No. 218, S.] [Published May 11, 1893.

CHAPTER 288.

AN ACT to consolidate and revise the statutes of the state, relating to general elections, the conduct, canvass and returns of the same, and to secure the secrecy and purity of the ballot, and for other purposes.

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

OF ELECTORS AND GENERAL ELECTIONS.

SECTION 1. Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the state for one year next preceding any election, and in the election district where he offers to vote, ten days, shall be deemed a qualified elector at such election: **Who are qualified voters.**

1. Citizens of the United States.
2. Persons of foreign birth, who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization.
3. Persons of Indian blood, who have once been declared by law of congress to be citizens of the United States, any subsequent law of congress to the contrary notwithstanding. **Indian, when may vote.**
4. Civilized persons of Indian descent, not members of any tribe.

Any civilized person being a descendant of the Chippewas of Lake Superior, or any other Indian tribe, and residing within this state, and not upon any Indian reservation, who shall make and subscribe to an oath before the clerk of the circuit court, or his deputy, of the county where such person resides, that he is not a member of any Indian tribe, and has no claim upon the United States for aid and assistance from any appropriation made by congress for the benefit of Indians, and that he thereby re- **What oath to be taken.**

linquishes all tribal relations, and right to claim or receive any aid from the United States, which he may have; such oath, when so taken, and filed and recorded as hereinafter provided, shall be presumptive evidence that such person is not a member of any Indian tribe, and of his right to vote at all elections held in this state, when otherwise qualified. The oath taken according to the provisions hereof, and corroborated by the affidavit of a qualified elector, shall be filed in the office of the clerk of the circuit court before whom the same shall have been taken, and shall be recorded by such clerk in a book to be provided for that purpose, upon the person making such oath paying to said clerk the sum of one dollar, and shall entitle such person to vote.

Oath to be filed

Women may vote on school district matters and affairs.

6. Every woman, who is a citizen of this state, of the age of twenty-one years or upwards, except paupers, persons under guardianship, and persons otherwise excluded by section 2, of article 3, of the constitution of Wisconsin, who has resided within the state one year, and in the election district where she offers to vote ten days next preceeding any election pertaining to school district matters, and the election of school district officers in any town, city or village, shall have the right to vote at such election.

To vote at residence.

Bribery and betting disqualifies.

SECTION 2. No elector shall vote except in the town, ward, village or election district in which he actually resides. No person, who shall have made or become interested, directly or indirectly, in any bet or wager depending upon the result of any election, at which he shall offer to vote, shall be permitted to vote at such election; and any person who shall have been convicted of bribery, shall be excluded from the right of suffrage, unless restored to civil rights.

Elections, when held.

SECTION 3. All elections under this act, shall be held:

Cities.

1. In cities, in the wards or election districts, at the places to be ordered by the common councils thereof, respectively, at least four months before such election, unless otherwise provided by law.

Villages.

2. In villages, at the places in each election district thereof, to be ordered by the trustees of such villages, at least four months before such election, unless otherwise provided by law.

3. In each town, at the place where the last town meeting was held, or at such other place as shall have been ordered at such last meeting, or by the supervisors, when they establish more than one election district, as hereinafter provided, but the first election, after the organization of a new town, shall be at the place directed in the act, order or proceeding, by which it was organized. **Towns.**

SECTION 4. Election districts, as established, may be divided into two or more districts: **Election districts, when may be divided.**

1. In towns, when the town board shall deem it for the convenience of the voters.

2. In towns, when fifty or more electors thereof petition the board in writing therefor, the board shall divide the same.

3. In wards, villages or towns, when at any election it shall appear that six hundred or more votes were cast in any election district, the same shall be divided.

SECTION 5. Such division shall be made at least four months prior to the next succeeding general election. In making division, the districts shall be composed of compact contiguous territory, so arranged, that no district shall contain over five hundred voters. The order or resolution making such division, shall be filed with the proper city, village or town clerk, who shall, within five days after such filing, transmit a copy of the same to the county clerk, and in towns and villages post copies thereof in five of the most public places in such town or village. The order or resolution shall designate the districts by numbers; the place where the election poll in each district shall be held, to be fixed with a view to the convenience of the largest number or voters therein. In towns, the order shall also designate the election officers as required in section 38, of this act. When a town is thus divided, the annual town meeting shall be held at the first election district, according to numbers; all other elections, including judicial elections, shall be held at the election districts as divided. **Division, when and how made**

SECTION 6. In case the council or board, whose duty to make a division shall have become imperative under this act, shall fail or refuse so to do, as herein specified, any voter of such city, **Voter may apply to circuit court when council refuses to make division.**

town or village, may apply to the proper circuit court or to the presiding judge thereof, for an order compelling such division. Such court or judge may, after reasonable notice, time and opportunity to be heard has been given to the council or board proceeded against, order such division, if it appear that, under this act, it has become the duty of the council or board to make the same. Failure to obey such order within the time specified, unless the same be stayed or superseded therein, shall be deemed a criminal contempt. Until duly divided, as herein required, all elections shall be held in the districts as previously established.

Election not to be held in room where liquors are sold.

SECTION 7. No election held in this state, whether it be for school district, town, municipal, county, state or national officers, or whether the election be for legislative, executive, judicial or administrative officials, shall be held in a room where intoxicating liquors are usually sold, or in any room communicating with such place.

Penalty.

Any official, whose duty it shall be to hold, manage, supervise or inspect elections, who shall offend against the provisions of this section, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than twenty-five, nor more than one hundred dollars, besides cost of prosecution. Any citizen may prosecute for violations of this law.

When election may be adjourned to another place.

SECTION 8. Whenever it shall become impossible or inconvenient to hold an election at the place designated therefor, the board of inspectors, after having assembled at, or as near as practicable to, such place, and before receiving any votes, may adjourn to the nearest convenient place for holding the election, and at such adjourned place shall forthwith proceed with the election.

Proclamation to be made.

Upon such adjournment the board of inspectors shall cause proclamation thereof to be made, and shall station a constable or other proper person at the place where the adjournment was made, to notify all electors arriving at such place of the adjournment and the place to which it was made.

NOTICES OF ELECTION, HOW GIVEN.

SECTION 9. The secretary of state, between the first day of July, and the first day of September, in each year in which a governor, lieutenant-governor, secretary of state, treasurer, attorney general, state superintendent, railroad commissioner and insurance commissioner, representatives in congress, members of the assembly, or state senators are to be elected for a full term of office, or in which electors of president and vice-president are to be elected, shall make out a notice in writing, stating that at the next general election the officers aforesaid, or so many of such officers as are then to be chosen, are to be elected, and specifying in the case of such representatives and senators the respective districts in which they are to be elected, and shall publish a copy of such notice in a newspaper printed at the seat of government, once in each week from the date of such notice until the election to which it refers; and shall transmit by mail a like notice to the county clerk of each county, in which such election is to be held, specifying the said officers to be voted for in said county, and in case of a senator, the number of his district. **Notice of election to be given by secretary of state.**

SECTION 10. The county clerk thereupon shall forthwith cause a notice containing the substance of the notice so received by him, together with a statement of the several county officers that are to be elected, to be published in at least one newspaper published in the county, and to be transmitted by mail to each town clerk, and the clerk in each village in which, by virtue of its act of incorporation, general elections are to be held, and to one of the inspectors of election in each ward in any city of his county. Whenever the office of county clerk shall be vacant, and there shall be no person authorized to perform his duties, the sheriff shall receive, make out, and transmit by mail such notices. **Notice by county clerk.**

SECTION 11. Every town and village clerk, and the inspector in any ward in any city, ten days previous to any general election, or on receiving any such notice, shall give notice to the town, village and ward electors, respectively, **Notice by town and village clerks and inspectors in wards.**

by posting notices in five conspicuous places in the towns, villages and wards aforesaid, stating the time and place at which the election will be held, and the officers to be chosen, and whether any of the officers to be chosen are to fill vacancies, and the names of the last incumbents of the offices in which vacancies exist.

REGISTRY OF ELECTORS.

Registry, when required.

SECTION 12. In each year, when a general election is by law required to be held, a registry of electors shall be made in each ward or election district of every city, and in each ward or election district of every incorporated village, in which by law separate elections are required to be held, which city or village at the last previous census had a population of three thousand or more, and in every town having a population of three thousand or more, according to the last previous census, which contains such city or village, or any part of which is embraced in any part of any city or village, in which registration is by this act required. And until a census shall be so taken, and the population of such city or village determined as herein mentioned, no registry shall be held or taken therein, or in the towns connected therewith, as aforesaid. Such registration shall be made in the manner provided by this act. No vote shall be received at any general election in any ward or election district as defined in this section, if the name of the person offering to vote be not on said registry, as completed, except as hereinafter provided; but in case any one shall, after the last day for completing such registry and before such election, become a qualified voter of the election district, he shall, upon complying with the provisions of this act, have the same right to vote, as if his name had been registered.

Voters to be registered.

Common council, etc., may apply registry law to municipal and judicial elections.

SECTION 13. The general law requiring the registration of electors, and making provision therefore, shall apply to the annual municipal and judicial elections in all cities, villages and towns, in which registration is required at general elections by the preceding section, when the common council of such city or the board of

trustees of such village, shall, by ordinance or resolution, so declare and provide; but no such ordinance or resolution shall apply to any such election, to be held within thirty days after the adoption of the same by such common council or board of trustees.

Board of registry.

SECTION 14. The persons authorized by law to act as inspectors of election in each of such towns, wards or election districts, shall constitute the board of registry therefor. The said inspectors shall hold their first meeting on Tuesday, four weeks preceding each general election, at the place where said election is to be held; and in election districts at which there were polled at the previous general election three hundred votes or less, they shall sit for one day, and in districts at which there were more than three hundred votes polled, they shall have power to sit two days, if necessary, for the purpose of making such list. They shall meet at nine o'clock in the forenoon, and hold their meetings open until eight o'clock in the evening of each day, during which they shall so sit. The clerks appointed by law to act as clerks of election shall act as clerks of the board of registry on the day of election only. Their proceedings shall be open, and all electors of the district shall be entitled to be heard in relation to corrections or additions to said registry. They shall have the same powers to preserve order, which inspectors of election have on election days; and vacancies in the board shall be filled in the same manner, that vacancies are filled at elections.

First meeting.

Proceedings to be open.

Powers.

Inspectors to take oath.

SECTION 15. The said inspectors, before doing any business, shall severally take and subscribe the oath of inspectors at a general election, and shall, at their first meeting, make a registry of all the electors of their respective districts, placing thereon the full names, alphabetically arranged according to surnames, in one column, and in another the residence by number and name of street, or other location if known. If any elector's residence is at any hotel or public boarding house, the name of the hotel or boarding house shall be stated in the registry. They shall put thereon the names of all persons residing in their election district, appearing on the

Registry, how made.

poll lists kept at the last preceding general and municipal elections, and are authorized to take therefor such poll list from the office where kept, omitting therefrom the names of such as have died or removed from the district, and adding the names of all other persons known to them to be electors in such district. In case of the formation of a new election district, since the last preceding general election, the said board therein may make such registry from the best means at their command, and may, if necessary, procure therefor certified copies of the last poll lists. They shall complete said registry, as far as practicable, at their first meeting, and shall make four copies thereof and certify the original and each copy to be a true list of the electors in their district, so far as the same are known to them; and one of said copies shall be immediately posted in a conspicuous place in the room in which their meeting was held, and be accessible to any elector for examination or making copies thereof, and one copy shall be retained by each inspector for revision and correction, at the second meeting. They shall, within two days after such first meeting, file the original registry made by them, and said poll lists, in the office of the proper town, city or village clerk, and may, in their discretion, cause ten printed copies of said registry to be made and posted in ten of the most public places in said election district, or may publish the same in a newspaper, at an expense not exceeding one cent for each name.

Registry in new election district.

Copies of registry to be posted.

Registry to be filed.

Second meeting.

SECTION 16. The inspectors shall hold their second meeting at the same place designated for holding elections, on the Tuesday one week preceding the election. They shall meet at nine o'clock in the forenoon and hold their meetings open until eight o'clock in the evening. In election districts having less than three hundred voters, as shown by the preliminary registry, the board shall complete the registry on the same day; but if there are more than that number of voters, they shall sit for two days. They shall revise and correct the registry: first, by erasing the name of any person, who shall be proved to their satisfaction, by the oath of two electors of the district, to be not entitled to vote therein at the next ensuing election, unless such person shall

Registry to be revised.

By striking off.

appear and, if challenged, shall answer the questions, and take the oath, hereinafter provided; secondly, by entering thereon the name of every elector entitled to vote in the district at the next election, who shall appear before the board and require it, and state his place of residence, giving street and number, if numbered, or location, as hereinbefore provided, and if challenged, answer the questions, and take the oath provided in case of a challenge at an election; but if any such person shall refuse to answer all such questions, or to take such oath, his name shall not be registered. Any person, who is not twenty-one years of age, before the date when the registry is required to be corrected, but will be, if he lives until the day of election, shall have his name put on such registry, if he be otherwise qualified to be an elector. Any elector, who did not vote at the previous general election, shall be entitled to be registered, either at the preliminary or final registration of electors, by appearing before the board of registration of his election district, and establishing his right to be registered, or instead of a personal appearance, he may make his application to be registered to the board in writing. Such application shall state the name and period of continuous residence in the election district, and place of residence therein, giving the number and street of the applicant, and in case the person making the application is of foreign birth, he shall state when he came to the United States, and to the state of Wisconsin, and the time and place of declaring his intention to become a citizen of the United States, and that he is entitled to vote at the election. Upon receiving such application, the board of registration shall register the name of such applicant, if it appears to the board that the applicant is by his statement entitled to vote. Such statement shall be preserved by the board, and be filed in the office of the proper town, village or city clerk. Every person named in this section, shall be subject to the same punishment for any false statement, or other offense, in respect thereto, as provided in case of such false statement, or other offense, by an elector offering to vote at an election. After such

By adding to.

When minor may register.

When electors not voting at preceding general election may be registered.

Penalty for false statement.

registry shall have been fully completed on the days above mentioned, no names shall be added thereto by any person or upon any pretext, except as hereinafter provided. Within three days after the second meeting, the said board shall cause four copies of the registry to be made, each of which shall be certified by them to be a correct registry of the electors of their district, one of which shall be kept by each inspector for use on election day, and one shall be forthwith filed in the office of the proper town, city or village clerk. All registries shall at all times be open to the public inspection, at the offices where deposited, without charge.

Copies of registry to be certified and kept.

Inspectors to give notice of the registry.

Within three days after completing the registry, the inspectors shall give notice, by public advertisment in a newspaper printed in the city, village or town where such registration was made, of the registry, and shall include in such notice all additions to, and omissions from, the preliminary lists, and shall also state when and where the election is to be held. If no newspaper be printed in such city, village or town, such notice shall be given by posting copies in three or more public places in each ward or election district in such city, village or town; for publishing such notice the same compensation shall be paid per folio, that is prescribed for publishing other legal notices.

Vote not to be received from persons not registered. (See sec. 55.)

SECTION 17. No votes shall be received at any general election, if the name of the person offering to vote be not in the registry made at the second meeting of the inspectors of election for such ward or district, unless the proofs be made on election day by affidavit, as provided by section 56, of this act.

REGISTRATION FOR JUDICIAL AND SPECIAL ELECTIONS.

Registration of preceding general election may be used.

SECTION 18. At judicial elections, where a registry of electors shall be required by law, or at any special election held for the purpose of filling a vacancy which occurs in an office which by law is to be voted for at a general election, the registry list used at the last preceding general election may be used; and the inspectors of

election at each polling place may, on the day of election, revise the same, by adding thereto the names of such persons as are known to them, or as shall be satisfactorily shown, in the manner provided in this act, to be entitled to vote at such election, and by striking therefrom the names of such persons as are known to them to have died or otherwise become disqualified since the last preceding registration. May be revised.

NOMINATION OF CANDIDATES AND OFFICIAL BALLOTS.

SECTION. 19. The mode of nominating candidates, and the preparation and use of official ballots, hereinafter prescribed, shall apply to all general elections, held in all towns, cities, villages, wards and election districts; to all municipal elections, as herein provided for; to all judicial elections, except as herein provided; to all special elections, as to officers whose election is required by law to be at a general election, when such special election is called to be held at the same time and place as the general election; but the same shall not apply to other special elections. To what elections to apply.

SECTION 20. Candidates to be voted for at the elections to which this act applies, may be nominated in the following manner: Candidates, how nominated.

First. By a 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. By convention; of whom to consist.

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 causus or ward meeting to nominate. Convention to nominate municipal officers

Third. Any public officer. political or judicial, may be nominated by a nomination paper or papers containing the name of the candidate, By nomination paper; what to contain.

the office for which he is nominated, his business or vocation, his residence, with street and number, if any, and the party or principal which he represents, expressed in not more than five words.

Number of signatures required.

Such paper shall be signed, if for an 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 ward. 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. 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 a part of such designation.

Affidavit of qualified electors to be attached, what to contain.

To each separate nomination paper, containing signatures, must be appended an affidavit, sworn to by some qualified elector, to the effect that he is personally acquainted with all the persons who have signed the foregoing nomination paper; that they are electors, and that their residence and business are truly stated in such paper. But such affidavit shall not be made by any person who is a nominee in such paper, or a candidate for any office, to which it is intended as a nomination paper.

Certificate of nomination, what to specify.

SECTION 21. Nominations made by a convention or primary meeting, as herein provided, shall be evidenced by a certificate in writing specifying as to each candidate:

Name.

First. His name, giving christian name in full; middle name, if any, may be by initial letter.

Business.

Second. His business or vocation.

Residence.

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.

Party or principal represented.

Certificate, how executed.

To contain names, etc., of committee.

SECTION 22. 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.

Certificates, how filed.

With secretary of state.

With county clerk.

With city clerk.

To be preserved.

SECTION 23. 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 such offices, the name and description of each person nominated for such office, as specified in the certificate of nomination, filed in his office, and in case of new nomination papers, filed as hereinafter provided, after he has certified the original nominations, he shall forthwith upon such filing further certify to the clerks of

Secretary of state to certify names of candidates to county clerk.

the proper counties the name and description of such new nominee, as in case of a new nomination.

Nominations, how declined.

SECTION 24. Any person nominated to office, may decline and annul the same, by delivering to the officer with whom his 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. Upon such declination, or the death of a nominee, the vacancy or any vacancy caused by the insufficiency of certificates of nomination or nomination papers, may be filed in the same manner as original nominations, or by the committee representing the party; the chairman and secretary of the committee in such case shall make and deliver to the proper officer for filing a certificate, duly signed, certified and sworn to, as required in case of original certificates, setting forth the cause of the vacancy, name of new nominee, office for which nominated, and such other information as is required in case of original certificates. This certificate must be filed eight days before election, except in case of city offices, in which the time shall be four days; and when so filed shall have the effect of an original certificate. If such declination, death, or the permanent removal of a nominee, take place after the ballots are printed, and before election, the proper chairman of the committee of the political organization of which such candidate was the nominee, may make a nomination to fill the vacancy, and provide the election board with pasters, containing the name of such nominee only, which shall be pasted upon each of the official ballots, by the ballot clerks, before signing their initials thereon, and delivering the ballot to the voter. If the nominee die after the ballots are printed, and no nomination shall have been made as herein provided, the votes cast for such deceased nominee shall be counted, and the vacancy filled as in case of vacancies occurring by death after election.

Vacancy, how filed.

When by chairman of committee.

Deceased nominee, when votes to be cast for.

DIVISION OF PARTIES INTO FACTIONS.

SECTION 25. 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 principle 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.

Ballots, how to be prepared when party divided.

NOTICE OF ELECTION TO BE PUBLISHED.

SECTION 26. 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

County clerk to cause notice to be published.

In what newspapers.

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 publication 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.

Publication in case of municipal election.

Information to voters, how published in foreign languages.

OFFICIAL PUBLICATION, INFORMATION TO VOTERS.

SECTION 27. 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:

Form of notice.

ELECTION NOTICE.

Office of....., clerk,
....., 18....

To the electors of.....county (or city):

Notice is hereby given that a general election (for 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 below.

INFORMATION TO VOTERS.

The following instructions are given for the information and guidance of voters: A voter upon entering the polling place, and giving his name and residence, will receive a ballot from the ballot clerk, which must have endorsed thereon the names or initials of both ballot clerks, and no other can be used. Upon receiving his ballot, voter must retire, alone, to a booth or compartment, and prepare the same for voting. A ballot clerk may inform the voter as to the proper manner of marking a ballot, but he must not advise or indicate in any manner whom to vote for. The voter, if he wishes to vote for all the candidates nominated by any party, should make a cross mark X, under the party designation printed at the top of the ballot in the square made for that purpose. 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 the voter wishes to vote for some of the candidates of different political parties, he should erase the names of the candidates he does not desire to vote for, and make a cross mark, X, after the name of each candidate he does desire to vote for. If he wishes to vote for a person for a certain office, whose name is not on the ballot, he must write the name in the blank space under the printed name of the candidates for the office, and make a cross, X, in the square at the right of it. The ballot should not be marked in any other manner. If the ballot be spoiled, it must be returned to the ballot clerk, who must issue another in its stead, but not more than three in all to any one voter. 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. The ballot must not be shown so that any person can see how it has been marked by the voter. After it is marked, it should be folded so that the inside cannot be seen, but so that the printed en-

Information to voters.

Ballots, how marked; for all candidates of one party.

For various candidates.

Spoiled ballot to be returned.

Ballot; how folded.

How voted.

dorsements and signatures of the ballot clerks on outside may be seen. Then the voter should pass out of the booth, give his name to the inspector in charge of the ballot box, hand him his 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 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).

Assistance to voter unable read or physically disabled.

.....County Clerk.

What to be added to notice

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, at the foot of this notice, specify the place of voting in each election precinct and the hours of opening and closing the polls. In municipal elections, the above notice shall be given, omitting the instructions to electors, and the names of candidates, giving only the names of the offices to be voted for.

BALLOTS, FORM OF.

Ballots, upon what paper to be printed; arrangement.

SECTION 28. Every ballot, for use at a general election, which shall be printed under the provisions of this act, shall be upon plain, number one flat, white print 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 that he votes for all names printed in that column, except such as are erased 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 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. No pasting names over a ticket, or any names thereon, shall be allowed, and no names pasted on a ticket shall be counted except as provided in section 24, of this act. 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, and but one marking thereof on the same ticket shall be counted. 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 indorsement, and a blank certificate in the following form:

Squares for marks for voting.

Pasting names forbidden.

Individual nominations.

Indorsement of ballots.

"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."

Ballots for school and judicial offices.

No party designation need be placed upon ballots for school or judicial offices, except for county or district superintendent of schools, outside of cities.

Order of arrangement of offices.

SECTION 29. In general elections, the order of arrangement of offices, to be filled by the election shall be:

National.

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.

State.

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.

Congressional.

Third. Under the head of "congressional," the member of congress of the district.

Legislative.

Fourth. Under the head of "legislative," the state senators and members of assembly.

County.

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.

If any officer to be elected is to fill a vacancy, that fact shall be so specified upon the ballot.

Constitutional amendments and other questions.

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 resolutions 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, unless the act or resolution provide or require a different form of ballot, in which case a proper form of ballot shall be furnished.

Form of official ballots.

SECTION 30. The official ballots prescribed by this act, shall be with the endorsements thereon and instructions given at the head, substantially in the following form:

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 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, if you wish to vote for an entire ticket mark a cross thus (X), in the square above such ticket.

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..... ..
	.. ..	.....	....	.....	....

SECTION 31. 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 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 agents. If any mistake be discovered, in printing or arrangement, it shall be the duty of the clerk to correct the same without delay. In all general elections, including judicial elections, such ballots shall be printed and distributed solely at the expense of the county; in municipal elections, solely at the expense of the municipality.

City and county clerk to provide ballots.

Ballots subject to inspection.

Mistakes to be corrected.

SECTION 32. 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

Number of ballots to be printed.

Sample ballots.

To whom delivered.

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.

SCHOOL OFFICERS IN CITIES.

Separate official ballots for school elections.

SECTION 33. 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.

City and town clerks to receive ballots twelve hours before polls open.

SECTION 34. The county and city clerks shall send the ballots printed by them for the several polling places in each city or town in the county as herein provided, to all 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,

Receipts to be returned and preserved.

Clerk to send ballots to boards of inspectors.

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 ballots, when may be used.

POLLING BOOTHS TO BE PROVIDED.

SECTION 35. All officers, upon whom is imposed by law the duty of designating polling places shall, under the penalties herein provided, provide and maintain in each polling place, designated by them, a sufficient number of places or compartments, at least twenty-four inches wide and twenty-four inches deep, with shelves for writing, which shall be furnished with such supplies and conveniences as shall enable the voters to conveniently prepare their ballots for voting, and each compartment shall be furnished with a door, screen, or curtain of cloth, so hung as to completely screen the voter, and any one who may lawfully assist him, from observation, while marking and preparing

Booths, by whom and how erected.

ballot, and said room shall have a guard rail so constructed, that only persons within said rail can approach within five feet of the ballot boxes, or the places 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 except the officers of election, other than voters engaged in receiving, preparing or depositing their ballots, shall be permitted to be within said rail. The expense of providing and maintaining such places, shelves, compartments, doors, screens or curtains, 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, how appointed.

SECTION 36. Two party agents or representatives, and a substitute or alternate for each of them, 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 or other proper local committee of the party making such nomination; and in case of candidates nominated by nomination papers, the candidate 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 the name of some substitute to be appointed, in case of his failure to serve, or absence from polling place, to be permitted to serve in his stead, 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 elec-

In municipal election.

In other cases.

Permit, clerk to issue.

tion and to be inside the railed inclosure during the counting of the ballots. If any so appointed as agent, fail to serve, or be absent for any part of election day, the clerk may issue a permit to the substitute or alternate so appointed, who may act instead of such absentee or one failing to serve.

APPOINTMENT OF INSPECTORS OF ELECTIONS, ELECTION AND BALLOT CLERKS.

SECTION 37. There shall be three inspectors, two clerks of election, and two ballot clerks at each poll at every election held under the provisions of this act, who shall be qualified electors at such poll and election. Any inspector may administer any oath required by law in the registration of voters or the conducting of an election. They shall be appointed or chosen in the manner following:

Number at each poll.

How appointed.

1. The mayor of every city, and the president of every village, which is not joined to a town for the purposes of state and county elections, shall nominate to the common council of such city, or board of trustees of such village, at their first regular meeting in September of each year, and if none such, then at a special meeting which shall be held for such purpose, on the last Tuesday of said month, three persons for inspectors of election, two persons for clerks of election, and two for ballot clerks in each election district therein. The persons so nominated shall, each of them, be electors in the district for which appointed, shall be able to read and write the English language understandingly, and shall not be candidates to be voted for at such election; and not more than two of such inspectors, nor one of said clerks of election, nor one of said ballot clerks, so nominated, shall be of the same political party, but shall be chosen from the two parties casting the largest vote in such district at the last preceding general election. Such common council, or board of trustees, shall immediately approve or disapprove such nominations. If they disapprove as to any such nominee, the mayor or president shall immedi-

In cities and villages.

Qualification.

ately nominate another person, qualified as aforesaid, and shall continue so to do, until the requisite number shall have been nominated and confirmed at such meeting. The persons so appointed inspectors and clerks, shall hold their offices for one year, and shall act as inspectors and clerks at every general, municipal and special election, held within their respective districts, during such term. Such inspectors shall fill any vacancies in their number, or in the number of such clerks, by persons qualified as aforesaid, and may appoint one of their number as chairman.

Term of office.

In towns; when supervisors to be inspectors.

2. In towns, the supervisors shall be inspectors of election, when they belong to the opposite political parties casting the greatest number of votes at the last preceding general election. Whenever the supervisors all belong to the same political party, then the supervisor last named in the clerk's certificate of election, or recorded in the town clerk's office, shall be ineligible, and shall not act; but an inspector from the electors present, possessing the qualifications aforesaid, and belonging to the opposite political party casting the greatest number of votes as aforesaid, shall be chosen in his place by the *viva voce* vote of the electors present at the polling place at the opening of the polls.

Town board to designate election officers where two or more voting districts.

3. When a town is divided into two or more voting districts as provided in section 6, of this act, the town board, in the order of division, shall designate the election officers to act, if present, at such polling places, and designate a chairman at each place. The other election officers, so designated, shall hold for one year, and until their successors are appointed and qualified.

Clerks of election in towns, how appointed; ballot clerks.

4. In towns, the town clerk, if present, shall be one of the clerks of election, and the inspectors shall, before the opening of the polls, appoint another; if he be absent, they shall appoint two, and also two ballot clerks. The two clerks of election and two ballot clerks shall possess the qualifications, and shall belong to the two opposite political parties casting the largest vote as aforesaid.

Vacancies, how filled.

5. If, at the time fixed for opening the polls, on the day of election, at any polling place, the

inspectors, or clerks, or any of them, fail to appear, or refuse to act, or have become incapable of acting, the inspectors, if a majority be present, may fill such vacancies. If otherwise, or if the inspectors present fail or refuse to fill the vacancy, the electors present may fill the same by *viva voce* vote, by choosing some elector present, possessing the qualifications, and belonging to opposite parties as aforesaid.

Board of canvassers, inspectors and clerks to be.

SECTION 38. The inspectors and clerks of election shall constitute the board of canvassers of their respective towns, wards, election districts, or polling places.

OATHS OF INSPECTORS AND CLERKS.

Form of oath.

SECTION 39. Previous to receiving any vote, the inspectors and clerks of election, and ballot clerks, shall, severally, take an oath or affirmation that they will support the constitution of the United States, and the constitution of the state of Wisconsin, and will perform the duties of inspectors (or clerks, as the case may be) of election, according to law, and will studiously endeavor to prevent all fraud, deceit or abuse, in conducting the same. Said oath or affirmation shall be in writing, shall be subscribed by the person taking the same, and shall be annexed to, and returned with, the poll list to the county clerk.

POLLS WHEN OPENED.

Polls, when to be opened and closed.

SECTION 40. The polls at every election held in this state, in all incorporated cities containing five thousand inhabitants or over, shall be opened at six o'clock in the morning, and shall be closed at seven o'clock in the evening of the same day. The polls of the elections held in other cities, and in towns and villages, on the Tuesday next succeeding the first Monday in November, shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and shall be closed at sundown; provided, that the common council of any city containing less than five thousand inhabitants may, by resolution, adopted and published in some newspaper in the city at least

ten days before election, fix an earlier hour for the opening of the polls in said city, not earlier than sunrise. The inspectors of election shall cause public proclamation to be made at the opening and closing of the polls.

Public proclamation to be made.

DUTY OF BALLOT CLERKS.

Ballot clerks to endorse and file ballots.

SECTION 41. The ballot clerks shall only serve on election day. It shall be their duty 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 suggestions, nor express any preference, nor make any requests as to the person or ticket the voter shall vote for.

May instruct voters.

HOW BALLOTS TO BE MARKED.

Voters to retire to booth and mark ballots.

SECTION 42. 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

May use sample ballot.

act, or the general election laws of this state. After preparing his ballot, 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.

Ballot, how folded.

VOTING ENTIRE PARTY TICKET BY ONE MARK.

SECTION 43. Any elector may mark a cross, as above described, in the space under a party designation printed at the head of the ballot. 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 name of the candidate for the same office in some other column, or written in another name; in which case the name written in, or marked in another column, shall be counted as the one voted for the particular office.

Entire party ticket, how voted.

MANNER OF VOTING.

SECTION 44. Not more than one person shall be permitted to occupy any one shelf or compartment at one time, except when assistance may be required for marking the ballot, and he for not longer than five minutes; provided, the other shelves or compartments are occupied. It shall be the duty of the presiding election officer for the time being, to enforce the observance of this provision, and to prevent any person from taking any notice, how another person marks his ballot, unless required to assist as provided in section 47, of this act.

Time voter may remain in booth.

SECTION 45. 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.

Voter spoiling ballot may receive another.

ASSISTANCE TO VOTERS IN MARKING BALLOTS.

Voter physically disabled, etc., may have assistance.

SECTION 46. Any voter, who declares to the presiding election officer that he is a voter, and cannot read or write, 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 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 or clerk.

Duty of person assisting voter.

Oath may be required of such voter.

What memorandum to be made.

WHEN BALLOTS MAY BE RECEIVED AT THE DOOR.

SECTION 47. 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 book 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.

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

Announcement to be made by inspector.

BALLOTS NOT ENDORSED, NOT TO BE COUNTED.

SECTION 48. Any person who shall knowingly 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 by 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; provided, that this section shall not apply to ballots cast by women for school officers.

Penalty for knowingly voting unendorsed ballot

THE INTENTION OF THE VOTER TO PREVAIL.

Rules for determining intent of voter.

SECTION 49. 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 rule 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 unless in some other column he shall have placed a mark opposite the names 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

/, \, V, 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.

VOTES ON QUESTIONS SUBMITTED TO THE PEOPLE.

Secretary of state to certify question to county clerk; when.

SECTION 50. Whenever a proposed constitutional amendment or other question is to be submitted to the poeple of the state for a popular vote, the secretary of state, unless otherwise directed by act providing for such submission, 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 26, of this act.

County clerk to prepare and distribute ballots.

SECTION 51. 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.

Municipal question, ballots for voting on.

SECTION 52. 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, or by the ordinance or resolution.

Ballots may be on same paper with other ballots.

SECTION 53. 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.

Errors in printing ballots, how may be corrected.

SECTION 54. Whenever it shall appear by affidavit, that an error or omission has occurred in the publication of the names, or description of the candidates, 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, summarily require of the county or city clerk to correct such error, or to show cause why such error should not be corrected, and by order cause such correction to be forthwith made after such hearing.

SWEARING IN VOTES OF UNREGISTERED VOTERS.

When elector not registered may vote.

SECTION 55. 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 such registry, but who is a qualified voter in such district, shall, nevertheless, be entitled to vote thereat, at such election, upon compliance with the following provisions, and not otherwise, namely: He shall, at the time he offers his vote, deliver to the inspectors his affidavit, in which he shall state the facts showing that he has, since the completion of the registry, become a qualified voter of such district, and was not so qualified on the day such registry was completed, and shall deliver therewith the affidavits of two freeholders, electors in such election district, corroborating all the material statements in his affidavit. And in case any person, who was a voter at the last previous general election in any election district in this state, shall not be registered, such person shall be entitled to vote on making affidavit that he was entitled to vote at such previous general election in the election district where he offers to vote, naming the same, and that he has not become disqualified by reason of removal from such election district, or otherwise, since said election, or in case he shall have removed from some other election district into such district, stating the fact of such removal, and that he is then a legal voter of the election district where he shall offer to vote; and in case any person who was not a qualified elector at the last previous general election, but has become such by residing in the state for one year, shall not have been registered, he shall be entitled to vote on making affidavit that he is a qualified elector, each of which affidavits

What affidavit to be made.

shall be substantiated by the affidavits of two freeholders, as is provided for the other non-registered voters. 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 three voters, all of said affidavits shall be sworn to before some officer, authorized by the laws of this state to take depositions. The inspectors shall keep a list of the names and residences of the electors voting, whose names are not on said completed registry, and attach such list to the registry, and return it, together with all such affidavits, to the proper town, city or village clerk.

List of non-registered voters to be kept.

SECTION 56. On the day following the election, one of said poll lists, and one copy of the registry so kept and checked, shall be attached together and filed in the office of the proper town, city or village clerk, and the other of said poll lists, and copy of the registry so kept and checked, shall be returned to the county clerk with the returns of the election.

Poll and registry lists, where to be filed.

BALLOT BOXES TO BE PROVIDED.

SECTION 57. There shall be provided and kept by the clerk of each town, city or village, at the expense of such town, city or village, suitable ballot boxes for each poll therein, with a suitable lock and key to each, and there shall be one opening through the lid of each such box, of no larger size than shall be sufficient to admit a single, closed ballot.

Town clerk, etc., to provide.

SECTION 58. The inspectors of election, or one of them, immediately before proclamation is made of the opening of the polls, shall open the ballot boxes in the presence of the people there assembled, and turn them upside down, so as to empty them of everything that may be in them, and lock them; and they shall not be reopened, except as hereinafter provided in case of adjournments, until for the purpose of counting the ballots therein at the close of the polls.

Ballot boxes, where and how to be opened.

SECTION 59. Each elector, having prepared his ballot as hereinbefore provided, shall publicly, at the poll where he offers to vote, deliver in per-

Ballot how voted.

son to one of the inspectors of election a single ballot of the official kind provided as in this act, and the inspector receiving the same shall, without opening it, or permitting it to be opened or examined, deposit it in the box.

PROCEEDINGS AT THE POLLS.

Poll list, clerk of election to keep.

SECTION 60. Each clerk of election shall keep a poll list, on which he shall enter the full names of all persons voting at such election, in the order of their voting, and, on request of the inspectors, each elector shall state his full name before the ballot shall be received. When any person shall have taken the oath, provided in section 56, before voting, the clerk shall write at the end of such person's name on the poll list the word "sworn."

Elector to state residence before voting.

SECTION 61. At every poll where a registry of electors is required to be made, every elector, at the time of offering his ballot, shall truly state the street and number of the house or tenement, if numbered, or other location in which he resides, and the clerks of election shall truly enter in the appropriate column of the poll list, opposite the name of such elector, the street and number, or other location of such house or tenement, or the name of the hotel or boarding house, and if such house or tenement be not numbered, the clerks shall enter "Not numbered." In case any elector offering to vote at any such poll shall refuse to make the statement aforesaid, his ballot shall not be received. The clerks of such poll shall also enter upon the poll lists, opposite the name of every elector voting thereat, whose name was not duly registered, the words "Not registered."

CHALLENGE OF VOTERS.

Who may challenge.

SECTION 62. Each inspector of election shall, and any elector may, challenge every person offering to vote, whom he shall know or suspect not to be duly qualified as an elector.

Oath to be tendered on challenge.

SECTION 63. If a person offering to vote is challenged as unqualified, one of the inspectors

shall tender to him the following oath or affirmation: You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you, touching your place of residence and qualifications as an elector of this election; and shall thereupon put questions as follows:

Questions to be put.

First. If a person be challenged as unqualified, on the ground that he is not a citizen and has not declared his intention to become a citizen:

1. Are you a citizen of the United States? If no, then—

2. Have you declared your intention to become a citizen of the United States conformably to the laws of the United States?

3. When and where did you declare your intention to become a citizen of the United States?

Second. If the person be challenged as unqualified on the ground that he has not resided in this state for one year immediately preceding the election:

1. How long have you resided in this state, immediately preceding this election?

2. Have you been absent from this state within the year immediately preceding this election? If yes, then—

3. When you left, did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?

4. What state or territory did you regard as your home while absent?

5. Did you, while absent, vote in any other state or territory?

Third. If the person be challenged as unqualified on the ground that he is not a resident of the town, ward or village, where he offers his vote:

1. When did you last come into this town, ward or village?

2. Did you come for a temporary purpose merely, or for the purpose of making it your home?

3. Did you come into this town, ward or village for the purpose of voting therein?

4. Are you now and have you been for the last ten days, an actual resident of this town, ward or village, and what is the particular description, name and location of your residence?

5. Have you registered to vote at this election at any other place within this state?

Fourth. If the person be challenged as unqualified, on the ground that he is not twenty-one years of age: Are you twenty-one years of age to the best of your knowledge and belief?

Fifth. If the person be challenged as unqualified on the ground that he has made or become directly or indirectly interested in any bet or wager depending upon the result of such election:

1. Have you made in any manner any bet or wager depending upon the result of this election, or on the election of any any person for whom votes may be cast at this election?

2. Are you in any manner, directly or indirectly, interested in any bet or wager. depending in any way whatever upon the results of this election?

Sixth. If the person be challenged as unqualified, on the ground that he has been convicted of treason, felony or bribery, and not subsequently restored to civil rights:

1. Have you ever been tried or convicted in this state of any crime? If yes—

2. Of what crime, when and in what court were you so convicted?

3. Have you in any manner since such conviction been restored to civil rights, and if yes, how?

Seventh. If the person be challenged as unqualified, on the ground that he has been engaged, directly or indirectly, in a duel, either as principal or accessory:

1. Have you ever been engaged in any duel, directly or indirectly, either as principal or as a second, or in counseling or aiding either principal or second in a duel? And if yes, then—

2. When and where, and had you before that time been an inhabitant of this state?

Eighth. If the person be challenged as unqualified, on the ground that he is a person of Indian descent, and a member of an Indian tribe, or an uncivilized Indian:

1. Are you a person of Indian descent?

2. Of what tribe or nation are you a descendant?

3. Are you now a member of any Indian tribe?

4. Have you received any annuity from the United States or any agent thereof, or shared in any, and if so, when did you last so receive or share in any?

The inspectors, or one of them, shall put such other questions to the person challenged as may be necessary to test his qualifications as an elector at such elections.

Rules governing inspectors in determining qualifications of electors.

SECTION 64. In determining the question of residence as a qualification to vote, the following rules, so far as applicable, shall govern, and if a person offering to vote be challenged as unqualified, on the ground of residence, the inspector shall admonish him of such rules, and put to him such further questions as shall be proper to elicit the facts in respect thereto, namely:

First. As prescribed in the constitution, 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; and no soldier, seaman or marine, in the army or navy of the United States, shall be deemed a resident of this state in consequence of being stationed within the same.

Second. That place shall be considered and held to be the residence of a person in which his habitation is fixed, without any present intention of removing therefrom, and to which, whenever he is absent, he has the intention of returning.

Third. A person shall not be considered or held to have lost his residence, who shall leave his home and go into another state, or county, town or ward of this state, for temporary purposes merely, with an intention of returning.

Fourth. A person shall not be considered to have gained a residence in any town, ward or village of this state, into which he shall have come for temporary purposes merely.

Fifth. If a person remove to another state, with an intention to make it his permanent residence, he shall be considered and held to have lost his residence in this state.

Sixth. If a person remove to another state, with the intention of remaining there for an indefinite time, and as a place of present residence, he shall be considered and held to have lost his residence in this state, notwithstanding he may entertain an intention to return at some future period.

Seventh. The place where a married man's family resides shall generally be considered and held to be his residence; but if it is a place of temporary establishment for his family, or for transient objects, it shall be otherwise.

Eighth. If a married man has his family fixed in one place, and he does his business in another, the former shall be considered and held to be his place of residence.

Ninth. The mere intention to acquire a new residence, without the fact of removal, shall avail nothing; neither shall the fact of removal without intention.

Tenth. If a person shall go into another state and while there exercise the right of a citizen by voting, he shall be considered and held to have lost his residence in this state.

Eleventh. No person shall be deemed to have gained a residence in any town, ward or village in this state, so as to entitle him to vote at any election therein, by remaining in such town, ward or village as a pauper, supported by the town or county in which he shall be living at the time of such election; and no person shall be deemed to have lost his residence in any town, ward or village, by remaining in any other town, ward or village as such pauper.

Twelfth. If an unmarried person sleeps in one ward, and boards in another, the place where he sleeps shall be considered as his place of residence.

Thirteenth. If an unmarried person be employed on a railroad, boat or stage line, and has boarding places at different places, if one of those places be with his parents, that place shall be considered his residence, unless he has by registering to vote elsewhere, or by the performance of some other kindred act, elected some other place as his residence. If he has no parents, and has not registered at any other place to vote, he shall be asked: Do you consider this your place of residence, and have you so considered it for the past ten days in preference to any other place? If he answers in the affirmative, he shall be entitled to all the privileges, and be subject to all of the duties of other citizens in the place of residence in the matter of voting, jury service, poll taxes and assessments for taxes.

SECTION 65. Whenever, at any election, the right of any person offering to vote is challenged for any cause recognized by law, if the inspectors shall determine to receive the vote of the party challenged after the provisions of the law are complied with, such inspectors, before depositing the ticket of the party challenged in the ballot box, shall write or cause to be written upon the back of the ticket of the voter challenged the number of such challenged person upon the tally sheet or voting list kept at such election.

Number to be endorsed on ticket voted by challenged voter.

SECTION 66. If the person challenged shall refuse to answer fully any questions, so as aforesaid put to him, the inspectors shall reject his vote. If the challenge be not withdrawn after the person offering to vote shall have answered such questions, one of the inspectors shall then tender to him the following oath or affirmation: You do solemnly swear (or affirm, as the case may be), that you are twenty-one years of age; that you are a citizen of the United States (or that you have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization); that you have resided in this state one year next preceding this election; that you are now a resident of this town, or ward or village, (as the case may be), and have been for the last ten days; that you have not voted at this election, and that you have not made any bet or wager, or become directly or indirectly interested in any bet or wager, depending upon the result of this election, and that you are not on any other ground disqualified to vote at this election. If the person challenged shall refuse to take such oath or affirmation, his vote shall be rejected; but if he shall then take such oath, his vote shall be received; provided, that the requirements of law respecting registration, when applicable, have been complied with by the person so offering to vote.

Vote, when rejected.

Final oath to challenged voter.

Vote rejected on refusal to take oath.

SECTION 67. The inspectors shall reject the vote of any person under guardianship, *non compos mentis*, or insane.

Vote of person insane, etc., to be rejected.

SECTION 68. It shall be unlawful for any clerk or inspector of election to issue or write, change or alter, for any person on the day of any election, any ticket or ballot, and any such officer

Clerk or inspector not to issue or change, etc., ballot on election day.

who shall violate the foregoing provisions, or who shall mark any ballot or ticket except as provided by law, or who shall disclose how any elector shall have voted, unless required to do so as a witness in a judicial proceeding, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months, or both, in the discretion of the court.

Penalty.

ADJOURNMENT OF POLLS, ETC.

Clerks to compare poll lists at adjournment.

SECTION 69. At each adjournment of the poll, the clerks shall, in the presence of the inspectors, compare their respective poll lists, compute and set down the number of votes, and correct all mistakes that may be discovered, according to the decision of the inspectors, until such poll lists shall be made in all respects to correspond. The ballot box shall then be opened, and the poll lists placed therein; and such box shall then be locked, and a covering with a seal placed on the opening in the lid of such box, so as to entirely cover the same, and the key delivered to one of the inspectors, and the box to another, to be designated by the inspectors. The inspector having the key shall keep it in his own possession, and deliver it again to the inspectors at the next opening of the poll; and the inspector having the box shall carefully keep it without opening or suffering it to be opened, or the seal thereof to be broken or removed, and shall publicly deliver it to the inspectors at the next opening of the polls, when the seal shall be broken and the box opened, and the poll lists taken out and the box again locked.

Lists to be placed in ballot box; box, how secured, etc.

Power of inspectors to maintain order.

SECTION 70. The inspectors shall possess full authority to maintain order, and to enforce obedience to their lawful commands during an election, and during the canvass of votes. If any person shall refuse to obey the lawful commands of the inspectors, or by disorderly conduct in their presence or hearing, shall interrupt or disturb their proceedings, they may order any constable, or other person, to take him into custody during the election.

THE CANVASS AT THE POLLS.

Canvass of votes by inspectors, how made.

SECTION 71. As soon as the poll of the election shall be finally closed, the inspectors shall proceed immediately to canvass publicly, in the presence of all persons desiring to attend the same, the votes received at such poll, and continue without adjournment until the canvass is completed, and the statements hereinafter required are made. They shall commence by a comparison of the poll lists, and the corrections of any mistakes therein, until they shall be found or made to agree. The box shall then be opened and the ballots therein taken out and counted by the inspectors, unopened, except so far as to ascertain whether each ballot is single; and if two or more ballots be found so folded together as to present the appearance of a single ballot, they shall be laid aside until the count of the ballot is completed; and if, upon a comparison of the count, and the appearance of such ballots, a majority of the inspectors shall be of opinion that the ballots thus folded together were voted by one elector, they shall be destroyed. If the ballots in the box shall be found to exceed in number, after any such ballots folded together are destroyed, the whole number of votes on the poll lists, they shall be replaced in the box, and one of the inspectors shall publicly draw therefrom by chance, and without examination thereof, and destroy so many ballots unopened, as shall be equal to such excess. The number of ballots agreeing, or so as aforesaid being made to agree, with the poll lists, the inspectors shall then proceed to open and count and ascertain the number of votes.

Canvass to be announced.

SECTION 72. The canvass being completed, the inspectors shall then publicly announce the result thereof, specifying the whole number of votes cast for each office, and each person to fill the same respectively, and for and against each proposition voted for at such election, and shall immediately draw up a statement in writing thereof, in duplicate, setting forth therein, in words at length, and in figures, the whole number of votes given for each office at such election, the names of all the persons for whom

Written statement of, to be made.

such votes were given, as shown upon the ballots, and the number of votes so given for each person, and the number of votes given for and against each proposition voted for, if any, at such election, which statements they shall certify to be correct and suscribe with their names.

Delivery of statements and poll lists to town, city, village and county clerks.

SECTION 73. The chairman of the inspectors, or one of them, appointed by him, shall forthwith deliver to the clerk of the town, city or village, one of said statements and one of said poll lists, to be filed and preserved in his office, and shall, with all convenient dispatch, and within two days after the election, deliver the other statement to the county clerk, it having been by the inspectors carefully sealed up, together with the other poll list, with the oaths of inspectors and clerks affixed, in an envelope, properly directed to the county clerk, and the person delivering such returns to the county clerk shall receive as compensation therefor the sum of two dollars, and mileage at the rate of six cents per mile for each mile necessarily traveled in going to and returning from such county clerk's office, to be paid out of the county treasury, on the wararnt of the county clerk.

Failure to deliver returns, penalty for.

SECTION 74. In case the person to whom such returns are delivered, shall fail or neglect to deliver the same to the county clerk within the time as herein provided, he shall be liable for all expense incurred in procuring such returns by special messenger or otherwise, and shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail of not more than twenty days, or by both such fine and imprisonment.

Statement in writing of contents of defective ballots, inspectors to make.

SECTION 75. If any of the ballots cast at any election are found to be so defective, that the inspectors of election cannot determine with reasonable certainty for whom they were cast, and if any ballot or ballots shall be cast by any voter or voters who shall have been challenged, but whose ballot or ballots shall have been received, and if any ballot or ballots shall be decided by the inspectors not to be defective, by a vote or decision of a majority only of the inspectors, and not by unanimous decision of all

the inspectors, they shall make a statement in writing, in duplicate, certified to be correct and signed by them, of the contents of each of such ballots, and attach such statements to the statements of the canvass. They shall carefully seal up in an envelope all such ballots, and deliver the same forthwith to the proper town, city or village clerk, to be preserved in his office. No ballot shall be regarded as defective, however, by reason of the misspelling of a candidate's name, or by abbreviation, addition, omission or use of the wrong initial of the candidate's name, but every ballot shall be counted for the candidate for whom it was evidently intended, if the intention of the voter can be clearly ascertained form the ballot itself. All other ballots shall be destroyed, on completion of the canvass; provided, however, that no canvass shall be deemed to be completed, nor shall any ballots cast at any election be destroyed until after at least two of the inspectors, one each of the two political parties which cast the largest vote in the same precinct or polling place at the last preceding general election, shall have separately canvassed said ballots, and severally verified the canvass thereof, and certified the same over their respective signatures; and in case of disagreement as to any ballot or ballots, such ballot or ballots shall be considered defective, and shall be disposed of as hereinbefore provided for the disposition of defective ballots.

Ballots to be sealed and preserved.

What not to be regarded as defective ballot.

Other ballots to be destroyed, when.

SECTION 76. On the Tuesday next succeeding the election, or at any time sooner, if all the returns are sooner received, the county clerk shall take to his assistance from among the following named officers of the county, to-wit: the county judge, register of deeds, members of the county board of supervisors, and justices of the peace, two associate canvassers, one of whom shall not be of the same political party as such clerk, and who shall constitute with such clerk a board of county canvassers; and in case all the above named officers should belong to the same political party, then said clerk shall elect from the opposite political party some reputable citizen and elector to act as the third member of said board. In case of vacancy in the office of county clerk, or when from absence, sickness or other

County canvass, when and by whom made

inability such clerk can not perform the duties enjoined in this chapter, the clerk of the circuit court, or if there be no such clerk, or he be unable to perform such duties, then the chairman of the county board shall perform the duties in this chapter required of the county clerk, and be subject to the same punishment for violation thereof.

Clerk to procure attendance of canvassers.

SECTION 77. If, on the day appointed for the county canvass, there shall fail to be an attendance of three canvassers, the clerk shall procure a full attendance of such canvassers, and may therefor adjourn the canvass one day, when the canvass shall proceed on the assembling of the board of county canvassers, they shall open and examine the returns, and if from any town, ward, election district or poll of the county no returns shall have been received, they shall forthwith dispatch a messenger therefor, and the person having them in charge shall deliver such returns to said messenger; and if, on examination of any returns received, they shall be found so informal or incomplete that the board cannot intelligently canvass them, they shall dispatch a messenger with such returns to the inspectors who made them with a written specification of the informalities or defects, and command them to forthwith complete the same in the manner required by law, and deliver them to said messenger, which such inspectors shall do. Every such messenger shall safely keep all such returns, exhibit them to no person, except the inspectors, and deliver the same to the county clerk, with all convenient dispatch. For such purposes, the board may adjourn as may be necessary, not more than four days at one time, nor more than eight days in all.

Incomplete returns to be perfected.

Duty of messenger.

Board may adjourn for completion of returns.

Statement of county canvass, how made, certified, attested, filed and recorded.

SECTION 78. The returns having been obtained as hereinbefore provided, the board shall proceed thereupon to make out a separate statement, written out in words at length, containing the whole number of votes given in such county for each state officer voted for, and for representative in congress, the names as returned of all the persons to whom such votes were given, and the number of votes given to each; another similar statement of the votes given for electors of president and vice-president; another, of the votes

given for senator, when the county alone does not constitute a senate district; another of the votes given for members of assembly, when the county alone does not constitute an assembly district; another of the votes given for county officers; and another of the votes given for senators and members of the assembly, when the county constitutes one or more senate or assembly districts, specifying the number of votes for each person for senator and member of assembly, in each such district respectively. They shall append to each such statement as part thereof a succinct tabular exhibit in figures, of the votes cast at each election poll in the county, for each office and person entering into the canvass embraced in such statement, whether canvassed or not, and if any votes were rejected, specifying the reasons therefor. Each statement shall be certified as correct and attested by the signatures of the said canvassers, and filed in the office of the county clerk, and the same shall be recorded therein.

Determination of county canvassers, how made, attested, recorded and published.

SECTION 79. They shall then determine the persons who have been, by the greatest number of votes, elected to the several county offices, and members of the senate and assembly, when the county constitutes one or more senate or assembly districts; and such determination shall be reduced to writing, certified as correct, and attested by their signatures, and be annexed to the statement of votes given for such offices respectively, and filed and recorded with the same. Such statement and determination shall be published in such newspapers of the county, as the convassers may designate, to be paid for by the county.

Certificates of election, county clerk to issue.

SECTION 80. The county clerk shall immediately make out, in pursuance of the determination of such board of canvassers, a certificate of election for each person, having the greatest number of votes for any county office, or for member of the senate or assembly, when the county constitutes one or more senate or assembly districts, and deliver the same to such person, upon his making application therefor.

When duplicate returns of senators and assemblymen to be made, etc.

SECTION 81. The said board shall, without delay, make duplicates of the statement of the votes given for senator, when the county alone does not constitute a senate district, and deliver the

same to the county clerk, who shall deliver it to the senatorial district canvassers; said board shall also make a duplicate of the statement of the votes given for member of assembly, when the county alone does not constitute an assembly district, and deliver the same to said clerk, who shall deliver it to the assembly district canvassers.

County clerk to make and deliver copies of canvass for state officers, etc.

SECTION 82. Of the statement and certificate of votes given for each state officer, and for representative in congress, and also of the statement and certificate of votes given for electors of president and vice-president, the county clerk shall forthwith make three copies, certified under his hand and the seal of the county board, and send by mail one such copy of each to the governor, one to the secretary of state, and one to the state treasurer. He shall also transmit by mail to the secretary of state, within thirty days after any general election, a list of the names of persons elected in the county as members of the senate and assembly, and also a list of all the county officers elected in such county at such election.

To furnish secretary of state with names of senators, assemblymen and county officers.

Votes on constitutional amendment, how taken, canvassed, etc.

SECTION 83. Whenever any amendment shall have been proposed to the constitution of this state, and agreed to and submitted to the people, pursuant to the constitution, or whenever any other question or proposition shall be submitted by the legislature to a vote of the people, if the vote thereon shall be required to be taken at the general election, the votes for and against such amendment, question or proposition so submitted shall be taken, canvassed, certified and recorded, and certified copies of the statement thereof shall be made and transmitted by the county clerks of the several counties to the governor, secretary of state and treasurer, at the same time and in the same manner as the votes for state officers are by law to be taken, canvassed, certified and recorded, and statements thereof are to be certified and transmitted.

DISTRICT CANVASS.

SECTION 84. In each senate and assembly district, the limits of which shall be greater than those of a county, or which may embrace por-

tion of two or more counties there shall be a board of district canvassers, and the county clerks of the several counties, whereof a portion or the whole is within the district, and the chairman of the county board of the county where the meetings of the board are to be held, shall constitute such board. Any three of such canvassers shall be a quorum for the transaction of the business of said board; and in case there shall not be three of the members of such board present at any such meeting, the county judge or register of deeds of the county where any such meeting is to be held, or both of them, may act as members of such board, so as to constitute a board of not less than three in number.

Canvass for senators and assemblymen when district embraces parts of two counties.

SECTION 85. The board shall meet in each such assembly district on the second Tuesday, and in each such senate district on the third Tuesday, next after the day on which the county canvass is required to be made, at the office of the county clerk of the county containing the most populous porrion of such senate or assembly district, according to the last preceding census.

Canvassers, when and where to meet.

SECTION 86. If any one of the county clerks shall be unable to attend such canvass on the day appointed therefore, he shall, on or before that day, cause to be delivered, at the office of the county clerk of the county in which such meeting is to be held, the duplicate statement of votes given in his county for the officers to be elected in such district, which statement shall be laid before said board. If, on the assembling of the board, any such duplicate statement shall not be present, or if, on examination of any such statement received, it shall appear that any material mistake has occurred therein, or that the vote of any poll or any part thereof, in such district, has not been counted by the county canvassers, the board shall despatch a messenger to obtain such absent statement, or with a requirement in writing to the county clerk of the county from which such erroneous statement was received, to certify the facts in respect to such supposed mistake, or the reasons why the vote of such poll was not counted; and the person having such absent statement, shall deliver the same to such messenger, and the county clerk to whom any such requirement is delivered, shall forthwith

If county clerk cannot attend, to furnish duplicate statement.

How statement may be procured and corrected.

make true and full answer to the same, under his hand and the seal of the county board, and deliver the same to such messenger. For such purpose the board may adjourn as may be necessary, not more than one week in all.

Board may adjourn.

Canvass, how made, certified, etc.

SECTION 87. So soon as they shall have the completed statement of such district, as hereinbefore provided, the board shall make a canvass of the same, and draw up a statement thereof in words at length, which shall contain the whole number of votes given, the names of all the candidates, and the whole number of votes given to each, and the determination of the board what person has been elected in such district, as appears from such statements and returns to them, which statement shall be certified to be correct, over the signatures of such canvassers, and be forthwith delivered to the county clerk of the county in which their meeting shall be held, who shall file and record the same in his office. Such clerk shall forthwith transmit, by mail, to the secretary of the state, the name of the person so elected, and make out and transmit to him a certificate of his election.

Names of persons elected to be transmitted to secretary of state.

THE STATE CANVASS.

Board of state canvassers, how constituted.

SECTION 88. The secretary of state, treasurer and attorney general, shall constitute the board of state canvassers, two of whom shall be a quorum for the transaction of business, and if one only of said officers attend on the day appointed for a meeting of the board, the clerk of the supreme court, on being notified by the officer so attending, shall attend without delay, with such officer, and with him shall form the board. When a member of said board is a candidate for an office as to which the votes are to be canvassed by him, the chief justice, upon the request of any opposing candidate, shall designate some other state officer, or a judge of the circuit court, who shall act in his stead at the session of the board at which the votes given for such member are to be canvassed. Whenever the chief justice shall designate any state officer, or judge of circuit court, to act as one of the board of state canvassers, as provided in this act,

Who to act when a member is a candidate; compensation.

such state officer or circuit judge shall be entitled to receive a compensation for attendance and services as a member of said board, not exceeding fifteen dollars per day, for each day he shall be absent from his place of residence and engaged in such service and attendance, and the secretary of state shall audit the account of any such state officer or judge for such service and attendance, and draw his warrant on the state treasurer for payment thereof. There is hereby appropriated from the state treasury, out of any moneys not otherwise appropriated, a sufficient sum for the purpose of this act.

Appropriation

SECTION 89. The secretary of state, upon the receipt of the certified statements of the votes given in the several counties, directed to be sent to him by the county clerks, shall record the results of such election by counties, and shall file and carefully preserve the certified statements so by him received from the county clerks; and, if no such statement shall be received by him from the county clerk of any county, he shall obtain the same from the governor or state treasurer, if received by either of them, and if not, he may by mail require such statement from any such county clerk, and which, when obtained, he shall file and record as aforesaid.

Secretary of state to record result, etc.

To procure missing statement.

SECTION 90. If from any county no such statement shall have been received, or obtained by the secretary of state, within thirty days after any election, he may dispatch a special messenger to obtain such statement from the county clerk thereof, and such clerk shall immediately, on demand of such messenger, make and deliver to him the statement required, which the messenger shall deliver to the secretary of state, as soon as may be, to be filed and recorded by him as aforesaid.

May dispatch messenger for statement not furnished.

SECTION 91. For the purpose of canvassing and ascertaining the result of elections, other than for electors of president and vice-president, the secretary of state shall appoint a meeting of the state canvassers, to be held at his office on or before the fifteenth day of December, next after a general election, and within forty-five days after a special election, and shall notify the other members of the board of the same.

State canvassers, when to meet.

State canvassers, powers and duties.

SECTION 92. The board, when thus formed, shall examine such certified statements of the county canvassers, and if it shall appear that any material mistake has been made in the computation of votes given for any person, or that the county canvassers in any county have omitted to canvass the votes, or any thereof, cast at any poll in their county, the board may dispatch a messenger to the county clerk of such county, with their requirement in writing to him, to certify the facts concerning such mistake and the reason why such votes were not canvassed; and the county clerk to whom any such requirement is delivered shall forthwith make true and full answer thereto, under his hand and the county seal, and deliver the same to such messenger, who shall deliver the same with all convenient dispatch to the secretary of state. The said board may adjourn as may be necessary, not more than ten days in all. Upon the certified statements and returns so received, the board shall proceed to examine and make a statement of the whole number of votes given at any such election for each of the offices of governor, lieutenant governor, secretary of state, treasurer, attorney general, and state superintendent, or any other state officer, if any there shall be; and another statement of the votes given for representatives in congress, in each congressional district; each of which statements shall show the names of the persons to whom such votes shall have been given for either of the said offices, and the whole number of votes given to each, distinguishing the several districts and counties in which they were given.

Canvass, how certified and filed.

SECTION 93. They shall certify such statements to be correct, and subscribe their names thereto; and they shall thereupon determine what persons have been, by the greatest number of votes, duly elected to such offices, or either of them, and shall make out and subscribe on each statement a certificate of such determination, and deliver the same to the secretary of state.

Canvass, secretary of state to record and publish and transmit certificates of election.

SECTION 94. The secretary of state shall record in his office each certified statement and determination so made by said board, and shall forthwith make out and transmit to each of the persons thereby declared to be elected a certificate

of his election, certified by him under the lesser seal; he shall also forthwith cause a copy of such certified statements and determinations to be published in a newspaper printed at the seat of government.

Members of congress, certificates of election to be sent house of representatives.

SECTION 95. He shall prepare a certificate under the lesser seal, attested by him as secretary of state, and addressed to the house of representatives in that congress for which any person shall have been chosen, of the due election of such person so chosen as representative of this state in congress, and shall transmit the same to the said house of representatives at their first meeting; and if any of the persons so chosen at such election shall have been elected to supply a vacancy in the office of representative in congress, it shall be mentioned by the secretary of state in such certificate.

When and how governor to procure statement of votes for electors.

SECTION 96. Whenever, in the opinion of the governor, the statement of votes given for electors of president and vice president will not be received from any county before the time fixed for canvassing such votes, he shall appoint a special messenger to obtain such statement from the county clerk, and such clerk shall immediately on the demand of such messenger, make out and deliver to him the statement required, which statement the messenger shall deliver to the secretary of state as soon as possible, and it shall be filed and recorded by him.

Electoral vote, when to be canvassed.

SECTION 97. For the purpose of canvassing and ascertaining the votes given for electors of president and vice president, said board shall meet at the office of the secretary of state on the Tuesday next after the fourth Monday of November, in the year such electors shall be chosen, or sooner if certified copies of the statements of the votes shall have been received from all the counties; and in case all the said copies of statements shall not have been received on the day above specified, the board may adjourn from day to day, until the same shall be received, not exceeding three days.

Canvass, how made.

SECTION 98. The board shall proceed in examining and making a statement of the votes, and in determining and certifying the persons chosen as electors, in the manner prescribed by law to be pursued by them in the canvass for

state officers and the secretary of state shall likewise file and record such statement and determination.

Secretary to notify electors chosen.

SECTION 99. The secretary of state shall, without delay, cause a copy under his hand and the lesser seal, of the determination of said board, to be transmitted and delivered to each of the persons so declared to be elected; and whenever necessary may employ special messengers for that purpose.

Votes on constitutional amendment, etc., when and how canvassed.

SECTION 100. For the purpose of canvassing and ascertaining the result of the vote taken at any general election, upon any proposed amendment to the constitution, or upon any question or proposition submitted to a vote of the people by the legislature, the secretary of state shall appoint a meeting of the state board of canvassers, to be held at his office on or before the fifteenth day of December, next after such vote is taken; at which meeting the secretary of state shall lay before the board the statements received by him of the votes given in the several counties, for and against such amendment, and also for and against such question and proposition.

Board of canvassers, how to proceed.

SECTION 101. The board shall proceed to examine such statements, and to ascertain and determine the result, and shall have the same power therefor as is given by section ninety-three, and shall make and certify, under their hands, a statement of the whole number of votes given for, and the whole number of votes given against such amendment, and they shall thereupon determine whether such amendment has been approved and ratified by a majority of the electors voting thereon, and shall make and subscribe on such statement a certificate of such determination. They shall also make and certify under their hands, a statement of the whole number of votes given for, and the whole number of votes given against such question or proposition; and shall thereupon determine whether such question or proposition has been approved, ratified or adopted, and subscribe on such statement a certificate of such determination.

Statement of vote to be made and certified.

Statement to be recorded.

SECTION 102. The secretary of state shall record in his office such certified statements and determinations; and if it shall appear that such amendment, question or proposition has been ap-

proved, ratified or adopted, as aforesaid, he shall also make a record thereof, and cause such record to be bound in the volume containing the original enrollment law passed at the next succeeding session of the legislature, and cause such record to be published with such laws.

Regular returns only to be canvassed by state board.

SECTION 103. The board of state canvassers, in canvassing to ascertain the result of any election, shall canvass only the regular returns made by the county boards of canvassers, as provided in this act, and shall in no case canvass or count any additional or supplemental returns or statements made by any county board of canvassers or by any other board or person whatever; nor shall such board of state canvassers canvass or count any statement or return of the result of any canvass which shall have been made by any county board of canvassers at any other time than that mentioned in this act.

MISCELLANEOUS PROVISIONS.

Civil process not to be served on election day.

SECTION 104. During the day on which any general, special, town or charter election shall be held, no civil process shall be served on any elector entitled to vote at such election.

Plurality to elect.

SECTION 105. In all elections for the choice of any officers, unless it is otherwise expressly provided, the person having the highest number of votes for any office shall be deemed to have been duly elected to that office, and whenever it shall satisfactorily appear that any person has received a plurality of the legal votes cast at any election for any office, the canvassers shall give to such person a certificate of election, notwithstanding the provisions of law may not have been fully complied with in noticing or conducting the election or canvassing or returning the votes, so that the real will of the plurality may not be defeated by any informality.

Compensation to inspectors, etc.

SECTION 106. A reasonable compensation shall be paid to inspectors and clerks of registry and election, and to ballot clerks, county canvassers, district canvassers, and messengers employed and performing duties under the provisions of this act, to be fixed by the town board, village board, common council, or county board, and paid from

the treasury of the town, village, city or county by whom employed. The messenger of the canvassing board of a senate or assembly district shall be paid by the county to which he shall be sent. Every messenger sent by the governor, secretary of state, or state board of canvassers shall be paid out of the state treasury a reasonable compensation to be fixed by the secretary of state.

Necessary blanks, secretary to furnish.

SECTION 107. The secretary of state shall make out all necessary blanks, returns and statements to carry out the provisions of law for making the canvass, returns and statements of all elections, general, special and judicial, and for making the registers required by law, and affidavits of non-registered voters and freeholders corroborating the same. Such blanks shall contain the necessary oaths and certificates of the inspectors, clerks of election and canvassers, with proper notes to the same, explanatory of their use, and referring to the statutes, and cause the same to be distributed to the county clerks of the several counties, on or before the first day of August in each year.

Blanks, how distributed.

SECTION 108. Such blanks shall be distributed to the proper town, city or village clerks or inspectors, in each county, by the county clerks at the time notices for the general elections are served upon them, and may be sent by mail, when practicable. Such clerks shall furnish the inspectors of elections, in their respective towns, wards and villages, and election districts, with such registry blanks at or before the time fixed for the first meeting for registry, and the other blanks before the opening of the poll on the day of election, and such clerks and inspectors shall use such blanks when furnished; but no election or election returns shall be invalidated in consequence of failure to use such blanks.

Act to be printed and distributed.

SECTION 109. It shall be the duty of the secretary of state to cause this act to be printed in pamphlet form, with all necessary forms, instructions and notes explanatory of legal decisions, expounding or interpreting this act, to enable county and city clerks, and inspectors and clerks of election and other officers to administer the same, and he shall distribute the same to the proper officers.

ELECTIONS TO FILL VACANCIES.

SECTION 110. All vacancies in the office of representative in congress, senator, or member of assembly, or in any state or county office (except governor and lieutenant governor), may be filled at a general or special election, or by appointment in the cases provided by law, when any such vacancy shall occur within four months, and if in a state office, or in that of state senator or representative in congress, more than twenty days, or if in a county office, more than ten days before the general election; and when occurring earlier than said four months, if it shall not have been supplied by special election, the same (except in the office of the clerk of the circuit court) shall be filled at the general election next succeeding the happening thereof. When a vacancy shall occur in any such office, except representative in congress, within six months next before the end of the term, no election shall be held, but the same shall be filled by appointment, or otherwise, as provided by law.

Vacancies, how filled.

SECTION 111. If a vacancy shall exist in the office of state senator, or representative in congress, or in any state office, which by law should be supplied at the ensuing general election, the secretary of state shall, twenty days at least before such election, give notice, in writing, to the county clerk of each county in the state, when the vacancy is in a state office, or in case of such vacancy in a district, then to the county clerk of each county therein, specifying the cause of such vacancy, the name of the officer in whose office it occurred, and the time when his term of office will expire. Upon receipt thereof the county clerk shall thereupon forthwith cause a notice containing the subject of the notice received by him, to be transmitted by mail to each town clerk and the clerk of each village in which by law separate general elections are to be held, and to one of the inspectors in each ward in any city and in each separate election district in his county. Such clerks and inspectors shall cause the same to be posted at least five days before election, in the manner prescribed in this act; and if a vacancy shall exist in any county office, which by

Notice of election to be given by secretary to county clerk.

County clerk to give notice to town clerk, etc.

law should be supplied at the ensuing general election, the sheriff of such county, or, if the vacancy exist in that office, the county clerk shall give notice thereof ten days before election, specifying the cause of such vacancy, the name of the officer in whose office it occurred, and the time when the term of such office will expire; such notice shall be given in the manner provided for notices of general elections.

Special elections, in what cases held.

SECTION 112. Special elections may be held in the following cases:

1. When there shall have been neglect or failure to choose at a general election a representative in congress, senator, member of assembly, or any county officer, who, by law, should have been chosen at such general election.

2. When the right of office of a person elected to either of the offices last aforesaid shall cease before the commencement of the term of office for which he shall have been elected; but no such special election for sheriff, district attorney, register of deeds, clerk of the circuit court, or coroner, shall be held after the next ensuing first Monday of January.

3. When a vacancy shall occur in the office of member of assembly before the first day of February, and in the office of a senator before the first day of February in the second year, and too late to have been filled at the previous general election, or when a special session shall be called after a vacancy occurring in either.

4. If a vacancy, which by law might have been filled at the next general election thereafter, shall not have been filled, a special election therefor shall then be held, except in case of county officers.

5. When in any other case a vacancy not provided for in this section, the governor, in his discretion, shall direct.

Special elections, how ordered.

SECTION 113. All special elections for county officers shall be ordered by the sheriff, which order shall be countersigned by the county clerk, and filed in his office, except that a special election for sheriff shall be ordered and noticed by the county clerk, in the manner required of the sheriff in other cases, and the county clerk shall give notice thereof, and the same shall be posted, in the manner hereinbefore provided. All other

special elections shall be ordered by the governor. Every such order shall specify the office to be filled, how the vacancy occurred, the name of the officer in whose office it occurred, the time when his term of office will expire, the county or district in which, and the day on which such election shall be held, which day shall not be less than ten, nor more than forty days from the date of such order. When made by the governor, such order shall be filed and recorded in the office of the secretary of state.

Order, what to specify.

SECTION 114. The secretary of state shall cause a copy of each notice of election issued by him, and of each order made by the governor for a special election, to be published in the official state paper, once in each week, from the date of such notice or order, until the election to which it shall refer; and on receipt of such order, shall cause a copy thereof forthwith to be transmitted to the county clerk of the county, or in case of a vacancy in a district embracing more than one county, then to the county clerk of each county, any part of which is in such district. The county clerk, on receiving or on countersigning any order for a special election, shall forthwith give notice of such election in the manner provided for giving notices of general elections. Every town, village and ward officer, or inspector of election, who shall receive any notice of a special election, as herein provided, shall forthwith give notice thereof in the manner required of him in case of a general election.

Secretary to publish notices and orders for special elections.

County, town, etc., clerks to give notice of election.

SECTION 115. Special elections shall be held at the place, and conducted by the officers, and the result canvassed in the same manner, and within the same time thereafter certified, in all respects as near as practicable, as provided for general elections. No special election shall be held within sixty days next preceding a general election, When a special election, as to any officer whose election is required by law to be at a general election, is held on the same day as an annual town meeting or municipal election, the ballots cast at such special election shall be deposited in a separate box, provided for that purpose.

Special elections, where held, how conducted.

JUDICIAL ELECTIONS.

Judicial elections, when held; notice to be given.

SECTION 116. All elections for justices of the supreme court and for circuit and county judges shall be held on the first Tuesday in April. The secretary of state shall give at least twenty days' notice of all judicial elections; and if the election is for a county judge, the notice shall be given in the county in which the judge is to be elected; if for a circuit judge, in the circuit in which he is to be elected; and if for a justice of the supreme court, in the state at large.

Elections to be held on first Tuesday in April.

SECTION 117. In all cases where the term of office of such justice or judge is about to expire, the election for such justice or judge shall be held on the first Tuesday of April, next prior to the time of the expiration of such term of office, as fixed by law, and, in case no such election is held at the time above specified, then, except in the case of a county judge, such election shall be held on the first Tuesday of April next there after, or on some subsequent first Tuesday in April after the expiration of such term of office.

Election to fill vacancy, when held.

SECTION 118. In all cases of vacancy in the office of justice of the supreme court, or circuit judge, the election to fill such vacancy shall be held on the first Tuesday of April next after the vacancy shall happen, in case such vacancy shall happen twenty days before such first Tuesday of April; and if no election shall then be held for such purpose, or if the vacancy shall happen within twenty days next before the first Tuesday of April next after such vacancy, then the election shall be held on the first Tuesday of April next thereafter.

Judicial elections, how notified, conducted, canvassed, etc.

SECTION 119. Elections for justices of the supreme court, circuit and county judges, and municipal judges, shall be notified, held and conducted, and the results canvassed and returned, in the same manner as at general elections. The ballots shall be printed, furnished and distributed by the county clerk at the expense of the county, as other official ballots are distributed, so prepared as to indicate the candidates or nominees to be voted for, and the respective judicial office to which each is intended as a ballot for, substantially in the form pre-

scribed in this act for general elections. All votes given for any such officer shall be put in a ballot box separate from that used for any other election on the same day. The polls of election for such officers shall close at the same time that the polls are closed for the election of town officers, when the election of these officers occurs at the same time. Within a like time as prescribed for the county canvass, after a general election, a board of county canvassers shall be convened, who shall canvass the statements received from the several polls in the county, and make a statement thereof, and return the same, including the votes for the office of county judge, as at a general election, and they shall determine who is elected to the office of county judge, and the county clerk shall give him a certificate thereof. The board of state canvassers shall be convened on or before the fifteenth day of May, to canvass the statements of votes received for justice of the supreme court, or circuit judge, in like manner, and shall have the powers, and perform the duties in relation thereto, so far as applicable, as prescribed in respect to the canvass for state officers. And all the provisions of this act respecting the qualifications of voters, the conduct of elections and the canvass and return of votes, shall be applicable to such election.

County canvassers, when to meet.

State canvassers, when to meet.

SECTION 120. Any person who shall:

Penalties.

First, 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 endorsement 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.

Misconduct of public officer, how punished.

SECTION 121. Any public officer who shall:

First, wilfully 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.

Destruction of ballots, etc., penalty for.

SECTION 122. Any person who has undertaken 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 a fine not less than one hundred, nor more than three hundred dollars.

Electioneering by officers of election; soliciting of votes within one hundred feet of polls prohibited, etc.

SECTION 123. 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 ex-

cept such as he has received from the ballot clerks 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 ballot clerks having charge of the ballots shall, before leaving the polling place, return such ballot to such ballot clerks. 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.

Penalty.

SECTION 124. Any officer, who are required to appoint inspectors or clerks of election or ballot clerks, who shall disobey the requirements of this act as to appointing the same from opposite political parties, when it is practicable to so appoint them; any officers required by this act to provide election booths and compartments with doors, screens or curtains to such compartments, who shall fail to provide and maintain the same, as herein required, so that each voter can prepare his ballot, screened from observation; any election officers, who shall take notice of the manner in which any voter has marked his ballot, or permit any other person to pry into or take notice of the same, unless such officer be requested to assist the said voter; any officer, who assists a voter at his request, or otherwise becomes aware of the manner in which a voter marked his ballot, or for whom he voted, and discloses the same to any other person, shall, on conviction, for each such offense be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment in the county jail, not less than ten, nor more than thirty days, or by both such fine and imprisonment, in the discretion of the court.

Officers, for what and how punished.

SECTION 125. Any person, entrusted by the inspectors of election with the statement prepared by them to deliver to the proper town, city or village clerk, as required by this act, who shall fail to deliver the same, or cause the same to be delivered, to such clerk, within forty-eight hours

Failure to deliver statement by person in charge, how punished.

after securing the same for such delivery, without sufficient excuse therefor, shall, for such neglect or failure, on conviction thereof, be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment in the county jail not less than ten, nor more than thirty days, or by both such fine and imprisonment, in the discretion of the court.

SECTION 126. Any chairman of election inspectors, or inspector appointed by him to deliver to the town, city or village clerk any statement of the result of the canvass, or any duplicate of the same to be delivered to the county, who shall fail forthwith to deliver such statement to the proper town, city or village clerk, or within two days after the election to deliver the same to the county clerk, as required by this act; every messenger sent by any board of canvassers for election returns, or with them for correction, who shall wilfully fail to perform the duty he has undertaken, or shall unlawfully keep back or fail to deliver any returns so entrusted to him, shall, for such failure and neglect, be liable, upon conviction, to a fine of not less than twenty-five dollars, nor more than fifty dollars, or by imprisonment in the county jail not less than ten, nor more than thirty days, or by both such fine and imprisonment, in the discretion of the court. This punishment shall be in addition to any other that may be provided by law for the withholding, suppression, destruction or nondelivery of such returns.

What laws repealed.

SECTION 127. The provisions of this act shall apply to all cities, towns and counties, in this state. Chapter 442, of the laws of 1889; chapter 439, of the laws of 1891; chapter 475, of the laws of 1889; chapter 21, of the laws of 1889; chapter 350, of the laws of 1887; chapter 178, of the laws of 1891; chapter 389, of the laws of 1885; chapter 62, of the laws of 1889; chapter 53, of the laws of 1885, are hereby repealed. All election districts or precincts, established under present laws, shall remain as they now are, until changed in accordance with the provisions of this act. All other acts or parts of acts, contravening the provisions of this act, are hereby repealed.

Established election districts to continue until changed.

SECTION 128. This act shall take effect and be in force from and after the first day of July, 1893.

Approved April 19, 1893.