TEXAS SECRETARY OF STATE

REPORT

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1943 - 1944

Bob Shaffer

Secretary of State
Austin, Texas

January 10th
1945

Governor Coke R. Stevenson
and
Members of the Forty-Ninth Legislature

Gentlemen:

There is submitted herewith a report on the office of Secretary of State covering the fiscal year beginning September 1, 1943 and ending August 31, 1944. There has heretofore been submitted under date of November 23, 1943, a report covering the fiscal year beginning September 1, 1942 and ending August 31, 1943, which report covered a portion of a prior administration and, as to such portion, was based upon the records of the office and reports of employees then in the department.

This report will therefore cover the first complete fiscal year that has transpired under the present administration. The only provision of law that has been found requiring a report to be made by this department is the semi-annual financial statement required by Section 24 of Article 4 of the Constitution. Accordingly, under date of April 3, 1944, there was transmitted to the Governor a financial statement of this department embracing the period of time from September 1, 1943 through February 29, 1944, such period being the first six months of the present fiscal year. This present report will include all fiscal matters in the report of April 3rd above mentioned, together with the financial transactions of the department for the second six months of the fiscal year.

It is believed, however, that it is sound policy to make a more comprehensive report than the mere financial statement which seems to be contemplated by the Constitutional requirement cited above; and accordingly at the close of each fiscal year it has been the policy of the present administration to file with the Governor and each member of the Legislature a more complete accounting of the affairs of this department, such accounting being intended to suffice both for the semi-annual statement required by the Constitution as well as furnishing further information to which the Chief Executive and the Legislature are believed to be entitled.

ORGANIZATION OF THE DEPARTMENT

There has been no material change in the organization of the department since the last annual report above referred to, and reference is here made to such report and the various reports of division heads incorporated therein for a more detailed account of the organization.

It is perhaps sufficient to state here that the department is divided into five divisions as follows:

(1) Executive Division
(2) Charter Division
(3) Franchise Tax Division
(4) Securities Division
(5) Real Estate Division

The Executive, Charter and Franchise Tax Divisions are classified together in the general appropriation bill as the "Main Division," but for administrative purposes they are entirely separate and distinct.

PERSONNEL

Senate Bill 332, passed by the 48th Legislature, being Chapter 400, General and Special Laws of 1943, commonly referred to as the Departmental Appropriation Bill, became effective September 1, 1943, and this department

has operated thereunder throughout the period covered by this report. This appropriation bill makes provision for a personnel of forty-six members, including the Secretary of State. A seasonal help fund is provided for the employment of additional persons during rush periods.

Perhaps the greatest problem that has confronted the department is the difficulty of employing, and especially of maintaining, competent personnel on the scale of salaries presently provided in Senate Bill 332. In elaborating upon this statement, it might be mentioned that it is neither the desire nor the intention of the responsible head of this department to set forth a request for increased overall expenditures in the department, as the strictest economy in government has been the guiding principle throughout the tenure of the present administration. Experience thus far gained tends strongly to indicate, however, that efficiency might be increased substantially at little if any additional cost in salaries.

The present salary scale is approximately the same as prevailed during the depression year of 1933. The increased employment by the federal government, defense industries and private business, all at substantially higher rates of pay, coupled with the increased cost of living and rising withholding tax, has created a problem in this, and no doubt most other State departments, that at times has almost defied solution.

The employees that have been available at the salaries that could be paid have fallen roughly into four classes:

(1) Those wholly without experience.
(2) Those with some experience and no ability.
(3) Those who have other reasons for locating in Austin and desire to supplement family income.
(4) Wives of Servicemen temporarily stationed in Austin.

The first two classes above mentioned are undesirable for obvious

reasons, and certainly tend to decrease the efficiency of any office. Frequently those falling in class (1) above have been found to be possessed of considerable talent and aptitude, but after gaining some experience in a State office, they pass on to better paid positions, usually in private business. As to them, the State is doing nothing more than operating a training school, but losing its trainees immediately upon their attaining a degree of experience that gives them actual value to an employer.

Those falling in class (2) above can usually be retained in State employment, but maintain a degree of efficiency that is undesirably low and such as would not be tolerated in any effecient business. From the last two groups mentioned above, this office has largely drawn such of its personnel that are mostly depended upon to maintain some reasonable semblance of efficient operation. Some highly competent stenographic and secretarial help has been found among women desiring to supplement the income of their husbands already situated in Austin. It has been necessary at times to employ wives of Servicemen temporarily situated in this vicinity, among whom have been found some of unusual ability, even though their employment is usually accompanied by the disruptions of short tenure.

The following statistics indicate the extent to which this office has been affected by changes in personnel and the reasons therefor:

Reason for Leaving	Number
To better positions	21
Bad health	4
Family moved	4
To enter school	4
Army transfers of husbands	4
Married	1
No reason assigned	2
Temporarily employed	10
Total	50

Those last mentioned above were only temporarily employed during various rush seasons and therefore would not be counted in a correct computation of the percentage of loss. Exclusive of them, there has been a loss of forty out of a total payroll of forty-six, or a turnover of 86.9 per cent. Of this number twenty-one or 52.5 per cent were lost to better paying positions. Other than this one cause, the remaining losses are probably no greater than normal turnover. The cost of the accompanying loss of time and efficiency in the continuous training of new personnel is difficult to estimate.

It is recognized, of course, that abnormal war time conditions exist, but the maintenance of governmental functions on an efficient basis are equally, if not more, important during such times than otherwise.

It is believed that in most instances, one salary of $175.00 will attract and retain clerical, stenographic or secretarial help equal in the quantity and superior in the quality of work that will be done by two people that can be attracted and retained on the prevailing scale of $112.50, all with a saving of $50.00 per month.

The absence of inducements that can be offered to State employees, such as periodic increases in salary, overtime pay, etc., no doubt influence to some extent the trend of competent help toward other types of employment. It is reasonable to assume that the prospect of salary increases would be conducive to efficiency in the operation of a State department. It might therefore be said that one salary of $150.00, with an increase to $175.00 after the first year of satisfactory service would produce the same result as suggested above in lieu of two salaries at the present low scale.

It is not here intended to represent that State employees generally are notoriously incompetent. On the contrary, some have been found of a

very superior type who seem to have a personal preference for governmental work and gracefully accept the sacrifice required; but the present basis, on the whole, does not seem to promote a plane of efficiency that the public has a right to expect from those agencies which administer the functions of government.

CHARTER DIVISION

As is generally known, the Charter Division of this department administers the laws embraced in Title 32 of the Revised Civil Statutes of 1925, and certain other statutory functions relative to the organization of various types of corporations. The detailed functions of this division were incorporated in the last annual report of this department at page 21, and will not here be repeated.

The work of this division is carried on by a division head, a secretary to the division, a trade-mark, trade-name and certificate clerk and two stenographers, with a third stenographer or typist in rush seasons.

It was previously reported that this division was in process of making a new descriptive word index relating to trade-marks, a new index for powers of attorney designating service agents for foreign corporations and a card index of statutory references affecting the duties of this division. These indexes have been completed at the present time and greatly improve the value of the records of this division. Especially is this true of the descriptive word index on trade-marks as it enables the determination of possible conflict as to every key word in any trade-mark offered for registration with any trade-mark previously registered; and also enables this office to avoid conflicts between registered trade-marks and the names of newly organized corporations.

The following is indicative of the volume of business handled by this division, and for comparative purposes like figures will be repeated from the prior annual report:

INSTRUMENTS APPROVED AND FILED IN CHARTER DIVISION:

	Fiscal Year Ending August 31, 1943	Fiscal Year Ending August 31, 1944
Domestic Charters	672	934
Domestic Amendments	321	430
Foreign Permits	180	209
Renewals of Foreign Permits	126	128
Foreign Charter Amendments	162	246
Dissolution Certificates	1183	1096
Surrenders of Foreign Permits	166	134
Proof of Final Payment of Capital Stock.	153	108
Trade Marks	234	341
Trade Mark Assignments	125	10
Railroad Conditional Sales Contracts	20	40
City Charters and Amendments	5	8

The receipts and expenditures of the Charter Division are included in the financial statement appearing at the end of this report.

EXECUTIVE DIVISION

The detailed functions of this division are enumerated in the prior annual report at pages 17 and 18 and will not be here repeated.

In addition to its normal duties, this division administers such provisions of the election laws of Texas as are confided to the Secretary of State, and 1944 being a general State election as well as a presidential election year, some comment with respect to these functions is deemed appropriate.

The election laws of the State are embraced in Title 50 of the Revised Civil Statutes of 1925, and represent, no doubt, one of the most difficult sections of our law from an administrative standpoint. The basic law governing elections is the so called Terrell Election Law of 1905, however, many provisions

of Title 50 have been brought forward from earlier enactments. Frequent amendments have been passed since 1905 with the net result that the present election code is nothing more than a patchwork fraught with inconsistencies, conflicts and absurdities. Elections being the foundation stone of a democratic government, it would seem that they, of all governmental functions, should be carried on with conciseness, certainty and regularity. It is believed that the present condition of our election statutes is beyond repair, and that the only remedy is a complete rewriting of an election code which will meet the present requirements of the State.

Against the possibility that the next Legislature might take some action prompted by the decision of the United States Supreme Court in Smith vs. Allwright, 64 S.Ct. 757; 321 U.S. 649; Rehearing denied 64 S.Ct.1052, and such Legislation embodying fundamental policies of the State that fall exclusively within the province of the Legislature, no recommendation will here be made as to the nature of the Election Code that should be adopted. It might be of some benefit, however, to point out some of the most glaring deficiencies of our present system from an administrative standpoint, in order that they might be avoided in any new system that might be enacted.

Chapter 13 of Title 50, embracing Articles 3100 to 3167, both inclusive, governs the nomination of candidates by political parties for various offices. Upon compliance with the various procedures therein prescribed, a candidate becomes entitled to have his name appear on the general election ballot. Articles 3100 to 3153, inclusive, govern nominations by political parties that cast 100,000 votes or more at the last general election, and obviously affect only the Democratic Party in Texas. As to all parties of such size, nomination by primary election is mandatory.

Articles 3154 to 3158, inclusive, prescribe nominating procedure for political parties whose nominee for Governor in the preceding general election received as many as 10,000 and less than 100,000 votes. This group of statutes has generally been applicable only to the Republican Party in Texas. The Republican candidate for Governor in the 1942 general election, however, received only 9,204 votes, thus removing this political party from the membership bracket covered by the latter group of articles mentioned above.

Articles 3159 to 3162, inclusive, prescribe the procedure for non-partisan and independent candidates to have their names placed upon the ballot.

Article 3163 provides the method for nominations by parties without State organizations.

No method is prescribed for nominating candidates by any party except by the four groups of statutes above cited. It becomes readily apparent, therefore, that the Republican Party found itself in the year 1944 without any statutory provisions by which it could nominate its candidates for office. The statutes governing parties casting from 10,000 to 100,000 votes automatically became inapplicable when the party cast less than 10,000 votes for Governor in the General Election of 1942. It could not proceed under the statutes applicable to non-partisan and independent candidates as the Republican candidates are certainly partisan and are not independent. Neither could it proceed under Article 3163, as it has a State organization. This situation would suggest that some provision might well be made for nominations to be made by political parties of whatsoever size, or membership brackets should be abandoned as a basis of classification in prescribing nomination procedures. Many difficult situations arose in this office during the months preceding the General Election of 1944 due to inquiries received from various political

groups as to the method of placing their candidates on the ballot when there was no adequate statutory procedure prescribed.

Another difficulty arose by reason of the failure of Chapter 225, Acts of the Forty-Third Legislature, 1933, to amend Article 3156 to conform to other changes made by the 1933 act. Article 3156 provides that parties in the 10,000 to 100,000 classification (Republican Party) may nominate candidates for district offices by conventions "... held on the same days as herein prescribed for district conventions of other parties..." Article 3156 is a part of the Terrell Election Law originally passed in 1905, and the quoted language is obviously a reference to Article 3135 which provided for district conventions to be held on the fourth Saturday in August of election years by parties casting in excess of 100,000 votes (Democratic Party). Article 3135, however, was repealed in 1933 without a corresponding amendment being passed to Article 3156, leaving parties in the 10,000 to 100,000 bracket authorized to nominate by district convention, but with no legal time fixed for the holding of such conventions.

The above situations were met this year by Opinion No. O-6204, obtained from the Attorney General, which held that Articles 3154 to 3158 were still applicable to the Republican Party even though it cast less than 10,000 votes in 1942, and as a practical matter, the party proceeded to hold its district conventions on the fourth Saturday in August as it had done prior to the repeal of Article 3135. It seems that statutory procedure defined with definiteness and certainty is much more to be desired than resort to expediency under statutes of doubtful application, as such practices are highly conducive to possible election contests and needless litigation.

Quite some difficulty was experienced in this office, and considerable

hazard of injunction or mandamus suits is created, by reason of the failure of the statutes to prescribe a definite deadline date by which all candidates must be certified in order to have their names placed upon the general election ballot. In attempting to arrive at the proper time after which no certifications or petitions for a place on the ballot would be received, numerous conflicting provisions in the various articles of Title 50 became apparent. At the same time, it is of paramount importance that the Secretary of State arrive at a correct conclusion as to when the ballot should be closed, since a closing prior to or later than the legal time might deprive a candidate of the privilege of having his name appear on the ballot, the enjoyment of which right is of the essence of Democracy and constitutes what our Supreme Court has defined as both a valuable and substantial right.

In this connection it might be pointed out that Article 2925 requires the Secretary of State "At least 30 days before each general election..." to prescribe forms of all blanks necessary for the conduct of the election and furnish same to all county judges. Though this article does not specifically mention the furnishing of a sample ballot, it has generally been construed to include the ballot along with other forms. Compliance with this article allows the bare minimum of time required for the county clerks to add the names of the district, county and precinct candidates and then have the ballot printed in sufficient quantities to meet the needs of the particular county in time to begin absentee voting twenty days before the election, as required by Article 2956. At the same time, Article 3079c provides that the names of candidates for President and Vice President shall "... at least 20 days prior to the election, be certified to the Secretary of State..." If, under this article, the Secretary of State is required to hold the ballot open until 20

days before the election (assuming that some political party availed itself of the full time allowed), then the Secretary of State could not prepare the sample ballot until the identical day that absentee voting should begin. Counting the several days required thereafter for the Secretary of State to have the samples printed, from one to three days for them to reach all county judges by mail, and the several days required for the county clerks to have them again printed for use in the county, the ballots could scarcely be prepared by election day, and no time at all would have been allowed for absentee voting. It is likewise apparent that compliance with Article 3079c would preclude compliance with Article 2925 requiring the forms to be furnished thirty days in advance of the election. Article 3079c has been held invalid by one Attorney General, valid by another (who later modified such opinion in part, but without holding the statute invalid), and the present Attorney General has held that Article 2925 must be complied with by the Secretary of State, but without passing upon the validity of Article 3079c.

Looking to other statutes affecting the time of certifying nominations, the question of the correct date for closing the ballot becomes even more confused. As to parties nominating by primary election, Article 3138 provides that the State convention of such party shall "...forthwith certify all such nominations to the Secretary of State." Further conflict arises, however, with reference to the meaning of the term "forthwith" as two different dates are fixed for the meeting of such State convention. Article 3136 fixes the time as "... the first Tuesday after the third Monday after the fourth Saturday in August..." Article 3139 fixes the time as "... Tuesday after the second Monday after the fourth Saturday in August..." (As a practical matter, the Democratic Party follows the time fixed in Article 3136, in deference to

Article 3137 which provides that the State Executive Committee shall canvass the returns of the primary election on the third Monday after the fourth Saturday in August and submit same to the State convention... on the following day.." while under Article 3139 the convention would already have met before the Executive Committee convened to canvass the returns.)

Article 3157, applicable to parties of the 10,000 to 100,000 bracket, merely provides that nominations by such parties "... shall be certified... to the Secretary of State..." without any reference to a time limit.

Article 3159, governing non-partisan and independent candidates, provides that their petitions to go on the ballot shall be delivered to the Secretary of State "... within 30 days after primary election day...," but fails to state which primary. It was probably the legislative intent that the term "primary election day," as here used, would refer to either the first or second primary depending upon the one at which the Democratic nominee was actually determined in any particular race. If a run-off was necessary in any given race, the 30 day period provided for an independent candidate must, of necessity, run from the date of the second primary.

In view of all of the above conflicting provisions, the conclusion was reached, in connection with the 1944 election, that September 25th should be the deadline date for closing the ballot by the Secretary of State. This was the 30th day after the second primary which occurred on August 26th, and was the maximum time to which all independent candidates were entitled under the express provisions of Article 3159. Since this date did not conflict with any time allowance for nominations of parties in the 10,000 to 100,000 bracket (the statute being silent), and allowed thirteen days for the Democratic Party to certify its nominees after its convention on September 12th; and still

allowed sufficient time to have the sample ballots printed and furnish them to the counties thirty days before the General Election in compliance with Article 2925, and in time for absentee voting, it appeared to be more in keeping with the intent of all applicable statutes construed together. This conclusion, of course, ignored the provisions of Article 3079c which could not have been complied with without doing violence to Article 2925 and jeopardizing the rights of absentee voters under Article 2956.

This interpretation of the various statutory provisions might or might not have stood the test of the courts should the question have been raised, and since the valuable rights of candidates might be at stake, and troublesome litigation arise, based upon the erroneous acceptance or rejection of certifications by the Secretary of State after a questionable deadline date, it is submitted that such a date should be definitely fixed by statute as a guide to the administrative officers concerned with election matters.

Some confusion arises by reason of the lack of uniformity in the certification of district candidates. Nominees for district office by a party casting in excess of 100,000 votes are certified by the State Executive Committee of the party to the county clerks of the counties constituting the particular district in which the candidate's name is to appear on the General Election ballot. Nominees for district offices of parties falling within the 10,000 to 100,000 bracket are certified directly to the Secretary of State (Article 3157). Likewise, non-partisan and independent candidates for district office file their petitions for a place on the ballot with the Secretary of State. The effect of these provisions is that the county clerks receive their certification of Democratic district candidates from the Democratic State Executive Committee, and the certification of Republican, non-partisan and independent

district candidates from the Secretary of State. The result of this situation is that some county clerks, having received a list of district candidates from the State Executive Committee, overlook that portion of the certificate from the Secretary of State covering district candidates of other parties and independents, and accordingly their names were left off the ballot in some counties. It would seem preferable to have the county clerks receive all district certifications direct from the various political parties and to have independent candidates file their petitions directly with each county clerk of the district in which their name is to appear on the ballot. Further reason for this recommendation as to independent candidates is found in the fact that Article 3159 requires the petitions of independent candidates to be signed by a certain percentage of the qualified voters of the district. These lists of signers can much more conveniently be checked in the local counties where the poll tax lists are readily available than in the office of the Secretary of State.

Another deficiency of the present election statutes appears in the fact that no statutory authority exists whereby the Secretary of State is directed to certify even candidates for State office to the various county clerks. Article 3138 directs the State convention of parties holding a primary election to certify its primary nominees to the Secretary of State, but no provision is made for the transmission of such certifications to the county clerks. If the law were followed literally, the names of all Statewide candidates would lie dormant in the Secretary of State's office and never appear on the ballot. At least since 1905 the Secretary of State has, of his own volition, proceeded to issue his certificate on State candidates to the various county clerks, but the practice was born of necessity rather than statutory authority. The importance of having a ballot legally prepared in all respects

seems sufficient to justify explicit statutory authority directing all phases of its preparation.

The statutes are likewise deficient in that at least one circumstance exists wherein it is impossible for a candidate to have his name placed upon the General Election ballot, and resort must be had to a write-in vote which, at best, is generally unsatisfactory. This situation arises when the Governor has filled a vacancy in a State or district elective office by appointment after the primary election and before the General Election. Article 4, Section 12, of the Constitution provides, "Appointments to vacancies in offices elective by the people shall only continue until the first general election thereafter." This situation arcse in 1944 in the office of the District Judge of both the 69th and the 109th Judicial Districts. The Attorney General held in Opinion No. 0-6206 that there was no statutory procedure for a candidate for such office to have his name printed on the ballot, yet it was necessary that an election be held under the constitutional mandate above recited.

A similar deficiency exists with reference to special elections to fill vacancies in the office of State Senator and Representative, which vacancies cannot be filled by appointment. A vacancy occurred in the 6th Senatorial District this year and a special election to fill the unexpired term was called to be held on the same day as the General Election. The statutes are silent as to the method by which a candidate may have his name placed upon the special election ballot. The Attorney General has held in Opinion No. 0-4905 that it is not necessary under such circumstances to resort to a write-in vote, and outlines the alternative procedure of filing either with the various county clerks or county judges in the district. It seems that the ruling is based upon expedience, however, rather than any actual statutory authority. It would

appear that any new election code that might be enacted should contain provisions covering such contingencies.

Much practical difficulty has been encountered in the administration of the provisions of Article 2978a which requires the filing of an affidavit with the Secretary of State by every candidate for office, to the effect that he will support and defend the Constitution and laws of the United States and Texas, any candidate failing to file such affidavit being denied a place on the ballot. The statute does not specify whether its provisions are applicable to primary, special or General Elections, or all three, but the Attorney General has held in Opinions No. O-4525 and O-6055 that it applies only to the General Election ballot. Many candidates, not being familiar with the ruling of the Attorney General, filed the affidavit in advance of the primary election, but since the Secretary of State does not receive certifications of primary nominees for precinct, county or district offices, he has no way of knowing which of the primary candidates were actually nominated; and since all of the affidavits are filed with the Secretary of State, the county clerks, who make up the ballot as to precinct, county and district candidates, have no way of knowing which of the nominees have filed the affidavit. The statute is also silent as to any deadline date by which the affidavit is to be filed. Accordingly, the practice was followed this year, at a cost of much time and work that could easily be saved, of furnishing each of the 254 county clerks a list of all candidates in his county who had filed the affidavit in this office. These lists were furnished at the latest possible time before the sample ballots were printed in order to allow the maximum time for filing to all candidates, but it became necessary to furnish such lists daily thereafter up to the time the ballots were actually printed in the counties, to accommodate those candi-

dates who did not learn of the existence of the statute until it was called to their attention by the county clerk upon receiving his first list.

A few rather difficult situations arose with reference to members of the Armed Forces in foreign service who had been nominated while overseas, and who had not sufficient time to receive, execute and return the affidavit form. In at least one of such instances the affidavit was executed on behalf of the Serviceman by his wife under a power of attorney, but its binding effect is extremely doubtful. It did not become necessary for the Secretary of State to pass upon the question thereby raised, as there was only one Statewide candidate who was overseas at the time of his nomination, and he returned to the United States in time to file his affidavit in person before the ballot was made up. It came to the attention of this office, however, that some county election boards, consisting of the county judge, county clerk and sheriff, were confronted with the necessity of determining whether a local candidate's name should be left off the ballot by reason of his service overseas, and his resulting failure to file the affidavit in time. This office is not advised of the policy that was followed by the local boards, though the Attorney General has held (Opinion No. O-4913) that, under the statute as written, it is applicable to Servicemen. It seems to be, however, a rather harsh rule to deny a place on the ballot to an individual for failing to state his loyalty to his government when the failure is due solely to the active defense of that form of government at the risk of his own life; and especially where such individual is held in sufficient esteem by his fellow citizens as to be nominated to public office during his absence. If the requirement of such affidavit is to remain the policy of this State, it is respectfully recommended that some provision should be made for the benefit of men in foreign service;

and that the affidavit should be filed with the same election official to whom the certification of the particular candidates is made, i.e., Statewide candidates should file the affidavit with the Secretary of State, and precinct, county and district candidates should file it with the appropriate county clerk.

Another deficiency is found in the election laws in that no statutory procedure exists governing the method by which a new political party may commence to function and have the names of its candidates appear upon the General Election ballot. The only reference of any kind to a new party appears in Article 3166, wherein it is provided that no new party shall assume the name of any pre-existing party. The only legal guide that has been found is the case of Morris vs. Mims, 224 SW 587, which holds generally that, since the statutes are silent on the subject, a newly organized political party may follow any procedure not prohibited by law in order to have its candidates' names printed on the ballot. This creates a rather unsatisfactory situation in that it leaves to the discretion of an administrative officer the question of what should be required of a new political party, which, no doubt, would be a proper subject for statutory control, and at the same time promotes no uniformity in that the requirements would be susceptible of change with each succeeding administration in the Secretary of State office.

Another situation that might be directed to the attention of the Legislature is with reference to the expense of publication of proposed Constitutional Amendments. Article 28a fixes the requirements that must be met by newspapers to be eligible to carry legal publications, and Article 29 fixes the rate of publication at 2¢ per word for the first insertion and 1¢ per word for each subsequent insertion, or a rate not to exceed the lowest classified advertising rate. The classified rates, however, of most newspapers are 2¢

and 1¢ or more. Four insertions are required for Constitutional Amendments. It is possible that Article 28a is not applicable to Constitutional Amendments since the Constitution itself, in Article 17, prescribes the only qualification of the newspaper as being a weekly newspaper. The courts have held, however, that publication in a daily paper is a substantial compliance with the Constitutional requirement. A practice seems to have grown up during recent years in the Legislature to appropriate the sum of $5,000 for each proposed Constitutional Amendment submitted. Whether Articles 28a and 29 are applicable to Constitutional Amendments or not, it is nevertheless impossible to obtain publication at a less rate, and in some counties where there is only a daily newspaper with a higher rate it is exceedingly difficult to obtain publication at all at the statutory rate. This means a minimum expense of 5¢ per word in each of the 254 counties, or a total sum that can be expended in each county of $19.68. It therefore follows that if any amendment in excess of 393 words is submitted, a $5,000 appropriation is inadequate for the required publication. The Forty-Eighth Legislature submitted two amendments with an appropriation of $5,000 each, when the total expense amounted to $28,667.10. Sixteen counties were found which had no newspaper at all, leaving 238 in which publication was necessary for a legal submission. Extreme difficulty was had in some counties in prevailing upon the newspapers to accept publication at the statutory rate, especially in view of the fact that only about one-third of the sum could be paid to each newspaper upon completion of the publication. The total account of each newspaper was $120.45, only $46.00 of which has been paid, the balance awaiting a supplemental appropriation to be made by the Forty-Ninth Legislature. A great majority of the newspapers approached on this matter were very cooperative, but the entire matter could be greatly simplified

by a sufficient appropriation being made in the first instance. In this connection, it might be pointed out that the Attorney General has ruled that appropriations made by resolution are invalid. Accordingly, even though the appropriation is undertaken in the joint resolution, it is necessary that the sum again be appropriated in the general appropriation bill or by a separate bill. This was done by the general appropriation bill of the Forty-Eighth Legislature.

SOLDIER VOTING

It became necessary for this Department to administer, during the year 1944, the provisions of Public Law 277, passed by the Seventy-Eighth Congress, with reference to voting by Servicemen. This act was radically different from the former Public Law 712 which was in effect during the 1942 elections. Public Law 277 was an attempt on the part of Congress to provide a uniform method of voting by Servicemen under Federal law, and at the same time giving precedence to State statutes on the subject. It is obvious, of course, that no single Federal act can completely harmonize with the local election laws of the forty-eight different States; and the act was exceedingly difficult of administration in Texas as it was one of the States with whose laws the Federal act seemed to be most in discord. This appears to be the invariable result when the National Congress undertakes to exercise an appreciable degree of control over the local subdivisions of the government.

The act directed that all applications for State ballots be made to the Secretary of State, but otherwise resort must be had to the procedure fixed by State law for casting the ballot. As a result, this office received an estimated 80,000 applications for State ballots which, under State law, should have been directed to the county clerk of the home county of the voter,

he being the only official under our law authorized to distribute absentee ballots. It was therefore necessary that this office daily assort such applications and forward them to the proper county clerk.

A short Federal Ballot was provided for the benefit of men overseas who applied for, but failed to receive, a State ballot. These ballots, when voted, were likewise directed to this office and, in turn, had to be distributed to the proper county clerks.

The handling of the applications and ballots, together with the furnishing of detailed and uniform instructions to all county clerks of the State, as well as the large volume of correspondence occasioned by the numerous inquiries of Servicemen, commanded the full time of an average of nine employees in this department for approximately three months preceding the General Election. Upon the failure of Congress to provide for administrative expense, as was done in Public Law 712 in 1942, and the present law having been passed after the adjournment of the Forty-Eighth Legislature, there was no opportunity for it to make provision to cover this unexpected volume of work. Accordingly, it was carried on by the regular personnel of this department in addition to their full time duties already assigned. The Federal act did provide for free postage on war ballot materials, without which it is very doubtful that the regular postage appropriation of this department would have been sufficient.

Actually, only a small percentage of the Texas men in Service were able to vote either under State law or by means of the Federal ballot. Those in domestic service were required to vote under State law, if at all, and relatively few had paid their poll tax. The short interval that exists under State law between the date that the ballot can be prepared and the day of the election likewise precluded many from returning their ballots in time to be

counted. This office has no way of reporting the number of men who voted under State law, as that record is in the office of the various county clerks, but the following tabulation indicates those who voted the short Federal ballot:

TOTAL NUMBER BALLOTS RECEIVED -		19,275
Total number ballots forwarded to county clerks	17,975	
Total number ballots received prior to Oct.1,1944	66	
Total number ballots forwarded to other States	27	
Total number ballots held due insufficient address	14	
Total number ballots received after last date for counting (November 7, 1944)	1,193	
Total -	19,275	
RECONCILIATION -		19,275

While it is primarily a matter of policy to be determined by the Legislature, it is suggested that an adequate procedure under State law for voting by Servicemen is preferable to Federal invasion in the field of elections in order to eliminate the difficulties of conflicting provisions as between State and Federal acts on the same subject. It is possible under Public Law 277 to eliminate entirely the Federal ballot and permit all Servicemen, whether in foreign or domestic service, to vote under State law.

THE PRESIDENTIAL ELECTION

Because of the unusual situation that arose with reference to the naming of the electors for President and Vice-President in Texas in the year 1944, it is deemed appropriate that some space be given to the matter in this report, even though some of the incidents here related occurred after the close of the fiscal year covered by this report.

Pursuant to Article 3167, the Democratic Party held its State Convention on the fourth Tuesday of May, 1944, at which it nominated its delegates to the National Convention, and also nominated twenty-three electors for President and Vice-President. The only function of this Convention mentioned

in the Statutes is the naming of delegates to the National Convention. Our statutes make no provisions whatever for the method by which presidential electors should be nominated. The method of selection is left entirely to the respective States, however, by Article II, Section 1, of the Constitution of the United States which reads in part as follows:

> "Each State shall appoint, in such manner as the Legislature may direct, the number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.."

In the absence of statutory direction it has been the custom of the Democratic Party for some forty years to name its electors at the May Convention. This practice probably arose by reason of the fact that the only duty confided by statute to the May Convention is of a National nature, i.e., the naming of delegates to the National Convention; and the further fact that the law provides that this convention shall be held only once each four years in the Presidential years. This convention is organized on the basis of congressional districts and in all respects has dealt solely with National affairs. Accordingly, it was but natural that the function of the naming of presidential electors was by custom assumed as appropriate action to be taken by this convention, in the absence of a controlling statute.

The electors so nominated by the May Convention were duly certified to the Secretary of State in the form and manner and within the time in keeping with the practice of many years.

The incidents that transpired at this Convention, and the subsequent events occurring, are too well and generally known to warrant a detailed review in this report; but it is sufficient to state that a division occurred in the Convention causing one group to withdraw and organize a separate convention. The original Convention instructed the electors to vote against the

Presidential and Vice-Presidential nominees of the National Convention upon certain conditions, and relieved them of any obligation to vote for such nominees under certain other conditions. Both conventions named a group of delegates to the National Convention, both of which groups were subsequently seated in the National Convention and the Texas vote divided between the two groups.

Thereafter a mandamus suit was filed in the Supreme Court of Texas, styled Stanford, et al, vs. Butler, et al, 181 SW(2d) 269, in which the relators sought to require the State Democratic Executive Committee to submit the selection of the electors to the people of Texas at the Primary Election to be held on July 22, 1944. The relief sought was denied by the Court, it being held that in the absence of a governing statute the custom and precedents established by the Democratic Party over a period of many years had acquired the force of law and that the selection of electors by Convention was legal.

On September 12, 1944, the Democratic Party held its State Convention authorized by Article 3139. The statutory functions of this Convention are to announce a platform of principles, canvass the returns of the primary election for Governor and other State officers and to certify such nominations to the Secretary of State, and to name a State Executive Committee for the party. This Convention meets once each two years in State election years, is organized on the basis of State Senatorial Districts, and in all respects has dealt only with State affairs in the past.

The September Convention this year passed resolutions setting aside the instructions previously given to the electors nominated at the May Convention, and named a new group of electors pledged to support the nominees of the National Convention. This new list of electors was certified to the Secretary

of State on September 14, 1944.

The filing of this second list of electors after the list named by the May Convention had been filed on May 27, 1944, presented a question for determination which had never before arisen in this or perhaps any other State. Only eleven days remained from the time of filing of the second certificate until the closing date for placing names of candidates on the ballot and having the sample ballots printed. It was a foregone conclusion that whichever group of electors was omitted from the ballot would seek relief through mandamus proceedings in the Supreme Court, and certainly the question was of sufficient importance to warrant determination by a court of last resort.

There were six possible courses of action open to the Secretary of State on the question:

(1) To certify the May electors.
(2) To certify the September electors.
(3) To certify both groups of electors.
(4) To refuse to certify either group until the Supreme Court decided the question.
(5) To submit the question to the Attorney General.
(6) To seek judicial ascertainment under the new Declaratory Judgment Act.

It was considered that item (3) above offered a most equitable and democratic solution to the problem as it afforded an opportunity to the qualified voters of Texas to choose between the two opposing groups. This course was not pursued, however, for two primary reasons: First, there was no precedent for opposing candidates to be listed under the same party at a General Election, and such a procedure seems not in keeping with the theory of a General Election. It is contemplated under our system that all inter-party contests as between candidates have been settled in the primaries or conventions prior to the General Election, and it is the final race to be run on the basis

of party against party. Second, even though the Democratic Party nominees are consistently successful by a large majority in Texas, with rare exceptions, it is not to be overlooked that other political parties, though minor in number of membership, have equal legal rights in the General Election with the Democratic Party. It is not the exclusive property of one party as are the primary elections. The selection of both sets of electors thereby gave rise to the possibility that some other political party, most logically the Republican, would institute legal proceedings to prohibit such action on the part of the Secretary of State. In such event, the remedy would not have been a mandamus proceeding to require an official action to be performed, and of which the Supreme Court would have original jurisdiction; but, rather it would have been an injunction proceeding to prohibit an alleged illegal act on the part of the Secretary of State, jurisdiction of which would have been in the District Court. Under our civil procedure which permits temporary restraining orders upon a sworn petition without a hearing, and with only eleven days remaining for the conduct of litigation, it seemed grossly unwise to create such a situation wherein the Secretary of State conceivably could be restrained in a lower court from certifying either set of Democratic candidates for electors with little possibility of obtaining a final judgment before the ballots must be printed. The question arises as to whether the Republican or other political party could have made a sufficient allegation of damage to sustain even a temporary restraining order. The basis of the allegation of damage no doubt would have been that the total votes for both sets of Democratic electors would have been counted to determine whether the State would be represented in the electoral college by Democratic or Republican electors, but

only the votes of one set of electors would be counted to determine which set of Democratic electors would represent the State. It, therefore, would have been possible for the electoral votes of Texas to be cast by a group of electors who might have received less votes than the candidates of another party. The Secretary of State is not a judicial officer and accordingly has no authority to determine whether such a situation would constitute damage to a policical party of such a nature as to warrant injunctive relief; but it is believed to be within the administrative duties of this office to avoid creating a situation that offers such legal hazards as were here presented.

On its face, item (4) above offers an easy solution to the question. It appears to have been well within the rights of the Secretary of State to have refused to certify either set of candidates until the matter was judicially determined by the Supreme Court. It so happened, however, that seven names were common to both lists of nominees. These seven persons were entitled to have their names on the ballot irrespective of any administrative or judicial decision. The refusal on the part of the Secretary of State to certify either set would certainly have constituted a breach of official duty to those seven persons. It would be necessary for the relators in the mandamus proceeding to allege a failure to perform an official duty on the part of the Secretary of State in order to confer jurisdiction on the Supreme Court, and no onus would attach to this department because of such allegation so long as its decision had been performed in good faith; but the failure to certify the seven candidates appearing on both lists would have furnished a basis in fact for such allegation. Good conscience would therefore not permit a course of action that would enable the aggrieved party to allege a breach of official duty when the truth of the statement could only be admitted by the Secretary

of State.

A simple solution would likewise have been afforded by submitting the question to the Attorney General as the legal advisor of all State departments. There was no indication that a ruling from the Attorney General would be accepted as final anymore than a decision of the Secretary of State, and the time required to obtain an opinion could easily, and probably would have, precluded a final adjudication in the Supreme Court. In addition, it is not the policy of this department to shift its responsibilities to others.

In view of the fact that the Declaratory Judgment Act, General Laws of Texas, Forty-Eighth Legislature, Chapter 164, is a new and unexplored field of law in this State, it was feared that legal obstacles might be encountered which would preclude judicial determination within the short time that was available. Disposing of those four possible solutions for the reasons above enumerated, the issue became crystalized as to a choice between the two groups of electors. Definite action such as would furnish an unquestioned basis for a mandamus proceeding and thus insure the desired end of a Supreme Court decision seemed to be the only worthy course to pursue. Anticipating that some question of this nature would ultimately reach this office as a result of the division in the May Convention, some six weeks had been spent prior to the filing of the second certificate in examining the authorities both legal and historical. The holdings in Stanford vs. Butler, above cited, and Sterling vs. Ferguson, 53 SW(2d) 753, both by the Supreme Court, largely influenced the final decision to certify the May electors. In the Stanford case, the court gave every dignity to party precedent in matters not controlled by statutes. The May electors were certified in strict compliance with all party precedent. In the Sterling case, the court held that a nominee under certificate was a

quasi public officer and acquired a valuable and substantial right, including the right to have his name printed on the ballot, which would be enforced against the whole world except a de facto nominee already in possession of the quasi office, unless and until he was removed in a proper proceeding. Indulging the strongest presumption against the rights of the May electors, and assuming that they could be superseded by subsequent action of the September Convention, they were at least de facto nominees in possession of the quasi public office. Further indulging the strongest presumption in favor of the September electors and assuming that they were the actual and legal nominees, they were confronted with the only exception against which a legal nominee could not prevail under the holdings in the Sterling case in the absence of a proper legal proceeding. As a mere administrative officer, the Secretary of State had no jurisdiction to entertain the kind of proceeding necessary to adjudicate the conflicting rights claimed by both sets of electors. It, therefore, seemed elementary that the only legal course that could be followed within the limited authority of the Secretary of State was to announce his intention to certify the May electors. In the subsequent mandamus proceeding of Seay, et al, vs. Latham, et al, 182 SW(2d) 251, the Supreme Court held in effect that since there was no party precedent that the September Convention could not rescind the action of the May Convention, therefore it could and that no rights had accrued in favor of the May electors. The Secretary of State, being only a nomial party rather than a real party at interest in the proceeding, did not undertake to defend the action, merely filing a general appearance in his own behalf and representing his readiness to abide the decision of the court.

The above conclusion was arrived at on an entirely independent basis

without regard to influence or advice from outside sources, and full responsibility is assumed therefor.

FRANCHISE TAX DIVISION

The general functions and duties of this division are outlined in some detail in the last annual report of this department at pages 26-32, and need not here be repeated.

The monies collected by this division, all of which accrue to the benefit of the General Revenue Fund, are shown in the financial statement appearing at the end of this report.

By way of comparison, the following figures indicate the increase of collections made by this division over the preceding fiscal year:

Items	Year Ending August 31, 1943	Year Ending August 31, 1944
Domestic Franchise Tax	$1,794,320.39	$2,734,305.77
Foreign Franchise Tax	1,553,785.88	2,180,863.08
Penalties	57,171.28	41,829.79
Total -	$3,405,277.55	$4,956,998.64

The following additional statistical information might be of interest:

Domestic Forfeitures.....	438
Foreign Forfeitures	49
Domestic Revivals	308
Foreign Revivals	14

Mention was made in the last annual report of the pending litigation attacking the validity of the 1941 amendment to the franchise tax statutes. In the specific case mentioned, judgment in favor of the State was rendered in the 98th Judicial District Court of Travis County. This judgment was affirmed by the Court of Civil Appeals of the Third Supreme Judicial District of Texas. Application for Writ of Error was overruled by the Supreme Court and on

February 6, 1944, the Court overruled a motion for rehearing. As a result of the outcome of this case, all of the other suits pending, which involved the same grounds of protest, were dismissed on motion of the respective plaintiffs. As a consequence, some $1,500,000.00, being held in the suspense account, was transferred to the General Revenue Fund.

On July 18, 1944, suit was filed in the 126th Judicial District Court of Travis County by United Gas Corporation seeking recovery of a portion of the franchise tax paid for the tax year beginning May 1, 1944. It was urged in the protest that the tax should not be computed by the formula of applying the percentage of gross receipts from business done as a utility to the total taxable capital which total capital was being used both in the utility and investment business, but that the percentage should be applied to only that portion of the taxable capital being employed in the conduct of its business in Texas as a public utility. It was urged that none of its investment business was transacted in Texas, but wholly outside of the State. The outcome of this suit will have an important bearing on future franchise tax collections.

SECURITIES AND REAL ESTATE LICENSE DIVISIONS

The Securities Act and the Real Estate License Act are both administered by the Securities Commissioner. In addition to the Commissioner, the work in the Austin office has been carried on by an Analyst, a Secretary, and three to five Stenographers and Clerks, depending upon the volume of business. There are six investigators located at Fort Worth, Houston, San Angontio, Tyler, San Angelo and Lubbock. The volume of work of these two divisions is indicated by the following figures, which are submitted on a calendar year rather than a fiscal year basis since, under the law, the licenses are issued on this basis:

Securities Division	1943	1944
Issuer's permits granted	59	71
Dealers' licenses granted (General Securities)	172	191
Securities Dealers' licenses granted (Oil and Gas)	1172	1294
Securities Salesmen's licenses granted	236	237

Securities Act Enforcement	
Issuer's applications rejected	4
Issuer's applications withdrawn	1
Complaints received from all sources	182
Complaints necessitating field investigation	104
Investigations in which action was recommended by Investigators	43
Indictments for violation of Securities Act and other criminal statutes resulting from investigations	17
Convictions for violation of criminal statutes growing out of securities transactions	9
Securities Dealers' applications rejected after investigation	4
Hearings on Securities Dealers' applications rejected	1
Securities Dealers' applications withdrawn before completion of investigation	1

Real Estate Division	
Real Estate Dealers licensed to August 31, 1944	10,177
Real Estate Salesmen licensed to August 31, 1944	1,396

Real Estate Act Enforcement	
Complaints received from all sources	479
Complaints necessitating field investigation	203
Investigations in which action recommended by investigators	44
Indictments for violation of Real Estate Act and other criminal statutes growing out of real estate transactions	17
Convictions for violation of criminal statutes growing out of real estate transactions	9
Real Estate applications rejected after investigation	11
Hearings held on applications rejected	9
Cancellation of licenses	19
Suspension of licenses	5

The above represents some increase in the amount of work carried on by these divisions over prior years. For some time there has been an increasing sentiment on the part of those primarily affected by these two acts to the effect that the personnel provided was not adequate for the enforcement

of the law to the fullest extent. It is contended by many licensees that a much more desirable degree of control could be exercised with both an increased office as well as investigative force. It is believed that a reasonably efficient administration of these acts is had on the present basis, but must be admitted that it is probably short of the spirit and intent of the law. These two divisions are maintained solely by the fees collected, which lends weight to the argument of those who contend that further sums should be expended for enforcement purposes.

Actually, the question is one of policy to be determined by the Legislature. If the degree of supervision contemplated by the statutes involved is to be exercised over securities and real estate dealers such as will offer the most efficient administration and the greatest amount of protection to the public, it is recommended that four additional men would not be excessive. An executive secretary is provided for in the Real Estate License Act, but no appropriation is made for such officer. In addition, an attorney for the division to conduct hearings before the Commissioner would be desirable. Two additional investigators could more adequately perform the required duties than the present six. On the current basis of receipts of the two divisions, the fees collected are more than adequate to meet the required expense of these additional employees.

GENERAL

In compliance with Subsection (2) of Section 2 of the General Provisions of Senate Bill 332, Forty-Eighth Legislature, the following report is made on the absences of employees of this department:

Month	Year	Number on Roll*	Working Days	Number Days Absent		
				Sickness	Vacation	Leave
September	1943	37	1010	36	14	0
October	1943	35	1085	36	21	11
November	1943	40	1200	45	0	13
December	1943	40	1240	54	0	0
January	1944	38	1178	57	0	10
February	1944	41	1148	33	0	0
March	1944	39	1209	31	5	0
April	1944	38	1140	30	26	0
May	1944	38	1178	24	6	0
June	1944	37	1110	34	70	0
July	1944	40	1240	11	52	7
August	1944	40	1240	15	118	30

*Does not include 6 investigators outside of Austin office.

FISCAL AFFAIRS

It is encouraging to report that the operating expense of this department for the fiscal year under consideration has been materially reduced. By way of comparison, for the fiscal years ending August 31, 1942 and August 31, 1943, the sum of $142,480.00 was appropriated to this department for each of such years, exclusive of the sums appropriated for the publication of Constitutional Amendments and Session Laws. In addition, certain riders in these appropriations made further sums available.

The appropriation for the years ending August 31, 1944 and August 31, 1945, exclusive of the two items last above mentioned, was reduced by the Forty-Eighth Legislature to $130,250.00, and no additional funds were available through riders. It was possible, however, by the exercise of rigid economy to operate the office for the first fiscal year of the current biennium for the sum of $118,335.52, leaving a balance to revert to the General Revenue Fund of $11,914.48. This is believed to be a rather substantial saving, especially when considered in the light of the increased work placed on this department in the administration of House Bill 100 of the Forty-Eighth Legislature (Labor

Union Regulatory Act), House Bill 641 (Franchise Tax Lien Law) and the Soldier Voting Act of the National Congress, together with the fact that the year 1944 was a General Election year which occasions considerable additional work in this department.

An itemized statement showing the expenditures under the appropriation bill, together with the receipts of this office from all sources, follows:

FINANCIAL REPORT
SECRETARY OF STATE DEPARTMENT
FISCAL YEAR ENDING AUGUST 31, 1944

ITEM	Amount Appropriated	Total Expenditures	To Revert Gen. Revenue
MAIN DIVISION			
Salaries	$62,560.00	$60,879.16	$1,680.84
Salaries (Seasonal)	3,000.00	1,294.70	1,705.30
Books-Printing-Stationery	5,500.00	3,713.47	1,786.53
Premiums on Surety Bonds	400.00	290.00	110.00
Postage-Box Rent	3,400.00	3,366.00	34.00
Telephone-Telegrams	1,500.00	1,197.05	302.95
Freight-Express	200.00	57.67	142.33
Contingent Expenses	2,000.00	1,153.74	846.26
Furniture-Files-Typewriters-Equipment	500.00	235.85	264.15
Traveling-Other Expenses	300.00	167.35	132.65
Rent on Tabulating Machine	5,700.00	5,700.00	0.00
TOTALS, MAIN DIVISION	$85,060.00	$78,054.99	$7,005.01
SECURITIES DIVISION			
Salaries	$18,000.00	$17,747.69	$ 252.31
Books-Printing-Stationery	500.00	179.20	320.80
Freight-Postage-Telephone-Telegraph	900.00	673.41	226.59
Contingent Expenses	500.00	191.65	308.35
Equipment-Office Rent-Traveling	7,000.00	5,022.50	1,977.50
TOTALS, SECURITIES DIVISION	$26,900.00	$23,814.45	$3,085.55
REAL ESTATE DIVISION			
Salaries	$10,200.00	$ 9,995.00	$ 205.00
Books-Printing-Stationery	1,500.00	955.93	544.07
Postage-Telephone, Telegraph-Freight	1,190.00	831.89	358.11
Contingent Expenses	900.00	563.73	336.27
Equipment-Files-Office Rent	1,000.00	857.23	142.77
Traveling Expenses	3,500.00	3,262.30	237.70
TOTALS, REAL ESTATE DIVISION	$18,290.00	$16,466.08	$1,823.92
COMBINED TOTALS, ALL DIVISIONS	$130,250.00	$118,335.52	$11,914.48

FRANCHISE TAX DIVISION RECEIPTS		
Domestic No. 145 (Returned checks of $587.55 deducted)		$2,734,305.77
Foreign No. 146 (Returned checks of $138.00 deducted)		2,180,863.08
Penalties No. 147 (Returned checks of $74.25 deducted)		41,829.79
TOTAL RECEIPTS FRANCHISE TAX DIVISION -		$4,956,998.64
CHARTER DIVISION RECEIPTS		
Domestic Charter Fees (Returned checks of $126.50 deducted)		$ 76,937.50
Foreign Permits		64,813.52
Gross Receipts-Permits		488.10
Penalties, Proof of Final Payment		117.00
Copies and Certificates (Returned checks of $4.00 deducted)		6,088.93
TOTAL RECEIPTS CHARTER DIVISION -		$ 148,445.05
EXECUTIVE DIVISION RECEIPTS		
Notary and other fees		$ 14,326.45
Sale of Laws		1,567.87
TOTAL RECEIPTS EXECUTIVE DIVISION -		$ 15,894.32
REAL ESTATE DIVISION RECEIPTS		
Total Current Receipts		$ 33,523.90
Transferred in prior years		12,860.11
Total Gross Receipts Real Estate Division -		$ 46,384.01
Less Returned checks	$ 105.00	
Less Prior Yearly Appropriation Expenses	1,027.31	
Less Current Appropriation Expenses	15,870.26	
		17,002.57
BALANCE REAL ESTATE DIVISION AUGUST 31, 1944 -		$ 29,381.44
SECURITIES DIVISION RECEIPTS		
Total Current Receipts		$ 38,674.29
Transferred in prior years		9,589.49
Total Gross Receipts Securities Division		$ 48,263.78
Less Returned Checks	$ 51.00	
Less Prior year appropriation expenses	790.17	
Less Current year appropriation expenses	23,274.94	
		24,116.11
BALANCE SECURITIES DIVISION AUGUST 31, 1944 -		$ 24,147.67

* * * * * * *

In concluding this report the most helpful cooperation of the Governor's office, all other State departments, the Legislature, and the employees of this department, is gratefully acknowledged.

Respectfully submitted,

Sidney Latham

SIDNEY LATHAM
SECRETARY OF STATE

SL:PJ