

State of New York

1917

Office of the Secretary of the State of New York

Section 10

One who files as a candidate for office as a member of a political party shall become a member before the election day, notwithstanding his candidacy, affiliate with another political party, and may at a succeeding election file for nomination as the candidate of such other party.

Section 11

Thomas D. Schell has filed as a candidate for the Republican nomination for Congress. Petitioner asks the court to direct the secretary of state not to place his name on the ballot as a Republican because at the last election he filed and was nominated and elected as the candidate of the Progressive party and in opposition to a Republican candidate.

The statute provides that a candidate for nomination on a party ballot shall, in his affidavit of filing, state that he affiliated with said party at the last general election, and further that he did not vote thereat or voted for a majority of the candidates of said party. Now Schell, in his filing affidavit, says he did affiliate with the Republican party at the last election and voted for a majority of its candidates. There is no showing that he did ^{not} vote. There is no showing that he did not affiliate with the Republican party at the last election. It may also be noted that the Progressive party was the nominee of the Progressive party at the Congressional election held in 1916. There would be some reason to believe that he would not be a candidate of that party and affiliate with another. But if he did not, a political party is entitled by statute to be maintaining a party organization and presenting candidates for election in each

Order to show cause discharged.
Hollman, J.

(Endorsed)
FILED

MAY 23 1918

I. A. CASWELL,
CLERK.

Finney, J.

STATE OF MINNESOTA }
SUPREME COURT } SS.

I, I. A. CASWELL, Clerk of said Supreme Court, do hereby certify

that the foregoing is a full and true copy of the opinion and syllabus

in the cause therein entitled, as appears from the original, remaining on file

in my office; that I have carefully compared the within copy with said original, and that the same is a correct transcript therefrom, and of the whole thereof.

WITNESS my hand and seal of said Supreme Court at the Capitol,

in the City of St. Paul, May 23 1918

I. A. Caswell, Clerk.

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STATE OF MINNESOTA
DEPT OF STATE
Filed in the office of Secretary of
State this MAY 23 1918 day
of Julius O. Johnson
Secretary of State