NEW PRIMARY ELECTION LAW

Full Text of the Bill as it Was Passed by Legislature

PROVISIONS FOR NOMINEES AND PLATFORM

Candidates to Be Chosen by Parties and Votes in All Instances to Be After Declaration of Affiliation.

Following is the full text of the new state-wide primary election law of Nebraska:

A bill for an act entitled, "An act to provide for primary elections and to regulate the same to provide for the nomination of certain candidates for certain offices at such primary election; to provide for the election of state and county committees of the several political parties; to permit electors to express their choice for United States senator and upon proposed constitutional amendments; to provide penalties for the violations of the provisions of this act; to amend section 5769 of Cobbey's Annotated Statutes of Nebraska for 1903, and to repeal said original section, and to repeal sections 5714, 5715, 5716, 5717, 5718, 5719, 5720, 5721, 5722, 5800, 5801, 5802, 5803, 5804, 5805, 5807, 5808, 5809, 5810, 5811, 5767, 5768, 5769, 5770, 5771, 5772, 5773, 5774, 5775, 5776, of Cobbey's Annotated Statutes of Nebraska; 6811 a1 to 5811 h1, Cobbey's Supplement for the year 1905, as the same now exists, and all acts or parts of acts in conflict with the provisions of this act.

Section 1. Definition and Construction—The words and phrases in this act shall, unless the same be inconsistent with the context, be construed as follows:

1. The word "primary," the primary election provided for by this act.

2. The word "election," a general city election, as distinguished from a primary election.

3. The words "November election," the general election held in November.

4. The word "precinct," a district established by law within which all qualified electors vote at one polling place.

5. The word "district," a subdivision of the state or a county or city or village in which all the electors are entitled to participate in the election of any one or more candidates for office, to be elected by the votes of electors in such subdivision exclusively.

This statute shall be liberally construed so that the real will of the electors may not be defeated by an informality or failure to comply with all provisions of law in respect to either the giving of any notice or the conducting of the primary or certifying the results thereof.

Section 2. Candidates, How Nominated—Hereafter all candidates for elective offices, except those exempted from the provisions of this act, shall be nominated:

1. By a primary held in accordance with this act; or

2. By nomination papers signed and filed as provided by statute.

3. This act shall not apply to special elections to fill vacancies, nor to municipal elections in cities having less than 25,000 population, villages, township and school district officers, nor to members of school boards nor members of boards of education.

Section 2a. That Section 5769 of Cobbey's Annotated Statutes of Nebraska for 1903 be amended to read as follows: "Section 5769. Candidates for public office may be nominated otherwise than by convention, committee or primary meeting in the following manner: A certificate of nomination containing the name of the candidate for the office to be filled stating the name, residence, business and postoffice address of the candidate, shall be signed by electors residing in the district or political division in which the officers to be elected and filed with the clerk of the village, city or county or with the secretary of state, as the case may be. The number of signatures shall not be less than 1,000 when the nomination is for an office to be filled by the electors of an entire state, and not less than 200 when the nomination is for an office to be filled by the electors of the city, county or other division less than the state, and not less than fifty when the nomination is for an office to be filled by the electors of a township, precinct or ward, provided, that the number of signatures need not in any instance exceed one-fourth of the total number of voters, when the nomination is for an office to be filled by the electors of a county, city, township, precinct, village or ward, and that the signatures need not all be appended to one paper, provided further, that candidates nominated under the provisions of this section shall be termed 'Candidates by Petition,' and upon the ballot upon which their names are printed shall be printed after such names the words 'By Petition.' Each elector signing a certificate shall add to his signature his place of business, his residence and address. Certificates of nomination for all county, district or precinct offices, including members of both branches of the legislature, shall be filed with the county clerk of the respective counties wherein the officers are to be elected, and in the case the legislative districts from which such candidate is to be elected embraces more than one county, then in that case the certificate shall be filed with the county clerk of each county included in such district. Certificates for the nomination of judge of the district court shall be filed with the county clerk of each county embraced in such judicial district. Certificates of nomination for municipal offices shall be filed with the municipal clerk of such municipal corporation wherein the officers are to be elected." That Section 5769 of Cobbey's Annotated Statutes of Nebraska for 1903 be hereby existing be and the same is hereby repealed.

Section 3. Primaries, When and Where Held—1. There shall be a primary election held at the regular polling place in each precinct on the first Tuesday in September, 1907, and annually thereafter on the first Tuesday in September, for the nomination of all candidates, except those exempted from the provisions of this act, to be voted for at the November election, and United States senator, and said day shall be the first day for the registration of voters in all cities where registration is required.

2. Any primary other than that provided for above shall be held on Tuesday, four weeks before the elections, except in cities of the metropolitan class and cities of the first class having over 25,000 inhabitants wherein it shall be held on Tuesday, five weeks before the day of the election.

Section 4. Notice of Primaries, How Given—At least sixty (60) days before the holding of any September primary the governor shall issue his proclamation designating all the offices to be filled by the vote of all the electors of the state or by those of any congressional, legislative or judicial district, and transmit a copy thereof by mail to the county clerk of each county.

2. Upon receipt of such proclamation said clerk shall, within ten (10) days thereafter, make and publish a notice of such primary in manner and form substantially as now provided by law for notices of November election, and all persons to whom said notices may be by said county clerk delivered, shall post and publish the same in the same manner as the notices for general election.

3. In case of city elections the city clerk shall post such notices at the regular polling place in each precinct, such posting to be not more than twenty (20) and not less than ten (10) days before such primary election.

Section 5. 1. Nomination Papers—How Prepared and Signed. The name of no candidate shall be printed upon an official primary ballot unless at least thirty (30) days prior to such primary, either he or twenty-five qualified electors of the party with which said candidate is affiliates shall have filed a written application with the proper authority in substantially the following form: I (or we), the undersigned, qualified elector (or qualified electors) of ..... precinct (or ward) of ..... county (or city), in the state of Nebraska, affiliating with the ..... party and residing at ..... hereby request that my (or the name of .....) name be placed upon the official primary ballot of the said party for the primary election to be held on the ..... day of ....., in ....., as a candidate for the office of ..... and I pledge myself to abide by the results of said primary election and qualify if elected. In case a nomination shall be made by electors other than the candidate, said nominee shall within five days after the date said certificate shall be filed with the officer, file a statement in writing duly verified under oath stating that he affiliates with the party named in said certificate, that he will abide by the results of said primary and if elected will qualify and serve as such officer. In case said statement shall not be filed within five days the name of the candidate in the petition shall not be placed upon the primary ballot.

2. A political party within the meaning of this act shall be such an assemblage or organization of electors as is by law designated as such.

3. At the September primary in 1908, and every four years thereafter, there shall be nominated by each political party one candidate for presidential elector in each of the congressional districts within the state, and two candidates for presidential electors at large. Candidates for presidential electors shall file nomination papers as required of candidates for nomination for state offices.

Section 6. Nomination Papers, Where Filed—All nomination papers shall be filed as follows:

1. For officers elective in more than one county, in the office of the secretary of state.

2. For officers to be voted for wholly within one county, except city officers, in the office of the county clerk of such county.

3. For city officers, in the office of the city clerk.

Section 7. Posting of Names of Candidates—At least twenty-five (25) days before any primary preceding a general election, the secretary of state shall transmit to each county clerk a certified list containing the names and postoffice address of each person for whom nomination papers have been filed in his office, and entitled to be voted for at such primary, together with a designation of the office for which he is a candidate, and the party or principle he represents.

Such clerk shall forthwith upon receipt thereof make public under the proper party designation, the title of each office, the names and addresses of all persons for whom nomination papers have been filed, the date of the primary, the hours during which the polls will be opened, and that the primary will be held at the regular polling place in each precinct.

Such clerk shall cause copies of the same to be posted in at least one public place in each precinct in his county, designating therein the location of the polling booth in each election precinct.

Section 8. Primary Election Ballots—The method of voting at such primary election shall be by ballot, and all ballots voted shall be printed as herein provided.

On the fourteenth day before the primary election the county clerk, or city clerk in the case of city elections, shall group the candidates for each party by themselves, including those candidates certified to him by the secretary of state, and shall prepare at once, in writing, a separate ballot for each party for public inspection, which he shall post in a conspicuous place in his office, these ballots to be prepared in the following manner:

The official primary ballot shall be printed and provided for substantially as is required by law for official ballots used at November elections, provided, however, that a separate ballot shall be prepared for each political party entitled to participate in said primary, and provided further that said ballots shall all be uniform in size, color and quality of paper, and in arrangement and style of printing.

There shall be no printing on the back of the ballots, or any mark to distinguish them but the signature of the judge or clerk.

Section 9. The names of the candidates for each office shall be arranged upon the ballot alphabetically according to surnames and under appropriate headings designating each official position, provided, however, this section shall not apply to primary elections held in counties having more than 120,000 inhabitants.

Section 10. Notice and Place of Primary Elections—The primary election shall be held in each election district at the place where the last election was held, or such other place as may be lawfully designated for the polling place for the election district, and shall be held at the place where registration of voters occurs for the election next ensuing in cities where registration is required.

Section 11. Expenses of Primary, How Paid—All ballots, blanks and other supplies to be used at any primary, and all expenses necessarily incurred in the preparation for or conducting such primary, shall be paid out of the treasury of the city or county, as the case may be, in the same manner, with like effect, and by the same officers as in the case of elections.

Section 12. Compensation of Officers—1. It shall be the duty prior to the filing of such petition, and for the purpose of helping to defray the expenses of such primary, there shall be paid to the county treasurer for the use of the general fund of the county of the candidate's residence, or on behalf of each candidate, a filing fee as follows: candidates for United States senator, $20; for state officers, members of congress and judges of the district court, $10; for county, legislative and city offices, $5. No nominating paper shall be filed until the proper county treasurer's receipt showing the payment of such filing fee shall be presented to the officer with whom such nomination paper is to be filed. No filing fee shall be required from candidates for regents of the State university or presidential electors.

Section 13. Polls, When Open—1. At the primary elections held under this act for the November election in cities where registration is required, the polls shall be open at eight (8) o'clock a. m., and closed at nine (9) o'clock in the evening. In all other places and at primary elections at all other times when a primary election is held, polls shall be open at twelve (12) o'clock m., and remain open until nine (9) o'clock in the evening. But if the judges and clerks shall not attend at the hour of opening, or if it shall be necessary for the electors present to appoint judges or clerks, or any of them, the polls may then be opened at any time before the time for closing them shall arrive, as the case may require.

2. If at the hour of closing there are any electors in the polling place or in line at the door, desiring to vote, and who are qualified to register and participate therein, and have not been able to do so since appearing at the polling place, said polls shall be kept open reasonably long enough after the hour for closing to allow those present at that hour to register and vote. No one coming after the hour of nine (9) p. m. shall be entitled to register and vote because the polls may not actually be closed when he arrives.

Section 14. The county board shall provide a sufficient number of ballot boxes with a sufficient number of locks and keys, at the expense of the county, for the several precincts or districts within which the primary election is to be held.

Section 15. That sections 5,616, 5,617 and 5,618 of Cobbey's Annotated Statutes of Nebraska, for the year 1903, are hereby made applicable to primary elections held under this act.

All primaries shall be presided over by the same judges and clerks of election now provided by law to preside over general elections during the time for which they were so appointed, and said judges and clerks shall receive for their services at such primary, the same compensation as it prescribed by law for judges and clerks of November election.

Section 16. The ballots cast at any primary election shall be counted and the results returned to the county clerk in manner and form provided by law relating to general elections.

Section 17. Any qualified elector desiring to vote at any primary election held under the provisions of this act shall be entitled to participate in such primary election upon presenting himself at the polling place where he is entitled to vote; but he shall not be entitled to receive a primary ballot, or be entitled to vote as such primary election, until he shall have first stated to the judges of said primary election what political party he affiliates with.

Section 18. In cities where registration is by law required, no voter shall receive a primary ballot or be entitled to vote, until he shall have first been duly registered as a voter in the manner prescribed by law, provided that in cities where registration is by law required, no elector shall be permitted to vote, unless he be a first voter, or shall have moved into the precinct since the last preceding day of registration.

For the purpose of providing a system of registration of party affiliation, it shall be the duty of the mayor and city council of each city wherein registration is required, to provide in the registration books used for the purpose of registering persons who are qualified to vote at the next general election space for the registration of all persons who may desire to participate in any primary election. Such space shall be provided in said registration books immediately following the last perpendicular ruled column in such books and shall be headed as follows: "Party affiliation." It shall be the duty of the supervisors of such regular registration to ask each person who applies to be registered the question: "What political party do you desire to affiliate with?" And the name of the political party given by such party so applying to be registered shall be recorded in the column provided in such registration books for that purpose. In case any party applying does not desire to state his party affiliation, he shall not be required to do so, nor shall his failure to do so act as a bar to his registration for the purpose of voting at any election other than a primary election, but shall debar him from voting at any primary election.

If the right of such person to vote be not challenged one of the judges of said primary election shall then hand him a ballot of the political party which he affiliates with, which said ballot shall be endorsed with the signature of two of the judges upon the back at the bottom edge.

Section 19. Challenging Voters—If the right of such person to vote be challenged, one of the judges of said election shall then propound to such person the questions provided for in section 5628 of Cobbey's Annotated Statutes of Nebraska for the year 1903, required by section to be propounded to a voter at a general election when challenged, and in addition thereto the judge shall propound the following questions:

1. What political party do you affiliate with?

2. Do you intend to support the candidates of such political party, or a majority of them, at the next election?

3. If the challenge be not then determined in favor of such person by the judges of said primary election and be not withdrawn, he shall not be allowed to vote until he shall have taken the following oath:

"You do solemnly swear (or affirm) that you are a citizen of the United States (or have declared your intention to become such), that you have been an inhabitant of the state of Nebraska for the last six months and of the county of —— for the last forty days, and of this precinct for the last ten days; that you have attained the age of 21 years, to the best of your knowledge; that politically you affiliate with the —— party, and that you intend to support the candidates of said party at the coming election."

3. It shall be the duty of the clerks of said election to write at the end of such person's name "sworn." Said voter shall then be allowed to vote the ticket of the party which he affiliates with.

A judge of such primary election shall instruct the voter that he is to vote for his choice for each office, using only the ballot of the party with which he affiliates, and that he must return the ballot with the edges folded upon which are the signatures of the judges uppermost.

Section 20—Upon any person entitled to vote at any primary election stating the name of the political party with which he affiliates the clerks of said primary election shall thereupon, after the name of the person voting, write the name of such political party in the column of the poll book prepared for that purpose.

Section 21—The city clerk of each city wherein a registration of voters is required by law shall immediately after each registration day compile an alphabetical list of the voters of each of the political parties in each precinct in such city, and within five days after each day of registration he shall furnish to the chairman or secretary of each political committee of his city and county a certified copy of such lists, and also keep the same accessible to public inspection. He shall also, on the day of the primary, furnish to the officers of the primary election in each precinct, a certified copy of such lists for the purpose of determining whether or not any person who desires to vote at such primary was registered at the last registration as affiliating with the party the ballot of which he desires to vote at such primary.

When the elector has prepared his ballot he shall fold the same with the edges upon which are the signatures of the judges uppermost, and so folded so as to conceal the face thereof and all marks thereon, and hand the same to the judge of the primary election who is in charge of the ballot box.

Section 22. Challengers—The party committee of each party may appoint in writing, one party agent or representative, with an alternate for each, who shall act as challengers for their respective parties or elements therein. The right of any person to vote at a primary may be challenged upon the same ground, and his right to vote be determined in the same manner as at an election.

Section 23. Canvass of Votes—Canvass of votes cast shall, except as herein otherwise provided, be made in the same manner and by the same officers as the canvass of an election. The party committeeman of the precinct in a precinct canvass, the chairman or secretary of the county committee in a county canvass, and of the state committee in a state canvass, or some duly appointed agent to represent each party, shall be allowed to be present and observe the proceedings.

2. The county canvass of the returns of autumn primary shall be made by the same officers in the manner provided by law for the canvass of the returns of general election. The canvassers shall meet at 10 o'clock on the Friday following the September primary election and canvass such returns. Their returns shall contain the whole number of votes for each candidate of each political party, and a duplicate to each political party shall be delivered to the county chairman of such party.

3. The canvassers shall also make an additional duplicate return in the same form as provided in subdivision 2, showing the votes cast for each candidate and voted for wholly within the limits of the county. The county clerk shall send to the secretary of state, by registered mail, one complete copy of all returns made, and shall likewise send to the chairman of the state central committee of each party a duplicate copy of the returns last described relating to such candidates of each such party.

Section 24. State Board of Canvassers, How Constituted and Governed—The board of canvassers provided by law to canvass the returns of a general election shall constitute the state board of canvassers of September primaries, and all the provisions of law relating to the canvass of the return of a general election shall, as far as applicable, apply to the canvass, return and certification to the secretary of state of such primaries. Such board shall meet at the office of the secretary of state at 10 o'clock a. m. on the second Tuesday succeeding the September primary.

Section 25. Party Candidates—The person receiving the greatest number of votes at a primary as the candidate of a party for an office shall be the candidate of that party for such office and his name as such candidate shall be placed on the official ballot at the following election.

2. As soon as the state canvass of a primary shall be certified to him the secretary of state shall make a statement of a party of the result of such primary as to candidates for state officers and members in congress, and any other candidates whose district extends beyond the limits of a single county, and shall mail to the chairman of the state central committee of each party so much of such certificate as relates to his party.

3. Not less than fourteen days before any November election the secretary of state shall certify to the county clerk of each county within which any of the electors may vote for the candidates for such offices the name and description of each person nominated for any such office as specified in the nomination papers.

Section 26. City Board of Canvassers, Quorum, Meetings, When Held—The canvass of the returns of a city primary shall be made by the mayor, the city clerk and the treasurer of such city, any two of whom shall constitute a quorum. Such board of canvassers shall meet at 11 o'clock in the forenoon of the second day following the city primary and canvass the vote substantially as provided in sections 22, 23 and 24 of this act. They shall make and certify duplicate returns as to the votes cast for the candidates and forthwith certify and file one complete return with the city clerk.

Section 28. Whenever a candidate for any office under the primary law desires a recount of the votes he shall within three days after the canvassing board has completed its count file with the canvassing board an affidavit requesting and setting forth his reasons for requesting the same. He shall also state in said affidavit the names of the other candidates whose votes he desires recounted. Upon filing such affidavits the canvassing board shall, within one day thereafter, proceed to recount the votes for the candidates named in the affidavits filed in the above manner. Provided that no candidates shall be entitled to a recount of the votes by such canvassing board cast for any candidate when it appears to said canvassing board that the vote for such candidate is sufficiently large that the recount of the same would not result in the nomination of the affiant. Provided further, that this provision does not apply to the rights of the affiant in seeking a recount in court.

Section 27. Vacancies occurring upon any party ticket after the holding of any primary shall be filled by a majority vote of the party committee of the city, district, county or state, as the case may be, and a certificate of such nomination shall be filed as required by section 5,776 of Cobbey's Annotated Statutes of 1903.

Section 28. Party Committees—At 2 o'clock p. m. on the second Saturday succeeding the general primary in 1907, and annually thereafter, at such hour and day, the nominees of the respective parties for county officers in each county, shall meet at the office of the secretary of the county committee of their respective parties, and shall elect a county central committee, composed of not less than one member for each election precinct in the county. Such committee shall serve until their successors are chosen in like manner preceding the next general election for such offices.

Section 29. Congressional and Judicial Committees—The candidates of the respective parties for the office of judge of the district court and members of congress, shall have the right to appoint a chairman, secretary, treasurer and campaign committee for such judicial and congressional district, respectively, of not less than one member for each county in the district. If there shall be more than one judge to be elected in any district, all the candidates of each respective party shall be entitled to participate in the election of the officers and committee of the party of which they are nominees, and for that purpose it shall be the duty of the chairman of the judicial committee of each party, to fix the time and place of a meeting of the candidates of his party to select such committee and to notify the candidates thereof, in ample time to attend such meeting to be held not earlier than the second Saturday next succeeding the primary election at which they were chosen. Such committee shall serve until their successors are chosen in like manner preceding the next general election for such office.

Section 30. Each committee shall have the power to elect a chairman, vice chairman, secretary and treasurer, and each such committee and its officers shall have the power usually exercised by such committees, and by the officers thereof, insofar as is consistent with this act. The various officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with this act. At all meetings of such city and county committees, each member thereof shall have one vote only. The duties of the chairman or secretary of any committee may be performed by members of such committee selected by them. Any vacancy in any committee office shall be filled in the same manner as that in which such officer was originally chosen.

Section 31. The first Saturday after the primary election the nominees for county officers shall meet at the county seat of the respective counties in this state, and by a majority vote therof select one committeeman from each township or precinct in said county, and within one week thereafter said committeemen so selected shall meet and elect a chairman of the county central committee of his respective party and at said time shall elect one delegate who shall meet with like delegates chosen in the same way from each county in the state at the capitol at 12 o'clock, meridian, on the fourth Tuesday in September, 1907, and annually thereafter on the fourth Tuesday in September; and said delegates shall forthwith formulate the state platform of their party and select a state central committee composed of one member for each senator elected from each senatorial district and said committee so elected shall select its chairman and secretary. The platform of each party shall be framed at such time and shall be made public not later than 6 o'clock in the afternoon of the following day.

Section 32. Miscellaneous Provisions—1. In case of a tie vote, the tie shall forthwith be determined by lot of the canvassers. Authority and jurisdiction are hereby vested in the county court and in the judges thereof in vacation, to hear and determine primary election contests, as to county, city or precinct officers. When any petition to contest a primary election shall be filed in the office of the clerk of the county court within twenty-four hours after the board of canvassers has made its return, said petition shall forthwith be presented to the judge thereof, who shall note thereon the day of presentation, and shall note thereon the day when he will hear the same, which shall not be more than five days thereafter, and shall order issuance of summons to each defendant named in the petition.

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

3. If in the opinion of the court in which the petition is filed, the grounds for contest alleged are insufficient in law, the petition shall be dismissed. If the grounds alleged in the petition are sufficient, the court shall proceed in a summary manner, and may hear evidence, examine the returns, recount the ballots, and make such orders and enter such judgments as justice may require. The court shall hear and determine the case within two weeks of the filing of the petition. Immediately upon rendering judgment in any such contest, it shall be the duty of the county judge to at once certify the judgment to the county clerk, who shall cause to be printed on the official ballots the name or names of those whom such county court shall have so decided to have been nominated at such primary, and any appeal taken from such judgment of the county court shall not act as a supersedeas to prevent the county clerk from so doing.

Section 33. It shall be the duty of the secretary of state and attorney general, on or before July 1, 1907, to prepare all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primaries held in pursuance thereof. Such forms shall be printed with copies of this act for public use and distribution.

Section 33. Any person entitled to vote at a primary election shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for a period of two hours between the time of opening and closing the polls, and such voter shall not, because of so absenting himself, be liable to any penalty nor shall any deduction be made, on account of such absence, from his usual salary or wages; provided, however, that application for such leave of absence shall be made prior to the day of the primary. The employer may specify the hours during which the employe may absent himself.

Section 35. At the general primary election next preceding any general election at which any constitutional amendment shall by law be required to be submitted to the electors of the state, it shall be the duty of the secretary of state at the same time that he shall cerify the names of candidates for state officers to the county clerks, likewise to certify to such county clerks any such amendment or amendments to be submitted at the general election, and it shall be the duty of the county clerks to cause to be printed in the primary election ballots of all political parties the question of such constitutional amendments in the same manner and form as they are required to be printed on the official general election ballots, and each elector may declare himself in favor of or against such amendments the same as at such general election. The election boards in the various precincts shall make returns of the number of votes in favor of and against any such amendment, to the county clerk at the same time and in the same manner as upon candidates for nomination, and such returns shall be canvassed by the county canvassing boards with other returns, and the county clerks shall make returns to the secretary of sate of the votes upon such amendments with the other returns of this act. Such returns shall be canvassed by the state canvassing board, and if a majority of the electors of any party voting upon such amendment shall declare in favor of or against any such amendment, such declaration shall be considered as a portion of the ticket of such party and shall be so certified by him to the various county clerks.

Section 36. Delegates to national conventions of the various political parties shall be selected at a state or state and congressional conventions composed of delegates chosen in such manner as may be determined by the state committees of each respective party; provided, that the delegates to such states or state and congressional conventions shall be apportioned by such committees to the several counties upon the vote cast at the last election for electors for president and vice president in the respective counties, and provided further, that each county shall be entitled to at least one delegate in such convention or conventions.

Section 37. Penal Provisions—It shall be unlawful for any person to falsely personate and vote under the name of any other person or intentionally vote without the right so to do; to wilfully or wrongfully obstruct or prevent others from voting who have the right so to do, at such primary election; fraudulently or wrongfully deposit in the ballot box, or take therefrom, any official primary ballot, or commit any fraud or wrong tending to defeat the result of a primary election; give or agree to give to any qualified voter at any primary election held under the provisions of this act, any money or valuable thing as a consideration for his vote for any person to be voted for at said primary election; accept or receive any valuable thing as a consideration for his vote for any person to be voted for at said primary election; offer to accept and receive, or accept and receive, any money or valuable thing in consideration of his filing or agreeing to file, or not filing or agreeing not to file, nomination papers for himself as a candidate for nomination at any primary election; offer to accept or receive any money, or accept or receive, money or valuable thing, in consideration of his withdrawing his name as a candidate for nomination at such primary election.

Any person who shall offer, or with knowledge of the same permit any person to offer for his benefit any bribe to a voter to induce him to sign any election or nomination paper, or any person who shall accept any such bribe or promise of gain of any kind in the nature of a bribe as a consideration for signing the same, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after such signing, or any person who shall sign more nomination petitions than there are positions to fill in any kind of offices, shall be guilty of a misdemeanor.

Any person committing any of the acts herein declared unlawful shall be deemed guilty of a misdemeanor and upon conviction thereof be punished by imprisonment in the county jail not less than one nor more than six months.

4. Any act declared an offense by the general laws of this state concerning caucuses and elections shall also in like case be an offense in all primaries, and shall be punished in the same form and manner as therein provided, and all the penalties and provisions of the law as to such caucuses and elections, except as otherwise provided, shall apply in such case with equal force, and to the same extent as though fully set forth in this act.

5. Any person who shall forge any nomination paper shall be deemed guilty of forgery, and on conviction punished accordingly. Any persons who, being in possession of nomination papers entitled to be filed under this act, or any act of the legislature, shall wrongfully either suppress, neglect, or wilfully fail to cause to be filed at the proper time in the proper office, shall on conviction, be punished by imprisonment in the county jail not to exceed six months, or by a fine not to exceed five hundred dollars ($500.00) or both by such fine and imprisonment in the discretion of the court.

Section 38. General Election Laws to Apply—The provisions of the statutes now in force in relation to the holding of elections, the solicitation of voters at the polls, the challenging of voters, the manner of conducting elections, of counting the ballots and making returns thereof, and all other kindred subjects, except contests, shall apply to all primaries insofar as they are consistent with this act, the intent of this act being to place the primary under the regulation and protection of the laws now in force as to elections.

Section 39. All nominations for candidates of any political party for office to be filled at a special election or any other office to be filled by the electors, excepted from the provisions of this act, shall be nominated by a convention or committee of their political party, which nomination shall be in writing, shall contain the name of the office for which each person was nominated, the name and residence of each person and, if in a city, the street, number of residence, and place of business, if any, and shall designate in not more than five words, the party which said convention or committee represents. It shall be signed by a presiding officer and the secretary of such convention or committee, who shall add to their signatures their respective places of business and take an oath before a qualified officer to administer the same, that the affiants were such officers at such convention or committee, and that said certificate, and the statements therein contained are true to the best of their knowledge and belief. Such certificate of nomination of candidates for office to be filed by the voters of the entire state, or any division or district greater than a county, including candidates for congress or any party action taken relative to any proposed constitutional amendment, shall be filed with the secretary of state, except as in this act otherwise provided. Such certificate of nomination for all county, district, township or precinct offices, including members of both branches of the legislature, shall be filed with the county clerk of the respective counties wherein the officers are to be elected, and in case the legislative districts from which the candidate is to be elected embraces more than one county, then and in that case, the certificate shall be filed with the county clerk of each county included in such district; certificates for nomination of judge of the district court shall be filed with the secretary of state; certificates for nomination of municipal officers shall be filed with the clerk of such municipal corporation wherein the officers are to be elected.

It is the intention that the manner provided in this section for the nomination of officers named herein, by a convention or committee, shall apply only where such officers are to be chosen at a special election, township or precinct officers to be elected at a general election or village officers or members of school boards not members of boards of education.

Section 40—When nominations are made by a convention or committee, as provided for in section 39 of this act, the certificates of nomination to be filed with the secretary of state shall be filed not less than twenty-five days before the day fixed by law for the election of the persons in nomination, and the certificates of nomination herein directed to be filed with the county clerk shall be filed not less than twenty days before election, and the certificates of nomination herein directed to be filed with the municipal clerk shall be filed not less than fifteen days before election. Certificates of nomination for a new party may be filed with the officers with whom the original certificate of nomination was filed or if nominated at a primary election, as in this act provided, and the office for which he was nominated was an office to be voted for in more than one county, the secretary of state, and if to be voted for in one county alone, the county clerk of the county where such office is to be voted, or if a municipal office the clerk of the city or village, by a statement in writing by him and duly acknowledged that he declines the nomination, the same shall be void and his name shall not be printed upon the ballots, but no such declination shall be received after the time above specified. The officer to whom such notification is given shall forthwith inform, by mail or otherwise, one or more persons whose names are attached to the original certificate of nomination (provided he was nominated by a convention or committee), or if nominated at a primary election, as provided for in this act, the chairman or secretary of the campaign or party committee of his political party, if there be one, and if not, at least three of the prominent members of his political party in the state, that he has declined such nomination by mailing or delivering to them personally notice of such fact, and three days shall be given such party committee or convention to nominate a person to fill such vacancy.

Section 42—All certificates of nomination or nomination statements which are in apparent conformity with the provisions of this act shall be deemed to be valid unless objections thereto shall be duly made in writing within three days after the filing of the same. In case such objection is made notice thereof shall forthwith be mailed to all candidates who may be affected thereby, addressed to them at their respective places of residence as given in the certificate of nomination or in the nomination affidavits of such persons on file in that office. Objections to the use of party name may also be made and passed upon in the same manner as objections to certificates and nomination statements.

The officer with whom the original certificate was filed, or who made an affidavit to the original nominating statement, shall, in the first instance, pass upon the validity of such objection, and his decision shall be final, unless an order shall be made in the matter by a county court, or by a judge of the district court, or by a justice of the supreme court at chambers, on or before the second Wednesday preceding the election. Such order may be made summarily upon application of any party interested, and upon such notice as the court or judge may require. The decision of the secretary of state, or the order of the judge or supreme court justice revising such decision, shall be binding on all other county, municipal or other officers with whom certificates of nomination are filed.

Section 43. In case of a division of any party, the secretary of state shall give the preference of party name to the convention held at the time and place designated in the call of the regularly constituted party authorities, and if the other faction or factions shall present no other party name, the secretary of state shall select a name or title and place the same on the ballot before the list of candidates of said faction.

The action of the preceding national convention of such party, regularly called, shall determine the action of the secretary of state, or the court in its decision. The secretary of state may be compelled by peremptory order of mandamus proceedings, to perform his duty in this regard.

Section 44. No person shall be entitled to or allowed to file a nomination certificate as provided for in this act, or to have his name placed upon a primary election ballot for any primary election to be held, unless the political party which he states in said affidavit he affiliates with, polled at the last election before the primary election to be held, at least 1 per cent of the entire vote in the state, county or subdivision or district for which he seeks the nomination for office in.

Section 45. 1. Electors May Form a New Party—They shall not adopt the name of any old political party or any word forming a part of such name. In order to form a new party there shall be present at a mass convention electors to the number of at least five hundred (500) in a state convention, one hundred (100) in a congressional district or county convention, or twenty-five (25) in any precinct, city, village or ward convention, except in cities or counties having a population of fifty thousand (50,000) or more, at least two hundred (200) shall be required to participate.

2. Such convention shall adopt a party name and electors at least to the number respectively above mentioned, and electors to at least the number specified shall sign an agreement to form such new party and support its nominees at the next election, and upon filing such written agreement with the secretary of state, county, city, or village clerk, as the case may be, together with an affidavit of some qualified elector that he saw all of the persons whose names are signed to such agreement subscribe the same and he verily believes them all to be qualified electors. Such new party shall be entitled to have a separate party ballot at the next primary election held thereafter, provided that its candidates for nomination shall be required to file nomination papers signed by at least 50 per cent of those who subscribed the agreement to form such new party.

Section 47. When the name of a candidate appears on a petition presented by a political party or members thereof with the required number of signers and it is made to appear from said petition that the candidate is a candidate of two or more parties, each of which shall be entitled to nominate a candidate, then it shall be the duty of the officer making up the ballot to place the name of such candidate or candidates upon the ballot in the same manner as now provided for in the general election law for ballots at the general election.

Section 48. The secretary of state shall cause to be preserved in his office for the period of one (1) year a copy of all nominating statements and certificates of nomination filed therein under the provisions of this act. All such nominating statements and certificates of nomination filed therein under the provisions of this act. All such nominating statements and certificates shall, at all reasonable hours, be open to public inspection.

Section 49. That sections 5714, 5715, 5716, 5717, 5718, 5719, 5720, 5721, 5722, 5800, 5801, 5802, 5803, 5804, 5806, 5807, 5808, 5809, 5810, 5811, 5767, 5768, 5770, 5771, 5772, 5773, 5774, 5775, 5776, of Cobbey's annotated statutes of Nebraska of the years 1903, 5811a1 to 5811h1 Cobbey's Supplement for the year 1905, as the same now exist, and all acts or parts of acts in conflict with the provisions of this act, be and the same are hereby repealed.

Wreck in Indian Territory.

BARTLESVILLE, I. T., April 4.—Southbound Missouri, Kansas & Texas passenger train No. 21 ran into an open switch in this city early today and crashed into a string of freight cars on a siding. Several persons were badly shaken up, but none was seriously hurt. The accident is believed to have been caused by train wreckers. The switch light had been broken and was out and the switch had been turned.

BIG FRIDAY SALE
In Our Newly Enlarged and Homelike Dept., Devoted to
BOYS' CLOTHES
Second Floor---Old Store

BRANDEIS "BOSTON STORE" & SONS

This is the boys' clothing store that mother's like to visit because it offers every comfort and convenience. It also shows the very latest styles in boys' wear at satisfactory prices.

Boys' $1.00 All-Wool KNICKERBOCKER BLOOMERS or Straight Knee Pants 49c

Boys' $4 and $3.50 Knee Pants Suits at $1.98
Norfolk and Russian and Double-breasted styles — handsomely tailored in plain and mixed fabrics—many with Knickerbocker trousers—sold everywhere at $3.50 and $4, at $1.98

NEW EXCLUSIVE MODELS
Boys' Novelty Spring Suits
The New Russian Blouse Styles
The New Sailor Blouse Styles

All mother's who appreciate distinctive high class apparel will be delighted with the hundreds of new models we show—plain fabrics, checks or plaids—suits that satisfy you at just the price you want to pay at—
$2.98-$3.98-$5-$6.50-$7.50

Ball or Bat or Catchers' Glove FREE!! With Every Boy's Suit

Boys' Furnishings Dept. Second Floor
Boys' Black Sateen Blouses, at 39c
Boys' Chambray Blouses, at 49c

Boys' HEAVY HOSE pair, at 15c

Boys' Buster Brown COLLARS Slightly Soiled, at 5c

Boys' Leather KNEE CAPS pair, at 19c

Brandeis Sells the Best Boys' Shoes in Omaha for 1.98 and 2.50

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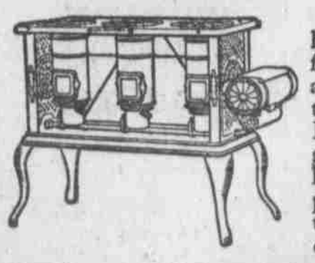

It means the hottest and cleanest flame produced by any stove. This is the flame the New Perfection Oil Stove gives the instant a lighted match is applied—no delay, no trouble, no soot, no dirt. For cooking, the

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is unequaled. It gives quick results because its heat is highly concentrated. Cuts fuel-expense in two. Made in three sizes. Every stove warranted. If not at your dealer's write to our nearest agency.

The Rayo Lamp is the best lamp for all-round household use. Made of brass throughout and beautifully nickeled. Perfectly constructed; absolutely safe; unexcelled in light-giving power; an ornament to any room. Every lamp warranted. If not at your dealer's, write to our nearest agency.

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Health-Economy
Calumet Baking Powder
Best by Test

DR. McGREW $6.00 WILL CURE YOU for —

PAY WHAT YOU CAN and begin your treatment now. Men, I have a treatment especially adapted to all your ailments; 33 years' experience makes it possible for me to cure where all others fail—25 years in Omaha. Treatment by mail.

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