

No. 61, A.]

[Published March 13, 1941.]

**CHAPTER 11.**

AN ACT to amend 6.36 (1), 6.41 and 11.62 of the statutes, relating to ballot clerks and indorsement of absent voters' ballots to harmonize said sections with the rulings of the Wisconsin Supreme Court.

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

SECTION 1. Subsection (1) of section 6.36 of the statutes is amended to read:

(6.36) (1) The ballot clerks shall only serve on election day. It shall be their duty to take charge of the official ballots, write their names or initials upon the back of each ballot \* \* \*, fold it in proper manner to be deposited, and deliver to each voter as he enters the booth one ballot duly folded and indorsed. They may, if requested by any 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.

SECTION 2. Section 6.41 of the statutes is amended to read:

6.41 Any person who shall knowingly deposit a ballot in the ballot box upon which ballot the names or initials of the ballot clerks, or those of the issuing town, city, village or county clerk, do not appear shall be punished as provided in section 353.27, and in the canvass of the votes any ballot which is not indorsed by the signatures or autograph initials of such clerks shall be void, not counted, and be treated and preserved as a defective ballot.

SECTION 3. Section 11.62 of the statutes is amended to read:

11.62 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 or sick or disabled 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 such 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, after \* \* \* *verification that the ballot has been indorsed by the issuing county, town, city or village clerk*, deposit the same in the proper ballot box or boxes and enter the absent or sick or disabled 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 indorsed on the back thereof "rejected" (giving reason therefor). All rejected ballots shall be inclosed and securely sealed in an envelope on which the inspectors shall indorse "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 4. This act shall take effect upon passage and publication.

Approved March 12, 1941.

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No. 70, A.]

[Published March 13, 1941.

#### CHAPTER 12.

AN ACT to amend 61.44 (1) of the statutes, relating to street sprinkling in villages.

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

SECTION 1. Subsection (1) of section 61.44 of the statutes is amended to read:

(61.44) (1) The provisions of subsection (9) of section 62.16 shall apply to villages. *In carrying out the provisions of this subsection the following words used therein shall, unless*