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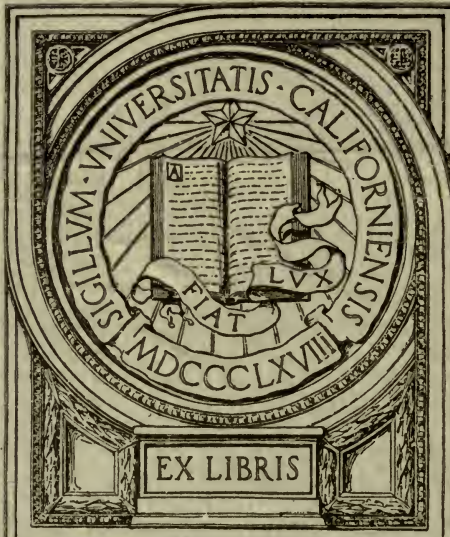
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. A LAW

RELATING TO

Primary Elections

ILLINOIS

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IN FORCE JULY 1, 1906

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TO THE  
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PRIMARY ELECTIONS.

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| <p>§ 1. What candidates shall be nominated at primaries—exemptions—political party defined.</p> <p>§ 2. Delegate districts—how formed.</p> <p>§ 3. Delegate districts—further provisions.</p> <p>§ 4. Date of primaries—opening and closing of polls—privileges of voters.</p> <p>§ 5. State, senatorial and congressional conventions—calls for—number of delegates—duties of committees.</p> <p>§ 6. Notice of primary—duty of county clerks and election judges.</p> <p>§ 7. Election judges and clerks are primary judges and clerks—vacancies—liabilities.</p> <p>§ 8. Challengers provided for.</p> <p>§ 9. Polling places and polling booths—regulations concerning.</p> <p>§ 10. Ballot boxes, poll books, etc., to be supplied by county clerks.</p> <p>§ 11. Poll book—form prescribed.</p> <p>§ 12. Tally sheet—form prescribed.</p> <p>§ 13. U. S. Senator—duty of candidate.</p> <p>§ 14. State officers—duty of candidates.</p> <p>§ 15. Representative in Congress—State Board of Equalization—duty of candidates.</p> <p>§ 16. General Assembly—duty of candidates.</p> <p>§ 17. County officers—duties of candidates.</p> <p>§ 18. Petition—form prescribed—petitions now on file.</p> <p>§ 19. Petitions—duty of Secretary of State.</p> <p>§ 20. Ballots—"official primary ballot"—"delegate ballot."</p> <p>§ 21. Ballots—how provided—sample ballots.</p> <p>§ 22. Ballots—what names shall appear on.</p> <p>§ 23. Ballot—size, color, etc., regulated.</p> <p>§ 24. Ballot—form prescribed.</p> <p>§ 25. Endorsements prescribed.</p> <p>§ 26. Ballots—county clerks shall deliver to primary judges.</p> <p>§ 27. Ballots—delivery and receipt.</p> <p>§ 28. Ballots—surplus for emergency.</p> <p>§ 29. Delegate ballot—form prescribed.</p> <p>§ 30. Delegate ballots—duty of judges.</p> <p>§ 31. Opening and closing polls—proclamation.</p> <p>§ 32. Ballot box—regulation concerning.</p> | <p>§ 33. Qualification of voters.</p> <p>§ 34. Duties of voters.</p> <p>§ 35. Affidavit of challenged voter—form prescribed.</p> <p>§ 36. Ballot—how prepared.</p> <p>§ 37. Ballot—how voted.</p> <p>§ 38. Voter may receive assistance.</p> <p>§ 39. Adjournment and recess prohibited.</p> <p>§ 40. Canvass shall be at polling place.</p> <p>§ 41. Canvass—defective ballots—return of unused ballots—record.</p> <p>§ 42. Canvass—further provisions.</p> <p>§ 43. Canvass—how conducted.</p> <p>§ 44. Canvass—tally sheets and poll books—how made up.</p> <p>§ 45. Ballots—defective and objected to—how disposed of.</p> <p>§ 46. Poll books—how disposed of.</p> <p>§ 47. Return to county clerks—duty of county clerks—certificate to delegates—form prescribed.</p> <p>§ 48. Canvassing board—how constituted—duties prescribed.</p> <p>§ 49. Canvassing board—further duties prescribed.</p> <p>§ 50. Plurality vote for candidate—effect of—majority vote of delegates in convention.</p> <p>§ 51. State canvassing board—Secretary of State—duties prescribed.</p> <p>§ 52. Expenses of primaries—how met—pay of judges and clerks fixed.</p> <p>§ 53. Conventions, county, senatorial, congressional and State—dates fixed.</p> <p>§ 54. Conventions—chairman—other officers.</p> <p>§ 55. Conventions—delegates—vacancies.</p> <p>§ 56. Proxies prohibited.</p> <p>§ 57. Nomination certificates—form—filing.</p> <p>§ 58. Vacancies provided for.</p> <p>§ 59. Vacancy in office—special elections.</p> <p>§ 60. Contests regulated.</p> <p>§ 61. Offenses enumerated and penalties fixed.</p> <p>§ 62. Evidence in prosecutions and contests—duty of custodians of ballots, etc.</p> <p>§ 63. Irregularities no defense in prosecutions.</p> <p>§ 64. Repeal.</p> |
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AN ACT to provide for the holding and the regulation of primary elections of delegates to nominating conventions, for the holding of such conventions, filling vacancies and fixing penalties for the violation of the provisions thereof.

SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly:* That hereafter the nominations of all candidates for all elective State and county offices, clerks of the Appellate Courts, Representatives in Congress, Members of the State Board of Equalization, Members of the General Assembly, Sanitary District Trustees, and such municipal officers as are to be elected at the November election, by all political parties, shall be made by conventions of delegates to be elected by means of a primary

election under the provisions of this act. This act shall not apply to the nomination of candidates for county commissioners in counties not under township organization and township officers. The title "political party" shall mean a party which at the last preceding presidential election, cast for its candidate for presidential elector receiving the highest number of votes at least two per cent of the total vote cast at said election.

Section 2. The County Central Committee of each political party shall designate and establish delegate districts in their respective counties on or before the third day of July, A. D. 1906, and on or before the first day of March, A. D. 1909, and every four years thereafter. Such delegate district shall consist of not more than seven (7) contiguous election precincts or election districts in as compact a form as possible, as now established or that may hereafter be established for the purpose of a general election, and shall contain, as near as may be, and not exceeding eight hundred (800) voters of any one political party, for the purpose of electing delegates to a State, Congressional, Senatorial, County or Sanitary District, and a Municipal Convention for the nomination of such municipal officers as are to be elected at the November election.

Section 3. No delegate district for the election of delegates to any County Convention shall consist of a larger area than one political town as now organized by law, or of a larger area than a Congressional township in counties not under township organization. Separate delegate districts may be established for the purpose of selecting delegates to county conventions, making such delegate districts as nearly equal as practicable, having in view the number of party voters in such districts.

Section 4. Primary elections under this act shall be held in each delegate district at the regularly established polling places in the various precincts for holding general elections on the first Saturday in August, A. D. 1906, and on the last Saturday in April, A. D. 1908, and every two years thereafter. The polls shall open and close at the same hours as provided in the general election laws for the opening and closing of the polls at general elections. Any person entitled to vote at such primary elections shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed for a period of two hours between the time of opening and closing the polls, and such voter shall not, because of so absenting himself, be liable to any penalty nor shall any deduction be made, on account of such absence, from his usual salary or wages: *Provided, however,* that application for such leave of absence shall be made prior to the day of the primary. The employer may specify the hours during which said employe may absent himself.

Section 5. At least thirty-three days before a primary election the State, Congressional, and Senatorial committee, respectively, of each political party shall file in the office of the county clerk of the county within which the primary is to be held, or with the Board of Election Commissioners, a call for the State, Congressional, and Senatorial conventions. Said call shall state among other things, the time and place of holding the State, Congressional, and Senatorial conventions, respectively, the total number of delegates which shall compose each of said conventions, and the call for the State convention shall state the number of delegates that each county is entitled to in the State convention; and the call for the Congressional and Senatorial conventions shall state, among other things, the number of delegates to which each county, or political sub-division of any county, as the case may be, is entitled to in the respective Congressional and Senatorial convention; and the call for the County convention shall be filed in the office of the county clerk of the county within which the primary is to be held, or with the Board of Election Commissioners, at least thirty (30) days before a primary election, said call shall also state, among other things, the number of delegates that each delegate district is entitled to in the State, Congressional, Senatorial, County, Sanitary District, Municipal convention for the nomination of such municipal officers as are to be elected at the November election, respectively, which said calls shall each be signed by the chairman and attested by



the secretary of the respective committees. The number of delegates from each of the several delegate districts shall be apportioned equally to the number of votes of such political party in each such district as shown by the last preceding presidential election returns. In case there shall be in any Congressional or Senatorial district, or in any county, more than one committee claiming to be the regular central committee of such district or county, then, and in that case, the central committee selected by the convention, whose candidates were placed on the official ballot in 1904, shall be recognized as the central committee authorized to make the call under this act in the year 1906.

Section 6. At least five days before each primary election, the county clerk of each county, or where there is a board of election commissioners, such board shall prepare a printed, or partly printed and partly written notice of such primary election for each delegate district in such county, which notice shall state the name of the political party calling the primary, the time and places of holding the primary election, the hours during which the polls shall be open, the various conventions to compose which delegates are to be chosen at such primary election, and shall also mail two copies of such notice to each primary election judge, duly addressed to his residence or place of business. It shall be the duty of each primary election judge to post both of said notices in a public and conspicuous place in his election precinct at least three days prior to such primary election.

Section 7. The judges and clerks of the general election in each election precinct, or election district, as the case may be, shall be and are hereby constituted judges and clerks of all primary elections in their respective precincts; no more than two of such judges and clerks, and where there is a board of election commissioners, no more than one such clerk, shall be affiliated with the same political party. If at the time for the opening of a primary election, one or two of the primary judges or clerks are absent or refuse to act, the judge or judges present, as the case may be, shall appoint some qualified primary elector or electors in such precinct of the same political parties, to fill such vacancy or vacancies. If all of the judges be absent or refuse to act the primary electors present, residing in the election precinct shall elect three of their number to act as such primary judges. The persons so elected must be of the same political party and of like number, as those persons whose places they are selected to fill. The judges and clerks so selected and appointed, shall have the same powers, perform the same duties, and be subject to the same penalties as regularly constituted primary election judges and clerks.

All persons actually serving as judges and clerks at any primary election, whether sworn in or not, shall be deemed to be, and are hereby declared to be, officers of the county court of the respective county; and such persons shall be liable to punishment by such court in a proceeding for contempt for any misbehavior as such judge or clerk, to be tried in open court on oral testimony, in a summary manner, without written pleadings; but such trial or punishment for contempt of court shall not be any bar to any criminal proceedings against such primary judges or clerks for any violation of this Act.

Section 8. The judges of election shall permit each different ticket of delegates to be represented by a challenger, chosen by a majority of those named for delegates on such ticket. Such challengers shall be protected in the discharge of their duties by the judges of such primary election and peace officers; and shall be permitted to remain within the polling place in such position as will enable them to see each person as he offers his vote, and said challenger may remain within the polling place throughout the canvass of the vote, and until the returns are signed. All challengers shall be qualified electors in their respective precincts, and shall have the same powers as challengers at general elections.

Section 9. All officers upon whom is imposed by law the duty of designating and providing polling places for general elections shall provide in each such polling place so designated and provided, a sufficient number of booths

for such primary election; which booths shall be provided with shelves, such supplies and pencils as will enable the voter to prepare his ballot for voting and in which voters may prepare their ballots screened from all observation as to the manner in which they do so; and the guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot box and of such voting booths. The arrangement shall be such that the voting booths can only be reached by passing within said guard rail. Such booths shall be within plain view of the election officers, and both they and the ballot boxes shall be within plain view of those outside the guard rail. No person other than the election officers and the challengers allowed by law, and those admitted for the purpose of voting as hereinafter provided, shall be permitted within the guard rail, except by authority of the election officers to keep order and enforce the law. The number of such voting booths shall not be less than one to every seventy-five voters or fraction thereof who voted at the last preceding election in the precinct or election district.

Section 10. The County Clerk of each county, or the Board of Election Commissioners, as the case may be, shall prepare and deliver to the judges of each election precinct or election district, one regular election ballot box, two lists of registered voters, wherever such lists are printed, and two registry poll books for such precinct or district, also sufficient poll books, tally sheets, blank affidavits, oaths, statement of votes, and all other blanks, papers and supplies necessary to carry out the provisions of this Act.

Section 11. The registry poll books shall be substantially in the following form:

#### REGISTRY POLL BOOK.

Of a primary election to be held in the ..... Precinct or election district in the ..... delegate district of the ..... of ..... County of ..... on the ..... day of ..... A. D. ....

Number of votes	Name of voter	Residence Street and Number	Party Affiliation.			
			Republican	Democrat	Prohibitionist	Socialist
1	John Jones		X			
2	Richard Smith			X		
3	John Doe				X	
4	Richard Roe					X
5	Chas. Lee					X

This is to certify that the above and foregoing is a correct list of primary voters at a primary election held on the ..... day of ..... A. D. ...., in the ..... precinct or election district, in the ..... delegate district ..... of ..... county of ..... and State of Illinois. That at said primary election the undersigned judges and clerks served as required by law and are entitled to pay therefor.

Dated....., 190...

.....  
 .....  
 .....  
 .....  
 Clerks of Primary Election.

.....  
 .....  
 .....  
 .....  
 Judges of Primary Elections



Said registry poll books shall otherwise be in form and shall contain the same certifications as nearly as may be as the poll books used in the regular election; and shall be signed and attested in the same manner, as nearly as may be, as poll books used for the purposes of regular election.

Section 12. The tally sheets for each political party participating in the primary election shall be substantially in the following form:

"Tally sheets for ..... (Name of political party) for the ..... precinct or election district, in the ..... delegate district, in the ..... of ..... county of ..... for a primary election held on the ..... day of ..... A. D. 19...."

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

Section 13. Any member of a political party desiring or intending to become a candidate for the office of United States Senator shall have his name printed upon the official primary ballot of his party in each delegate district by filing in the office of the Secretary of State not less than thirty days before the date of the primary election a request in writing therefor, and the Secretary of State shall, not less than twenty-five days prior to the date of the primary election, certify to the county clerk of each county, and Board of Election Commissioners, where such board exists, the names of all candidates for United States Senator, stating in such certificate the political affiliation of such candidate. The vote upon candidates for United States Senator shall be had for the sole purpose of ascertaining the sentiment of the voters in the respective parties.

Section 14. Any candidate for nomination for an elective State office, except Trustees of the State University, shall have his name printed upon the official primary ballot: *Provided*, at least thirty (30) days prior to the date fixed by law for the primary election, he shall file a petition in the office of the Secretary of State, signed by at least 1,000 qualified primary electors of his party.

Section 15. Any candidate for nomination for Representative in Congress, or for member of the State Board of Equalization, shall have his name printed upon the official primary ballot: *Provided*, at least thirty (30) days prior to the date fixed by law for the primary election, he shall file in the office of the Secretary of State a petition signed by at least two (2) per cent of the qualified primary electors of his party in his congressional district.

Section 16. Any candidate for nomination for member of the General Assembly shall have his name printed upon the official primary ballot: *Provided*, at least thirty (30) days prior to the date fixed by law for the primary election, he shall file in the office of the Secretary of State a petition signed by at least two (2) per cent of the qualified primary electors of his party in his senatorial district.

Section 17. Any candidate for county judge, county clerk, judge of the probate court, clerk of the probate court, clerk of the circuit court, recorder of deeds, county treasurer, county superintendent of schools, county surveyor, sheriff, coroner and State's attorney, shall have his name printed upon the official primary ballot: *Provided*, at least thirty (30) days prior to the date fixed by law for the primary election he shall file in the office of the county clerk of his county a petition signed by at least two (2) per cent of the qualified primary electors of his party in his county.

Section 18. All petitions required under this Act shall consist of sheets of uniform size, and each sheet shall contain above the space for signatures an appropriate heading giving the information as to name of candidate or candidates, in whose behalf such petition is signed; the office, the political party represented, place of residence, and such other information or wording as required to make same valid; and the heading of each sheet shall be the same. Such petitions shall be signed by qualified voters in their own proper persons only, and opposite the signature of each signer his residence address shall be written (and if a resident of a city having a population of over 10,000, by the then last preceding federal census, the street number of such residence shall be given.) No signature shall be valid or be counted in considering the

validity or sufficiency of such petition unless the requirements of this section are complied with, except as herein otherwise provided. At the bottom of each sheet of such petition shall be added a statement, signed by an adult resident of the political division for which the candidate is seeking a nomination, stating his residence address (and if a resident of a city having a population of over 10,000 by the then last preceding federal census, also stating the street and number of such residence,) certifying that the signatures on that sheet of said petition were signed in his presence, and are genuine; and that to the best of his knowledge and belief the persons so signing were at the time of signing said petition qualified voters of the political party for which a nomination is sought, and in cities, villages and incorporated towns in which voters are or may be required to be registered as a condition precedent to the right to vote at general elections; then only such registered voters shall be qualified to sign any such petition or petitions. Such statement shall be sworn to before some officer of the county in which the person making such statement resides, authorized to administer oaths therein. Such sheets, being filed, shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together, end to end, so as to form a continuous strip or roll. Said petition, when filed, shall not be withdrawn or added to, and no signatures shall be revoked except by revocation filed in writing with the clerk or other proper officer with whom the petition is required to be filed, and before the filing of such petition. Whoever, in making the sworn statement, above prescribed, shall knowingly, wilfully and corruptly swear falsely, shall be deemed guilty of perjury, and on conviction thereof shall be punished accordingly. Whoever forges any name of a signer upon any petition required by this Act, shall be deemed guilty of a forgery, and on conviction thereof shall be punished accordingly.

If, prior to the taking effect of this Act, any candidate for the nomination for any office for which petitions are required to be filed by this Act, and to be filed at the general election to be held on the Tuesday next after the first Monday in November, A. D. 1906, shall have filed petitions with the Secretary of State or with the County Clerk of any of the counties of the State, the same shall be deemed and held to be good and valid, and a sufficient compliance with the requirements of this Act.

Petitions of candidates for nomination for offices herein specified, to be filed with the same officer, may contain the names of two or more candidates of the same political party for the same or different offices, and shall be in substantially the following form:

"We, the undersigned, members of and affiliated with the ..... party and qualified electors of said ..... party, in the county of ..... and State of Illinois, do hereby petition that the following named person or persons shall be a candidate or candidates of the ..... party for the nomination for the office or offices hereinafter specified, to be voted for at the primary election to be held on the ..... day of ..... A. D. ....

Name.	Office.	Address.
John Jones	Governor	Belvidere, Illinois.
Thomas Smith	Sheriff	Oakland, Illinois.

Name ..... Address .....  
 State of Illinois, }  
 .....County, } ss.

I, ....., do hereby certify that I am upwards of the age of twenty-one years, that I reside at No. .... street, in the ..... of .....County of ..... and State of Illinois, and that the signatures on this sheet were signed in my presence, and are genuine, and that to



the best of my knowledge and belief the persons so signing were at the time of signing said petition qualified voters, and that their respective residences are correctly stated, as above set forth.

State of Illinois, }  
.....County, } ss.

..... being duly sworn on his oath, deposes and says that the statements made by him in the foregoing certificate by him signed, are true in manner and form as therein stated.

Subscribed and sworn to before me, this ..... day of ..... A. D. 19.....

Section 19. Not less than twenty-five (25) days prior to the date of the primary election, the Secretary of State shall certify to the County Clerks, or Boards of Election Commissioners, as the case may be, of each county, the names of all candidates for United States Senator, and all candidates for the nomination for all State officers, as specified in this Act and in the petitions on file in his office, together with the names of all candidates for the nomination for Representative in Congress, members of the State Board of Equalization and members of the General Assembly which are to be voted for in such county, stating in such certificates the political affiliation of each candidate for the nomination, as specified in said petition.

Section 20. At such primary election the method of voting shall be by ballot. Two forms of ballots shall be used. One form of ballots shall be known and designated as the "Official Primary Ballot," and shall be printed and distributed at public expense, as hereinafter provided. The other form of ballot shall be known and designated as the "Delegate Ballot," and shall be furnished at private expense. No "Delegate Ballot" shall be furnished at public expense.

Section 21. The county clerk of each county, or the Board of Election Commissioners, as the case may be, shall prepare and cause to be printed the "Official Primary Ballot" of each political party for each delegate district in his or their respective county or jurisdiction, and he or they shall also ten (10) days prior to the date of the primary print and freely distribute at public expense a sufficient number of "Sample Ballots" to meet the public demand, the same to be printed on paper of the same color or tint as the "Official Primary Ballot" of the respective party, and printed thereon shall be the words "Sample Ballot," in large capital letters, and no such sample ballot shall be voted or counted at the primary of any political party.

Section 22. It is hereby made the duty of the county clerk or the Board of Election Commissioners, as the case may be, in each county to cause to be printed upon the official primary ballot of each political party for each delegate district in his or their county or jurisdiction, the name of each candidate whose petition has been filed in his or their office, as herein provided; and also the name of each candidate whose name has been certified to his or their office by the Secretary of State.

Section 23. The "Official Primary Ballot" of each political party shall be separately printed upon paper of uniform quality, texture and size, and in black ink; but the "Official Primary Ballot" of no two political parties shall be of the same color or tint within any one county.

The "Delegate Ballot" of each political party shall correspond in color with the "Official Primary Ballot" of such political party. The "Delegate Ballot" of each political party shall be of uniform size and ten and one-half (10½) inches in length and seven (7) inches in width.

The county clerk shall at least thirty (30) days prior to the date of the primary election, post in a conspicuous place in his office an announcement of the color of the primary ballots of the respective parties, and shall also at least thirty days prior thereto publish such announcement for at least one week in at least two newspapers of general circulation in the county.



Section 24. The "Official Primary Ballot" of each political party for each delegate district shall be arranged and printed substantially in the manner following:

1. At the top of the ballot shall be printed in large capital letters words designating the ballot. If a Republican ballot, the designating words shall be "Republican Primary Ballot." If a Democratic ballot, the designating words shall be "Democratic Primary Ballot," and in like manner for each political party.

2. Beginning not less than one inch below the designating words, the name of each office to be filled shall be printed in capital letters, and in the following order, to-wit: United States Senator, Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Instruction, Attorney General, Clerk of the Supreme Court, Clerk of the Appellate Court, Representative in Congress, member of the State Board of Equalization, Members of the General Assembly, and such county officers as are specified in section seventeen of this act. Below the name of each office shall be printed in small letters the directions to the voter, to "Vote for one." Below the name of each office also shall be printed in capital letters the names of all candidates (alphabetically arranged, according to surnames) for the nomination for said office which are entitled to be placed upon the respective party "Official Primary Ballot." The names of all candidates upon the official primary ballot shall be printed in type of uniform size, and the names shall be printed in a column. Immediately in front of and opposite the name of each candidate, shall be printed a square and all squares upon the "Official Primary Ballot" shall be of uniform size. Spaces between the names of candidates under each office shall be uniform, and sufficient spaces shall separate the names of candidates for one office from the names of candidates for another office to avoid confusion. A blank space shall be left under the name of each office, and to the left of said blank space shall be printed a square; that is to say, the primary elector is entitled to vote for one candidate, in which said blank space the primary elector may write the name of the candidate of his choice.

3. That is to say, the official primary ballot shall be prepared, arranged and printed substantially as follows:

..... PRIMARY BALLOT

(Name of party)

of the

.....DELEGATE DISTRICT in the.....  
of ..... County of ....., in  
the State of Illinois.

FOR UNITED STATES SENATOR.

(Vote for one.)

- Clarence O. Blakeslee
- Earl Y. Carr
- .....

FOR GOVERNOR.

(Vote for one.)

- Theodore Gill
- Robert Houston
- .....

FOR LIEUTENANT GOVERNOR.

(Vote for one.)

- Franklin X. Van Keuren
- Hosea N. Wiggs
- Thomas L. Yancey
- .....

FOR SECRETARY OF STATE.

(Vote for one.)

- Harry B. Miller
- Isaac T. Spilman
- .....

FOR AUDITOR OF PUBLIC ACCOUNTS.

(Vote for one.)

- John Grear
- Thomas Jones
- .....

FOR TREASURER.

(Vote for one.)

- William P. Werner
- Harry N. Zwick
- .....

FOR SUPERINTENDENT OF PUBLIC INSTRUCTION.

(Vote for one.)

- Seaburn K. Parker
- Frank R. Porter
- David Wilkinson
- .....

FOR ATTORNEY GENERAL.

(Vote for one.)

- Percy N. Brown
- Robert Forrester
- Howard Kimmel
- .....

FOR CLERK OF THE SUPREME COURT.

(Vote for one.)

- C. E. Teaney
- John B. Winthrop
- .....

FOR CLERK OF THE APPELLATE COURT.

(Vote for one.)

- John Y. Smith
- Orville C. Watkins
- .....

FOR REPRESENTATIVE IN CONGRESS.

(Vote for one.)

- Anthony K. Howell
- William N. Saunders
- .....

FOR MEMBER OF THE STATE BOARD OF EQUALIZATION.

(Vote for one.)

- August Boland
- C. D. Plumlee
- .....

FOR STATE SENATOR.

(Vote for one.)

- Charles O. Rogers
- William K. Sims
- .....

FOR REPRESENTATIVE IN THE GENERAL ASSEMBLY.

(Vote for one.)

- Thomas B. Horn
- James R. Simmons
- .....

FOR COUNTY JUDGE.

(Vote for one.)

- Francis R. Dry
- .....

(And so on for each county office specified in section 17 of this act.)

Section 25. On the back, or outside, of the "Official Primary Ballot" of each delegate district, so as to appear when folded, shall be printed the words "Official Primary Ballot," followed by the designation of said delegate district, the date of the primary election, and a *fac simile* of the signature of the county clerk or of the chief clerk of the Board of Election Commissioners, as the case may be.

Section 26. The county clerk or the Board of Election Commissioners, as the case may be, shall cause to be delivered to the primary judges of each election precinct or election district, not less than twelve hours before the time fixed for the opening of the polls of the primary election, the official primary ballots of each political party; and the number thereof for each political party in each election precinct or election district shall be one hundred ballots for each fifty votes cast in said election precinct or election district by said political party at the last preceding general election.

Section 27. The official primary ballots shall be put up in separate sealed packages, with marks on the outside clearly designating the election precinct or election district for which they are intended, and the number of ballots enclosed for each political party, and a receipt therefor shall be given by the primary judge to whom such ballots are delivered, which receipt shall be filed by the county clerk or Board of Election Commissioners, as the case may be, in his or their office.

Section 28. The county clerk or Board of Election Commissioners, as the case may be, shall provide and retain in his or their office until after the primary election, an ample supply of extra official primary ballots for each political party and for each election precinct or election district, and if at any time before or during the primary election any of the official primary ballots shall be lost, destroyed or exhausted, on written application, signed by such primary judges or any one of them, then said clerk or board shall immediately cause to be delivered to said primary judges such supply of extra official primary ballots as may be required to comply with the provisions of this Act.

Section 29. The "delegate ballot" of each political party shall be arranged substantially as follows:

1. At the top of the ballot shall be printed in large capital letters words designating the ballot. If a Republican ballot, the designating words shall be "Republican delegate ballot." If a Democratic ballot, the designating words shall be "Democratic delegate ballot," and in like manner for each political party. Then shall follow the date of primary, designation of the delegate district and election precincts comprising the same.

2. Beginning not less than one inch below the designating words, the name of the conventions to which delegates are to be chosen shall be printed in capital letters, and in the following order, to-wit: State convention, congressional convention, senatorial convention, county convention, sanitary district convention and municipal convention for the nomination of candidates to be elected at the November election.

3. Below the name of each convention shall be printed in a vertical column the names of the requisite number of delegates to which the delegate district is entitled in each of said conventions, respectively.



4. That is to say, the delegate ballot shall be arranged substantially as follows:

..... DELEGATE BALLOT  
 to be voted at ..... delegate district of the ..... of  
 ..... in county of ..... in the State of Illinois.

FOR DELEGATES TO THE STATE CONVENTION.

John Most  
 Hiram Wheeler

FOR DELEGATES TO THE CONGRESSIONAL CONVENTION.

William Hackney  
 Aaron Langley  
 Eb. Frost  
 Ed. Moore

FOR DELEGATES TO THE SENATORIAL CONVENTION.

Louis Moss  
 Robert Thomas  
 Ralph Hampton  
 Levi Francis  
 Wallace Conn

FOR DELEGATES TO THE SANITARY DISTRICT CONVENTION.

Hezekiah Williams  
 Harrington Clanahan  
 Henry Haines

FOR DELEGATES TO THE MUNICIPAL CONVENTION.

Reginald Stubbles  
 Bruno Arkbauer  
 William McLain

FOR DELEGATES TO THE COUNTY CONVENTION

.....COUNTY DELEGATE DISTRICT.

Taylor Button  
 Jacob Woods  
 Jos. Morris  
 Andrew Redden  
 Patrick O'Brien  
 Benjamin Morley  
 Samuel Harris  
 Albert Kersten

Section 30. The primary judges shall receive from any person or persons, and permit to be freely and equally exposed in separate and orderly piles, within the polling place, near the ballot box, and within reach of the voters, a sufficient supply of each of the various delegate ballots of each political party.

Section 31. Upon the opening of the polls one of the primary election judges shall make proclamation of the same; and at least thirty minutes before the closing of the polls, proclamation shall be made in like manner that the polls will be closed in half an hour.

Section 32. Before voting begins the ballot box shall be emptied, and it shall be opened and shown to those present, to be empty, after which it shall be locked and the key delivered to one of the primary judges, and such ballot box shall not be moved from public view from the time it was shown to be empty until after close of the polls.

Section 33. No person shall vote at any primary election unless he shall be a legally qualified voter, and unless he has resided in the election precinct or election district at least thirty (30) days prior to the date of the primary election, and unless he declares his party affiliation, as required

by this act, and in all cases where registration is required, as a condition precedent to voting at regular elections, only registered voters shall be permitted to vote at such primary election.

And no person shall be allowed to vote at a primary election who shall have signed the petition of a candidate of any party with which he does not affiliate, when such candidate is to be voted for at the primary election.

And no person shall be allowed to vote who shall have signed the nominating petition of an independent candidate for any office for which office candidates are to be voted for at said primary election, or if he shall have voted at the primary election of another political party within the period of one year next preceding such primary election.

Section 34. Any person desiring to vote at a primary election shall state his name, residence and party affiliation to the primary judges, one of whom shall thereupon announce the same in a distinct tone of voice, sufficiently loud to be heard by those present in the polling place. If the person desiring to vote is not challenged, one of the primary judges shall give to him one, and only one, official primary ballot of the political party with which he declares himself affiliated, on the back of which such primary judge shall endorse his initials in such manner as they may be seen when the official primary ballot is properly folded. If the person desiring to vote is challenged, he shall not receive an official primary ballot from the primary judges until he shall have established his right to vote, as hereinafter provided. No person who refuses to state his party affiliation shall be allowed to vote at a primary election.

Section 35. Whenever a person offering to vote at a primary election is challenged, the person so challenged shall make and subscribe an affidavit in the following form, which shall be presented to and retained by the primary judges and clerks, and returned by them with the registry poll books:

State of Illinois, }  
County of ..... } ss.

I, ....., do solemnly swear (or affirm) that I am a citizen of the United States, of the age of twenty-one years or over, and am qualified to vote under and by virtue of the constitution and laws of the State of Illinois, and am a legally qualified voter of this precinct and delegate district; that I now reside at ..... (insert street and number, if any) in this precinct and delegate district, and am a member of and affiliated with the ..... party, and have not voted at a primary election of another political party within a period of one year prior to this date.

Subscribed and sworn to before me this ..... day of ..... A. D. 190.....

.....  
Judge of Election.

In addition to such affidavit the person so challenged shall produce the affidavit of one householder of the election precinct or election district who shall be a qualified voter at such primary election, and who shall be personally known or proved to the judges to be a householder in the election precinct or election district, which affidavit shall be in the following form:

State of Illinois, }  
County of ..... } ss.

I, ....., do solemnly swear (or affirm) that I am a householder of this election precinct or election district and entitled to vote at this primary election, that I am acquainted with ..... (name of the party challenged) whose right to vote at this primary election has been challenged; that I know him to be an actual *bona fide* resident of this election precinct or election district, and that he has resided herein thirty days and I verily believe he has resided in this county ninety days; and in this State

one year next preceding this primary election; that I verily believe he is a member and affiliated with the ..... party.

Subscribed and sworn to before me this ..... day of ..... A. D. 190....

.....  
Judge of Election.

Section 36. On receiving from the judges an official primary ballot of his party, and having a delegate ballot of his party, the voter shall forthwith and without leaving the polling place, retire alone to one of the voting booths and prepare such official primary ballot by making a cross (X) in the square in front of and opposite the name of each candidate of his choice for each office to be filled.

Section 37. Before leaving the booth the voter shall fold his official primary ballot in such manner as to conceal the marks thereon. He shall also, before leaving the booth, fold the delegate ballot to be voted by him in such manner that none of the printed or written matter on the inside thereof shall be visible. Said voter shall then vote forthwith by handing the primary judge the official primary ballot received by such voter and by delivering to the primary judge one, and only one, delegate ballot of the party with which he declares himself affiliated. Such primary judge shall thereupon mark with pencil the initials of his own name on the back of such delegate ballot as it is folded. Thereupon the primary judge shall deposit such official primary ballot and such delegate ballot, in the ballot box. The primary clerk shall thereupon enter in the registry poll books the name of the voter, his residence and his party affiliation.

Section 38. Any primary elector who may declare upon oath that he cannot read the English language, or that by reason of any physical disability he is unable to mark his official primary ballot, shall, upon request, be assisted in marking his official primary ballot in the same manner as provided by the general election laws of this State; and shall also, upon request, be assisted in selecting and preparing his delegate ballot.

Section 39. After the opening of the polls at a primary election, no adjournment shall be had, nor recess taken until all the votes cast at such primary election shall have been counted and canvassed.

Section 40. The votes shall be canvassed in the room or place where the primary election is held and the primary judges shall not allow the ballot box or any of the ballots, or the registry poll books, or any of the tally sheets to be removed or carried away from such room or polling place until the canvass of the votes is completed and the returns carefully enveloped and sealed up. Each of the judges is hereby empowered to administer and certify oaths required during a primary election.

Section 41. If a primary elector marks more names upon any official primary ballot than there are persons to be nominated as candidates for an office, or if, for any reason, it is impossible to determine the primary elector's choice of a candidate for the nomination for an office, his official primary ballot shall not be counted for the nomination for such office.

No official primary ballot or delegate ballot, without the endorsement of the judges' initials thereon, shall be counted. Any judge wilfully omitting to endorse his initials on official primary ballots or delegate ballots, as required by this act, shall be guilty of a misdemeanor and punishable by a fine not exceeding one hundred dollars for each offense.

Official primary ballots not counted shall be marked "defective" on the back thereof; and official primary ballots to which objection has been made by either of the primary judges or challengers shall be marked "objected to" on the back thereof; and a memorandum signed by the primary judges stating how it was counted shall be written upon the back of each official primary ballot so marked, and all official primary ballots marked "defective" or "objected to" shall be inclosed in an envelope and securely sealed, and so marked and endorsed as to clearly disclose its contents.

All official primary ballots not voted, and all that have been spoiled by voters while attempting to vote, shall be returned by the primary judges to



the County Clerk or Board of Election Commissioners and a receipt taken therefor, and shall be preserved three months. Such official shall keep a record of the number of official primary ballots delivered for each polling place, the name of the person to whom and the time when delivered, and he or they shall also enter upon such record the number and character of official primary-ballots returned, with the time when and the persons by whom they are returned.

Section 42. Unless delegate ballots comply substantially with this act in size and color, the same shall be void for all purposes, and shall not be received, deposited or counted by any primary judge at any such primary election; and all delegate ballots not in accordance with the provisions of this act, and which by any mistake may have been deposited in the ballot box shall be void and shall be marked "defective" on the back thereof; but no delegate ballot shall be defective because the primary elector depositing the same has named upon it a less number of delegates than such primary elector is entitled to vote for. If the primary elector votes for more persons than there are delegates to be elected to a certain convention, or if for any reason it is impossible for the primary judges to determine the voter's choice, such delegate ballot, or part thereof, shall not be counted. Delegate ballots not counted shall be marked "defective" on the back thereof and delegate ballots to which objection has been made by either of the primary judges or challengers shall be marked "objected to" on the back thereof, and a memorandum signed by the judges, stating how it was counted, shall be written upon the back of each delegate ballot so marked; and all delegate ballots marked "defective" or "objected to" shall be inclosed in an envelope, securely sealed, and so marked and endorsed as to clearly disclose its contents.

Section 43. Immediately upon closing the polls, the primary judges shall proceed to canvass the votes polled in manner following:

(1) They shall first separate the official primary ballots from the delegate ballots, rejecting all ballots upon which the initials of a primary judge do not appear.

(2) The primary judges shall then proceed to ascertain the number of names entered on the registry poll books under each party affiliation.

(3) If the official primary or delegate ballots of any political party exceed the number of names of voters of such political party entered on the registry poll books, the official primary ballots and the delegate ballots of such political party shall be folded and replaced in the ballot box, each separately, and the box closed and well shaken and again opened; and one of the judges, who shall be blindfolded, shall draw out and destroy so many of the official primary ballots and delegate ballots respectively of such political party as shall be equal to such excess.

(4) The primary judges shall thereupon arrange the official primary ballots and the delegate ballots of each political party in separate piles.

(5) The primary judges shall then proceed to count the official primary ballots of each political party separately; and as the primary judges shall open and read the official primary ballot, each primary clerk shall carefully and correctly mark upon the tally sheets the votes which each candidate of the party whose name is written or printed on the official primary ballot has received in a separate column for that purpose, with the name of such candidate, the name of his political party and the name of the office for which he is a candidate for nomination, at the head of such column.

(6) The primary judges shall then proceed to count the delegate ballots of each political party separately, in accordance with the provisions of an act entitled "An Act to dispense with individual tally marks in canvassing the so-called 'straight ticket' at all elections hereafter held in this State; and concerning the duties of the clerks in the canvass of votes at such election," approved May 13, 1905, in force July 1, 1905.

Section 44. As soon as the ballots of a political party shall have been read, and the votes of said political party counted, as provided in the last above section, the primary clerks shall foot up the tally sheets so as to show the total number of votes cast for each candidate of each said

political party and the total number of votes cast for each delegate to the State, Congressional, Senatorial, Sanitary District, Municipal, where municipal officers are to be elected at the November election, and County conventions respectively, and the total number of votes cast by said political party and certify the same to be correct. Thereupon the primary judges shall set down in the registry poll books, under the name of said political party, the name of each candidate voted for upon the official primary ballot, written at full length, the name of the office for which he is a candidate for nomination, the total number of votes which said candidate received, and the total number of votes cast by said political party at said primary election, and the primary election judges shall certify the same to be true and correct; said entry in the registry books to be made substantially in the following form:

..... PARTY.

At the primary election held in this election precinct (or election district) on the .....day of ..... A. D. 19...., the respective candidates whose names were written or printed on the official primary ballot of said ..... party, received respectively the following votes:

Name of Candidate.	Title of Office.	Number of Votes.
John Smith	Governor	100
Sam Jones	Governor	70
Frank Martin	Attorney General	150
William Preston	Representative in Congress	206
Tom Johnson	State Senator	74
Frederick Johns	County Judge	59

And so on for each candidate.

Total number of votes cast by said ..... party .....

We hereby certify the above and foregoing to be true and correct.

Dated this ..... day of ..... A. D. 19....

.....  
 .....  
 .....

Primary Judges.

The primary judges shall also set down in the registry poll books the name of each candidate voted for, for delegates to the State, Congressional, Senatorial, County, Sanitary District and Municipal conventions for the nomination of such municipal officers as are to be elected at the November elections respectively, of each political party, the designation of the convention to which he is a candidate for delegate, the total number of votes which said candidate for delegate to the respective conventions received; and the judges shall certify the same to be true and correct; said entry in the registry poll books to be made substantially in the following form:

..... PARTY.

At the primary election held in this election precinct (or delegate district) on the ..... day of ..... A. D. 19...., the following named persons received the number of votes set opposite their respective names for delegates to the following described conventions, to-wit:

## STATE CONVENTION.

Name of Candidate for Delegate.	Number of Votes Received.
John Smith	100
Charles Brown	125
William Lee	100
James Jones	200

## CONGRESSIONAL CONVENTION.

Name of Candidate for Delegate.	Number of Votes Received.
John Smith	100
Charles Brown	125
William Lee	100
James Jones	200

## SENATORIAL CONVENTION.

Name of Candidate for Delegate.	Number of Votes Received.
John Smith	100
Charles Brown	125
William Lee	100
James Jones	200

## SANITARY DISTRICT CONVENTION.

Name of Candidate for Delegate.	Number of Votes Received.
Harrington Clanahan	200
Hezekiah Williams	125
William McLain	100
Henry Haines	200

## MUNICIPAL CONVENTION.

Name of Candidate for Delegate.	Number of Votes Received.
J. C. Williams	200
A. Carman	125
W. A. Royer	100
M. Smith	200



COUNTY CONVENTION.

Name of Candidate for Delegate.	Number of Votes Received.
John Smith	100
Charles Brown	125
William Lee	100
James Jones	200

We hereby certify the above and foregoing to be true and correct.

Dated this ..... day of ..... A. D. 19....

.....  
 .....  
 .....

Primary Judges.

Section 45. After the votes of a political party shall have been counted and set down, the tally sheets footed, and the entry made in the registry poll books, as above provided, all the official primary ballots and delegate ballots of said political party, except those marked "defective" or "objected to" shall be strung upon a strong thread or twine or wire, separately for official primary ballots and delegate ballots, in the order in which they have been read, and shall thereupon be carefully sealed in an envelope, which envelope shall be endorsed as follows:

"Election precinct (or election district) ballots of the.....party of the.....election precinct (or election district) of the..... of the.....in the County of.....and the State of Illinois."

Section 46. The registry poll books, with the certificate of the primary judges written thereon, and the tally sheets, together with the envelopes containing the ballots, shall be carefully enveloped and sealed up together, properly endorsed, and put into the hands of the primary judges, who shall within forty-eight hours thereafter deliver the same to the county clerk or Board of Election Commissioners, as the case may be, at his or their office, who shall safely keep the same for three months.

Section 47. Within forty-eight hours after the vote in each precinct has been canvassed, the judges of each precinct shall return to the county clerk, or the board of election commissioners, as the case may be, the tally sheets showing the vote for delegates in such precinct of each party. And it shall be the duty of the county clerk or the board of election commissioners, as the case may be, to add together the vote of all the precincts in each delegate district for each delegate to each convention, and such county clerk, or board of election commissioners, as the case may be, shall prepare a certificate of election as delegate, to each of the number of persons, corresponding in number to the number of delegates to be elected for each party, in such delegate district, who have received the highest number of votes in such party for delegate or delegates to such conventions of such party. In case, in any party two or more persons shall receive the same and the highest number of votes cast for delegates to any convention, and such delegate district is not entitled to the number of delegates receiving such vote, the county clerk or the board of election commissioners, as the case may be, shall decide by lot which person or persons shall be entitled to such certificate of election, and shall thereupon issue and deliver such certificate to each such person so entitled or to his agent authorized in writing to receive the same. Such certificate shall be *prima facie* evidence of the right of the person named thereon to a seat in the convention therein named, and shall be substantially as follows:

".....Party Credentials.

Credentials of delegates of the.....party of the..... delegate district in the county (or ward) of..... and State of Illinois, to the.....convention of.....

We (or I) hereby certify that at a primary election held in said delegate district, consisting of the.....election precinct or precincts on the..... day of.....A. D. 190... (name of delegate) was duly elected a delegate to represent the ..... party in the .....convention; and that said.....is a duly qualified delegate of the.....party, of said delegate district, and as such is entitled to a seat in the.....convention to be held at..... on the.....day of.....A. D. 190... and.....is instructed to vote for one ballot for the following candidates for the following offices, to-wit:

.....  
.....  
.....

In Witness Whereof, I (or we) have hereunto set my (or our) hand (or hands) this.....day of.....A. D. 190...

Section 48. As soon as the complete returns are delivered to the county clerk, or board of election commissioners, as the case may be, he, or they, shall, with the assistance of the county judge, canvass all the returns and make separate tabulated statements for each political party. Each of such statements shall show, in appropriate columns and under proper headings, the total number of votes cast in each delegate district for each candidate for nomination for office. Each county clerk and each Board of Election Commissioners, within five days after the primary election, shall send to the Secretary of State the total vote for each candidate for United States Senator of each political party.

Section 49. Each statement, provided to be made in the foregoing section, and each sheet of paper forming a part of such statement, shall be subscribed by the county clerk or the board of election commissioners, as the case may be, and the county judge. One such statement shall be properly sealed, sent to or delivered to the chairman of the county central committee of the party, and another copy of such statement shall be properly endorsed and together with the ballot box, ballots, books, blanks, reports and other papers and records shall be preserved by the person, officer or board of election commissioners, as the case may be, who is charged by the general election laws with the duty of preserving election returns; and such ballots and records shall be preserved by such person, officer or board, as the case may be, for the period of three months, and may be examined, in case of contest, by like officials as now provided by the general laws in case of contest over the result of an election.

Section 50. If, upon the completion of the canvass of such returns, it appears thereupon that any candidate of any party for the nomination for any State, congressional or senatorial office has received a plurality of all the votes cast for candidates for nomination for such office in any delegate district such candidate shall have cast for him the votes of all the delegates from such delegate district to the convention before which he is a candidate, for at least the first ballot. Nominations shall be made by majority vote of all of the delegates elected to each convention.

Section 51. As soon as the returns are all in the office of the Secretary of State, they shall be canvassed by the same persons, officials or board as are directed by the general election laws to canvass returns after a general election. Such canvassing board shall, without delay, open the returns and certify tabulated statements thereof separately for each political party. Such statement shall show under appropriate headings the total number of votes cast, and the total vote for each candidate for United States Senator. Such canvassing board shall cause to be delivered to the Secretary of State within five days next following such county convention a statement as to the vote cast for each candidate for United States Senator by each political party. The Secretary of State shall cause to be delivered to the secretary of the



State convention of the respective political parties next following such primary election a statement showing the total vote cast for each such candidate for United States Senator and the total vote polled.

Section 52. The expense of providing polling places, booths and other supplies required in this Act for holding primary elections shall be paid in the same manner and by the same officials as general or regular election expenses. The primary election judges and clerks shall receive the same pay, be paid by the same officials and in the same manner as judges and clerks under the general election laws of this State.

Section 53. All county conventions shall be held on the Thursday immediately following said primary election day.

All senatorial conventions shall be held on the second Tuesday immediately following the said primary election day: *Provided*, that where a county constitutes a senatorial district, the senatorial convention for such district shall be held on the same day as the county convention, and the delegates elected to the county convention shall be ex-officio delegates to the senatorial convention, and the county committees of such counties shall be ex-officio the senatorial committees for such senatorial district.

All congressional conventions shall be held on the second Thursday immediately following said primary election day.

All State conventions shall be held on the third Tuesday after the primary election.

Section 54. No person other than a delegate shall be elected as an officer of any convention, and the chairman of all conventions shall be elected by a roll call. After the election of the chairman, the convention shall proceed to elect such other officers of the convention as it may determine.

Section 55. None but legally qualified voters residing in the delegate district to be represented shall be eligible as delegates to any convention of such party. Judges and clerks acting as such at any primary election shall be ineligible as delegates to any such convention, except such judges of election as hold their positions by virtue of being the holders of an elective office. No person shall act as a delegate in any such convention except when elected as a delegate, according to this Act: *Provided*, that in the absence of a delegate or delegates, then the delegates present representing the district shall select some one to represent such absent delegate or delegates. If no delegates from a given district are present, then the delegates from the ward, division or township shall select any qualified member or members of the party as delegates to fill such vacancy or vacancies: *Provided*, that any and all delegates who are selected to represent such absent delegates shall stand instructed to vote in the convention the same as such absent delegate or delegates were instructed to vote.

Section 56. No delegate to any convention held under the provisions of this act shall have any power or authority to name or appoint any proxy or substitute to vote for or in his stead, and no proxy or substitute appointed by any delegate shall be binding or effective on any convention or conventions held under the provisions of this Act.

Section 57. For all nominations made by conventions held under the provisions of this Act, a certificate of nomination shall be duly made and filed.

Every such certificate of nomination shall state:

- (1) The name of the candidate nominated.
- (2) The office to which he is nominated.
- (3) The party which he represents, expressed in not more than five words.
- (4) His place of residence, with the street and number thereof, if any.

Every such certificate of nomination shall be signed by the presiding officer and by the secretary of the convention, who shall add to their signatures their places of residence. Such certificates of nomination shall be sworn to by them to be true, to the best of their knowledge and belief, and a certificate of the oath shall be annexed to the certificate of nomination.

Such certificate of nomination for candidates for State, Congressional and Senatorial offices shall be filed in the office of the Secretary of State at least



thirty (30) days previous to the day of election for which the candidates are nominated.

Certificates for nomination for county offices shall be filed in the office of the county clerk of the respective counties at least thirty (30) days previous to the day of such election.

Section 58. Any convention of any political party is hereby authorized to fill vacancies in the manner prescribed by said convention.

Section 59. When a vacancy shall occur in any elective office and a special election shall become necessary to fill the same, the managing committee of the several political parties for the territorial area in which such vacancy occurs shall nominate the candidate or candidates for the respective parties to fill such vacancy.

Section 60. Any candidate whose name appears upon the official primary ballot of any political party in any delegate district may contest the primary election held in said county or any of the districts thereof, as to the office for which he was a candidate for nomination by filing with the clerk of the county court of the county in which such district is located a petition in writing, setting forth the grounds of contest, which petition shall be verified by affidavit of the petitioner. Any candidate for a delegate whose name appears upon the delegate ballot of any political party in any delegate district may contest the primary election held in said delegate district as to the position of delegate to the convention for which he was a candidate, by filing with the clerk of the county court of his respective county a petition in writing, setting forth the grounds of contest, which petition shall be verified by affidavit of the petitioner.

Authority and jurisdiction are hereby vested in the county court, and in the judge thereof in vacation, to hear and determine primary election contests. When a petition to contest a primary election shall be filed in the office of the clerk of the county court, said petition shall forthwith be presented to the judge thereof, who shall note thereon the day of presentation, and shall also note thereon the day when he will hear the same, which shall not be more than five days thereafter, and shall order issuance of summons to each defendant named in the petition.

Summons shall forthwith issue to each defendant named in the petition, and shall be served in the same manner as is provided in cases in chancery. The case may be heard and determined by the county court in term time, or by the judge thereof in vacation, at any time not less than two days after service of process, and shall have preference in the order of hearing to all other cases. The petitioner shall give security for all costs.

If, in the opinion of the court in which the petition is filed, the grounds for contest alleged are insufficient in law, the petition shall be dismissed. If the grounds alleged in the petition are sufficient, the court shall proceed in a summary manner, and may hear evidence, examine the returns, recount the ballots and make such orders and enter such judgments as justice may require. The court shall hear and determine the case before the date fixed by law for the county convention. The judgment of the court shall be final.

Section 61. No spirituous, malt, vinous or intoxicating liquor shall be sold or given away, nor shall any saloon or bar room or place where such liquor is sold or given away, be open during the holding of any primary election. Whoever violates the provisions of this section shall be fined in a sum not less than \$25 nor more than \$100. It shall be the duty of the sheriff, coroner, constable and other officers of the county, and magistrates and mayors of cities to see that the provisions of this section are enforced.

(1) If any person whose vote is challenged, or any witness sworn under the provisions of this Act, shall knowingly, wilfully and corruptly swear falsely, he shall be deemed guilty of perjury, and on conviction thereof shall be punished accordingly.

(2) Whoever unlawfully votes more than once at any election, or offers to vote after having once voted at such election, shall, on conviction thereof, be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

(3) Whoever wilfully aids or abets any one not legally qualified to vote at an election, in voting or attempting to vote at such election; or,

Second. Furnishes an elector with a ticket or ballot informing him that it contains a name different from that which appears thereon, with intent to induce him to vote contrary to his inclinations; or,

Third. Changes a ballot of an elector, with intent to deprive such elector of voting for such person as he intended; or,

Fourth. By unlawful means prevents or attempts to prevent any voter from attending or voting at an election; or,

Fifth. Gives, or offers to give, any valuable thing or bribe to any judge or clerk of an election, as a consideration of some act to be done or omitted to be done contrary to his official duty in relation to such election, shall on conviction thereof, be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court. And any judge or clerk who shall receive, request or demand any bribe or reward forbidden by this Act shall, upon conviction, be liable to the same penalties as are prescribed in this Act for the giving or offering to give such bribe or reward.

Any person who shall solicit, request, demand or receive, directly or indirectly, any money, intoxicating liquor or any other thing of value, or the promise thereof, either to influence his vote, or to be used, or under the pretense of being used to procure the vote of any other person or persons, or to be used at any poll or other place prior to or on the day of an election for or against any candidate for office, or for or against any measure or question to be voted upon at such election, shall be deemed guilty of the infamous crime of bribery in elections, and upon conviction thereof in any court of record, shall be sentenced to disfranchisement by the judge of such court for a term of not less than five and not more than fifteen years, and to the county jail not less than three months nor more than one year, and to pay the cost of prosecution and stand committed to the county jail until such costs are fully paid. That for a conviction of a second offense under this section, the first being alleged and proven, such offender shall be by sentence of the court forever thereafter disfranchised and deprived of the right to vote at an election in this State, and be imprisoned in the county jail not less than one year, and be committed to jail in default of the payment of costs of prosecution until such costs are fully paid. Prosecutions may be had under this section by indictment in the circuit court, or by information in the county courts, and the effect of a sentence of disfranchisement in either of said courts, both having jurisdiction of offenses hereunder, shall be to deprive such persons sentenced of the right to vote at any general or special election, or town meeting, within this State for the period of time fixed by the court where such person shall be convicted under this section. Any candidate or other paying, furnishing or promising to pay or furnish or bribing such person, with money, intoxicating liquor, or any other thing of value, or the promise thereof, shall not be liable to punishment therefor, but shall be a competent witness and compelled to testify in prosecutions under this section. Solicitation of any person of a loan of money, or the purchase of anything of value, or any other subterfuge, shall be deemed a violation thereof.

Second. Any person who shall have been legally convicted and disfranchised by a court of competent jurisdiction, who shall before the expiration of his term of disfranchisement, vote or offer to vote at any general or special election, or town meeting within this State, shall, upon indictment and conviction thereof in a court of competent jurisdiction, be confined in the penitentiary for a term of years, not less than one or more than ten years.

(6) Whoever is disorderly at any election shall forfeit a sum not exceeding \$25.

(7) Whoever bets or wagers any money, property or other valuable thing upon the result of an election which may be held under the Constitution or laws of this State, or bets or wagers money, property or other valuable thing upon the number of votes which may be given to any person at an election,



or upon who shall receive the greatest number of votes at an election; or agrees to pay any other person any money, property or other valuable thing, in an event that an election shall result in one way, or in the event that any person shall or shall not be elected, or shall receive a greater number of votes than others, upon conviction thereof shall be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

If any judge of an election shall permit a person to vote whose vote is challenged, without the proof required in this Act; or,

Second. Shall knowingly and wilfully permit a person to testify as a witness contrary to the provisions of this Act; or,

Third. Shall knowingly permit a person to vote who is not qualified according to law; or the same election for the same office, except as allowed by law; or,

Fourth. Shall knowingly receive and count more than one vote from the same person at the same election for the same office, except as allowed by law; or,

Fifth. Shall refuse to receive the vote of a qualified elector at such election, who will make the affidavit and proof required by this Act; or,

Sixth. Shall be guilty of any fraud, corruption, partiality or manifest misbehavior; or,

Seventh. Shall open or unfold any ballot when the same is presented to be deposited in the ballot box; or,

Eighth. Shall wilfully neglect to perform any of the duties required of him by this Act, shall, on conviction thereof, be deemed guilty of contempt of the county court.

(9) If any clerk of an election shall wilfully neglect to perform any duty required of him as clerk of election, or shall be guilty of fraud, corruption or misbehavior as such clerk, he shall, on conviction, be fined in a sum not exceeding \$500, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

(10) If any judge, clerk or messenger, after having been deputed by the judges of election to carry the poll books, tally lists and votes of such election to the place where by law they are required to be canvassed, wilfully or negligently fails to deliver such poll books, tally lists or ballots, within the time prescribed by law, with the seal unbroken, he shall, upon conviction, be fined in a sum not exceeding \$500, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

(11) If the county clerk wilfully neglects or refuses to perform any duty required of him by this Act, he shall, upon conviction, be fined in a sum not exceeding \$500, and shall be liable to the person injured by reason of such neglect or refusal, in an amount not exceeding \$500, to be recovered in an action on the case.

(12) If any county clerk or justice of the peace shall be guilty of fraud, corruption or misbehavior in canvassing the votes or making any abstract of votes or issuing any certificate of election, he shall, on conviction, be fined in any sum not exceeding \$500, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

(13) Whoever shall wilfully and wrongfully take or carry away from the place where it has been deposited for safe keeping, or deface, mutilate or change any poll book, ballot or tally list, or any name or figure therein, shall on conviction, be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

If any judge of election, clerk or other officer of election, of whom any duty is required in this Act, or by the general laws of this State, for the omission of which duty no punishment is provided, shall be guilty of any wilful neglect of such duty or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this Act.



Any person or member of a board, or any judge of election, clerk or other officer, who is guilty of stealing, wilfully and wrongfully breaking, destroying, mutilating, defacing, falsifying or unlawfully removing or secreting, or detaining the whole or any part of any ballot box or receptacle for ballots, or any record, registry of voters, or copy thereof, oath, return or statement of votes, certificate, poll list, or of any paper or document provided for in this Act;

Or who shall fraudulently make any entry, erasure, or alteration therein, except as allowed and directed by the provisions of this Act, or who permits any other person so to do, shall, upon conviction thereof, be adjudged guilty of a felony under this Act.

Every person who advises, procures or abets the commission of any of the acts mentioned in the last preceding two paragraphs, shall, upon conviction thereof, be adjudged guilty of a felony under this Act.

If any person knowingly or wilfully shall obstruct, hinder or assault, or by bribery, solicitation or otherwise interfere with any judge of election, clerk or challenger, in the performance of any duty required of him, or which he may be by law authorized or permitted to perform;

If any person, knowing that he is not qualified to vote at such primary election, takes a place in any line of voters waiting to vote at an election, or if any person, after having voted at such election, takes a place in such waiting line, or if any person repeatedly takes a place in such waiting line without voting when the opportunity comes, and who systematically gives up his place in such waiting line, such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this Act.

If any person shall commit any act prohibited herein, or refrain from doing any act or duty required to be done herein, and if any person shall in any manner be guilty of a violation of this act, whether the same is denominated an offense or not, and for which no punishment is herein specially provided, such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this Act.

Any person adjudged guilty of an offense denominated a misdemeanor under this Act, shall be fined not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000), or shall be imprisoned in the county jail not less than one month nor more than two years, or any such person may be punished by both such fine and imprisonment.

Any person adjudged guilty of an offense denominated a felony in this Act shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

If any person shall wilfully disobey any lawful command of any judge of election, given in the execution of his duty as such, at any such primary election, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this Act.

If, on any day of primary election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace or be guilty of any disorderly violence, or threats of violence, whereby any such election or canvass shall be impeded or hindered, or whereby the lawful proceedings of any judge of election or clerk, or other officer of such election or challenger, are interfered with, or cause intoxicating liquors to be brought or sent to the polling place, every such person shall, upon conviction thereof, be deemed guilty of a misdemeanor under this Act.

Any person who votes with a certain party at such primary election, when he knows he is not qualified so to vote under the provisions of this Act, shall, upon conviction thereof, be deemed guilty of a misdemeanor under this Act.

Section 62. In all prosecutions and in all contests under this Act it shall be the duty of the county clerk or of the board of election commissioners, or other officer, having the custody thereof, to produce, open, exhibit and offer in evidence any notice, ballot box, register book, bundle of ballots, returns, statements, or other documents or papers relating to the particular prosecution or contest for the purpose of enabling a full investigation.

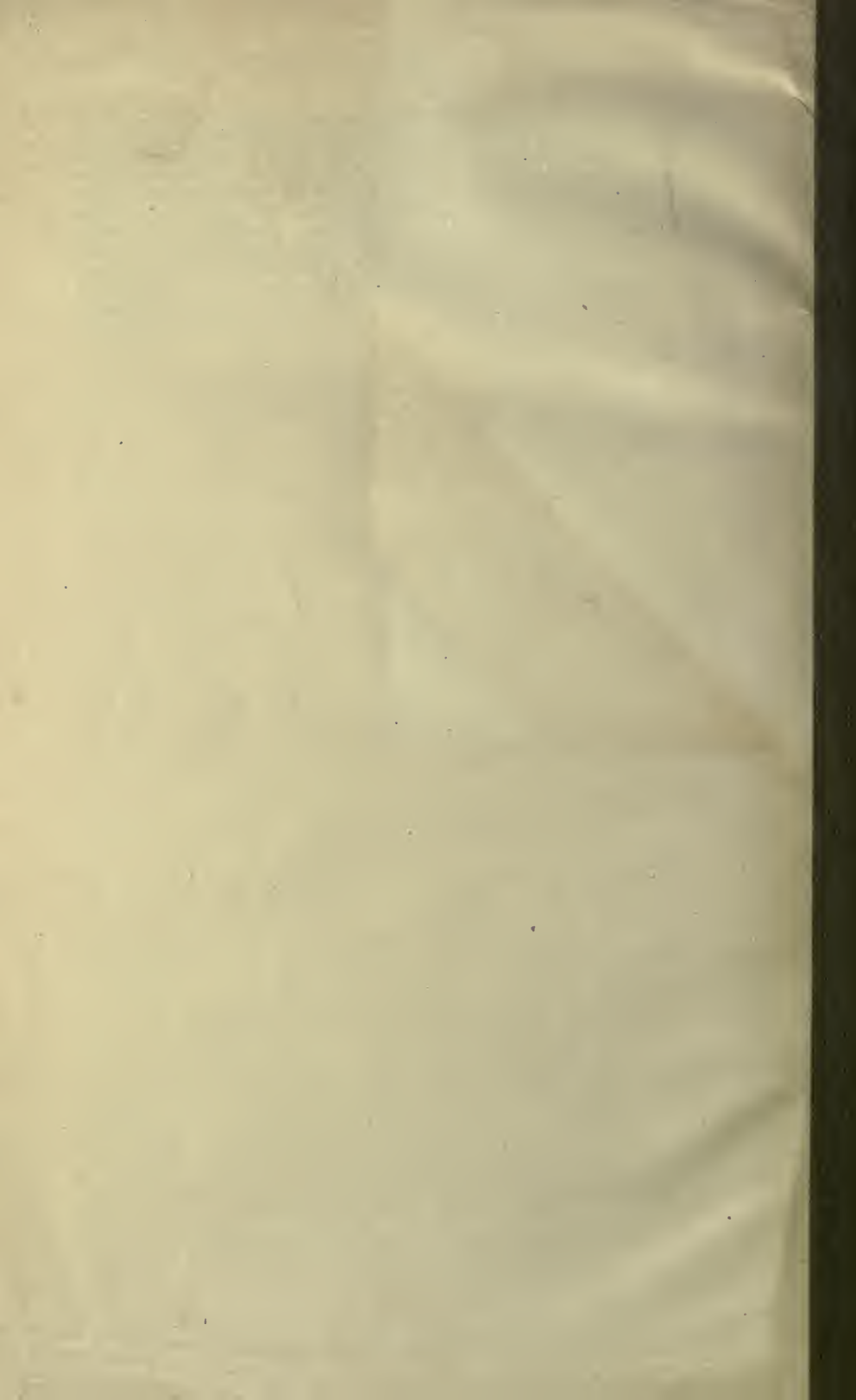
Section 63. Irregularities or defects in the mode of calling, giving notice of, convening, holding or conducting any primary election authorized by law shall constitute no defense to a prosecution for a violation of this Act. When an offense shall be committed in relation to any primary election an indictment for such offense shall be sufficient, if it allege that such election was authorized by law, without stating the call or notice of election aforesaid, the names of the judges or clerks holding such election, or the names of the persons voted for at such election. Judicial notice shall be taken of the holding of any election thereunder on any primary election day.

Section 64. All acts and parts of acts in conflict herewith are hereby repealed.

Approved May 23, 1906.







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