

No. 2, A.]

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CHAPTER 2.

AN ACT to create sections 11.69 to 11.82, inclusive, of the statutes, to permit electors absent on account of military service to vote at general and certain special elections.

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

National guard members. Section 1. Fourteen new sections are added to the statutes to read: 11.69 (1) Whenever one or more companies of the Wisconsin National Guard, in which are qualified electors of this state, and other members of the Wisconsin national guard, if any, who are also electors of this state, are in the actual military service of the United States or of this state, and, on account of such service, such electors are absent from their place of residence on the day prescribed by law for holding a general election, or for holding a special election to fill any vacancy in any office required to be filled in the first instance at a general election, each such elector, and each special messenger provided for in section 11.70, may, on such day, whether within or outside this state, exercise his right of suffrage as provided in sections 11.69 to 11.82, inclusive, and with like effect as if present at his usual place of residence.

(2) Whenever any one or more such companies are in the actual military service of the United States or of this state twenty-five days prior to the day prescribed by law for holding any such election the adjutant general shall certify such fact to the secretary of state.

Special messenger, election supervisor. 11.70 The secretary of state, not less than ten days before any election held under sections 11.69 to 11.82, inclusive, shall designate one or more employes in his department as special messengers to provide and make arrangements for elections and to act as election supervisors at such place or places, either within or outside this state, as may be necessary to carry out the purposes of sections 11.69 to 11.82, inclusive, and to personally deliver to the secretary of state at his office the ballots cast at such elections and such other certificates, documents and papers as are required to be enclosed, sealed and returned therewith; but no more than one messenger shall be designated for any such election when all such members of the Wisconsin national guard in such service are so grouped that one messenger may perform the duties imposed by sections 11.69 to 11.82, inclusive. Any such special messenger so desig-

nated is endowed with all powers conferred by law upon election inspectors, including the power to administer oaths, and may perform any duties imposed by law upon such inspectors. Each such messenger shall be reimbursed for his actual and necessary expenses incurred in the performance of his official duties.

Roster of members in service of United States. 11.71 The adjutant general, not less than twenty days prior to the day upon which any election is to be held under sections 11.69 to 11.82, inclusive, shall furnish the secretary of state with a complete roster of all members of the Wisconsin national guard in the actual service of the United States or of this state, giving the full name of each, his residence address, age, whether married or single, and the organization in which he is enlisted. From such roster the secretary of state shall so far as practicable, and by such means as he deems expedient, proceed to prepare, by companies, alphabetical lists of electors of this state in the Wisconsin national guard actually in the military service of the United States or of this state.

Lists of county candidates. 11.72 Upon request therefor from the secretary of state, the county clerk of each county, not less than twenty days prior to any election held under sections 11.69 to 11.82, inclusive, shall mail to the said secretary of state a certified list of all candidates for each office to be voted for wholly within his county at such election. Such list shall be in such form as to indicate clearly the column on the official ballot in which each candidate's name will appear.

Ballots, lists of candidates, poll lists, etc., furnished to messenger. 11.73 (1) For elections held under the provisions of sections 11.69 to 11.82, inclusive, the secretary of state shall provide not less than ten days before the day prescribed by law for holding such election the following:

(a) Official ballots in the general form of the Australian ballot prescribed by law: In the case of a general election at which presidential electors are required to be voted for, an official presidential ballot in the form prescribed by section 6.23, except that the form on the back thereof shall be substantially the same as the form herein prescribed to be printed on the back of the official ballot for other officers to be voted for at such election. In addition to the official presidential ballot, an official ballot for all other offices to be filled at such general election, which ballot shall be in substantially the form of the official ballot annexed to section 6.23 and marked "A," except that in the portion of the ballot below the horizontal column designated "United States Senator" the names of the candidates for the respective offices

shall be left blank so that the electors may write, stamp or paste therein the names of the persons for whom they wish to vote, and, except further, that the form on the back of such official ballot, above the blanks for the signature of the ballot clerks, shall be substantially as follows:

OFFICIAL BALLOT

IN THE FIELD

Headquarters of company....., regi-
ment, Wisconsin National Guard.
General election held this.....day of....., A. D.,
19..

Otherwise such form on the back of the ballot shall be substantially the same as the form provided on the back of the ballot attached to section 6.23 and marked "A."

(b) Envelopes of a reasonably substantial character, and of sufficient size to receive and enclose when folded, the ballot cast by any elector, and shall cause to be printed on the front or address side thereof a form of affidavit substantially as follows:

State of }
County of } ss.

I,, do solemnly swear that I am a resident of the precinct of the (town or village of, the ward of the city of.....) and resided in said precinct of said (town or village, ward of said city at No...., Street), county for at least ten days, and in the state of Wisconsin for at least one year next prior to this day, and am otherwise entitled to vote in said (precinct or ward) at the election held on this day.

Signed

Subscribed and sworn to before me this.....day of19...., and I hereby certify that the affiant's statement accords with the muster-in roll of company.....,regiment, Wisconsin national guard, of which he is a member.

.....
Inspector of Election.

(c) Certified lists of the names of all candidates for the different offices in the several congressional, senatorial and assembly districts and counties in the state designated on the official ballot below the horizontal column designated "United States

Senator," which lists shall be so printed that the elector may readily determine the names of the candidates for the respective offices.

(d) Poll lists, blank forms of oaths for election officers as prescribed by section 6.34, such other forms and material for the use of election officers as may be necessary, and such material as he deems necessary for the use and information of electors.

(2) The secretary of state shall deliver all such material to the messenger, and take and file his receipt therefor, not less than five days prior to the election at which such material is to be used, and in any event, in ample time for use at such election. Twice as many ballots of each kind required to be voted at such election as there are electors to vote thereat, and a like number of envelopes and of certified lists of candidates shall be delivered.

Company officers to be election officers. 11.74 (1) Voting shall be by companies. The commanding officer of each company, together with the other two officers or noncommissioned officers of such company next in rank shall be the inspectors of election. Said inspectors shall appoint from the members of their company two clerks of election and two ballot clerks. Prior to receiving any votes the said inspectors, clerks of election and ballot clerks shall severally take and subscribe an oath or affirmation as prescribed by section 6.44, and such oaths shall be enclosed with the ballots cast at and other returns of such election.

(2) All regimental and battalion field and staff officers, division and brigade staff officers, chaplains, and attached sanitary troops may vote at the polls opened for any company of the regiment to which they belong. The messengers provided for by section 11.70, and any elector detached and more than one mile from his company polling place on election day, may vote at any company polling place.

Polls, opening and closing. 11.75 The polls for each company shall be opened as early as practicable on election day and shall remain open at least six hours, and if necessary in the opinion of the messenger in order to receive the votes of all electors, said polls may be kept open until seven o'clock in the afternoon of said day. A proclamation of the time for opening and closing the polls shall be made by the election inspectors at or before the opening of the polls in each polling place and one hour before closing the same.

Delivery of ballots and lists by messenger. 11.76 On or before election day, prior to the opening of the polls, the messenger

shall furnish to the inspectors of election of each company polling place twice as many official ballots of each kind required at such election as there are electors in such company, and a like number of envelopes and of certified lists of candidates, and shall take the receipt of the inspectors therefor, and shall deliver also all necessary blanks. Such receipts shall be included in the official returns.

Voting, how conducted. 11.77 Each elector applying to vote shall be furnished the necessary ballots, an envelope for enclosing the same, and a copy of the certified list of candidates, and, after marking his ballots, shall fold the same and enclose them in the envelope, and shall seal the envelope and carefully fill out the affidavit thereon, and shall thereupon deliver the envelope to one of the inspectors who shall sign the acknowledgment and certificate thereon and deposit the envelope in the ballot box. In the case of a general election the elector shall write, stamp or paste in the appropriate spaces on the official ballots the names of the persons for whom he desires to vote for the offices designated below the horizontal column designated "United States Senator." Otherwise, voting at any election held under sections 11.69 to 11.82, inclusive, shall be conducted as far as practicable in the manner prescribed by law for elections within this state, due regard being given to the secrecy of the ballot and to the prevention and detection of illegal voting.

Challenges. 11.78 The messenger and the inspectors of election shall and any elector may challenge any person offering to vote at an election held under the provisions of sections 11.69 to 11.82, inclusive, when he knows or has reason to suspect or believe that such person is not a qualified voter; and to every person challenged one of the inspectors of election shall administer an oath that he will true answer make to all questions touching his residence and qualifications as an elector, and the same questions, in substance, shall be put and the same proceedings had, as is prescribed by law for elections in this state.

Poll lists to be kept. 11.79 Correct poll lists shall be kept at each polling place containing the names of voters and their respective places of residence in this state, giving the name of the town, village, city, and county, and ward or precinct of each voter.

Counting of votes, returns by messenger. 11.80. As soon as the polls are closed the inspectors shall open the ballot box and count the envelopes therein, and if the number of envelopes corresponds with the number of voters who cast their votes at such polling place, as indicated by the poll list, such envelopes with-

out being opened, together with all blank ballots not issued or used; the poll lists, oaths of election officers and receipts for ballots shall be enclosed in a receptacle provided therefor and shall be sealed and delivered to the messenger who shall proceed with all despatch to personally deliver such sealed returns to the secretary of state at his office in the state capitol in the city of Madison.

State and county canvass. 11.81 Upon receipt of such returns the secretary of state shall convene the state canvassing board which shall proceed to canvass the same, in such manner as to maintain the secrecy of the ballot, and to certify the results thereof to the proper canvassing boards of the several counties represented by electors in the field for all offices for which the county canvassing board makes the final canvass. In all other cases the returns from ballots cast in the field shall be added by the state canvassing board to the returns of the several districts affected thereby. Each county canvassing board shall add to the returns of its county the returns certified by the state canvassing board, in the same manner and with like effect as if the ballots were cast in the county.

General election laws to apply. 11.82 Except insofar as inconsistent with the provisions and purposes and intent of sections 11.69 to 11.82, inclusive, the laws of this state relating to general and special elections, including those prescribing penalties for the violation thereof and those relating to election officers, shall apply to such elections held under sections 11.69 to 11.82, inclusive. Any offense hereunder committed beyond the borders of this state shall be prosecuted in this state in the county wherein the offender resides, which, in the case of members of the Wisconsin national guard, shall be the place indicated as such in the muster-in roll of the military organization of which such offender is a member.

Section 2. All expenses under sections 11.69 to 11.82, inclusive, shall be paid out of the appropriation to the secretary of state.

Section 3. This act takes effect when published.

Approved October 11, 1916.