

incorporated village, of not less than three hundred inhabitants, within limits to be designated by such town board, and recorded in the town clerk's office, may, when in its discretion the public good requires, appoint not exceeding three policemen, one night watchman and one superintendent of police, and prescribe their duties, and make by-laws for their government; and for the purpose of restraining drunkenness, disorderly conduct and the careless use of fire-arms, such town board shall have authority to pass such by-laws as it may deem expedient, and fix a penalty, not exceeding ten dollars for any one violation of the same, and such by-laws shall be published, and shall be binding, as are by laws passed by qualified electors at an annual town meeting. And said policemen, night watchman and superintendent, shall have the same powers as are now conferred by law upon constables.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1885.

[No. 545, A.]

[Published April 18, 1885.]

CHAPTER 464.

AN ACT relating to elections and the counting and preservation of ballots.

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

Duties of persons whose vote is challenged.

SECTION 1. 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.

SECTION 2. At every election hereafter held within this state, the inspectors of election shall

cause all ballots cast by the qualified voters of any town, ward or voting precinct, in which such election has been held, after the same have been sorted and counted and the result declared and recorded, to be secured in an envelope in open meeting and properly and securely sealed; and the said inspectors shall endorse upon the envelope for what officers and in what town, ward or voting precincts the ballots were received, the date of the election and the certificates of said inspectors that all the ballots cast by the voters of such town, ward or voting precinct, and none others, are contained in said envelope.

Cause all ballots cast to be securely sealed in an envelope.

SECTION 3. Such inspectors shall forthwith, with the other returns and in the same manner as now required by law, transmit the ballots sealed as aforesaid, in case of a town, village or municipal election, to the clerk of such town, village or municipality. In all other cases the ballots, sealed as aforesaid shall in the same manner be transmitted to the county clerk of the county in which such election is held.

Transmit ballots.

SECTION 4. County, city, village and town clerks shall receive the envelopes containing the ballots cast at any election, sealed as provided in the preceding sections and shall retain them in their care until the requirements of the law, as hereinafter provided, have been fully complied with; and within three days after the time hereinafter limited said clerk shall cause such ballots to be destroyed without examining them or permitting them to be examined by any person whatever and shall make an entry in the records of his office that such ballots have been destroyed; any clerk who examines such ballots or permits them to be examined except pursuant to the provisions of law, shall upon conviction thereof, be punished by a fine not exceeding two hundred dollars or by imprisonment in the county jail for a period not more than six months or both, in the discretion of the court.

Ballots to be destroyed.

SECTION 5. If within thirty days next following the day of any election a person who received votes for any office at any election, by himself, his agent or attorney serves upon the clerk of any county, town, city or village, a statement in writing claiming an election to such office or declaring an intention to contest the election of any

Contesting elections.

other person who has received, or who may receive, a certificate of election for the same, such clerk shall retain the envelope containing the ballots thrown at any such election, sealed as provided by law until such claim is withdrawn or such election is decided by the authority competent to decide the same.

Relating to
erroneous re-
turns.

SECTION 6. If, within three days next following the day of any municipal or town election, ten or more qualified voters of any ward, town, village, or voting precinct, file with the city, town, or village clerk, a statement in writing, that they have reason to believe that the returns of the ward, town, village or voting precinct inspectors are erroneous, specifying wherein they deem them in error, said clerk shall forthwith transmit such statement to the inspectors, or the committee, if any, appointed to examine the returns of said election. The inspectors, or such committee, shall thereupon, and within five days (Sunday excepted), next following the day of election, and after having given two days' notice of the time and place of such recount, to the person or persons voted for, if within such town, village or city, open the envelope, and examine and count the ballots thrown in said ward, village, town or voting precinct and determine the questions raised; such notice shall be served in the same manner as a summons in courts of a justice of the peace; they shall then again seal the envelope, either with the seal of the city, town, or village, or a seal provided for the purpose, and endorse upon said envelope a certificate that the same has been opened and again sealed by them, in conformity to law, and the envelope, sealed as aforesaid, shall be returned to the proper city, town, or village clerk, who, upon the certificate of the inspectors, or of their committee, shall alter and amend such of the ward returns as have been proved to be erroneous, and such amended returns shall stand as the true returns of the ward, town, village or election precinct.

Further duties
of clerk regard-
ing erroneous
returns.

SECTION 7. If within thirty days next following the day of any election, ten or more qualified voters of any county, file with the county clerk a statement in writing, that they have reason to believe that the returns of the county canvassers are erroneous, specifying wherein they deem them

in error, said clerk shall forthwith convene such canvassing board, and lay such statement before them. The canvassers thereupon and within five days after such notice of contest has been so filed and after having given three days' notice to all persons in the county interested in such recount, shall open the envelope and examine and recount the ballots thrown in said county, as far as the same relate to the office in dispute and determine the question raised. They shall then again enclose such ballots in said envelope and seal the same either with the seal of the county or a seal provided for the purpose and endorse upon said envelope, a certificate that the same has been opened and again sealed by them in conformity to law and the envelope sealed as aforesaid, with the ballots enclosed therein, shall be returned to the county clerk, who, upon the certificate of the canvassers, shall alter and amend such of the county returns as have been proved to be erroneous, and such amended returns shall stand as the true returns of the county.

SECTION 8. Whenever it shall appear to the supreme court or any circuit court of this state, upon petition duly verified and filed within thirty days after any election, that any of the ballots cast at any county, town, city or village election were illegally cast or counted, such court may, upon an order to show cause directed to the party claiming the election, require such party to appear and answer the petition of the contestant, and upon issue joined, the court shall proceed to hear, try and determine the same according to the usual practice of the courts, and by its judgment may fully determine the rights of the parties, or may order a recount of the ballots cast at any election, and direct that the ballots shown to be illegal may be excluded from such recount. Such recount to be made by the proper inspectors or canvassers, and amended returns thereof, made in due form. Any party interested may appeal from a judgment of the court as in other actions, but no appeal shall stay an order made for a recount of the ballots cast at any such election. Nothing herein contained shall be construed to modify or abolish any of the remedies which now exist at law or in equity in cases herein described.

Regarding il-
legal votes
cast.

SECTION 9. At the canvass of the votes cast at

Penalty for violating provisions of this section.

any election, the inspectors shall not, neither shall they permit any one to examine the back of any ballot but the face thereof only. No person during the canvass of the votes cast at any election, shall expose or examine the back of any ballot or the writing thereon. Any person violating the provisions of this section shall be punished by a fine not exceeding two hundred dollars or imprisonment not exceeding sixty days, or by both fine and imprisonment in the discretion of the court.

Form of ballots to be used,

SECTION 10. No person shall print any ballot for use at any election, or shall distribute, or circulate at any such election, any printed ballot unless such ballots are printed on plain, white, ordinary printing paper and unless the same are printed with black ink on one side of the paper only, and containing no printing, engraving, device or mark of any kind upon the back thereof. Any person violating the provisions of this section shall be punished by a fine not exceeding one hundred dollars, or imprisonment not exceeding sixty days.

Secretary of state to provide self sealing envelopes.

SECTION 11. The secretary of state shall provide a sufficient number of self sealing envelopes to supply all the polls in this state for the use of the inspectors in preserving and returning the ballots as herein provided. Such envelopes shall be distributed by such secretary in the same manner as blanks are now distributed by him for use at a general election.

The word Inspector defined.

SECTION 12. The word inspectors as used in this act shall be construed to include all city, village and town officers or boards receiving ballots and in charge of the polls at any election.

SECTION 13. This act shall take effect and be in force from and after the first day of July, A. D. 1886.

Approved April 11, 1885.