

THE NEW
Direct Primaries Law
OF THE
STATE OF NEW YORK

CHAPTER 891, LAWS OF 1911

**Amending the Election Law, in
Relation to Nominations and
Primaries**

Known as the Ferris Law, Passed by the Legislature and
Approved by the Governor, October 19, 1911

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THE NEW
DIRECT PRIMARIES LAW
OF THE
STATE OF NEW YORK

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BEING  
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AMENDING THE ELECTION LAW IN RELATION  
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# THE NEW DIRECT PRIMARIES LAW

## CHAPTER 891, LAWS OF 1911.

### An Act Passed by the New York State Legislature Amending the Election Law: Relation to Nominations and Primaries.

#### AN ACT

#### To Amend the Election Law, in Relation to Nominations and Primaries.

Chapter 891, Laws of 1911. Became a law, October 19, 1911, with the approval of the Governor.

#### THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The schedule of articles of chapter twenty-two of the laws of nineteen hundred and nine, entitled "An act in relation to the elections, constituting chapter seventeen of the consolidated laws," is hereby amended to read as follows:

- Article 1. Short title; application; definitions (sections 1-3).
2. Enrollment of voters (sections 4-24).
3. Party organization (sections 35-40).
4. Designation of candidates for party nominations or for election to party positions (sections 45-58).
- 4a. Conduct of primary elections; canvass of returns (sections 70-94).
- 4b. Conventions (sections 110-114).
5. Nominations (sections 120-137).
6. Registration of voters (sections 150-184).
7. Boards of elections in cities of the first class containing one or more counties (sections 190-201).
8. Commissioner of elections in the county of Erie (sections 210-221).
9. Commissioner of elections in the county of Monroe. (sections 230-242).
10. Commissioner of elections in the county of Onondaga (sections 250-260).
11. Commissioner of elections in the county of Westchester (sections 270-281).
12. Times, places, notices, officers and expenses of elections (sections 290-320).
13. Ballots and stationery (sections 330-345).
14. Conduct of elections and canvass of votes (sections 350-381).

- Article 15. Voting machines (sections 390-421).
16. Board of canvassers (sections 430-444).
17. Representatives in congress and presidential electors (sections 450-457).
18. Metropolitan elections district (sections 470-489).
19. Soldiers' and sailors' elections (sections 500-522).
20. Corrupt practices (sections 540-562).
21. Laws repealed; when to take effect (sections 570, 571).

Sec. 2. The schedule of sections to article one of such chapter is hereby amended to read as follows:

#### ARTICLE I.

#### SHORT TITLE; APPLICATION; DEFINITIONS.

- Section 1. Short title.  
2. Application.  
3. Definitions.

Sec. 3. Such chapter is hereby amended by inserting in article one thereof a new section, to be known as section two, to read as follows:

#### Application.

Sec. 2. Except as otherwise herein provided, articles two, three, four, four-a and four-b of this chapter shall be controlling:

1. On the method of enrolling the voters of a party.
2. On the organization and conduct of party committees.
3. On the method of electing members of party committees, and delegates and alternates to party conventions.
4. On the organization and conduct of party conventions.
5. On the nomination by parties of all candidates for offices authorized to be filled at a general election, or at a special election held to fill a vacancy in such office, except town, village and school district officers, and electors of the president and vice president of the United States.

Sec. 3-a. Section two of such chapter, as amended by chapter six hundred and forty-nine of the laws of nineteen hundred and eleven, is hereby renumbered section three, inserted as part of article one, and amended to read as follows:

#### Definitions.

Sec. 3. The term used in this chapter shall have the signification herein defined unless other meaning is clearly apparent in language or context:

1. The term "general election" means

the election held on the Tuesday next succeeding the first Monday in November.

2. The term "official primary" or "official primary election" means a primary election held by a party for the purpose of nominating party candidates for office, or for the election of any member of a party committee constituted as provided in section thirty-five of this chapter, or for the election of delegates and alternates to a party convention. An "unofficial primary" or an "unofficial primary election" means any other primary or primary election held by a party or independent body.

3. The term "primary day" means the day upon which an official primary election is held, as in this chapter provided.

4. The term "fall primary" means the official primary election held on the seventh Tuesday before the general election.

5. The term "spring primary" means the official primary election held on the last Tuesday in March in years when a president of the United States is to be elected.

6. The term "unit of representation" means any election district, town, ward of a city, assembly district, or any other political subdivision of the state, respectively, which is the unit from which members of any political committee or delegates to a party convention shall be elected as herein provided.

7. The term "custodian of primary records" means the officer or board whose duty it is by the provisions of this chapter to provide official ballots for general elections.

8. The term "party" means any political organization which at the last preceding election for governor polled at least ten thousand votes for any candidate for any office nominated by it to be voted for by all of the electors of the state.

9. The term "nomination" means the selection in accordance with the provisions of this chapter of a candidate for office authorized to be filled at a general election or at a special election held to fill a vacancy in such office.

10. The term "designation" means any method in accordance with the provisions of this chapter by which candidate for party nominations, or for election as party committeemen or delegates, may be named in order that they may be placed upon the official ballot for any official primary election.

11. The term "official primary ballot" means the ballot prepared, printed and supplied for use at an official primary election in accordance with the provision of this chapter.

12. The term "party position" means membership in a party committee or the



as to permit inclosure therein, without folding, of the enrollment blank, and of such weight and texture of paper as to make it impossible to read or decipher the printed matter on the blank when the same is sealed on the inside thereof. Nothing shall be printed or written upon the enrollment envelopes, except the following words, or the substance thereof, blanks to be filled in in type as far as possible:

"Primary enrollment for year .....  
City (or village or town) of .....;  
county of .....; ..... assembly  
district (or ward or town); .....  
election district."

Sec. 9. Section twenty-seven of such chapter is hereby renumbered section eight, inserted as a part of article two thereof and amended to read as follows:

Sec. 8. Delivery of enrollment blanks to voters who register personally. When, in any political subdivision of the state, a voter shall, at any of the regular meetings for registration in any year, present himself personally, for registration, to the board of election inspectors in any election district, his name and residence address shall be entered at the proper place in the two original enrollment books for that district. After he shall have been registered as a qualified voter for that election district for the next ensuing general election, the board of election inspectors, or a member thereof, shall forthwith and before such voter leaves the place of registration, enter his enrollment number, beginning with number one for the first voter enrolled on the first day, and so on in numerical order, opposite his name, in the first column of the registration books and the enrollment books, and shall write the name of the voter on the blank having the enrollment number which shall be opposite his name on the registration and enrollment books, and shall fill in the other blank spaces on the enrollment envelope and blank, and shall deliver to such voter the enrollment envelope and the blank having his name on it. No voter shall be given more than two sets of enrollment blanks and envelopes in any event, nor more than one set unless he shall spoil, deface, improperly mark, or otherwise destroy the first set given him. In case a second set is given him, the member of the board of election inspectors in charge of the enrollment books shall draw a line through such voter's enrollment number in the first column in said enrollment and registration books, and shall insert in such space in said columns the number which shall be upon the new set to be given him, which number shall always be the lowest number of the enrollment blanks and envelopes then unused in such election district. The procedure specified in this section shall also apply to an election district comprising territory partly within and partly outside of a village in which personal registration is required.

Sec. 10. Such chapter is hereby amended by inserting therein, as a part of article two thereof, a new section, to be section nine thereof, to read as follows:

**Delivery of enrollment blanks to voters where registration is not personal.**

Sec. 9. When, in any town or village in which personal registration by certain of the voters is not required, or in an election district a part of which comprises territory in which such personal registration is not required, a voter who was not registered personally shall present himself to the board of election inspectors in any election district for the purpose of receiving an official ballot to be voted thereat, his name and residence shall be entered at the proper place in the original enrollment books for that district. After he shall have voted, the board of election inspectors, or a member thereof, shall forthwith and before such voter leaves the polling place, write his name on the enrollment blank and envelope having the lowest number of the

blanks then unused in such election district, shall fill in the other blank spaces on such enrollment blank and envelope, deliver to him the enrollment envelope and the blank having his name on it, and enter opposite his name in the first column of the registration and enrollment books the number on the blank delivered to him. No voter shall be given more than two sets of blanks and envelopes in any event, nor more than one set, unless he shall spoil, deface, improperly mark, or otherwise destroy the first set given him. In case a second set is given him the member of the board of election inspectors in charge of the enrollment books shall draw a line through such voter's enrollment number in the first column in said registration and enrollment books, and shall insert in such space in such column the number which shall be upon the new set to be given him, which number shall also be the lowest number on the enrollment blanks then unused in such election district. Enrollment blanks shall be numbered consecutively, beginning with the one succeeding the last number used on the last preceding day of registration.

Sec. 11. Section twenty-eight of such chapter is hereby renumbered section ten, inserted as a part of article two thereof and amended to read as follows:

**Enrollment by voters.**

Sec. 10. Such voter desiring to enroll shall then enter a voting booth in said place of registration or polling place, and, after having closed the door thereof, may make a cross X mark with a pencil having black lead in the circle underneath the emblem of the party of his selection and thereupon inclose said enrollment blank in said envelope and seal the same, and, before leaving the place of registration or polling place, shall forthwith deposit the same in the enrollment box in said place of registration or polling place in the presence of the inspectors of election, without in any way indicating the party with which he has or has not enrolled, and the inspectors shall thereupon enter in the enrollment books in the fifth column thereof the word "yes." If a voter declines to enroll, he may return the blank and envelope to the inspector in charge of the enrollment box, and such inspector shall seal said envelope with the blank therein, indorse the name of such voter thereon and deposit the same in the enrollment box; and a like entry shall be made opposite his name in the fifth column of the enrollment books. The entries in the enrollment and registration books required by this and the two preceding sections shall be made by a member of the board designated by the chairman.

One mark crossing any other mark at any angle within the circle shall be deemed a cross mark within the meaning of this article.

Sec. 12. Section twenty-nine of such chapter is hereby renumbered section eleven, inserted as a part of article two thereof and amended to read as follows:

**Examination, sealing and custody of enrollment boxes.**

Sec. 11. Before the entry of any enrollment number or the delivery of an enrollment blank and envelope to any voter, in any year, the said enrollment box shall be examined by the board of election inspectors and when empty shall be locked and sealed by them in such a manner that should it be opened such seal would be broken; and the same shall remain so locked and sealed until the same shall be opened by the custodian of primary records as hereinafter provided. Said boxes shall be in the charge and keeping of the custodian of primary records at all times except during hours of enrollment.

Sec. 13. Section thirty of such chapter is hereby renumbered section twelve, inserted as a part of article two thereof and amended to read as follows:

**Certification and secrecy of enrollment where registration is personal.**

Sec. 12. At the close of the last meeting for registration in each year the board of election inspectors shall severally subscribe and verify duplicate declarations, one of which shall be printed in or attached to each of the original enrollment books. Such declarations shall be to the effect that the persons shown by such enrollment books are the only persons who registered personally as voters in that district on any of said days of registration and shall set forth the number of the last enrollment blank used on such last day of registration. Immediately upon the close of each day of registration, and before leaving the meeting place, the board of election inspectors shall publicly inclose the said enrollment books, together with all records pertaining thereto, in a sealed envelope, upon which shall be written or printed in distinct characters the number of the election district. Such envelope shall remain in the custody of the chairman of the board until the meeting on the next day of registration, when it shall be publicly opened. The envelope sealed at the close of the last day of registration shall, within twenty-four hours thereafter, be delivered to the custodian of primary records. Such envelope shall remain sealed until the next Tuesday following the next ensuing day of general election, except that in any election district in which personal registration as to certain of the voters is not required or comprising territory in which such personal registration is not required such envelope shall be returned to the board of inspectors before the opening of the polls on the day of general election, to be by them opened and used and again delivered to the custodian of primary records as prescribed in section thirteen. No member of the board of election inspectors shall make, or allow to be made, a copy of, or a transcript or statement from, the enrollment books. No person shall, on any such days of registration or in the interval between any such day and the next ensuing day of general election, reveal or disclose the names or number of the enrolled voters, or make, publish or circulate a list of such names, or of any thereof, or do or permit any act by which the name of any voter who may or may not have enrolled, or the number of voters enrolled or not enrolled, shall be disclosed.

Sec. 14. Such chapter is hereby amended by inserting therein a new section, to be section thirteen thereof, to read as follows:

**Certification and secrecy of enrollment where registration is not personal.**

Sec. 13. At the close of the day of general election or on the following day in each year the board of election inspectors, where personal registration as to certain voters is not required, shall severally subscribe and verify duplicate declarations, one of which shall be printed on and attached to each of the original enrollment books. Such declarations shall be to the effect that the persons shown by such enrollment books whose enrollment number is higher than the last number used on the last preceding day of registration are the only persons who voted in that district on such general election who were not registered personally. They shall inclose such enrollment books, together with all records pertaining thereto, in a sealed envelope, upon which shall be written or printed in distinct characters the number of the election district, and shall within forty-eight hours after the close of such general election deliver the same to the custodian of primary records. Such envelope shall remain sealed until the following Tuesday. No member of the board of election inspectors shall make, or allow to be made, a copy of or a transcript or statement from the enrollment books.

Sec. 13. Section thirty-one of such chapter is hereby renumbered section fourteen, inserted as a part of article two thereof and amended to read as follows:

**Opening of enrollment box and completion of enrollment.**

Sec. 14. It shall be the duty of the board of inspectors, or one of them, at the time of the final delivery of enrollment books, to deliver the enrollment box to the custodian of primary records. All enrollment envelopes contained therein shall remain in such box, and the said box shall not be opened nor shall any of the envelopes be opened or removed therefrom until the Tuesday following the day of general election in that year. Such box shall then be opened by the custodian of primary records, and the envelopes contained therein shall be removed therefrom and opened by said custodian, and the name of the party designated by each voter under such declaration shall be by said custodian entered against the name of such voter in the sixth column of the enrollment books for the election district in which such voter resides. Such enrollment shall be completed before the succeeding fifteenth day of February in each year. If cross marks are found in more than one of the circles, or if no cross marks are found in any of the circles, on any enrollment blank, the voter who used the enrollment blank thus deficient shall not be deemed to be enrolled, and words indicating the reason why such enrollment is not transcribed shall be entered in said sixth column of the enrollment books against the name of such voter. When all of the enrollments shall be transcribed from the blanks to the enrollment books, the custodian of primary records shall subscribe and verify duplicate declarations, one of which shall be printed in or attached to each of the original enrollment books, which declaration shall be to the effect that he has correctly and properly transcribed the enrollment indicated on the blank of each voter to the enrollment books, as herein provided.

Sec. 16. Such chapter is hereby amended by inserting therein a new section, to be section fifteen thereof, to read as follows:

**Enrollment in the year nineteen hundred and eleven.**

Sec. 15. In each election district of the state where no enrollment of the members of political parties was required to be made in accordance with the provisions of the election law in the year nineteen hundred and eleven, the boards of primary inspectors shall meet in their election districts respectively from twelve o'clock noon until nine o'clock post meridian on the first and second Tuesdays of December, nineteen hundred and eleven, for the purpose of making such enrollment. The members of said boards shall receive the same compensation as for a day of registration and such compensation shall be paid to them by the same officials and in the same manner as for a day of registration. Such boards of primary inspectors at such meetings shall make an enrollment of party voters in the manner herein prescribed. In the election districts where there has been no party enrollment they shall place upon the enrollment books the names of all voters who shall appear in person before the said board and fill out and file with it an enrollment blank which shall be printed in substantially the same form as the blanks prescribed in section seven of this act. At the conclusion of such enrollment on the second Tuesday of December the same boards of primary inspectors shall cause to be mailed to their several post-office addresses enrollment blanks to all voters whose names appear upon the registration lists but not upon the enrollment books, with the following instructions printed across the top thereof: "Fill out and return on or before the first Tuesday in January, nine-

teen hundred and twelve, to..... chairman board of primary inspectors, town of....., or ..... election district, ..... (here insert the number of the assembly district or ward or the name of the town or village if any) at ..... (here insert the post-office address, with street and number, if any, of chairman of the board of primary inspectors)." The names of enrolled voters contained in such blanks as shall be mailed on or before the first Tuesday in January, nineteen hundred and twelve, and when received by the chairman of the board of primary inspectors, shall be added to the enrollment books. The names of party voters thus enrolled shall be added and arranged alphabetically upon the enrollment books and such enrollment books on and after the second Tuesday in January, nineteen hundred and twelve, shall thereupon become the enrollment book for the primary elections to be held in the year nineteen hundred and twelve and shall be subject to the provisions of this chapter applying to enrollment books of party voters. The enrollment books and blanks for the enrollment of party voters required by this chapter to be printed by the custodian of primary records, shall be furnished in the year nineteen hundred and eleven on or before the last Tuesday in November of said year.

Sec. 17. Section thirty-six of such chapter is hereby renumbered section sixteen, inserted as a part of article two thereof and amended to read as follows:

**Duplicate enrollment books.**

Sec. 16. The custodian of primary records shall annually provide a true copy, duly certified, for each party of so much of the said enrollment books as will give the names, addresses and political affiliation of each voter. The said custodian shall, in the month of February of each year, deliver one such certified copy to the chairman of the proper general committee of each such party. Such certified copies shall conform in all respects to the form of the original enrollment books, or to the portion transcribed, as the case may be. The custodian of primary records shall certify to such chairman that each such copy is a correct transcript from the original enrollment book, made during the days of registration of voters for or at the preceding general election.

Sec. 18. Section thirty-seven of such chapter is hereby renumbered section seventeen, inserted as a part of article two thereof and amended to read as follows:

**Use of duplicate enrollment books at unofficial primaries.**

Sec. 17. At all unofficial primary elections of a party, the certified copy of the enrollment books shall be used, and no voter shall be allowed to take part in such primary election as a resident of an election district, unless his name is upon the certified copy of the enrollment book for that district, showing that he is enrolled with the party in whose primary election he seeks to participate.

Sec. 19. Section thirty-eight of such chapter is hereby renumbered section eighteen and inserted unchanged as a part of article two thereof, to read as follows:

**Use of original enrollment books at official primaries.**

Sec. 18. The original enrollment books shall be used at all official primary elections, and shall be delivered by the custodian of primary records to the proper boards of election inspectors immediately before the opening of the polls on each official primary day, and shall be returned to such custodian forthwith, after the completion of the canvass of the votes. Such enrollment books shall go into effect on the first day of January following the days of registration on which they are begun, and shall, with

any additions or changes made as herein provided, remain in force until the first day of the following January, when they shall be superseded by the new enrollment books, as herein provided.

Sec. 20. Section thirty-nine of such chapter is hereby renumbered section nineteen, inserted as a part of article two thereof and amended to read as follows:

**Right to enroll and vote at primaries.**

Sec. 19. No voter who has once enrolled in a political party shall be permitted to enroll in another political party before the first day of the next registration. Only voters enrolled as provided in this article shall be entitled to participate in the official primary elections of their respective parties. No voter shall take part in any primary election of any party other than the party in which he shall at the time be enrolled.

Sec. 21. Section forty of such chapter is hereby renumbered section twenty, inserted unchanged as a part of article two thereof, to read as follows:

**New enrollment books for changed districts.**

Sec. 20. In case, in the interval between the days of registration and an official primary day in the succeeding year, a new election district shall be created, or the boundaries of an election district, or the number of any ward or assembly district, shall be changed, the custodian of primary records shall, at least thirty days prior to such official primary day, prepare two new enrollment books for such district, or properly renumber the enrollment books for such ward or assembly district, which enrollment book shall be in the same form and exhibit the same facts as the enrollment books then in force in the territory comprised within such new or changed district, or renumbered ward or assembly district, but shall contain only the names of all the voters, who as shown by the enrollment books then in force in such territory are the enrolled voters of the respective political parties resident within such new or changed election district, or renumbered ward or assembly district. And in that event such new enrollment books shall supersede the enrollment books then in force in such territory, and the custodian of primary records shall be charged with the same duties concerning the same and any duplicate sets thereof or transcripts therefrom as are herein provided for with respect to the enrollment books begun on the days of registration.

Sec. 22. Section forty-one of such chapter is hereby renumbered section twenty-one, inserted as a part of article two thereof and amended to read as follows:

**Enrollment books to be public records; transcripts of enrollment.**

Sec. 21. The enrollment books herein provided for and any declaration filed on enrollment shall be public records, and shall be open to inspection and copying at any time by any person, except for the period during which they are required to remain sealed as herein provided. It shall be the duty of the custodian of primary records to certify to the correctness of any transcript of such enrollment books, or of any part thereof, on the payment of one cent for every twenty names contained in the transcript. Wherever the custodian of primary records is a salaried officer, the fees received by him for certifying such transcripts shall be paid into the public treasury. Such a certified transcript, containing the name and showing the enrollment of any voter, shall be sufficient evidence of such enrollment. The custodian of primary records shall give to any voter enrolled or transferred as in this article provided, a certificate of enrollment or of transfer, which shall specify the name of the party with which he is enrolled, the date of enrollment or transfer, and the election district in which such voter is enrolled. Declarations and enrollment blanks filed by voters shall be public records and shall be kept on



file until one year thereafter. No person shall be required to enroll, nor shall his failure to do so affect his right to register for the purpose of voting at any election.

Sec. 23. Section forty-two of such chapter is hereby renumbered section twenty-two, inserted as a part of article two thereof and amended to read as follows:

**Publication of enrollment.**

Sec. 22. The public officer or board at the time charged with the duty of publishing the registration lists of voters in a city or county shall, between the fifteenth day of December and the fifteen day of February, cause to be published in the city of New York for each assembly district, in each other city for each ward and elsewhere for each town, in pamphlet form, and at public expense a transcript of the enrollment books of each election district in such city or county, omitting all entries except the names, the residence addresses, and the party, if any, recorded opposite the respective names. The custodian of primary records shall provide such transcript for publication.

Sec. 24. Section forty-three of such chapter is hereby renumbered section twenty-three, inserted as a part of article two thereof and amended to read as follows:

**Judicial review of enrollment.**

Sec. 23. If any statement in the declaration of any person, on the evidence of which his name was enrolled in the original enrollment books for any election district by the custodian of primary records, or if any entry opposite the name of any person in such enrollment books is false, or if any person enrolled in such enrollment books has died, or has removed from or no longer resides in such election district, any voter of the assembly district in which such election district is located (provided such voter is himself duly enrolled with the same political party with which the person, as to whom the application is made, was enrolled) may present proof thereof by affidavit to the supreme court, or to any justice thereof, in the judicial district, or to a county judge of the county, in which such election district is located. And thereupon such court, justice or judge shall make an order requiring the person against or as to whom the proceeding is instituted, unless he is shown to have died, as hereinafter provided, to show cause before such court, justice or judge, at time and place specified in such order, why his name should not be stricken from such enrollment book. Such order shall be returnable on a day at least ten days before a primary election, and a copy thereof shall be served on the person against whom the proceeding is instituted and on the custodian of primary records at least forty-eight hours before the return thereof, either personally or by depositing the same in the post-office of the city in which such election district is located, in a postpaid wrapper or envelope addressed to the custodian of primary records at his office, and to such person by his name at his present address, if known, and otherwise at the address which appears in the enrollment books for such election district. If the person as to whose name the application is made is claimed to be dead, the order to show cause hereinabove provided for shall be directed to the custodian of primary records, and service thereof need only be made upon such custodian of primary records, such service to be made in the manner heretofore in this section specified; but an order requiring the custodian of primary records to show cause why the name of a person claimed to be dead should not be stricken from the enrollment books shall not be made unless the affidavit presented to the court, justice or judge by the voter instituting the proceeding shall state that such voter has personal knowledge of the death of the person

with respect to whose name the application is made and unless such affidavit is substantiated either by a certificate of the health department or by other competent evidence of such death. The custodian of primary records shall produce before the court, justice or judge, the original enrollment declaration subscribed by the person against or as to whom the proceeding is instituted. The court, justice or judge shall hear the persons interested, and if it appears by sufficient evidence that any statement in the declaration of the person against whom the proceeding is instituted, on the evidence of which he was enrolled by the custodian of primary records, or any statement opposite his name in the original enrollment books, is false, or that such person is dead or has removed from or no longer resides in the election district for which he is enrolled, shall order the name of such person stricken from the enrollment books, except as hereinafter provided. If at such hearing the person against whom the proceeding is instituted shall produce evidence that the custodian of primary records has incorrectly copied into the enrollment books the data contained in the declaration of such person, and that if correctly copied such person would be entitled to be enrolled in such election district, such order, instead of requiring his name to be stricken from the enrollment books, shall require the correction of the enrollment books in accordance with such evidence. In either case the order shall require the custodian of primary records to strike such name from the enrollment books, or to otherwise correct such enrollment books in accordance with such order. Upon the correction of such enrollment books in accordance with such order, the custodian of primary records shall certify such correction to the chairman of the general committee of each party to whom a duplicate set of enrollment books has been delivered in pursuance of section sixteen of this chapter.

Sec. 25. Section forty-four of such chapter is hereby renumbered section twenty-four, inserted as a part of article two thereof and amended to read as follows:

**Correction of enrollment with respect to persons not in sympathy with party.**

Sec. 24. If any person is not in sympathy with the principles of the political party with which such person is enrolled, any voter of the assembly district in which such election district is located (provided such voter is himself duly enrolled with the same political party with which the person as to whom the application is made was enrolled) may present proof thereof by affidavit to the chairman of the county general committee of the political party with which the voter enrolled, and the chairman of such county general committee shall issue a notice requiring the person against or as to whom the proceeding is instituted to show cause before such chairman of the county general committee, or a subcommittee appointed by such chairman, at a time and place specified in such notice why his name should not be stricken from such enrollment books. Such notice shall be returnable on a day at least fifteen days before a primary election, and a copy of the affidavit shall be served on the person against whom the proceeding is instituted and on the custodian of primary records at least forty-eight hours before the return thereof, either personally or by depositing the same in the postoffice, of the city in which such election district is located, in a postpaid wrapper or envelope addressed to the custodian of primary records at his office, and to such person by his name at his present address, if known, and otherwise at the address which appears in the enrollment books for such election district. The chairman of such committee shall in his discretion personally

hear the persons interested in the proceeding or appoint a subcommittee to take testimony, and in such event the action of the subcommittee shall not be final unless approved of by the chairman of such county general committee, and if it appears by sufficient evidence that such person is not in sympathy with the principles of the political party with which such person enrolled, the chairman of the county general committee shall cause to be filed a certificate with the board of elections or with the custodian of primary records setting forth reasons why the name of such person shall be stricken from the enrollment books, together with a record of the proceedings had in the matter. It shall be the duty of the board of elections or the custodian of primary records to make application to the supreme court or to any justice thereof in the judicial district, or to a county judge of the county, in which such election district is located, for an order requiring the person against or as to whom the proceeding is instituted to show cause before such court, justice or judge, at a time and place specified in such order, why the decision of the chairman of such county general committee should not be confirmed. Such order shall be returnable on a day at least five days before a primary election, and a copy thereof shall be served on the person against whom the proceeding is instituted at least forty-eight hours before the return thereof in the manner hereinbefore provided. The said court, justice or judge shall have power to examine fully into the proceedings taken before such chairman or subcommittee and to receive affidavits or other evidence as to the manner in which such proceedings were conducted, and shall determine whether or not said proceeding was fairly conducted and the finding made therein was made upon sufficient grounds upon the merits, and he may approve or disapprove such finding as shall seem to him to be required to do substantial justice to the party against whom the proceeding was instituted and without regard to technical requirements. The court, justice or judge upon approving of the finding of the chairman of such county general committee shall issue an order to the board of elections or to the custodian of primary records requiring the name of the voter to be stricken from the enrollment books.

Sec. 26. The schedule of sections to article three of such chapter is hereby amended to read as follows:

**ARTICLE III.**

**PARTY ORGANIZATION.**

- Sec. 35. Party committees.
- 36. State committee.
- 37. Election of members of committees.
- 38. Organization and rules of committees.
- 39. Review of election of committees.
- 40. Removal of member of committee.

Sec. 27. Such chapter is hereby amended by inserting in article three thereof six new sections, to be known as sections thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine and forty, to read as follows:

**Party committees.**

Sec. 35. Party committees shall consist of a state committee, judicial district committees, congressional district committees, senatorial district committees, assembly district committees, county committees, city committees, borough committees, aldermanic district committees, municipal court district committees, together with such subcommittees, or executive or campaign committees, appointed by such state or other committees as herein provided for, and also such other committees as may be pro-

vided for by the rules and regulations of the party desiring such additional committees.

#### State committee.

Sec. 36. The state committee shall consist of such number, and elected from such units of representation, in even numbered years as the respective parties shall provide, by rules and regulations adopted at a state convention at which state officers are nominated. Until the adoption of such rules and regulations by a party, the number of members of a state committee and the units of representation therefor, shall continue as they now exist under its present rules and regulations. If in a unit of representation no candidate for member of the state committee receive a majority of all the votes cast for such position the delegates to the state convention therefrom shall elect a state committeeman therefor.

Each member of the state committee shall be a resident of the unit of representation he is elected to represent, and shall hold office until his successor shall have been elected.

In a year when a president is to be elected members of the state committee shall be elected at the spring primary or by the delegates to the state convention elected thereat, as the case may be, and shall hold office until the election of their successors in the second year thereafter.

In case of the death, declination, disqualification or removal from office of a member of the state committee or the failure to elect a member as by reason of a tie vote, the vacancy in the state committee caused thereby shall be filled by the remaining members of the state committee. The state committee of each political party shall have power and authority to designate the time and place of holding the state convention of such political party, and shall have authority to fill all vacancies caused by the death, declination or disqualification of any candidate who is nominated by the state convention, or if any certificate of nomination is found to be defective, or not wholly void, to make and file a new certificate with the secretary of state, such nominations to fill vacancies or the making of new certificates to cure irregularities in those formerly filed, to be done and performed in the manner provided for in section one hundred and thirty-five of this act as to vacancies in nominations for public office or curing defects in certificates of nominations.

#### Election of members of committees.

Sec. 37. Members of the state, county, judicial, senatorial district, congressional district, assembly district, city, borough, aldermanic district and municipal court district, shall be elected at primary elections as herein provided for.

In the year nineteen hundred and twelve, members of all committees shall be elected at the spring primary, except in the city of New York, where they shall be elected in the fall primary. Members of the county committee shall consist of such number and elected from such units of representation as the rules and regulations of the party may provide, excepting that there shall be at least one member of such committee from each election district in the county.

Where a judicial district, senatorial district, congressional district, assembly district, aldermanic district, municipal court district, city or borough is coterminous with or less than the limits of but wholly within an entire county, the members of the county committee from such judicial district, senatorial district, congressional district, assembly district, aldermanic district, municipal court district, city or borough, shall constitute the judicial district, senatorial district, congressional district, assembly district, aldermanic district, municipal court district, city or borough committee, unless

otherwise provided for by the rules of the party.

If a judicial, congressional or senatorial district consist of more than one county, the judicial, congressional or senatorial committee shall be composed of three members from each assembly district and each portion of an assembly district comprised within such judicial, congressional or senatorial district and each such assembly district or portion of an assembly district shall be entitled to at least one vote in such committee, and if the vote cast in such assembly district, or portion thereof, for the candidate of the party, for governor, at the preceding election, exceed one thousand, to an additional vote for each one thousand votes or major portion thereof, and the member elected from an assembly district, or such portion thereof, shall be entitled to cast the vote of such assembly district or portion thereof in equal shares. For the purposes of this act, the counties of Fulton and Hamilton shall be deemed to be one county.

#### Organization and rules of committees.

Sec. 38. Every party committee, including the state committee, shall within ten days after their election meet and organize by the election of a chairman, treasurer and secretary, and such other officers as its rules may provide, and within three days file with the secretary of state and the board of elections of the county a certificate stating the names and post office addresses of such officers. Every party committee shall have the power to designate and appoint such subcommittees as it deems proper, including a committee to conduct a campaign or election for such party, which committees may be composed, in whole or in part, of persons not members of the committee by whom they are appointed.

Each committee may, and each state and county committee must, prepare rules and regulations for the government of the party and the conduct of the official primaries within its political subdivision, which may include the payment of dues. Within three days after the adoption of such rules and regulations a certified copy of the same shall be prepared and filed by the secretary with the custodian of primary records for the political subdivision with whom the name of such committee was filed. Such rules shall continue to be the rules and regulations for the committee until they are amended or new rules adopted. Such rules and regulations may be amended from time to time by a majority vote of the committee upon the following notice:

A copy of the proposed amendment shall be sent with the notice of the meeting at which such amendments are to be proposed, such notice to be not less than five days before such meeting, and to be mailed to the post-office address of each member of the committee. Until the adoption of such rules and regulations, the rules and regulations of the existing committee, so far as consistent with this chapter, shall continue to be the rules and regulations of the party for that political subdivision.

#### Review of election of committees.

Sec. 39. The election of members to any party committee may be reviewed by summary proceedings before the supreme court or a justice thereof, as provided for in section seventy of this act, upon the petition of any person qualified to vote at the primary election of the party which such committee represents.

#### Removal of member of committee.

Sec. 40. A member of a party committee may be removed by such committee, for disloyalty to the party or corruption in office, after notice and a hearing upon written charges, to be heard by the committee or a subcommittee thereof appointed for that purpose, which shall report its findings to the full committee. The action of any committee in removing a member thereof as herein provided for

may be reviewed in a summary proceeding before the supreme court or by a justice thereof, upon a petition of the person so removed.

Sec. 28. The schedule of sections to article four of such chapter is hereby amended to read as follows:

### ARTICLE IV.

#### DESIGNATION OF CANDIDATES FOR PARTY NOMINATIONS OR FOR ELECTION OF PARTY POSITIONS.

- Section 45. Direct nomination of candidates for certain public offices; election of delegates; eligibility.
46. Designations by party committees.
47. Meetings of committees for purposes of designation.
48. Designation by petition.
49. Filing of designations.
50. Declination by person designated.
51. Certification by secretary of state.
52. Vacancies, how filled.
53. Delegates to national conventions.
54. Presidential electors.
55. Existing committees continued.
56. Contests; judicial review.
57. Emblems.
58. Official primary ballot.

Sec. 29. Such chapter is hereby amended by inserting in article four thereof thirteen new sections, to be known as sections forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven and fifty-eight, to read as follows:

#### Direct nomination of candidates for certain public offices; election of delegates; eligibility.

Sec. 45. Except as otherwise provided in this act: 1. Party nominations of candidates for a public office can only be made by a convention or at a primary of the political party.

2. Party nominations for officers to be voted for by all the voters of the state shall be made by conventions composed of delegates selected in the manner provided for in this article.

3. Party nominations for an office to be voted for by all the voters of the state, in a year when a governor of the state is not to be elected, or to fill vacancies caused by the death, declination or disqualification of the person nominated for an office at a state convention, shall be made by the state committee of the respective parties, unless otherwise provided for by the rules and regulations made by the state convention of the party desiring such nominations or the filling of vacancies to be otherwise made.

4. All other nominations and elections by a political party, both for party nominations and party positions, shall be made at the primary election herein provided for except that party nominations for town, ward and village officers and for the office of school director shall be made in the manner prescribed by rules to be adopted by the party committee of the county wherein such town, village or school district is located, and of the city committee wherein such ward is located.

5. Party nominations for an office to be voted for at a special election shall be made in the manner prescribed by the rules and regulations of the respective parties.

6. Candidates for party nominations to be made at the primaries and for election to party positions shall be designated either:

- By party committees, organized and acting as by this chapter provided; or
- By petition, as in this chapter provided.

A person shall not be a candidate for

delegate to the state convention of a party or eligible for the position of delegate unless he is an enrolled voter of the party within the county containing the unit of representation for which such position is to be filed.

Designations by party committees.

Sec. 46. 1. The respective committees of each party, constituted as herein provided, may designate candidates for party nominations for public office to be placed upon the official primary ballot in accordance with the provisions of this chapter, as follows:

Each congressional district committee, for representative in congress;

Each senatorial district committee, for state senator;

Each judicial district committee, for justice of the supreme court;

Each assembly district committee, for member of assembly;

Each county committee, for county officers, and in the county of New York also for judges of the court of general sessions, and for justices of the city court of the city of New York;

Each city committee, for city offices to be filled by the voters of the entire city;

Each borough district committee, in a city containing more than one million inhabitants, for borough offices;

Each municipal court district committee, in a city containing more than one million inhabitants, for justices of the municipal court in said city;

Each aldermanic district committee, in a city containing more than one million inhabitants, for alderman.

A candidate for party nomination to public office required to be made by direct vote of the enrolled party voters, whose designation by a party committee is not hereinbefore provided for, may be designated by any other committee created and organized and upon which such power is conferred by the rules and regulations of the party.

2. Candidates for election as delegates to the state convention of a party may be designated by the committee of the political subdivision constituting the unit of representation of delegates thereto.

3. A candidate for election as member of the state committee may be designated by the committee for the district from which he is elected. A candidate for election as member of a committee may be designated either by the member or members thereof from the same unit of representation or by such other committee, chosen by the enrolled party voters within such unit, as the rules and regulations of the party may prescribe, but any such rule or regulation, properly authenticated, shall be filed with the custodian of primary records at least twenty days before any such designation is made.

4. Designation by party committees of candidates for party nominations or for party positions shall be made in the manner provided in this article and not otherwise.

Meetings of committee for purposes of designation.

Sec. 47. 1. Time of meetings. For the purpose of designating candidates such committees shall meet not earlier than the fourth Tuesday nor later than the third Tuesday preceding the primary.

2. Notice of meetings. Except as hereinafter provided, notice of the time, place and purpose of every meeting to be held to designate candidates shall be duly mailed to each member of the committee at his post-office address not less than fifteen days before the day fixed for such meeting. Each such notice shall be filed not less than ten days before the day fixed for such meeting in the office in which designations by the committee of candidates are required to be filed.

3. Conduct of meetings. Each meeting of a committee for the purpose of making such designations shall be open to the public. A committee in making designations

of candidates for different offices shall make them in the order in which said offices will appear on the ballot at the general election. The procedure governing the meeting of the committee shall be prescribed by the rules and regulations of the party. No subcommittee shall be empowered to make designations unless to fill vacancies except it be composed of at least three members of the county committee from each assembly district within the county.

Designation by petition.

Sec. 48. Every petition for the designation of a candidate for party nomination or for election to a party position shall be in substantially the following form:

I, the undersigned do hereby certify that I am a duly enrolled voter of the ..... party, as herein below specified, and entitled to vote at the next primary election of said party, and I do hereby designate the following named person, or persons, as a candidate, or candidates, for nomination by the ..... party for public office, or offices, or as a candidate or candidates for election to the position, or positions, of the said party to be voted for at the official primary election to be held on the ..... day of ....., A. D....., as hereinafter specified, and it is my intention to support at the ensuing primary the candidacy of the person or persons and each of them herein designated by me.

Table with 3 columns: Name of cand., Public office or party posit'n., Place of res.

I do hereby appoint [here insert the names of at least three persons] as a committee to fill vacancies in accordance with the provisions of the election law.

In witness whereof, I have hereunto set my hand the day and year placed opposite my signature.

Table with 4 columns: Date, Name of signer, Residence, Election district, town or ward.

Sate of New York, } ss.: County of..... }

On this.....day of.....in the year.... before me personally came (here shall be inserted the names of each and every voter appearing and making oath before the said officer) each of whom was to me personally known and known by me to be the voter whose name and place of residence is subscribed by him to the foregoing certificate and each of the foregoing voters being by me duly and severally sworn did make oath that he is a voter and has truly stated his residence, and that it is his intention to support at the polls the candidacy of the person or persons designated for nomination for public office in the foregoing certificate of designation, if the same are nominated.

(Signature and official title.)

A petition for the designation of candidates for party nomination or for election to party position may designate candidates for nomination for one or more public offices, or for election to one or more party positions, or both.

Petitions for designation of candidates for party nominations or for the election of candidates to party positions shall be signed by at least five per centum of the total enrolled voters of such party within the district, within which such office, or within the unit of representation for which such party position, is to be filled and by not less than four per centum of the total vote cast in that political subdivision for the party candi-

date for governor at the last preceding gubernatorial election.

All papers signed and verified in the manner and form above prescribed for the purpose of designating the same candidate for nomination for the same public office or the same party position shall, when bound together and offered for filing as provided in this chapter, be deemed to constitute one petition with respect to said candidate.

No enrolled voter shall join in designating a greater number of candidates for party nomination for a public office or for election to a party position than the number of persons to be elected thereto. Where an enrolled voter shall sign any petition or petitions designating a greater number of candidates than he is permitted to designate as aforesaid his signatures, if they bear the same date, shall not be counted, and if they bear different dates they shall be counted in the order of their priority of date and only so far as he was entitled to make designations.

Filing of designations.

Sec. 49. 1. Where to be filed. All designations of candidates for offices and for election to party positions to be filled by the voters of any subdivision of the state shall be filed with the officer with whom certificates of nomination for such office or offices are required by this act to be filed. All designations filed in accordance with the provisions of this section shall forthwith be filed by the custodian of primary records in his office and shall be open to inspection as public records at all reasonable hours, and each custodian of primary records shall provide ample and sufficient facilities for keeping said records and making copies of the same.

2. When to be filed. Designations by party committees shall be filed not earlier than the fourth Tuesday and not later than the third Tuesday preceding the primary at which the candidates therein designated are to be voted for; each designation shall be so filed by filing a certificate thereof made by the chairman and secretary of the meeting of the committee at which the designations are made and said certificate shall be accompanied by a complete and accurate record of the proceedings of the meeting of the committee. All designations by petition shall be filed not earlier than the fourth Tuesday and not later than five days after the third Tuesday preceding the primary at which the candidates therein designated are to be voted for. All designations shall at the time of the filing thereof be stamped or indorsed by the secretary of state, or the custodian of primary records, as the case may be, with the day, hour and minute of such filing.

Declination by person designated.

Sec. 50. The name of a person designated as a candidate for nomination for party position shall not be printed on the official ballot if he notifies the officer with whom the original certificate of his designation is filed in a writing signed and duly acknowledged by him that he declines the designation, or if designated by the party committee or one or more independent bodies, the name of the person so designated shall not be printed on the ticket of the committee or independent body whose designation he shall in like manner decline. Such declination shall be filed within five days after the third Tuesday preceding the ensuing primary. The officer with whom such declination is filed shall forthwith inform by mail or otherwise the committee authorized to fill vacancies in designations, and if such declination be filed with the secretary of state, such officer shall also give immediate notice by mail or otherwise of such designation to the several custodians of primary records for the election districts affected by such declination.

Certification by secretary of state.

Sec. 51. The secretary of state shall, at least seven days before an official pri-

primary election, except a primary election held to nominate candidates to be voted for at a special election, prepare and transmit to the several custodians of primary records within the political subdivisions where the candidates, designations of whom have been duly filed with him are to be voted for, a certificate setting forth the names and residences of such candidates and the titles of the offices for which they are named, and the name of the party upon whose primary ballot their names are to be placed, and the emblem or device chosen to represent and distinguish the candidates of petitioners making such designations, and in case of a special election he shall prepare and transmit such certificate at least three days before the official primary election.

#### Vacancies, how filled.

Sec. 52. If a candidate regularly designated for election to party position, or for a party nomination for public office, declines a nomination or dies before the primary day, or is found to be disqualified to hold the office or position for which he has been designated, a committee to fill vacancies, which may be appointed by the party committee making such designation and the appointment of which must be duly certified with the designation, or which may be appointed by the signers and shown upon the face of the petition of designation, may make a new designation, to fill the vacancy so created, by making and filing with the officer with whom the original designation was filed a certificate setting forth the cause of the vacancy, the name of the person designated by them, the name of the original candidate, and the name of the party on whose behalf the original certificate of designation was made. Such certificate shall be subscribed and acknowledged by a majority of the members of the committee to fill vacancies, who shall severally make oath that the matters therein stated are true, to the best of their knowledge and belief, and when so filed such certificate shall have the same force and effect as the original certificate of designation, or the original petition, as the case may be. In case such certificate shall be filed with the secretary of state, he shall forthwith certify to the proper custodian, or custodians, of primary records the name of the person designated by such certificate and such other facts as are required to be stated therein. In case the certificate from the secretary of state shall be received by a custodian of primary records, or an original certificate of designation as in this section provided for shall be filed with him, after the official ballots have been printed and before primary day, it shall be his duty to prepare and furnish to the inspectors of election in each election district affected adhesive pasters containing the name of the candidate designated to fill the vacancy with directions for the proper use thereof. The pasters shall be of plain white paper, printed in plain black ink and in the same kind of type used in printing the names of the candidates upon the official ballots, and shall be of a size as large as and no longer than the space occupied upon the official ballot by the name of the candidate in whose place the candidate named upon the paster has been designated. Whenever such pasters are provided, the officer or board furnishing them shall certify to the inspectors of election in the election districts affected by the vacancy, the name of the person originally designated, the name of the person designated in the new certificate, the title of the office or party position for which the designation is made, the name of the political party to which the committee making the designation belongs, and shall state the number of pasters furnished, which number shall be equal to the number of official ballots furnished for each such district. Upon the delivery of said pasters the inspectors of election shall sign and receipt for the same, which receipt shall be retained by

the officer or board furnishing the pasters, and shall be part of the record of his or their office. The inspectors shall affix one of such pasters in the proper place and in a proper manner upon each official ballot before such ballot shall be delivered to a voter. When so affixed to an official ballot the paster shall be a part of the official ballot. The inspectors shall include in their statement of ballots a statement showing the number of pasters received by them, the number of pasters affixed to official ballots and the number of unused pasters returned by them, the unused pasters to be inclosed in the package of ballots not delivered to voters. The use of any paster upon the official ballot otherwise than as herein provided is hereby prohibited.

#### Delegates to national conventions.

Sec. 53. The rules and regulations of each political party may prescribe that the delegates to a national convention of that party shall be elected either at state conventions held by such party or from congressional districts, or partly by state conventions and partly from congressional districts. In each year when a president and vice-president of the United States are to be elected, there shall be a primary election for the choice of delegates and alternates to the national convention on the last Tuesday in March of such year. In case the rules and regulations of a political party provide for the election of delegates and alternates to a national convention by a state convention, delegates to such state convention shall be elected as hereinafter provided. In case the rules and regulations of the party provide for the election of delegates and alternates from congressional districts to the national convention, the enrolled electors of such political party in the several congressional districts shall elect the delegates and alternates from such congressional districts at the primary herein provided for that purpose.

The spring primary shall be subject to all the provisions of this chapter for the conduct of primary elections on the annual primary day.

#### Presidential electors.

Sec. 54. In each year when a president of the United States is to be elected, candidates for the office of elector for president and vice-president of the United States shall be nominated by the state committee of each of the parties to which this act applies, one for each congressional district, and two at large. The candidates so nominated shall be certified to the secretary of state in the same manner as party nominations for state offices.

#### Existing committees continued.

Sec. 55. Party committees now existing shall continue until their successors are elected as provided for in this act, and shall have the power to make designations for the spring primaries in the year nineteen hundred and twelve.

#### Contests; judicial review.

Sec. 56. Any action or neglect of the officers or members of a political convention or committee, or of any inspector of primary election, or of any public officer or board with regard to the right of any person to participate in a primary election, convention or committee, or to enroll with any party, or with regard to any right given to or duty prescribed for, any voter, political committee, political convention, officer or board, by this article, shall be reviewable by summary proceedings upon the petition of any person aggrieved thereby, or upon a petition presented by the chairman of any political committee, which summary proceedings may be instituted before the supreme court or a justice thereof within the judicial district where the transaction, act or neglect of duty took place. Such proceedings shall be heard upon such notice as the court or justice

thereof shall direct. In reviewing such action or neglect, the court, justice or judge shall consider, but need not be controlled by, any action or determination of the regularly constituted party authorities upon the questions arising in reference thereto, and shall make such decision and order as, under all the facts and circumstances of the case, justice may require. For the purposes of this section, service of any notice or order or other process of the court or justice thereof upon the chairman or secretary of a convention or committee or board whose action is sought to be reviewed or directed shall be sufficient. The action of any custodian of primary records in canvassing and certifying the result of any primary election, or of the secretary of state in preparing and certifying the list of delegates to any convention, or members of a state committee, may be reviewed in like manner by the supreme court, or a justice thereof, which by order may make any change in the result of such primary election as certified to by the custodian of primary records, or any change or alteration in the list of delegates or members of a state committee prepared by the secretary of state, as justice may require. The change or alteration so made, if the result is as to the nomination of a candidate for an elective office, the name of the person so adjudged to have been accredited with the greatest number of votes at such primary for such elective office shall be placed upon the official ballot as the candidate for the party holding such primary; and any change or alteration so made by the court or the justice thereof in the statement of the list of delegates shall be included in the statement of the list of delegates to be certified by the secretary of state, to the chairman or the secretary of the state committee, or the chairman of such other political committee, as under the provisions of this article, are empowered to call the conventions to which such delegates are elected. Proceedings taken under this article shall have precedence and priority over all other actions and proceedings in the supreme court or before a justice thereof. The court, or a justice thereof, upon such proceeding, shall have the right to subpoena and examine witnesses, or in its discretion to hear and determine the case upon affidavits. In case the court or a justice thereof should find and determine that both parties to the controversy had been guilty of frauds or that the primary has been so permeated by fraud as to render it impossible for him to determine the true result of such primary and who was elected thereat, such court or justice shall have the right to direct the holding of a new primary at the same place and in the same manner as the regular official primary, or in case of a contest over the result of the convention, which has been characterized by such frauds and irregularities as to render it impossible for such court or justice to determine who was rightfully nominated at such convention, to direct the reassembling of such convention upon a date to be fixed by such court or justice for the purpose for which such convention was originally convened. The court, or justice thereof, in case of ordering a new primary, may include in such order directions for the canvassing of the vote of such new primary, and the case of ordering a new convention shall contain directions to the proper party officials as to giving notice to each delegate and alternate delegate to such original convention of the time and place for the reassembling of the convention.











#### Emblems.

Sec. 57. The party emblem shall constitute the committee emblem of the party. A petition for the designation of a candidate for nomination to public office or election to a party position may likewise select an emblem to distinguish the candidates designated by such petition, and such emblem shall be shown by the representation thereof upon such

# Facsimile of Front of Official Primary Ballot.

## INSTRUCTIONS.

THIS BALLOT SHALL BE MARKED IN ONE OF TWO WAYS WITH A PENCIL HAVING BLACK LEAD. TO VOTE A STRAIGHT TICKET MAKE A CROSS (X) MARK WITHIN THE CIRCLE ABOVE SUCH TICKET. TO VOTE A SPLIT TICKET, THAT IS, FOR CANDIDATES UNDER DIFFERENT CIRCLES, THE VOTER SHOULD MAKE A CROSS (X) MARK BEFORE THE NAME OF EACH CANDIDATE FOR WHOM HE VOTES. IF THE TICKET MARKED IN THE CIRCLE FOR THE STRAIGHT TICKET DOES NOT CONTAIN THE NAMES OF ALL CANDIDATES FOR WHOM THE VOTER MAY VOTE, HE MAY VOTE FOR CANDIDATES SO OMITTED BY MAKING A CROSS (X) MARK BEFORE THE NAMES OF CANDIDATES FOR THE SAME OFFICES OR POSITIONS ON ANOTHER TICKET, OR BY WRITING THE NAMES IF THEY ARE NOT PRINTED UPON THE BALLOT, IN THE BLANK COLUMN, UNDER THE TITLE OF THE OFFICE OR PARTY POSITION. TO VOTE FOR A PERSON NOT ON THE BALLOT, WRITE THE NAME OF SUCH PERSON UNDER THE TITLE OF THE OFFICE OR PARTY POSITION IN THE BLANK COLUMN. ANY OTHER MARK THAN THE CROSS (X) MARK USED FOR THE PURPOSE OF VOTING, OR ANY ERASURE MADE ON THIS BALLOT, MAKES IT VOID, AND NO VOTE CAN BE COUNTED HEREON. IF YOU TEAR OR DEFACE OR WRONGFULLY MARK THIS BALLOT, RETURN IT AND OBTAIN ANOTHER, BUT ONLY ONE ADDITIONAL BALLOT MAY BE THUS OBTAINED.

|                                                                                                                                                                                                             |                                                                                     |                                                                                      |                                                                                       |                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|----------------------------------------|
| <b>Official Ballot for the Primary Election of the (name) Party</b><br>County      September 19, 1911      (If City) _____ Ward 99th Election District<br>Town (or City) of _____<br>(Or Assembly District) |                                                                                     |                                                                                      |                                                                                       |                                        |
|                                                                                                                          |  |   |                                                                                       |                                        |
|                                                                                                                          |  |  |                                                                                       |                                        |
| For Representative in Congress.                                                                                                                                                                             | For Representative in Congress.                                                     | For Representative in Congress.                                                      |                                                                                       | For Representative in Congress.        |
|                                                                                                                                                                                                             |                                                                                     |                                                                                      |                                                                                       |                                        |
| For State Senator.                                                                                                                                                                                          | For State Senator.                                                                  | For State Senator.                                                                   |                                                                                       | For State Senator.                     |
| PERRY PRINE.                                                                                                                                                                                                | GEORGE PRICE.                                                                       | PETER PIPER.                                                                         |                                                                                       |                                        |
| For Member of Assembly.                                                                                                                                                                                     | For Member of Assembly.                                                             | For Member of Assembly.                                                              |  | For Member of Assembly.                |
| HARRY JENKINS.                                                                                                                                                                                              | EZEKIEL JUDSON.                                                                     | JOHN L. SULLIVAN.                                                                    |  |                                        |
| For Sheriff.                                                                                                                                                                                                | For Sheriff.                                                                        |   | For Sheriff.                                                                          | For Sheriff.                           |
| JOHN WILLSON.                                                                                                                                                                                               | PATRICK MURPHY.                                                                     |  | GEORGE HUMBERT.                                                                       |                                        |
| For Mayor.                                                                                                                                                                                                  | For Mayor.                                                                          |                                                                                      | For Mayor.                                                                            | For Mayor.                             |
| ALBERT KERN.                                                                                                                                                                                                | ISAAC EINSTEIN.                                                                     |                                                                                      | CHARLES HARRIS.                                                                       |                                        |
| For Delegates to the State Convention.                                                                                                                                                                      | For Delegates to the State Convention.                                              | For Delegates to the State Convention.                                               | For Delegates to the State Convention.                                                | For Delegates to the State Convention. |
| GEORGE PERKINS.                                                                                                                                                                                             | JOHN JONES.                                                                         | ALBERT FITCH.                                                                        | THOMAS FARRELL.                                                                       |                                        |
| WILLIAM COOK.                                                                                                                                                                                               | JOHN SMITH.                                                                         | GEORGE LEECH.                                                                        | JOHN ELLIOTT.                                                                         |                                        |
| PHILIP CUSTER.                                                                                                                                                                                              | GEORGE BROWN.                                                                       | JAMES BAILEY.                                                                        | MORRIS KAY.                                                                           |                                        |
| JOHN BRANDT.                                                                                                                                                                                                | CHARLES HORTON.                                                                     | EDWARD CARROLL.                                                                      | FRANK ERB.                                                                            |                                        |
| ARTHUR JONES.                                                                                                                                                                                               | FRANK GILBERT.                                                                      | HARVEY HALE.                                                                         | RICHARD POTTER.                                                                       |                                        |
| For Member of the State Committee.                                                                                                                                                                          | For Member of the State Committee.                                                  | For Member of the State Committee.                                                   | For Member of the State Committee.                                                    | For Member of the State Committee.     |
| MICHAEL BAKER.                                                                                                                                                                                              | HENRY PRAIT.                                                                        | ALBERT KERN.                                                                         | FRANK DANIELS.                                                                        |                                        |
| For Member of the County Committee.                                                                                                                                                                         | For Member of the County Committee.                                                 | For Member of the County Committee.                                                  | For Member of the County Committee.                                                   | For Member of the County Committee.    |
| WILLIAM KRAFT.                                                                                                                                                                                              | ROBERT ELLIS.                                                                       | GEORGE ATWOOD.                                                                       | GEORGE SANDS.                                                                         |                                        |

# Facsimile of Back of Official Primary Ballot

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NO. 1.

DEMOCRATIC PARTY

DEMOCRATIC PARTY

(INSERT EMBLEM)

OFFICIAL PRIMARY BALLOT

FOR THE

99TH ELECTION DISTRICT

OF THE

43D ASSEMBLY DISTRICT,  
COUNTY OF NEW YORK,  
SEPTEMBER 19, 1911.

JOHN SMITH,

*Custodian of Primary Records.*

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petition. An emblem chosen as aforesaid may be any appropriate symbol, other than the coat of arms or seal of the state or of the United States, or the state or national flags, or any religious emblem or symbol, or the portrait of any person or the representation of a coin or of the currency of the United States, or the party emblem of any party. Conflicts in emblems shall be determined, and omitted emblems supplied, in the manner, so far as practicable, provided for by sections one hundred and twenty-five and one hundred and twenty-six of this chapter, in respect to emblems to be placed upon the official ballot.

#### Official primary ballot.

Sec. 58. There shall be prepared, printed and supplied in the manner hereinafter provided, for use at official primary elections, official primary ballots, and except as otherwise expressly provided in this chapter, no other ballot shall be used at an official primary election.

No names of candidates for any nomination to public office or election to a party position shall be printed upon the official primary ballot, except upon designation duly made as prescribed in this chapter; nor shall any names, words, or signs, or writing whatever be printed, written, stamped or in any manner placed upon an official primary ballot except as herein provided.

The official primary ballots shall conform in quantity, weight, and style of printing, to the ballots described in this chapter for use at the general election. The ballots of no two parties shall be of the same color. The secretary of state shall designate the color of ballots for each party. The ballot shall be printed upon the same leaf of the stub and separated therefrom by a perforated line. The part above the perforated line, designated as the stub, shall extend the entire width of the ballot, and shall be of sufficient depth to allow the following instructions to voters to be printed thereon in type known as brevier, with the word "Instructions" in larger type above:

"This ballot shall be marked in one of two ways with a pencil having black lead. To vote a straight ticket mark a cross X mark within the circle above such a ticket. To vote a split ticket, that is, for candidates under different circles, the voter shall make a cross X mark before the name of each candidate for whom he votes. If the ticket marked in the circle for a straight ticket does not contain the names of all candidates for whom the voter may vote, he may vote for candidates so omitted by making a cross X mark before the names of candidates for the same offices or positions on another ticket, or by writing the names if they are not printed upon the ballot, in the blank column, under the title of the office or party position. To vote for a person not on the ballot, write the name of such person under the title of the office or party position in the blank column. Any other mark than the cross X mark used for the purpose of voting, or any erasure made on this ballot, makes it void, and no vote can be counted hereon. If you tear or deface or wrongfully mark this ballot, return it and obtain another, but only one additional ballot may be thus obtained."

Upon the face of the ballot and directly below the perforated line shall be printed the following: "Official ballot for the primary election of the (name or party) party," the name of the county and town or city; the date on which such primary is held; the assembly district number, number of the ward, and the election district number, directly below which shall be printed a heavy black line.

The portion of such ballot below such horizontal black line shall be divided into columns by lighter black lines. The titles of the different offices for which candidates are to be nominated, or party

positions to be filled, shall be arranged in such columns in the following order, from top to bottom: Justice of the supreme court, representative in congress, state senator, member of assembly, county and city officers in the order in which they respectively will appear upon the official ballot at the general election, delegates to state convention, member of state committee, member of county committee, and other committees in such order as the custodian of primary records shall determine. The titles of the public offices or party positions shall be printed in a space one inch in depth and at least two inches in width, divided by horizontal light ruled lines. Below the space containing the title of a public officer or party position shall be printed the name of the candidate or candidates for such office or position, separated by light horizontal lines with a blank space on the left thereof one-quarter of an inch square, inclosed by heavy dark lines which space is called the voting space. Below the names of the several candidates or group of candidates designated for the same public office or party position shall be printed a heavy line across the entire width of the ballot. Above the titles of the different offices for which candidates are to be nominated or party positions to be filled, in the center of a sufficient space separated therefrom by a heavy black line, shall be printed the emblem of the party committee or the emblem selected by the petitioners as the case may be by whom such candidates were designated. If the various committees of any party fail to unite in selecting the same committee emblem, the custodian of primary records shall select the same, to be printed in the appropriate space at the head of the committee column, upon all ballots to be used within his jurisdiction. Immediately below the emblem and in the same space, shall be printed in the center of such space a blank circle one-half inch in diameter, defined by heavier lines than the lines dividing the blank space before the names of candidates, as herein provided. The candidates designated by party committee shall be so arranged in the column to the extreme left. Candidates designated by petition shall be arranged in the other columns of the ballot from left to right in the chronological order in which the designations were filed, but with the titles of the public offices and party positions and the candidates designated therefor directly opposite the same titles and the names of candidates designated for the same offices or party positions in the committee column. The name of a candidate shall not appear more than once on the ballot as a candidate for the same public office or party position. To the right of the ballot shall be a column in which shall be printed only the titles of the public offices and party positions opposite the corresponding titles, respectively, under which the names of the candidate or candidates have been printed. Beneath each such title the spaces shall be the same size and arranged in the same manner as where the names of candidates are printed beneath the corresponding title, except that the voting space shall be omitted.

On the back of the ballot below the stub and immediately at the left of the center of the ballot shall be printed the name and emblem of the party, and in great primer roman, condensed capitals "Official primary ballot for," and after the word "for" shall follow the designation of the polling place for which the ballot is prepared, the date of the primary election, and a facsimile of the signature of the officer who has caused the ballot to be printed. Immediately above the center of such indorsement and upon the back of the stub, shall be printed the consecutive number of the ballot beginning with "No. 1," and increasing in regular numerical order, and on the back of the stub below the number, the name of the party. All ballots

shall be substantially in the following form:

(Note: See Ballot Form Pages 11 and 12.)

Sec. 30. Such chapter is hereby amended by inserting therein a new article to be article four-a thereof, the schedule of which shall read as follows:

### ARTICLE 4-A.

#### CONDUCT OF PRIMARY ELECTIONS; CANVASS OF RETURNS.

- Section 70. Organization and conduct of official primaries.
71. Qualifications of voters at primaries.
  72. Challenges at official primary elections.
  73. Expense of official primaries.
  74. Primary districts, officers and polling places.
  75. Notice of official primary.
  76. Restrictions as to place of primaries.
  77. Removals from, and filling vacancies in, boards of primary election officers.
  78. Primary poll clerks.
  79. Ballots, booths and supplies.
  80. Delivery of ballots and manner of voting.
  81. Unofficial ballots.
  82. Preparation of ballot by voters.
  83. Persons within the guard-rail.
  84. Watchers; challengers; electioneering.
  85. Canvass of votes.
  86. Intent of voters.
  87. Proclamation and statement of result.
  88. Certificates of election; preservation of ballots.
  89. Canvass of statements of result; certificates of nomination or election.
  90. Filling vacancies and determination of tie vote after primaries.
  91. Primaries held to nominate candidates for special elections.
  92. Unofficial primaries.
  93. Penalty for violation.
  94. Perjury.

Sec. 31. Such chapter is hereby amended by adding thereto as a part of article four-a a new section to be known as section seventy, and to read as follows:

#### Organization and conduct of official primaries.

Sec. 70. 1. Election officials for each election district within a primary district shall comprise the election officers for such primary district.

2. All said officers shall take and subscribe the constitutional oath of office, before entering on the discharge of their duties.

3. Such primary shall be held open from three o'clock in the afternoon until nine o'clock, post meridian, for voting thereat.

4. The primary election officers shall perform the same duties that they are required to perform in a general election, and such additional duties as are in this chapter prescribed and shall receive the same pay as for services on registration day.

5. In each year an official primary election shall be held on the seventh Tuesday before the general election; in each year in which a president of the United States is to be elected, an additional official primary election shall be held on the last Tuesday in March.

Sec. 32. Such chapter is hereby amended by inserting therein as a part of article four-a thereof a new section to be section seventy-one, and to read as follows:

#### Qualifications of voters at official primaries.

Sec. 71. No person shall be entitled to vote at any official primary unless he

is duly enrolled and may be qualified to vote on the day of election. The primary election inspectors shall decide all questions that arise relating to the qualifications of voters.

Sec. 33. Section fifty-seven of such chapter is hereby renumbered section seventy-two, inserted unchanged as a part of article four-a thereof, to read as follows:

**Challenges at official primary elections.**

Sec. 72. The right of an enrolled voter to participate in any official primary election shall be subject to challenge at any time before his ballot is deposited in the ballot box. When any enrolled voter shall be challenged, the chairman, or one of the members, of said board, shall forthwith put to him an oath or affirmation to answer truly such questions as shall be put to him, and he shall be allowed to vote if, and only if, he shall make such oath or affirmation, and shall answer in the affirmative each of the following questions: "Are you ..... (using the name which he has given as his name)?"

"Do you reside, and have you, for thirty days last past, resided at ..... (giving the address which he has given as his residence)?"

Sec. 34. Section forty-seven of such chapter is hereby renumbered section seventy-three inserted as a part of article four-a thereof, and amended to read as follows:

**Expense of official primaries.**

Sec. 73. The expense of official primary elections, including the expense of preparing and copying new enrollment books and the compensation herein provided to be paid to primary election officers, shall be paid by the same officers or boards and in the same manner, as the expenses of general elections. If provision shall not have been made for the payment of such expense in any year, then the officers who are empowered by law to make such provision in any county, city, town or other political subdivision of the state, are hereby authorized and directed to raise money to such an amount as may be necessary, in any manner provided by law for meeting expenses in anticipation of the collection of taxes and to pay such expense therefrom. The amount so raised shall be included in the amount to be raised by tax in the ensuing year.

Sec. 35. Section forty-eight of such chapter is hereby renumbered section seventy-four, inserted as a part of article four-a thereof, and amended to read as follows:

**Primary districts, officers and polling places.**

Sec. 74. The custodian of primary records shall thirty days before each official primary day, divide every ward or assembly district in a city and every village having five thousand inhabitants or more into primary districts, each of which shall consist of two contiguous election districts, except that in case there is an odd number of election districts in such ward, assembly district or village, the highest numbered election district shall be a primary district by itself. There shall be two polling places in each of such primary districts which shall be designated and provided at public expense by the officers or boards whose duty it is to provide polling places for days of general election, and which shall be, so far as they are available, the same places as were used for the last preceding general election. The custodian of primary records shall assign one of the polling places in each such primary district to the party which, at the last election of governor, cast the highest number of votes for governor, and at the other polling place in such primary district there shall be held the primary elections of all other parties. In all other villages

and towns, each election district shall constitute a primary district. Except in a city or village having more than five thousand inhabitants there shall be for each primary district a board of primary election officers, which shall consist of the election inspectors, poll clerks and ballot clerks for the election district comprising such primary district.

In election districts in which voting machines are used at the general election the ballot clerks to serve at the primary election shall be appointed by the board of election inspectors for the purposes of such primary election only. In a city or village having more than five thousand inhabitants there shall be for each primary district two boards of primary election officers, one of which shall consist of the election inspectors, poll clerks and ballot clerks for the election district or districts comprised within such primary district who shall at the time representing the party which at the last preceding election of a governor shall have cast the largest number of votes for governor, and the other of which shall consist of the election inspectors, poll clerks and ballot clerks who shall represent the party which, at such election, shall have cast the second largest number of votes for governor. The first mentioned of said boards shall conduct the primary elections of the party represented by its members, and the second mentioned of said boards shall conduct the primary elections of all other parties at the time entitled to hold primary elections.

Sec. 36. Section forty-nine of such chapter is hereby renumbered section seventy-five, inserted as a part of article four-a thereof, and amended to read as follows:

**Notice of official primary.**

Sec. 75. At least thirty-five days before each official primary day the chairman of the general committee of each party subject to the provisions of this article, shall certify and deliver to the custodian of primary records a statement of the conventions, the time when and the place where such conventions are to be held, and of the committees and offices for which delegates, members or candidates, as the case may be, are to be elected thereat, and the number of delegates to conventions, and members of committees, to be elected in each unit of representation. The custodian of primary records shall prepare a notice of each official primary election provided for by this article, and shall publish such notice, not more than thirty-five days and not less than thirty days prior to such primary election, in at least one newspaper having a general circulation in the city or village, of the political faith of each of the two parties which, at the last preceding election of a governor, cast the highest and next highest number of votes for governor. Such notice shall specify the day of such primary election, the hours during which it will be held, the location of each polling place, the election districts whose voters may vote at each such polling place, the name of the party or parties whose primary elections will be held thereat, and the conventions, committees and offices for which delegates, members or candidates, as the case may be, will be voted for thereat.

Sec. 37. Section fifty-one of such chapter is hereby renumbered section seventy-six and inserted unchanged as part of article four-a thereof to read as follows:

**Restrictions as to place of primaries.**

Sec. 76. No primary election shall be held in a saloon or drinking place, or in a room which is more than one flight of stairs from the street or not readily accessible from the street.

Sec. 38. Such chapter is hereby amended by inserting as a part of article four-a a new section, to be known as section seventy-seven thereof, and to read as follows:

**Removals from, and filling vacancies in, boards of primary election officers.**

Sec. 77. Removals from boards of primary election officers shall be made, and vacancies occurring in such boards shall be filled, in the same manner as is provided in this chapter for making removals from boards of election officers and for filling vacancies therein on a day of registration.

Sec. 39. Such chapter is hereby amended by inserting as a part of article four-a a new section, to be section seventy-eight thereof and to read as follows:

**Primary poll-clerks.**

Sec. 78. Each primary poll clerk at each polling place at an official primary election shall have a poll-book for each party in each election district within the primary district for keeping the list of enrolled voters voting, or offering to vote thereat at the primary election. Each such book shall have columns headed respectively "Number of enrolled voter," "Name of enrolled voter," "Residence of enrolled voter," "Number on ballots delivered to enrolled voter," "Number on ballot voted," and "Remarks."

Upon each delivery of an official primary ballot by the primary ballot clerk to an enrolled voter, the primary poll-clerk shall enter upon the poll-book of the election district in which the enrolled voter resides, in the appropriate column, the number of the enrolled voter, in the successive order of the delivery of the ballots thereto, the name of the enrolled voter in the alphabetical order of the first letter of his surname, his residence by street and number, or if he have no street number, a brief description of the locality thereof, the printed number upon the stub of the ballots delivered to such enrolled voter, and the number of the ballot voted by him. If the ballot delivered to any enrolled voter shall be returned by him to the primary ballot clerk, and he shall obtain a new ballot, the primary poll-clerk shall write opposite his name on the poll-book in the proper column, the printed number of the stub of such ballot. Each primary poll-clerk shall make a memorandum upon his poll-book opposite the name of each person who shall have been challenged and taken either of the oaths prescribed upon such challenge, or who shall have received assistance in preparing his ballot and shall also enter upon the poll-book opposite the name of such person the names of the primary officers or persons who render such assistance, and the cause or reason assigned for such assistance by the elector assisted.

As each enrolled voter offers the ballot which he intends to vote to the primary inspector, each primary poll-clerk shall report to the primary officers whether the number entered on the poll-book kept by him as the number on the ballot last delivered to such enrolled voter is the same as the number on the stub of the ballot so offered. As each enrolled voter votes, each primary poll-clerk shall enter in the proper column on his poll-book the number on the stub of the ballot voted. Upon the close of the polls of the primary election, the primary poll-clerks and all primary officers shall compare the poll-books with the enrollment books or registers and correct any mistakes found therein.

Sec. 40. Such chapter is hereby amended by inserting therein as a part of article four-a a new section, to be known as section seventy-nine, and to read as follows:

**Ballots, booths and supplies.**

Sec. 79. The custodian of primary records shall have for each party printed ballots for each election district equal in number, as near as may be, to one and one-third times the total number of enrolled voters of the party in the election district, prepared as herein described.



which shall be delivered by the custodian of primary records to the proper primary officers at the various polling places at least one-half hour before the time fixed for the opening of the polls. The polling places, voting booths, guard-rails, distance markers, ballot boxes, sample ballots poll-books and other supplies required for official primary elections shall be provided and paid for by the same officers, and in the same manner, as in the case of general elections. At all official primary elections a separate box with the name and emblem of the party and with the number of the election district clearly and conspicuously written or printed thereon, shall be provided at each polling place for each party participating in a primary election at such polling place and for each election district the voters of which vote at such polling place; and there shall also be a large box for the reception of unvoted ballots and an additional box for detached ballot stubs and there shall be affixed to the outside of the polling place and in at least two places on the inside thereof, and in a conspicuous manner, placards printed with large-sized bold-face type, which shall specify the name of the parties whose primary election is being held in such polling place. Sample ballots shall be provided by the custodian of primary records for each party for each election district, equal in number, as near as may be, to twenty-five per centum of the number of official ballots required to be furnished for such party for such election district. Such sample ballots shall be printed on paper different in color from the paper used for the official ballot, and there shall be no numbers upon the stubs thereof, but in all other respects such sample ballots shall be precisely like the official ballots. One of such sample ballots shall be furnished upon application at any time on primary day to any voter entitled to vote the ballot of which he requests a sample.

The custodian of primary records shall prepare and furnish to each board of primary election inspectors two tally sheet blanks and two statement of result blanks for each political party whose primary election is under the jurisdiction of said board of primary election inspectors. Upon each of said blanks shall be indorsed the name of the party, the name of the county, the number of the assembly district or ward, or the name of the town, and the number of the election district for which said blank is to be used.

Each such tally sheet shall consist of three columns separated from each other by vertical lines running from top to bottom of each page of the tally sheet. In the first column shall be printed the title of each public office for which a candidate is to be nominated, the name of each committee to which members are to be elected, and a description of each convention to which delegates are to be elected. Under the name of each public office for which candidates are to be nominated and on the same page shall be printed, in alphabetical order, the names of all candidates for the nomination thereof. Under the name of each committee and on the same page shall be spaces in which the primary inspectors shall write, in alphabetical order, the names of all candidates for election thereto. Under the description of each convention and on the same page shall be spaces in which the primary inspector shall write, in alphabetical order, the names of all candidates for election as delegates thereto. Each name and each space upon said tally sheet shall be separated from the other names and spaces next thereto by parallel horizontal lines extending from one side of the sheet to the other. The second column upon the tally sheet shall be headed, at the top of each page thereof, "Space for tally as canvass progresses." The third column in like manner shall be headed

"Space for total number of votes received by each candidate."

Each such statement of result sheet shall consist of two columns separated from each other by a vertical line running from top to bottom of each page of the sheet. In the first column shall be printed the title of each public office, the name of each committee, and description of each convention to which delegates are to be elected, and the names of all the candidates therefor, which shall be printed in the same manner and order as upon the tally sheet in the first column thereof. All names shall be separated from each other by parallel horizontal lines. At the head of each statement of result sheet shall be printed the following: "Statement of result of the vote cast at the official primary election held on the . . . day of . . . (the blanks being properly filled)," and there shall also be printed the name of the county, the number of the assembly district or ward, or the name of the town, and the number of the election district. At the foot of each such statement of result sheet shall appear the following certificate to be signed by the primary election inspectors: "We hereby certify that the foregoing statement of result is true and correct in all respects.

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Board of Primary Election Inspectors." All pages of each tally sheet and of each statement of result sheet shall be securely bound together in convenient form.

Sec. 41. Such chapter is hereby amended by inserting therein as a part of article four-a a new section, to be known as section eighty, and to read as follows:

**Delivery of ballots and manner of voting.**

Sec. 80. No voter at a primary election shall be given or be allowed to mark or cast the ballot of any party with which he has not enrolled. The folding and delivery of ballots and the manner of voting shall be the same as prescribed for the folding and delivery of ballots and the manner of voting prescribed by the provisions of this chapter relating to general elections so far as the same may be applicable, excepting that each ballot after detachment of the stub by the officer charged with that duty shall be deposited in the separate box provided for the party designated on the ballot, and such officer, in addition to announcing the name of the voter and number of the stub, shall also announce the party name thereon.

Sec. 42. such chapter is hereby amended by inserting therein as a part of article four-a a new section, to be known as section eighty-one, and to read as follows:

**Unofficial ballots.**

Sec. 81. If, for any cause, the official ballots for any party shall not be provided as required by law at any polling place, upon the opening of the polls of any primary election thereat, or if the supply of official ballots for any party shall be exhausted before the polls are closed, unofficial ballots, printed or written, made as nearly as practicable in the form of the official ballot, may be used.

Sec. 43. Such chapter is hereby amended by inserting therein as a part of article four-a a new section, to be known as section eighty-two, and to read as follows:

**Preparation of ballot by voters.**

Sec. 82. On receiving a ballot the voter shall forthwith retire alone to one of the voting booths, and without undue delay unfold and mark his ballot. If he desires to vote a straight ticket he shall make a cross X mark within the circle above such ticket. If he desires to vote a split ticket, that is, for candidates under different circles, he shall make a cross X

mark before the name of each candidate for whom he votes. If the ticket marked in the circle for a straight ticket does not contain the names of all candidates for whom he desires to vote, he may vote for candidates so omitted by marking a cross X mark before the names of candidates for the same office or position on another ticket, or by writing the names, if they are not printed upon the ballot, in the blank column under the title of the office or party position. Any straight line crossing any other straight line at any angle within the circle or voting space shall be deemed a valid voting mark. It shall not be lawful to make any mark on the ballot other than a cross X mark for the purpose of voting, and such mark shall be made only with a pencil having black lead, and only in the circle above the voting space to the left of the names of the candidates; except that the voter may write with a pencil having black lead in the blank space at the right of the ballot, under the proper title of the office or party position, the name of any person or persons for whom he desires to vote, whose name or names are not printed upon the ballot; not exceeding with the candidates for whom he has voted by cross X mark the total number of persons by whom such position is to be filled. It shall not be lawful to deface or tear a ballot in any manner, nor to erase any printed name, device, figure, word or letter therefrom, nor to erase any mark made thereon by such voter. If the voter deface or tear a ballot, or wrongfully mark the same or make an erasure thereon, he may obtain one additional ballot on returning to the ballot clerk the one so defaced or wrongfully marked.

Sec. 44. Section fifty-eight of such chapter is hereby renumbered section eighty-three, inserted as a part of article four-a thereof, and amended to read as follows:

**Persons within the guard-rail.**

Sec. 83. From the time of the opening of the polls until the result of the canvass of the votes cast thereat shall have been announced, and the official statements of such canvass shall have been signed, the ballot boxes and all voted ballots shall be kept within the guard-rail. No person shall be admitted within the guard-rail during such period, except primary election officers, duly authorized watchers, persons admitted by the inspectors to preserve order or enforce the law, and persons duly admitted for the purpose of voting; provided, however, that any candidate voted for may be present at the canvass of the votes.

Sec. 45. Section fifty-nine of such chapter is hereby renumbered section eighty-four, inserted as a part of article four-a thereof, and amended to read as follows:

**Watchers; challengers; electioneering.**

Sec. 84. The ballot and other boxes used at any primary shall be examined by the inspectors in the presence of the watchers, if any, before any ballots are received. One watcher for each election district may be appointed by any political committee, and by any two or more of the persons whose names are upon any ticket to be voted for at such primary election. Such watchers may be present at such polling place and within the guard-rail from at least fifteen minutes before the examination of any ballot or other box at the opening of the polls of such primary election until after the announcement of the result of the canvass of the votes cast thereat and the signing of the statements thereof by the inspectors. A reasonable number of challengers, at least one person for any three or more persons of each party holding its primary election at that polling place, whose names are upon any official ballot at such primary election, shall be permitted to remain just outside the guard-rail of each such polling place, where they can plainly see what is done within such rail outside the voting booth.

from the opening to the close of the polls thereat. No person shall, while the polls are open, at any polling place do any electioneering within such polling place, or within one hundred feet therefrom, in any public street or in any building or room, or in a public manner, and no political banner, poster or placard shall be allowed in or upon such polling place on any primary day.

Sec. 46. Section sixty of such chapter is hereby renumbered section eighty-five, inserted as a part of article four-a thereof, and amended to read as follows:

#### Canvass of votes.

Sec. 85. As soon as the polls at any official primary election shall close, the board of primary inspectors shall forthwith publicly canvass and ascertain the result thereof, and they shall not adjourn or postpone the canvass until it shall be fully completed. All questions touching the validity of ballots or their conformity with the provisions of this chapter shall be determined by a majority vote of the board of primary inspectors. The room in which such canvass is made shall be clearly lighted, and such canvass shall be made in plain view of the public. It shall not be lawful for any person or persons during the canvass, to close, or cause to be closed, the main entrance to the room in which such canvass is conducted, in such manner as to prevent ingress or egress thereby. The board of primary inspectors shall proceed to canvass the vote by counting the ballots found in the ballot boxes without unfolding them, except so far as to ascertain that each ballot is single, and by comparing the ballots found in each box with the number shown by the enrollment book to have been deposited therein. If the ballots found in any box shall be more than the number of ballots so shown to have been deposited therein, such ballots shall be replaced, without being unfolded, in the box from which they were taken, and shall be thoroughly mingled therein, and one of the inspectors designated by the board shall, without seeing the same and with his back to the box, publicly draw out as many ballots as shall be equal to such excess, and without unfolding them, forthwith destroy them. If two or more ballots shall be found in a ballot box so folded together as to present the appearance of a single ballot, they shall be destroyed if the whole number of ballots in such ballot box exceeds the whole number of ballots shown by the enrollment book to have been deposited therein, and not otherwise. If there lawfully be more than one ballot box for the reception of ballots voted for at any one polling place, no ballot found in the wrong ballot box shall be rejected, but shall be counted in the same manner as if found in the proper box, if such ballots shall not, together with the ballots found in the proper ballot box, make a total of more ballots than are shown by the enrollment book to have been deposited in the proper box. The chairman only of the board of primary inspectors shall unfold the ballots taken from a ballot box. When a ballot is not void, and a primary election inspector or a duly authorized watcher shall, during the canvass of the vote, declare his belief that any particular ballot has been written upon or marked in any way for the purpose of identification, the inspectors shall write on the back of such ballot "Protested as marked for identification," and shall specify over their signatures upon the back thereof the mark or markings upon such ballot to which objection is made. The votes upon each such ballot shall be counted by them as if not so protested. If any ballots shall be rejected as void, the reason for such rejection shall be written on the back thereof by the chairman of the inspectors, or by an inspector designated by him. All ballots rejected as void, and all ballots protested as marked for iden-

tification, shall be inclosed in a separate sealed package, which shall be indorsed on the outside thereof with the names of the inspectors, the designation of the election district, and the number and kind of ballots contained therein. Such package shall be filed by the chairman of the board of inspectors with the original statement of the canvass. A statement of the number of ballots of any party protested as marked for identification, and of the number thereof rejected as void, shall be included in each of the statements of the result of the canvass for such party. If requested by any watcher, the inspector shall, during the canvass, exhibit any and all ballots cast at such primary election to such watcher, fully opened and in such condition that he may fully and carefully read and examine the same, but such inspector shall not allow any such ballot to be taken from his hand.

Sec. 47. Such chapter is hereby amended by inserting therein as a part of article four-a thereof, a new section, to be section eighty-six thereof, to read as follows:

#### Intent of voters.

Sec. 86. The following rules shall be observed in determining, upon the canvass of votes at a primary election, the intent of the voters in marking the official ballots; the word "ticket" referring therein to any group of candidates for nomination to one or more public offices or election to one or more party positions or both, under the same emblem and circle, namely:

Rule No. 1. If the voter shall have made a voting mark in the circle above one ticket only, and no other voting mark appears in any column, and if no name shall have been written in the blank column above such lines, he shall be deemed to have cast his vote for all the candidates on the ticket so marked in the circle.

Rule No. 2. If the voter shall have made a voting mark in the circle above one ticket only, and shall have also made a voting mark or marks in the voting space or spaces before the name or names of a candidate or candidates only on the ticket so marked in the circle, the voting marks in the spaces before the names of candidates on such ticket shall be treated as surplusage, and his vote shall be deemed to have been cast for all the candidates on the ticket so marked in the circle.

Rule No. 3. If the voter shall have made a voting mark in the circle above one ticket only, and shall have also made a voting mark in the voting space or spaces before the name or names of a candidate or candidates on one or more other tickets, he shall be deemed to have cast his vote for all the candidates on the ticket so marked in the circle, except for those for whom he has indicated his intention not to vote, by making a voting mark in the voting space before the name or names of individual candidates, on one or more other tickets, or by writing a name in the blank column, and the candidate or candidates so individually voted for on such other ticket or tickets shall be deemed to be the voter's choice for such other office or offices, party position or positions; provided, however, that:

Rule No. 4. When two or more persons are to be voted for for the same party position or public office, and the names of the several candidates therefor are printed under the title of the position or office for which all are running, and the voter shall have made a voting mark in the circle at the head of the ticket, and shall have also made a voting mark in the voting space before the name of one or more of a group of candidates for such party position or office on other tickets, provided that he shall not have marked the names of two or more of such candidates upon the same

line upon the ballot, he shall be deemed to have cast his vote for all the candidates for such position or office so individually marked and for those in the circle, except for those candidates under such circles so marked whose names are upon the same line on the ballot, as the names of the candidates so individually marked, or written in the blank column, unless in addition to making the voting mark in the circle at the head of the ticket he shall also have made a voting mark before each one of the group of candidates for such party position or office for whom he desires to vote on the ticket so marked in the circle; provided further, however, that:

Rule No. 5. When two or more persons are to be voted for for the same party position or public office, and the names of the several candidates therefor are printed on any ticket under the title of the party position or office for which all are running, and the voter shall have made a voting mark in the circle at the head of the ticket, and shall also have made a voting mark in the voting space before the name of more than one of the group of candidates for such party position or office printed on the same line on the ballot on other tickets, or by writing the name or names of a candidate or candidates in the blank column, he must also indicate by voting marks in the voting spaces on the ticket so marked in the circle the individual candidates of the group of candidates on such ticket for whom he desires to vote, or his vote shall only be counted for the candidates for such party positions or offices which are so individually marked on other tickets, or written in the blank column.

Rule No. 6. If the voter shall have made a voting mark in more than one circle at the head of the tickets, and if on either of such tickets there shall be one or more candidates for nomination to office or election to party position for which no other candidate or candidates is or are named on such other ticket or tickets so marked in the circle, his vote shall be counted for such candidate or candidates.

Rule No. 7. Subject to the foregoing rules if the voter marks more names than there are persons to be nominated for an office or elected to a party position, or if for any other reason it is impossible to determine the voter's choice of a candidate for nomination to an office or election to a party position, his vote shall not be counted for any nomination to such office or election to such party position but shall be returned as a blank vote for such office or party position.

Rule No. 8. A void ballot is a ballot upon which there shall be found any mark other than a cross X mark made for the purpose of voting, which voting mark must be made with a pencil having black lead, only in the circles or in the voting spaces to the left of the names of candidates; or one upon which anything is written other than the name or names of persons not printed upon the ballot, for whom the voter desires to vote which must be written in the blank column under the proper title of the office or party position with a pencil having black lead; or one which is defaced or torn by the voter; or one upon which there shall be found any erasure of any printed device, figure, letter or word, or of any name or mark written thereon, by such voter; or in which shall be found inclosed a separate piece of paper or other material; and upon such ballot no vote for any candidate thereon shall be counted; but no ballot shall be declared void because a cross mark thereon is irregular in character.

Sec. 48. Section sixty-one of such chapter, as amended by chapter two hundred and forty of the laws of nineteen hundred and nine, is hereby renumbered section eighty-seven, inserted as a part of article four-a thereof, and amended to read as follows:

**Proclamation and statement of result.**

Sec. 87. Immediately upon the completion of such canvass, the board of primary inspectors in each primary district shall make public oral proclamation of the result thereof, and shall make upon the statement of result sheet for each party a written statement of such result for each election district in such primary district, and also a duplicate thereof, which shall be known as the duplicate statement. Immediately after the completion of such statements, such board shall file the originals thereof with the custodian of primary records, and shall file the duplicate statements with the clerk of the city, town or village.

Sec. 49. Section sixty-two of such chapter is hereby renumbered section eighty-eight, inserted as a part of article four-a thereof, and amended to read as follows:

**Certificates of election; preservation of ballots.**

Sec. 88. At all reasonable times any watcher shall have reasonable opportunity to make a transcript of any such statement, or any portion thereof, and any candidate shall be entitled to receive, upon demand, a written statement showing the result of the primary election so far as he is concerned.

After the close of the canvass of the votes at official primary elections, the ballots cast thereat, except those rejected as void or protested as marked for identification, shall be replaced in the ballot boxes from which they were respectively taken, and such ballot boxes shall then be securely locked and sealed, and, together with the box containing the stubs shall be returned to the officer from whom they were received, who shall safely keep the same, subject, however, to be produced upon the order of any court of record or judge thereof, for not less than thirty days after such primary election, and until all suits or proceedings before any court or judge touching the same shall have been finally determined, when the ballots and stubs shall be removed and, without examination, destroyed. The custodian of primary records shall not be required to retain on file the enrollment books and other papers required to be filed with him by the board of primary inspectors for a period of more than three years unless otherwise directed by the district attorney of the county or a judge or justice of a court of record.

Sec. 50. Such chapter is hereby amended by inserting therein as a part of article four-a a new section, to be known as section eighty-nine, to read as follows:

**Canvass of statements of result; certificates of nomination or election.**

Sec. 89. 1. Canvass by custodian of primary records. The custodian of primary records shall forthwith proceed to canvass the statements of result filed with him as provided in this article; and shall complete such canvass within one hundred and twenty hours from midnight of the day upon which the primary election was held.

He shall canvass separately the votes cast in each election district by the enrolled voters of the several parties respectively.

The candidate for a party nomination to public office, or for election to a party position, to be filled by the voters of a territory wholly within an election district, ward or town, who has received the highest number of votes cast in the primary election of a party in such election district, ward or town, shall be the nominee of said party for such public office, or shall be elected to such party position. Said custodian shall forthwith deliver to such candidate, if nominated for public office, a certificate of nomination, and if elected to a party position, a certificate of his election.

The candidate for a party nomination to public office, or for election to a party position, to be filled by the voters of a

district wholly within the jurisdiction of a custodian of primary records and greater than an election district, ward or town, who has received the highest number of votes cast, in the primary election of a party, shall be entitled to receive the certificate of nomination of said party for the public office, or the certificate of election to the party position, for which he was designated. The custodian of primary records shall forthwith deliver to such candidate a certificate of such nomination to public office or election to party position, as the case may be.

The custodian of primary records shall duly certify to the secretary of state a statement of the vote cast in the primary election by the enrolled voters of each party, respectively, in each assembly district in the territory within his jurisdiction for all candidates for public office, or for party position, whose designations are required by this chapter to be filed in the office of the secretary of state. Such certificate shall be filed by such custodian in the office of the secretary of state within one hundred and twenty hours from midnight of the day on which the primary election was held.

2. The secretary of state shall forthwith proceed to canvass the certified statements so filed with him, and such canvass shall be made separately as to the candidates of each party.

The candidate who has the highest number of votes shall be entitled to receive the certificate of nomination of said party for the public office, or the certificate of election to the party position, for which he was designated. The secretary of state shall forthwith transmit to such candidate a certificate of such nomination to public office or election to party position, as the case may be.

3. A certificate of nomination or election at an official primary of a party duly issued as herein provided shall entitle the person to whom it is issued, if a candidate for public office, to a place on the official election ballot as the candidate of said party for the office for which he has been nominated, and if a candidate for party position to membership in the committee or to a seat in the convention to which he is elected. Upon the completion of said canvass to be made by the secretary of state, he shall prepare certified statements of the result of the primary election of each party participating therein, and shall make up the rolls of the conventions for which delegates were elected at such primary election and shall promptly mail or deliver the certificate containing the names of delegates to the state convention to the chairman and secretary of the state committees of the respective parties participating in such primary election.

Sec. 51. Such chapter is hereby amended by inserting therein as a part of article four-a a new section, to be known as section ninety, and to read as follows:

**Filling vacancies and determination of tie vote after primaries.**

Sec. 90. A vacancy in a nomination for public office made at a primary election shall be filled as follows: A vacancy caused by the declination, disqualification or death of a candidate, or by a tie vote, shall be filled by the committee of the party authorized by this chapter to make designations for such office. Such vacancy may be filled by a majority vote of a quorum of such committee, except that in case of a vacancy caused by a tie vote it shall be filled by a two-thirds vote thereof. Certificates of such nomination shall be filed in the office in which a designation of a candidate for such office is required to be filed.

Sec. 52. Such chapter is hereby amended by inserting therein as a part of article four-a a new section, to be section ninety-one, to read as follows:

**Party nominations for special elections and to fill certain vacancies.**

Sec. 91. Party nominations to an office to be voted for at a special election shall

be made in the manner prescribed by the rules and regulations of the respective parties. A party nomination of a candidate for a vacancy in an elective office required to be filed at the next general election, occurring after the expiration of the period provided for the delivery by the chairman of a general committee to the custodian of primary records of the certified statement provided for in section seventy-five, shall be filled by a majority vote of a quorum of the committee of the party authorized by this chapter to make designations for such office.

Sec. 53. Section fifty of such chapter is hereby renumbered section ninety-two, inserted as a part of article four-a, and amended to read as follows:

**Unofficial primaries.**

Sec. 92. Notice of all unofficial primary elections shall be given in the same manner as in the case of official primary elections, except that such notice shall be given by the proper party officers and shall not be at public expense. Unofficial primary elections shall be held in such places within the unit of representation for which the primary election is held, as shall be designated by the proper political committee, but there shall be at least one polling place within and for each assembly district, ward or village. The chairman and secretary of the political committee calling an unofficial primary election, or under whose direction such primary election is held, shall post and keep posted during the election, at or near the entrance to the room where the primary election is held, so that the same is clearly visible from the street, a conspicuous notice calling attention to the place at which the primary election is being held. Unofficial primary elections shall be held at the expense of the party holding them, and, except as herein otherwise provided, shall be subject to the rules and regulations of such party.

There shall be a chairman and secretary for each unofficial primary and there may be tellers. No person shall be entitled to vote at an unofficial primary unless he may be qualified to vote on the day of election.

The chairman may administer any oath required to be administered at any primary and he shall decide all questions that arise relating to the qualification of voters when a voter is challenged by any elector and shall reject such vote unless the person offering the vote is willing to be and shall be sworn, that he will truly answer all questions put to him touching his qualifications as such voter and shall state under oath that he is qualified to vote at such primary.

The ballot box used at any primary shall be examined by the secretary and by the tellers, if any, in the presence of the watchers, if any, before any ballots are received, to see that there are no ballots therein. Such watchers are entitled to be present from the commencement of the primary to the close of the canvass and the signing of the certificates thereof. At the close of the canvass of the ballots cast for each candidate, the secretary shall publicly announce the vote and the result of the canvass.

No unofficial primary election shall be held in a saloon or drinking place, or in a room which is more than one flight of stairs from the street or not readily accessible from the street.

Sec. 54. Such chapter is hereby amended by inserting therein as a part of article four-a a new section, to be known as section ninety-three, and to read as follows:

**Penalty for violation.**

Sec. 93. Unless otherwise expressly provided in this chapter any person violating any of the provisions of articles two, three, four, four-a and four-b of this chapter is guilty of a misdemeanor.

Sec. 55. Section seventy-four of such

chapter is hereby renumbered section ninety-four, inserted as a part of article four-a thereof, and amended to read as follows:

#### Perjury.

Sec. 91. All oaths administered under the provisions of the preceding articles of this chapter are hereby declared to be oaths required by law, and to be necessary for the ends of public justice.

Sec. 56. Such chapter is hereby amended by inserting therein a new article, to be article four-b thereof, the schedule of which shall read as follows:

### ARTICLE 4-B. CONVENTIONS.

Section 110. Filling vacancy in position of delegate to convention at official primary.

111. Apportionment of delegates.

112. Organization of conventions.

113. Time of holding state convention; credentials of delegates.

114. Voting at state convention.

Sec. 57. Such chapter is hereby amended by inserting therein as a part of article four-b thereof, a new section, to be section one hundred and ten, and to read as follows:

#### Filling vacancy in position of delegate to convention at official primary.

Sec. 110. When a duly elected delegate to a convention does not attend such convention, his place shall be taken by one of the alternates to be substituted in his place, in the order in which the name of such alternate appears upon the certificate, and if no alternates have been elected, or do not appear at such convention, then the delegates present at such convention from such unit of representation shall select a person to fill the vacancy.

Sec. 58. Section sixty-six of such chapter is hereby renumbered section one hundred and eleven, inserted as a part of article four-b thereof and amended to read as follows:

#### Apportionment of delegates.

Sec. 111. 1. Units of representation in party conventions, and the number of delegates for each such unit, shall be determined by the rules and regulations of the respective parties. Existing units of representation in party conventions, and the number of delegates therefrom, shall continue until changed by rules adopted by the convention of the party desiring such change for its conventions.

2. The delegates and alternates to the state convention shall be elected by assembly district conventions. All delegates and alternates to all other conventions shall be elected at the primaries, excepting delegates to a national convention, who shall be elected as in this chapter provided.

Sec. 59. Section sixty-seven of such chapter is hereby renumbered section one hundred and twelve, inserted as a part of article four-b thereof and amended to read as follows:

#### Organization of conventions.

Sec. 112. The room designated for the meeting place of any convention shall have ample seating capacity, for all delegates and alternates.

Every convention shall be called to order by the chairman of the committee with whom the call originates or by a person designated in writing for that purpose by such chairman, and such chairman or person so designated shall have the custody of the roll of the convention until it shall have been organized. No convention shall proceed to the election of a temporary chairman or transact any business until the time fixed for the opening thereof has arrived and at least a majority of the dele-

gates or respective alternates named in the official roll shall be present. The roll-call upon the election of temporary chairman shall not be delayed more than one hour after the time specified in the call for the opening of the convention, provided a majority of the delegates are present. The temporary chairman of the convention shall be chosen on a call of the roll, and as the name of each delegate is called he shall rise in his place and declare his choice for such officer. The person who calls the convention to order shall exercise no other function than that of calling the official roll of the delegates upon the vote for temporary chairman and declaring the result thereof. The committees of a convention shall be appointed by the convention, or by the temporary chairman, as the convention may order. Unless the convention shall otherwise order, the permanent chairman shall be chosen on roll-call.

The permanent officers shall keep the records of the convention, and, within forty-eight hours after the adjournment thereof, shall certify and file the same in the office of the secretary of state or custodian of primary records. If the convention shall have nominated a candidate or candidates for public office such certificate shall be filed in the same office where certificates of such nomination are required to be filed. If to elect delegates to another convention one duplicate of such certificate shall be filed with the secretary of state and the other with the custodian of primary records for that political subdivision.

Sec. 60. Such chapter is hereby amended by inserting therein as a part of article four-b thereof, a new section, to be section one hundred and thirteen, and to read as follows:

#### Time of holding state convention; credentials of delegates.

Sec. 113. The state convention shall not be held earlier than seven days after the primary election at which the delegates thereto were elected. The delegates thereto certified or adjudicated to have been elected as such in the manner provided in this chapter shall be conclusively entitled to their seats, rights and votes as delegates to such convention.

Sec. 61. Such chapter is hereby amended by inserting therein, as a part of article four-b thereof, a new section, to be section one hundred and fourteen, and to read as follows:

#### Voting at state convention.

Sec. 114. When the vote of a state convention is taken upon the nomination of candidates for public office or the election of delegates or committeemen, the roll of the delegates shall be called and each delegate when his name is called shall arise in his place and announce his choice, except that the chairman of a delegation may, unless a member of such delegation objects, announce the vote of his delegation.

Sec. 62. Sections one hundred and twenty-one, one hundred and twenty-two, one hundred and twenty-seven, one hundred and twenty-eight, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-three, one hundred and thirty-five, one hundred and thirty-six, one hundred and thirty-seven and two hundred and ninety-two of such chapter are hereby amended to read, respectively, as follows:

#### Party certificates of nomination.

Sec. 121. The party certificate whereby such party nominations made by a convention are certified shall contain the title of the office for which each person is nominated, the name and residence of each such person, and, if in a city, the street number of the residence of such candidate and his place of business, if any. It shall also designate, in not more than five words, the name of the political party which the convention, primary or

committee making such nomination represents. It shall be signed by the presiding officer and a secretary of such convention or primary, or, if made by a committee, by a majority of the members thereof, who shall add to their signatures their respective places of residence, and shall make oath before an officer qualified to take affidavits that the affiants were such officers of such convention or primary, or that they are members and constitute a majority of such committee, and that such certificates and the statements therein contained are true to the best of their information and belief. A certificate that such oath has been administered shall be made and signed by the officer before whom the same was taken, and attached to such certificate of nomination. When the nomination is made by a committee, the certificate of nomination shall also contain a copy of the resolution passed at the convention or primary which authorized such committee to make such nomination. A certificate of nomination filed pursuant to this section may upon its face appoint a committee of one or more persons for the purposes specified in section one hundred and thirty-five of this article. The records in the office of the custodian of primary records or secretary of state showing the nomination of a party candidate for an office at an official primary election shall be equivalent to a certificate of his nomination.

#### Independent nominations.

Sec. 122. Nominations made as provided by this and the next section shall be known as independent nominations, and the certificate whereby such nominations are made shall be known as an independent certificate of nomination. Independent nominations of candidates for public office to be voted for by all the voters of the state can only be made by six thousand or more voters of the state; provided, however, that in making up such number at least fifty voters in each county of the state (the counties of Fulton and Hamilton to be considered as one county) shall subscribe the certificate provided for in this and the next section. Independent nominations of candidates for municipal offices to be voted for by all the voters of a municipality can only be made if in a city of the first class by four thousand voters of such city; if in cities of the second class by one thousand five hundred voters of such city; and in other cities by eight hundred voters thereof. Independent nominations of candidates for a county office in a county in which there is a city of the first class can only be made by four thousand voters of such county. Independent nominations of candidates for public office other than municipal offices to be voted for in a district less than the whole state, but greater than a town or ward of a city, can only be made by one thousand five hundred voters or more of the district, except that eight hundred voters or more of an assembly district may make such nomination for member of assembly to be voted for in such district. Independent nominations of candidates for public office to be voted for only by the voters of a town, or a ward of a city, or a village, can only be made by one hundred voters or more of such town, ward or village, except that when such town, ward or village constitutes an assembly district, eight hundred or more voters shall be required as above to make such nomination for member of assembly.

#### Places of filing certain certificates of nomination.

Sec. 127. Certificates of nomination of candidates for office to be filed by the voters of the entire state, or of any division or district greater than a county, shall be filed with the secretary of state, except that each certificate of nomination of a candidate for member of assembly for the assembly district composing the counties of Fulton and Hamilton shall

be filed in the office of the board of elections of Fulton county, and a copy thereof certified by the board of elections of Fulton county shall be filed in the office of the board of elections of Hamilton county, so long as the said counties constitute one assembly district, and except that certificates of nomination of candidates for offices to be filled only by the voters or a portion of the voters of the city of New York shall be filed with the board of elections of the city of New York.

Certificates of nomination of candidates for offices to be filled only by the votes of voters, part of whom are of New York city and part of whom are of a county not wholly within the city of New York, shall be filed with the board of elections of such county and in the office of the board of elections of said city. Certificates of nomination of candidates for offices of any other city, to be elected at the same time at which a general election is held shall be filed with the board of elections of the county in which such city is located. Certificates of nomination of candidates for offices of a city, village or town to be elected at a different time from a general election shall be filed with the clerk of such city, village or town, respectively.

In towns in which town meetings are held at the time of general elections, certificates of nomination of candidates for town offices shall be in duplicate, one of which shall be filed with the town clerk of the town in which such officers are to be voted for, and the other with the board of elections of the county in which such town is located. All other certificates of nomination shall be filed with the board of elections in which the candidates so nominated are to be voted for.

All filed certificates and corrected certificates of nomination, all objections to such certificates and all declinations of nomination are hereby declared to be public records; and it shall be the duty of every officer or board to exhibit without delay every such paper to any person who shall request to see the same. It shall also be the duty of each such officer or board to keep a book which shall be open to public inspection, in which shall be correctly recorded the names of all candidates nominated by certificates issued by or filed in the office of such officer or board or certified thereto, the title of the office for which any such nomination is made, the political or other name and emblem of the political party or independent body making such nomination, and in which shall also be stated all declinations of nominations or objections to nominations, and the time of filing each of the said papers.

#### **Times of filing certificates of nomination.**

Sec. 128. Unless otherwise specifically provided in this chapter, the different certificates of nomination shall be filed within the following periods before the election for which the nominations are made, to wit: Those required to be filed with the secretary of state, if party nominations, at least thirty and not more than forty days; those required to be filed with the board of elections and in the counties within the city of New York, the board of elections of the city of New York, if party nominations, at least twenty-five and not more than thirty-five days; those required to be filed with a town or village clerk, if party nominations, at least fifteen and not more than twenty days; except that in towns, where town meetings are held at the time of general elections, certificates of nomination for town officers shall be filed with the town clerks and board of elections within the time required by this section for the filing of certificates of nomination with the board of elections; if independent nominations within five days after party nominations for the same offices are required to be filed, and

not earlier than party nominations for the same offices can be filed with the boards of elections.

In case of a special election ordered by the governor under the provisions of section two hundred and ninety-two of this chapter, the certificates of nomination for the office or offices to be filled at such special election shall be filed with the proper officers or boards not less than ten days before such special election.

#### **Certification of nominations by secretary of state.**

Sec. 129. The secretary of state shall, fourteen days before the election, or nine days before a special election, certify to the board of elections of each county, and to the board of elections of the city of New York, the name, residence and place of business, if any, of each candidate either nominated in any certificate so filed with him, or to whom he has issued a certificate, for whom the voters of any such county or said city, respectively, may vote, the title of the office for which he is nominated, the party or other political name specified in such certificate, and the emblem or device chosen to represent and distinguish the candidates of the political party or independent body making such nominations.

#### **Publication of nominations.**

Sec. 130. At least six days before an election to fill any public office the board of elections of each county, except those counties which are wholly within the city of New York, shall cause to be published in not less than two nor more than four newspapers within such county, one of which shall be a daily newspaper, if a daily newspaper is published in such county, and in any county having one hundred thousand or more inhabitants, adjoining a city having a population of one million or more, in not less than six nor more than ten newspapers, a list of all nominations of candidates for offices other than town offices to be filled at such election, certified to such board by the secretary of state, or filed with such board or certified by such board. The board of elections of the city of New York shall, within the same time before an election to fill any public office, cause to be published in two newspapers published in each borough within such city a list of nominations of candidates for office to be voted for at such election in such boroughs respectively, which were certified to such board by the secretary of state, or filed in the office of such board, or certified by such board and in the borough of Brooklyn the board of elections shall cause such publication to be made in the newspapers designated as corporation newspapers of said borough.

Such publication shall contain the name and residence, and if a city, the street number of the residence and place of business, if any, and the party or other designation of each candidate, and a facsimile of the emblems or devices selected and designated as prescribed by this article, to represent and distinguish the candidates of the several political parties or independent bodies. The city clerk of each city except New York, and the board of elections of the city of New York, shall at least six days before an election of city officers thereof, held at a different time from a general election, cause like publications to be made as to candidates for offices to be filled at such city election in a like number of newspapers published in such city.

One of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding election for governor cast the largest number of votes in the state for such office; and another of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding election for governor cast the next largest number of votes in the state for such office. The officer or board, in selecting

the papers for such publications, shall select those which, according to the best information he can obtain, have a large circulation within such county or city. In making additional publications, the officer or board shall keep in view the object of giving information, so far as possible, to the voters of all political parties. The officer or board shall make such publication twice in each newspaper so selected in a county or city in which daily newspapers are published; but if there be no daily newspaper published within the county, one publication only shall be made in each of such newspapers. Should the board of elections or other officer find it impracticable to make the publication six days before election day in counties where no daily newspaper is printed, he shall make the same at the earliest possible day thereafter, and before the election.

#### **Lists for town clerks and aldermen.**

Sec. 131. The board of elections of each county, except those counties which are wholly within the city of New York, shall at least six days before election day send to the town clerk of each town, and to an alderman of each ward in any city in the county, at least five and not more than ten printed lists for each election district in such town or ward, containing the name and residence, and if in a city, the street number of residence, and place of business, if any, of all candidates whose certificates of nomination have been filed with or issued by it or been certified to it, and the party or other designation, and also a facsimile of the emblem or device of each political party or independent body nominating candidates to be voted for by the voters of the respective towns and wards. Such lists shall at least three days before the day of election be conspicuously posted by such town clerk or alderman in one or more public places in each election district of such town or ward, one of which lists shall be so posted at each polling place.

#### **Declination of nomination.**

Sec. 133. The name of a person nominated for an office otherwise than by an official primary election, shall not be printed on the official ballot if he notifies the board or officer with whom the original certificate of his nomination is filed, in a writing signed by him and duly acknowledged, that he declines the nomination, or if nominated by more than one political party or independent body, the name of a person so nominated shall not be printed on the ticket of a party or independent body whose nomination he shall in like manner decline. If the declination be of a party nomination filed with the secretary of state, such notification shall be given at least twenty-five days, and if an independent nomination at least twenty days, before the election. If the declination be of a party nomination filed with a board of elections of any county and in the counties within the city of New York with the board of elections of the city of New York, or with the city clerk of any city, such notification shall be given at least twenty days, and if of an independent nomination at least eighteen days, before election. If the declination be of a party nomination filed with a town or village clerk, such notification shall be given at least ten days, and if of an independent nomination at least seven days before the election; except that a declination of nomination to a town office in towns where town meetings are held at the time of general elections, must be filed in the office of the board of elections, within the time required by this section for filing the declination of nomination to a county office, and the board of elections shall forthwith notify the town clerk in writing of such declination.

The board or officer to whom such notification is given shall forthwith inform, by mail or otherwise the committee, if any, appointed on the face of such certificate as permitted by sections one hun-

dred and twenty-one and one hundred and twenty-three of this article, and otherwise one or more persons whose names are attached to such certificate, that the nomination conferred by such certificate has been declined, and if such declination be filed with the secretary of state, such officer shall also give immediate notice by mail or otherwise that such nomination has been declined, to the several boards of elections or other officers authorized by law to prepare official ballots for election districts affected by such declination.

#### Filling vacancies in nominations.

Sec. 135. If a nomination made otherwise than by an official primary election is duly declined, or the attempt to nominate at a primary results in a tie, or a candidate regularly nominated otherwise than by an official primary election dies before election day, or is found to be disqualified to hold office for which he is nominated, or if any certificate of nomination is found to be defective but not wholly void, the committee appointed on the face of such certificate of nomination, as permitted by sections one hundred and twenty-one and one hundred and twenty-three of this article, may make a new nomination to fill the vacancy so created, or may supply such defect, as the case may be, by making and filing with the proper officer a certificate setting forth the cause of the vacancy or the nature of the defect, the name of the new candidate, the title of the office for which he is nominated, the name of the original candidate, the name of the political party or other nominating body which was inscribed on the original certificate, and such further information as is required to be given by an original certificate of nomination; except that where a certificate is filed pursuant to this section to fill a vacancy, it shall not be lawful to select a new emblem or device, but the emblem or device chosen to represent or distinguish the candidate nominated by the original certificate shall be used to represent and distinguish the candidate nominated as provided by this section.

#### Certificates of new nominations.

Sec. 136. The certificate so made shall be subscribed and acknowledged by a majority of the members of the committee, and the members of the committee subscribing the same shall make oath before the officer or officers before whom they shall severally acknowledge the execution of the said certificate that the matters therein stated are true to the best of their information and belief. Except in a case provided for in section one hundred and thirty-seven the said certificate shall be filed in the office in which the original certificate was filed, at least six days before election, if filed in the office of a town or village clerk; at least fifteen days before the election, if filed with the board of elections of any county or the board of elections of the city of New York or the city clerk of any city; and at least fifteen days if filed with the secretary of state; and upon being so filed shall have the same force and effect as an original certificate of nomination. When such certificate is filed with the secretary of state he shall, in certifying the nomination to the various county clerks and other officers, insert the name of the person who has been nominated as prescribed by the previous section, instead of that of the candidate nominated by the original certificate, or, if he has already sent forward his certificate, he shall forthwith certify to the proper clerks and other officers the name of the person nominated as prescribed by the previous section, and such other facts as are required to be stated in such certificate.

#### Death of candidate after printing of ballots; official pasters.

Sec. 137. In case of the death of a candidate after the official ballots have been

printed, and before election day, the vacancy may be filled by filing the proper certificate of nomination of a candidate to fill such vacancy, with the officer or board with whom the original certificate was filed, or by whom it was issued, and if filed with the secretary of state, the secretary of state shall immediately give the necessary notifications, and it then shall be the duty of the officer or board furnishing the official ballots to prepare and furnish to the inspectors of election in the election districts affected adhesive pasters containing the name of the candidate nominated to fill the vacancy, and the title of the office for which he was nominated. The pasters shall be of plain white paper, printed in plain black ink and in the same kind of type as that used in printing the titles of the offices and the names of the candidates upon the official ballots, and shall be of a size as large as and no larger than the space occupied upon the official ballot by the title of the office and the name of the candidate in whose place the candidate named upon the paster has been nominated. If the candidate be one of a group of candidates, such official paster shall contain the name of the candidate but not the title of the office.

Whenever such pasters are provided, the officer or board furnishing them shall certify to the inspectors of election in the election districts affected by the vacancy, the name of the original candidate, the name of the new nominee, the title of the office for which the nomination is made, and the name of the political party or independent body making the nomination, and shall state the number of pasters furnished, which number shall be equal to the number of official ballots furnished for such district. Upon the delivery of said pasters, the inspectors of election shall sign a receipt for the same, which receipt shall be retained by the officers or board furnishing the pasters, and shall be part of the record of his or their office. The inspectors shall deliver the pasters to the ballot clerks, who are required to affix one of such pasters in the proper place and in a proper manner upon each official ballot before said ballot shall be delivered to a voter. When so affixed to the official ballot, the pasters shall be part of the official ballot. The ballot clerks shall include in their statement of ballots a statement showing the number of pasters received by them, the number of pasters affixed to official ballots and the number of unused pasters returned by them, the unused pasters to be inclosed in the package of ballots not delivered to voters.

The use of any paster upon the official ballot otherwise than as herein provided is hereby declared a felony, punishable by imprisonment in a state prison for not less than one nor more than five years.

#### Filling vacancies in elective offices.

Sec. 292. A vacancy occurring before October fifteenth of any year in any office authorized to be filled at a general election, shall be filled at the general election held next thereafter, unless otherwise provided by the constitution, or unless previously filled at a special election. Upon the failure to elect to any office, except that of governor or lieutenant-governor, at a general or special election, at which such office is authorized to be filled, or upon the death or disqualification of a person elected to office before the commencement of his official term, or upon the occurrence of a vacancy in any elective office which can not be filled by appointment for a period extending to or beyond the next general election at which a person may be elected thereto, the governor may in his discretion make proclamation of a special election to fill such office, specifying the district or county in which the election is to be held, and the day thereof, which shall be not less than thirty nor more than forty days from the date of the proclamation.

A special election shall not be held to

fill a vacancy in the office of a representative in congress unless such vacancy occurs on or before the first day of July of the last year of the term of office, or unless it occurs thereafter and a special session of congress is called to meet before the next general election, or be called after October fourteenth of such year; nor to fill a vacancy in the office of state senator, unless the vacancy occurs before the first day of April of the last year of the term of office; nor to fill a vacancy in the office of a member of assembly, unless occurring before the first day of April in any year, unless the vacancy occurs in either such office of senator or member of assembly after such first day of April and a special session of the legislature be called to meet between such first day of April and the next general election or be called after October fourteenth in such year. If a special election to fill an office shall not be held as required by law, the office shall be filled at the next general election.

Sec. 63. Such chapter is hereby amended by inserting in article eighteen thereof a new section, to be known as section four hundred and eighty-nine, to read as follows:

#### Authority of state superintendent of elections.

Sec. 489. The authority, powers and jurisdiction of the state superintendent of elections for the metropolitan elections district with respect to general elections as defined by the provisions of this article, are hereby extended to primary elections, so far as such provisions may be applicable; but no deputy superintendent of elections appointed under section four hundred and seventy-three of this chapter shall attend an official primary election except for the purpose of voting.

Sec. 64. Such chapter is hereby amended by adding at the end of article twenty a new section, to be known as section five hundred and sixty-two, to read as follows:

#### Party funds not to be expended for primary purposes.

Sec. 562. No contributions of money, or the equivalent thereof, made, directly or indirectly, to any party, or to any party committee or member thereof, or to any person representing or acting on behalf of a party, or any moneys now in the treasury of any party or party committee, shall be expended in aid of the designation or nomination of any person to be voted for at a primary election, either as a candidate for nomination for public office, or for any party position; except that such funds may be used to pay the expenses of holding any meeting of a party committee called to designate a candidate or candidates for nomination for public office in accordance with the provisions of this chapter and for the purpose of printing and distributing any literature regarding such candidates, the postage, clerk hire and necessary expenses incident to informing the voters regarding such candidate, the holding of meetings and other legitimate expenses necessarily incurred in promoting the canvass of such candidate.

Sec. 65. Sections three, four, five, six, seven, twenty, twenty-four, thirty-two, thirty-three, thirty-four, thirty-five, forty-five, forty-six, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, sixty-three, sixty-four, sixty-five, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three, one hundred and four and one hundred and twenty of such chapter, are hereby repealed.

Sec. 66. This act shall take effect November fifteenth, nineteen hundred and eleven.

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### TUESDAY

Review of all the new attractions in Brooklyn playhouses—Table and Kitchen Notes—Suggestions for Club Workers.

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Kate Upson Clark's Talk to Women—Junior Eagle puzzle solvers' names—New puzzle club members.

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|----------------------|------------------|
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| QUESTIONS ANSWERED   | FICTION          |
| SCHOOLS AND COLLEGES |                  |

## THURSDAY

Reports of work done by Fresh Air Club workers—Hints for amateur milliners, with special illustration.

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The Jewish Review—An article on Beauty and Hygiene—Humane Club news, letters from members, new members, etc.

## SATURDAY

News of Churches, both Catholic and Protestant—The Industrial Age—The weekly real estate page—Reviews of the new books—A special page of Long Island news—Paper doll for children—A special story for children—News of women's clubs—Missionary societies and W. C. T. U.—Table and kitchen notes.

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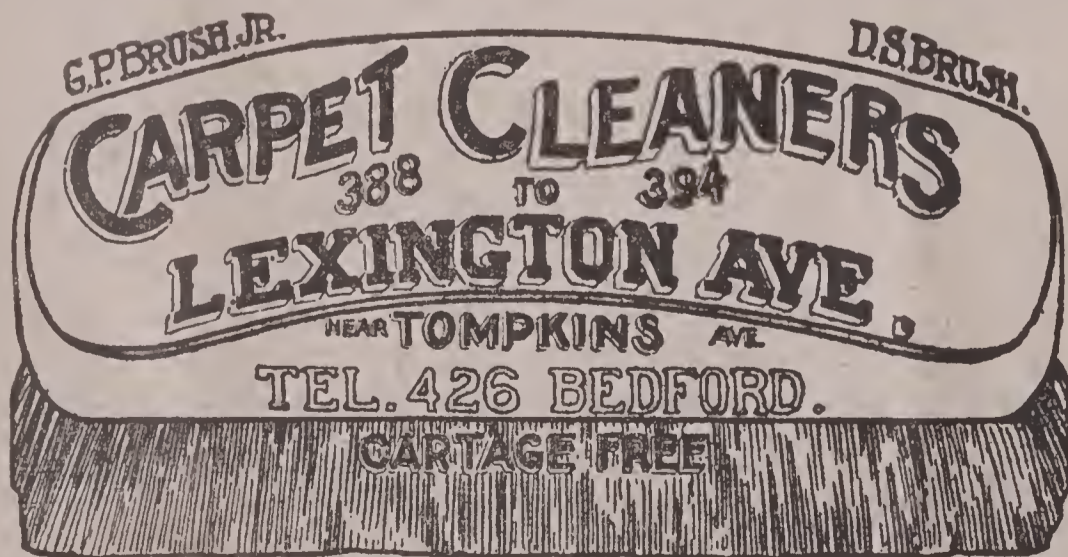
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