CHESTERTOWN TRANSCRIPT.

(SUPPLEMENT.)

VOL. XLIX. CHESTERTOWN, MD., SATURDAY, MAY 21, 1910. NO. 50.

PUBLIC GENERAL LAWS FOR YEAR 1910.

Many Important Acts Passed at the January Session of the Maryland General Assembly.

IMPORTANT TO THE WHOLE STATE.

Published by Authority of The General Assembly.

PRIMARY ELECTION LAW.

Providing for Nominees and the Governing Bodies of the Parties.

CHAPTER 741.

AN ACT to repeal Sections 3, 4 and 5 of Chapter 737 of the Acts of 1908, relating to primary elections in the State of Maryland, and known as the Primary Election Law, and all the several and various provisions of said three sections of said Act, and to enact in lieu thereof new and other sections of Article 33 of the Code of Public General Laws, title "Elections," to be known as Sections 160A, 160B, 160C, 160D, 160E, 160F, 160G, 160H, 160I, 160J, 160K, 160L, 160M, 160N, 160O, 160P, 160Q, 160R, 160S, 160T, 160U and 160V, to come in after Section 160 of said Article 33, under the sub-title "Primary Elections," regulating primary elections in the State of Maryland, for all candidates for public office of certain political parties in and for Baltimore city and the several counties of the State, and elect delegates to legislative, district, city and State conventions, and all members of managing bodies of certain political parties in and for Baltimore city and the several counties of the State and the precinct, ward, city and county executives or executive committees.

Section 1—Be it enacted by the General Assembly of Maryland, That Sections 3, 4 and 5 of Chapter 737 of the Acts of the General Assembly of 1908, relating to the subject of primary elections in the State of Maryland, and all and singular the several and various provisions of said three sections of said Act, be and the same is and are hereby repealed, and that in lieu and stead of the said three sections of said Act and the provisions thereof and thereunder enacted, new and other sections of Article 33 of the Code of Public General Laws, title "Elections," are hereby enacted, to be known, respectively, as Sections 160A, 160B, 160C, 160D, 160E, 160F, 160G, 160H, 160I, 160J, 160K, 160L, 160M, 160N, 160O, 160P, 160Q, 160R, 160S, 160T, 160U and 160V, to come in after Section 160 of said Article 33, under subtitle "Primary Elections," regulating primary elections for all candidates for public office of certain political parties in and for Baltimore city and the several counties of the State, and to elect delegates to legislative, district, city and State conventions, and all members of managing bodies of certain political parties in and for Baltimore city and the several counties of the State, and of all precinct, ward, city and county executives or executive committees, in the State of Maryland, and to be and read, respectively as follows:

Primary Elections.

160A—Political parties which, at the General Election held on November 2, 1909, in the State of Maryland, or which at any future General Election next preceding any primary election to be held hereunder, as shall have polled ten per cent of the entire vote cast in the State at such or any such General Election, shall hereafter nominate all their candidates for public office in and for Baltimore city and the several counties of the State and shall elect all delegates to county, legislative, district, city or State conventions and all members of managing bodies in said political parties, in and for Baltimore city and the several counties of the State, and all precinct, ward, city and county executives, or executives, or executive committees, whenever the political party usage provides for such executive committee or any of the same, by means of primary elections, conducted under and in accordance with the provisions of this Act, and not otherwise, except as herein provided, and the several Boards of Supervisors of Elections shall not print on the official ballot to be voted at any general or special election to be hereafter held the name or names of any such candidate or candidates for election in Baltimore city or any of the counties of the State of any of said parties who shall not be so nominated, and whose nomination shall not be certified to them, or to the Secretary of State, as having been so nominated.

Provided, that the provisions of this sub-title requiring the nomination of candidates by direct vote shall not apply to the nomination of such candidates for county offices, State Senator and Members of the House of Delegates in the Counties of Howard, Somerset, Washington, Worcester and Wicomico, except as hereinafter provided, but such candidates shall be selected by a County Convention, delegates to which shall be selected in all respects as provided for in this sub-title, and the nominations of such candidates by such convention shall be duly certified by the Chairman and Secretary of such Convention to the Board of Election Supervisors of said county, and it shall be the duty of said Supervisors to place the names of such candidates upon the official ballot in the manner prescribed by the general election laws of this State, and provided further, that at the first primary election held under the provisions of the foregoing proviso in each of said named counties, the official ballots of the respective political parties participating therein shall contain squares, properly designated, in which the voters of such parties may by such cross-mark in such squares indicate their preference for or against primaries in their respective parties by direct vote for candidates for county offices, for the State Senate and for Members of the House of Delegates; and provided further that the majority of the votes cast by either of such parties in any such county so excepted shall indicate a preference for direct primaries, then and in that event, each county in which by such direct vote a preference has been so expressed for direct primaries shall ever thereafter be removed from the class of excepted counties in this section specifically mentioned.

All such candidates for such office, and all such delegates, managing bodies, executives and executive committees shall be nominated, selected and chosen by the direct vote of the duly registered voters belonging to or acting with such parties, respectively, in every precinct, ward, councilmanic, legislative or other election districts in Baltimore city, and also in the several counties of the State of Maryland, respectively, and in each and every election precinct and election district of each of said counties of the State of Maryland, respectively, it being the intent and purpose of this Act that all such candidates for public office, all delegates to such party conventions and all managing bodies, executives or executive committees of any such political party, whenever the political party usage provides for such executives or executive committees, shall be nominated as aforesaid by the direct vote of the duly registered voters belonging to or acting with said parties, respectively, in Baltimore city, or any precinct, ward, councilmanic or legislative district thereof, or in any county or district or precinct thereof, as the case with respect to any public office, or place or position aforesaid, may be; and that no candidate for such public office, delegate to such convention, party executive or executive committee, or managing body of any such political party, as aforesaid, in and for Baltimore city or the several counties of the State, shall be chosen or elected by any such political convention or otherwise than by the duly registered voters belonging to or acting with said political parties, as aforesaid.

It shall be lawful for all such parties aforesaid to elect and hold such party conventions which shall have full power and authority, in all respects whatsoever, to act in respect to all matters appertaining to the organization, maintenance, conduct, affairs and interests of the party, in Baltimore city or in any county of the State, saving and excepting only the choice, selection, nomination or appointment of party candidates for such public office, delegates to such conventions or party executives or managing bodies or executive committees, of any sort whatever, in and for Baltimore city and the several counties of the State.

Provided, that the candidates of such political parties for Governor, Attorney General, Comptroller and Clerk of the Court of Appeals of the State shall be nominated in the manner prescribed in this Article by State Conventions, and such State Convention shall also have the power to select, in such manner as they may determine, delegates to National Conventions and Presidential Electors and the governing bodies of such political parties for the State, but shall have no power to select or appoint committees or governing bodies or any character for Baltimore city nor for any division thereof, nor for the counties of the State.

160B—Said primary elections by the political parties aforesaid shall be annually held throughout the State, including Baltimore city, on a day to be fixed by any agreement between the governing bodies of said parties for the State not later than the first Monday of September in each year. All such political parties, as aforesaid, shall hold their several primaries upon the same day. In case such governing bodies for the State shall fail to agree on an earlier date for holding such primary election, said primary elections shall be held on the first Monday of September in each year. Notice shall be given of the times and places of holding said primary elections by the several Boards of Supervisors of Elections in the city of Baltimore and of the counties of this State, respectively, in the same way precisely as notice is required to be given for municipal and county elections held under the provisions of Article 33 of the Code of Public General Laws.

160C—There shall be at every primary election in the city of Baltimore and in each county a voting place in each election precinct of each ward and of each election district, or in each election district which may not be divided into election precincts; and each of said voting places shall be selected by the Board of Supervisors of Elections in Baltimore city and in the counties, as provided in Section 11 of this Article, with respect to general, municipal and county elections, and furnished in the same manner as at a general election.

160D—All such primary elections shall be conducted under the control of the several Boards of Supervisors of Elections in Baltimore city and the counties, respectively, by the judges and clerks of elections appointed by them under the provisions of said Article 33, for the conduct of elections held thereunder in Baltimore city and in the several counties of the State, and in the same manner as far as may be applicable as general elections are conducted under said Article 33, except as may be hereinafter otherwise provided.

160E—As many different sets of official ballots shall be printed and supplied by the Board of Supervisors of Election at each polling place, and as many ballot boxes shall be used at each polling place, as there are separate party nominations, delegates, executives, or managing or executive bodies, to be voted for; and to prevent voters belonging to or acting with one political party from inadvertently or intentionally casting their ballot for the candidate for nomination for office, or election as delegate to any convention, or as executive or members of an executive or managing committee, of any other party, and to facilitate its being promptly detected if so cast, the ballots of the several parties shall be printed upon opaque paper of different colars, to be determined by the several Boards of Supervisors of Elections; and until after the next general registration in the counties, every person offering to vote at a primary election shall be required to state to which party he belongs and which party's candidate he intends to vote for at the State, city or county election, and every qualified person offering to vote in the several counties in the State at a primary election shall be permitted to vote in the primary election of that party to which he belongs and which party candidates he intends to vote for at the State or county election, and in Baltimore city every qualified person offering to vote at a primary election shall be permitted to vote in the primary election of that party only with which he shall appear to be affiliated.

160F—The books of registry shall be furnished to the judges at each polling place by the respective Boards of Supervisors of Elections, and shall be used at such elections in the same way as they are now used at municipal, county or general elections held under the provisions of said Article 33. In the books of registry now in use, or which may be hereafter prepared for use in Baltimore city, a column, headed "Voted at Primary Election," shall be used; in each column such word "Voted" or letter "V" shall be hereafter entered at the primary election at which such registry shall be used, and opposite the name of each person voting. In the several counties, until new books of registry shall be required to be prepared, according to the existing law, the present books of registry shall be used, and the judges shall therein make a column headed "Voted at Primary Election of ....," and enter in like manner therein the words "Voted" or letter "V." Persons arriving at the age of twenty-one years after the closing of the next preceding registration and entitled to be registered as qualified voters, shall be entitled to vote at the primary election, upon proving under oath, to the satisfaction of a majority of the judges of election, their right to registration in the precinct at which they shall claim the right to vote.

160G—Official ballots shall be prepared for such primary elections in Baltimore city and in the several counties, respectively, by the said several Boards of Supervisors of Elections for said city and said several counties, respectively, as is now provided by said Article 33 of the Code of Public General Laws, except as herein otherwise provided for, and said several Boards of Supervisors of elections shall print or cause to be printed on said official ballots the names of all candidates for office to be voted for, and for delegates to any convention, or for party executive or executives, or for membership of any executive committee or managing body of any political party, who shall become duly qualified by the payment of the amount herein named when any payment is herein required, and shall have filed a certificate in writing with the Board of Supervisors of Elections in Baltimore city or in any of the counties, as the case may be, containing the name of the person seeking a nomination for office or to be a delegate to a convention, or an executive or member of an executive committee or managing body of a political party, his residence, place where he is a registered voter, his address, the office or position for which he seeks to be nominated or selected, and the party to which he belongs, and duly acknowledged by the person filing such certificate for such nomination or selection before an officer duly authorized to take acknowledgments, who shall append a certificate of such acknowledgment. The certificate to be filed by a candidate seeking to be elected as a delegate to a convention shall, moreover, specify the convention to which he seeks to be elected. All such certificates must be filed and payments made not less than fifteen days before the day of said primary election. The names of the several candidates for nomination or for delegates, executive or member of an executive committee, or managing body of a political party aforesaid, shall be published seven days before the said election in the mode prescribed in Section 44 of said Article 33, as far as may be practicable. It shall not be necessary to print sample ballots or cards of instructions for such elections, but either or both shall be printed by the Board of Supervisors of Elections of the city of Baltimore, when requested by any candidate in said primary election, said request to be accompanied by a sum of money necessary to cover the cost of printing. Each candidate for nomination for public office at a primary election shall pay the sum of twenty-five dollars ($25) for each county or legislative district of Baltimore city in which his name appears upon the ballot; provided, that in any county where the salary of the office for which nomination is sought is three hundred dollars ($300) or less, such payment shall be ten dollars ($10); and if a candidate for Governor, Attorney General, Comptroller, or Clerk of the Court of Appeals of the State, then he shall pay the sum of ten dollars ($10) for each county or legislative district of Baltimore city, upon filing his respective certificate with the Board of Supervisors of Elections; and the Board of Supervisors of Elections for Baltimore city shall pay over the amount so received to the Mayor and City Council of Baltimore, and the Board of Supervisors of Elections for each county shall pay over the amount so received to the County Commissioners of each county, respectively; and all the expenses of each of said primary elections in Baltimore city shall be paid be paid by the Mayor and City Council of Baltimore; and all the expenses of holding said primary elections in each county, respectively, shall be paid by the County Commissioners of each county, respectively, precisely as the expenses of the State, city and county elections are now paid under existing laws; provided, that the ballots to be used at all primary elections to be held in the several counties of the State shall be prepared and printed by the Boards of Supervisors of Elections in the respective counties in a similar manner to that provided by this Article for general elections in Baltimore city, and as provided in Section 54 of this Article for general elections, except that there shall be no detachable stub or coupon to said ballot, and in number not less than twice the number of registered voters of the respective political parties participating in such primary, as nearly as the same may be estimated, and shall be delivered by such Boards of Supervisors of Elections to the election officials as herein provided for Baltimore city primary elections. The said Boards of Supervisors of Elections for the several counties shall at the same time print and distribute, five days before such primary election, to any candidate ordering and paying the cost of the same, any number of such official ballots such candidates may desire. Said Supervisors shall also cause to be furnished and delivered with such official ballots to the proper election officials in each election district or voting precinct in the several counties of the State, opaque, official gummed envelopes of uniform size and of colors corresponding to the official ballots of the respective political parties participating in such primaries sufficiently large to receive such official ballot when folded. On the back and outside of all of such official envelopes shall be printed the words, "Official Envelope for Ballot," followed by the designation of the polling place for which it is prepared, the date of the primary election, and a fac simile of the signature of the President of the Board of Supervisors of Elections by whom the official envelopes and ballots for said primary election have been prepared. Said official envelope shall be provided with a detachable stub or coupon in the same manner as is now provided by law for official ballots, and the number of such envelopes so furnished shall be in number twenty-five per cent more than the estimated vote of the several political parties participating in such primary in such election district or precinct, as the case may be.

160H—The names of candidates for nomination for each office or for each place or position aforesaid, respectively, shall be arranged alphabetically upon the ballots according to the surnames of the candidates. Ballots in all said primary elections shall be cast, except as hereinafter provided for, primary elections in the several counties of the State, counted and canvassed and the result of the election announced and certified in Baltimore city and in each of the counties of the State, as now provided by said Article 33 for elections held thereunder; and the said primary elections shall be held and conducted and determined in the manner and form provided by this Article for general elections, and subject to all the regulations, requirements and provisions as prescribed by this Article for general elections, in so far as the same are or may be applicable to said primary elections and except as may be herein provided. Challengers and watchers representing the candidates in any said primary elections shall be allowed to be present at the several voting places during the voting and counting of the ballots, as provided in said Article 33, with respect to general elections held thereunder. As each voter's name shall be entered in the poll book, kept by the two clerks of election, there shall be entered opposite his name the name of the party whose candidate or candidates he voted for; provided, that in primary elections to be held in the several counties of the State the name or initials of the judge of election shall be placed upon the official envelope, and the stub or coupon provided for herein for such official envelope shall be filled out and handled in every respect similar to the coupon provided for official ballots at general elections for the State, and it shall not be lawful for the judges or clerks of election to place their names or initials, or any other matter, upon the official ballots; and it shall be lawful for every person having the qualifications of a voter for such primary elections under this Article in the several counties of the State to have his official ballot prepared before entering the proper polling place, but upon presenting himself to the judges of elections as provided by this Article, and it having been determined by such judges that he is qualified to vote in such primaries, there shall be given him by the proper election official a blank official ballot of the political party in whose primaries he is entitled to vote, together with an unsealed official envelope for the same party, as provided for herein; he shall thereupon retire to one of the booths provided for the purpose, and shall there, with black pencil and in the manner required by law, prepare such official ballot for voting, or in the privacy of such booth he may exchange such ballot for the official ballot or one of the official ballots which he may have brought into such polling places with him, previously prepared for voting, and while in such booth he shall place the official ballot he desires to vote in the official envelope so provided, and seal the same; he shall then hand to one of the judges of election the envelope so sealed containing the official ballot he desires to cast, and the judge of election so receiving such envelope and ballot shall, after detaching the coupon attached thereto, deposit such envelope so sealed in the ballot box of the voter's political party in the presence of the voter and of the other judges of election; in such primary elections held in the several counties of the State, upon the opening of the ballot boxes by the judges, they shall count and announce the whole number of envelopes, representing the whole number of ballots in the ballot boxes for the several parties in similar manner to that provided by this Article for official ballots at general elections, and, in counting the ballots, the judges shall carefully examine the ballots and the envelopes containing the same, and if any envelope shall be found not of the character required by this Article, or if any mark or device be found on any envelope, shall be found not of the character required by this Article, or if any mark or device be found on any envelope or peculiar folding by which, in the opinion of the majority of the judges, the same may be identified so as to indicate who may have cast the same, the ballot so marked, or the ballot contained in the envelope so marked or folded, or improperly substituted, shall not be counted; and when more than one ballot shall be found in an envelope, neither of the ballots therein shall be counted; nor shall a ballot be counted when found in an envelope furnished for a different political party than that for which the ballot was provided; and the intention so far as the same may be ascertained from each ballot itself, shall, in the absence of any unlawful or fraudulent mark or device thereon or enclosed therewith or on the envelope containing the same, prevail; and in case any voter putting his ballot in the envelope shall mutilate the envelope, he may return the same and receive a new envelope in lieu thereof under the same conditions and penalties as provided in this Article for new ballots at general elections; and in case a lawful ballot contained in a proper envelope shall be mutilated by any of the judges of elections in opening the envelope, the ballot shall not be thrown out for that reason; and if an envelope shall be deposited in the ballot box inadvertently, without being properly sealed and without being detected by the judge receiving the same, or shall become unsealed in the ballot box, a lawful ballot contained therein shall not be thrown out for that reason; and if the voter shall hand a ballot in an unsealed envelope to the judge for depositing the same in the ballot box, and the judge detects that the same is unsealed, the envelope, with the ballot therein, shall be returned to the voter, who shall be directed to return to the privacy of a booth and there seal the envelope before again tendering it to the judge to be placed in the ballot box. If more names are marked for any office than there are persons to be voted for, such ballot shall not be counted for such candidate or delegates, or other persons to be voted for, as the case may be; but the whole ballot shall not for that reason be rejected for candidates for other offices or positions, if any, and a ballot marked by any other than a black pencil shall not be counted. No vote shall be counted in any such county for any person, after whose name a cross-mark made with a black pencil does not appear on the ballot when voted.

160I—Nominations for Mayor, Comptroller, President of the Second Branch City Council and members of the City Council of Baltimore shall be made by direct vote of the respective political parties at primary elections to be held in all respects according to the aforegoing provisions, applicable to primary elections in Baltimore City, except that the day for holding the same shall be the first Tuesday of April of the year in which the municipal elections in said city of Baltimore are to be held on a different day from the general election. At every general registration held in Baltimore City and in each and every county of the State, subsequent to the passage of this Act, there shall be provided in the registration books a distinct column headed "Party Affiliations," and the board of registers shall enter in this column the name of the political party, if any, to which the voter is inclined and with which the voter desires to have himself recorded as affiliated. It shall be the duty of the board of registry to explain to each voter that the statement of such party affiliation, does not bind him to vote for the candidate of such party at any given election; also that he has the right to decline to state any party affiliations; but that no one who is not recorded upon the registry as affiliated with a particular political party will be qualified to vote at subsequent primary elections of said political party. Whenever a voter declines to state his party affiliation, the word "Declined" shall be written opposite his name under such column, so that there shall be written in such column opposite the name of every registered voter, either his party affiliations or the word "Declined." And in all primary elections thereafter held any person so registered as affiliated with a given political party shall have the right to vote the official ballot of that party and of no other; and at any intermediate registration subsequent to the close of the next general registration, such voter may appear before the board of registry and, upon his identity being established to the satisfaction of the majority of the board of registry, to make, alter or strike out any entry in the column headed "Party Affiliations," opposite his name in the registry; it shall be the duty of the board of registry to enter in the column headed "Remarks" the fact that such entry was made, altered, or stricken out, and the date thereof.

160J—For the performance of the duties imposed upon them by this Act, the Supervisors of Elections of Baltimore City shall be entitled to receive, in addition to the annual salary of $1,500.00 allowed them by Section 2 of Article 33, the further annual salary of one thousand dollars each; and the Supervisors of Elections of the several counties, in addition to the annual salary of one hundred dollars each allowed them by Section 2 of Article 33, shall be entitled to receive an additional compensation, to be paid by the County Commissioners of the several counties, amounting to twenty-five per cent of the salary now received by them under said section in the counties, and such further sum for expenses incurred in the performance of the duties imposed on them by this Act as the said several boards of County Commissioners shall allow. The Supervisors of Elections of Baltimore City, in addition to the sum allowed to them by Section 6 of Article 33, as compensation for their clerk and messenger and other temporary assistance, such as is mentioned in said Section 6 of said Article 33, shall be allowed the further sum of fifteen hundred dollars; and the Supervisors of Elections of the several counties shall be entitled to receive for such additional clerical or other assistance as they may need for the performance of the duties imposed upon them by this Act, a sum not exceeding twenty-five per cent of the present salary for that purpose in the counties. All of said expenses shall be paid by the Mayor and City Council of Baltimore and the County Commissioners, respectively, in precisely the same way as the salaries of the said Supervisors of Elections of Baltimore City and in the several counties, and as other expenses of every kind mentioned in said Sections 2 and 6 of said Article 33 are provided to be paid.

160K—Every candidate for the nomination for a State office; that is to say, an office filled by the vote of all the registered voters of the State of Maryland, shall be nominated by con-

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