

1904, art. 33, sec. 42. 1896, ch. 202, sec. 38.

43. A candidate for public office may be nominated otherwise than by a convention or primary election in the manner following: A certificate of nomination containing the names of a candidate for the office to be filled with such information as is required to be given in certificates provided for in section 42 of this article, with the additional statement that the persons signing the same intend to vote for the person to be nominated thereby shall be signed by voters in numbers as follows residing in the political division in and for which the officer is to be elected—that is to say: The number of signatures so required shall not be less than five hundred when the nomination is for an office to be filled by an election participated in by the voters of the entire State, and not less than three hundred when the nomination is for an office to be filled by an election to be participated in by the voters of an entire congressional district or of the entire cities of Baltimore, Annapolis, Frederick, Cumberland or Hagerstown, and not less than two hundred for nominations for all other elections; and provided also, that the said signatures need not all be appended to one paper, but if the signatures are appended to more than one paper all such papers must be fastened together and filed as one certificate. Each signer shall append to his signature his residence, occupation and place of business, and every such paper shall be accompanied by an affidavit or affidavits made before a justice of the peace by one or more persons known personally to the justice and so certified by him and signed by the affiant or affiants to the effect that the signers are known to such affiant or affiants to be registered voters of the district or precinct in which they respectively reside and that the said affiant or affiants personally saw the signers, in regard to whom he or they make oath, sign such paper; and any wilfully false statement in such affidavit or affidavits or affirmation shall be deemed a misdemeanor and shall subject the person making the same to the fines and penalties prescribed by the law of this State for the crime of perjury.

Mandamus lies to compel the supervisors to place the name of a nominee by certificate upon the ballot; after the certificate has been once presented in due form, signatures can not be withdrawn so as to make it invalid. *Sterling v. Jones*, 87 Md. 143.

Mandamus will not issue to compel the board of supervisors to treat a certificate of nomination as void and to omit the name of the nominee from the ballot. *Duvall v. Swann*, 94 Md. 616.

Under the act of 1890, ch. 538, a candidate who was nominated by a political party and also by petition, is entitled to a place on the ticket other than with the candidates of the party which nominated him. The same rule would apply if a candidate were nominated by two parties. *Fisher v. Dudley*, 74 Md. 243. (See sections 55 and 56.) And as to the act of 1890, see *Lankford v. Somerset County*, 73 Md. 105.

*Ibid.* sec. 43. 1896, ch. 202, sec. 39.

44. Certificates of nominations shall be filed with the secretary of state for the nomination of members of congress or of candidates for offices to be filled by voters of the entire State or of any division of a greater extent than one county. For all other nominations to public