

the same in his application for such patent, he may cause all such necessary surveys to be made.

SECTION 3. When said patents shall have been issued to the state, upon such application, it shall be the duty of the commissioners of public lands to issue to the owners of the equitable title of said lands, patents conveying to such owners the title in fee. Commissioners of public lands to issue patents, when.

SECTION 4. Such owner or owners shall, before receiving such patent or patents, pay the usual fees for issuing and recording the same. Fees.

SECTION 5. This act shall be in force from and after its passage and publication.

Approved April 22, 1891.

No. 200, S.]

[Published April 24, 1891.

CHAPTER 379.

AN ACT relating to the manner of conducting elections, to secure the purity and secrecy of the ballot.

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

SECTION 1. This act shall not apply to elections for town or village officers, nor to elections in cities having a population of fifty thousand or more. Does not apply to elections for town or village officers nor to cities of 50,000 inhabitants or more.

SECTION 2. All ballots to be cast in elections for public officers, after this act takes effect, including those cast for municipal officers in cities having less than fifty thousand population, by the last federal census, shall be printed and distributed in municipal elections solely at the expense of the municipality, and in general elections at the expense of the county. Ballots, printing and distribution of; how paid for.

NOMINATION OF CANDIDATES.

SECTION 3. Candidates to be voted for at the elections to which this act applies may be nominated in the following manner. First. By a Nominations.

convention or primary meeting, held for the purpose, consisting of an organized assemblage of electors or delegates representing a political party which at the last preceding general election before such convention, polled at least two per cent. of the entire vote cast in the state, county or other district or division for which the nomination is made for its candidate receiving the highest number of votes. Second. In nominations for municipal officers, by a convention of at least thirty electors of the city, or at least nine delegates chosen for the purpose; if for a ward office, at least ten electors of the ward must have participated in the caucus or ward meeting to nominate. Third. Any public officer, political or judicial, may be nominated by a nomination paper or papers containing: First, the name of the candidate. Second, the office for which he is nominated. Third, his business or vocation. Fourth, his residence, with street and number, if any. Fifth, the party or principal which he represents, expressed in not more than five words. Such paper shall be signed, if for officer to be voted for throughout the state, by at least one thousand voters of the state; if for an officer to be elected by a county, district or other division less than the state, by a number of voters thereof not less than one per cent. of the whole number of votes cast therein at the last general election preceding such nomination, and at least thirty voters; if for a ward office in a ward polling less than one hundred and fifty votes, by at least fifteen electors of such wards. Signatures need not be upon the same paper. Each voter can sign for but one nomination to the same office; he shall add to his signature his business and residence, street and number, if any, and make oath or affirm before some person authorized to administer oaths, that he is an elector and has truly stated his business and residence. But in using words to express the party or principles represented by a candidate nominated by a nomination paper, if the same name is used as pertains to some political party making a nomination by convention, the words "nomination paper" shall be used as part of such designation.

Primaries, how constituted.

SECTION 4. Nominations made by a convention or primary meeting, as herein provided, shall

be evidenced by a certificate in writing, specifying as to each candidate; first, his name, giving Christian name in full; middle name, if any, may be by initial letter; second, his business or vocation; third, his place of residence, with street and number, if any; fourth, the party or principle he represents expressed in not more than five words; which certificate shall be signed by the presiding officers of such convention or primary meeting, who shall add to their signatures their respective business, places of residence, street and number, if any, and shall make oath or affirm before some officer qualified to administer oaths, that the affiants were officers of such convention or primary meeting and that the statements contained in such certificate are true to the best of their knowledge and belief. In the same certificate, as a further statement, the president of the convention and the chairman in primary meetings shall give the names and postoffice address of the persons appointed as a committee to represent the party, and may state what powers were delegated to them as such committee, and such statement shall be *prima facie* evidence of their appointment and the powers so stated. Certificates of nomination and nomination papers shall be filed as follows: If for offices to be voted for throughout the state, or any division or district embracing more than one county, with the secretary of state, not more than forty days nor less than twenty days before the day fixed by law for the election for which the nominations are made. If for county offices, or other than municipal offices and those mentioned in the preceding class, then with the county clerk, not more than thirty nor less than fifteen days before such election. If for municipal offices, including ward offices, with the city clerk, not more than fifteen nor less than seven days before the election. Certificates and nomination papers shall be preserved by the proper officers with whom the same are filed, and shall be open for public inspection.

Conventions,
how consti-
tuted.

Nomination
papers, what
to contain.

Certificate of
nomination,
what to con-
tain, how
executed.

Filing of cer-
tificates of
nomination.

SECTION 5. Not less than fifteen nor more than twenty days before an election to fill any public office, the secretary of state shall certify to the county clerk of such county within which any of the electors may by law, vote for candidates for

Secretary of
state to certify
names of can-
didates to
county clerks.

such offices, the name and description of each person nominated for such office as specified in the certificates of nomination filed in his office, and in case of new nomination papers filed as provided in section 7, after he has certified the original nominations, he shall forthwith upon such filing, further certify to the clerks of the proper counties the name and description of such new nominee as in case of a new nomination.

VACANCIES, HOW FILLED.

Declination of nomination, how made; filing of.

SECTION 6. Any person nominated to office may decline such nomination by delivering to the officer with whom the certificate of nomination or nomination paper is filed, five days before election in case of city officers and ten days in other cases, a declination in writing, signed by him and acknowledged before some officer authorized to take acknowledgments. Such declination shall be immediately filed and preserved by the officer receiving the same, and shall annul the nomination.

Vacancy, certificate of, what to contain and filing of same.

SECTION 7. If any nominee shall die or decline nomination, or any certificate or paper of nomination be insufficient so as to be inoperative, the vacancy thus caused may be filled in the same manner as original nominations, or by the committee representing the party, if so authorized. The chairman and secretary of the committee in such case shall make and deliver to the proper officer for filing a certificate setting forth the cause of the vacancy, name of new nominee, office for which nominated and such further information as is required in case of an original certificate, and such certificate shall be signed, sworn to and certified as in case of an original certificate, and if filed eight days before election, shall have the force and effect of an original certificate; but in case of a city office, the new nomination papers may be filed not later than four days before election.

DIVISION OF PARTIES.

Party factions, how designated, certificates and nomination papers of.

SECTION 8. In case of a division in any party and a claim by two or more factions to the same party name, the officer with whom

the nomination papers or certificates are filed shall, in preparing ballots, give preference of name to the convention held pursuant to the call of the regularly constituted party authorities, and if the committee representing the other faction present no other party name, the officer with whom the certificate is filed may designate the same, in such manner as will best distinguish them. When two or more conventions shall be held, each claiming to be the regular party convention, preference in designation shall be given to the nominations of the one certified by the committee, which had been officially certified to be authorized to represent the party; when no party convention is held by the party entitled to nominate as a party, the names of nominees for any office who shall be designated in nomination papers as members of and candidates of such party, shall be printed on the official ballots with the party principal they represent. In case two or more nomination papers are filed for the same office, each having the same party designation they shall be printed on the official ballots with the party principle they represent.

Conflicting conventions, to which preference given.

DEATH OR REMOVAL OF CANDIDATE AFTER BALLOTS HAVE BEEN PRINTED.

SECTION 9. In case of the death, removal or declination of any nominee, after the ballots have been printed and before the election, the chairman of the state, county, district, city or ward committee of the political organization of which such candidate was the nominee may make a nomination to fill such vacancy and may provide the election board of each precinct in which such nominee is to be voted for, with pasters, containing only the name of such nominee; but no pasters shall be given to or received by any one except such election board, and it shall be the duty of the ballot clerks to put one of such pasters in a careful manner in the proper place on each ballot before delivering it to a voter and before they sign their names or initials thereon.

Vacancy after ballots printed, how filled, pasters.

SECTION 10. If a nominee die after the ballots have been printed, and no nomination shall have been made to fill the vacancy all ballots cast for

Vacancies after ballots printed not filled before election, how filled.

him shall be counted; and if he shall have received a plurality of all the votes cast for the office for which he was nominated, the vacancy shall be filled in the manner now provided by law for filling vacancies which occur by death after election.

INFORMATION TO VOTERS.

Nominations to office to be published.

Publication to be made in two papers, one of each principal political parties.

Information to voters may be published.

SECTION 11. At least seven days before an election to fill any public office, the county clerk of each county shall cause to be published in two newspapers, and in counties where no daily paper is published, the county clerk may cause the same to be published in not to exceed two additional papers, if there be so many published within the county, the nominations to office certified to him under the provisions of this act. One of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding election cast the largest number of votes; and the other publication shall be made in a newspaper which advocates the principles of the political party that at the last preceding election cast the next largest number of votes. The county clerk shall make such publications daily in such counties where daily newspapers are published; but if there be no daily newspaper published within the county, one publication in each newspaper shall be sufficient. In case of a municipal election, such publication shall be made by the clerk thereof two times in all the newspapers published daily in such city, and once in such weekly newspapers as he shall deem necessary to give the electors proper information. Such publication shall be made in the ordinary news columns in type not larger than long primer nor smaller than minion. One of such publications in each newspaper shall be upon the last day upon which such newspaper is issued before election. In addition to the publication required to be made by this section, so much of the following section as relates to "information to voters" may be published in such papers as are printed in foreign languages, fairly translated into such language, with illustrative examples as to the

proper manner of marking a ballot, as in the judgment of the clerk may be proper and necessary.

OFFICIAL PUBLICATIONS.

SECTION 12. In making the official publication required by the preceding section, the county or city clerk, as the case may be, shall precede the same with a statement which shall be substantially in the following form, the heading for which shall be conspicuously displayed. Election notice to be published.

ELECTION NOTICE.

Office of, clerk.
, 18..

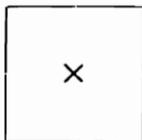
To the electors of county [or city]:

Notice is hereby given that a general election Form of notice.
 [or judicial or municipal election, as the case may be] is to be held in the several towns, wards and election precincts in the county [or city] of on the day of, 18., at which the officers named below are to be chosen. The names of the candidates for each office to be voted for, whose nominations have been certified to this office, and the questions submitted to a vote are given opposite the name of the office and under the appropriate party or other designation, each in its appropriate column

INFORMATION TO VOTERS.

Voters will receive a ballot from a ballot clerk upon entering the polling place, and giving his name and residence. None other can be used. Upon receiving your ballot, retire alone to a booth or compartment and prepare your ballot. A ballot clerk may inform you as to the proper manner of marking a ballot, but he must not advise you or indicate in any manner whom to vote for. If you wish to vote for all of the candidates nominated by any party, make a cross mark, X, under the party designation printed at the top of the ballot in the square made for that purpose, thus: Information to voters.
Ballots, how marked.

For the democratic candidates.



A ballot so marked, and having no other mark, will be counted for all of the candidates of that party in the column underneath, unless the names of some of the candidates of the party have been erased, and will be counted for all names written in lieu of one erased or pasted over a printed name. If you wish to vote for some of the candidates of different political parties, erase the names of the candidates you do not desire to vote for and make a cross mark, X, after the name of each candidate you desire to vote for. If you wish to vote for a person for a certain office, whose name is not on the ballot, write or insert by a paster, the name, in the blank space under the printed name of the candidates for the office, and mark a cross, X, in the square at the right of it. Do not mark your ballot in any other way. If you spoil your ballot, return it to the ballot clerk and get another; you cannot get more than three in all. Five minutes' time is allowed in booth to mark ballot. Unofficial ballots or memorandum, to assist the voter in marking his ballot, can be taken into the booth and may be used to copy from. Do not show any one how you have marked your ballot. After marking ballot, fold it so that the inside cannot be seen, but so that the printed indorsements and signatures of the ballot clerks on outside may be seen. Then pass out of the booth, give your name to the inspector in charge of the ballot box, hand him your ballot to be placed in box, and pass out of the voting place. A voter who declares to presiding officer that he is unable to read, or that by reason of physical disability he is unable to mark his ballot, can have assistance of one or two election officers in marking same, to be chosen by the voter. The presiding officer may administer an oath, in his

Ballot, how
voted.

Assistance to
voter unable
to read or
physically dis-
abled.

discretion, as to such person's disability. The party designations and candidates for the different offices are as follows: [Insert list of party designations and candidates and constitutional amendments, if any.]

....., County Clerk.

No other or further publication of an election notice shall be required to be made by any county or city clerk except that in cities the clerk shall specify the place of voting in each election precinct and the hours of opening and closing the polls.

In cities, place of voting and time of opening and closing of polls to be published.

BALLOTS, FORM OF.

SECTION 13. Every general ballot, which shall be printed under the provisions of this act, shall be upon plain, number one flat, white paper, at least twelve inches wide and of sufficient length to afford space for all the tickets or several candidates in columns therein. The several regular party tickets nominated by conventions or by regularly constituted and authorized committees shall each be printed in one column under the appropriate party designation, the columns to be arranged alphabetically according to the first letter of the party name, thus: "Democratic Party," "Labor Party," "Prohibition Party," "Republican Party," such party designation to be given as hereinbefore provided. On the left hand side of the ticket shall be a column designating the office to be voted for, and on the same line in the columns under the appropriate party designation of each, all the names of candidates duly nominated for that office shall be printed. There shall be a space between the party designation at the top of each column and the name of the head of the ticket, of five-eighths of an inch; and in the center of the space under the party designation, a square of three eighths of an inch, formed by black lines, in which the voter by his mark may declare by his mark that he votes for all names printed in that column, except such as are erased or pasted or written over, as hereinafter specified. There shall also be left under the name of each candidate sufficient space to write a name therein, in lieu of the one printed; and on the

Size of ballots; form.

Square for mark for voting entire ticket.

Square for mark for voting for candidates separately.

Individual candidates.

Endorsement of ballots: form.

Ballots for school and judicial offices.

Order of arrangement of names of candidates.

same line with the name of each candidate, and at the end of his name there shall be a space enclosed in a square of black lines in which the voter may designate by a cross mark, or other mark, his choice for each candidate opposite the name of such candidate. When any person is nominated for the same office by more than one party or convention, his name shall be placed in each column in which the nominations of such parties or conventions are given. Persons nominated by paper nominations and not included in the regular convention tickets shall be placed in one or more columns under the designation of "Individual nominations," on the same line with the office for which they are nominated, and after the name of each shall be printed his party designation as given in his nomination paper, and following that on the same line the space for marking. On the back and outside of every ballot shall be printed the words "Official ballot for _____," followed by the designation of the polling place for which the ballot is prepared and the date of the election, the official endorsement, and a blank certificate in the following form: "I certify that the within ballot was marked by me for an elector incapable under the law of marking his own ballot and as directed by him.

"_____,
"Inspector of Election."

No party designation need be placed upon ballots for school or judicial offices, except for county or district superintendent of schools outside of cities. In general elections, the order of arrangement of offices, to be filled by the election shall be: First, under the head of "national" the presidential electors, if any, the list of which may be headed by the names of the nominees of the party for president and vice-president. Second, under the head of "state," the names of the several state officers to be filled, thus, governor, lieutenant governor, secretary of state, treasurer, attorney general, state superintendent, railroad commissioner, commissioner of insurance and such other elective state officers as may be provided by law. Third, under the head of "congressional," the members of congress of the district. Fourth, under the head of, "legis.

*to vote for candidates on different
for, or write his name in the blank*

OFFICIAL BALLOT

FOR

..... Precinct, Ward,

City (or Town) of.....,

November....., 189 .

INDIVIDUAL NOMINATIONS.



.....	Y. X., Republican.....
.....
.....	A. C., Prohibition.....
.....
.....	B. C., Union Labor.....
.....
.....	N. C., Democrat.....
.....
.....	C. F., Independent.....
.....
.....

Official Ballot

FOR

.....Precinct, Ward,

City (or Town) of.....

November....., 189 .

Ballot Clerks.

I certify that the within ballot was marked by me for an elector incapable under the law of marking his own ballot and as directed by him.

Inspector of Election.

Sample Official Ballot for Judicial and Municipal Elections.

Mark a cross opposite the name of the person you wish to vote for, or write his name in the blank space under the name erased, or paste such name in the space or over the name of the person you do not wish to vote for.

JUDICIAL TICKET.

	FOR ASSOCIATE JUSTICE OF THE SUPREME COURT.	FOR CIRCUIT JUDGE.	FOR COUNTY JUDGE.	FOR MUNICIPAL JUDGE.
A. B.	<input type="checkbox"/>	A. B.	A. B.	A. B.
C. D.	<input type="checkbox"/>	C. D.	C. D.	C. D.
.....	<input type="checkbox"/>

MUNICIPAL TICKET.

	Democratic Ticket.	Prohibition Ticket.	Republican Ticket.	Union Labor Ticket.	Individual Nominations.
For Mayor.....	A. B.	A. B.	A. B.	A. B.	A. B., Prohibitionist..
For City Clerk.....	C. D.	C. D.	C. D.	C. D.	C. D., Republican ..
For City Treasurer.....	A. B.	C. D.	C. D.	C. D.	C. D., Democrat.
.....

Official Ballot

FOR

Precinct

Ward,

City (or Town) of

November , 189 .

Ballot Clerks.

I certify that the within ballot was marked by me for an elector incapable under the law of marking his own ballot and as directed by him.

Inspector of Election.

lative," the state senators and members of assembly. Fifth, under the head of "county," the county officers in the order prescribed in section 698 of the revised statutes, including the county superintendent of schools for the district. When the approval of a constitutional amendment or other question is submitted to the vote of the people, such questions shall be printed, in accordance with the act or resolution directing its submission, upon the ballot after the names of candidates and separated therefrom by an appropriate line or rule, and opposite the question submitted shall be two spaces over one of which shall be printed the word "yes" and over one the word "no," and the voter may mark his ballot in the space under whichever word indicates his vote on the question.

Constitutional amendments and other questions.

SECTION 14. The official ballots prescribed by this act shall be substantially in the following form: [See attached forms.]

Form of official ballots.

SECTION 15. Except as in this act otherwise provided, it shall be the duty of the county clerk of each county, and of the city clerk of each city, to provide printed ballots for every election for public officers to be voted for in such county or city, and to cause to be printed in the appropriate ballot the name of every candidate whose name has been certified to or filed with the county or city clerk as provided in this act. Ballots not provided by the respective county or city clerks according to this act, shall not be cast or counted in any election, except as herein provided. But any voter may write or paste 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. Ballots shall be printed and in possession of the county clerk and city clerk, at least four days before election, and in case of a municipal election the ballots shall be printed and in possession of the city clerk at least two days before election, and subject to inspection by the candidates and their

City or county clerk to provide ballots.

Pasters, etc.

Mistakes in printing ballots, how corrected.

agents. If any mistake be discovered in printing or arrangement, it shall be the duty of the clerk to correct the same without delay.

Number of ballots to be printed.

SECTION 16. There shall be printed by the county clerk of each county and the city clerk of each city one hundred ballots for every fifty or fraction of fifty votes cast at any preceding election in the district. The county or city clerk shall at the time of ordering official ballots to be printed cause unofficial sample ballots to be printed upon tinted or colored paper, and in the same form as the official ballot, and delivered to the chairman of any political committee, in the county or city, as the case may be, upon the request for such ballots, by such committee, to an amount not exceeding one-tenth of the official ballots for each precinct in the county or city. Such request must be made before the printing of the official ballots, and they shall be paid for in the same manner that official ballots are paid for, without additional charge for composition. A committee may, at its own expense, order a larger supply of sample ballots than is required by this section. All ballots ordered printed by the county clerk of each county and the city clerk of each city as provided for in the preceding section shall be printed at the cost of their respective counties or cities as ordered.

Sample ballots.

SCHOOL OFFICERS IN CITIES.

Separate official ballots for school elections.

SECTION 17. Where provision has been made in the charter of any city in this state for the election of school officers in such city by a separate ballot for said officers, separate official ballots for such officers shall be printed and furnished to the inspectors of election in the several wards in sufficient quantities to supply the electors of such city.

DISTRIBUTION OF BALLOTS.

To be received by city and town clerks at least twelve hours before polls open.

SECTION 18. The county and city clerks shall send all the ballots printed by them for the several polling places in each city or town in the county, as herein provided, to the several city and town clerks, so as to be received by them twelve hours at least 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 they are intended and the number of ballots of each kind enclosed; and the respective city and town clerks shall on delivery to them of such packages, return receipts therefor, and shall keep a record of the time when, and the manner in which the several packages are sent, and each clerk shall preserve for the period of one year the receipts therefor; each clerk shall send to the board of inspectors of each polling place in his city or town before the day of election the ballots so prepared, sealed and marked for each voting place, and a receipt of such delivery shall be returned to them from the presiding or senior election officer present, which receipt shall be kept in the clerk's office. In case the ballots to be furnished to any city or town or voting place therein, in accordance with the provisions of this act, shall fail for any reason to be duly delivered, or in case after delivery they shall be destroyed or stolen, it shall be the duty of the clerk of such city or town to cause other ballots to be prepared in printing or writing substantially in the form of the ballots so wanting; and upon receipt of such other ballots from him, accompanied by a statement under oath that the same have been so prepared and furnished by him to replace the original ballots which have not been received or have been so destroyed or stolen, the election officers shall cause the ballots so substituted to be used in lieu of the ballots so wanting. If from any cause the ballots are not ready for distribution at any polling place, as heretofore provided, or if the supply of ballots should be exhausted, before the polls are closed, the fac-simile unofficial ballots may be used, but the voter using them must before voting present them unmarked to the ballot clerks, have their signatures or initials indorsed thereon, and then the voter shall prepare it for voting.

Ballots lost,
how replaced.

Unofficial bal-
lots, when may
be used.

SECTION 19. All officers upon whom is imposed by law the duty of designating polling places, shall provide and maintain in each polling place designated by them, a sufficient number of places, shelves or compartments which shall be fur-

Booths to be
erected.

Form and construction of booths.

nished with such supplies and conveniences as shall enable the voters conveniently to prepare their ballots for voting, and while so doing be screened from observation; and a guard rail so constructed that only persons within such rail can approach within five feet of the ballot boxes or the places, shelves and compartments herein provided for. The number of such places, shelves or compartments shall not be less than one for every fifty electors who voted at the last preceding general election in the district. No person other than voters engaged in receiving, preparing or depositing their ballots, or a person duly authorized to represent a party shall be permitted to be within said rail. The expense of providing and maintaining such places, shelves or compartments and guard rails shall be a public charge, and shall be provided for in the same manner as the other election expenses.

REPRESENTATIVES OF PARTIES AT POLLING PLACES.

Challengers may be appointed, how.

SECTION 20. Two party agents or representatives may be appointed for each polling place to act as challengers for their respective parties and candidates and to observe the proceedings of election officers. Such appointments may be made in case of a municipal election by the chairman of the political committee of any party that has nominated the candidates to be voted for at such election; in other cases of convention nominations, by the county committee of the party making such nomination; and in case of candidates nominated by nomination papers, the candidates may appoint, such appointment to be made in writing under the hand of the person making it, specifying name and residence of the appointee and election district for which he is appointed, and to be filed with the clerk of the city, town, village or district, in which the election district is situated, 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 enclosure during the counting of ballots. The appointment and permits to be in the following form substantially:

APPOINTMENT OF PARTY AGENT.

To.....

Residence.....

Pursuant to law, I hereby appoint you as agent Form of ap-
pointment. or challenger to represent the party at election district number, in the township of, and county of, on the day of, 18...

Witness my hand this day of....., 18..

.....
Chairman of..... Co..... Con.

PERMIT TO AGENT.

..... having presented to me a paper Form of per-
mit to chal-
lenger. under the hand of the chairman of the county committee of county, appointing him an agent or challenger to represent the party at election district number, in the township of and county of, he, the said, is hereby permitted to act as such agent or challenger at that election on the day of 18..

Witness my hand this day of 18..

.....
Clerk of.....
.....County.

SECTION 21. At the same time and in the man- Ballot clerks,
appointment
and qualifica-
tion of. ner as inspectors of election are now appointed or elected, two ballot clerks for each election district in the state shall be appointed or elected. The said ballot clerk shall be paid in the same manner and at the same rate as inspectors of election are now paid, but they shall only serve on election day, and it shall be their duty to have charge of the ballots, and furnish them to voters in the manner hereinafter provided. Each inspector, clerk or ballot clerk shall be an elector of the voting precinct in which he is to serve, shall be able to read and write the English language understandingly, and shall not be a candidate to be voted for at the election for which he is appointed. One inspector, one clerk, and

Vacancies. one ballot clerk shall be chosen from each of the two political parties casting the largest vote in the same precinct or polling place at the last preceding general election. In case any inspector, clerk or ballot clerk shall fail or neglect to act, another person shall be chosen according to law to fill such vacancy; provided, that the person so chosen to fill a vacancy shall have the same qualifications and shall belong to the same political party as the person whom he succeeds. The inspectors and clerks of election shall constitute the board of canvassers of their respective precincts or polling places.

DUTY OF BALLOT CLERKS.

Ballot clerks to endorse ballots.

May instruct voter as to proper manner of marking ballot.

SECTION 22. The duty of the ballot clerks at the election shall be to take charge of the official ballots, to write their names or initials upon the back of each ballot under the printed endorsement thereon, and to fold it in proper manner to be deposited, and to deliver to each voter as he enters the voting booth, one ballot, duly folded and endorsed. The ballot clerk may, if requested by the voter, instruct him as to the proper manner of marking his ballot, but shall give no advice nor suggestion, nor express any preference, nor make any request as to the person or ticket the voter shall vote for.

HOW BALLOTS TO BE MARKED.

Voter to retire to booth and mark ballot; manner of marking. Ballots to be folded before voted.

SECTION 23. On receipt of his ballot the elector shall forthwith and without leaving the polling place, retire alone to one of the booths or compartments provided to prepare his ballot. He shall prepare the same by marking at the head of the ticket he wishes to vote for, or against the name of the person or persons he wishes to vote for, a cross mark thus, X, or in case of a ballot containing a constitutional amendment or a question submitted to a vote of the people, by marking in the appropriate margin or place a cross mark or other symbol as herein provided under or against the answer which he desires to give as his vote. He may use or copy an unofficial sample ballot, which he may choose to mark or have

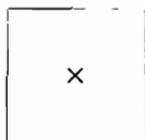
marked in advance of having entered the polling place, but he shall not be at liberty to use or bring into the polling place any unofficial sample ballot printed upon paper of the color or quality now required to be used for printing of ballots, under the provisions of this act, or the general election laws of this state. After preparing his ballots, the elector shall fold each of them so that the face of the ballot will be concealed, and so that the printed endorsement and the signatures or initials of the ballot clerks thereon may be seen. He shall then vote, forthwith, and before leaving the polling place.

HOW ELECTORS MAY VOTE FOR AN ENTIRE PARTY TICKET BY MAKING ONE MARK.

SECTION 24. Any elector may mark a cross as above described in the space under a party designation printed at the head of the ballot. If marked substantially:

Entire party ticket how voted.

Democratic Party.



Such ballot so marked shall be counted for all of the nominees of the party whose names and designations appear on the ballot in that column, unless the voter shall have erased some name in the column, or marked against the same the name of a candidate in some other column, or written in or pasted over a name, in which case the name written in or pasted over or marked in another column shall be counted as the one voted for the particular office.

MANNER OF VOTING.

SECTION 25. Not more than one person shall be permitted to occupy any one shelf or compartment at one time, and he for not longer than five minutes, provided the other shelves or compartments are occupied. It shall be the duty of the

Time and manner of using booth.

presiding election officer for the time being to require the observance of this provision.

Voter spoiling ballot may receive another.

SECTION 26. Any voter who shall by accident or mistake spoil or erroneously prepare his ballot, may, on returning the same, receive another; but no voter shall receive to exceed three ballots in all.

ASSISTANCE TO VOTERS UNABLE TO MARK THEIR OWN BALLOTS.

If voter physically disabled may have assistance.

SECTION 27. Any voter who declares to the presiding election officer that he is a voter and cannot read, or that by blindness or other physical disability he is unable to mark his ballot, shall be informed that he can have the assistance of either of the inspectors, clerks or ballot clerks to assist him in marking his ballot, or two of them if he desires, The person or persons selected shall retire to the booth or compartment, with the elector and such officer or officers shall read the names of all of the candidates on the ballot for each office and ask the elector, "which one do you vote for?" and the ballot shall be marked according to the expressed preference of the voter, and such officer or officers shall certify on the outside that the ballot was marked with his or their assistance and shall thereafter give no information regarding the same. The presiding officer at the election may in his discretion require such declaration of disability to be made by the voter under oath before him and he is hereby qualified to administer the oath. Intoxication shall not be regarded as a physical disability, and no intoxicated person shall for that reason be entitled to assistance in marking his ballot. After a ballot has been marked for a voter he shall not show such ballot to any person; provided, however, that it may be submitted to another election officer to ascertain if it has been marked as he desired. The clerk shall enter upon the poll list after the name of any elector who had assistance in marking his ballot a memorandum stating that the ballot was "marked by an inspector" (clerk).

Duty of person assisting voter in marking ballot.

Memorandum of assistance to be made on poll list.

BALLOTS MAY BE RECEIVED AT THE DOOR IN CERTAIN CASES.

SECTION 28. If it shall be announced to the board of inspectors in any election precinct that a voter is at the door who is unable to enter the polling place without assistance, the board of inspectors may, in their discretion, appoint one of their number to take an official ballot and go to the entrance of such polling place and present it to such physically disabled person and assist him in marking it if such voter desires him to do so. When the ballot shall have been marked it shall be folded and immediately taken back into the polling place, whereupon the inspector shall distinctly announce that he holds in his hand "a ballot offered by (naming the person), a person who is physically disabled from entering the room without assistance." He shall then ask the question, "does any one object to the reception of this ballot?" If no objections are offered the ballot shall be deposited in the box; and a minute shall be made on the poll books by the clerks of election, thus: "Ballot received at the door." In case objection is made to the reception of the ballot by any qualified elector present, the inspectors shall decide upon the objection, and if they deem it well founded, shall destroy the ballot; otherwise it shall be deposited.

Voter unable to enter polling place, may send in ballot by inspector.

BALLOTS NOT INDORSED NOT TO BE COUNTED.

SECTION 29. Any person who shall deposit a ballot in the ballot box, upon which ballot the names or initials of the ballot clerks, or of a ballot clerk and inspector, as hereinbefore provided, do not appear, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in section 4635, of the revised statutes, and in the canvass of the votes any ballot which is not endorsed, as provided in this act, by the signatures or autograph initials of the ballot clerks, or of a ballot clerk and an inspector, shall be void, not counted, and be treated and preserved as a defective ballot.

Penalty for voting unendorsed ballot.

THE INTENTION OF THE VOTER TO PREVAIL

Rules for determining intention of voter.

SECTION 30. 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 from the ballot itself. In determining the intent the following rules shall be observed: First, if the elector shall place 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 pasted over, or unless in some other column he shall have placed a mark opposite the name of some other candidate for the same office. Second, when the voter shall place a mark against two or more names for the same office, he shall be deemed to have voted for none of them, and the vote counted for none. Third, if an elector shall mark his ballot with a cross mark, X, or any other mark — as \checkmark , \backslash , \vee , O, —, |, indicating an intent to mark against any name, it shall be deemed a sufficient vote for the candidate against whose name the mark is made. 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 mark made out of its proper place, but on a name or so near it as to indicate that it was intended for that name, shall be deemed a vote for that name; but if the mark is so near a space for marking as to indicate that it was intended for that space, it shall be deemed intended for the name to which such space applies. Sixth, 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.

VOTING PRECINCT.

SECTION 31. Voting districts or precincts shall be composed of compact or contiguous territory, and so arranged that no such voting district or precinct shall contain more than five hundred voters or fraction of one hundred in excess thereof according to the vote cast at the last general election, and if after any election to be held, it shall appear that more than six hundred votes were cast at such voting district or precinct, it shall be the duty of the officers now charged by law with the division or alteration of voting districts or precincts, four months prior to the first succeeding general election, to redivide the ward, town or other territory in which such voting precinct may be located, in the manner by law provided for dividing wards or towns into voting precincts. If such officers shall fail to make such re division within said time, any voter of such city or town may upon petition apply to the circuit court of the county or to the presiding judge of said court, in which such city or town is located, for an order commanding said officers to redivide said ward or town according to the provisions of this act, within a reasonable time, to be fixed by the court or judge in the order, and if such officers shall refuse, fail or neglect to comply with the provisions of such order, they shall be adjudged guilty of contempt as any other cases of disobedience of lawful orders, and punished as provided in chapter 150 of the revised statutes of Wisconsin. If for any cause no voting precinct shall be redivided as required hereby, the election shall not be invalidated by being held at the precincts previously established, where the last preceding election was held; provided, however, that all elections for justices of the supreme court, circuit judges, county judges or municipal judges in any town divided into two or more election precincts, shall be held only at the precinct or voting place where the town meeting of such town shall be held, and at the opening of the polls two additional ballot clerks for the same shall be chosen *viva voce* by the electors there present. All ballots cast at any judicial election in any town in this

Size of voting precinct, how composed and divided.

Re-division of, when more than six hundred votes cast.

Judicial elections in towns to be held at same precinct town meetings.

state shall be prepared and distributed at the public expense, according to the provisions of this act, and be separate from the ballot for town officers and deposited in a separate box. The votes cast and received for such judicial officers in such town shall be counted, canvassed, certified and returned in the same manner in all respects as in towns consisting of only one election precinct or voting place.

VOTES ON QUESTIONS SUBMITTED TO THE PEOPLE.

Secretary of state to certify to county clerk constitutional amendment or other question, when.

SECTION 32. Whenever a proposed constitutional amendment or other question is to be submitted to the people of the state for a popular vote, the secretary of state shall duly, and not less than fifteen days before election, certify the same to the clerk of each county of the state, and the clerk of each county shall include the same in the publication provided for in section 11 of this act.

Ballots for voting on constitutional amendment to be prepared.

SECTION 33. Whenever the secretary of state has duly certified to any county clerk any question to be submitted to a vote of the people, the county clerk shall prepare and distribute ballots of such form as will enable the electors to vote upon the question so presented in the manner herein provided. The county clerk shall also prepare the necessary ballots whenever any question is required by any law to be submitted to the vote of the electors of such county.

Ballots for voting on question of municipal government, how prepared and distributed.

SECTION 34. Whenever the common council of any city has by ordinance or resolution submitted any question to the vote of the people, the city clerk shall prepare and distribute ballots of such form as will enable the electors to vote upon the question so presented in the manner provided by this act.

Such ballots may be on same paper with other ballots.

SECTION 35. When not otherwise required to be on a separate ballot, the ballot on all questions submitted to a vote of the people may be prepared on the same paper with the other ballots and at the foot of the same, and no ballot on such question shall be counted unless a mark is made applicable to it.

Correction of errors in publication of names and printing of ballots.

SECTION 36. Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the names or description of the can-

didates nominated for office, or in the printing of the ballots, the circuit court of the proper county or the presiding judge thereof, may upon application by any elector, by order, require of the county or city clerk to correct such error, or to show cause why such error should not be corrected.

PENALTIES.

SECTION 37. Any person who shall: **First,** Penalties. falsely make, or make oath to, or fraudulently deface or fraudulently destroy any certificate of nomination, or nomination paper or any part thereof; or, **Second,** file or receive for filing any certificate of nomination or nomination paper knowing the same or any part thereof to be falsely made; or, **Third,** suppress any certificate of nomination which has been duly filed, or any part thereof; or, **Fourth,** forge or falsely make the official indorsement on any ballot; or, **Fifth,** wrongly print or cause to be printed with intent to change the result of the election, as to any candidate or nominee, any official ballots; or, **Sixth,** any ballot clerk who shall deliver to a voter a ballot bearing a mark opposite the name of a candidate made with a pencil or ink, that might be counted as a vote for such candidate, shall be deemed guilty of a misdemeanor, and shall upon conviction of such offense, be punished by imprisonment in the state prison at hard labor, not less than one nor more than three years.

SECTION 38. Any public officer who shall: **First,** Penalties. willfully fail or neglect to perform any duty imposed upon him by this act; or, **Second,** make knowingly any false certificate in respect to such duty or to any matter which he may be required by law to certify officially, shall on conviction be punished by imprisonment in the county jail not less than three nor more than nine months, or by fine of not less than two hundred nor more than five hundred dollars.

SECTION 39. Any person who has undertaken Penalties. to deliver ballots to any clerk or inspector or who having charge of official ballots shall destroy or conceal the same, or who shall remove or destroy any of the supplies or other conveniences placed in the shelves or compartments for the

purpose of enabling the voter to prepare his ballot, shall on conviction be punished by imprisonment in the county jail not less than three nor more than six months or by fine not less than one hundred nor more than three hundred dollars.

Electioneering by officer of election; soliciting of votes prohibited within one hundred feet of the polls.

SECTION 40. No officer of election shall engage in any electioneering on election day. No person shall solicit votes for any candidate or party, or engage in any electioneering whatever on election day within any polling place, or within one hundred feet of any polling place. No person shall remove any ballot from any polling place before the closing of the polls. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name of the candidate or candidates for whom he has marked his vote, nor shall any person solicit any voter to show the same. No person except an inspector of election shall receive from any voter a ballot prepared for voting. No voter shall receive a ballot from any other person than one of the ballot clerks of election having charge of the ballots, nor shall any person other than such ballot clerks of election deliver a ballot to such voter. No voter shall vote or offer to vote any ballot except such as he has received from the inspectors of election having charge of the ballots. No elector shall place any mark upon his ballot by which it may be afterwards identified as the one voted by him. Every voter who does not vote a ballot delivered to him by the inspectors of election having charge of the ballots shall, before leaving the polling place, return such ballot to such inspector. Whoever shall violate any provisions of this section shall, upon conviction thereof, be punished by a fine of not less than fifty dollars nor more than three hundred dollars, or by imprisonment in the county jail of the proper county not more than six months, or by both fine and imprisonment in the discretion of the court, together with the costs of prosecution.

Ballots not voted to be returned.

Penalties.

Secretary of state to publish this act with forms and instructions in pamphlet forms.

SECTION 41. It shall be the duty of the secretary of state, with the aid and advice of the attorney general, to cause this act to be printed in pamphlet form immediately, with all necessary forms and instructions to enable county and city clerks and inspectors of election to carry it into

effect, and to distribute the same to the proper officers.

SECTION 42. Chapter 248, laws of 1889, and chapter 494, amendatory thereof, and all other acts and parts of acts in so far as they contravene or conflict with the provisions of this act are hereby repealed. Repeals chapter 248 and 494, laws of 1889.

SECTION 43. This act shall take effect and be in force from and after its passage and publication.

Approved April 23, 1891.

No. 417, A.]

[Published May 9, 1891.

CHAPTER 380.

AN ACT to fix the terms of court in the Seventh judicial circuit.

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

SECTION 1. From and after January 1st, 1891, the general terms of the circuit court for the Seventh judicial circuit shall be held as follows: For the county of Portage, the fourth Monday in March, and the second Monday in November; for the county of Wood, the third Monday in December, and the third Monday in May; for the county of Waupaca, the first Monday in March, and the third Monday in October; for the county of Waushara, the first Tuesday in May, and the first Tuesday in October. It shall be lawful for the circuit judge of said circuit to appoint by order to be filed in the office of the clerk of the circuit court of each county embraced in said circuit for the whole of said circuit, one special term in each year, at such time and place as he shall deem necessary and proper. Said order shall be made and filed at least four weeks before the time appointed for holding any such special term, and at said special term, any and all business not calling for the intervention Terms of court in Seventh judicial circuit. Special terms may be appointed.