

Wednesday of October in every third year thereafter, all persons entitled to vote for delegates to the general assembly, shall vote by ballot in their respective election districts for five persons having the same qualifications as are required for said delegates, to serve as members of the levy court of said county.

by the people.

SEC. 2. *And be it enacted*, That the names of the individuals thus voted for shall be written or printed upon the same ballot which contains the names of the individuals voted for as delegates to the general assembly, and the office they are intended to fill plainly designated; *Provided*, that no mistake or want of designation in voting for the said members of the levy court shall invalidate any vote that may be intended for other purposes.

By written or printed ballot.

Proviso.

SEC. 3. *And be it enacted*, That every ballot which contains the names of more than five persons for members of the levy court, shall be rejected, so far as relates to the election of said levy court, it being the intention of this act, that the said court shall consist of five members, to be chosen from any part of said county.

Ballot containing more than five names to be rejected.

SEC. 4. *And be it enacted*, That the judges of the elections in said county shall, at the same time and in the mode now prescribed by law for returning the votes given for delegates to the general assembly, make a return of the votes given for the election of members of the said levy court, and the presiding judges when assembled at the court-house, shall in like manner ascertain the number of votes given to each person in the election of members of said court, and shall make a return thereof to the clerk of the county court, in which return the five persons receiving a majority of the votes given, shall be declared duly elected as members of said levy court.

Judges to make return to clerk of county court.

SEC. 5. *And be it enacted*, That the levy court thus elected, shall choose one of its members, to act as president, and if a vacancy should occur in said court, by removal from the county, death, resignation or refusal to serve, or otherwise, then a quorum of the board shall appoint a person qualified as aforesaid to fill such vacancy till the next annual election.

Levy court to choose their president.

SEC. 6. *And be it enacted*, That if in the election of said levy court, there should be a tie, between the fifth and sixth candidates, then the governor, with the advice and consent of the senate, shall appoint one of the persons thus having an equal number of votes to serve as a member of the said levy court.

In case of tie in election of levy court, governor to decide.

SEC. 7. *And be it enacted*, That in the event of such tie, the clerk of the county shall within ten days after the said election, notify in writing the governor of the existence of such tie.

Clerk to notify governor of a tie.