

PROPOSED AMENDMENT

TO ORGANIC ACT OF PORTO RICO.

Section 35 of the Organic Act of Porto Rico reads as follows:

"That at the first election held pursuant to this Act the qualified electors shall be those having the qualifications of voters under the present law. Thereafter, voters shall be citizens of the United States twenty-one years of age or over, and have such additional qualifications as may be prescribed by the Legislature of Porto Rico; PROVIDED, That no property qualification shall ever be imposed upon or required of any voter."

The proposition is to amend this Section by adding the following:

"PROVIDED FURTHER: That no person shall be deprived of the right to be a candidate of more than one party for any elective office and to have his name placed on the official ballot as candidate of the several parties nominating him."

Lawyers' Reports annotated, Digest - Vol. 1 to 70:-

Page 1102.

Paragraph 143 - A statute prohibiting the name of any candidate for office from being placed on the official ballot more than once is within legislative discretion, and does not violate the constitutional rights of electors. State ex rel. Bateman v. Bode, 55 Ohio St. 224, 45 N. E. 195.

Paragraph 144 - An act which prohibits the printing of the name of a candidate for office in more than one column of the official ballot is, as to a candidate who is the nominee of a single political party and the nominee of electors by petition, a reasonable regulation of the manner of exercising the right of suffrage, and is valid and constitutional. State ex Rel Fisk v. Porter (N. D.) 100 N. W. 1080.

Paragraph 145 - A ballot law which permits the name of a candidate to appear on the official ballot but once, although he may be nominated by different parties, is not unconstitutional although some voters may be unable to vote, as voters of other parties can, for all the candidates of their party without marking the ballot more than once, or to have all the candidates of their party appear on the party ballot. Todd v. Election Comrs. 104 Mich. 474, 62 N. W. 564, 64 N. W. 496.

Paragraph 146 - A statute forbidding the printing of the name of a candidate for office in more than one column, and, in case of nomination of the same person by more than one party, forcing him to choose on which ticket his name shall be printed, and directing that, on failure to make such choice, it shall be printed on the ticket first filed, with the words, "No nomination" on the others, is an unconstitutional interference with the rights of political parties and candidates. Murphy v. Curry, 137 Cal. 479, 70 Pac. 461.

The authorities of the State of New York are in accord with those of California.)

Section 40 of the Porto Rico Election Law
of 1919 read, originally, as follows:-

"No person shall be a candidate
for more than one office."

The amendment introduced in 1920 was by
adding the following words:-

"Nor for the same office on two dif-
ferent tickets."

In 1923 the Legislature further amended the Election Law
by repealing three paragraphs of Section 63 thereof, which were
helpful to the voter. Here are the paragraphs in question:

"(d) When in the column of any one or more parties on
the ballot there does not appear the total number of
candidates, but only part of the number of candidates
for which a Voter is entitled to vote at the election
and in the said columns there are no candidates for
the same office, then the voter may mark a mixed bal-
lot by drawing a cross or line above or below the de-
vice or in any space in the columns of more than one
party where the candidates appear in the manner herein
stated. A ballot marked in this manner shall be counted
for all candidates appearing in each column so marked.

"(e) Should the mark for voting a straight ticket be
placed in the column of a party having the total num-
ber of candidates to be voted for at an election, and
any other candidate or candidates are marked in the
space at the right or left of the name corresponding
to the column of another party, the vote shall be
counted for all the candidates corresponding to the
straight ticket so marked, except for the candidates
whose offices are the same as those of the candidates
expressly marked in the column of another party, and
a vote shall be counted for each of these last-named
candidates.

"(f) Should the mark for voting a straight ticket
be placed in the column of more than one party having
candidates for all offices to be voted for at the
election, the vote shall be void for all columns
so marked. If said mark is placed in two or more col-
umns and any of them does not have the total number
of candidates for all the offices to be voted for at
the election, the votes shall be void for all candidates
appearing in the various columns who shall have been
voted for for the same office, and the vote shall be
counted only in favor of those candidates appearing
in any of said columns and who are not in opposition
to candidates for the same office in any of the other
columns."

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Section 35: Amended by adding the following clause:-

Provided further, that no person shall be deprived of the right to be a candidate of more than one party for any elective office and to have his name placed in the official ballot as candidate of the several parties nominating him.

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Paragraph 144 - An act which prohibits the printing of the name of a candidate for office in more than one column of the official ballot is, as to a candidate who is the nominee of a single political party and the nominee of electors by petition, a reasonable regulation of the manner of exercising the right of suffrage, and is valid and constitutional. State ex Rel Fisk v. Porter (N. D.) 100 N. W. 1080.

Paragraph 145 - A ballot law which permits the name of a candidate to appear on the official ballot but once, although he may be nominated by different parties, is not unconstitutional although some voters may be unable to vote, as voters of other parties can, for all the candidates of their party without marking the ballot more than once, or to have all the candidates of their party appear on the party ballot. Todd v. Election Comrs. 104 Mich. 474, 62 N. W. 564, 64 N. W. 496.

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~~XXXXXXXX~~ but only part of the number of candidates for which a
voter is entitled to vote at the election and in the said columns
there are no candidates for the same office, then the voter may
mark a mixed ballot by drawing a cross or line above or below the
device or in any space in the columns of more than one party where
the candidates appear in the manner herein stated. A ballot marked
in this manner shall be counted for all candidates appearing in
each column so marked.

"(e) Should the mark for voting a straight ticket be placed in
the column of a party having the total number of candidates to be
voted for at an election, and any other candidate or candidates
are marked in the space at the right or left of the name corres-
ponding to the column of another party, the vote shall be counted
for all the candidates corresponding to the straight ticket so
marked, except for the candidates whose offices are the same as
those of the candidates expressly marked in the column of another
party, and a vote shall be counted for each of there last-named
candidates.

"(f) Should the mark for voting a straight ticket be placed in
the column of more than one party having candidates for all the
offices to be voted for at the election, the vote shall be void
for all columns so marked. If said mark is placed in two or more
columns and any one of them does not have the total number of

candidates for all the offices to be voted for at the election, the votes shall be void for all candidates appearing in the various columns who shall have been voted for for the same office, and the vote shall be counted only in favor of those candidates appearing in any of said columns and who are not in opposition to candidates for the same office in any of the other columns."