

Section 553m—108. Any person violating any of the provisions of sections 553m—101 to 553m—107, inclusive, of the statutes, shall, on conviction thereof, be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding three months, or by both such fine and imprisonment at the discretion of the court.

SECTION 2. All acts or parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 29, 1915.

No. 411, A.]

[Published July 31, 1915.

CHAPTER 461.

AN ACT to create sections 44m—1 to 44m—15, inclusive, of the statutes, relating to absent voting and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There are added to the statutes fifteen new sections to read: Section 44m—1. Any qualified elector of the state of Wisconsin, having duly registered where such registration is required, who through the nature of his business, is absent or expects in the course of said business, to be absent from the county in which he is a qualified elector on the day of holding any general, special, primary, county, city, village or town election, may vote at any such election as provided in sections 44m—1 to 44m—15, inclusive, of the statutes.

Section 44m—2. Any elector, as defined in section 44m—1 of the statutes, expecting to be absent from the county of his residence on the day of any such election may, not more than fifteen nor less than three days prior to the date of such election, make application to the county clerk of such county, or the clerk of the city, village or town, as the case may be, for an official ballot to be voted at such election.

Section 44m—3. Application for such ballot shall be made in person on a blank to be furnished by the county clerk or the clerk of the city, village or town, as the case may be, in which the applicant is an elector, and shall be substantially in the following form:

APPLICATION FOR BALLOT TO BE VOTED AT THE

..... ELECTION ON

State of }
County of } ss.

I,, do solemnly swear that I have been a resident of the state of Wisconsin for one year, and of the precinct of ward of the city or town (village) of ten days next preceding this election, and that I am a duly qualified elector entitled to vote at said election. That I am

(Stating business)

and because of the nature of my business expect to be absent from said county on, the date of said election, and I hereby make application for an official ballot or ballots to be voted by me at such election, and that I will return said ballot or ballots to the officer issuing same, on or before the day of said election.

Date

Signed

Residence, (Street and number) (city)

P. O. Address

Subscribed and sworn to before me this day of A. D. 191—.

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(Penalty clause set out in full)

Section 44m—4. Upon the execution and filing of such application and not more than ten nor less than three days prior to such election, the county, city, village or town clerk, as the case may be, shall mail to the applicant, postage prepaid, an official ballot or ballots if more than one are to be voted at said election, or such officer shall deliver said ballot or ballots to the applicant personally, not more than ten nor less than one secular day before said election.

Section 44m—5. The county, city, village or town clerk, as the case may be, shall enclose such ballot or ballots in an envelope unsealed to be furnished by him, which envelope shall bear upon the face thereof the name, official title and post-office address of such county, city, village or town clerk, and upon the other side a printed affidavit in substantially the following form:

State of }
County of } ss.

I,, do solemnly swear that I am a resident of the precinct of the (town) (village) of or of the ward in the city of residing at in said city, and the

county of and state of Wisconsin, and am entitled to vote in such precinct at the election to be held on That I am and my duties as such prevent my being in the county of (Stating business)

my residence on the day of said election. I further swear that I marked the enclosed ballot in secret.

Signed

Subscribed and sworn to before me this day of A. D.,, and I hereby certify that the affiant exhibited the enclosed ballot to me unmarked; that he then in my presence and in the presence of no other person, and in such manner that I could not see his vote, marked such ballot and enclosed and sealed the same in this envelope; that the affiant was not solicited or advised by me to vote for or against any candidate or measure.

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Section 44m—6. Such absent voter shall make and subscribe to the affidavit provided for in section 44m—5 of the statutes, before an officer authorized by law to administer oaths and such voter shall thereupon in the presence of such officer and of no other person, mark such ballot or ballots, but in such manner that such officer cannot know how such ballot is marked, and such ballot or ballots shall then in the presence of such officer be folded by such voter so that each ballot will be separate and so as to conceal the marking and be in the presence of such officer, deposited in such envelope together with any unused portion of the ballot, and the envelope securely sealed. Said envelope shall be mailed by such voter, by registered mail, postage prepaid, to the officer issuing the ballot, or if more convenient it may be delivered in person.

Section 44m—7. Upon receipt of such absent voter's ballot, the county, city, village or town clerk, as the case may be, shall forthwith enclose the same, unopened, together with the application made by said absent voter, in a larger or carrier envelope which shall be securely sealed and endorsed with the name and official title of such clerk, and the words, "this envelope contains an absent voter's ballot and must be opened only at the polls on election day while said polls are open," and such clerk shall thereafter safely keep the same in his office until delivered by him as provided in section 44m—8 of the statutes.

Section 44m—8. In case an absent voter's ballot is received by the county, city, village or town clerk, as the case may be, prior to the delivery of the official ballots to the inspectors of election of the precinct in which said elector resides, such ballot

envelope and application, sealed in the carrier envelope, shall be enclosed in such package and therewith delivered to the inspectors of election of such precinct. In case the official ballots for such precinct have been delivered to the inspectors of election at the time of the receipt by the county, city, village or town clerk of such absent voter's ballot, such official shall immediately enclose said envelope containing the absent voter's ballot, together with his application therefor, in a larger or carrier envelope which shall be securely sealed and endorsed on the face to the inspectors of election, giving the name or number of precinct, street and number of the polling place, city, village or town in which such absent voter is a qualified elector and the words "this envelope contains an absent voter's ballot and must be opened only on election day at the polls while the polls are open," mailing the same, postage prepaid, to such inspectors of election or, if more convenient, such county, city, village or town clerk may deliver such absent voter's ballot to the inspectors of election in person or by duly deputized agent. Such clerk or agent shall secure his receipt for delivery of such ballot or ballots. Provided that such delivery of ballots by person shall be made without expense to the county, city, village or town, as the case may be.

Section 44m—9. At any time between the opening and closing of the polls on such election day the inspectors of election of said precinct shall open the outer or carrier envelope only, announce the absent voter's name and compare the signature upon the application with the signature upon the affidavit on the ballot envelope. In case the inspectors find the affidavits executed, that the signatures correspond, that the applicant is a duly qualified elector of the precinct and that the applicant has not voted in person at said election, they shall open the envelope containing the absent voter's ballot in such manner as not to deface or destroy the affidavit thereon and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined and, having endorsed the ballot in like manner as other ballots are required to be endorsed, deposit the same in the proper ballot box or boxes and enter the absent voter's name in the poll book, the same as if he had been present and voted in person. In case such affidavit is found to be insufficient, or that the signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct, or that the ballot is open, or has been opened and resealed, or that the ballot envelope contains more than one ballot of any one kind, or if at a primary the unused portion of the ballot shall not be returned, such vote shall not be accepted or counted.

Every ballot not counted shall be endorsed on the back thereof "rejected (giving reason therefor)." All rejected ballots shall be enclosed and securely sealed in an envelope on which the inspectors shall endorse "defective ballots" with a statement of the precinct in which and the date of the election at which they were cast, signed by the inspectors and returned to the same officer and in the same manner as by law provided for the return and preservation of official ballots voted at such election.

Section 44m—10. The vote of any absent voter may be challenged for cause and the inspectors of election shall have all the power and authority given by law to hear and determine the legality of such ballot as if the ballot were cast by the voter in person.

Section 44m—11. Whenever it shall be made to appear by due proof to the inspectors of election that any elector, who has marked and forwarded his ballot as provided in sections 44m—1 to 44m—15, inclusive, of the statutes, has died, then the ballot of such deceased voter shall be returned by the inspectors of election with defective ballots to the official issuing it, but the casting of the ballot of a deceased voter shall not invalidate the election.

Section 44m—12. All the provisions of the election laws now in force and not inconsistent with the provisions of sections 44m—1 to 44m—15, inclusive, of the statutes, shall apply with full force and effect to all counties, cities, villages and towns in which voting machines are used, relative to the furnishing of ballot boxes; the printing and furnishing of official ballots in such number as the county, city, village or town clerk, as the case may be, may deem necessary; and the canvassing of the ballots and making the proper return of the result of the election. The absent voter's ballot shall be counted and returned separately, with the returns of the ballots cast on the voting machine.

Section 44m—13. In cities of the first class, application for ballots shall be made to the secretary of the board of election commissioners who shall perform all the duties required of city clerks by the provisions of sections 44m—1 to 44m—12, inclusive, of the statutes.

Section 44m—14. If any person shall wilfully swear falsely to any such affidavit he shall be guilty of perjury and shall upon conviction thereof be punished as in such cases by law provided. If any person who, having procured an official ballot or ballots as heretofore provided, shall wilfully neglect or refuse to cast or return same in the manner heretofore provided, or shall wilfully violate any provision of sections 44m—1 to 44m—14, inclusive, of the statutes, he shall be guilty of a misdemeanor

and shall upon conviction thereof be punished by a fine of not to exceed one hundred dollars, or by imprisonment in the county jail not to exceed thirty days. If any county, city, village or town clerk or any election officer shall refuse or neglect to perform any of the duties prescribed by said sections, or shall violate any of the provisions thereof, he shall upon conviction be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not to exceed ninety days.

Section 44m—15. The provisions of sections 44m—1 to 44m—14, inclusive, of the statutes, shall be deemed to provide a method of voting in addition to the method now provided by statute, and, to such extent, as amendatory of existing statutes relating to the manner and method of voting.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 29, 1915.

No. 453, A.]

[Published July 31, 1915.

CHAPTER 462.

AN ACT to amend subdivision (c) of subsection 3 and subsection 4 of section 2394—10 of the statutes, relating to dependents under the workmen's compensation act.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision (c) of subsection 3 and subsection 4 of section 2394—10 of the statutes are amended to read: (Section 2394—10. 3.) (c) A child or children under the age of eighteen years (or over said age, but physically or mentally incapacitated from earning), upon the parent with whom he or they are living at the time of the death of such parent, there being no surviving dependent parent. *In case of divorce the charging of the full support and maintenance of a child upon one of the divorced parents shall be held to constitute a living with the parent so charged.* In case there is more than one child thus dependent, the death benefit shall be divided between such dependents in such proportion as may be determined by the commission after considering the ages of such dependents and other facts bearing on such dependency.

In all other cases questions of entire or partial dependency shall be determined in accordance with the fact, as the fact may be at the time of the accident to the employe; and in such other cases, if there is more than one person wholly dependent, the