

No. 136, A.]

[Published May 12, 1891.]

CHAPTER 439.

AN ACT to provide for the regulation, control and government of election primaries in counties having a population exceeding 150,000 inhabitants.

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

SECTION 1. The election primaries of all political parties within this state, now maintaining organizations, and of all political parties hereafter organized therein, shall, in counties having a population of more than one hundred and fifty thousand inhabitants according to the census of 1890, be held at the times and in the manner provided for in this act and subject to the provisions hereof.

Primaries shall be held according to law.

SECTION 2. Each political party shall be represented, in each such county, by a committee consisting of one member from each township in such county and one member from each ward in each city, in each such county, to be chosen in the manner in this act provided, and each such committee shall have a chairman and secretary to be selected in the manner herein directed.

Committees, how composed.

SECTION 3. It shall be the duty of the board of public works, mayor, or other officer or officers having charge of the election booths of each city, or town in such county at least fifty days before the day fixed by law for holding any general election, and at least thirty days before the day fixed for holding any charter or special election, to erect within each ward of each city, or within each town of such county, as near the geographical center thereof as may be, an election booth such as is now required to be used in cities having a population in excess of one hundred and fifty thousand inhabitants in this state, and the same they shall maintain and keep standing until after all the primaries for each such election shall have been held. And each member of any such board of public works,

Booths to be erected at which primaries may be held.

and each officer or officers having charge of such booths who shall refuse or fail to comply with the provisions of this section, shall for such failure or refusal, forfeit the sum of one hundred dollars, to be collected and enforced in the manner now provided by law in cases of forfeitures.

Committees to designate time and place of holding primaries, chairman to give notice.

SECTION 4. It shall be the duty of each such county committee in each such county, not more than fifty days and not less than thirty-five days before the day of each general election, and not more than thirty days nor less than twenty days before the day of each charter or special election in their respective counties and cities therein, to designate a time when the election primaries for the party represented by each such committee shall be held for the then ensuing election; and at the same time to select a place in each township in their respective counties where such party primaries shall be held, the place in each township to be as near the geographical center thereof as practicable. The primaries of a party shall be held at the same time, but the primaries of two or more parties shall not be held upon the same day. The primary for each ward in each city or in each town shall be held at the booth erected in that ward or town, pursuant to the provisions hereof. The chairman of each county committee shall give immediate notice of the time and place, when and where the primary of his party for each ward and township in his county will be held, by posting up, or causing to be posted up, in each ward and township in at least five public places in each such ward and township, at least five days before the day for holding such primaries, written or printed notices, signed by the chairman, specifying the name of the party and the time and place when and where the primary for each ward and township will be held, and by the publication of such notice in a newspaper, in such county; printed in the English language, and in a newspaper printed in such county in the German language, and in a newspaper printed in such county in the Polish language, for at least three successive insertions in each such newspaper, within the five days next preceding the date of holding such primaries, and proof of such posting and publications by affidavit shall

be on or before the day of the primaries, filed in the office of the county clerk.

SECTION 5. Any person, by law qualified to hold the office to which he seeks nomination, may become a candidate for nomination to any office to be voted for at the election at which he desires to be a candidate, upon the ballots of any political party holding such primaries, by filing in the office of the county clerk of the county in which he resides, and to which this act shall apply, at least five days before the primaries of the party upon whose ballots he seeks nomination are held, a written notice specifying his name, age, residence, giving street and number if possible, occupation, nationality, and the office to which he desires to be nominated, which such notice shall be endorsed by at least ten qualified electors and freeholders of the ward or township in which he resides; and any such notice not so endorsed shall not be received or filed by such county clerk.

Who may become candidates. Notice of desire for nomination to be filed; what to contain.

SECTION 6. At least three days before the primaries for any political party for any election are held, the chairman of the county committee of such party shall apply to, and there shall be delivered to him by the county clerk, a list of the names of all persons who have filed notices in compliance with section 5 of this chapter, specifying the office for which each person has so applied for nomination, upon the ballots of the party represented by such chairman so applying.

County clerk to furnish to chairman list of names of persons having filed notice.

SECTION 7. Upon receiving the list of names mentioned in section 6, the chairman of the county committee shall immediately proceed to arrange and have printed ballots for such primaries, and shall place thereon, printed in plain types, the names of all persons appearing on such lists, grouping together those seeking nomination to the same office and specifying the office to which each seeks nomination; such ballots shall be headed by the name of the party holding the primaries at which they are to be voted.

Ballots for primaries.

SECTION 8. The chairman of each political party, shall, at least two days before the day fixed for holding the primaries of that party for any election, appoint three inspectors for each ward or township in his county, willing to act as such inspectors; each inspector shall reside in the ward

Inspectors for primaries.

or township for which he is appointed, shall be a qualified elector, a freeholder within the county and a reputable citizen.

Inspectors to
be sworn.

SECTION 9. The said inspectors, on the day of the primaries for which they are appointed, at the opening of the polls and before doing any business, shall severally take and subscribe an oath or affirmation that they will support the constitution of the United States and the constitution and laws of the state of Wisconsin, and will perform the duties of inspectors of primaries according to law; and will studiously endeavor to prevent all fraud, deceit and abuse in conducting the same. Such 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 returns to the county clerk.

Polls of pri-
maries, open-
ing and closing
of.

SECTION 10. The polls of the primaries shall be opened at 6 o'clock in the forenoon and kept open until 8 o'clock in the afternoon of the same day in the cities; and from 8 in the forenoon to 6 in the afternoon in towns and villages. At the time of opening the polls, the inspectors shall make public announcement thereof, and at the time of the closing of the polls, like public announcement shall be made.

Qualifications
of voters at
primaries.

SECTION 11. No person shall be entitled to vote at any primary unless he is a resident within the ward or township for which such primary is held, and will be a qualified voter at the election for which such primary is held; nor shall any person be entitled to vote at any primary unless his name appears upon the last registration list of the ward or upon the last poll list of the town for which such primary is held; provided, that if any person has become a resident of such ward or town for which such primary is held, since such last registration or poll list, as the case may be, was made, he shall be entitled to vote at such primary if he shall first make oath or affirmation in the following form:

I do solemnly swear (or affirm) that I am a resident of this ward (or town) in which this primary at which I offer to vote is being held; that I reside at....., in said ward (or town) and have resided there for ten days last past; that at the election now ensuing I will be a qualified voter within said ward (or town)

according to the laws of this state, so help me God.

Such oath may be administered by either inspector, and upon taking such oath the person taking it shall be entitled to vote at such primary. Opposite the name on the poll lists of such primaries of each person taking the above oath, the inspector shall mark the word "sworn."

SECTION 12. Any person voting or offering to vote at any primary, not being entitled to vote thereat under the provisions hereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, together with the costs of prosecution; or by imprisonment in the county jail not less than sixty days nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

Penalty for illegal voting at primary.

SECTION 13. The chairman of each county committee shall furnish to the inspectors in each ward and township, for use at the respective primaries held by his political party for each election, true copies of the registration lists last made of each precinct in each such ward; and he shall likewise furnish to the inspectors of primaries in each township true copies of the poll lists of the last preceding election at each such town, so that the inspectors of each ward shall have before them at each primary, the last registration list of that ward, and the inspectors of each township shall have before them at each primary the poll lists of that township last made.

Registration lists to be furnished inspectors.

SECTION 14. No person shall vote more than once at any primary, nor vote at more than one primary held for the same election; and any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor, and shall upon conviction of any such violation be punished by a fine not less than twenty-five dollars nor more than one hundred dollars, together with the costs of prosecution, or by imprisonment in the county jail at hard labor not less than sixty days nor more than four months, or by both such fine and imprisonment in the discretion of the court.

Penalty for repeating vote at primary.

SECTION 15. The chairman of each county committee shall deliver to the inspectors of each ward

Tickets to be delivered to inspectors.

and township in his county, at or before the opening of the polls thereof, enough tickets for each such primary, prepared in the manner provided in section 7, and the same shall be left in the ticket room of the election booths for the use of the voters.

Manner of marking ballots.

SECTION 16. Any person desiring to vote for any candidate for nomination to any office at any such primary, and using the ballots furnished by such chairman and found in any booth shall place a cross (X) immediately at the left and opposite to the name of the candidate that he desires to vote for, and the placing of such cross as herein indicated shall be considered a vote for the candidate opposite whose name such cross (X) appears. No person shall vote for more than one candidate for nomination to the same office, but every voter shall be entitled to cast one vote for one candidate for each office, for which nominations are being made. Any voter voting at any such primary shall not be compelled to use the ballots provided in compliance with this act, but he may use any form of ballot which does not conflict with the provisions of this act in the manner of voting. If any candidate by any ballot receives more than one vote for nomination to any office, all votes upon such ballot for any such office shall be ignored by the inspectors and shall not be counted.

Inspectors only allowed in voting booth.

SECTION 17. While the polls of any primary are open no person shall be permitted to remain in any voting booth or place where such primary is being held, excepting only the inspectors appointed thereto and acting.

Inspectors and person voting only allowed within one hundred feet of voting booth.

SECTION 18. While the polls of any primary are open, no person, excepting only the inspectors, shall go or be permitted within one hundred feet of the booth at which such primary is held, provided, that voters shall be allowed to approach and enter such booth or place, separately and unattended, to vote at such primary. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars in the discretion of the court, together with the costs of prosecution, or by imprisonment in the county jail at

hard labor not less than thirty nor more than ninety days, or by both such fine and imprisonment.

SECTION 19. The inspectors at each primary shall keep a poll list on which shall be entered the full names of all persons voting thereat, in the order of their voting, and on request of the inspectors, each voter shall state his full name before his ballot shall be received.

Poll lists to be kept.

SECTION 20. As soon as the poll of each primary is closed, the inspectors shall proceed immediately to publicly canvass, 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. 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 ballots is completed; and if upon a comparison of the count and the appearance of such ballots a majority of the inspectors be of the 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 so folded together are destroyed, the whole number of votes on the poll list, 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 made to agree with the poll list, the inspectors shall proceed to open and count and ascertain the number of votes each candidate for nomination has received. The canvass being completed the inspectors shall then publicly announce the result thereof, specifying the whole number of votes cast for each candidate for nomination, and shall immediately draw up a statement in writing thereof, setting forth therein the name of each candidate for nomination voted for at such primary, the office for which he was a candidate and the number of votes by him re-

Canvass of votes. Disposition of ballots illegally cast. Destruction of ballots.

ceived, as shown by the ballots cast, which statement they shall certify to be correct and shall subscribe their names thereto. Such statement, together with the oath of inspectors and the poll list of such primary, the said inspectors shall carefully and safely seal up in an envelope and the same within twenty-four hours thereafter shall safely transmit to the county clerk of the county.

Ballots to be destroyed.

SECTION 21. As soon as the ballots cast at each primary are canvassed, and such statement is signed, the inspectors of the primary at which they were cast shall burn and destroy the said ballots.

Canvass of returns.

SECTION 22. On the second day after the primaries of any party are held for any election the county clerk shall take to his assistance one justice of the peace of the county, and one member of the county board of supervisors, who with the county clerk shall constitute a canvassing board to canvass the returns of such primaries; but if such county clerk shall be a candidate for renomination at such primaries he shall not act upon such canvassing board, but his place thereon shall be filled by the county judge, and if such county judge shall be unable from any cause to act, any other county officer, not being a candidate for renomination, shall be chosen, and the board thus organized shall proceed to canvass the returns of such primaries. On the assembling of the board of canvassers they shall open and examine the returns, and if from any town or ward no returns shall have been received, they shall forthwith despatch a messenger therefor, and the person having them in charge shall deliver them to such messenger; and if on examination of any returns they shall be found to be so incomplete or informal, that the board cannot intelligently canvass them, they shall despatch a safe and trusty messenger with such returns to the inspectors who made them, with written specifications of such informalities or defects, and command them to forthwith complete the same in the manner required by this act and deliver them to such messenger, which such inspector shall do. Every such messenger shall safely keep all such returns, permit no persons except such inspectors to see them, and deliver them to such board with

all possible despatch. For such purposes the board may adjourn as may be necessary not exceeding twenty four hours in all.

SECTION 23. The returns having been obtained as herein provided, the board shall proceed to make out a statement in writing, specifying the names of the candidates for nomination to each office who received votes, and the number of votes received by each. They shall append to each such statement a succinct tabular statement in figures, of the votes cast at each primary poll in the county or city in case of city election, for each office and person entering into the canvass embraced in such statement under the provisions of this act. Each such statement shall be certified to be correct, and signed by such board, and filed in the office of the county clerk. The board shall certify to the chairman of the county committee of the party for which the primaries so held were held, the name of the person who received the highest number of votes at such primaries for each office to be voted for at the election then ensuing, and the person receiving the highest number of votes for nomination to any office, shall be the nominee for that office.

Report of canvassing board.

SECTION 24. Every public officer and every inspector of primaries appointed pursuant to the provisions of this act, upon whom by his consent, any duty is imposed by this act, who shall willfully fail or neglect to perform such duty shall be deemed guilty of an offense, and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, together with the costs of prosecution, or by imprisonment in the county jail not less than three months nor more than six months, or by both such fine and imprisonment in the discretion of the court.

Penalty for neglect of duty.

SECTION 25. No inspector shall do any electioneering at any primary. No person shall solicit votes for any candidate for nomination to any office, or do any electioneering whatever on the day of any primary within any booth or other place where a primary is being held or within a hundred feet of any such place or booth. No person shall remove any ballot from any booth or polling place of any primary before the closing of the polls thereof. No person ex-

Electioneering prohibited; penalties.

cept an inspector of primary shall receive from any voter a ballot prepared for voting. No person shall vote more than one ballot at the poll of any primary. No person shall make falsely the oath or affirmation provided by section 11, of this act. Whosoever shall violate any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars, together with the cost of prosecution, or by imprisonment in the county jail of the proper county not to exceed one year, or both such fine and imprisonment.

County committee may name candidate, when

SECTION 26. In case no notice of candidacy for nomination, upon the ticket of any party, to any office shall be filed pursuant to the provisions of section 5 of this act, so that there shall be no candidate for nomination to any office to be voted for at any primary, the county committee of such party shall nominate a candidate to such office.

County committees, how selected.

SECTION 27. At the primaries held for each election at which county officers are to be elected, the members of each party shall in each ward and township meet, between the hours of one o'clock and two o'clock in the afternoon of the day on which the party primary is held, and then by acclamation or otherwise, elect from each ward and from each township one member of the county committee of that party. No person shall be qualified for election as such member unless he be a resident of the ward or township from which he is elected, and a qualified voter therein. Each person so elected shall take office on the first Monday in January next following his election, and shall hold for two years or until his successor is elected and has accepted. The persons thus elected shall compose the county committee of the party they were elected to represent. On the first Monday in January next following such election the members of the county committee of each party so elected shall respectively meet and such committees shall respectively organize by electing from among their respective members a chairman and a secretary of each committee, who shall act until their successors have been elected and have accepted. Any

vacancy in the office of member of any county committee, or in the office of chairman or secretary thereof, by death, resignation or otherwise, may be filled by election by the members of the committee in which the vacancy occurs; but no person shall in any case be elected to represent any ward or township upon any county committee unless he possesses the qualifications required by this act. The county committee of each political party in counties to which this act applies, as now organized, shall hold office and act until their successors are elected in pursuance of this act.

SECTION 28. The provisions of this act shall apply to all city and special, as well as to general elections, but shall not apply to judicial elections nor to the election of delegates to state conventions.

Not to apply to judicial elections nor to elections of delegates to state conventions.

SECTION 29. This act shall take effect and be in force from and after its passage and publication.
Approved April 24, 1891.

No. 679, A.]

[Published May 5, 1891.]

CHAPTER 440.

AN ACT to provide for the re-organization of any corporation organized under the provisions of section 1771, of the revised statutes of Wisconsin, and to define the powers and duties thereof, and the rights of its members.

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

SECTION 1. Any corporation heretofore organized under the provisions of section 1771, of the revised statutes of Wisconsin, and having a membership of not less than one thousand persons, may re-organize and re-incorporate under the provisions of this act, for the purpose of insuring or indemnifying its members, on the as-

Assessment of life insurance companies may re-organize, when.