

No. 640, A.]

[Published June 29, 1905.]

CHAPTER 495.

AN ACT to amend sections 4, 5, 8, 9, 10, 11 and 12 of chapter 459, of the laws of 1901, relating to the use of voting machines.

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

Powers of council, etc., to purchase. SECTION 1. Section 4 of chapter 459 of the laws of 1901 is hereby amended so as to read as follows: Section 4. The common council of any city, the trustees of any village and the town board of any town may adopt and purchase for use in the various precincts, any voting machine approved in the manner * * * set forth in this act, by the voting machine commission, and none other; *provided, however, that no machine shall be adopted or purchased by any village or town until the question of such adoption and purchase shall have been submitted to a vote of the people of such village or town at some regular village or town election, and a majority of the votes cast on such question shall have been in favor of such adoption and purchase.* If it shall be impracticable to supply each and every election district with a voting machine or voting machines at any election following the adoption of such machines in any city, village or town as many may be supplied as it is practicable to procure, and the same shall be used in such precincts of the municipality as the proper officers may order. The proper officers of any city, village, or town may, not later than *sixty days before any election*, unite two or more precincts or wards into one *election precinct* for the purpose of using therein at such election a voting machine, *provided, in case two or more wards shall be so united, such machine shall be so constructed that it will permit the voters of each ward to vote for any and all candidates nominated for offices in such ward, but will prevent such voters from voting for any and all candidates nominated for offices in all other wards;* and a notice of such uniting shall be given in the manner prescribed by law for the change of election districts.

Payment for. SECTION 2. Section 5 of chapter 459 of the laws of 1901 is hereby amended so as to read as follows: Section

5. Payment for voting machines purchased may be provided for in such manner as is deemed for the best interests of the city, village, or town *purchasing the machine, and any such city, village, or town may borrow money for that purpose or may issue notes, certificates of indebtedness, or other obligations which shall be a charge upon the city, village or town.*

Ballots, how provided for; sample ballots; posting of. SECTION 3. Section 8. of chapter 459 of the laws of 1901 is hereby amended to read as follows: Section 8. Ballots shall be provided by the respective city and county clerks for all the candidates to be voted for at an election and of suitable size to fit the space provided for that purpose on or in the machine and each shall be placed on or in the machine adjacent to or on the registering or recording device therefor. The ballots shall be placed on or in the machine in the order of arrangement provided by section 39 of the statutes of 1898, except that they may be vertical columns or horizontal rows. Ballots for all questions must be provided in the same manner and must be arranged on or in the machine in the places provided for such purpose. The officers charged with the duty of providing ballots for any polling place, shall provide therefor five sample ballots which shall be exact copies of the official ballots which are caused to be printed by them, but on different colored paper from the official ballots; said sample ballots shall be arranged in the form of a diagram showing the entire front of voting machine as it will appear after the ballots are arranged thereon for voting on election day. Such sample ballots shall be posted by the inspectors of the precinct, near the entrance of the election booth and shall there be open to public inspection during the whole of election day. In addition to said sample ballots, the proper officers may furnish in connection therewith instruction cards, diagrams of the front of the machine with ballots pasted thereon, at least two of which shall also be posted up near the voting place, if furnished. All ballots shall be published as now provided by law. The ballots for the machines, and also sample ballots, shall be furnished the inspectors at least one day before the election. *The officers charged with the duty of providing ballots shall provide for each election precinct in which a voting machine is to be used, return sheets, certificates, and other printed matter necessary for the proper conduct of the election and making up the returns thereof, according to the type of voting machine to be used therein.*

Duty of inspectors as to ballots; setting of machines. SECTION 4. Section 9 of chapter 459 of the laws of 1901 is hereby amended so as to read as follows: Section 9. *The common council of every city, the board of trustees of every village, and the town board of every town in which a voting machine is to be used shall cause the proper ballot to be put upon each machine corresponding with the sample ballots herein provided for, and the machines in every way put in order, set, and adjusted, ready for use in voting when delivered at the precinct, and for the purpose of so labeling the machine, putting in order, setting and adjusting the same, they may employ one or more competent persons who shall be known as the voting machine custodian or custodians, who shall be paid for the time spent in the discharge of their duties in the same manner as the inspectors of election are paid. The said custodians shall, under the direction of such common council, village trustees or town board cause the machine so labeled, in order, and set and adjusted, to be delivered at the voting precincts, together with all necessary furniture and appliances that go with the same in the rooms where the election is to be held, * * * at least one hour before the time set for opening the polls on election day. * * * When a voting machine shall have been properly prepared for the election and delivered at the election precinct, it shall be locked and sealed against any movement, and the officers, common council, village trustees, or town board shall provide proper protection to prevent its being tampered with; and the custodian or custodians preparing such machine shall deliver the keys thereof to the clerk of the city, village or town in which the machine is to be used together with their written report of the condition of the machine.*

Irregular ballots; names not on official; how voted. SECTION 5. Section 10 of chapter 459 of the laws of 1901 is hereby amended so as to read as follows: Section 10.* *The members of the election board of each election precinct in which a voting machine is to be used shall meet at the polling place therein at least fifteen minutes before the time set for the opening of the polls at that election, and shall arrange the voting machine and furniture therein for the proper conduct of the election. They shall also, before the opening of the polls, compare the ballot labels on the machine with the sample ballot furnished, and see that the names, numbers, and letters thereon agree. They shall,*

*Entire section is rewritten.

also, examine the seal upon the voting machine, to see that it has not been broken, and shall examine every counter therein to see that each registers 0 0 0. If any counter in the voting machine shall be found not to register 0 0 0, a notice of such fact, stating the designating number of such counter, together with the number registered thereon, shall be written out and signed by all the members of the election board, and a copy thereof posted in a conspicuous place upon the wall of the polling place, where it shall remain during the election day. The members of the election board shall then certify on each of the blanks furnished for that purpose as to the condition of the voting machine and the counters therein, which blank shall be signed by each member of the board, and after the election one delivered with each copy of the election returns.

Locking of machine at close of polls; determining result.

SECTION 6. Section 11 of chapter 459 of the laws of 1901 is hereby amended so as to read as follows: Section 11. *In case a voting machine may be adopted which provides for the registering or recording of votes of candidates whose names are not on the official ballot, such ballots shall be denominated irregular ballots. A person whose name appears on a ballot or on or in a machine or machine system, shall not be voted for, for the same office or on or in any irregular device for casting an irregular ticket, and any such votes shall not be counted, except for the office of presidential electors, and any elector may vote in or on such irregular device for one or more persons nominated by one party with one or more persons nominated by any or all other parties, or for one or more persons nominated by one or more parties with one or more persons not in nomination, or he may vote in such irregular device a presidential electoral ticket composed entirely of names of persons not in nomination.*

As soon as the polls of the election are closed, the inspectors shall immediately lock the machine, or remove the recording device so as to provide against voting, and open the registering or recording compartment in the presence of any person desiring to attend the same, and shall proceed to ascertain the number of votes cast for each person voted for at the election, and to canvass, record, announce, and return the same as provided for on the return sheets and certificates furnished. *In recording the votes registered on any counter that before the opening of the polls did not register 0 0 0, the inspectors shall upon the return sheets subtract the number registered on such counter before the opening of the polls from the number registered*

thereon at the close of the polls, and the difference between such numbers shall be taken as the correct vote for the candidate whose name is opposite such counter on the voting machine, provided, however, that if the number registered on such counter at the close of the polls shall be smaller than the number registered thereon before the opening of the polls, the number one thousand shall be added to the number registered on such counter at the close of the polls, before such subtraction shall be made.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

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CHAPTER 496.

AN ACT to amend chapter 90 of the laws of 1901, as amended by chapters 97 and 359 of the laws of 1903, relating to dependent, neglected and delinquent children.

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

Dependent and neglected child defined. SECTION 1. Section 1 of chapter 90 of the laws of 1901 as amended by chapters 97 and 359 of the laws of 1903, is hereby amended so as to read as follows: Section 1. The provisions of this act shall only apply to counties containing cities of the first, second or third classes, as ascertained by the last state or United States census. For the purposes of this act the words "dependent child," and "neglected child," shall mean any child under the age of sixteen years, who for any reason is destitute or homeless, or abandoned, or dependent upon the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill-fame, or with any vicious or disreputable person, or whose home by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such a child; and any child under the age