

No. 544, S.]

[Published June 19, 1909.]

CHAPTER 488.

AN ACT to amend sections 84, 87, 94 and 94a, and repealing sections 86, 89, 90, 91, 92, 94c, and 94d of the statutes, relating to canvass of election returns by county, district, and state boards of canvassers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Sections 84, 87, 94 and 94a of the statutes are amended to read: Section 84. 1. They shall then determine the persons who have been, by the greatest number of votes, elected to the several county offices and members of the senate and assembly, when the county constitutes one or more senate or assembly districts. * * * *Their determination shall be reduced to writing, setting forth the whole number of votes given for each office and the number of votes received by each candidate, provided, however, that the names of persons not regularly nominated, receiving a comparatively small number of votes, may be omitted and their votes designated as scattering votes. Each determination shall be certified by them as correct* * * * and be annexed to the statement of votes given for such offices respectively, and filed and recorded with the same.

2. Such determination shall be published in one or more newspapers of the county which the canvassers shall designate. If the canvassers decide to have said publication in more than one newspaper in said county, they shall designate at least one professing the political faith of the party which received the highest number of votes at the last general election in said county and at least one professing the political faith of the party which received the next highest number of votes at the last general election. The papers so designated shall be paid by the county.

Section 87. * * * 1. *The county clerk shall forthwith transmit to the secretary of state certified copy of each statement of the county board of canvassers of the votes given for electors of president and vice-president, state officers, representatives in congress, state senator, and member of assembly, where the senate and assembly district embraces more than one county. The names of persons not regularly nominated receiving a comparatively small number of votes may be omitted from the returns of the county clerk and their votes returned as scattering votes.*

2. He shall also transmit by mail to the secretary of state, within thirty days after any general election, a list of the names of persons elected in the county as members of the senate and assembly * * * and county officers * * * at such election.

Section 94. 1. * * * Upon receipt of the certified statements *from the county clerks* of the votes given in the several counties * * *, *the secretary of state* shall record the results of such election by counties and file and carefully preserve such statements.

2. * * * *If any county clerk shall fail or neglect to forward any such statement, the secretary of state may require him to do so forthwith, and if not received or obtained within thirty days after an election the secretary of state may dispatch a special messenger to obtain the same. The per diem and expenses of such messenger shall be paid and the amount thereof collected from the county in the manner provided by section 1016 of the statutes. Whenever it shall appear upon the face of any such statement that an error has been made in reporting or computing the vote of any candidate, the secretary of state may return the same to the county clerk for correction.*

Section 94a. 1. * * * *The board of state canvassers shall meet at the office of the secretary of state on or before the fifteenth day of December * * * succeeding a general election and within forty-five days after a special election, * * * for the purpose of canvassing the returns and determining the results of such elections.*

2. Such board shall examine such certified statements of the county canvassers, and if it shall appear that any material mistake has been made in the computation of votes given for any person, or that the canvassers in any county have omitted to canvass the votes or any thereof cast at any poll therein, the board may dispatch a messenger to the clerk of such county with their requirement in writing to him to certify the facts concerning such mistake or the reason why such votes were not canvassed; and the clerk to whom any such requirement is delivered shall forthwith make true and full answer thereto, under his hand and the county seal, and deliver the same to such messenger, who shall deliver it with all convenient dispatch to the secretary of state.

3. The said board may adjourn as may be necessary, not more than ten days in all.

4. Upon the certified statements and returns so received the board shall proceed to examine and make a statement of the

whole number of votes given at any such election for each elector of president and vice-president, in every year in which there is a presidential election; a statement for each of the offices of governor, lieutenant-governor, secretary of state, treasurer, attorney-general, * * * commissioner of insurance, or any other state officer, if any there shall be; * * * a statement of the votes given for representative in congress in each congressional district; a statement of the votes given for state senator in each senatorial district embracing more than one county; and a statement of the votes given for member of assembly in each assembly district embracing more than one county.

5. * * * Such statements shall show the names of the persons to whom such votes shall have been given for either of the said offices, * * * the whole number of votes given to each and distinguishing the several districts and counties in which they were given. *Provided, however, that the names of persons not regularly nominated receiving a comparatively small number of votes may be omitted and their votes designated therein as scattering votes.*

6. * * * Said board shall certify such statements to be correct * * * and shall thereupon determine what persons have been, by the greatest number of votes, duly elected to such offices or either of them, and shall * * * attach to each statement a certificate of * * * their determination and deliver the same to the secretary of state.

7. *Whenever a proposed constitutional amendment or other question shall have been submitted to a vote of the people at any such election, the votes cast for or against such amendment or question shall be canvassed, certified, and recorded at the time and in the manner hereinbefore provided. Said board shall at the same time prepare and certify a statement of the whole number of votes given for and against such amendment or question, and shall thereupon determine whether or not such amendment or question has been approved, ratified, or adopted by a majority of the electors voting thereon.*

8. *If it shall appear that such amendment or question has been approved, ratified, or adopted, the secretary of state shall make a record thereof and cause such record to be bound in the volume containing the original enrolled laws passed at the next succeeding session of the legislature, and cause such record to be published with the laws thereof.*

SECTION 2. Sections 86, 89, 90, 91, 92, 94c and 94d of the statutes are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 16, 1909.

No. 563, S.]

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CHAPTER 489.

AN ACT to provide for the appointment of shorthand reporters for county courts in counties having a population of at least two hundred and fifty thousand, and to fix their duties, salaries, and fees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Each judge of the county court in counties having a population of at least two hundred and fifty thousand, according to the last state or United States census, is authorized to appoint for said court a shorthand reporter, whose duty it shall be to attend upon each term of said court when required by the judge, for the purpose of reporting the oral testimony of the witnesses and such other matter as the judge of said court may direct, the said shorthand reporter to be a sworn officer of the court and fully competent to discharge the duties thereof. He shall hold his office at the pleasure of the judge and shall receive for his services a salary of three thousand dollars per annum, payable monthly at the end of each and every month out of the treasury of said county. The county judge may, in his discretion, order a transcript of the testimony of the witnesses examined in said court or any part thereof, and of the proceedings therein, to be made and certified by the reporter and filed with the register of probate, and the cost thereof, at the rate of five cents per folio shall be paid by the county treasurer upon the certificate of the register of probate. In case any person desires a transcript in longhand of the evidence taken in any proceeding in said court, or any part thereof, said reporter shall make such transcript duly certified by him to be correct, and he shall be entitled to receive from the party requesting the same five cents per folio when written out in full.

SECTION 2. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 16, 1909.