

## CHAPTER 11.

[Published September 26, 1862.]

AN ACT to enable the militia and volunteers of this state, when in the military service of the United States or of this state, to exercise the right of suffrage.

Preamble.

*Whereas*, The constitution of this state provides that white citizens of the United States, and white persons of foreign birth who shall have declared their intention to become citizens of the United States, and shall have resided one year in this state, shall be deemed qualified electors, and that "no person shall be deemed to have lost his residence in this state by reason of his absence on business of the United States or of this state:" Therefore,

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

Volunteers who are qualified electors of this state, may exercise the right of suffrage out of the state.

SECTION 1. All qualified electors of this state who shall be in the actual military service of the United States or of this state, either within this state or without the same, on the Tuesday next succeeding the first Monday in November, in any year, shall be entitled to exercise the right of suffrage at any general election to be held pursuant to any law of this state on that day, at the several posts, camps or places where the regiment or battery of artillery, or part of a regiment not less than one company, under a separate command, to which such electors belong, may be on that day, as fully as if such electors were present at the places in this state where such election may be held, and where such persons would be entitled to vote, any provisions of law now in force to the contrary notwithstanding: *provided*, that this section shall not extend to and include any person in the regular or standing army of the United States, nor any person in any regiment, battery or company organized and officered out of this state; *and provided, further*, that the word "company," as used in this act, shall not be held or construed so as to prohibit the members of any company present for duty at any post, camp or place where such company may be stationed, from enjoying the privileges authorized by this act, although the members of said company

Proviso.

so present shall be less in number than the minimum number required to organize a company.

SECTION 2. To carry into effect the provisions of the preceding [preceding] section, elections may be held at the several posts, camps or places in said section mentioned, which elections shall be conducted so far as practicable, and not inconsistent with the provisions of this act, in the manner prescribed by the general election laws of this state. Where elections may be held.

SECTION 3. The vote shall be taken by companies. The three ranking officers in each company of infantry or cavalry, or battery of artillery, shall act as inspectors of elections held under the provisions of this act. In case of the absence or inability, or refusal to act, of any of the officers hereinbefore named, their duties as inspectors shall be performed by the officers next in rank. The officer highest in rank, acting as inspector of election in such company, shall be chairman of the board of inspectors. The inspectors of each company shall make a separate canvass and statement of the result, in writing, of the votes cast by such company, as hereinafter provided. The regimental and staff officers of each regiment shall be entitled to vote at the polls opened in any company of the regiment to which they belong. How vote to be taken, inspectors of elections, &c. Separate canvass, Where regimental and staff officers may vote.

SECTION 4. The officers who shall act as inspectors under this act, shall appoint two electors to act as clerks of elections. Clerks.

SECTION 5. Previous [previously] to receiving any votes, the inspectors and clerks of election shall severally take an oath or affirmation that they will support the constitution of the United States, and of the state of Wisconsin, and will perform their duties as inspectors or clerks according to law, and will studiously endeavor to prevent all fraud, deceit or abuse in conducting the same. Said oath or affirmation shall be either printed or in writing, or partly printed and partly written, shall be subscribed by the persons taking the same, and may be administered by either of said inspectors, and shall be annexed to and returned with the poll books, as hereinafter provided. Inspectors and clerks to take oath.

SECTION 6. The polls of the election shall be opened and closed at such hours as the inspectors shall agree upon: *provided*, that time shall be given for all voters in the company or battery to vote. Opening and closing of polls.

Ballots to contain name of county, &c.

SECTION 7. The ballots to be voted at the election held under this act, shall have printed or written at the top of the ballot, the name of the county in which the person offering to vote, is a voter. Each ballot, in addition to the name of the county, shall have printed or written on it the names of the persons voted for, with a pertinent designation of the office which he or they may be intended to fill; and each ballot containing a vote for member of assembly or state senator, shall have written or printed thereon the county or counties, towns or wards, constituting such assembly or senatorial district. The ballot shall be folded (if folded at all) so as to show on the outside the name of the county; and the inspectors shall refuse to receive any ballot which does not thus show the name of the county. The ballot thus prepared shall be on one piece, and all the ballots shall be deposited in one box; and it is the duty of the inspectors of the election to be satisfied that the person offering to vote is a legal voter of the county which is shown at the top of the ballot. In canvassing the votes thus cast, the inspectors shall reject all votes cast for any officer of a district (whether congressional or otherwise) not composed in part of the county named at the head of the ticket.

Challenging.

SECTION 8. It shall be the duty of each inspector of elections and the privilege of each elector, to challenge any person offering to vote, when he shall know or have any reason to suspect or believe that such person is not a qualified elector; and to every person challenged by any inspector or qualified elector, one of the inspectors shall administer an oath that he will true answer make to all questions touching his residence and qualifications as an elector at the election, and the same questions, in substance, shall be put and the same proceedings had, as may be required at general elections in this state.

Poll lists.

SECTION 9. The clerks shall keep correct poll lists containing the names of the voters and their respective places of residence in this state, giving the name of the town, ward, city or election precinct, and county in which they severally have a residence, which lists shall be certified by the inspectors, or a majority of them, and clerks, to be correct.

Canvass and return of votes.

SECTION 10. After the polls are closed, the inspectors shall canvass the votes cast, and shall make a state-

ment of the result in writing, which canvass and statement shall be made by counties, so far as practicable, in accordance with the provisions of law relating to the general elections in this state. A copy of such statement, duly certified to be correct by the inspectors, or a majority of them, shall be transmitted to the governor, together with one of the poll lists, and a like copy with the other poll list, shall be transmitted to the secretary of state.

SECTION 11. It shall be the duty of the state board of canvassers to meet on or before the 15th day of December next after any general election, to canvass the votes returned under this act, and they shall make statements of the votes returned, and perform other duties relating to the canvass, in accordance with existing provisions of law, so far as practicable. The said board shall also make statements of the number of votes given and returned under this act, for senators and members of the assembly, and for the several county officers, giving the names of the persons to whom such votes shall have been given for either of said offices, and the whole number of votes given for each. The state canvassers may commence the performance of their duties under this act as soon as any of the returns herein provided to be made are received, and adjourn from time to time till completed.

Duties of state  
canvassers.

SECTION 12. Immediately after the completion of said canvass, the secretary of state shall transmit to the clerk of the board of supervisors of each county, a certified copy of the statement, showing the votes cast for senators, members of assembly and county officers, for his county.

Certified state-  
ment of votes  
for senators,  
assemblymen  
and county offi-  
cers.

SECTION 13. Upon receiving such statement, the clerk shall take to his assistance two justices of the peace, who, as a board of county canvassers, shall, from said statement and from the statement made in accordance with section fifty-eight of chapter seven of the revised statutes, proceed to determine the persons, by the greatest number of votes, elected as members of the senate and assembly, and to the several county offices.

Duties of county  
canvassers.

SECTION 14. In case a senatorial or assembly district is composed of more than one county, the secretary of state shall transmit a statement, duly authenticated, showing the number of votes for senators and members

When district is  
composed of  
more than one  
county, &c.

of the assembly in such district, and for whom given, to the several clerks of the counties in such districts in which the district canvass may be required to be held by law. The clerk of such county and the county judge, shall thereupon determine from such statement and from the statement made by the district canvassers, the person or persons elected within such district, and shall certify such determination, which shall be filed with said clerk, who shall transmit to the secretary of state the names of the person or persons elected, and also to such person a certificate of his election.

When clerk of board to issue certificates of election.

SECTION 15. The clerk shall not issue certificates of election upon the determination made in accordance with section sixty, chapter seven, of the revised statutes, to persons by such determination appearing to be elected as members of the senate and assembly, except in cases when no statement shall be received by the clerk from the secretary of state on or before the 25th day of December next after the election, in which cases such certificates shall be issued upon such determination.

When determination of district canvassers shall be final.

SECTION 16. The determination made by the district canvassers in accordance with section seventy-three of chapter seven of the revised statutes, shall not be final, and no certificate of election shall be given thereon; but in case the statement herein provided to be transmitted to the clerk by the secretary of state, by section fourteen of this act, shall not be received by such clerk on or before the 25th day of December next succeeding the election, such determination shall be final, and a certificate shall be issued thereon.

Illegal voting—penalty therefor.

SECTION 17. Any person who shall vote at any election held under this act, who shall not be a qualified elector under the laws of this state, shall, on conviction thereof, be punished by imprisonment in the county jail not more than one year, nor less than six months; and any person who shall vote more than once at any such election, shall, on conviction, be punished by imprisonment in the state prison, and kept at hard labor, not more than two years nor less than one year.

Duty of secretary of state.

SECTION 18. It shall be the duty of the secretary of state to prepare suitable blanks for carrying into effect the provisions of this act, and transmit a sufficient number, together with a copy of this act, with such extracts from the general election laws as may be necessary to enable the inspectors to perform

their duties under this act, to the captain or commanding officer of each company and battery of artillery, with such instructions as he may deem necessary.

SECTION 19. This act shall be published and take effect immediately.

Approved Sept. 25, 1862.

## CHAPTER 12.

[Published September 27, 1862.]

AN ACT to amend section one of chapter 379 of the general laws of 1862, approved June 17th, 1862, entitled "an act to authorize the quartermaster general to audit bills for subsisting and transporting volunteers of the Wisconsin cavalry regiments."

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

SECTION 1. Section 1 of chapter 379 of the general laws of 1862, approved June 17th, 1862, is hereby amended so as to read as follows : "The quartermaster general is hereby authorized and required to audit all bills properly made out and certified, for recruiting, subsisting and transporting to the place of rendezvous, of their respective regiments, the volunteers of the Wisconsin cavalry regiments, and to draw warrants therefor upon the paymaster general, in the same manner that recruiting, subsistence and transportation bills of volunteers of the Wisconsin infantry regiments are by law audited, and warrants drawn therefor.

Authority to  
quartermaster  
general.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved Sept. 25, 1862.