

No. 144, S.]

[Published July 12, 1907.]

CHAPTER 530.

AN ACT to amend section 6, chapter 230, laws of 1903, and making the same section 1636—66 of the statutes, relating to salary of bakery inspector.

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

SECTION 1. Section 6 of chapter 230 of the laws of 1903 is amended and made a section of the statutes, to read:

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

Approved July 9, 1907.

No. 239, S.]

[Published July 12, 1907.]

CHAPTER 531.

AN ACT to amend section 59 of the statutes, relating to the preparation and distribution of ballots, and to create section 926—31 of said statutes, relating to special elections.

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

SECTION 1. Section 59 of the statutes is amended to read:
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SECTION 2. There is added to the statutes a new section to read:
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SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved July 10, 1907.

Voter's marking; determination of intent. SECTION 57. All ballots cast at any election shall be counted for the persons for whom they were intended, so far as such intent can be ascertained therefrom. In determining the intent the following rules shall be observed:

First. If the elector shall place on his ballot at a general election a cross mark or other equivalent mark or symbol under a party designation, at the head of the column, in or near the space indicated for that purpose he shall be deemed to have voted for all the candidates whose names appear in the column under such mark, unless some name or names shall be erased, or some name shall be written in, or unless in some other column he shall have placed a mark in the square at the right of the name of some other candidate for the same office.

Second. At all elections, whether general or other, when the voter shall place a mark against two or more names for the same office, * * * *when only one candidate is to be chosen for the office*, he shall be deemed to have voted for none of them, and the ballot shall not be counted for either candidate therefor.

Third. If an elector shall mark his ballot with a cross mark (X), or any other marks, as,

|, A, V, O, /, \, +,

* * * within the * * * *square after, at the right of the name of any candidate*, or at any place within the space in which the name appears indicating an intent to * * * *vote for such person*, it shall be deemed a sufficient vote for the candidate whose name * * * *it is opposite*.

Fourth. When the elector shall have written the name of a person in the proper place for writing the same he shall be deemed to have voted for that person, although he shall have omitted to erase the name printed in the same column for the same office, or shall have made a mark against the same or against any other name for the same office, or omitted to mark against the name written.

* * * *Fifth.* A ballot put in without any marks shall not be counted and a ballot not marked at the top shall be counted only for the persons for whom the marks therein are applicable.

(Ch. 583, 1907.)

Special election ballots; city and village. SECTION 59. Whenever the common council of any city or board of trustees

of any village shall, by ordinance or resolution, submit any question to a vote of the electors, the city or village clerk shall prepare and distribute ballots in accordance with the last preceding section, or as required by the ordinance or resolution or any statute relating to the subject which is so submitted. When any question is submitted under this or the preceding section and no provision to the contrary is made, the ballot concerning the same may be prepared at the foot of the official ballot; but no such ballot shall be counted on any such question unless a mark is made thereon applicable to it.

(Ch. 531, 1907.)

Non registered electors: vote upon affidavit; limit to corroboration. SECTION 61. 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, and that he is entitled to vote therein, that he has resided in said election district ten days next preceding said election, and shall give the street and number of his residence, that he is a citizen of the United States (or has declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization), that he is twenty-one years of age, that he has resided in the state one year next preceding said election, which 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.

(Ch. 33, 1907.)

maintenance of such trade school shall be submitted to the vote of the electors of such school district, the city clerk shall at the earliest opportunity lay such petition before the common council. The common council shall thereupon at its next regular meeting by resolution or ordinance direct the city clerk to call a special election for the purpose of submitting such question to the electors of such city and school district.

3. Such election shall be noticed and conducted and canvassed in accordance with the provisions of section 943, statutes of 1898. All electors within the territory constituting such school district, qualified to vote at any election pertaining to school district matters shall be entitled to vote.

4. If any of said school districts shall be beyond the limits of such city, the city clerk shall immediately upon the passage of the resolution or ordinance by the city council ordering such election, transmit a copy thereof to the clerk of the town or towns of which such territory is constituted. The clerk or clerks of said towns shall thereupon cause a notice of such election to be given and such election to be held and canvassed as provided in section 943.

5. If a majority of the ballots cast in such school district shall be in favor of the establishment, taking over, conducting or maintenance of such trade school, then such board shall proceed as heretofore provided to establish, take over, conduct and maintain such trade school. But if a majority shall vote against such proposition to establish, take over, conduct and maintain a trade school, the board shall take no further steps towards such end.

6. If no petition to submit such proposition to establish, take over or maintain a trade school to the vote of the electors shall be filed with the city clerk within thirty days after the first publication of the notice of the determination of the school board to take such action, then such school board may proceed as hereinbefore provided without submitting such proposition to the electors of the district.

(Ch. 122, 1907.)

Special elections, city and village: procedure. SECTION 926—31. Whenever any question is to be submitted to the voters of any city or village the common council of such city or the village board of such village shall issue a call for such election in accordance with the law authorizing such submission. Unless otherwise provided by such law, notice of such election

shall be given and the election shall be held and conducted by the inspectors and clerks of election in the same manner and the returns thereof shall be made in the same form and manner as in the case of general municipal elections.

(Ch. 531, 1907.)

Cities of first class: aldermen's powers in condemnation proceedings. SECTION 926—41. In cities organized under special charter wherein it is provided that for certain purposes, the signature and consent of two or more aldermen of a ward shall be obtained in proceedings for condemnation and in providing for other public improvements it shall be sufficient hereafter to obtain the signature and secure the consent of one local or ward alderman and the signature and consent of one alderman at large, which shall be a sufficient compliance with the law in this respect and the local committee may be abolished by ordinance.

(Ch. 652, 1907.)

Cities of first class relative to laws of 1907. SECTION 926—42. Any city of the first class organized under special charter may exercise the powers granted to cities under general laws of 1907 in the manner prescribed by such law and subject to the same limitations.

(Ch. 652, 1907.)

City electric power: supply to parties beyond boundaries. SECTION 926—101. Every city which owns and operates * * * *a plant for the purpose of furnishing either electric light or power or both may supply either electric light or power or both* not only to such city and its inhabitants but also to dwellings or places of business outside the boundaries of such city by means of a line or lines of poles and wires extended outside of said boundaries.

(Ch. 327, 1907.)

City lighting commissions; membership, term, etc. SECTION 926—101j. The common council of any city owning and operating any electric light or electric light and power plant is authorized and empowered to create a board of five commissioners to be known as the public lighting commission of such city, who shall be appointed by the mayor and confirmed by the common council.