

treasurer of said city paid to the state treasurer upon said loan.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1889.

[No. 312, A.]

[Published April 3, 1889.]

CHAPTER 247.

AN ACT to amend section 3, of chapter 296, of the laws of 1885, relating to excise and the sale of intoxicating liquors.

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

SECTION 1. In all cases when an election has been held, or shall hereafter be held, in any town, city or village in this state, under the provisions of chapter 296, of the laws of 1885, the sum fixed by the electors at such election shall be the sum to be paid for licenses in such town, city or village until an election is again held in the manner provided in said chapter and a different amount fixed at such subsequent election.

Amending sec. 3, chapter 296, laws 1885, making sum fixed for license by electors stand as the amount to be paid until another election.

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

Approved April 2, 1889.

[No 96, S.]

[Published April 5, 1889.]

CHAPTER 248.

AN ACT to prevent espionage at public elections, to secure more fully the independence of voters, to enforce the secrecy of the ballot, and to provide for printing and distributing ballots at public expense.

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

SECTION 1. This act shall not apply to elections

Not to apply to local town and village, nor in cities of 50,000 or counties containing same.

for town and village officers, nor to elections in cities having a population of fifty thousand or more, nor to elections in counties containing such cities.

Ballots printed and distributed at public expense.

SECTION 2. All ballots cast in elections for public officers within this state after the first day of October in the year 1889, and all ballots cast in municipal elections in cities having a population of less than fifty thousand after that date, shall be printed and distributed at the public expense as hereinafter provided. The printing of ballots and cards of instruction for the voters in each county and the delivery of the same to the election officers shall be a county charge, the payment of which shall be provided for in the same manner as the payment of other county expenses, but in the case of municipal elections the printing and delivery of ballots, and cards of instruction shall be paid for by the city in which such election shall be held.

Printing to be a county charge except in case of municipal elections.

NOMINATIONS OF CANDIDATES.

Candidates may be nominated by convention or primary. By individual voters, when.

SECTION 3. Any convention or primary meeting, as hereinafter defined, held for the purpose of making nominations to public office, may nominate candidates for public office to be filled by election within the state. Individual voters to the number and in the manner hereinafter specified, may also nominate candidates for public office.

Terms defined.

SECTION 4. A convention or primary meeting within the meaning of this act is an organized assemblage of electors, or delegates, representing a political party which at the last election before the holding of such convention or primary meeting, polled at least two per cent. of the entire vote cast in the state, county or other division or district for what the nomination is made.

Nominations how made.

SECTION 5. All nominations made by such convention or primary meetings shall be certified as follows: The certificate of nomination shall be in writing and besides containing the names of candidates, shall specify as to each:

Certificate of, what to contain

First. The office for which he is nominated.
 Second. His business and business address.
 Third. His place of residence with street and number, if any.

Fourth. The party or principle which he represents expressed in not more than five words.

Such certificate shall be signed by the presiding officer and secretary of such convention or primary meeting who shall add to their signatures their respective places of residence with street and number, if any, and their respective business, and they shall make oath before an officer qualified to administer the same, that the affiants were such officers of such convention or primary meeting, and that said certificate and the statements therein contained are true to the best of their knowledge and belief. A certificate that such oath has been administered shall be made and signed by the officer before whom the same was taken. No certificate of nomination shall contain the name of more than one candidate for each office to be filled. No person shall accept a nomination to more than one office.

To be signed by presiding officer and secretary and sworn to.

Officer taking oath to certify same.

Certificate to contain name of only one nominee.

SECTION 6. Candidates for public office may also be nominated in the manner following. A nomination paper containing:

Candidates, how nominated

First. The name of the candidate.

Nomination paper, what to contain.

Second. The office for which he is nominated.

Third. His business.

Fourth. His residence, with street and number, if any.

Fifth. The party or principle which he represents, expressed in not more than five words, shall be signed by voters residing within the political division in and for which the officer or officers are to be elected. When the nomination is for an office to be filled by the voters of the entire state, nomination papers shall be signed in the aggregate for each candidate by not less than one thousand voters of the state. Nominations of candidates for officers to be filled by the voters of a county or other district or division less than the state, may be made by nomination papers signed in the aggregate for each candidate by voters residing in such county, district or other division, not less in number than one for every one hundred persons who voted at the next preceding election in the county, district or other division, but in no case less than fifty. Such signatures need not all be appended to one paper. Each voter signing a nomination paper shall add to his signature his business and place of residence,

To be signed by voters.

Number required to sign for various officers.

To be acknowledged before proper officer; voter may subscribe to only one paper for each office.

with street and number, if any, and shall, before an officer authorized to take acknowledgments, acknowledge his signature and make oath that he is an elector and has truly stated his business and place of residence. Each voter may subscribe to one nomination for each office to be filled, and no more.

Certificates of nomination papers, and to be filed with secretary of state or county clerks.

SECTION 7. Certificates of nomination and nomination papers of candidates for offices to be filed by the voters of the entire state, or of any division or district greater than a county, shall be filed with the secretary of state. All other certificates of nomination and nomination papers shall be filed with the clerks of the respective counties wherein the officers are to be elected.

To be filed within certain time before election.

SECTION 8. Certificates of nomination and nomination papers, filed with the secretary of state, shall be filed not more than forty days and not less than twenty days before the day fixed by law for the election of the persons in nomination. Certificates of nomination and nomination papers herein directed to be filed with the county clerk shall be filed not more than thirty and not less than fifteen days before election.

When so filed to be preserved and open to inspection.

SECTION 9. The secretary of state and all county clerks shall cause to be preserved in their respective offices, all certificates of nominations and nomination papers filed therein under the provisions of this act. All such certificates and nomination papers shall be open to public inspection under proper regulations, to be made by the officers with whom the same are filed.

Secretary of state to certify to county clerks names of candidates to be voted for.

SECTION 10. Not less than fifteen nor more than twenty days before an election to fill any public office, the secretary of state shall certify to the county clerk of each county within which any of the electors may by law vote for candidates for such office, the names and the description of each person nominated for such office, as specified in the certificates of nomination filed with the secretary of state.

VACANCIES, HOW FILLED.

Notices of declination by candidates to be filed with secretary of state ten days before election.

SECTION 11. Whenever any person nominated for public office, as in this act provided shall, at least ten days before the day of election, in a writing signed by him and acknowledged before

an officer qualified to take acknowledgements of deeds, and filed with the secretary of state or county clerk with whom the certificate of nomination or nomination paper nominating him is required to be filed, notifying such officer that he declines such nomination, such nomination shall be void. Such written notice of declination shall be preserved in the office in which the same is filed and be open to public inspection.

SECTION 12. Should any person so nominated die before election day, or decline the nomination as in this act provided, or should any certificate of nomination or nomination paper be insufficient or inoperative, the vacancy or vacancies thus occasioned may be filled in the manner required for original nominations. If the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, such committee may, upon the occurring of such vacancies, proceed to fill the same. The chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he is nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an original certificate of nomination. The certificate so made shall be executed, acknowledged and sworn to in the manner prescribed for the original certificate of nomination, and shall, if filed at least eight days before election, have the same force and effect as an original certificate of nomination. When such new certificate shall be filed with the secretary of state, he shall in certifying the nominations to the various county clerks, insert the name of the person who has thus been nominated to fill a vacancy in place of that of the original nominee. And in the event that he has already sent forward his certificate, he shall forthwith certify to the clerks of the proper counties the name and description of the person so nominated to fill a vacancy, the office he is nominated for, the party or political principle he represents, and the name of the person for whom such nominee is substituted.

Vacancies may be filled in manner required for original nominations or by convention committee; certificates what to show.

How executed, acknowledged and filed.

Secretary of state to certify new names to county clerks.

INFORMATION TO VOTERS.

County clerks to give notice of election by publication.

SECTION 13. At least seven days before an election to fill any public office, the county clerk of each county shall cause to be published in at least two newspapers, if there be so many, and in not more than four, published within the county, the nominations to office certified to him under the provisions of this act. One of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding election cast the largest number of votes; and another of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding election, cast the next largest number of votes. The county clerk shall make such publications daily in counties where daily newspapers are published; but if there be no daily newspaper published within the county one publication in each newspaper shall be sufficient. In case of a municipal election in any city, such publication shall be made in at least two daily newspapers, if there be so many published in such city. Such publication shall be made in type of the same size and in the precise form and order of arrangement as to names and classification of candidates as that in which the ballot shall be printed for use upon election day.

Publications to be daily, when.

For municipal.

Publication to be of same size type, form, etc., as ballot.

County clerk to send printed lists to proper officers; to be posted in one or more places in district.

SECTION 14. The county clerk of each county shall, at least seven days before election day, send to the town clerk of each town and to the aldermen of each ward in any city therein, printed lists, one or more for each election district in such town or ward, containing the name, residence, business, and party or political designation of each candidate nominated as hereinbefore provided, to be voted for by the electors of the respective towns and wards. Such lists shall be conspicuously posted by such town clerk or alderman, in one or more public places in each election district of each town or ward.

SECTION 15. The county clerk of each county shall cause to be printed in large type, on cards in English, and in such other languages as he may deem necessary, instructions for the guidance of electors in preparing their ballots. He shall fur-

nish twelve such cards, each printed in all the languages determined upon by him to the board of inspectors of election in each election district at the same time and in the same manner as the printed ballots. The board of inspectors of elections shall post not less than one of such cards in each place or compartment provided for the preparation of ballots as hereinafter described, and not less than three of such cards elsewhere in and about the polling places upon the day of election. Such cards shall be printed in large, clear type, and shall contain full instructions to the voters as to what should be done:

Instructions for guidance of voters to be printed in various languages, how distributed and posted; duty of inspectors.

Style of cards, what to contain.

First. To obtain ballots for voting.

Second. To prepare the ballots for deposit in the ballot boxes.

Third. To obtain a new ballot in the place of one spoiled by accident or mistake. Said cards shall also contain a copy of sections 32, 34 and 36, of this act.

Copy of sections 32, 34 and 36 of this act to be printed on card.

BALLOTS, FORM, DELIVERY, ETC.

SECTION 16. Except as in this act otherwise provided, it shall be the duty of the county clerk of each county to provide printed ballots for every election for public officers in which voters or any of the voters within the county participate, and to cause to be printed in the appropriate ballot the name of every candidate whose name has been certified to or filed with the county clerk in the manner provided for in this act. Ballots other than those printed by the respective county clerks according to this act, shall not be cast or counted in any election, except as herein provided. Nothing in this act contained shall prevent any voter from writing or pasting upon his ballot the name of any person for whom he desires to vote for any office, and such vote shall be counted the same as if printed upon the ballot and marked by the voter, and any voter may take with him into the polling place any printed or written memorandum or paper to assist him in making or preparing his ballot, except as hereinafter otherwise provided. Ballots shall be printed and in possession of the county clerk at least four days before election and subject to inspection by the candidates and their agents. If any mistake be discov-

County clerk to provide ballots, form of, etc.

Voter may write or paste name of person on ballot, and may use written or printed memorandum.

Ballots to be printed and subject to inspection.

Mistakes in, may be corrected.

General ballots, what to contain; presidential electors, how designated.

Names of candidates, how arranged.

Blank spaces at end of each list.

Constitutional amendment to be printed on ballot.

To be so printed that voter may make his choice.

Back and outside, what to contain.

Ballot to be printed with black ink on paper, size 18½ by 12 inches.

ered it shall be the duty of the county clerk to correct the same without delay.

SECTION 17. Every general ballot which shall be printed in accordance with the provisions of this act, shall contain the names of the party or political designation of all candidates whose nomination for any offices specified in the ballot, have been duly made and not withdrawn in accordance herewith, and shall contain no other names. Except that in the case of electors of president and vice-president of the United States, the names of the candidates for president and vice-president may be added to the party or political designation. The names of candidates for each office shall be arranged under the designation of the office in alphabetical order, according to surnames, except that the names of candidates for the offices of electors of president and vice-president shall be arranged in groups, as presented in the several certificates of nomination or nomination papers. There shall be left at the end of the list of candidates for each different office as many blank spaces as there are persons to be elected to such office, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote as candidate for such office. Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people, such questions shall be printed upon the ballot after the list of candidates. The ballots shall be so printed as to give to each voter a clear opportunity to designate by a cross mark (X) in a sufficient margin at the right of the name of each candidate, his choice of candidates and his answer to any question submitted, and on the ballot may be printed such words as will aid the voter to do this, as, "vote for one," "vote for three," "yes," "no," and the like. On the back and outside of every ballot shall be printed, "official ballot for" followed by the designation of the polling place for which the ballot is prepared and the date of the election. All ballots shall be printed with black ink upon number one flat white print paper, size twenty-four by thirty-six inches, weighing at least thirty pounds to the ream, and shall be not more than thirteen and one-half inches long and not less than twelve in-

ches wide, except as otherwise herein provided ballots shall be printed in accordance with the existing provisions of law.

SECTION 18. The county clerk of each county shall provide for each election district in the county, two hundred and fifty ballots of each kind to be voted in the district, for every fifty or fraction of fifty voters registered at the last preceding election in the district. If there is no registry in the district, the county clerk shall provide ballots to the number of two hundred for every fifty or fraction of fifty electors who voted at the last election in the district. When a district is divided or the boundaries thereof changed, the county clerk shall ascertain as nearly as possible the number of voters in the new district, and provide therefor a sufficient number of ballots as herein prescribed.

County clerk to provide ballots for election districts, number.

SECTION 19. The county clerk shall send all the ballots and cards of instruction printed by him for the several polling places in each city or town in the county as herein provided, to the several city and town clerks, so as to be received by them twenty-four hours at least previous to the day of election. The same shall be sent in separate sealed packages, with marks on the outside clearly designating the polling place for which they are intended and the number of ballots of each kind enclosed; and the respective city and town clerks shall on delivery to them of such packages, return receipts therefor to the county clerk. The county clerk shall keep a record of the time when, and the manner in which the several packages are sent, and shall preserve for the period of one year the receipts of the city and town clerks. The several city and town clerks shall send to the board of inspectors of each polling place in their respective cities and towns before the opening of the polls on the day of election, the ballots and cards of instruction so prepared, sealed and marked for such voting place, and a receipt of such delivery shall be returned to them from the presiding or senior election officer present, which receipt shall be kept in the clerk's office. In case the ballots to be furnished to any city or town or voting place therein, in accordance with the provisions of this act, shall fail for any reason to be duly delivered, or in case

To send ballots and instruction cards to the several clerks, properly marked; clerks to return receipts.

County clerk to keep record.

Ballots and cards to be sent to inspectors and receipt taken.

When lost or destroyed city or town clerk to furnish others for use.

after delivery they shall be destroyed or stolen, it shall be the duty of the clerk of such city or town to cause other ballots to be prepared substantially in the form of the ballots so wanting and to be furnished; and upon receipt of such other ballots from him, accompanied by a statement under oath that the same have been so prepared and furnished by him and that the original ballots have so failed to be received or have been so destroyed or stolen, the election officers shall cause the ballots so substituted to be used in lieu of the ballots wanting, as above. If from any cause the ballots are not ready for distribution at any polling place, as hereinbefore provided, or if the supply of ballots should be exhausted before the polls are closed, fac simile unofficial ballots may be used, but the person using them must before voting present them unmarked to the ballot clerks, have their signatures or initials endorsed thereon, and then retire to one of the booths or compartments above described, where he shall prepare it for voting.

Fac simile official when originals exhausted or not ready; ballot clerks to endorse.

Officers to furnish proper facilities for accommodation of voters.

SECTION 20. All officers upon whom is imposed by law the duty of designating polling places shall provide in each polling place, designated by them a sufficient number of places, shelves or compartments which shall be furnished with such supplies and conveniences as shall enable the voter conveniently to prepare his ballot for voting, and in which voters may mark their ballots screened from observation, and a guard rail so constructed that only persons within such rail can approach within five feet of the ballot boxes, or the places, shelves or compartments herein provided for. The number of such places, shelves, or compartments, shall not be less than one for every fifty electors who voted at the last preceding election in the district. No person other than voters engaged in receiving, preparing or depositing their ballots, or a person present for the purpose of challenging the vote of an elector about to cast his ballot, shall be permitted to be within said rail. The expense of providing such places, shelves, or compartments and guard rails shall be a public charge and shall be provided for in the same manner as the other election expenses.

Number of places, shelves, etc., to be furnished.

Who permitted within rail.

Expense, how paid.

SECTION 21. At the same time and in the same manner as inspectors of election are now ap-

pointed or elected, two ballot clerks for each election district in the state shall be appointed or elected, the said ballot clerks shall be paid in the same manner and at the same rate as inspectors of election are now paid; but they shall only serve on election day, and it shall be their duty to have charge of the ballots and to furnish them to voters in the manner hereinafter provided.

Ballot clerks to be appointed; duties; compensation.

SECTION 22. Before delivering any ballot to an elector, the said two ballot clerks shall write their names or initials upon the back of the ballot immediately under the printed indorsement. Each qualified elector shall be entitled to receive from the said ballot clerks one ballot.

Indorse ballots; amended by chapter 494, laws 1889; lists of electors to be furnished.

SECTION 23. On receipt of his ballots the elector shall forthwith and without leaving the polling place retire alone to one of the places, booths or compartments provided, to prepare his ballots. He shall prepare his ballots by marking across before or after the name of the person or persons for whom he intends to vote, for example, X; or in case of a ballot containing a constitutional amendment or a question to be submitted to the vote of the people, by marking on the appropriate margin or place a cross (X) against the answer which he desires to give. In marking such a ballot any elector shall be at liberty to use or copy any unofficial sample ballot which he may choose to mark or to have had marked in advance of entering the polling place or booth to assist him in marking the official ballot, but no elector shall be at liberty to use or bring into the polling place any unofficial sample ballot printed upon paper of the color and quality now required to be used for the printing of ballots under the general election laws of this state. After preparing his ballots, the elector shall fold each of them so that the face of the ballot will be concealed, and so that the printed indorsement and the signatures or initials of the ballot clerks thereon may be seen. He shall then vote forthwith and before leaving the polling place; provided, however, that any elector who desires to vote for an entire group may mark a cross as above described against the political designation of such group, and shall then be deemed to have voted for all the persons named in such group, whose name shall not have been erased.

Voter how to prepare his ballot.

To designate candidate to be voted for by X after name, amended by chapter 494, laws 1889.

How folded and voted.

Person not to occupy shelf or compartment more than ten minutes, changed by chapter 494, laws 1889, to five minutes.

Where ballot spoiled voter may get another, but not to exceed three.

This section struck out and changed to allow election officer to assist voter in preparing ballot when he makes oath that he is unable to mark same by reason of physical disability. See section 4, chapter 494, laws 1889, post.

Voter not to deposit ballot, unless endorsed by clerk and inspector; penalty.

Ballot not endorsed, invalid; void ballots to be treated as defective.

SECTION 24. Not more than one person shall be permitted to occupy any one shelf or compartment at one time; and no person shall remain in or occupy a shelf or compartment longer than ten minutes, provided the other shelves or compartments are occupied.

SECTION 25. Any voter, who shall by accident or mistake spoil his ballot may, on returning said spoiled ballot, receive another in place thereof; provided, that no voter shall receive to exceed three votes in all.

SECTION 26. Any voter who declares under oath to the inspectors of election having charge of the ballots that by reason of physical disability or because he cannot read he is unable to mark his own ballot, shall be permitted to bring with him some person of his own selection, who shall retire with him to one of the compartments or shelves, and assist such disabled voter in the preparation of his ballot by marking the same as such elector shall dictate, and shall properly fold the same in order that it may be cast by such voter as his ballot; said inspectors are hereby qualified to administer the oath in this section before mentioned. No elector other than one who may, because he cannot read or because of physical disability, be unable to mark his ballot, shall divulge to any one within the polling place, the name of any candidate for whom he intends to vote, or ask or receive the assistance of any person within the polling place in the preparation of his ballot.

SECTION 27. No person shall deposit a ballot in the ballot box, upon which ballot the names or initials of the ballot clerks or of a ballot clerk and inspector, as hereinbefore provided, do not appear. Every person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in section 4635, of the revised statutes.

SECTION 28. In the canvass of the votes, any ballot which is not endorsed, as provided in this act, by the signatures or autograph initials of the ballot clerks, or of a ballot clerk and an inspector shall be void and shall not be counted. Any ballot or parts of a ballot from which it is impossible to determine the voter's choice shall be void and shall not be counted. Such ballots shall be treated

and preserved in the same manner as defective ballots.

VOTING PRECINCTS.

SECTION 29. Voting districts or precincts shall be composed of compact or contiguous territory, and so arranged that no such voting district or precinct shall contain more than four hundred voters or fraction of one hundred in excess thereof, according to the vote cast at the last presidential election, and if after any election to be held, it shall appear that more than five hundred votes were cast at such voting district or precinct, it shall be the duty of the officers, now charged by law with the division or alteration of voting districts or precincts, within three months after such election to re-divide the ward, town or other territory in which such voting precinct may be located in the manner by law provided for dividing wards or towns into voting precincts, and if such officer shall fail to make such re-division within said time, any voter of such city or town may apply to the circuit court of the county in which such city or town is located for an order ordering and commanding said officers to re-divide such ward or town, according to the provisions of this act, within a reasonable time, such time to be specified in such order, and if such officers shall refuse, fail or neglect to comply with the provisions of such order, they shall be adjudged guilty of contempt as any other cases of disobedience of lawful orders, and punished as provided in chapter 150, of the revised statutes of Wisconsin. On or before the first day of September, in the year 1889, the officers now charged by law with the division or alteration of election districts in cities shall, as far as necessary, alter or divide the existing election districts in such cities in accordance with the provisions of this section. Such alteration or division of existing election districts in towns shall be made on or before the first day of July in the year 1890.

Voting precincts, how divided.

Election districts, when to be divided.

MISCELLANEOUS.

SECTION 30. Whenever a proposed constitutional amendment or other question is to be submitted to the people of the state for a popular

Constitutional amendments, secretary of state to certify to county clerk.

vote, the secretary of state shall duly, and not less than fifteen days before election, certify the same to the clerk of each county of the state, and the clerk of each county shall include the same in the publication provided for in section 13, of this act.

County clerk to prepare ballots, etc.

SECTION 31. Whenever the secretary of state has duly certified to any county clerk any question to be submitted to a vote of the people, the county clerk shall prepare and distribute ballots of such form as will enable the electors to vote upon the question so presented in the manner herein provided. The county clerk shall also prepare the necessary ballots whenever any question is required by law to be submitted to the vote of the electors of any locality.

Errors or omissions in printing ballots, how cured.

SECTION 32. Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of the ballots, the circuit court of the proper county or the judge thereof, may upon application by any elector, by order, require of the county clerk to correct such error, or to show cause why such error should not be corrected.

PENALTIES.

Destruction of nomination certificates.

SECTION 33. Any person who shall:

First. Falsely make, or make oath to, or fraudulently deface or fraudulently destroy any certificate of nomination, or nomination paper or any part thereof; or,

Filing or receiving certificates falsely made.

Second. File or receive for filing any certificate of nomination or nomination paper knowing the same or any part thereof to be falsely made; or,

Suppressing certificates duly filed.

Third. Suppress any certificate of nomination which has been duly filed, or any part thereof; or,

Forging or making official endorsements on ballots.

Fourth. Forge or falsely make the official indorsement on any ballot, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment in the penitentiary not less than one year, nor more than three years.

Removal or destruction of supplies, conveniences, lists or cards.

SECTION 34. Any person who shall during election remove or destroy any of the supplies or other conveniences placed in the shelves or compartments for the purpose of enabling the voter to

prepare his ballot, or who shall prior to or on the day of election, wilfully deface or destroy any list of candidates posted in accordance with the provisions of this act, or who shall during an election remove, tear down or deface the cards printed for the instruction of voters, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as provided in section 36, of this act.

SECTION 35. Every public officer upon whom any duty is imposed by this act who shall wilfully fail or neglect to perform such duty, shall be deemed guilty of an offense, and upon conviction thereof shall be punished by imprisonment in the county jail or penitentiary for a term of not less than six months and not more than three years, or by a fine of not less than two hundred and fifty dollars and not more than three thousand dollars or by both such fine and imprisonment. Any person having charge of official ballots who shall destroy them shall be guilty of a felony and upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than five years. Any person who has undertaken to deliver ballots to any inspector and neglects or refuses so to do, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for not less than six months nor more than one year.

Neglect of duty by public officer.

Destruction of official ballots by person in charge.

Neglect to deliver ballots.

SECTION 36. No officer of election shall do any electioneering on election day. No person shall solicit votes for any candidate or party or do any electioneering whatever on election day within any polling place, or within one hundred feet of any polling place. No person shall remove any ballot from any polling place before the closing of the polls. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name of the candidate or candidates for whom he has marked his vote, nor shall any person solicit the voter to show the same. No person (except an inspector of election) shall receive from any voter a ballot prepared for voting. No voter shall receive a ballot from any other person than one of the inspectors of election having charge of the ballots, nor shall any person other than such inspectors of election

Officers not to electioneer; no person to solicit votes or electioneer within 100 feet of poll, nor remove ballots, show names marked or solicit it to be done or receive ballot from any one but inspectors.

Official ballots only to be voted or offered.

Identification marks on, prohibited.

When not voted to be returned to inspector.

Penalty for violation.

deliver a ballot to such voter. No voter shall vote or offer to vote any ballot except such as he has received from the inspectors of election having charge of the ballots. No elector shall place any mark upon his ballot by which it may be afterward identified as the one voted by him. Every voter who does not vote a ballot delivered to him by the inspectors of election having charge of the ballots shall, before leaving the polling place, return such ballot to such inspector. Whoever 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, or by imprisonment in the county jail of the proper county not more than six months, or by both fine and imprisonment in the discretion of the court, together with the costs of prosecution.

Repealed.

SECTION 37. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 38. This act shall take effect and be in force from and after its passage and publication.
Approved April 3, 1889.