

name a cross-mark made with a black pencil does not appear on the ballot when voted.

The words "shall be held and conducted and determined" refer to the primary election, and not to a contest of such an election after it is over. *Foxwell v Beck*, 117 Md. 3 (decided prior to the act of 1912).

See notes to section 73 (as it stood in 1911) in volume 1 of the Annotated Code.

1910, ch. 741, sec. 160K (p. 123). 1912, ch. 2, sec. 160K.

188. Every candidate for the nomination for a State office; that is to say, an office filled by the vote of all the registered voters of the State of Maryland, shall be nominated by conventions, the delegates to which shall be elected in accordance with the provisions of this article by the direct vote of the registered voters belonging to the political party of which the candidate is a member, and whose nomination for such office he is seeking; the ballots in such cases shall contain the names of the candidates for public office, delegates to party conventions and managing bodies, executives or executive committee to be voted for as provided in the foregoing sections, and in addition thereto and in the same manner the names of all candidates for state offices, who have duly qualified to have their names placed upon such ballot in the manner provided by this article.

In case there are only two candidates for any State office, then the one receiving the highest vote in any county or legislative district shall receive the vote of the delegates from such county or legislative district in the State Convention, and the result shall be so certified by the Supervisors of Elections as hereinafter provided.

In case there are more than two candidates for any State office, there shall be provided on the ballot two squares opposite the name of each of said candidates, which shall be designated from left to right as "First Choice" and "Second Choice," respectively, so that each voter may indicate his first and second choice or preference by placing a cross-mark in the appropriate squares as aforesaid. Such cross-marks to be made in the same manner as other cross-marks for voting at primary elections under this article for Baltimore City and the several counties of this State, respectively.

If the voter marks the same candidate for first choice and also for second choice, then such ballot shall only be counted for "First Choice" for said candidate and shall not be counted at all for "Second Choice"; if for second choice only it shall be counted for first choice.

The tally sheet for such candidates for State offices shall be so arranged as to show plainly and distinctly how the individual voters voting for any certain candidate (John Smith, for instance), indicated their second choice or preference from among the remaining candidates