

SECTION 8. That part of section 98 of the statutes providing for the great seal and a lesser seal of the state is renumbered to be section 138m of the statutes; and that part of said section providing the executive privy seal is renumbered to be section 129m.

SECTION 9. The following chapter number and title, namely: "CHAPTER 9, OF THE PUBLIC SEALS" are stricken from the statutes.

SECTION 10. Sections 5, 6, 7 and 8 of the statutes are renumbered to be, respectively, sections 2.01, 2.02, 2.03 and 2.04; subsections 53a to 70, both inclusive, of section 5 are renumbered to be, respectively, subsections (54) to (71), both inclusive; and each subsection number is enclosed in a parenthesis.

SECTION 11. Section 9 of the statutes is renumbered to be section 3.01.

SECTION 12. Sections 10, 11, 11m and 11n of the statutes are renumbered to be, respectively, sections 4.01, 4.02, 4.03 and 4.04; and section 11n is further amended by striking therefrom the section numbers 9, 10 and 11 and by inserting in lieu thereof the section numbers 3.01, 4.01 and 4.02.

SECTION 13. This act shall take effect upon passage and publication.

Approved July 8, 1915.

No. 79, S.]

[Published July 12, 1915.

CHAPTER 383.

AN ACT to renumber the present chapter 5 of the statutes and to renumber and revise the sections of said chapter.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The number and title of chapter 5 of the statutes are amended to read:

CHAPTER 6.

* * * ELECTORS AND GENERAL ELECTIONS.

Electors.

SECTION 2. Section 12 of the statutes is renumbered to be section 6.01.

TIME, PLACE AND NOTICE OF ELECTIONS;
ELECTION DISTRICTS.

SECTION 3. Section 13 of the statutes is renumbered to be 6.02 and is amended by inserting immediately after the words: "within any county of the state" the following words: "not embraced in any organized election district."

SECTION 4. Section 14 of the statutes is renumbered to be section 6.03.

SECTION 5. Section 15 of the statutes is renumbered to be section 6.04, and the first sentence thereof is amended to read: "All elections under * * * chapters 5, 6, 7, 8, 9 and 10 shall be held":

SECTION 6. Section 16 of the statutes is renumbered to be section 6.05, and subsection 1 is amended to read: 6.05 (1) Election districts as established may be divided into two or more districts in towns when the supervisors shall deem it for the convenience of the voters, and shall be divided when fifty or more electors thereof shall petition the board in writing therefor; and such division shall be made in wards, villages or towns when it shall appear that six hundred or more votes were cast in any such district therein at any election, *except that in cities of the first class such division shall not be mandatory unless it shall appear that eight hundred or more votes were cast in any such district therein at any election*; provided, however, that no division shall be made in any town containing less than fifty sections of land unless it shall appear that four hundred or more votes were cast in such town at the last preceding general election.

SECTION 7. Section 17 of the statutes is renumbered to be section 6.06 and is amended by striking therefrom the words "the preceding" and by inserting therein immediately after the word "section" the figures "6.05."

SECTION 8. Parts of section 47a to 47i, both inclusive, of the statutes are renumbered, consolidated and revised to read: 6.07 (1) Existing election districts located within the boundaries of Indian reservations are continued until altered as provided by law.

(2) The county board of any county containing any such reservation in whole or in part may, by recorded resolution, consolidate election districts already existing therein, or detach territory from one such district and attach it to another; and may in like manner create one or more new election districts by setting off for that purpose territory within the reservation and within the county not previously included in any such district, or

by dividing a district already existing, or by making such new district to consist partly of territory not previously organized and partly of territory set off from existing districts. No new district shall be created containing less than fifty resident citizens of the United States who are electors of the state of Wisconsin. Such new districts may be organized as provided by section 6.33.

SECTION 9. Section 18 of the statutes is renumbered to be section 6.08.

SECTION 10. Section 19 of the statutes is renumbered to be section 6.09.

SECTION 11. Section 20 of the statutes is renumbered to be section 6.10. Subsection 1 of said section is amended by striking out the last sentence thereof and subsection 2 is amended by striking out the first sentence thereof. Said subsection 2 is renumbered to be subsection 3 and the matter stricken from the two subsections is renumbered to be subsection (2) and is revised to read:

(2) The compensation for such publication shall not exceed fifty cents per folio for the first nor thirty cents per folio for any subsequent insertion and shall be chargeable to the proper appropriation for the secretary of state.

SECTION 12. Section 21 of the statutes is renumbered to be section 6.11.

SECTION 13. Section 22 of the statutes is renumbered to be section 6.12.

REGISTRY OF ELECTORS.

SECTION 14. There is added to the statutes a new section to read: 6.13 The provisions of this chapter respecting the registration of electors shall not apply to cities having one hundred thousand or more inhabitants.

SECTION 15. Section 23 and subsection 1 of section 11—14 of the statutes are consolidated, renumbered and revised to read: 6.14 (1) In every city, every incorporated village, and every town, which according to the last preceding United States census had a population of five thousand or more, a registry of electors shall be made in each election district thereof in each year when a general election is by law required to be held. Until the population of any city, village or town shall have been so determined, no registry shall be held or taken therein, except as otherwise provided in this section.

(2) In every city and every village having a population of

less than five thousand, according to such census, the common council of the city or the board of trustees of the village, as the case may be, may by ordinance or resolution authorize and require registration in such city or village. In every such city or village, and in every city and village whose population has never been determined by any census, twenty per cent of the voters who voted at the last general election, may file with the city clerk or village clerk at least forty days before any municipal, judicial or general election, a petition addressed to the mayor of the city or to the president of the village demanding a registry of electors in such city or village, and thereupon registration shall be made in the manner and at the time provided by law.

SECTION 16. Section 23a and section 24 of the statutes are consolidated, renumbered and revised to read: 6.15 (1) Subsection 1 of section 6.14 shall apply to municipal and judicial elections in all cities, villages and towns specified therein, unless the common council of such city, or the board of trustees of such village, or the board of supervisors of such town shall, by ordinance or resolution, otherwise declare and provide; but no such ordinance or resolution shall apply to any such election held within thirty days after the adoption of the same by such common council, trustees or supervisors.

(2) Subsection 2 of section 6.14 shall not apply to municipal or judicial elections in any city or village affected by said subsection, nor to such elections in any town not affected by subsection 1 of said section, unless the provisions of said subsection (2) be first adopted by a majority vote of the electors thereof; and when so adopted and made applicable those provisions may be abolished and made inapplicable by a similar vote. The vote shall be taken at the municipal, town, or general election next held in such city, village or town after a petition in writing has been on file not less than forty days in the office of the clerk thereof signed by electors therein equal in number to ten per cent of the number of votes cast therein for governor at the last general election, praying for the submission to said electors of the question of the adoption or of the abolishing, as the case may be, of the provisions aforesaid. The taking of such vote shall be noticed in any such city in the same manner municipal elections are noticed, and in any such town or village by posting notices in at least three public places in the town or village not less than ten days before the election.

SECTION 17. Subsections 2, 3, 4, 5, 6, 7 and 8 of section 11—14, section 25, section 26 and section 26a of the statutes are consolidated and revised to read: 6.16 (1) The persons author-

ized by law to act as inspectors of election in any election district, constitute the board of registry therefor. Before doing any business as such board, each member thereof shall take and subscribe the oath of inspectors at general elections.

(2) Every primary election day and the Tuesday next preceding shall be registration days in every election district where both registration and a primary are required to precede an election. In any district where a primary is not required and registration is required for any municipal, or town, or judicial election, Tuesday, two weeks before such election, shall be a registration day; and such registration may be continued on the next following day, when necessary, if at the next previous general election there were more than three hundred votes polled in such district. There shall be no other registration day or days for either a primary or any other election except that prescribed by section 6.17.

(3) A meeting of the board shall be held at the place where the next succeeding election is to be held, and shall begin at nine o'clock in the forenoon and continue until eight o'clock in the evening of each registration day, except that on the day of holding a primary it shall continue in session during the hours the polls are required to be held open. The election clerks in each district shall act as clerks of the board, and each member of the board and each clerk shall receive the same compensation as may be provided for inspectors of election and election clerks, respectively.

(4) The proceedings shall be open, and all electors of the district shall be entitled to be heard in relation to corrections or additions to the registry. The members of the board shall have the same power to preserve order which inspectors of election have on election days; and any vacancy in the board shall be filled in the manner that a vacancy in the office of inspector of election is filled.

(5) At its first meeting the board shall make a registry of all the electors residing in its district, placing thereon the full names, alphabetically arranged according to surnames, in one column, and in another column, the residence by number and name of street, or other location if known. If any elector's residence is at any hotel or public boarding house, the name thereof shall be stated in the registry. In cities the names in each registry shall be arranged in such manner that all electors residing on the same street shall be grouped and in numerical order, commencing with the lowest house number at one bound-

dary line of the district and proceeding to the highest house number on the same street within the same district.

(6) The poll lists kept at the last preceding general and municipal elections shall be delivered by the lawful custodian thereof to the board for use in making such registry which shall contain the names of all persons residing in the district which appear on said lists, together with the name of every person known by the board to be an elector of the district, and also the name of every person who shall on any registration day appear and file an affidavit stating that he is a qualified elector in such district and giving his place of residence.

(7) The registry for any district created subsequent to such preceding election shall be made from the best information obtainable by the board, including, if necessary, certified copies of the last poll lists of the districts formerly embracing the territory of such new district.

(8) The board shall complete said registry, as far as practicable, at its first meeting and make necessary corrections at every subsequent meeting. A certified copy of the registry made one week before a primary in any district located in a city shall be immediately filed with the city clerk. Immediately after its first meeting in any district where no primary is held and immediately after the primary in any other district the board shall make four copies of its registry, certify the original and every copy to be a true list of the electors in the district so far as known to the board, immediately post one of said copies in a conspicuous place in the room in which the meeting was held where it will be accessible to every elector for examination or making copies thereof, and retain the other copies, one for each member, for revision and correction at its final meeting.

(9) Within two days after the first meeting in districts where no primary is held, and within two days after every primary, the board shall file its registry, certified as aforesaid, and said poll lists, in the office of the proper town, city or village clerk, and such clerk shall cause a sufficient number of such registry to be printed, not exceeding one hundred of each, and shall cause to be posted in public places in the district six copies thereof. Such printed lists in cities shall have the names of the various streets displayed in heavy type over each group of electors residing on such street within the district boundaries, and such streets shall be arranged in successive geographical order from east to west and from north to south.

(10) The town, city or village clerk shall obtain from at least three persons within the county sealed proposals for the printing of said lists and shall award the contract thereof to the lowest competent and responsible bidder.

SECTION 18. Section 26b of the statutes is repealed.

SECTION 19. Section 27 of the statutes is renumbered and revised to read: 6.17 (1) The board shall hold a final meeting on the Tuesday next preceding every general November election, and on no other day. It shall then revise and correct the registry as follows:

(a) By erasing the name of any person proved to its satisfaction by the oath of two or more electors of the district to be not qualified to vote at said election, unless such person shall appear, and, if challenged, shall answer the questions and take the oath required of persons challenged on the same grounds at elections.

(b) By entering thereon the name of every person qualified, except as to age, to vote at such election if such person, continuing to live, will be twenty-one years of age on or before the day of such election.

(c) By entering thereon the name of every elector entitled to vote at such election, who shall appear personally and request, or make application in writing, that his name be registered, if such personal request or written application be accompanied by a satisfactory statement of the person's name, the period of his continuous residence in the district and his place of residence, naming street and street number or other location. If, however, the person appearing personally be challenged his name shall not be registered unless he shall answer the questions and take the oath required of persons challenged on the same grounds at elections. The name of the person making the written application shall be registered and his application shall be preserved and filed in the office of the proper town, village or city clerk.

(2) No name shall be added to said registry after it shall have been fully completed at said final meeting; and within three days thereafter the board shall post copies thereof in five or more public places in the district. Within said three days the board shall also provide not less than six further copies of said completed registry, and append to each thereof its certificate that the same is a correct registry of the electors of the district. Each member of the board shall retain one of the said certified copies for use at the election and two of them shall be filed forthwith in the office of the proper town, city or village clerk where they shall remain at all times open to public inspection.

SECTION 20. Section 28 of the statutes is renumbered to be section 6.18 and is amended by striking therefrom the figures "23" and by inserting in place thereof the figures "6.14".

NOTICE OF ELECTIONS, BALLOTS.

SECTION 21. Section 11—19 and section 33 of the statutes are consolidated and renumbered to be section 6.19. Subsections 3, 4, 5, 6 and 7 of said section 33 are renumbered to be subsections 2, 3, 4, 5 and 6 of the consolidated sections; and said section 11—19 and subsections 1 and 2 of section 33 are revised to read: (1) Not less than fourteen nor more than twenty days before any November election the secretary of state shall transmit to each county clerk a certified list containing the name, description and post-office address of each person nominated for any office for whom any of the electors of such county are entitled to vote at such election, including each person nominated pursuant to section 5.28 and including also each person for whom nonpartisan nomination papers, or nomination papers for delegates to national conventions, have been filed in his office and entitled to be voted for at such election, together with a designation of the office for which each is a candidate, and the party or principle each represents, if any.

SECTION 22. Section 35 of the statutes is renumbered to be section 6.20.

SECTION 23. Section 36 of the statutes is renumbered to be 6.21 and is amended by striking from subsection 2 thereof the figures and words "37 of the statutes" and by inserting in place thereof the figure "6.22." Said section is further amended by striking out subsection 8 thereof.

SECTION 24. Section 37 of the statutes is renumbered to be section 6.22 and is amended by striking from subsection 4 thereof the words "of such notices" and by inserting in place thereof the words "pursuant to sections 6.21 and 6.22."

SECTION 25. Section 38 of the statutes is renumbered to be section 6.23 and is amended by striking out the word "column" from the last sentence of subsection 2 thereof and by inserting in place thereof the word "columns"; is further amended by striking from subsection 5 thereof the words "unless such person, before the first day of May, 1895, had held the office of county superintendent of schools in this state"; is further amended by striking from subsection 11 thereof the figures and words "34 of these statutes" and by inserting in place thereof the figures "5.28"; and is further amended by requiring

the ballot marked "A" and referred to in subsection 17 to provide a place between the spaces devoted to the attorney-general and to members of congress for the name of any United States senator to be voted for, together with a blank line for a written name and a square as in other spaces.

SECTION 26. Section 31 and part of section 35—20 of the statutes are consolidated, renumbered and revised to read: 6.24 No candidate for any judicial, school or elective city office shall be elected upon any party ticket, nor shall any designation of party or principle represented be printed on the ballot used at the election of any such candidate except to the extent allowed by subsection (1) of section 5.06. The statement "a nonpartisan judiciary" or "a nonpartisan superintendency," or "a nonpartisan administration" shall not be deemed a designation of party or principle within the meaning of this section.

SECTION 27. Section 39j of the statutes is repealed.

SECTION 28. The subtitle "Liquor License Ballot" is abolished and section 40a of the statutes is repealed.

PRINTING AND DISTRIBUTION OF BALLOTS.

SECTION 29. Section 41 of the statutes is renumbered and amended to read: 6.25 (1) Except as in this chapter otherwise provided, it shall be the duty of each county clerk * * * to provide printed ballots for every election for public officers to be voted for in his county * * * and to cause to be printed in the appropriate ballot the name of every candidate whose name has been duly certified to or filed with him; such county * * * clerk shall let to the lowest bidder within such county * * * the printing of all ballots and shall keep all proposals for such printing in his office; provided, such accepted bidder file with such clerk a bond in a penal sum of at least twice the sum of the accepted bid, signed by two sureties and conditioned for the faithful performance on the part of the accepted bidder of all the conditions duly imposed on him by such clerk at the time of receiving proposals for such printing, and provided such county * * * clerk shall have power to reject all bids if deemed excessive and to contract for such printing outside of such county * * * .

(2) Ballots not provided by the * * * county * * * clerk shall not be cast or counted in any election, * * * .

(3) But any voter may write upon his ballot the name of any person for whom he desires to vote for any office, in such

place or so designated as to indicate the office, and such vote shall be counted the same as if printed upon the ballot and marked by the voter; and any voter may take with him into the polling place any printed or written memorandum or paper to assist him in marking or preparing his ballot, except as hereinafter otherwise provided.

(4) Ballots shall be printed and in possession of the county clerk * * * at least four days before any judicial or general election, * * * and subject to inspection by the candidates and their agents. If any mistake be discovered in printing or arrangement, it shall be the duty of the clerk to correct the same without delay.

(5) In all general elections, including judicial elections, such ballots shall be printed and distributed solely at the expense of the county; * * * .

SECTION 30. Section 42 of the statutes is divided into two sections which are renumbered to be section 6.26 and section 6.27 and are amended to read: 6.26 * * * *There shall* be printed, in the manner hereinbefore provided, a sufficient number of ballots, not to exceed seventy-five ballots for each fifty votes, to be used at each election *precinct* in the county * * * . At the time * * * the official ballots * * * *are* printed, * * * unofficial sample ballots * * * *shall* be printed upon tinted or colored paper, and in the same form as the official ballots, to an amount not exceeding one-tenth of the official ballots for the county * * * and fifty per cent of the sample ballots * * * shall be held by such clerk * * * at his * * * office and shall be distributed to voters upon application therefor. Fifty per cent of the sample ballots * * * shall be sent to the election booths in proportion to the number of votes cast at the preceding election in the district where the booths are located, to be there distributed by the inspectors of election to voters upon application therefor. Such ballots shall be paid for in the same manner that the official ballots shall be paid for, without additional charge for composition.

6.27 Any political committee may at its own expense order a larger supply of sample ballots than is required by this section.
* * *

SECTION 31. Section 42a of the statutes is renumbered and amended to read: 6.28 Each county * * * clerk shall cause to be printed in the same manner and at the same time that official ballots are printed a sufficient number of tally sheets, poll lists and other supplies required by law for the conduct of elections, for each precinct in the county. Such tally

sheets, poll lists and election supplies shall be delivered by such clerks when the official ballots for each precinct are delivered in the sealed package containing the official ballots. To each such tally sheet shall be appended a certificate to be signed by the clerks of election and countersigned by the election inspectors. Such tally sheets shall be sent or delivered with the poll lists to the county, city, village and town clerk as provided in section * * * 6.59 of the statutes.

SECTION 32. Section 43 of the statutes is repealed.

SECTION 33. Section 44 of the statutes is renumbered and revised to read: 6.29 (1) Each county clerk shall send the ballots printed pursuant to his order as provided by law to the proper town, village and city clerks in his county, so as to be received by them at least twelve hours previous to the opening of the polls on the day of election, in separate sealed packages with marks on the outside of each clearly designating the polling place for which it is intended and the number of ballots of each kind enclosed.

(2) Each town, village and city clerk shall send to the proper boards of inspectors in his town, village or city, before the day of election, the unbroken packages of ballots so received by him from the county clerk.

(3) Each town, village and city clerk, and each presiding or senior election officer, on receiving any package as aforesaid from a county or city clerk shall return to the sender a receipt therefor, and keep a record of the time when, and the manner in which, the several packages were received by him.

(4) The receipts aforesaid shall be preserved by city and county clerks for the period of one year, after which they may be destroyed.

(5) In case the ballots to be furnished to any city, village, town or voting place shall fail for any reason to be duly delivered, or in case after delivery they shall be destroyed, lost or stolen, it shall be the duty of the clerk of such city, village or town to cause other ballots to be prepared in printing or writing, substantially in the form of the original ballots; and upon receipt of such other ballots, accompanied by a statement under oath by such clerk, that the same have been so prepared and furnished by him to replace the original ballots not delivered or so destroyed, lost or stolen, the election officers shall cause the substituted ballots to be used in lieu of the original ballots.

(6) If from any cause the ballots are not ready for distribution at any polling place as provided by law, or if the supply

shall be exhausted before the polls are closed, facsimile unofficial ballots may be used, but the voter using it must, before voting, present it unmarked to the ballot clerks, have their signatures or initials endorsed thereon, and then he shall prepare it for voting.

SECTION 34. Sections 44a—1 to 44a—36, both inclusive, of the statutes are transferred to new chapter 11, and are renumbered to be sections 11.18 to 11.52 respectively.

POLLING BOOTHS AND PARTY REPRESENTATIVES.

SECTION 35. Section 45 of the statutes is renumbered to be section 6.30.

SECTION 36. Section 46 of the statutes is renumbered and amended to read: 6.31 Two party agents or representatives, and a substitute or alternate for each, may be appointed for each polling place to act as challenger for * * * *each political party and its candidates* and to observe the proceedings of election officers. Such appointments may be made * * * by the county or other proper local committee of the party making such nominations. * * * Candidates nominated by nomination papers *and candidates for city offices*, * * * may *themselves make* * * * *such appointments*. *Each* such appointment shall be in writing under the hand of the person making it, specifying the name and residence of the appointee, election district for which he is appointed, and the name of some substitute to be appointed in case of his failure to serve or absence from *the* polling place, and be filed with the clerk of the city, town or village at least three days before election. The clerk shall thereupon issue a permit, upon a printed slip or card, to such appointee, which shall be his warrant of authority to be present during the election and to be inside the railed inclosure during the counting of the ballots. If any person so appointed as agent fails to serve or shall be absent for any part of election day, the clerk may issue a permit to the substitute or alternate, who may act instead of such absentee or person failing to serve.

ELECTION OFFICERS.

SECTION 37. Subsection 2 of section 11—12, except paragraph (g), and section 47 of the statutes are consolidated and revised to read: 6.32 (1) There shall be three inspectors, two clerks of election and two ballot clerks at each poll at every

election held under the provisions of this title, each of whom shall be a qualified elector in the election district, able to read and write the English language understandingly and not a candidate to be voted for at such election. Provided, however, that at polls where voting machines are used ballot clerks shall not be employed. Not more than two of such inspectors, nor one of said clerks of election, nor one of said ballot clerks, shall be members of the same political party, but each one of said officers shall be a member of one of the two political parties which cast the largest votes in the district at the last preceding general election, the party which cast the largest vote being entitled to two inspectors, one clerk and one ballot clerk, and the party receiving the next largest vote being entitled to the remainder of said officers. The basis for such division shall be the vote of each party for its presidential elector receiving the largest vote, or for its candidate for governor, at the last preceding general election.

(2) In towns the supervisors shall be inspectors of election when they belong to the political parties described in subsection (1). Whenever they all belong to the same political party, the supervisor last named in the clerk's certificate of election recorded in the town clerk's office shall be ineligible and shall not act; but an inspector from the electors present, possessing the qualifications aforesaid, and belonging to the other of the two political parties mentioned, shall be chosen in his place by the viva voce vote of the electors present at the polling place at the opening of the polls. The town clerk, if present, shall be one of the clerks of election, and the inspectors shall, before opening the polls, appoint another and also two ballot clerks. If the town clerk be absent, the inspectors shall appoint two clerks of election.

(3) When a town is divided into two or more election districts as provided in this chapter, the persons named in the order of division shall be election officers at the first election in the district or districts created by such order, and shall hold their offices until their successors are appointed and qualified. The boards of such towns shall, not later than the last Tuesday of September in each year when a general election is to be held, appoint by an order in writing, which shall be filed with the town clerk, officers of election for each election district therein, other than the first; the persons so appointed shall hold their offices until their successors are appointed and qualified.

(4) (a) The mayor of every city, except cities having one hundred thousand or more inhabitants, shall nominate to the

common council thereof, and the president of every village shall nominate to the village board of trustees thereof, at the first regular meeting of such council and of such board in February of each year in which a general election is to be held, and if no such meeting is held, then at a special meeting, which he shall call for such purpose on the last Tuesday of said month, three persons for inspectors of election, two for clerks of election, and two for ballot clerks, in each election district therein.

(b) Such inspectors, clerks and ballot clerks shall be chosen from a list submitted to the mayor of the city, or to the president of the village, for that purpose by the regular county committee or city committee of the aforesaid two parties. Such list shall be submitted by the chairman from each ward to the city or county committee, and only such persons so selected by the chairman from each ward shall act as such inspectors, which list shall bear the signature of the chairman and secretary of said county or city committee.

(c) Such common council or board of trustees shall immediately approve or disapprove such nominations. If they disapprove as to any such nominee, the mayor or president shall immediately nominate another person, qualified as aforesaid, from the list of the two committees representing the two parties which cast the largest vote in said district in the last general election, and the mayor or village president shall continue to do so until the requisite number shall have been nominated and confirmed at such meeting.

(d) The persons so appointed inspectors, clerks and ballot clerks shall hold their offices for two years and until their successors are appointed and qualified, and shall act as such officers at every primary, general, municipal and special election following their appointment held within their respective districts during such term.

(e) The chairman of any town, when eligible to act as inspector, shall be chairman of the inspectors of such town. When the town chairman is ineligible, the inspectors shall appoint one of their number as chairman. Also, the inspectors provided by subsections 3 and 4 of this section and by section 6.33 shall appoint one of their number as chairman. No ballot clerks shall be appointed in election districts in which voting machines are used.

(f) If at the time fixed for opening the polls on the day of election at any polling place the inspectors, clerks or ballot clerks, or any of them, fail to appear or refuse to act, or have become incapable of acting, the inspectors, if a majority be pres-

ent, may fill such vacancies. If otherwise, or if the inspectors present fail or refuse to fill any vacancy, the electors present may fill the same by viva voce vote, by choosing some elector present possessing the qualifications and belonging to opposite parties as aforesaid.

SECTION 38. Parts of section 47a to 47i, both inclusive, of the statutes are renumbered, consolidated and revised to read: 6.33 The election districts newly created under section 6.07 shall be organized and election officers therein shall be appointed and elected as provided by this section:

(1) Twenty-five qualified electors, residents of any such district, may file with the county judge of the county in which such district is situated a petition asking for the appointment of qualified electors of the district, naming therein at least twice the number required for appointment, as election officers of such district. Thereupon such county judge by recorded order shall appoint from the persons so recommended three election inspectors, two election clerks and two ballot clerks who shall, after qualifying, hold their respective offices until their successors are duly elected and have qualified. No more than two inspectors and one each of the election or ballot clerks shall belong to the same political party. Said county judge shall immediately file in the office of the county clerk, a certified copy of such order and deliver to each appointee or mail to him at his usual post-office address a written notice of such appointment.

(2) At the first general election held after such appointments and biennially thereafter the qualified electors of said district shall elect, in the manner town officers are elected in towns, three election inspectors, two election clerks and two ballot clerks who shall be qualified electors of such district. A certificate of their election, signed by the inspectors and clerks of the election, shall be filed in the office of the county clerk within thirty days after such election and a duplicate thereof delivered to, or left at the residence of, the officers so elected within twenty days after such election. Such officers shall hold their respective offices for the term of two years and until their successors shall be elected and qualified, and such term shall begin on the first day of January next following their election.

(3) Every officer so elected shall, before the commencement of his term of office, file in the office of the county clerk of the county in which his district is located, his oath of office as prescribed in section 6.34; and every such officer chosen to fill a vacancy shall take such oath before entering upon the discharge of

his duties, and file the same in writing with the county clerk within twenty days thereafter.

(4) Such election officers shall have all the powers, rights and privileges, perform all the duties and be subject to all the penalties, including those of boards of canvassers, of like election officers in towns. The officers appointed by the county judge shall, at least four weeks before the date of the first caucus, primary election or general election at which the electors of such district are entitled to vote, fix the polling place of such district, which shall be as centrally and conveniently located as practicable, publish notice of such place in at least one weekly newspaper published in the county wherein said district is located, and post copies of such notice in at least four of the most public places in such district. They shall also provide suitable election booths.

(5) All laws relating to the right of electors to hold caucuses and primary elections and be represented at conventions, as preliminaries to the elections at which the voters provided for by this section are entitled to vote, and all laws relating to the conduct of elections, the filling of vacancies, the compensation of election officers, the ballots, the manner of voting, the canvass and return of votes, which are applicable to election districts in general, shall be applicable to all election districts authorized by this section, so far as such laws are not in conflict with this section.

CONDUCT OF ELECTIONS.

SECTION 39. Section 48 of the statutes is renumbered to be section 6.34.

SECTION 40. Section 49 of the statutes is renumbered to be section 6.35, and amended by adding at the end of subsection 1 thereof: Any voter awaiting his turn to vote, whether within the polling booth or in the line outside the booth at the time of the closing of the polls, shall be permitted to vote.

SECTION 41. Section 50 of the statutes is renumbered to be section 6.36.

SECTION 42. Section 51 of the statutes is renumbered to be section 6.37.

SECTION 43. Section 53 of the statutes is renumbered to be section 6.38 and is amended by striking out the word "provided" and the comma preceding it, and by inserting in place thereof the word "when"; also by striking out the figures "55" and by inserting in place thereof the figures "6.40".

SECTION 44. Section 54 of the statutes is renumbered to be section 6.39.

SECTION 45. Section 55 of the statutes is renumbered to be section 6.40.

SECTION 46. Section 56 of the statutes is renumbered to be section 6.41.

SECTION 47. Section 57 of the statutes is renumbered to be section 6.42 and is amended by striking out the words "First", "Second", "Third", "Fourth" and "Fifth" designating subsection numbers and by substituting "(1)", "(2)", "(3)", "(4)" and "(5)", respectively.

SECTION 48. Section 60 of the statutes is renumbered to be section 6.43 and is amended by striking therefrom the word "of" immediately following the word "require".

SECTION 49. Section 61 of the statutes is renumbered and amended to read: 6.44 (1) On election day the inspectors shall designate two of their number, at the opening of the polls, who shall check the name of every elector voting in such district whose name is on the registry. Any person whose name is not on the registry, but who is a qualified voter therein shall, nevertheless, be entitled to vote at such election upon compliance with the following provisions, and not otherwise, namely: He shall at the time he offers his ballot, deliver to the inspectors his affidavit in which he shall state that he is a resident of the election district in which he offers to vote, naming the same, * * * that he is entitled to vote therein, that he has resided in said election district ten days next preceding said election, * * * *giving* the street and number of his residence, that he is a citizen of the United States, that he is twenty-one years of age, *and* that he has resided in the state one year next preceding said election. * * *

(2) Said affidavit shall be substantiated by the affidavit of two freeholders, electors in such district, corroborating all the material statements therein. No compensation shall be paid or received for taking or certifying any such affidavit. No one freeholder shall be competent to make at any one election, corroborating affidavits for more than five voters. All such affidavits shall be sworn to before some officer authorized by the laws of this state to administer oaths. The inspectors shall keep a list of the names and residences of the electors voting whose names are not on said completed registry, attach such list to the registry, and return it, together with all such affidavits, to the proper town, city or village clerk. * * *

SECTION 50. Sections 62, 62m, 62n and 66 of the statutes are consolidated and renumbered to be section 6.45. Subsections 1 and 2 of said section 66 shall constitute subsections (1) and (2) of the consolidated section. Said subsection 2 is amended by striking therefrom the figures 61 and by inserting in place thereof the figures 6.44. Said section 62 shall constitute subsection (3) of the consolidated section. Said sections 62m and 62n shall, in their revised form, constitute subsections (4) and (5) of the consolidated sections, and are revised to read: (4) Within thirty days after any general election, the county clerk of every county shall forward to the secretary of state one of said poll lists for each polling place in his county.

(5) Every inspector neglecting or failing to comply with any provision of subsections (1), (2) and (3) shall forfeit the sum of twenty-five dollars; and every county clerk neglecting or failing to comply with the provision of subsection (4) shall forfeit the sum of one hundred dollars. Violations of subsections (1), (2) and (3) shall be reported immediately by the county clerk to the district attorney and violations of subsection (4) shall be reported immediately by the secretary of state to the proper district attorney, and it shall be the duty of every district attorney so notified to prosecute an action or actions for the recovery of such forfeiture or forfeitures.

SECTION 51. Section 63 of the statutes is renumbered to be section 6.46.

SECTION 52. Section 64 of the statutes is renumbered to be section 6.47.

SECTION 53. Section 65 of the statutes is renumbered to be section 6.48.

SECTION 54. Section 67 of the statutes is renumbered to be section 6.49.

SECTION 55. Section 68 of the statutes is renumbered to be section 6.50.

SECTION 56. Section 69 of the statutes is renumbered to be section 6.51.

SECTION 57. Section 70 of the statutes is renumbered to be section 6.52.

SECTION 58. Section 71 of the statutes is renumbered to be section 6.53.

SECTION 59. Section 72 of the statutes is renumbered to be section 6.54.

SECTION 60. Section 73 of the statutes is renumbered to be section 4543m.

SECTION 61. Section 74 of the statutes is renumbered to be section 6.55.

SECTION 62. Section 75 of the statutes is renumbered to be section 6.56.

CANVASS OF VOTES AND DELIVERY OF RETURNS.

SECTION 63. Section 76 of the statutes is renumbered to be section 6.57.

SECTION 64. Section 77 of the statutes is renumbered to be section 6.58.

SECTION 65. Section 78 of the statutes is renumbered to be section 6.59, and is amended by striking therefrom the word "the" which stands immediately before the word "general" and by inserting in place thereof the word "each." Said section is further amended by striking therefrom the words "of November, 1912, and biennially thereafter."

SECTION 66. Section 79 of the statutes is renumbered to be section 4543n, and is amended to read: Section 4543n. If the person to whom * * * *the returns specified in section 6.59* are delivered shall fail or neglect to send or deliver them to the county clerk within * * * *the time specified in said section for that purpose*, he shall be liable for all expenses incurred in procuring such returns by special messenger or otherwise, and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not more than twenty days or by both such fine and imprisonment.

SECTION 67. Section 80 of the statutes is renumbered to be section 6.60 and is amended by breaking the same up into subsections and by inserting the proper numerals to indicate such subsections. The first subsection shall begin with the section and end with the first period. The second subsection shall begin with the words "No ballot shall be regarded" and terminate with the next following period. The third subsection shall begin with the words "Before separating" and end with the period next following the words "such ballots are kept." The fourth subsection shall consist of the remainder of the section, except the words "Provided that" which are stricken out.

COUNTY CANVASS.

SECTION 68. Section 81 of the statutes is renumbered to be section 6.61, and is amended by striking therefrom the word "elect" and by inserting in place thereof the word "select."

SECTION 69. Section 82 of the statutes is renumbered to be section 6.62.

SECTION 70. Section 83 of the statutes is renumbered to be section 6.63.

SECTION 71. Section 84 of the statutes is renumbered to be section 6.64.

SECTION 72. Section 85 of the statutes is renumbered to be section 6.65.

SECTION 73. Section 86 of the statutes is renumbered to be section 6.66 and subsection 1 thereof is amended to read: (1) Whenever any candidate, voted for at any * * * election, shall, on or before the last day of the meeting of the board of county canvassers, file with the county clerk a verified petition setting forth that he was a candidate for a specified office at said * * * election, and that he is informed and believes that a mistake or fraud has been committed in specified precincts in the counting or return of the votes cast for the office for which he was a candidate, or specifying any other defect, irregularity or illegality in the conduct of said * * * election, said board shall forthwith proceed to ascertain and determine the facts alleged in said petition and make correction accordingly and recount the ballots in every precinct so specified in accordance therewith. Such petition shall first be served, as * * * a summons is served in a court of record, upon all opposing candidates, * * *. Such petition and proof of service thereof shall be filed with the county clerk, together with a fee of two dollars for each precinct in which a recount of the ballots is demanded in said petition. The * * * petitioner and all opposing candidates shall be entitled to be present in person and by counsel and observe the proceedings.

SECTION 74. Section 87 of the statutes is renumbered to be section 6.67 and is amended by striking out subsection 2 thereof. It is further amended by inserting between the word "state" and the word "certified" the following words: "a list of the names of persons elected in the county as members of the senate and assembly and county officers at such election, and a".

SECTION 75. Section 87m of the statutes is divided and renumbered so as to constitute subsection (2) of section 6.67 and section 2394—96 and amended to read: (6.67) (2) The county clerk shall furnish to the secretary of state on blanks furnished by the secretary of state for that purpose, the names and party designations of all candidates for nomination at the primary, and the votes received by each by voting precincts and the names and party designations of all candidates for office at

the general election as well as those candidates for office at the spring election, which appear, upon ballots furnished by the county or state.

Section 2394—96. * * * Within thirty days after * * * each primary or election * * * the county clerk shall make the same return to the industrial commission as is required by subsection (2) of section 6.67 and shall also furnish any other information called for by said * * * commission * * * for the compilation of the blue book or regular report of the industrial commission.

SECTION 76. Section 88 of the statutes is renumbered to be section 6.68.

STATE CANVASS.

SECTION 77. Section 93 of the statutes is renumbered to be section 6.69.

SECTION 78. Section 94 of the statutes is renumbered to be section 6.70 and is amended by striking from subsection 2 thereof the words "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."

SECTION 79. Section 94a of the statutes is renumbered to be section 6.71.

SECTION 80. Section 94b of the statutes is renumbered to be section 6.72.

SECTION 81. Section 94e of the statutes is renumbered to be section 6.73 and is amended by striking therefrom the words "in canvassing to ascertain the result of any election".

MISCELLANEOUS PROVISIONS.

SECTION 82. Section 94f of the statutes is renumbered to be section 6.74.

SECTION 83. Section 94g of the statutes is renumbered and revised to read: 6.75 In every election for the choice of any officer, unless otherwise provided by law, each elector shall have one vote and no more; and the person appearing satisfactorily to have received the highest number of legal votes for any office shall be deemed to have been duly elected to that office, and the canvassers shall give to such person a certificate of such election. The legality of such votes so appearing, failures to fully comply with the law respecting noticing or conducting the election or canvassing or returning the vote, shall be disregarded.

SECTION 84. Section 94h of the statutes is renumbered to be section 6.76.

SECTION 85. Section 94i of the statutes is renumbered to be section 6.77.

SECTION 86. Section 94j of the statutes is renumbered to be section 6.78.

SECTION 87. Section 45a of the statutes is renumbered to be section 6.79.

SECTION 88. A new section is added to the statute to read:
6.80 As far as practicable and not otherwise provided by law the provisions of this chapter shall be applied to primary elections to town, village and city elections, and to referendum votes respecting the incurring of municipal indebtedness, the issue of municipal bonds, the acquisition of utilities, the recall or removal of public officers, direct legislation in cities and counties, constitutional amendments and all other subjects. And in taking all such referendum votes the ballot used shall conform as far as practicable to the provisions of section 6.23.

SECTION 89. This act shall take effect upon passage and publication.

Approved July 8, 1915.

No. 80, S.]

[Published July 12, 1915.

CHAPTER 384.

AN ACT to renumber chapter 6, chapter 7 and chapter 8 of the statutes and to renumber and revise the sections of said chapters.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 6, chapter 7 and chapter 8 of the statutes are renumbered, to be, respectively, chapter 7, chapter 8 and chapter 9.

SECTION 2. Section 94k of the statutes is renumbered and revised to read: 7.01 (1) In addition to the provisions of law for the filling of vacancies in public offices by appointment such vacancies may be filled by election as provided by this chapter.

(2) A vacancy in the office of senator or representative in the congress of the United States, occurring not more than four months nor less than twenty days before a general election, may be filled at such election. Any such vacancy occurring more than four months, or less than twenty days, before a general election may be filled at a special election and if not so filled