFFICE PLACED ON, HOW.—Any person desiring his name to appear on the official ballot for the general primary, as a candidate for the nomination for any office to be filled by the qualified voters of a county, or a portion thereof, or for county chairman, shall file with the county chairman of the county of his residence, not later than the Saturday before the third Monday in June preceding such primary, a written request for his name to be printed on such official ballot as a candidate for the nomination or position named therein, giving his occupation and postoffice ad-

dress, giving the street and number of his residence, if within a city or town, such request to be signed and acknowledged by him before some officer authorized to take acknowledgment to deeds. Such request similarly signed and acknowledged by any twenty-five qualified voters resident in the county may be filed on or before said date, requesting that the name of any person named therein may be placed on the official ballot as a candidate for any county or precinct office or chairmanship, with like effect as is such request was filed by the person named as a candidate therein; which request shall be endorsed by the candidate named therein, showing his consent to such candidacy, if nominated. [Id. sec. 111.]

Art. 3102. CANDIDATES BEFORE PRIMARY, CERTIFICATES OF PRESENTED TO COUNTY COMMITTEE BY CHAIRMAN.—At the meeting of the county executive committee provided for in Article 3106, the county chairman shall present to the committee the certificates of the chairman of the State and the various district executive committees, showing the names of all persons whose names are to appear on the official ballot as candidates for State and district offices. [Id. sec. 111.]

Art. 3103. PRIMARY COMMITTEE; APPOINTMENT; TO MAKE UP OFFICIAL BALLOT.—The county chairman shall appoint, subject to the approval of the committee, a sub-committee of five members to be known as the primary committee, of which he shall be ex-officio chairman, which sub-committee shall meet on the second Monday in July and make up the official ballot for such general primary in such county, in accordance with the certificates of the State and district chairman, and the requests filed with the county chairman and placing [place] the name of candidates for nomination for State, district, county and precinct officers thereon in the order determined by the county executive committee as herein provided. [Id. sec. 111.]

Art. 3104. NO CANDIDATE PLACED ON BALLOT WHO HAS NOT PAID PRO RATA EXPENSES.—The name of no person shall be placed on the ballot for a county or precinct office who has not paid to the county executive committee the amount of the estimated expenses of holding such primary, apportioned to him by the county executive committee, as hereinbefore provided. No candidate for a State or district office, unless such district is composed of one county only, shall be required to pay any portion of such cost, unless the executive committee of the county shall so direct; but in no event shall more than one dollar apiece be assessed against any such candidate for a State or district office, unless such district is composed of one county only. [Id. sec. 111.]

Art. 3105. ORDER OF NAMES ON BALLOT, DETERMINED HOW, AND WHEN.—It shall be the duty of the various county committees of any political party, on the day and date set apart by this chapter for arranging for primary elections, to determine the order in which the names of the various candidates for State or district or county and precinct offices shall appear on the ticket, and said order shall be determined by lot, so no preference shall be given to any candidate. [Id. sec. 113.]

Art. 3106. ORDER OF NAMES ON BALLOT DETERMINED HOW, AND WHEN.—On the third Monday in June preceding such general primary, the county executive committee of each county shall meet at the county

seat and determine by lot the order in which the names of all candidates for each nomination or position requested to be printed on the official ballot shall be printed thereon. [Id. sec. 111.]

Art. 3107. COUNTY EXECUTIVE COMMITTEES, COUNTY, AND PRECINCT CHAIRMEN, ELECTED AT PRIMARY, ETC.—There shall be, for each political party required by this law to hold primary elections for nomination of its candidates, a county executive committee, to be composed of one member from each voting or justice precinct in such county, as the party executive committee may direct, the members of which county executive committee as well as the county chairman and a precinct chairman for each voting or justice precinct, as the case may be, shall be elected by the qualified voters of the county on primary election day; provided, that, in case of a vacancy occurring in the office of chairman, county or precinct, or any member of such committee, such vacancy shall be filled by a majority vote of said executive committee. [Acts 1905, S. S., p. 544. Acts 1907, p. 331, sec. 106.]

Art. 3108. COUNTY CHAIRMAN, VOTED FOR; MEMBER OF DISTRICT COMMITTEE, ETC., TERM.—On primary election day, when candidates for State, district, county and precinct offices are nominated, the voters of each organized political party shall vote for a chairman of the county executive committee, and the result shall be reported to the county clerk, and the county chairman thus elected shall at once enter upon the discharge of the duties of such position; the said county chairman shall be ex officio a member of the executive committee of all districts of which his county is a part; and the district committee thus formed shall elect its own chairman. [Acts 1905, S. S., p. 551, sec. 121.]

Art. 3109. CHAIRMAN, COUNTY OR PRECINCT, WHERE NO CANDIDATES FOR, BLANKS.—If there are no requests filed for candidates for county or precinct chairman, a blank space shall be left on the ticket beneath the designation of such position. [Id. sec. 111.]

Art. 3110. REFERENDUM ON PLATFORM DEMANDS, AND SUBMISSION OF SAME, UPON.—Any political party in this State, in convention assembled, shall never place in the platform or resolutions of the party they represent any demand for specific legislation on any subject, unless the demand for such specific legislation shall have been submitted to a direct vote of the people, and shall have been endorsed by a majority vote of all the votes cast in the primary election of such party; provided, that the State executive committee shall, on petition of ten per cent of the voters of any party, as shown by the last primary election vote, submit any such question or questions to the voters at the general primary next preceding the State convention. [Acts 1907, p. 328, sec. 120.]

Art. 3111. REFERENDUM INSTRUCTION OF DELEGATES BY, METHOD, ETC.—Whenever delegates are to be selected by any political party to any State or county convention, by primary election or primary convention, or candidates are instructed or nominated, it shall be the duty of the chairman of the county or precinct executive committee of said political party, upon the application of ten per cent of the members of said party, who are legally qualified voters in said county or precinct, to submit, at the time and place of selecting said delegates, any

proposition desired to be voted upon by said voters; and the delegates selected at that time shall be considered instructed for whichever proposition for which a majority of the votes are cast; provided, that the number of voters belonging to said political party shall be determined by the votes cast for the party nominee for Governor at the preceding election; and provided further, that said application is filed with the county or precinct chairman at least five days before the tickets are to be printed, and the chairman may require a sworn statement that the names of said applicants are genuine. [Acts 1905, S. S., p. 556, sec. 140.]

[Note.—For provision for referendum on United States Senator, see Article 3097.]

Art. 3112. SUPPLIES, EXECUTIVE COMMITTEE TO SUPERVISE AND DISTRIBUTE.—The executive committee shall have general supervision of the primary in such county, and shall be charged with the full responsibility for the distribution of all supplies necessary for holding same in each precinct, to the presiding judge thereof. [Id. sec. 123.]

Art. 3113. IF PRESIDING OFFICER FAIL TO OBTAIN SUPPLIES, TO WHOM DELIVERED.—If the duly appointed presiding officer shall fail to obtain from the executive committee the supplies for holding such election, such committee shall deliver the same to the precinct chairman for such precinct, and, if unable to deliver the same to such presiding officer or precinct chairman not less than twenty-four hours prior to the time of opening the polls for such primary, such committee shall deliver the same to any qualified voter of the party residing in such precinct, taking his receipt therefor and appointing him to hold such election in case such presiding officer or precinct chairman shall fail to appear at the time prescribed for opening the polls. [Id. sec. 123.]

Art. 3114. BOOTHS, ETC., FOR GENERAL ELECTION, USED FOR PRIMARY.—The voting booths, ballot boxes and guard rails, prepared for a general election, may be used by the organized political party nominating by primary election that cast over one hundred thousand votes at the last preceding general election. [Id. sec. 128.]

Art. 3115. SAFEGUARDS AGAINST FRAUD; LIST OF VOTERS; STAMPING, ETC.—To guard against fraud, a certified list and supplemental list of the qualified voters of the voting precinct, furnished by the collector of taxes, shall be in the possession of the officers conducting the primary election for reference and comparison, and opposite the name of every voter on said list shall be stamped, when his vote is cast, with a rubber or wooden stamp, or written with pen and ink the words, "primary—voted," with the date of such primary under the same. [Id. sec. 104.]

Art. 3116. LIST OF VOTERS FURNISHED, TO BE USED IN PRIMARY, ETC.—The county tax collector shall deliver to the chairman of the county executive committee of each political party, for its use in primary elections, at least five days before election day, certified lists of the qualified voters of each precinct in the county, arranged alphabetically and by precincts, who have paid their poll tax or received certificates of exemption; and it shall be the duty of such chairman to place the same in the hands of the election officers of each election precinct before



the polls are open; and no primary election shall be legal, unless such list is obtained and used for reference during the election. For each list of all the qualified voters of the county who have paid their poll taxes and received their certificates of exemption, the collector shall be permitted to charge not more than five dollars, the same to be paid by the party or its chairman so ordering said lists; provided, that the charge of five dollars shall be in full for the certified lists of all the voters of the county arranged by precincts, as above provided. [Id. sec. 129.]

Art. 3117. SAME SUBJECT.—It shall be the duty of the tax collector of each county, upon application by the county chairman of the various political parties, to furnish to the presiding judges of the election in the several precincts certified copies of the list of qualified voters of the several precincts, which said copies shall be furnished at least four days prior to said primary election. [Id. sec. 104.]

Art. 3118. PRECAUTION TO SECURE PURITY OF BALLOT.—The same precautions required by law to secure the purity of the ballot box in general elections, in regard to the ballot boxes, locking the ballot boxes, sealing the same, watchful care of them, the secrecy in preparing the ballot in the booth or places prepared for voting shall be observed in all primary elections. [Id. sec. 135.]

Art. 3119. BALLOTS, OTHERS, FURNISHED WHERE MUTILATED, ETC.—No more than three ballots in succession shall be furnished a voter who mutilates or otherwise spoils his ballot; and the judges may, as in general election, require a voter, before he receives an official ballot, to surrender to them any ballot or paper on which is written or printed any names for which the voter has agreed to vote or been requested to vote. [Id. sec. 138.]

Art. 3120. INTOXICATING LIQUORS, SALE OF PROHIBITED; OFFICERS NOT TO PARTAKE.—The law prohibiting the sale of intoxicating liquor on election day applies to primary elections with all its prohibitions; and the officers of primary elections shall not, on primary election day, partake of spirituous, vinous, malt or intoxicating liquors after the polls are open. [Id. sec. 127.]

Art. 3121. RETURNS OF PRIMARY ELECTIONS, BALLOT BOXES, ETC.—Returns shall be made within four days to the chairman of the executive committee by the precinct judges, of the ballot boxes containing the ballots voted, locked and sealed, tally sheets, return sheets, ballots mutilated and defaced, and ballots not voted, for which he shall account to the executive committee of the county. [Id. sec. 136.]

Art. 3122. RETURNS TO COUNTY CHAIRMAN; CANVASS BY EXECUTIVE COMMITTEE, WHEN.—All returns of precinct primary elections, properly signed and certified as correct by the judges and clerks thereof, showing the vote cast for each candidate, shall be sealed and immediately delivered, after such primary election, to the chairman of the county executive committee of the party. Such party chairman shall give notice to the members of the county executive committee to assemble at the county seat of the county on the first Saturday after the first primary election; and said returns shall then be opened under the direction of such executive committee and canvassed by them. [Id. sec. 131.]

Art. 3123. CANVASS OF RESULT OF PRIMARY ELECTION BY COUNTY EXECUTIVE COMMITTEE, WHEN.—All county executive committees of organized political parties shall meet the first Saturday after each primary election to canvass the result of such election. [Id. sec. 112.]

Art. 3124. TIE IN PRIMARY ELECTION, AS TO COUNTY OR PRECINCT OFFICE, DETERMINED BY LOT, ETC.—If, on counting the vote in a primary election, it shall appear that, for a county or precinct office, the largest vote has been cast for two candidates for the same office, and that they have each received the same number of votes, the chairman of the executive committee shall, in the presence of the executive committee or the county convention, as the case may be, cast lots for the nomination in such manner as they may direct and in the presence of rival candidates, if they desire to be present, and declare and certify the result of that candidate who is successful by lot. [Id. sec. 133.]

Art. 3125. LIST OF NOMINEES MADE BY COMMITTEE, AND CERTIFIED BY CHAIRMAN TO COUNTY CLERK.—The county executive committee shall make a list of the candidates who have received the highest vote for office, and the chairman of the executive committee shall certify to the same and deliver it to the county clerk of the county. [Id. sec. 131.]

Art. 3126. COUNTY CHAIRMAN TO PREPARE STATEMENT OF VOTE, ETC., MAIL TO STATE AND DISTRICT CHAIRMAN, PRESENTED TO COMMITTEES.—The chairman of the executive committee in each county shall, as soon as the vote cast in the primary election has been counted and canvassed as herein provided for, prepare a tabulated statement of the votes cast in his county for each candidate for each nomination for a State, district, county or precinct office, and of that cast for county chairman, as shown by the canvass made by the county executive committee, and shall immediately mail such statement as to a State or district office, in a sealed envelope by registered letter, to the chairman of the State executive committee, and district executive committee, respectively, who shall present the same to the State and district committee at its meeting to be held as herein provided. [Id. sec. 117.]

Art. 3127. NOMINEES FOR STATE, ETC., OFFICES, PUBLISHED AND CERTIFIED, TO WHOM.—As to candidates for Governor, or for an office to be filled by all the voters of the State, or of any district composed of more than one county, the chairman of the county executive committee and its secretary shall certify the number of votes cast for each of such candidates, and cause the same to be published in some newspaper of the county, if there be one, and deliver his certificate of the vote cast for each candidate for such office to the president of the next State convention of the party in the manner required in this title, and certify the vote cast for each district office to the chairman of the district committee. [Id. sec. 131.]

Art. 3128. BALLOTS ACCOUNTED FOR.—All ballots given to the election judges of the precinct by the executive chairman, or some member of the executive committee, shall be used and accounted for as in general elections. [Id. sec. 130.]

Art. 3129. BOXES, AND BALLOTS, DISPOSITION OF.—Ballot boxes after being used in primary elections shall be returned with the ballots cast, or contained in each box as they were deposited by the election judges, locked and sealed, to the county clerk, and, unless there be a contest for a nomination in which fraud or illegality is charged, they shall be unlocked and unsealed by the county clerk and their contents destroyed by the county clerk and the county judge without examination of any ballot, at the expiration of sixty days after such primary election. [Id. sec. 143.]

Art. 3130. COUNTY CLERK TO PUBLISH, ETC., NOMINEES.—The county clerk shall cause the names of the candidates who have received the necessary vote to nominate, as directed by the county executive committee, for each office, to be printed in some newspaper published in the county, and, if no newspaper be published in a county, then he shall post a list of such names in at least five public places in the county, one of which shall be upon the door of the court house in said county. [Id. sec. 131.]

Art. 3131. OBJECTIONS TO NOMINATION TO BE MADE WITHIN FIVE DAYS.—All objections to the regularity or validity of the nomination of any person, whose name appears in said list, shall be made within five days after such printing or posting, by a notice in writing filed with the county clerk, setting forth the grounds of objections. In case no such objection is filed within the time prescribed, the regularity or validity of the nomination of no person whose name is so printed or posted, shall be thereafter contested. [Id. sec. 131.]

Art. 3132. NAMES PRINTED ON BALLOT, WHEN AND HOW.—After said names have been so printed or posted for the period above required, the said clerk shall cause said names to be printed on the official ballot in the column for the ticket of that party. [Id. sec. 131.]

Art. 3133. COUNTY CLERK TO POST NAMES OF CANDIDATES TEN DAYS BEFORE PRINTING ON BALLOT, ETC.—It shall be the duty of the county clerk of each county to post in a conspicuous place in his office, for the inspection and information of the public, the names of all candidates that have been lawfully certified to him to be printed on the official ballot, for at least ten days before he orders the same to be printed on said ballot; and he shall order all the names of the candidates so certified printed on the official ballot as otherwise provided in this title. [Id. sec. 132.]

Art. 3134. COUNTY CONVENTIONS; AND PRECINCT CONVENTIONS.—On the first Saturday after primary election day for 1912, and each two years thereafter, there shall be held in each county a county convention of each party, to be composed of one delegate from each precinct in such county for each twenty-five votes, or a major fraction thereof, cast for the party's candidate for Governor at the last preceding election, which delegates shall be elected by the voters of each precinct on primary election day, in such manner as may be prescribed by the county executive committee at their meeting on the second Monday in June, which convention shall elect one delegate to the State and several district conventions for each three hundred votes, or a major fraction thereof, cast

for the party's candidate for Governor in such county at the last preceding general election; and the delegates to the said conventions so elected, or such of them as may attend the said conventions, shall cast the vote of the county in such conventions. Immediately upon the adjournment of each such county convention, the president thereof shall make out a certified list of the delegates to each of said conventions chosen by such county convention and shall sign the same, the secretary of such convention attesting his signature, and shall forward such certified list by sealed registered letter to the chairman of the State and district executive committees, who shall present the same to the respective committees at its meeting prior to the convention; and, from such certified list, the respective committees shall prepare a temporary roll of those selected as delegates to such convention; provided, that no proxies shall be allowed to, or recognized in, any convention held by authority of this title, where a delegate from the county is present in the convention. [Id. sec. 115.]

Art. 3135. COUNTY CONVENTION MAY BE HELD AT TIME FOR MEETING OF EXECUTIVE COMMITTEE.—Nothing in this chapter shall prevent the holding of the county convention at the time named in Article 3122, for the meeting of the executive committee for the purpose of counting and declaring the result; but the chairman of the executive committee shall certify the result as required by this chapter. [Id. sec. 131.]

Art. 3136. DISTRICT CONVENTIONS.—On the fourth Saturday in August succeeding each general primary, there shall be held in each district within the State in which any candidate or candidates for any district office are to be elected at the succeeding regular election, a district convention, which shall be composed of delegates from the county or counties composing such district, selected in the manner herein provided; notice of the time and place of holding such convention shall be given by the executive committee of such district at least ten days prior to such meeting. Before such convention assembles, the executive committee of such district shall meet and elect one of its number chairman of such committee, shall prepare a list of delegates from the various counties composing such district which have been certified to the district committee by the chairmen of the various county committees, shall tabulate the vote cast in the various counties for each candidate for district office, which has been certified to such committee as provided in this chapter, and shall also prepare a statement, showing the number of convention votes which each county in such district is entitled to cast in said convention upon the basis set forth in Article 3142, and shall present such list of delegates, tabulated vote and convention vote to the convention when it assembles. The district convention shall then canvass the returns of the votes cast in all of the counties of the district for each candidate as presented to them by the district committee, and shall declare the person found to have received the largest number of votes at the primary in the district for such office the nominee of the party for such office; and the chairman and secretary of the convention shall forthwith certify such nomination to the Secretary of State. But, in the event there is only one name on the ballot for a district office without an opponent, the district chairman shall, as soon as practicable after the primary election, certify that the person on the ballot is the nominee

of the party and that there shall be no convention held for the purpose of declaring the result. [Acts 1905, S. S., p. 547. Acts 1907, p. 329.]

Art. 3137. PLACE FOR STATE CONVENTION, FIXED HOW.—At the meeting of the State executive committee held on the second Monday in June preceding each general primary election, the said committee shall decide upon and publish the place where the State convention of the party shall be held on the second Tuesday in August thereafter. [Acts 1905, S. S., p. 545, sec. 109.]

Art. 3138. STATE EXECUTIVE COMMITTEE TO CANVASS RETURNS AS TO NOMINATIONS FOR STATE OFFICES; STATEMENT OF VOTE; LIST OF DELEGATES, PRESENTED TO CHAIRMAN OF STATE CONVENTION, ETC.—On the Monday preceding the second Tuesday in August, 1912, and every two years thereafter, the State executive committee shall meet at the place selected for the meeting of the State convention, and shall open and canvass the returns of the primary election as to nominations for State officers, as certified by the various county chairmen to the State chairman for each county, and shall prepare a tabulated statement showing the number of votes received by each such candidate in each county, which statement shall be approved by the State committee and certified by its chairman. At this meeting the State committee shall also prepare a complete list of the delegates elected to the State convention from each county, as certified to the State chairman by each county chairman. The State chairman shall present said tabulated statement and said list of delegates to the chairman of the State convention immediately after its temporary organization on the following day, for its approval or disapproval. [Id. sec. 119.]

Art. 3139. STATE CONVENTION TO CANVASS VOTE FOR CANDIDATES FOR STATE OFFICES AND DECLARE RESULT, ACCORDING TO PLURALITY IN PRIMARY; CERTIFIED BY CHAIRMAN AND SECRETARY OF CONVENTION TO SECRETARY OF STATE.—The State convention shall canvass the vote cast in the entire State for each candidate for each State office, as shown by the statement thereof presented to it by the State committee, and shall declare the candidate for each State office who has received the largest number of votes in the primary election for such State office the nominee of the party for such office; and the chairman and secretary of the State convention shall forthwith certify all such nominations to the Secretary of State. [Acts 1905, 2 S. S., p. 4. Acts 1905, S. S., p. 550. Acts 1907, p. 329, sec. 120.]

Art. 3140. STATE CONVENTION; TIME OF MEETING; FURTHER DUTIES.—All party State conventions to announce a platform of principles and announce nominations for governor and State offices, shall, except as otherwise provided, meet at such places as may be determined by the parties respectively on the second Tuesday in August, A. D. 1912, and every two years thereafter, and they shall remain in session from day to day until all nominations are announced and the work of the convention is finished. Provided, that said convention shall, among other things, elect a chairman of the executive committee and thirty-one members thereof, one from each senatorial district of the State, the members of said committee to be recommended by the delegates representing the counties composing the senatorial districts respectively, each county

voting its convention strength, each of whom shall hold said office until his successor is elected; and, in case of a vacancy, a majority of the members of said committee shall fill the same by electing some eligible person thereto. [Acts 1905, S. S., p. 549, sec. 116.]

Art. 3141. EVERY CERTIFICATE OF NOMINATION TO STATE WHAT.—Every certificate of nomination made by the president of the State convention, or by the chairman of any executive committee, must state when, where, by whom, and how the nomination was made. [Id. sec. 118.]

[Note.—For requirement of referendum on platform demands and of submission of such questions, see Article 3110.]

Art. 3142. CONVENTION VOTE OF EACH COUNTY, IN STATE OR DISTRICT CONVENTION.—Each county in the State or district convention shall be entitled to one vote for each five hundred votes, or major fraction thereof, cast for the candidate for Governor of the political party holding the convention, at the last preceding primary election. In case, at such primary election, there were cast for such candidate for Governor less than five hundred votes in any county, then all such counties shall have one vote. [Acts 1907, p. 329, sec. 120.]

Art. 3143. MANDAMUS TO COMPEL PERFORMANCE OF DUTIES.—Any executive committee or committeeman or primary election officer, or other person herein charged with any duty relative to the holding of the primary election, or the canvassing, determination or declaration of the result thereof, may be compelled by mandamus to perform the same in accordance with the provisions of this title. [Acts 1905, S. S., p. 557, sec. 142.]

Art. 3144. ERRORS AND VIOLATIONS OF LAW, IMMATERIAL, NOT TO VITIATE ELECTION, ETC.—No immaterial error made by any officer of a primary election, or any immaterial violation of the primary election laws by an elector, shall vitiate any election held under this title, nor be the cause of throwing out the vote of any election precinct. [Id. sec. 137.]

Art. 3145. EXPENSES OF CANDIDATES, STATEMENT OF.—Within ten days after a primary and also after a final election, all candidates for office at such election shall file a written itemized statement, under oath, with the county judge of the county of their residence, of all the expenses incurred during the canvass for the office, and for the nomination, including amounts paid to newspapers, hotel and traveling expenses, and such statement shall be sworn to and filed, whether the candidate was elected or defeated, which shall at all times be subject to inspection of the public. [Id. sec. 90.]

Art. 3146. EXPENSES OF MANAGER OF POLITICAL HEADQUARTERS, ETC., STATEMENT OF REQUIRED, ETC.—Every person who manages any political headquarters for any political party, or for any candidate before any election, and every clerk or agent of such manager for such headquarters or candidate, and every other person whomsoever who expends money, gives any property or thing of value, or promises to use influence, or give a future reward to promote or defeat the election of any candidate,

or to promote or defeat the success of any political party at any election, shall, within ten days after such election, file with the county judge of the county in which the political headquarters was located, and with the county judge of the county where such manager, clerk, or other person, as the case may be, reside, an itemized statement of all moneys or things of value thus given or promised, for what purpose, by whom supplied, in what amount and how expended, and what reward was given or promised, by whom and to whom, and what influence was promised, by whom promised and to whom said promise was given. He shall also state whether he had been informed, or has reason to believe, that the person thus aiding or attempting to defeat a party or candidate was an officer, stockholder, agent or employe of, or was acting for or in the interest of, any corporation, giving his name, and, if so, of what corporation; and he shall if he has no positive knowledge, state the source of his information or the reasons for his belief, as the case may be; all of which shall be sworn to and subscribed before the county judge, who shall file and preserve the same, which shall at all times be subject to inspection of the public. [Id. sec. 89.]

Art. 3147. CONTESTS OF PRIMARY ELECTIONS, DECIDED BY EXECUTIVE COMMITTEES OR DISTRICT COURT.—In all contests for a primary election or nomination of a convention, based on charges of fraud or illegality in the method of conducting the elections, or fraud or illegality in selecting the delegates to the convention, or in certifying to the convention, or in nominating candidates in State, district, county, precinct or municipal conventions, or in issuing certificates of nominations from such conventions, the same shall be decided by the executive committee of the State, district, or county, as the nature of the office may require, each executive committee having control, in its own jurisdiction, or by the district court, or judge of said court in vacation, of the district where the contestee resides, said executive committee and the district courts having concurrent jurisdiction. [Acts 1909, 2 S. S., p. 452, sec. 141.]

Art. 3148. PLACE FOR HEARING CONTESTS OF PRIMARY ELECTIONS BY COMMITTEE.—In all contests between candidates for State office, the committee shall hold its hearing in the city of Austin, Travis county, unless some other place is agreed upon by the parties; and in all contests between candidates for any district, county, municipal or precinct office, the committee may hold its hearing, at its election, either in the county of the residence of the contestee or in any county where the fraud or illegality complained of is alleged to have occurred, or at such other place as the parties may agree upon. [Id. sec. 141.]

Art. 3149. CONTEST BEFORE EXECUTIVE COMMITTEE; PROCEDURE, ETC.—The complaining candidate, if he desires to file a contest with the executive committee, shall, within five days after the result has been declared by the committee or convention, cause a notice to be served on the chairman or some member of the executive committee, in which he shall state specifically the ground of his contest; also shall serve, or cause to be served, on the opposing candidate a copy of such notice, at least five days prior to the date set for hearing by the committee. If special charges of fraud or illegality in the conduct of the election, or in the manner of holding the convention, or in the manner of making nom-

inations, are made, and not otherwise, the chairman, or, in case he fails or refuses, any member of the committee, shall within twenty days after the primary election, or the convention, convene the executive committee, who shall then examine the charges, hear evidence and decide in favor of the party who in their opinion was nominated in the primary election or in the convention; provided, that, before any advantage can be taken of the disregard or violation of any directory provision of the law, it must appear that, but for such disregard or violation, the result would have been different. [Id. sec. 141.]

Art. 3150. **BALLOT BOXES MAY BE OPENED BY COMMITTEE, WHEN.**—The executive committee may, if in its opinion the ends of justice require it, unlock and unseal the ballot boxes used in the precinct where fraud or illegality is charged to have been used, and examine their contents, after which they shall be sealed and delivered to the county clerk. [Id. sec. 141.]

Art. 3151. **CERTIFICATE AND PRINTING NAME ON BALLOT, ON DECISION BY COMMITTEE, UNLESS APPEAL.**—When the committee has decided the contest, unless notice of appeal to the district court is given, the executive chairman shall certify its findings to the officers charged with the duty of providing the official ballot; and the name of the candidate in whose favor the executive committee shall find shall be printed on the official ballot for the general election. [Id. sec. 141.]

Art. 3152. **SAME, WHERE SUCH APPEAL NOT PERFECTED.**—In case such appeal is not perfected in the manner and time as herein provided, the chairman of the executive committee trying such contest shall certify the name of the party held by the executive committee to have been nominated to the proper office, to be placed on the official ballot. [Id. sec. 141.]

Art. 3153. **APPEAL FROM EXECUTIVE COMMITTEE TO DISTRICT COURT; PROCEDURE.**—Where contests are originally filed with the executive committee, either party shall have the right to appeal from the final decision of the executive committee to the district court having jurisdiction; and said contest shall there be tried de novo by said court. The party taking such appeal shall, within three days from final decision of the executive committee, file written notice of such appeal with the chairman or secretary of such executive committee. Upon the filing of such notice of appeal, the secretary of said executive committee shall prepare a certificate showing that such contest had been tried and determined by such executive committee, the decision of such committee, and that notice of appeal had been given, and shall file same, together with all papers filed in such contest, in the district court, or with the district judge, in vacation, of the district having jurisdiction of such appeal, within ten days after the decision of the executive committee is rendered; and the filing of such certificate and papers in said court, or with said judge in vacation, shall be held to perfect such appeal. And if for any cause the secretary of said executive committee shall fail or refuse to file said certificate and other papers pertaining to such appeal, in the district court of such district, or with the judge of said district, within ten days after such decision has been rendered by said committee, then in such event the contestant may prepare a brief state-



ment of the action of said committee in such contest, and perfect his appeal by filing same with said district court, or with the judge of said district, within fifteen days after such decision by the executive committee. [Id. sec. 141.]

Art. 3154. REVIEW OF CERTIFICATES OF NOMINATION BY DISTRICT COURT; PROCEDURE.—In State, district, county, precinct or municipal offices, the certificate of nomination issued by the president or chairman of the nominating convention, or chairman of the county executive committee, shall be subject to review, upon allegations of fraud or illegality, by the district court of the county in which the contestee resides, or the judge of said court in vacation; provided, that such allegations are filed in said court within ten days after the issuance of said certificate; and when said allegations are so filed, or the appeal from the decision of the executive committee is perfected, the judge of the district court shall set same down for hearing, either in term time or vacation, at the earliest practical time; and a copy of said grounds of contest, together with the notice of the date set for said hearing, shall be prepared and issued by the clerk of the district court and be served upon the contestee five days before the hearing before said court or judge, and the parties to said contest shall have the right to summon witnesses. [Id. sec. 141.]

Art. 3155. BALLOT BOXES MAY BE OPENED BY COURT, WHEN; DISPOSITION OF.—The court or judge may, if in his opinion the ends of justice require it, unlock and unseal the ballot boxes used in the precinct where fraud or illegality is charged to have been used, and examine their contents, after which they shall be sealed and delivered to the county clerk. [Id. sec. 141.]

Art. 3156. JUDGMENT OF COURT FINAL IN WHAT CASES.—The said court or judge shall determine said contest; and the decision of said court or judge shall be final as to all district, county, precinct, or municipal offices. [Id. sec. 141.]

Art. 3157. CERTIFYING JUDGMENT, AND PRINTING NAMES ON BALLOT.—A certified copy of the judgment of said court or judge shall be transmitted by the clerk thereof to the officers charged with the duty of providing the official ballot, and the name of the candidate in whose favor said judgment shall be rendered shall be printed in the official ballot for the general election. [Id. sec. 141.]

Art. 3158. APPEAL TO COURT OF CIVIL APPEALS IN WHAT CASES; ADVANCED.—In all contests for State officers before the district court, exercising either its original or appellate jurisdiction, either party may appeal to the Court of Civil Appeals, and such appeal shall be advanced on the docket of said appellate court and have precedence of all other cases. [Id. sec. 141.]

## 2. NOMINATIONS BY PARTIES OF TEN THOUSAND AND LESS THAN ONE HUNDRED THOUSAND VOTES.

Art. 3159. MAY NOMINATE, HOW.—Each political party, whose nominee for Governor in the last preceding general election received as many as ten thousand and less than one hundred thousand votes, may nominate

candidates for State, district and county offices under the provisions of this law by primary election, and they may nominate candidates for State offices at a State convention, which shall be held the second Tuesday in August, and which shall be composed of delegates elected in the various counties and county conventions held on the first Saturday after primary election day, which shall be composed of delegates from the general election precinct in such counties elected therein at primary conventions, held in such precincts on the fourth Saturday in July. [Acts 1905, S. S., p. 542, sec. 99.]

Art. 3160. NOMINATIONS OF SUCH PARTIES, STATE COMMITTEE TO DETERMINE MODE.—The State committee of all such parties shall meet at some place in the State to be designated by the chairman thereof on the second Tuesday in May, and shall decide, and by resolution declare, whether they will nominate State, district and county officers by convention or by primary elections, and shall certify their decision to the Secretary of State. [Id. sec. 99.]

Art. 3161. NOMINATIONS OF SUCH PARTIES FOR DISTRICT OFFICES.—Nominations for district offices made by such parties shall be made by conventions held on the same days as herein prescribed for district conventions of other parties, composed of delegates elected thereto at county conventions held on the same day herein prescribed for such county conventions of other parties, all of which county conventions shall nominate candidates for county offices of such party of such county. [Id. sec. 99.]

Art. 3162. NOMINATIONS OF SUCH PARTIES TO BE CERTIFIED BY WHOM.—All nominations so made by a State or district convention shall be certified by the chairman of the State or district committee of such party to the Secretary of State, and a nomination made by a county convention, by the chairman of the county committee. [Id. sec. 99.]

Art. 3163. POLL TAX REQUIREMENT IN SUCH PRIMARY CONVENTION.—No person shall be allowed to vote or participate in any such primary convention, unless he shall have first produced evidence that he has paid his poll tax or is exempt; and no person shall be allowed to participate in any such convention who has participated in the convention or primary of any other party held on the same day. [Id. sec. 99.]

### 3. NON-PARTISAN AND INDEPENDENT CANDIDATES.

Art. 3164. NON-PARTISAN AND INDEPENDENT CANDIDATES' NAMES PLACED ON BALLOT HOW.—The name of a non-partisan or independent candidate may be printed on the official ballot in the column for independent candidates, after a written application signed by qualified voters addressed to the Secretary of State and delivered to him within thirty days after primary election day as follows: If for a State office to be voted for throughout the State, one per cent of the entire vote of the State cast at the last preceding general election; if for a congressional, supreme judicial, senatorial, representative, flatorial or judicial district office, three per cent of the entire vote cast in any such district at the last preceding general election; provided, that the number of signatures need not exceed five hundred for any congressional, senatorial or judicial

office, nor for any other office that is not filled by all the voters of the State. [Id. sec. 94.]

Art. 3165. SAME SUBJECT.—No application to the Secretary of State shall contain the name of more than one candidate, and no citizen shall sign such application, unless he has paid his poll tax or received his certificate of exemption; provided, that, if the office is one to which two or more persons are to be elected, his application may be for as many candidates as there are persons to be elected to that office; and provided, also, that no person who has voted at a primary election shall sign an application in favor of any one for an office for which a nomination was made at such primary election. [Id. sec. 95.]

Art. 3166. SAME SUBJECT.—To every citizen who signs such application, shall be administered the following oath, which shall be reduced to writing and attached to such application, viz: "I know the contents of the foregoing application; I have participated in no primary election which has nominated a candidate for the office for which I desire (here insert the name) to be a candidate; I am a qualified voter at the next general election under the constitution and laws in force, and have signed the above application of my own free will." One certificate of the officer before whom the oath is taken may be so made as to apply to all to whom it was administered. [Id. sec. 96.]

Art. 3167. SAME SUBJECT.—The Secretary of State shall, on the receipt of the application which conforms to the above requirements, issue his instruction to the county clerks of this State, or of the district, as the case may require, directing that the name of the citizen, in whose favor the application is made, shall be printed on the official ballot in the independent column under the title of the office for which he is a candidate; provided, that the citizen, in whose favor the application is made, shall first file his written consent with the Secretary of State to become a candidate, within thirty days after primary election day. [Id. sec. 97.]

Art. 3168. SAME SUBJECT, IN COUNTY, CITY OR TOWN ELECTIONS.—Independent candidates for office at a county, city or town election may have their names printed upon the official ballot on application to the county judge, if for a county office, or to the mayor, if for a city or town office, such application being in the same form and subject to the same requirements herein prescribed for applications to be made to the Secretary of State in case of State or district independent nomination; provided, that a petition of five per cent of the entire vote cast in such county, city or town at the last general election shall be required for such nomination. [Id. sec. 98.]

#### 4. LOCAL NOMINATIONS OF PARTIES HAVING NO STATE ORGANIZATION.

Art. 3169. NOMINATIONS, LOCAL, OF PARTIES HAVING NO STATE ORGANIZATION.—Any political party, not having a State organization, but desiring to nominate candidates for county and precinct offices only, may nominate such candidates therefor under the provisions of this title, by primary elections or by a county convention held on the legal primary election day, as herein defined, which county convention shall be

composed of delegates from various election precincts in said county, elected therein at primary conventions held in such precincts between the hours of eight a. m. and ten p. m. of the preceding Saturday. All nominations made by any such parties shall be certified to the county clerk by the chairman of the county committee of such party, and, after taking the same course as nominations of other parties certified to the clerk, shall be printed on the official ballot in a separate column, headed by the name of the party; provided, a written application for such printing shall have been made to the county judge, signed and sworn to by three per cent of the entire vote cast in such county at the last general election. [Id. sec. 100.]

##### 5. PARTY NOMINATIONS FOR CITY AND TOWN ELECTIONS.

Art. 3170. CITIES AND TOWNS, ELECTIONS, NOMINATIONS FOR, HOW MADE; EXECUTIVE COMMITTEE.—Each and every incorporated city or town in the State of Texas, whether incorporated under the General or Special Laws, may make nominations for office in the following manner: In each of said cities and towns there shall be an executive committee for each political party, consisting of a city chairman and one member for each ward in such city or town, and in case such city or town is not divided into wards, for either political or election purposes, then there shall be selected four members of said committee, in addition to the city chairman. If any city or town shall be divided into wards, for either political or election purposes, or both, then such party executive committee shall consist of one member from each ward and a city chairman of such executive committee. Provided, however, that no city or town in this State shall have a smaller number than four executive committeemen and a chairman of such executive committee. In all cities and towns which now have no executive committee, the county chairman of the party desiring to make nominations in such cities and towns shall appoint an executive committee to serve until the next city election shall be held, and in each city and town in this State in which a political party may desire to make nominations, there shall be held, at least thirty days prior to the regular city election, an election at which there may be nominated by such political party, officers to be elected at the next city election, and at which election there shall be selected the executive committee for such party in said city and town herein provided for, and in all such city primary elections, the provisions of the law relating to primary elections and general elections shall be observed. [Acts 1911, p. 18.]

Art. 3171. EXECUTIVE COMMITTEE, IN CITIES AND TOWNS, POWERS OF.—The executive committee herein provided for may decide whether or not nominations shall be made by such political party in such city or town; provided, that upon petition being made to said city or county chairman, signed by twenty-five per cent of the voters of the party in such city, as shown by the last general State election, requesting that party nominations be made for city officers, then said city executive committee, through an order of its chairman, shall order a primary election or mass convention of the qualified voters of the party, as may be petitioned for by the voters presenting said petition, and it shall thereupon be the duty of said city executive committee to grant such request as shall be contained

in such petition, and such primary election or mass convention shall be ordered, and it shall be mandatory upon such city or county chairman to order such election or mass convention to be held within ten days from the time such petition is presented. At such primary election or mass convention a new executive committee shall be selected to serve during the ensuing term; provided that this act shall not be construed so as to prevent independent candidates for city offices from having their names upon the official ballot, as provided for in Section 99 of this act. Provided, further, that this act shall not repeal the provisions of any charter heretofore or hereafter specially granted to any city in this State. [Acts 1911, p. 19.]

#### 6. MISCELLANEOUS PROVISIONS.

Art. 3172. **NOMINATION DECLINED, HOW; VACANCY HOW FILLED, ETC.; POSTERS USED WHEN, ETC.**—A nominee may decline and annul his nomination by delivering to the officer with whom the certificate of his nomination is filed, ten days before the election, if it be for a city office, twenty days in other cases, a declaration in writing, signed by him before some officer authorized to take acknowledgments. Upon such declination (or in case of death of a nominee), the executive committee of a party, or a majority of them for the State, district or county, as the office to be nominated may require, may nominate a candidate to supply the vacancy by filing with the Secretary of State in the case of State or district officers, or with the county judge in the case of county or precinct officers, a certificate duly signed and acknowledged by them, setting forth the cause of the vacancy, the name of the new nominee, the office for which he was nominated, and when and how he was nominated [Id. sec. 50.]

Art. 3173. **NO EXECUTIVE COMMITTEE TO NOMINATE, EXCEPT.**—No executive committee shall ever have any power of nomination, except where a nominee has died or declined the nomination as provided in Article 3172. [Id. sec. 118.]

Art. 3174. **PARTIES, NEW, ETC., NAME OF, REGULATED.**—No new political party shall assume the name of any pre-existing party; and the party name printed on the official ballot shall not consist of more than three words. [Id. sec. 101.]

#### NATIONAL CONVENTION, STATE CONVENTION TO SELECT DELEGATES TO.

Article 3175. **NATIONAL CONVENTION, STATE CONVENTION TO SELECT DELEGATES TO.**—Any political party, desiring to elect delegates to a national convention, shall hold a State convention at such place as may be designated by the State executive committee of said party, on the fourth Tuesday of May, 1912, and every four years thereafter. Said convention shall be composed of delegates duly elected by the voters of said political party in the several counties of the State at primary conventions to be held on the first Saturday in May, 1912, and every four years thereafter. Said primary conventions shall be held between the hours of ten o'clock a. m. and eight o'clock p. m. These primary con-

ventions shall elect delegates to the county convention of the several counties, which shall be held on the first Tuesday after the first Saturday in May, 1912, and every four years thereafter. The qualified voters of each voting precinct of the county shall assemble on the date named, and shall be presided over by a chairman who shall have been previously appointed by the county executive committee of the party, and shall be a qualified voter in said election precinct; and said convention may elect from among their number a secretary and such other officers as may be necessary to conduct the business of the convention. The chairman of said convention shall possess all the power and authority that is given to election judges under the provisions of this title. Before transacting any business, the chairman shall make, or cause to be made, a list of all qualified voters present; and the name of no person shall be entered upon said list, nor shall he be permitted to vote or to participate in the business of such convention, until it is made to appear that he is a qualified voter in said precinct, from a certified list of qualified voters, the same as is required in conducting a general election. After the convention is organized as above provided, it shall elect its delegates to the county convention and transact such other business as may properly come before it. The officers of said convention shall keep a written record of its proceedings, including a list of the delegates elected to the county convention, which record shall constitute the returns from said convention. The same shall be signed officially, sealed up and safely transmitted by the officers thereof to the chairman of the county executive committee of the party, and to be used by the executive committee in making up a roll of the delegates to the county convention. [Acts 1905, S. S., p. 555, sec. 139.]

#### ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

Article 3176. [1811] [1760] TIME OF ELECTION OF ELECTORS AND WHO ARE QUALIFIED TO BE ELECTORS AND TO VOTE FOR ELECTORS.—On the Tuesday next after the first Monday in November, A. D. 1912, and on the first Tuesday next after the first Monday in November every four years thereafter, the qualified voters for members of the House of Representatives of the State Legislature shall elect from among the resident citizens, over twenty-one years of age, and not members of either house of Congress of the United States, as many electors of President and Vice-President of the United States as the State of Texas may at the time be entitled to elect. [Act March 15, 1848. P. D. 3644.]

Art. 3177. [1812] [1761] MODE, PLACES, ETC., OF ELECTION FOR ELECTORS.—Such election shall be held in the same manner, at the same places, under the same regulations, and by officers and managers appointed in the same way as elections for members of the House of Representatives of this State may be; except that such qualified voter shall be authorized to vote for the whole number of electors that the State will then be empowered to elect. [Id. P. D. 3645.]

Art. 3178. [1813] [1762] RETURNS OF ELECTION BY PRECINCT OFFICERS.—The officers conducting said elections, or the managers thereof at each precinct, shall, within three days after holding said election,

add up and compare the number of votes given for each person there voted for as an elector, and shall make out in writing, seal up, certify and transmit the result of said election to the county judge or other proper officer of their county, in the same manner prescribed by the laws regulating elections for members of the State Legislature. [Id. P. D. 3646.]

Art. 3179. RETURNS OF ELECTIONS BY COUNTIES.—On the Monday next following the day of election, or as soon thereafter as the commissioners court shall have opened the election returns, and estimated the result, in accordance with Article 3030, the county judge shall make duplicate returns of the election, one of which he shall immediately transmit to the seat of government in this State, sealed in an envelope, directed to the Secretary of State, and endorsed "Election Returns for .....County for Presidential Electors," [filling the blank with the name of the county] and the other of such returns shall be deposited in the office of the clerk of the county court of the county where such election was held. [Id. P. D. 3647.]

Art. 3180. [1815] \* SECRETARY OF STATE SHALL COUNT RETURNS WHEN, ETC.—It shall be the duty of the Secretary of State, in the presence of the Governor and Attorney General, or either of them, on the fourth Monday in November next after said election, to open all the election returns received by him, and correctly add up all the votes cast in the several counties for each of the said electors, and cause the result thereof, with the names of the persons elected, to be forthwith published in some newspaper printed at the seat of government, and shall issue certificates of election to the person so elected. [Id. P. D. 3648.]

Art. 3181. [1851a] CONTESTS; FILED WHEN; HOW TRIED.—Any person or persons intending to contest the election of any or all of the persons declared elected, as provided in Article 3180, as electors of President and Vice-President, shall, within fifteen days from the said fourth Monday in November, file with the Secretary of State a written statement of the ground on which such contestant relies to sustain such contest, and shall, within such time, notify the contestee thereof in writing, and deliver to him, his agent or attorney, a copy of said statement. The contestee shall, within ten days after receiving such notice, file with the Secretary of State his reply thereto in writing. The contest shall, as soon thereafter as possible, be tried and determined by the State Board of Canvassers, consisting of the Governor, Attorney General and Secretary of State, or any two of them; and their decision shall be rendered at least six days before the time fixed by law for the meeting of the electors. Such decision, in which two at least of such board shall join, shall be final, and certificates of election, in accordance therewith, shall at once be issued by the Secretary of State to the proper parties. Where not otherwise herein provided, the provisions of Chapter 8 of Title 49, relating to contests for the validity of an election for members of the Legislature, shall apply to such contests for presidential electors. [Id.]

Art. 3182. [1816-1817] [1765-1766] ELECTORS SHALL CONVENE, WHEN AND WHERE.—The electors so chosen shall convene in the capitol

at the seat of government of the State, on the second Monday in January next after their election, and vote for President and Vice-President of the United States, and make returns thereof as is, or hereafter may be, required by the laws of the United States. [Acts 1897, p. 25. P. D. 3649. U. S. Rev. Stat., p. 21.]

PLACE OF ABSENT OR DISQUALIFIED ELECTORS, HOW SUPPLIED.—If any person so chosen elector shall, by death or other disabling cause, fail to attend by the hour of two o'clock in the afternoon of the day fixed by law, and vote as required by law, or if any such person shall be legally disqualified to serve as elector, a majority of the qualified electors present, after having convened, may appoint some other person to act as elector in the place of any such absent or disqualified person, and shall immediately report their action to the Secretary of State aforesaid. [Id. P. D. 3650. Acts 1848, p. 104.]

Art. 3183. [1818] [1767] GOVERNOR SHALL CAUSE LIST OF ELECTORS TO BE MADE, ETC.—The governor shall, on or before the meeting of the electors, cause three lists of the names of such electors to be made out and delivered to them, as required by act of Congress. [Id. P. D. 3651.]

Art. 3184. [1819] [1768] GOVERNOR SHALL ISSUE PROCLAMATION, ETC.—It shall be the duty of the Governor, or in case of his inability, then of the Lieutenant-Governor, to issue a proclamation under the Seal of the State, and have the same published for at least forty days before an election for electors, in some newspaper printed at the seat of government, requiring the county judge, or other proper officer or officers, of each county in the State to cause an election to be held at each precinct in the county at the time and for the purpose prescribed in this title. [Id. P. D. 3652.]

Art. 3185. [1820] [1769] COMPENSATION OF ELECTORS.—Electors for President and Vice-President of the United States shall receive the same pay for mileage in traveling to and from the seat of government of the State, and the same pay daily while engaged there in the duties required of them by law, as that allowed by law to the members of the Legislature of this State. [Act Dec. 1, 1849. P. D. 3653.]

## PROVIDING FOR THE ELECTION OF UNITED STATES SENATORS BY A DIRECT VOTE.

SECTION 1. An election for the election of a Senator from Texas to the Congress of the United States shall be held on the first Tuesday after the first Monday in November of each and every year immediately preceding the fourth day of March when the term of any United States Senator from the State of Texas to the Congress of the United States is to expire. That at such election no person shall be qualified to vote for any candidate for United States Senator unless he is a qualified elector in any election held to elect members of the most numerous branch of the Legislature of this State.

SEC. 2. When any vacancy happens or occurs in the representation of this State in the United States Senate, the Governor of this State shall



within ten days issue writs of election to fill such vacancy, which election shall be held not less than sixty days nor more than ninety days after such vacancy occurs.

Provided if the Congress or Senate is in session at the time of such vacancy or should convene before such election or before the result of the same can be officially ascertained under the law, the Governor shall make temporary appointment of a suitable and qualified person to represent the State in the United States Senate, until the election and qualification of a senator can be made.

SEC. 3. Every law regulating or in any manner governing elections or the holding of primaries in this State shall be held to apply to each and every election or nomination of a candidate for a United States Senator so long as they are not in conflict with the Constitution of the United States or of any law or statute enacted by the Congress of the United States regulating the election of United States Senators or the provisions of this act.

The returns from any election held for United States Senator shall be made, the result ascertained and declared, a certificate of election issued, as is provided for the election of representatives in Congress, by Chapter 7, Title 49, Revised Civil Statutes of 1911.

SEC. 4. The name of no candidate for United States Senator shall be placed upon the official ballot of any party or of any organization as the nominee of said party or organization for said office unless said candidate has been duly nominated and selected as herein provided.

SEC. 5. Each and every party desiring to nominate a candidate for United States Senator shall, if such election is to be held on the first Tuesday after the first Monday in November of any year, nominate or select such candidate or candidates for United States Senator at a general primary election to be held throughout the State on the fourth Saturday in July next preceding such election for United States Senator.

SEC. 6. At each and every primary election held in this State for the nomination of a candidate for United States Senator, each and every provision of the laws of this State which has for its object the protection of the ballot and the safeguarding of the public against fraudulent voting, illegal methods, undue influence, corrupt practices, and in fact each and every restriction of whatever kind or character or nature as applied to any election held in this State whether general, special or primary shall be held to apply to a primary election held for or when a candidate for United States Senator is to be nominated when not in conflict with the provisions of this act. And the violation of any such provisions or restrictions at any such primary election shall be punished in the same manner as prescribed by law for the violation of any election law whether general, special or primary.

SEC. 7. When the law with reference to holding senatorial primaries is silent the election officers in securing supplies, in conducting the election and in making returns and in canvassing the votes shall in every particular follow the methods provided by law covering primary elections or general elections held for the purpose of electing or nominating State, district, county, and precinct offices.

SEC. 8. Any person affiliating with any political party who desires his name to appear on the general official primary ballot of said party as a candidate for the nomination of such party for United States

Senator shall file with the State chairman of said party not later than the first Monday in June preceding such general primary his written request that his name shall be placed on the official ballot of said party as a candidate at the aforesaid general primary for the nomination as a candidate for United States Senator before the party with which he affiliates.

SEC. 9. Any person who is thirty years of age or over, and who has been for nine years a citizen of the United States and is a bona fide inhabitant of the State who desires his name to appear on the official ballot at any primary election as a candidate for the nomination of said party as a candidate for United States Senator shall address his application to the State chairman of the party with which he affiliates and shall set forth in said application: (1) That he is a candidate for the nomination of his party as a candidate for United States Senator. (2) His age. (3) His occupation. (4) The county of his residence. (5) His postoffice address. (6) That he is a member in good faith of the political party upon whose ballot he wishes his name to appear and that if he voted at the preceding election he voted for the nominees of said party. (7) That he will, during his term of office, if elected, endeavor to truly respect the wishes of his constituency and to abide by and support such measures as may be endorsed by the primary voters of his party in this State as declared by their vote at a primary election.

Said application to be signed by the candidate and properly acknowledged before some person authorized to take acknowledgments. And also twenty-five (25) qualified voters may likewise join in a request that the name of any person affiliating with such party be placed upon the official ballot as a candidate for United States Senator, giving the occupation, county of residence and postoffice address of such person, signing and acknowledging same as above provided, and may file the same with the State chairman on or prior to the date above mentioned with the same effect as if such request had been filed by the party named therein as a candidate for such nomination. All petitions or requests filed by twenty-five voters, as provided herein, shall be endorsed by the person, in whose favor the request is made, showing his willingness to qualify for the position, if elected. All requests, whether made by the candidate or by petition, shall be considered filed with the State chairman when they are sent from any point within the United States by registered mail, on or before the date mentioned, addressed to the State chairman at his postoffice address.

SEC. 10. No person shall be declared the nominee of any political party for United States Senator unless he has complied with every requirement of this act and all other laws applicable hereto and has received a majority of all the votes cast at said primary election for all the candidates of that party for United States Senator. If at the first primary election no candidate receives a majority of the vote polled by his party for all the candidates for United States Senator before said party, the State executive committee or State chairman thereof shall call a second primary election for the purpose of determining the choice of the party as between the two candidates receiving the largest number of votes at the first primary election. Said second primary shall be held on the fourth Saturday in August, immediately after the first primary

is held. At such second primary, only the two candidates in each party receiving the highest votes shall be voted upon.

SEC. 11. No person shall be entitled to a position on the official ballot at any general or special election held to select a United States Senator, who shall have spent in the campaign preceding the nomination, more than \$5000, or who shall have failed or refused to comply with any provision of the law regulating the collection and disbursement of funds preceding election. Should the nomination of any candidate for United States Senator be contested, the same shall be conducted under the provision of the law regulating contests before party election committees or the courts for State offices.

Provided, that where there is a second primary, each candidate for United States Senator may expend in his own behalf, under the regulations prescribed by this act, an additional \$1000.

SEC. 12. The following provisions shall be held to apply to all primaries and elections for United States Senator whether special or general.

SEC. 13. No person shall receive or accept any money, property or other thing of value, or any promise or pledge thereof, constituting a disbursement made for political purposes contrary to law.

SEC. 14. In any prosecution for the violation of this provision it shall be a defense if the accused person shall prove that he had neither knowledge that such disbursements constituted a disbursement made for political purposes contrary to law, nor any reasonable cause to believe that it constituted such disbursement.

SEC. 15. No candidate for United States Senator shall make any disbursement for political purposes except under his personal direction, which for every purpose shall be considered his act, through a party committee, or through a personal committee, whose authority to act shall be filed, as provided by this act.

SEC. 16. Any candidate for United States Senator may select a personal campaign committee to consist of one or more persons, but before any personal campaign committee shall make any disbursement in behalf of any candidate, or shall incur any obligation, express or implied, to make any disbursement in his behalf, it shall file with the Secretary of State a written statement, signed by such candidate for United States Senator setting forth that such personal campaign committee has been appointed and giving the name and address of each member thereof, and the name and address of the secretary thereof. If such campaign committee consists of only one person, such person shall be deemed the secretary thereof. Any candidate for United States Senator may revoke the selection of any member of such personal campaign committee by a revocation in writing which, with proof of personal service on the member whose selection is so revoked, shall be filed with the officer with whom the appointment was filed. Such candidate may fill the vacancy thus created in the manner in which an original appointment is made. The acts of every member of such personal campaign committee will be presumed to be with the knowledge and approval of the candidate until it has been clearly proved that the candidate did not have knowledge of and approved the same, and that in the exercise of reasonable care and diligence, he could not have had knowledge of or any opportunity to disapprove the same.

SEC. 17. No person or group of persons, other than a candidate or his personal campaign committee or a party committee, shall in an election for a United States Senator or nomination of a candidate for United States Senator make any disbursement for political purposes otherwise than through a personal campaign committee or a party committee, except that expenses incurred for rent of hall or other room for public speaking, for printing, for postage, for advertising, for distributing printed matter, for clerical assistance and for hotel and traveling expenses solely in connection with a public speaking engagement, may be contributed and paid by a person or group of persons residing within the county where such expenses are incurred, but not otherwise.

SEC. 18. No candidate for the nomination or election for United States Senator shall make any disbursements for political purposes except:

(1) For his personal hotel and traveling expenses and for postage, telegraph and telephone expenses.

(2) For payments which he may make to the State pursuant to law.

(3) For contributions to his duly registered campaign committee.

(4) For contribution to his party committee.

(5) For other purposes enumerated by law when such candidate has no personal campaign committee, but not otherwise.

(6) After the primary, no candidate for United States Senator for election shall make any disbursement in behalf of his candidacy, except contributions to his party committee, for his own actual necessary personal traveling expenses, and for postage, telegraph and telephone expenses.

SEC. 19. No party committee nor personal campaign committee shall make any disbursements except:

(1) For maintenance of headquarters and for hall rentals, incident to the holding of public meetings.

(2) For necessary stationery, postage and clerical assistance to be employed for the candidate at his headquarters or at the headquarters of the personal campaign committee, or party committee incident to the writing, addressing and mailing of letters and campaign literature.

(3) For necessary expenses incident to the furnishing and printing of badges, banners, and other insignia, to the printing and posting of hand bills, posters, lithographs and other campaign literature and the distribution thereof through the mails or otherwise.

(4) For campaign advertising in newspapers, periodicals or magazines, as provided by law.

(5) For actual and necessary personal expenses of public speaking.

(6) For traveling expenses of members of party committees or personal campaign committees. Nothing herein shall be construed as authorizing the employment on a salary or any other reward, any campaign manager, booster or political organizer.

SEC. 20. Every person who shall have any bill, charge or claim upon or against any personal campaign committee, any party committee or any candidate for United States Senator for any disbursement made, services rendered, or thing of value furnished, for political purposes or incurred in any manner in relation to any primary or election for United States Senator, shall render in writing to such committee or candidate, such bill, charge or claim within ten days after the day of election or

primary in connection with which such bill, charge or claim was incurred. No candidate for United States Senator and no personal campaign or party committee shall pay any bill, charge or claim so incurred prior to any primary or election which is not so presented within ten days after such primary or election.

SEC. 21. Every candidate for United States Senator and the secretary of every party committee shall on the second Saturday occurring after such candidate for United States Senator or committee has first made a disbursement or first incurred any obligation, express or implied, to make a disbursement for political purposes, and thereafter, on the second Saturday of each calendar month, until all disbursements shall have been accounted for, and also on the Saturday preceding any election or primary, file a financial statement verified upon the oath of such candidate for United States Senator or upon the oath of the secretary of such committee, as the case may be, which statement shall cover all transactions not accounted for and reported upon in statements theretofore filed. Each statement after the first shall contain a summary of all preceding statements, and summarize all items theretofore reported under the provisions of each subdivision of this act in a separate total and shall state the sum and total of all disbursements up to date of the report. On or before the second Saturday after the election, a final statement shall be filed by said candidate for United States Senator and the secretary of every personal campaign committee, and the secretary of every party committee, which said statement shall include all former statements and be as full and complete as that required for the statements required to be made on the last Saturday before the election and required by this act.

SEC. 22. The statement of every candidate for United States Senator and the statement of his personal campaign committee shall be filed with the county clerk of the county where such candidate resides and with the Secretary of State.

SEC. 23. Each statement shall give in full detail:

(1) Every sum of money and all property, and every other thing of value received by such candidate or committee during such period from any source whatsoever which he uses or has used, or is at liberty to use for political purposes, together with the name of every person from which same was received, the specific purposes for which it was received, and the date when each was received, together with the total amount received from all sources in any amounts or manner whatsoever.

(2) Every promise or pledge of money, property or other thing of value received by such candidate or committee during such period, the proceeds of which he uses or has used or is at liberty to use for political purposes, together with the names of the person by whom each was promised or pledged, and the date when each was so promised or pledged together with the total amounts promised or pledged from all sources in any amount or manner whatsoever.

(3) Every disbursement made by such candidate or committee for political purposes during such period, together with the name of every person to whom the disbursement is made, the specific purpose for which each was made, and the date when each was made, together with the total amount of disbursements made in any amounts or manner whatsoever.

(4) Every obligation, express or implied, to make any disbursement incurred by such candidate or committee for political purposes during such period, together with the names of the person or persons to or with whom each such obligation has been incurred, the specific purpose for which each was made, and the date when each was incurred, together with the total amount of such obligations made in any amounts or manner whatsoever.

SEC. 24. Each and every person who shall receive any payment directly or indirectly, for political purposes in a campaign before a primary or general election for United States Senator whether as salary or as expenses, shall within thirty days after such payment has been made, or such payment has been promised, make a sworn statement showing in detail said payment or promised payments, by who made, what services were rendered for same. This statement shall be filed with the Secretary of State. Any person who comes within the provisions of this section and fails to make the statements herein, shall upon conviction be confined in the county jail for not less than ten nor more than thirty days.

SEC. 25. Blanks for all statements required by law shall be prepared by the Secretary of State and copies thereof, together with a copy of this act, shall be furnished by the Secretary of State to the secretary of every personal campaign committee and to the secretary of every party committee, and to every candidate for United States Senator upon the filing of nomination papers, and all other persons required by law to file such statements who may apply therefor.

SEC. 26. The name of no candidate for United States Senator chosen at a primary election or otherwise, shall be printed on the official ballot for the ensuing election, unless there has been filed by or on behalf of said candidate and by his personal campaign committee, if any, the statements of accounts and expenses relating to the nominations of candidates for United States Senator required by this act.

SEC. 27. Every person other than a candidate or a personal campaign committee or party committee, who shall within any twelve months before or after any election for United States Senator make any disbursements for any political purposes relating to the election or nomination of a candidate for United States Senator exceeding in the aggregate, twenty-five (\$25) dollars in amount and value, shall file within forty-eight hours after making any disbursements, causing the aggregate of such disbursements to reach such amount, a sworn statement thereof with the clerk of the county wherein he resides. (2) Such statements shall give in full detail, with date, every item of money, property or other thing of value constituting any part of such disbursement, the exact means by which and the manner in which each such disbursement is made, and the name and address of every person to whom each was made, and the specific purpose for which each was made.

SEC. 28. No disbursement shall be made and no obligation, express or implied, to make such disbursement or payment, shall be incurred by or on behalf of any candidate for the nomination for United States Senator which shall be in the aggregate in excess of \$5000, and \$1000 additional when a second primary is necessary. Provided that the expenditures allowed in Section 17 shall not be included in estimating the \$5000, or the additional \$1000 for the second primary.

SEC. 29. Any candidate for United States Senator may delegate to his personal campaign committee, or to any party committee or his party, in writing duly subscribed by him, the expenditure of any portion of the total disbursements which are authorized to be incurred by him or on his behalf, by the provisions of this act, but the total of all disbursements, by himself, by his personal campaign committee in his behalf, by all party committees in his behalf, or otherwise made in his behalf, shall not exceed in the aggregate the amounts in this section, except as provided by law. Provided that the expenditures allowed in Section 17 hereof shall not be included in estimating the total amount.

SEC. 30. Any person other than a candidate for United States Senator and any or all members of any personal campaign committee, or any party committee, who shall fail to do and perform any and all the things required by him or them in reference to the disbursement or collection, or the payment of money, or things of value for political purposes, as defined by this act, shall upon conviction be confined in the county jail not less than thirty nor more than one hundred days, and in addition thereto may be fined in a sum of not less than one hundred, nor more than five hundred dollars.

SEC. 31. Any person (not a candidate) and any and all members of any personal campaign committee or party committee who shall do any of the things forbidden by this act with reference to the payment, collection or disbursement of money or other things of value for political purposes, as defined herein, shall, upon conviction, be confined, in the county jail not less than thirty nor more than one hundred days, and in addition thereto may be fined in a sum of not less than two hundred nor more than five hundred dollars.

SEC. 32. Any candidate for United States Senators who shall fail to do and perform any of the things or acts required of him under the provision of this act relating to the disbursement or collection of money or anything of value for political purposes, shall upon conviction be confined in the county jail for not less than thirty nor more than one hundred days, and in addition thereto, may be fined not less than two hundred, nor more than five hundred dollars, nor shall he be entitled to hold the office for which he may be elected, or if nominated, his name shall not be placed upon the official ballot for the ensuing election.

SEC. 33. If any candidate for United States Senator shall do any of the things or acts forbidden by the provisions of this act with reference to the disbursement or collection of money, or anything or things of value, for political purposes as defined by this act, he shall upon conviction, be confined in the county jail not less than thirty nor more than one hundred days, and in addition thereto may be fined in any sum not less than two hundred, nor more than five hundred dollars, nor shall he be entitled to hold the office for which he may be elected, or if nominated, his name shall not be placed upon the official ballot for the ensuing election.

SEC. 34. At each and every primary held for the nomination of a candidate for United States Senator, the election shall be conducted by the duly appointed and constituted election officers of the several polling places and voting precincts throughout the State who shall be paid as provided by law for holding elections in other cases.

SEC. 35. At each and every primary held for the purpose of nominat-

ing a candidate for United States Senator no person not a qualified elector to vote for United States Senator under the Constitution of the United States shall be permitted to vote and no person shall vote for any candidate for the nomination for United States Senator who does not belong to the same political party with which the voter affiliates and when any voter attempts to vote for any person as a candidate for the nomination for United States Senator, and is challenged, he shall, before being permitted to vote, make an affidavit that he is a bona fide member of said party and if he voted in the preceding general election held for the election of State officials, he voted for the nominees of the party whose ticket he desires to vote. Upon making such an affidavit he shall be permitted to vote.

SEC. 36. Any person who has not been defeated at the primary election preceding the general or special election for United States Senators, desiring to have his name appear upon the official ballot at any general election as a candidate for United States Senator who is not the nominee of any political party or political organization may do so only upon presenting a petition to the Secretary of State signed by at least ten per cent of the qualified voters in the State of Texas as measured by the total vote for Governor at the preceding general election. Said petitioner shall conform in every particular to the requirements of the laws of this State with reference to placing the name of any candidate, other than the nominee of any party upon the official ballot, provided, further, that in no case shall the name of any person be placed upon the official ballot at any general election as a candidate for United States Senator as the nominee of any party unless he has been nominated under the provisions of this act and has complied with every provision of the laws of this State with reference to the nomination of candidates for United States Senators.

SEC. 37. Any person desiring to have his name appear upon the official ballot as a candidate for United States Senator at any special election held for the purpose of filling a vacancy in the United States Senate, when no party primary is held, may do so by presenting his application to the Secretary of State which shall set forth (1) that he is a candidate for United States Senator. (2) His age. (3) His occupation. (4) The county of his residence. (5) His postoffice address. (6) That he is a member in good faith of the political party upon whose ballot he wishes his name to appear that if a voter at the preceding election he voted for the nominees of said party. (7) That he will during the term of his office, if elected, endeavor to truly respect the wishes of his constituency and to abide by and support such measures as may be endorsed by the primary voters of his party, in this State, and that he will use all honorable means at his command to secure the appointment for such applicants for positions in the Federal service as receive a majority of the votes at any primary held by the members of his party to determine their wishes with reference thereto. Said application to be signed by the candidate and properly acknowledged before some person authorized to take acknowledgments. The Secretary of State shall upon receipt of the application which conforms to the above requirements, issue his instruction to the county clerks of this State directing that the name of the applicant shall be printed on the official ballot in the column under the title of the office for which he is a candidate.



SEC. 38. Any candidate who desires his name to appear on the official ballot for a special primary as a candidate for the nomination of such party for the office of United States Senator shall file with the State chairman of his party, not later than fifteen (15) days prior to the date of such primary, his written request that his name be placed upon such official ballot as a candidate for the nomination of United States Senator, giving his age and occupation, the county of his residence and post-office address, which shall be signed by him and acknowledged by him before some officer, and also twenty-five (25) qualified voters may likewise join in a request that the name of any person affiliating with such party be placed upon the official ballot as a candidate for United States Senator, giving the occupation, county of residence and postoffice address of such person, signing and acknowledging same as above provided, and may file the same with the State chairman within the time above mentioned with the same effect as if such request had been filed by the party named therein as a candidate for such nomination. And the chairman and secretary of the State committee shall forthwith cause to be mailed to the chairman and secretary of every county committee of the party in the State the name of such candidate for United States Senator, with instructions that it be placed on the official ballot of such county. All requests shall be considered filed with the State chairman when they are sent from any point within the United States by registered mail, or by telegraph, addressed to the State chairman at his postoffice address. On the first Saturday following such special primary election, the county executive committee of each county in the State, shall meet and canvass the returns of such election, and shall immediately thereafter certify by its chairman and secretary the results of said election and forward same to the State chairman. The State executive committee shall meet at a time not later than fifteen (15) days after the date of said special primary and canvass and tabulate the returns of said election as certified by the county chairman, and the candidate receiving the majority of the numbers of votes cast at such primary shall be the nominee of the party for such office; and the State chairman shall order the name of such candidate placed upon the official ballot of said party. Provided, however, if at the first primary election no candidate receives a majority of the votes polled by his party for all the candidates for United States Senator before said party, the State executive committee or State chairman thereof shall call a second primary election for the purpose of determining the choice of the party as between the two candidates receiving the largest number of votes at the first primary election. Said second primary shall be held on the third Saturday following the first primary, and at such second primary, only the two candidates in each party receiving the two highest votes shall be voted upon.

SEC. 39. When there are two senators to be elected from Texas to the Congress of the United States, each candidate offering his name for election shall designate in his application for a position on the ticket whether in a general or special election or primary, whether he is a candidate for the short term or long term.

[Acts 33rd Leg., 1st C. S., p. 101.]

ELECTIONS, PRIMARY—PROVIDES FOR NOMINATION OF  
PRESIDENT AND VICE-PRESIDENT, ELECTORS  
AND DELEGATES.

SECTION 1. Article 3175a. Provided, that on the fourth Tuesday in May, A. D. 1916, and every four years thereafter, in addition to the candidates heretofore required to be nominated at the regular nominating election, the qualified electors of the political parties of this State shall have the opportunity to vote their first and second preference on their party nominating ballots for their choice of those aspiring to be the candidates of their respective parties for President and Vice-President of the United States, and for the nomination of their party presidential electors and the election of their party delegates to the National convention of the respective political parties of this State. The names of the aspirants in each such party for its nomination to be its nominees for President and Vice-President of the United States; and for presidential electors and the election of said delegates to said National conventions shall be printed on the party nominating ballot and the ballots shall be marked and the votes shall be counted, canvassed and returned under the same regulation of law as the names of the party aspirants for the party nominations for the offices of Governor and Lieutenant-Governor of this State. That said candidates for the nomination of President and Vice-President of the United States shall have their names placed upon said primary ballot at two separate places under the headlines "First Choice" and "Second Choice" to enable the electors participating in said election to vote for their first and second choice for said officers; provided, that aspirants for such presidential nominations need not file any personal petition for placing their names on said political ballot, but that the State chairman of the respective political parties of this State shall certify to each county chairman of the respective political parties of said State, the names and addresses of all candidates of said respective political parties for said offices of President and Vice-President of the United States, such names to be placed upon said official ballot as candidates for said offices.

Every qualified voter participating in said primary shall have the right at such nominating election to vote for two candidates from his respective congressional district for delegates to said National convention and for as many delegates at large to said National convention as may be directed by the State Executive Committee of said political party, and for the nomination of one presidential elector from his respective congressional district. The candidates for President and Vice-President of the United States receiving the highest number of votes cast in said primary election shall be considered the first choice of the adherents of said political party in this State for said office, and the candidates for President and Vice-President of the United States securing the second highest number of votes cast in said primary election shall be considered the second choice of the adherents of such party for said offices. The number of said candidates for delegate equal to the number of said delegates to be elected, and the number of presidential electors to be nominated, receiving respectively each for himself

the highest number of votes for such office or nomination, shall be elected or nominated as the case may be.

Provided the provisions of this act shall be optional with the political parties polling less than 50,000 votes for their candidate for Governor at the last preceding general election. Provided that the expense incurred in holding said precinct primaries shall be paid out of the county treasury of each county in which said primaries are held upon a warrant drawn upon the county treasury by the commissioners court of said county, or said court shall authorize the county clerk of said county to draw said warrant, and said fees shall correspond to the amount now paid election officers for holding general elections in this State, and this shall only apply to primaries for political parties when the candidate for Governor at the last preceding general election polled 50,000 or more votes.

SEC. 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

[Acts 33rd Leg., p. 88.]

## ELECTIONS—PROVIDING MEANS FOR HOLDING AND MAKING RETURNS THEREOF ON CONSTITUTIONAL AMENDMENTS.

SECTION 1. Whenever any proposed amendment to the Constitution of this State is to be voted upon by the qualified voters of this State, either at an election held for that purpose or at any election for the State officers, the county chairman of any organization advocating, and the county chairman of any organization opposing the adoption of such amendment, or if such county chairman fails to act, then three members of the county executive committee of any organization advocating, or three members of the county executive committee opposing the adoption of such constitutional amendment may at any time not less than five days before the election at which such proposed amendment is to be voted upon, nominate one judge, one clerk and one supervisor to serve as judge, clerk and supervisor, respectively, for the voting box for which they are so selected, who shall be qualified voters of the voting precinct or box for which they are chosen, by presenting in writing to the county judge of the county the names of such judges, clerks and supervisors so selected, and such county judge shall appoint the parties nominated to act in such capacities at the respective voting precincts and boxes for which they are respectively selected. Should the county judge fail or refuse to appoint such officers, they shall apply to the officers and judges of the voting precinct or box for which they were respectively nominated, and the manager and judges of such precinct or box shall permit such persons so selected to act in the capacities named.

SEC. 2. The managers or judges of the election so refusing, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100 and not more than \$500, and shall be imprisoned in the county jail for not less than twenty days and not more than sixty days.

SEC. 3. Such judges, clerks and supervisors shall serve in addition

to the election officers provided for by the General Election Laws, and they shall receive the same compensation. Said judges and clerks shall assist in holding and conducting said election, and in receiving and counting the votes cast. Said supervisor shall have the right to watch the conduct of the election, including the counting of the votes, locking and sealing the ballot boxes, their custody and safe return.

SEC. 4. Any supervisor who shall discover any fraud or irregularity in the conduct of an election or in counting the votes or in making returns thereof, within five days after said election, shall file a written report under oath with the county clerk of the county in which he resides, setting out fully any irregularity or fraud or semblance thereof occurring in said voting precinct or box that would in any manner affect the true result of said election in said voting precinct. The clerk of the county court of said county shall keep said report on file in his office and shall permit the same to be inspected upon application by any citizen of this State. It shall be the duty of such supervisor to call the attention of the officers holding such election to any fraud, irregularity or mistake, illegal voting attempted, or legal voting prevented, or other failure to comply with the law governing such election at the time it occurs, if practicable, and if he has knowledge thereof at the time; and he shall not report any matter to which he should have called attention at the time, to which he did not call attention at the time, unless he shows some good and sufficient reason why the same was not called to the attention of such election officers.

SEC. 5. Any manager, judge or clerk of any such election, who shall knowingly make any false return or false certificate of the result of any such election, shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by confinement in the penitentiary for not less than one nor more than five years.

SEC. 5a. Any election officer or supervisor who shall intimidate or attempt to intimidate any voter, or knowingly refuse to allow any qualified voter to vote, or any person who, within one hundred feet of the voting box on election day, shall intimidate or attempt to intimidate any qualified voter from voting, or in any manner by word or act attempt to influence any voter to cast his vote for or against any question provided under this act to be voted upon, shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in any sum not less than \$50 nor more than \$500. Provided, further, that the provisions of this section shall not be construed to prevent the officers of the election from assisting any qualified voter in making out his ticket as is provided for under the General Election Laws.

SEC. 6. Any officer of any county upon whom is placed by law the duty of making and certifying to the Secretary of State returns of any such election, who shall knowingly make or certify to any false certificate or false statement of the result of any such election shall be deemed guilty of a felony, and upon conviction shall be punished by confinement in the penitentiary for not less than one nor more than five years.

SEC. 7. Should any county judge refuse to appoint the officers as provided for and required in Section 1 of this act, upon application to him, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than \$50 nor

more than \$500, and by imprisonment in the county jail for not less than ten days nor more than thirty days, and in addition, such refusal of such county judge shall be grounds for his impeachment and removal from office.

SEC. 8. Within sixty days from the date of any such election upon any proposed amendment to the Constitution, and not thereafter, any citizen of this State who is a qualified voter shall have the right to contest said election by filing his petition in one of the district courts of Travis county, Texas, setting forth fully his grounds for contest, naming the Secretary of State as contestee; and thereupon the district judge, in whose court the contest is filed, shall make an order for the issuance, and the clerk of said court or the judge thereof, shall issue a writ of injunction enjoining the Secretary of State from tabulating, estimating or canvassing the returns of said election and from ascertaining or declaring the result of said election until said contest is finally determined. Citation shall be issued and served upon the Secretary of State as in other civil cases. At the time of filing such petition, contestant shall cause to be published in some daily newspaper published in the State, for not less than ten days before appearance day, a brief notice to all parties interested that such suit has been filed. The Secretary of State shall within twenty days from service of citation file a formal answer, but shall not be liable for any costs. Any qualified citizen or citizens adversely interested in such contest may appear by counsel of their own choosing upon either side of the contest, but opponents of the contest shall have the right to direct and control the pleadings of the Secretary of State and the conduct of the contest upon the part of the contestees; and contestants shall jointly and not severally plead in the cause. The said court shall cause the party contesting the result of said election and the parties adversely interested to form issues and shall as near as may be conform the hearing and determination of such contest to the proceedings usual in courts in contested election cases. The court shall permit contestants to amend their petition, include therein allegations charging fraud, irregularity or mistakes, upon such terms as to the court may seem just, and likewise the contestees shall have the right both to contest the charges made by the contestant and to make counter charges, but the court shall bring the parties to issue with all possible dispatch. Provided, however, that should any contest be filed as herein provided for, that the contestant shall be required to give a good and sufficient bond to be approved by the clerk of the court wherein said contest is filed, conditioned that the said contestant will pay, in the event he is defeated in said contest, all the costs that may be incurred in the trial of said contest, and that he shall not be permitted to file any such contest and give in lieu of the bond herein provided for any affidavit of inability to pay the costs as provided for under the general statutes.

SEC. 9. The said court shall have the power to appoint commissioners to sit at such places as the court may designate for the purpose of hearing testimony, reducing same to writing and reporting same to said court, said court shall also have the power to issue all orders that may be necessary or proper to compel the production before said court or any commissioner appointed by said court, of all ballot boxes and instrumentalities used in connection with said election that may be

necessary or proper to the determination of the issue raised by such contest, and to send by proper process to any county in the State, for the officers of the election or the custodians of ballot boxes for the purpose of aiding in, ascertaining and determining any matter or thing necessary or proper in connection with the trial of said contest.

SEC. 10. The said court may proceed to the trial of said issue raised by said contest after having given the contestants and the contestees full and fair opportunity to produce before said court the evidence pro and con upon such issues. The court may adjourn said hearing from time to time and may, before the final determination of said cause, make such orders and decrees as to the court may seem just and proper, requiring any election officers to make such certificates of the result of such election as in the judgment of the court such officers should have been made in making the returns of such election.

SEC. 11. Upon the trial of said cause, the court shall have full power and authority to hear and determine all matters and things necessary or proper to the determination of the question whether a majority of the legal votes cast in said election, either in favor or against said proposed amendment, including the manner of holding the election, any frauds or irregularities in the conduct thereof, or in the making of the returns thereof illegal votes cast at said election or legal votes prevented from being cast, false calculations, certificates or returns, and to exercise all powers of the court, both in law or in equity, in order to fully inquire into and ascertain the true and correct result of such election, free from any fraud, irregularity or mistake.

SEC. 12. The said court shall have full power and authority when the result of such election in any voting precinct box shall have been ascertained and determined, to order and compel the proper officers thereof to make true and correct returns of such election in such voting box as finally determined by said court, to the proper officers of such county; and when the result in any county shall have been ascertained and determined by said court, to order and compel the proper returning officers of such county to make true and correct returns of the result of said election in said county as to said amendment as ascertained by said court to the Secretary of State, and to order the Secretary of State to make his returns, tabulations, canvassings, countings and certificates in accordance with the result of such election as finally ascertained and determined by the court.

SEC. 13. The provisions of this act are cumulative and not exclusive of the powers, rights and authority vested in the district courts of Texas.

SEC. 14. The said contest shall have precedence in said court over all causes pending therein, and upon final disposition thereof an appeal may be taken by either party as in other civil cases; and such appeal or writ of error or motion for rehearing shall have precedence over all other causes pending in the appellate courts to which the appeal or writ of error is taken, except such cases as may be entitled to precedence over said cause by virtue of some provision of the Constitution of this State. Upon final judgement (judgment) in said appellate court, it shall be the duty of said appellate court to enter a decree ordering and directing the Secretary of State to declare the true result of said election as judicially determined and ascertained by said court, and the

Secretary of State shall make his tabulations, canvassings and certificates of the results of such election in accordance with the final judgement (judgment) of said court, and said amendment shall be adopted or rejected in accordance with the final result of said election as finally determined by the judgement (judgment) of said court.

SEC. 15. The result of said contest shall finally settle all questions relating to the validity of said election, and it shall not be permissible to again call the legality of said election in question in any other suit or proceeding, and if no contest of said election is filed and prosecuted in the manner and within the time herein provided for, it shall be conclusively presumed that said election as held and the result thereof as declared are in all respects valid and binding upon all courts, provided, that pending such contest the enforcement of all laws in relation to the subject matter of such contest shall not be suspended, but shall remain in full force and effect, and all laws and parts of laws in conflict herewith are hereby repealed.

SEC. 16. This law shall not repeal any existing statute with reference to the conducting of elections, but shall be cumulative thereof.

[Acts 33rd Leg., p. 144.]

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