

## ILLINOIS' NEW PRIMARY LAW

How Candidates for Office Will Hereafter Be Nominated.

FIXED DATES FOR PRIMARIES

They Will be Held on Same Day for All Parties Properly Qualifying.

What Candidates Must Do in Order to Prepare for Nominations - Points for the Voters.

The new primary law passed by the Legislature of 1915 will have its first practical operation in the primaries to be held the coming spring.

On account of the many new features of the law, which are not generally understood by the public, the *Bloomington Pantagraph* has had prepared a digest of the law in terms which are intelligible to the ordinary reader. This summary was prepared by Mr. Floyd F. Church, who has made a special study of the primary law and its various features. The digest of the law is as follows:

Candidates to be nominated by means of a primary election are candidates for governor, members of the legislature, representatives in congress, members of the county board, judges and county commissioners in counties not under township organization, all officers of any city, village or incorporated town having a population of over 1,000.

The county central committee of each party entitled to participate in the primary election must at least thirty days before the holding of a primary election, hold a meeting, at which notice of which must be sent to each member at least one week before the meeting. There are two important questions which must be decided by the committee at this meeting; namely, whether or not the candidates shall be nominated at the primary election and if to be so nominated, whether by a majority or plurality vote. Also, whether the candidates shall be nominated by the delegates, chosen at the primary election, assembled in convention. If to be so nominated, the candidate receiving the highest number of votes in any precinct is entitled to the vote of all the delegates from the precincts casting such high vote.

Upon determining these questions by a yeas and nay vote, which must be certified and secured by the secretary of the committee, the committee is entitled to file with the county clerk, in the office of the county clerk, by the respective party central committee, a call for the county convention of that party. Such call must state the time and place at which the nominations will be made at the primary, the total number of delegates which shall compose the convention, the number of delegates to which each primary district will be entitled to in the convention and if the nominations are to be made at the primary election, whether the same shall be made by a majority or plurality vote. No committee can vote on these questions by proxy but may send a written, notice to the chairman, who must read and announce such vote at the meeting and it will be so recorded. The county clerk must, at least fifteen days before the primary election, prepare a notice, of each election, for each primary district in his county. Such notice must state the time and place of holding the primary election, during which the polls will be open, the office for which candidates for nomination will be voted for, the names of the parties entitled to participate in the primary election and the number of delegates which that primary district is entitled to in the respective party convention. Such notice must be published in one newspaper and two copies of such notice mailed to each primary judge who must post them in conspicuous places in their respective districts at least ten days before the primary election.

Any person desiring or intending to become a candidate for any county office must file with the county clerk, at least twenty days before the primary election, a declaration, signed by at least five per cent of the lawful voters in the county (to be based upon the last preceding presidential election.) before having his name placed upon the primary election ballot. He is to be nominated, therefore, for a county office a person must have his name placed on the primary ballot of his party. The only means pointed out by law whereby a person whose name is not to be on the ballot of his party, can be nominated at the county convention, is by a four-fifths vote of the delegates in the convention, and in case of a vacancy the county convention may select a qualified person as a candidate to fill such vacancy.

All county primary elections must be held on the second Monday of April every two years, and in cities, and towns to which the law applies, the elections will be held on the first Saturday in March in the wards in which the officers are elected. All political parties, as defined by law, must hold their primaries on the same day, at the same place and with the same set of judges. A political party, under the law, is a party which holds on the same place and with the same set of judges, a political party for its candidates for electors at least ten per cent of the total votes cast at said election and any party which failed in this count shall be deemed a candidate upon any primary ballot.

The judges, three in number, are the same persons who are appointed to the board of county supervisors in each general election. Each judge shall perform the same duties, and are subject to the same penalties as judges and clerks of general elections under general election laws. The judges receive all the necessary supplies, including poll books and tally sheets, from the county clerk, but there is no provision in the law regarding the duty of the clerk to print and supply ballots, but it seems that the law contemplates that the ballots should be provided at private expense. The county clerk determines the quality, color, texture and size of each party ballot and shall furnish paper at cost to any person or persons desiring to use the same for ballots at his own expense and these ballots must conform to the specifications prescribed by the county clerk, and any ballot which does not substantially conform to such specifications will be void for all purposes. The judges to receive tickets printed at private expense is indispensable.

The law provides, "The judges shall receive from any person or persons who desire to participate in the primary election, a sum of money to be freely and equally divided among the judges and clerks in the several parties, to be used to purchase the necessary supplies, including poll books and tally sheets, from the county clerk, but there is no provision in the law regarding the duty of the clerk to print and supply ballots, but it seems that the law contemplates that the ballots should be provided at private expense. The county clerk determines the quality, color, texture and size of each party ballot and shall furnish paper at cost to any person or persons desiring to use the same for ballots at his own expense and these ballots must conform to the specifications prescribed by the county clerk, and any ballot which does not substantially conform to such specifications will be void for all purposes. The judges to receive tickets printed at private expense is indispensable.

The canvass or counting of the ballots begins immediately upon the closing of the polls, and the count must be made by one of the judges. The manner in the following manner: Which Ballots are to be Counted. The judge shall count the whole number of ballots in the ballot box and if the whole number exceeds the names on the

primary poll books the ballots must be examined and those on which the names of the candidates do not appear shall be rejected; if the ballots then exceed the names on the poll books the names under each party affiliation in all such party ballots must be refolded, placed in the ballot box, shaken up and one of the judges must be blindfolded, drawn out so many of such party ballots equal to such excess. The judges then proceed to count the ballots of each party separately and as they are opened and read each judge marks down upon the tally sheet the vote of each candidate whose name is on the ticket, in separate columns, with the name of the candidate, name of his party, and the name of the office to be filled at the head of the column.

As soon as all the ballots are counted and marked down on the respective party tally sheets, they are folded up so as to show the total vote for each candidate, and the judges must certify to the correctness of the same. The judges then set down in the poll books under the name of each party the name of each candidate, the title of the office to be filled and the total received by each candidate and the total vote cast by each party and certify the same to be correct. And so on until the ballots of the several parties are counted.

The judges must within twenty-four hours after the completion of the canvass of the votes delivered a certificate of election to the candidate for primary committee of each party receiving the highest number of votes of their respective party for that office. The term of office of each of these committees is two years, and one committee is elected from each precinct. The certificate must show the total number of votes cast by the respective parties for each candidate for primary committee. The county clerk must deliver the names of all committees so elected to the secretary of the county central committee of the respective parties not later than nine o'clock a. m. of the Wednesday following the primaries.

These committees compose the future county central committee of each party and must within ten days after their election select a chairman and other officers from their number.

Within twenty-four hours after the ballots are counted and the returns made out, the delegates must deliver to the county clerk the credentials to each delegate. One of the requisite for each party, to the county convention, receiving the highest number of votes. When a primary district is entitled to six or less delegates, the credentials must be delivered to the county clerk by the delegates who received the highest vote of their respective parties. In case two or more candidates for delegates receive the same number of votes and there is a tie, the judges must set lots to determine which candidate shall be the delegate and receive the credentials. The credentials must state the total number of votes received by each candidate in the district, also the name of each candidate of the respective party, and each county office, receiving the highest number of votes of his party in the district. The credentials of the delegate named therein to meet in the next county convention of his respective party, which must be held on the first Thursday following primary election.

After all this is done the ballots must be strung on separate wires or strings, and placed in an envelope and sealed up, then all Done With These envelopes are placed in a canvas bag. Thereupon the judges must place the poll books and tally sheets of the respective parties in separate envelopes and seal them up. These envelopes, containing the poll books and tally sheets, or returns, together with the canvass bag containing the ballots, must be delivered to the county clerk, on or before 11 o'clock a. m. of the Monday following the primary election, by one of the judges and the county clerk, in the presence of the clerk for one year. It will be seen from the above provisions that, in all probability, the votes can not be counted, and all the official work provided for can not be performed by three judges between 7 o'clock p. m., Saturday, the time of closing the polls, and 11 o'clock Monday morning, when working on Sunday, especially so in districts polling a large vote of the several parties.

It seems that the board of supervisors in some of the counties have foreseen some of these possibilities and have attempted to invalidate the law by making the election. The remedy the same by an initiative or referendum election. Again the same bodies have taken precautions in regard to the printing of ballots, as they have agreed that the county clerks should print the ballots and the county pay for them. This might save a great deal of confusion and embarrassment to the judges and everybody concerned in the election; but is it lawful? I think it is not. As the attorney general says, in order

to be an election officer, some legal authority should exist to the election or appointment of such officers. In the interest of the Legislature that the judges of the primary election are to perform the same duties as judges and clerks of general elections. An authority for the appointment of clerks in the law, to permit the judges to appoint clerks, such as an authority in the election and night, if found were charged and proven, invalidate the election in that primary district.

As soon as all the poll books, tally sheets and ballots reach the county clerk, he, with the assistance of two justices of the peace, without delay opens all the returns and makes a tabulated statement for each party, separately and certifies the same to be correct. These tabulated statements must show the total number of votes cast of the respective parties in each of the primary district and the total number of votes cast for each candidate of the respective parties in the primary. A copy of this statement must be delivered to the secretary of each of the respective party central committees not later than noon of the Wednesday following the primary, and it is the duty of the secretary to deliver the same to the next ensuing county convention.

On the Thursday following the primary at the place designated in the call for the county convention the county central committee, who signed the call, must call the convention to order. If the said chairman is absent, and the secretary is also absent, any member of the central committee may call the convention to order, and state the object of the meeting. The first thing in order is the election of a temporary chairman to preside and no person who is not a delegate can be chosen chairman. The chairman must be chosen or elected by a regular roll call, of district, of all the delegates present. After all the officers are elected and the convention properly organized it is the duty of the secretary to ascertain from the tabulated returns, if any of the candidates for a county office has received a majority of all votes cast by his party at the primary, and if it appears that any such candidate has received such majority he is declared elected by the convention without the formality of a ballot. This applies in every case, whether the nominations are made at a primary vote or by a plurality vote, then the candidate receiving the highest number of votes is to be declared the nominee. But in case no candidate has received a majority of the votes cast by his party at the primary, then the candidate, who shall have received the highest vote in any district, shall receive the vote of all the delegates in the convention from such district.

In case the county central committee determine that the nominations shall be made at the convention by a majority of the delegates in such convention, and a nomination is thereby made upon the basis of the dead-lock, then the convention by a majority vote of delegates may depart from the usual practice and each individual delegate shall have the vote or as he may determine for any candidate for that particular office.

If all the delegates from any primary district are absent such district can not have a vote in the convention, but if there is one member of the delegation present, he may cast the vote of the absent members so long as it is cast in accordance with the instructions.

Any delegate to the convention has the right upon the first ballot to challenge the vote of the delegate. The right any delegation from to challenge, is the ground that such vote is not in accordance with the vote and instructions of said district at the primary in said district. When the vote of a delegation is challenged, the chairman of the convention must examine the returns and ascertain therefrom whether or not the ground for challenge is properly taken. The vote of such delegation is received by the secretary, in accordance with the vote and instructions of the district at the primary as shown by the certificate returns.

This article is written to apply to county primaries, but the city primaries are conducted in the same manner.

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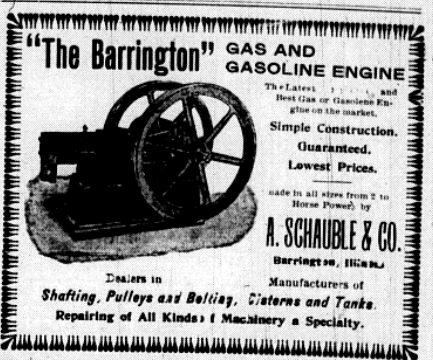
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