

No. 861, A.]

[Published June 22, 1907.

CHAPTER 316.

AN ACT to amend sections 3, 8, 9 and 10, chapter 459, laws of 1901, as amended, making the same sections 44—3, 44—8, 44—9 and 44—10, statutes of 1898, relating to the use of voting machines.

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

SECTION 1. Section 3, chapter 459, laws of 1901, is amended and made a section of the statutes of 1898, to read:

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SECTION 2. Section 9, chapter 459, laws of 1901, as amended by section 3, chapter 495, laws of 1905, is amended and made a section of the statutes of 1898, to read:

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SECTION 3. Section 9, chapter 459, laws of 1901, as amended by section 4, chapter 495, laws of 1905, is amended and made a section of the statutes of 1898, to read:

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SECTION 4. Section 10, chapter 459, laws of 1901, as amended by section 5, chapter 495, laws of 1905, is amended and made a section of the statutes of 1898, to read:

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Approved June 21, 1907.

(In effect July 1, 1907.)

keep all proposals for such printing in his office; provided, such accepted bidder file with such clerk a bond in a penal sum of at least twice the sum of the accepted bid, signed by two sureties and conditioned for the faithful performance on the part of the accepted bidder of all the conditions duly imposed on him by such clerk at the time of receiving proposals for such printing *and provided such county or city clerk shall have power to reject all bids if deemed excessive and to contract for such printing outside of such county or city.*

2. Ballots not provided by the respective county or city clerks shall not be cast or counted in any election, except as herein provided.

3. 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.

4. 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 city 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.

5. 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.

(Ch. 308, 1907.)

Voting machines: names shown in presidential elections.

SECTION 44—3. 1. No machine or machine system shall be approved by the commission unless it be so constructed as to afford every elector a reasonable opportunity to vote for any person for any office or for or against any proposition for whom, or for or against which he is by law entitled to vote and enable him to do this in secrecy; and it must be so constructed as to preclude an elector from voting for any candidate for the same office or upon any question more than once, and from voting for any person for any office for whom he is not by law entitled to vote.

2. The machine or machine system may be provided with one lever or device by the use of which an elector may vote for all candidates of one party, if he so desires, but it must admit of his voting a split ticket as he may desire. It must also be so constructed as to register or record each and every vote cast.

3. For presidential electors one device may be provided for voting for all the candidates of one party at one time by the use of such device, opposite or adjacent to which shall be a ballot on the machine containing the names of * * * *the candidates for president and vice-president* of that party, *preceded by the party's name*, and a vote registered or recorded by the use of such device shall be counted for each of * * * *the candidates for presidential electors of such party.* * * *

4. The machine must be constructed so that it cannot be tampered with or manipulated for any fraudulent purpose; and the machine must be so locked, arranged, or constructed that during the progress of the voting, no person can see or know the number of votes registered or recorded for any candidate.

(Ch. 316, 1907.)

Sample ballots: number; diagram. SECTION 44—8. 1. Ballots shall be provided by the respective city and county clerks for all the candidates to be voted for at an election and of suitable size to fit the space provided for that purpose on or in the machine and each shall be placed on or in the machine adjacent to or on the registering or recording device therefor.

2. The ballots shall be placed on or in the machine in the order of arrangement provided by section 39 of the statutes of 1898, except that they may be vertical columns or horizontal rows. Ballots for all questions must be provided in the same manner and must be arranged on or in the machine in the places provided for such purpose.

3. The officers charged with the duty of providing ballots for any polling place, shall provide therefor * * * *two* sample ballots which shall be exact copies of the official ballots which are caused to be printed by them; * * * *said* sample ballots shall be arranged in the form of a diagram showing the * * * *front of the* voting machine as it will appear after the ballots are arranged thereon for voting on election day. Such sample ballots shall be posted by the inspectors of the precinct, near the entrance of the election booth and shall there be open to public inspection during the whole of election day.

4. In addition to said sample ballots, the proper officers may furnish in connection therewith instruction cards, diagrams of the front of the machine with ballots posted thereon at least two of which shall also be posted up near the voting place, if furnished.

5. All ballots shall be published as now provided by law. The ballots for the machines, and also sample ballots, shall be furnished the inspectors at least one day before the election.

6. The officers charged with the duty of providing ballots shall provide for each election precinct in which a voting machine is to be used, return sheets, certificates, and other printed matter necessary for the proper conduct of the election and making up the returns thereof, according to the type of voting machine to be used therein.

(Ch. 316, 1907.)

Complete arrangements: officers' school: certificates of proficiency. SECTION 44—9. 1. The common council of every city, the board of trustees of every village, and the town board of every town in which a voting machine is to be used shall cause the proper ballot to be put on each machine corresponding with the sample ballots herein provided for, and the machines in every way put in order, set, and adjusted, ready for use in voting when delivered at the precinct; and for the purpose of so labeling the machine, putting in order, setting and adjusting the same, they may employ one or more competent persons who shall be known as the voting machine custodians, who shall be paid for the time spent in the discharge of their duties, in the same manner as the inspectors of election are paid.

2. The said custodians shall, under the direction of such common council, village trustees, or town board, cause the machine to be so labeled, in order, set and adjusted, and to be delivered at the voting precinct, together with all necessary furniture and appliances that go with the same in the rooms where the election is to be held, at least one hour before the time set for opening the polls on election day.

3. *In preparing a voting machine for an election, the custodian shall, according to the directions furnished, arrange the machine and the ballot therefor so that they will in every particular meet the requirements for voting and counting at such election in the manner provided for by the construction of such machine.*

4. When a voting machine shall have been properly prepared for the election and delivered at the election precinct, it shall be locked and sealed against any movement, and the officers, common council, village trustees, or town board shall provide proper protection to prevent its being tampered with; and the custodian or custodians preparing such machine shall deliver the keys thereof to the clerk of the city, village, or town in which the machine is to be used, together with a written report of the condition of the machine.

5. *Before an election at which a voting machine is to be used, the said custodian shall instruct each election officer that is to serve in an election district in which the machine is to be used, in the use of the machine and the duties of election officers in connection with it, and shall give to each election officer that has received such instruction and is fully qualified to properly conduct the election with the machine under the conditions that will exist thereat a certificate to that effect. For the purpose of giving such instruction the custodian shall call such meeting or meetings of the election officers as shall be necessary.*

(Ch. 316, 1907.)

School of instruction: attendance and pay therefor.
SECTION 44—10. 1. *The election board of each election district in which a voting machine is to be used, shall, before each election at which they are to serve, attend such meeting or meetings as shall be called by the custodian of the machine, for the purpose of receiving such instruction concerning their duties as shall be necessary for the proper conducting of the election with the machine. Each election officer that shall qualify and serve in the election shall be paid the sum of one dollar for the time spent in receiving such instruction, in the same manner and at the same time as he is paid for his services on election day. In no case, however, shall he receive any payment for receiving such instruction unless he thoroughly understands the machine and is fully qualified to properly perform his duties in connection with its use and has received a certificate to that effect from the custodian of the machine.*

2. The members of the election board of each election precinct in which a voting machine is to be used shall meet at the polling place therein at least fifteen minutes before the time set for the opening of the polls at that election, and shall arrange the voting machine and furniture therein for the proper conduct of the election.

3. They shall also, before the opening of the polls, compare the ballot labels on the machine with the sample ballots furnished, and see that the names, numbers and letters thereon agree. They shall also examine the seal upon the voting machine, to see that it has not been broken, and shall examine every counter therein to see that each registers 000. If any counter in the voting machine shall be found not to register 000, a notice of such fact, stating the designating number of such counter, together with the number registered thereon, shall be written out and signed by all the members of the election board and a copy thereof posted in a conspicuous place upon the wall of the polling place, where it shall remain during the election day.

4. The members of the election board shall then certify on each of the blanks furnished for that purpose as to the condition of the voting machine and the counters therein, which blank shall be signed by each member of the board, and after the election one delivered with each copy of the election returns.

(Ch. 316, 1907.)

Section 47. 1. (Amended by Subs. 2, Sec. 11—12, Ch. 666, 1907.)
Counties of 200,000, opening and closing of polls. [Section 49] (See Chapter 594, 1907.)

General elections; method of voting. SECTION 51. On receiving his ballot the elector shall forthwith, and without leaving the polling place, retire alone to one of the booths or compartments to prepare the same. * * * An elector may use or copy an unofficial sample ballot which may have been marked in advance of his entering the polling place, but he shall not use or bring into such place any such ballot printed upon paper of the color or quality required to be used for printing official ballots. After preparing his ballot, the elector shall fold it so that its face will be concealed and so that the printed indorsement and signatures or initials of the ballot clerks thereon may be seen. He shall then vote forthwith and before leaving the polling place.

(Ch. 583, 1907.)

Repeal. SECTION 52, of the statutes, as amended by section 5, chapter 349, laws of 1899, is repealed.

(Ch. 583, 1907.)