

**AN ACT supplemental to an act to establish the University of Wisconsin.**

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

SECTION 1. That whenever there shall be a vacancy in the office of regents in the university from any cause whatever it shall be the duty of the governor to fill such office by appointment, and the person or persons so appointed shall continue in office until the close of the next session of the legislature, and until others are elected in their stead.

N. E. WHITESIDE,  
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 21, 1848.

NELSON DEWEY.

**AN ACT to provide for holding general and special Elections, the time when, the manner of holding the same, and the qualifications disabilities and privileges of electors.**

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

**TITLE 1.**

SECTION 1. Every male person of the age of twenty-one years or upwards belonging to either of the following classes who shall have resided in the state for one year next preceding any election, shall be deemed a qualified elector at such election:

1st. White citizens of the United States.

2d. White persons of foreign birth, who shall have declared their intentions to become citizens conformably to the laws of the United States on the subject of naturalization.

3d. Persons of Indian blood, who have once been declared by law of congress citizens of the United States, any subsequent law of congress to the contrary notwithstanding.

4th. Civilized persons of Indian descent not members of any tribe.

SEC. 2. No person under guardianship, non compos mentis, or insane, shall be qualified to vote at any election nor shall any person convicted of treason or felony be qualified to vote at any election unless restored to civil rights, nor any person who has made any wager or bet depending upon the result of an election at which he shall offer to vote.

## TITLE 2.

### ARTICLE I:

SECTION I. General elections are such as are held at the same time in all of the counties of the state for the election of all or a part of the following officers, governor, lieutenant governor, senators, members of the assembly, clerks of the circuit courts, sheriffs, registers of deeds, district attorneys, state superintendent, judges of probate, clerks of the board of supervisors, coroners, secretary of state, treasurer, attorney general, representatives in congress, and electors of president and vice-president, and all state and county officers not herein enumerated, or otherwise provided for and shall be held on the Tuesday succeeding the first Monday of November in each year.

SEC. 2. Special elections are such as are held only in a particular district or county, at a time when no general election is held for one or more of the officers proper to be chosen at a general election, but no special election shall be held within thirty days previously to a general election.

SEC. 3. Special elections shall be held in the following cases:

1st. When an officer other than a governor, lieutenant governor, secretary of state, treasurer, attorney general, and electors of President and vice-president, shall not have been chosen, by reason of two or more candidates having received an equal number of votes for the same office:

2d. When the right of office, of a person elected to the office of a senator, member of assembly, sheriff, clerk of the circuit court, register of

deeds, judge of probate, clerk of board of supervisors, coroner, state superintendent, treasurer, attorney general, shall cease before the commencement of the term of service for which such officer shall have been elected.

3d. When a vacancy occurs in the office of senator or member of the assembly after the last day of December in any year and before the first day of February next following.

Sec. 4. When a special election shall not have taken place as required by law the vacancy which ought to have been supplied at such election, shall be supplied at the next general election.

Sec. 5. All vacancies in the office of representative in congress shall be supplied at the general election next succeeding the happening thereof.

Sec. 6. If a vacancy proper to be supplied at a general election, shall not have been supplied at the general election next succeeding the happening thereof, a special election to supply such vacancy shall then be held.

Sec. 7. Special elections in the first case provided for in the second section of this title shall be ordered by the board of canvassers having the power to determine on the election of the officer omitted to be chosen, in all other cases such elections shall be ordered by the governor who shall issue his proclamation therefor.

Sec. 8. Such proclamation shall specify the county or district in which such special election is to be held: the cause of such election: the name of the officer in whose office the vacancy has occurred: the time when his term of office will expire, and the day on which such election is to be held, which shall not be less than twenty nor more than forty days from the date of the proclamation.

Sec. 9. Elections in all incorporated cities shall be by wards, and in all other parts of the state by towns and precincts.

Sec. 10. The supervisors of each town or precinct shall be the inspectors of elections in such town or precinct, and the alderman in each ward shall be the inspectors of elections in such ward, any two of such inspectors may act, and in case of the death, refusal or inability of either of them to act as such inspectors so that a quorum is not present the places of such persons shall be filled by the viva voce votes of such qualified electors residing within such town ward or precinct as may then be present at the place of election, and the persons so elected shall be and

hereby are invested with the same power as the other inspectors of election in this section mentioned.

SEC. 11. The clerks of the several towns and precincts in this state shall by virtue of their office be clerks of elections. The inspectors of elections in said towns and precincts shall choose another clerk who shall possess the requisite qualifications of an elector of such town or precinct and the inspectors of elections of the several wards of this state shall choose two clerks of elections having the qualifications above specified.

SEC. 12. Previous to any votes being taken the inspectors and clerks of elections shall severally take an oath or affirmation that they will support the constitution of the United States, the constitution of the state of Wisconsin, and will perform the duties of inspector (or clerk as the case may be) of elections according to law and will studiously endeavor to prevent all fraud deceit or abuse in conducting the same, said oath or affirmation may be administered by any one duly authorized by law to administer oaths, and the person administering said oath shall cause an entry thereof to be made and shall subscribe the same and the inspectors shall prefix the same to the poll books.

SEC. 13. Whenever in the opinion of the inspectors of election of any town or precinct more than one poll of election will be necessary for the convenience of the electors at any general or special election they are hereby authorized to designate a place where a second poll shall be held giving ten days notice thereof by posting up notices in five of the most public places in such town or precinct, at which poll the inspectors and clerks shall be chosen and qualified as provided in section ten of this article.

### TITLE 3.

#### ARTICLE 1.

SECTION 1. The secretary of state shall once in every two years between the first day of July and the first day of September immediately preceding the expiration of the term of office of the governor and lieutenant governor last chosen, direct and cause to be delivered to the sheriff or clerk of the circuit court, or in case there shall be no such sheriff or clerk of the circuit court in such county then to the clerk of the board of supervisors of each county, a notice in writing specifying that a governor and lieutenant governor, secretary of state, state treasurer, attorney general and state superintendent are to be elected, and also the names of the senators for the

district or districts to which said county belongs whose term of service shall expire on the last day of December thereafter.

SEC. 2. If any vacancy shall exist in a county proper to be supplied at the ensuing general election he shall in like manner and time direct and cause to be delivered to the sheriff or clerk of the circuit court (or in case there shall be no such sheriff or clerk of the circuit court) in such county then to the clerk of the board of supervisors of such county, a notice in writing specifying the cause of such vacancy, the name of the officer in whose office it has occurred, and the time when his term of office will expire, and if any such vacancy shall exist in any district he shall in like manner direct and cause like notice to be delivered to the sheriff or clerk of the circuit court or in case there shall be no such sheriff or clerk of the circuit court in such county then to the clerk of the board of supervisors in each county contained in such district.

SEC. 3. When a special election in a county shall be ordered by the governor, the secretary of state shall forthwith cause a copy of the governor's proclamation to be delivered to the sheriff or clerk of the circuit court, or in case there shall be no such sheriff or clerk of the circuit court then to the clerk of the board of supervisors, of such county: and when ordered in a district to the said sheriffs or clerks, or in case there shall be no such sheriff or clerk of the circuit court, then to the clerk of the board of supervisors in each county therein.

SEC. 4. The secretary of state shall cause a copy of each notice issued by him and of each proclamation of the governor to be published in a paper printed at the seat of government, once in each week from the date of such notice or proclamation until the election to which it shall refer.

#### ARTICLE II.

SEC. 5. When a special election shall be necessary in the case of an equality of votes, the board of canvassers having power to determine on the election of the officer omitted to be chosen, shall without delay, direct and cause to be delivered to the sheriff or clerk of the circuit court, or in case there shall be no such sheriff or clerk of the circuit court, then to the clerk of the board of supervisors of each county in the district or of the county in which such election is to be held, a notice in writing, specifying the officers to be chosen, the time for which he is to be chosen, and the day on which such election is to be held, which day shall not be less than twenty nor more than thirty days from the date of such notice.

SEC. 6. The notice of such an election, if ordered by the board of state canvassers, shall be signed by the secretary of state, and if ordered by the county canvasser, by the clerk of the board of supervisors.

SEC. 7. The sheriff or clerk of the circuits court of each county who shall receive a notice of an election shall without delay, give notice in writing of such election to one of the inspectors of elections in each town, ward or precinct in his county, and shall also cause a copy of the notice received by him, to be published in all of the public newspapers printed in his county if there be any, if not then in a paper printed in an adjoining county once in each week from the date of such notice until the election.

SEC. 8. The inspector receiving such notice shall without delay, give notice in writing to the other inspectors of his town, ward or precinct and in such notice shall fix a time and place for a meeting of the board of inspectors. The inspectors of such town, ward or precinct shall meet at the time and place so appointed, and shall, by notices in writing under their hands or by a majority of them give at least eight days notice to the electors of the town, ward or precinct, of the time and place at which such election is to be held therein.

SEC. 9. Such notice shall also specify the officers to be chosen and the hour of opening, adjourning and closing the polls of the election. The notice, if of a general election shall also state whether any of the officers then to be chosen are to supply vacancies, and the names of those in whose offices such vacancy shall have occurred. The inspectors shall cause such notices to be posted in a conspicuous manner in at least five of the most public places of their town, ward or precinct.

#### TITLE 4.

##### ARTICLE I.

SEC. 1. The inspectors of each town, ward or precinct, shall meet at the time and place when and where an election shall have been appointed to be held therein, and shall proceed to organize themselves as a board for the purpose of presiding at and conducting said election.

SEC. 2. The poll of the said election shall then be opened and proclamation thereof made, and proclamation shall also be made of each adjournment and of closing the polls. The poll shall be kept open in the day time only between the rising and setting of the sun.

SEC. 3. At the opening of the poll in the forenoon, which shall be at

9 o'clock A. M. the inspectors shall give notice at what hour on that day, and for how long the poll will be adjourned, if any adjournment take place, and also at what hour the poll of the election will be closed. Provided the poll at said election shall not be closed finally before five o'clock in the afternoon of that day.

#### ARTICLE II.

SEC. 4. The electors shall vote by ballot, and each person offering to vote shall deliver his ballot to one of the inspectors in presence of the board. The ballot shall be a paper ticket, which shall contain written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen: but no ballot shall contain a greater number of names of persons as designated to any office than there are persons to be chosen at the election to fill such office.

SEC. 5. On the outer side of each ballot when folded, shall appear written or printed one of the following words: state, congress, or county, but no ballot found in the proper box shall be rejected for want of such endorsement.

SEC. 6. The ballot endorsed state shall contain the names of the persons designated by the elector for the offices of governor lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent, senator and member of assembly, any or either of them. That endorsed congress the name of the person designated for the office of representative in congress. That endorsed county, the county officers to be chosen at such election, any or either of them.

SEC. 7. If at a general election, there be one or more vacancies to be supplied in the office of senator, and at the same election a senator is to be elected for two years, it shall be necessary to designate on the ballot of each elector for which term the person voted for is intended, for which term the persons respectively elected shall serve. And if at a general election any person named in a congress ballot shall be intended to supply a vacancy in the office of such representative the ballot shall designate the congress for which each person is intended to be chosen.

SEC. 8. If any person offering to vote shall be challenged as unqualified by an inspector of elections, or by any other person entitled to vote at the same poll, the board of inspectors shall declare to the person so chal-

lenged the qualifications of an elector. If such person shall state himself duly qualified, and the challenge shall not be withdrawn, one of the inspectors shall then tender to him the following oath:

You do solemnly swear (or affirm as the case may be,) that you are a citizen of the United States of twenty one years of age, (or that you have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization,) that you have resided in this state for one year next preceding this election, that you are now a resident of this town, (ward or precinct as the case may be,) and that you have not voted before at this election, or made any bet relative to, or depending upon the result of this election.

SEC. 9. If any person so offering to vote, shall take such oath, his vote shall be received, unless it shall be proved by evidence satisfactory to a majority of the board of inspectors, that such person does not possess the qualification of an elector, and if any person so challenged shall refuse to take the oath so tendered to him, his vote shall be rejected.

SEC. 10. If the person be challenged as convicted of an infamous crime he shall not be required to answer any questions in relation to such a leged conviction, nor shall any proof of such conviction be received other than a duly authenticated record thereof: but if any person so convicted shall vote at any election unless he shall have been pardoned and restored to all the rights of a citizen, he shall be deemed guilty of a misdemeanor and on conviction shall be imprisoned in a county jail for the term of six months.

#### ARTICLE III.

SEC. 11. At each general election the board of inspectors shall provide and keep two boxes one to be entitled the state box, the other the county box. If representatives in congress are to be chosen, an additional box shall be kept, to be entitled the congress box and if electors of president and vice president are to be chosen an additional box shall be kept to be entitled the electoral box.

SEC. 12. At a special election so many only of such boxes shall be kept as shall be necessary for depositing the ballots for officers to be chosen at such election. Each box shall be provided with a sufficient lock, and shall be locked before the opening of the poll, and the keys thereof delivered to one of the inspectors to be appointed by the board, and shall not



be opened during the election except in the manner and for the purposes hereinafter mentioned.

SEC. 13. An opening shall be made in the lid of each box, not larger than shall be sufficient for a single closed ballot to be inserted therein at one time through which each ballot received proper to be placed in such box shall be inserted.

SEC. 14. When the board shall have finally received the ballot of an elector one or the inspectors without opening the same or permitting it to be opened or examined, shall deposit in the box corresponding in title with the endorsement on the ballot.

SEC. 15. Each clerk of the poll shall keep a poll list which shall contain one column headed names of voters, and so many additional columns as there are boxes kept at the election, the heading of each additional column shall correspond with the name of one of the boxes kept.

SEC. 16. The name of each elector voting, shall be entered by each clerk in the column of his poll list headed names of voters and opposite such names shall be written the figure one in each remaining column of such poll list corresponding in its heading with the name of each box, in which a ballot of the elector shall have been deposited.

SEC. 17. If there shall be an adjournment of the poll the clerks shall in the presence of the inspectors compare their respective poll lists, compute and set down the number of the votes in each column and correct all mistakes that may be discovered according to the decision of the board, until such poll lists shall agree in all respects. Two of the boxes shall then be opened and a poll list shall be placed in each, such boxes shall then be again locked and the seal of one or more of the inspectors shall be so placed on each box as to entirely cover the opening in the lid of each. The keys shall then be delivered to one of the inspectors, and the boxes to another to be designated by the board, to be kept carefully by each until the poll is re-opened.

SEC. 18. At the re-opening of the polls the seals shall be broken, the boxes opened, the poll lists taken out and the boxes again locked.

SEC. 19. It shall be the duty of each inspector to challenge every person offering to vote whom he shall know or suspect not to be duly qualified as an elector.

SEC. 20. The board of inspectors shall possess full power and authority to maintain regularity and order, and to enforce obedience to their law

ful commands during an election and during the canvass and estimate of the votes, after the closing of the poll. And if any person shall refuse to obey such commands of the inspectors or by disorderly conduct in their presence or hearing shall interrupt or disturb their proceedings they may by an order in writing commit the person so offending to the common jail of the county for a period not exceeding ten days.

SEC. 21. Such order shall be executed by any sheriff or constable to whom the same may be delivered, or if none shall be present, by any other person deputed by such board in writing.

#### ARTICLE IV.

SEC. 22. As soon as the poll of an election shall have been finally closed the board of inspectors shall immediately proceed to canvass the votes given at such election. The canvass shall be public and continued without adjournment until fully completed.

SEC. 23. The canvass shall be commenced by a comparison of the poll lists from the commencement and correction of any mistakes that may be therein until both shall be made to agree. Each box shall then be opened and the ballots contained therein shall be taken out and counted, un-opened except as far as shall be necessary to ascertain that each ballot is single, and if two or more ballots shall be found so folded together as to present the appearance of a single ballot they shall be laid by until the counting of ballots in the box where they are found shall be completed, and if on comparison of said count and the appearance of said ballots, the majority of the board shall be of the opinion that said ballots were voted by one elector said ballots shall be destroyed.

SEC. 24. No ballot properly endorsed found in a box different from that designated by its endorsement shall be rejected, but shall be counted in the same manner as if found in the box designated by such endorsement.

SEC. 25. If the ballots shall be found to exceed in number the whole number of votes in the correspondent columns of the poll lists, they shall be placed in the box and one of the inspectors shall publicly draw out and destroy unopened so many ballots as shall be equal to such excess, the ballots and numbers on the poll list agreeing or being made to agree the board shall then proceed to canvass and estimate the votes.

SEC. 26. After the votes have been counted and returned to the box one of the inspectors shall take them out singly open the same and hand it

to another of the inspectors who shall read the same distinct and plain, and the clerk shall keep correct lists of all such ballots as they are thus canvassed, the ballots thus counted shall be preserved and returned to the box from which they were counted.

Sec. 27. The canvass being completed a statement of the result shall be drawn up in writing by the inspectors which they shall certify to be correct, and subscribe with their proper names such statement shall contain in words written at full length the whole number of votes given for each office at such election, the names of the persons for whom such votes were given and the number of votes so given, and the number of votes so given to each person, which statement shall be securely enveloped in paper and sealed closely.

Sec. 28. The board of inspectors shall deliver the statement so certified, subscribed and sealed to such one of the inspectors as shall be appointed by the board to deliver the same to the clerk of the board of supervisors of the county. A duplicate of such statement shall also be signed by the inspectors at the same time, and shall be immediately delivered to the town clerk (or to the clerk of any incorporated city or village as the case may be) to be filed and preserved by him.

Sec. 29. The ballots, excepting such ballots as shall have been rejected by the inspectors as defective shall then be destroyed, and the board of inspectors shall be dissolved. It shall be the duty of the inspectors of elections to preserve a true copy of all ballots rejected as defective with the originals attached and deliver the same together with the poll list to the town clerk (or clerk of any city or village as the case may be) to be filed in his office.

#### TITLE 4.

##### ARTICLE I.

Sec. 1. The inspectors in each county to whom the original statements of the canvass of votes in the several towns wards or precincts to which they respectively belong shall have been delivered, shall deliver the same with the envelopes and seals unbroken, to the clerk of the board of supervisors of their respective counties within ten days from the day on which any such election shall be held.

Sec. 2. On the eleventh or twelfth day after the close of any such election, the clerk of the board of supervisors shall take to his assistance

two justices of the peace of his county and proceed to open said returns and estimate the votes of the county and shall make such statements thereof as the nature of the election shall require.

SEC. 3. They shall make a separate statement containing the whole number of votes given in such county for the office of governor, lieutenant governor, senator, member of assembly, representative in congress, secretary of state, treasurer, attorney general and state superintendent any or either of them according to the facts set forth in said returns, the names of the persons to whom such votes were given, and the number of votes given to each, and for what office said persons received such votes. And another similar statement of the votes for electors of president and vice president in such statements the whole number of votes given, the names of the candidates and the number of votes given to each shall be written out in words at full length.

SEC. 4. Each statement shall be certified as correct, and attested by the signatures of the clerk of the board of supervisors and said two justices and filed in the office of said clerk.

SEC. 5. Upon the statements of votes given for county officers and members of assembly, the said clerk and justices shall proceed to determine what person or persons have, by the greatest number of votes been duly elected to each of the offices mentioned in such statement. And it shall be the duty of the said clerk to make out immediately a certificate of election to each of the persons having the greatest number of votes for members of assembly and county officers respectively and deliver such certificates to each person on his making application therefor.

SEC. 6. That in case the clerk of any board of supervisors shall die, remove from the county, be absent, or otherwise incapacitated to perform the duties herein required, the clerks of the circuit court (and in case there shall be no such clerk of the circuit court, then the said board of supervisors shall appoint their clerk who shall hold his office until another is duly elected and qualified) who shall perform the duties herein specified in such county, and his acts shall be in all respects as valid and binding as though they had been performed by a clerk of the board of supervisors, he shall be subject to the same liabilities and penalties for any violations of this act.

SEC. 7. The clerk of the board of supervisors shall record in his office all the statements and certificates that shall have been made out by him and such justices as hereinbefore specified, and shall keep a proper book for that purpose.

SEC. 8. Of the statement and certificate of the votes for the office of governor, lieutenant governor, representatives in congress, senators, secretary of state, treasurer, attorney general, and state superintendent, or either of them, he shall prepare three certified copies under his signature and sealed with the seal of his office, of these copies he shall send by mail, one to the governor, one to the secretary of state, and one to the treasurer of state within fifteen days after any general or special election.

SEC. 9. He shall transmit to the secretary of state within thirty days after any election a list of the persons elected in the county as members of assembly, and also a list of the names of the persons declared at such canvass to be elected sheriff clerk of the circuit courts, clerk of the board of supervisors and coronor.

SEC. 10. It shall be the duty of the secretary of state to record in his office in a book to be kept by him for that purpose, each certified statement of the result of an election received by him from a clerk of a board of supervisors, and to obtain from the governor and treasurer every such certified statement received by either of them, and to record one of those so obtained for each county from which no similar statement shall have been received by himself.

SEC. 11. If from any county from which such statement shall be due none shall have been received or obtained by him, within thirty days after any election, he shall despatch a special messenger to obtain such statement from the clerk of the board of supervisors of such county, and such clerk shall immediately on demand of such messenger made at his office make out and deliver to the messenger the statements required, said messenger shall deliver to the secretary of state as soon as may be all such statements as he shall receive to be filed and recorded as aforesaid.

SEC. 12. The secretary of state shall appoint a meeting of the state canvassers to be held at his office or that of the treasurer on or before the fifteenth day of December next after any general election and within forty days after a special election. If a majority of said canvassers shall fail to attend on the day appointed, a minority may adjourn from day to day until a majority shall be present.

SEC. 13. The secretary of state, treasurer and attorney general, shall be the state canvassers, a majority of whom shall be sufficient to form a board. The board when thus formed, shall upon the certified statements of electors, recorded in the office of the secretary of state or received by him.

proceed to make a statement of the whole number of votes given at any such election for the office of governor and lieutenant governor, secretary of state, treasurer, attorney general and state superintendent, or either of them: another statement of the votes given for the office of senators, and another of the votes given for representatives in congress; each of which statements shall show the names of the persons to whom such votes shall have been given for either of the said offices, and the whole number of votes given to each, distinguishing the several districts and counties in which they were given. They shall certify such statements to be correct, and subscribe the same with their proper names. The board shall have power to adjourn from day to day for a term not exceeding three days.

Sec. 14. Upon such statements they shall then proceed to determine and declare what persons have been by the greatset number of votes, duly elected to such offices or either of them, they shall make and subscribe on the proper statements a certificate of such determination and shall deliver the same to the secretary of state.

Sec. 15. He shall record in his office in a book to be kept by him for that purpose, each certified statement and determination which shall be delivered to him by the board of state canvassers, and shall without delay deliver a copy under the seal of his office of such certified determination to each person thereby declared to be elected, and a like copy to the governor and shall likewise cause a copy of such certified statements and determinations to be printed in a paper printed at the seat of government of the state and in one of the papers printed in each senate district for which a senator shall have been chosen.

Sec. 16. He shall prepare a certificate under the seal of his office and attested by him as secretary of state addressed to the house of representatives of the United States, in that congress for which any person or persons shall have been chosen, of the due election of the person or persons so chosen at such election as representatives of this state in congress, and shall transmit the same to the said house of representatives at their first meeting, and if either of the persons so chosen at such election shall have been duly elected to supply a vacancy in the office of representative in congress, it shall be mentioned by the secretary in the statements and certificates to be prepared by him.

## TITLE 6:

## ARTICLE I.

SECTION 1. On the third Monday of January next before the expiration of the time for which any senator was elected to represent this state in congress if the legislature shall then be in session, and if not then within ten days after a quorum of both houses shall be assembled at the then next meeting of the legislature, an election shall be held for a senator in congress at the place where the legislature shall then be sitting, in the room of such senator so going out of office.

SEC. 2. Whenever the seat of any such senator shall become vacant before the expiration of the time for which he was elected, another senator shall be elected in his place within ten days after the legislature shall have notice of such vacancy, at the place where it shall then be sitting.

SEC. 3. Such election shall be made by the legislature in the following manner: The senate and assembly shall meet in joint convention in the hall of the assembly at the time hereinbefore specified. The president of the senate and speaker of the assembly shall be the presiding officers of the convention. The chief clerk of the senate shall then proceed to call the roll of the members of the senate, and as each senator's name is called if he be present he shall rise and vote viva voce for such person as he shall select for the office of senator. The chief clerk of the assembly shall then proceed to call the roll of the members of the assembly and each shall rise and vote as aforesaid. And the clerks shall keep a true list of all such votes and the names of all persons so voted for for senator, and the number of votes each person shall receive.

SEC. 4. Each presiding officer shall then announce the vote of their respective houses, and the person having a majority of all the votes so cast shall be declared by the president of the senate to be duly elected senator to represent this state in the congress of the United States.

SEC. 5. The presiding officers of the convention shall immediately cause a statement to be made, stating the names of the persons voted for as senators, and the number of votes each of said persons received for said office, and attach thereto a certificate of the correctness of the same and shall subscribe thereto their own proper names, which statement and certificate shall be delivered to the secretary of state to be by him recorded in the book to be kept for that purpose.

SEC. 6. The secretary of state shall within ten days thereafter prepare a certificate under the seal of this state, and attested by him as secretary thereof, addressed to the person elected such senator, of his due election as a senator in congress, and shall prepare a certificate under the seal and attestation aforesaid addressed to the president of the United States of the due election of such person as a senator in congress from this state, and another addressed to the secretary of state of the United States which said certificate shall be sealed and sent by mail to the person to whom they are addressed.

#### ARTICLE II.

SEC. 7. If any elector challenged as unqualified shall be guilty of wilful and corrupt false swearing or affirming in taking any oath or affirmation prescribed by this act, such person shall be adjudged guilty of wilful and corrupt perjury: and every person who shall wilfully and corruptly procure any person to swear or affirm falsely as aforesaid shall be adjudged guilty of subornation of perjury and shall upon conviction thereof, suffer the punishment directed by law in cases of wilful and corrupt perjury.

SEC. 8. If any officer on whom and duty is enjoined by this act, shall be guilty of any wilful neglect of duty or any corrupt conduct in the execution of the same, and be thereof convicted, he shall be deemed guilty of a misdemeanor, punishable by fine or imprisonment, the fine in no case to exceed the sum of five hundred dollars, nor the imprisonment the term of one year.

SEC. 9. If any person shall by bribery, menace or other corrupt means or device whatever, either directly or indirectly attempt to influence any elector of this state in giving his vote or ballot, or deter him from giving the same, or disturb or hinder him in the free exercise of the right of suffrage, at any election within this state held pursuant to this act, and shall thereof be convicted, such person so offending and convicted shall be adjudged guilty of a misdemeanor and shall be fined or imprisoned according to the discretion of the court before which such conviction shall be had; such fine in no case to exceed five hundred dollars, nor such imprisonment one year.

SEC. 10. If any officer or other person, shall call out or order any of the militia of this state to appear or exercise on any day during any elec-



tion held by virtue of this act, or within five days previous thereto, except in cases of insurrection or invasion, he shall forfeit the sum of five hundred dollars for every such offence.

Sec. 11. No person shall fraudently or deceitfully change a vote of any elector, by which such elector shall be prevented from voting for such candidate or candidates as he intended.

Sec. 12. Every person offending against the provisions of the last preceding sections shall be deemed guilty of a misdemeanor, punishable by fine not exceeding two hundred and fifty dollars or by imprisonment not exceeding six months.

Sec. 13. Immediately after the passage of this act the secretary of state shall prepare suitable forms to be used by the inspectors in conducting elections and making returns, and cause the same to be transmitted together with a copy of this act printed in pamphlet form to every town clerk in the state, also forty copies to the clerks of the boards of commissioners of those counties under the commissioner system of government, and twenty copies to the clerks of the board of supervisors of every county in the state.

Sec. 14. The words supervisors and clerks of the board of supervisors shall so far as applicable be construed to apply to the board of county commissioners and clerks of the boards of county commissioners in those counties under the county commissioner system of government.

Sec. 16. All acts and parts of acts contravening the provisions of this act are hereby repealed.

N. E. WHITESIDE,  
Speaker of the Assembly.  
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved, August 21, 1848.

NELSON DEWEY.