

tinguishing mark, and the law does not prohibit the deposit of ballots with distinguishing marks from being deposited, but only "prescribes a penalty" for such marking.

As the New York decision says: "The difficulty in this case, if the result of a mistake as we assume it to have been, was enabled to occur by the requirement of our law, that there shall be as many separate ballots as there are different political parties represented. Had there been but one ballot required this occurrence would not have been possible."

What clearer distinction could have been drawn between the possibilities of a defeat of the secrecy of the ballot under the provisions of these two statutes by a variance or change in the designation of the polling place on the ballot than is contained in this reasoning of the court in the very case upon which the committee relies.

In effect it says this: "We throw out the ballots in the case before us, because under a ballot law providing for separate ballots for each party, a variance in one of these ballots from the other two in respect to the designation of the polling place destroys the fundamental design of the law, namely, its secrecy, but if there had been but one ballot provided for on which are printed the tickets of all the parties as is provided in the Maryland law, the secrecy would not and could not have been invaded, and the change or variance in the designation of the polling place would not have vitiated the ballots so changed."

Nothing, therefore, in the reasoning upon which the opinion of the New York case is based, is repugnant to the conclusion that the ballots cast in the Second Precinct of the First District of Calvert county were official and legal ballots, and should have been received by the Judges of Election in said precinct.

It may also be added that the Legislature of the State of New York, at its recent session, has avoided "the possibility of such an occurrence" in the future by amending the law so as to require the blanket ballots such as the Maryland statute provides for, and that such amendment was suggested by the case above referred to.