

first Monday of every October thereafter, the persons qualified 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.

Qualifications

Sec. 2. *And be it enacted*, That the names of the persons thus voted for shall be written or printed on the same ballot which contains the names of the persons 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 affect or invalidate any vote that may be intended for other purposes.

Ballots—designated

Provided

Sec. 3. *And be it enacted*, That every ballot which contains the names of more than five persons for members of said Levy Court, or the names of more than one person residing in the same election district for said county, shall be rejected so far as it relates to the election of said Levy Court, it being the intention of this law that the said Court shall consist of five members, one to be chosen from each of the five election districts of said county as now laid off.

Partly Directed
rejecting ballot

Sec. 4. *And be it enacted*, That the judges of 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 separate 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 the said Court, and shall make two separate returns thereof, in which the person residing in district No. 1, who shall receive the greatest number of votes in the county, and the persons in the other districts having in like manner the greatest number of votes, shall each be declared as duly elected, to serve as a member of the Levy Court for his respective district, and one of the said returns shall be deposited with the clerk of the county, and one with the clerk of the Levy Court, who shall continue to hold his office and discharge the duties thereof till suspended by the appointment of a new clerk.

Judges returns

Sec. 5. *And be it enacted*, That the Levy Court then elected, shall choose one of their members to act as President, and if any member should remove out of the said county, or die, resign, or refuse to serve, or his seat from any other cause should become vacant, then the Governor and Council shall appoint a person, qualified as aforesaid, to fill such vacancy till the first Monday of the following October.

President

Vacancies, how supplied

Sec. 6. *And be it enacted*, That if in the election of said Levy Court there should be a tie between the two highest candidates residing in the same district, then the Governor and Council shall appoint one of the persons thus having an equal

Case of tie.