

Franchise, when forfeit. SECTION 2. All franchises hereafter granted by the legislature for the building and maintaining of a dam or dams across any navigable stream in this state which shall not be exercised by the commencement in good faith of the building and maintaining of such dam or dams within four years from the date of the passage and publication of the act granting such franchise shall be forfeited and terminate at the expiration of such period of four years.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 444, S.]

[Published June 30, 1905.

CHAPTER 522.

AN ACT to provide for the use of the pocket ballot and coupon voting system and to amend section 45, statutes of 1898.

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

Ballots, how constructed. SECTION 1. All ballots hereafter used at any general election shall be of substantially the following form, to-wit: A ballot, comprising a sufficient number of contrastingly colored sheets, stapled or fastened together at the top, each sheet composed of the requisite number of individual coupons, bearing the names of all the candidates of a certain political party, each coupon shall bear the designation of the office and the name of the political party, and said coupons shall be consecutively numbered or lettered. Each sheet shall have an exposed portion where they are attached together, bearing respectively the names of the different political parties. And a folder or envelope, having designated spaces or pockets to receive and corresponding to the several individual coupons, and means for sealing said envelope or folder to enclose certain selected sheets or coupons; the coupons of each sheet shall be designated to correspond with coupons for the same office of each and every other sheet by the use of numbers or letters. And

also an appropriate envelope to receive unused sections or portions of sections of each ballot. A sample of the envelope to receive portions of the ballot unused after voting, of the certificate of the inspector, and photographic copies of the ballot, consisting of five perforated sheets of white cardboard, and the inside of the envelope to receive the voted portion of the ballot and to be deposited in the ballot box, and a photographic sample showing ballot partly prepared for voting, are hereto attached.

Ballot boxes, how arranged. SECTION 2. Each polling place shall be furnished with two appropriate ballot boxes, into one of which that part of the ballot containing the voter's choice shall be placed and into the other of which shall be placed that part of the ballot remaining after the choice has been made, each part having been previously enclosed in the appropriate envelope or folder furnished for that purpose.

Colored samples, secretary of state to furnish. SECTION 3. It shall be the duty of the secretary of state to secure and maintain on file in his office a series of contrastingly colored samples of cardboard, bearing in his judgment the most appropriate colors for the purposes of this act, and he shall designate each sheet or sample of said series by its most commonly used color name. No official ballot used at any general election shall be made up with colors differing materially from said samples. It shall further be the duty of the secretary of state to furnish each and every person whose duty it may be to print any of the official ballots, with samples of colors corresponding to those on file for this purpose in his office to the end that the colors in which the official ballot shall be made throughout the state shall be uniform.

Party colors, how selected. SECTION 4. At an appropriate time previous to the first general election after the passage and approval of this act, the chairmen of the state central committee of each and every political party, legally entitled to a party designation upon the official ballot, may meet in the office of the secretary of state and agree if possible upon a color to represent each political party. If unable to unanimously agree then they may choose by lot or chance different colors to represent each political party, after which agreement the chosen colors shall be used to represent the respective political parties in printing the official ballot. If no such agreement shall have been made on or before the 1st day of July then it shall be the duty of the

secretary of state to designate for each political party such color as in his judgment shall be the most appropriate for the purposes of this act.

Place on ballot, how fixed. SECTION 5. At the meeting of the chairmen of the state central committees of the various political parties mentioned in section 4, of this act, the said chairmen may agree if possible upon the question of the position to be occupied by each party sheet in the ballot. If no such agreement shall be made, then it shall be the duty of the secretary of state to arrange the various party sheets from the top downward in alphabetical order.

Election notice. SECTION 6. In making publication of the election notice, the county or city clerk as the case may be, shall precede the same with a statement which shall be substantially in the following form, to be modified or varied according to the nature of the election, the caption to which shall be conspicuously displayed but in no case shall the space occupied by said caption be more than one and one-fourth inches in depth:

ELECTION NOTICE.

Office of _____ Clerk,
_____, 19—.

To the Electors of _____ county or city:

Notice is hereby given that a general election (or judicial or city, or school or special, or judicial and city election, as the case may be) is to be held in the several towns, wards and election precincts in the county or city of _____, on the _____ day of _____, 19—, at which the officers named below are to be chosen. The name of the candidate for each office to be voted for, whose nominations have been certified to this office, are given on each coupon above the appropriate party or other designation, each in a separate column, with the questions submitted to a vote stated below.

INFORMATION TO VOTERS.

The following instructions are given for the information and guidance of voters. At such election the pocket ballot and coupon voting system will be used. A voter upon entering the polling place and giving his name and residence, will receive a

ballot from the ballot clerk which must have indorsed on the outer surface of the pocket envelope the names or initials of both ballot clerks, and no other ballot can be used. Upon receiving his ballot the voter must retire alone to a booth or compartment and prepare the same for voting. A ballot clerk may inform the voter as to the proper manner of preparing a ballot, but he must not advise or indicate in any manner whom to vote for. If it be a general election these words are to follow: 'The voter if he wishes to vote for all the candidates nominated by any party should detach the whole sheet of coupons at the top which represents his desired party, fold lengthwise and place inside of the envelope bearing the designation "official ballot" and the name or initials of the ballot clerk. If the voter wishes to vote for some of the candidates of different political parties he shall tear out each candidate's name coupon bearing the color and number of his choice and place the same in the corresponding pockets or spaces in the folder or envelope provided for that purpose. If his choice is largely composed of candidates of a certain political party he may detach from such whole sheet those he does not wish to vote for and substitute others for them of his choice, bearing the same number or letter, placing them in the proper pockets and then place all the coupons he desires to vote inside the envelope as in voting a whole or straight ticket. If he wishes to vote for a person for a certain office whose name is not on the ballot, he must write the name upon a proper coupon under the printed name of a candidate for the office. The ballot should not be marked in any other manner. If the ballot be spoiled it must be returned to the ballot clerk, who must issue another in its stead, but not more than two in all to any one voter. Five minutes' time is allowed to prepare ballot. Unofficial ballots or memorandums to assist the voter in preparing his ballot can be taken into the booth, and may be used to copy from. The ballot must not be shown so that any person can see how it has been prepared by the voter. After it is prepared it should be closed so that the inside cannot be seen. The voter must place all remaining sheets and coupons or parts of sheets or coupons in the other envelope provided for that purpose and seal such envelope in the presence of the election board. When the voter passes out of the booth compartment he shall give his name to the inspector in charge of the ballot boxes, seal the selected portion of his ballot in the official ballot envelope and the balance in the return envelope and hand such inspector both envelopes, each to be placed in the proper boxes, and pass out of the voting place. A voter who declares to

the presiding officer that by reason of physical disability he is unable to prepare his ballot, can have assistance of one or two election officers in preparing the same, to be chosen by the voter, and if he declares that he is totally blind, he may be assisted by any person chosen by him from among the legal voters of the county. The presiding officer may administer an oath in his discretion, as to such person's disability. The party designations and candidates for the different offices are, for example, as follows: (Insert list of party names, colors and candidates.)

The body of said notice shall be set in the type of the regular reading matter of the paper making the publication, which shall not be larger than long primer or smaller than minion, and shall contain at least seven lines of type to the inch. The titles of officers and names of candidates shall be separated in the notice by blank spaces not exceeding one-twelfth of an inch in width, and the columns containing the titles of offices and the names of candidates shall not exceed two and one-sixth inches in width. Each ticket shall be so printed in two columns one for the state and one for the county officers, with dotted lines to indicate perforations. No other or further publication of notice provided for by this and the preceding section shall be required to be made by any county or city clerk, except that in cities the clerk shall, at the foot of each notice, specify the place of voting in each election precinct, and the hours of opening and closing the polls. The compensation to be paid for all publications of such notices shall be one dollar per square for weekly papers and two dollars per square for daily papers, but the total shall in no case exceed the amount hereinafter specified, to-wit: For general election in weekly newspapers one hundred and twenty dollars, and in daily newspapers two hundred and forty dollars; for a judicial election, in weekly newspapers twenty-five dollars, and in daily newspapers fifty dollars; for a municipal election in weekly newspapers thirty-five dollars; and in daily newspapers seventy dollars, which shall cover all insertions required to be made; provided that in cities of the first class said notice shall be published daily and the compensation for publication of said notice shall be at the rate of one dollar per square for the first insertion, and seventy-five cents per square for each subsequent insertion. The word square as used in this section shall be construed to mean a space one inch in length on the column.

Ballot, how printed. SECTION 7. Every ballot printed under the provisions of this act for use at general elections shall be in

accordance with section one of this act, and all such envelopes or folders bearing designated spaces or pockets shall be made from white paper sufficiently thick so as to completely preserve the secrecy of the ballot, and of appropriate size. Each envelope furnished for the return of the remaining sections, sheets or coupons not used by the voter in expressing his choice shall be of convenient size for the purpose, and made of paper of a sufficient thickness to completely conceal its contents from view, and may be of a manila or yellow paper. There shall also be left under the name of each candidate sufficient space to write the name therein in lieu of the one printed. No pasting names over a ticket or over any names thereon shall be allowed, and no names so pasted shall be counted except as provided in section 34, statutes 1898. When any person is nominated for the same office, by more than one party or convention, his name shall be placed upon the ticket or sheet of the party which first nominated him, or if he was nominated by more than one party or convention at the same time, he shall, within the time fixed by law for filing certificate of nomination, file with the officer with whom his certificate of nomination is required to be filed, a written election indicating the party designation under or with which he desires his name to be printed on the ballot, and it shall be so printed. If he shall refuse or neglect to so file such election, the officer with whom the certificate of nomination is required to be filed, shall place his name under or with the designation of either of the parties by which he is nominated, or with the designation of either of the parties by which he is nominated, but under no other designation whatever. The names of persons nominated by paper nominations shall be placed on one or more sheets, under or with the designation of individual nominations, and for this purpose no color sheet shall be used; such sheet or sheets shall be white; provided, however, that the coupons of such white sheets bearing individual or paper nominations shall be designated by numbers or letters to correspond with the spaces or pockets provided for voting such coupons in the envelope or folder and after or below the name of each shall be printed the party designation as given in his nomination papers, provided that the name of the same individual shall not be placed on the ticket under the head of individual nominations if his name already appears under a party designation. On the back and outside of every ballot shall be printed the words: Official ballot for, followed by the designation of the polling place for which the ballot is prepared and the date of the election, the official in-

dorsement and blank certifiates in the following forms: I certify that the within ballot was prepared by me for an elector incapable under the laws of preparing his own ballot, and as directed by him.

.....,
Inspector of Election.

I certify that the within ballot was prepared by me for a blind elector at his request, and as directed by him.

.....

No party designation need be placed upon the ballots for school or judicial officers or for county, district or state superintendent of schools. In judicial or city elections the same general form of ballot shall be used and like notice given. Party candidates shall be arranged thereon as above provided for ballots at general elections, and the names of persons nominated by nomination papers, and not included in the regular primary election tickets, shall be placed as is provided for individual nominations on the ballots at general elections. Such ballots shall have similar matter printed on the back and outside as other official ballots are required to have.

Order of arrangement. SECTION 8. On ballots to be used at general elections the order of arrangement of offices to be filled in shall be:

First. The presidential electors, if any, the list of which must be accompanied by the names of the nominees of the party for president and vice-president and those of the same party, all to be printed on one coupon of appropriate size, such coupon to be numbered one; if there be none then the coupons bearing the candidates for governor shall be numberd one.

Second. The names of the several state officers to be filled, thus: Governor, lieutenant-governor, secretary of state, treasurer, attorney general, railroad commissioner, commissioner of insurance and such other elective state offices as may be provided by law.

Third. The member of congress of the district.

Fourth. The state senator and member of assembly.

Fifth. The county officers in the order prescribed in section 698 of the statutes of 1898 as amended by chapter 307 of the laws of 1903, except superintendents of schools.

If any officer to be elected is to fill a vacancy, that fact shall be so specified upon the ballot. Whenever a proposed amend-

ment to the constitution or other question shall be submitted to the people, a concise statement of the nature thereof shall be printed, in accordance with the act or resolution directing its submission, upon the ballot after the names of the candidates, opposite the question submitted shall be two spaces, after one of which shall be printed the word "yes" and after one the word "no," and the voter may mark his ballot in the space after whichever word indicates his vote on the question, unless the act or resolution provide or require a different form of ballot, in which case a proper form of ballot shall be furnished. Provided, however, that in election districts in which voting machines are used, no ballot clerk shall be appointed.

Number of ballots printed; samples. SECTION 9. There shall be printed, in the manner hereinbefore provided, by each county clerk and each city clerk, seventy-five ballots for every fifty or fraction of fifty votes cast at any preceding election in any election district in the county or city. Each clerk shall, at the time of ordering official ballots to be printed, cause unofficial sample ballots to be printed, each party sheet of which shall be exactly like the official ballots in every particular, provided, however, that all pocket envelopes furnished for sample ballots shall be made of tinted or colored paper so as to be readily distinguished from the official ballots, and each such envelope, both the pocket envelope and that for the return of unused portions, shall also bear the word "unofficial" plainly printed thereon in addition to all the directions and instructions which are printed upon the official ballot, and delivered to the chairman of any political committee in the county or city, as the case may be, upon the request for such ballots by such committee, to an amount not exceeding one-tenth of the official ballots for each precinct in the county or city. Such request must be made before the printing of the official ballots, and they shall be paid for in the same manner that official ballots are paid for, without additional charge for composition. A committee may, at its own expense, order a larger supply of sample ballots than is required by this section. All ballots ordered printed by county and city clerks shall be printed at the cost of their respective cities or counties.

Compartments and places in booth. SECTION 10. Section 45, statutes of 1898, is hereby amended by striking out the word "marking" in line 11 of said section, so that the same shall read, when so amended, as follows: All officers upon whom is imposed by law the duty of designating polling places shall, under

the penalties elsewhere prescribed, provide and maintain in each polling place designated by them a sufficient number of places or compartments, at least twenty-four inches wide and deep, with shelves for writing, which shall be furnished with such supplies and conveniences as shall enable voters to conveniently prepare their ballots, and each compartment shall be furnished with a door, screen or curtain of cloth so hung as to completely conceal the voter and anyone who may lawfully assist him, from observation while * * * preparing his ballot, and said room shall have a guard rail so constructed that only persons within said rail can approach within five feet of the ballot boxes or such places or compartments. The number of such places, shelves or compartments shall not be less than one for every fifty electors who voted at the last preceding general election in the district. No person except the officers of election, other than voters engaged in receiving, preparing or depositing ballots, shall be permitted to be within said rail. The expense of providing and maintaining such places, shelves, compartments, doors, screens or curtains and guard rails shall be provided for in the same manner as other election expenses. *All the places in the general election laws where the word "marked" or "marking" is used to mean pencil marks made by a voter in marking his ballot shall be hereafter understood to mean "prepared," except where it has reference to voting upon a question or amendment.*

Ballot clerks, duty of. SECTION 11. The ballot clerks shall only serve on election day. It shall be their duty to take charge of the official ballots, write their names or initials upon the back of each ballot under the printed indorsement thereon, and deliver to each voter as he enters the booth one ballot duly indorsed. They may, if requested by any voter, instruct him as to the proper manner of preparing his ballot, but shall give no advice or suggestions, nor express any preference, nor make any requests as to the person or ticket the voter shall vote for.

Manner of voting. SECTION 12. On receiving his ballot the elector shall forthwith, and without leaving the polling place, retire alone to one of the booths or compartments to prepare the same. If he wishes to vote for a person for a certain office whose name is not on the ballot, he may write such name under the printed name of one of the candidates for that office. An elector may use or copy an unofficial sample ballot which may have been prepared in advance of his entering the polling place, but he shall not use or bring into any such place any official

ballot other than those which he rightfully receives from the ballot clerks. After preparing his ballot the elector shall close the same so as to conceal the contents of both envelopes completely; he shall proceed to the presence of the inspectors and seal the pocket ballot containing his choice and the return envelope containing unused portions of the ballot, so that the said inspectors may see him seal them; he shall then vote forthwith and before leaving the polling place.

Voter may be assisted, when. SECTION 13. If it shall be announced to the inspectors of any precinct that a voter is at the door who is unable to enter the polling place without being assisted, they may, in their discretion, appoint one of their number to take an official ballot and go to the entrance of such place and present it to any such physically disabled person, and assist him in preparing it, if such person desires him to do so. When the ballot shall have been prepared, it shall be closed and immediately taken into the polling place, whereupon the inspector shall distinctly announce that he holds in his hand a "ballot offered by (naming the person), a person who is physically disabled from entering the room without assistance." He shall then ask, "Does any one object to the reception of this ballot?" If no objections are offered, the ballot shall be deposited in the box, and a minute shall be made on the poll book by the clerks of election, thus: "Ballot received at the door." In case objection is made to the reception of a ballot by any qualified elector present, the inspector shall decide upon the objection, and, if they deem it well founded, shall destroy the ballot; otherwise it shall be deposited; if the ballot be destroyed, the inspector shall immediately notify the voter of the fact.

Ballots, how counted; intention of voter. SECTION 14. All ballots cast at any election shall be counted for the persons for whom they are intended, so far as such intent can be ascertained therefrom. In determining the intent the following rules shall be observed: If any elector shall place inside of the pocket envelope the whole of the sheet containing all of the candidates of a political party, he shall be deemed to have voted for all the candidates whose names appear on such sheet, unless some name or names shall be erased, or unless he shall have actually placed within the pockets or designated spaces, or within the pocket envelope, one or more coupons bearing the names of a candidate or candidates taken from some other sheet or sheets of the bal-

lot, in which case such coupon or coupons so placed shall be deemed an exception to his general choice as represented in the whole sheet so placed within the ballot or pocket envelope, and such coupon or coupons shall be counted for the candidates whose names they bear. When an elector shall have written the name of a person in the proper place for writing the same he shall be deemed to have voted for the person, although he shall have omitted to have erased the name printed upon the same coupon.

Votes, how canvassed. SECTION 15. As soon as the poll of the election shall be finally closed the inspectors shall proceed immediately to canvass publicly, in the presence of all persons desiring to attend the same, the votes received at such poll, and continue without adjournment until the canvass is completed and the statements required by law are made. They shall commence by a comparison of the poll lists and the correction of any mistake therein, until they shall be found or made to agree. The box containing the ballot or pocket envelopes shall then be opened and the ballots therein taken out and counted by the inspectors, unopened. If the ballots in the box shall be found to exceed in number the whole number of votes shown by the poll lists, they shall be replaced in the box and one of the inspectors shall publicly draw therefrom by chance, and without examination thereof, so many ballots unopened as shall be equal to such excess. The ballots so drawn shall not be counted, but shall be preserved until all other ballots shall have been counted, when, if in the judgment of the election board there shall be no necessity of retaining them for the purpose of tracing out and detecting fraud, they shall be destroyed without opening. The number of ballots agreeing, or so as aforesaid being made to agree, with the poll lists, the inspector shall then proceed to open and count and ascertain the number of votes. After having so counted and ascertained the number of votes, it shall be the duty of the inspectors to open the box containing the remainders or unvoted portions of the ballot, and they shall look at the contents of each envelope containing such remainders. If it shall appear by such inspection that any other matter has been used to make such envelopes have the proper outward appearance when voted, or if there shall be other evidences of irregularity, it shall then be the duty of the inspectors to open any excess ballot envelopes, which may have been drawn for the above mentioned purpose and proceed to match the parts therein contained, if any, from some of the parts of ballots in the re-

remainder box so as to make them full and complete as they were before voting, after which they shall again be laid aside, and all of the ballots which have been counted shall be so matched and filled from the remainders until such ballot or ballots from the first or counted part shall be found for which no corresponding full remainder can be found; such ballots so found shall then and in that case be thrown out and subtracted from the returns; provided further, however, that it shall be the duty of the inspectors during the whole day to watch closely in the booths and about the polling place for parts of sheets or coupons which may inadvertently have been left out of the proper return envelopes by careless voters, and preserve all such so found, if any, and the same shall be considered in case a check back as before mentioned shall be made. It shall be the duty of the inspectors to caution all voters (as far as practicable and consistent with their other duties) to return all unused sheets, coupons, or parts of sheets or coupons in the envelope furnished for that purpose; cautionary instructions of this nature shall also be printed upon one of the outer faces of such envelope.

Disposition of envelopes containing ballots; sample. SECTION 16. All envelopes containing ballots shall be numbered consecutively by the inspector as rapidly as they are counted and as soon as each ballot cast at any election, shall be counted it and all parts of it, shall be returned to the envelope from which it was taken, and such envelopes shall be closed and threaded consecutively upon a string or cord, and when all are counted, such string or cord shall be tied and sealed and the whole number of ballots so counted, strung together and sealed, shall be replaced in the ballot box from which they were taken and such ballot box shall be locked and sealed and returned to the city or town clerk having legal charge thereof and such ballot box and ballots therein, shall be preserved intact for three months succeeding any election at which the same were used or voted, and such ballot box shall not be opened during such period except by order of a court of competent jurisdiction for the purpose of making a re-count of the ballots therein contained, and unless so ordered opened and ordered further preserved by such court, all such ballots shall be destroyed at the end of three months by the person having charge thereof.

Form of ballot. SECTION 17. The official ballots for general election and for regular city elections with the indorsements thereon and the instructions given at the head thereof as herein amended shall be in substantially the annexed form, provided

that ballots for city elections may be varied as to the titles of the officers to be printed thereon to conform to the law under which each such election is held, and shall be made of the materials before mentioned in this act; all sheets of coupons shall be made of cardboard of appropriate thickness, and shall be perforated as indicated by lines in the annexed form. And all pocket envelopes or folders shall be substantially like in form and construction to the annexed sample. And all envelopes for the return of unused portions shall be like the annexed sample.

Conflicting laws repealed. SECTION 18. All acts and parts of acts conflicting with the provisions of this act are hereby repealed; provided that this act shall not repeal or be deemed to conflict with any statute authorizing the use of voting machines at elections.

Contract with patentee. SECTION 19. Whereas, Moncena Dunn, of Marshfield, Wisconsin, has applied for letters patent and has submitted his petition, specifications, oaths and drawings for a patent on aforesaid pocket ballot, designed for use at all general elections, and

Whereas, he desires to enter into a contract with the state for the purpose of assigning the exclusive right to use said ballot in this state at general elections therein; now, therefore,

The secretary of state is hereby authorized to enter into a contract with the said Moncena Dunn by an instrument in writing whereby said Moncena Dunn shall grant and convey to the secretary of state and to his successors in office for the benefit of the people of this state, an exclusive right, if letters patent shall be to him issued, to use said patented ballot within the limits of this state at general, city and judicial elections, said assignment to be made pursuant to the provisions of section 4898 of the United States Statutes.

Submission of, to vote of people. SECTION 20. The question whether the foregoing provisions of this act shall go into effect and be in force shall be submitted to the people of this state at the election to be held on the first Tuesday of April in the year 1906 and, if approved by a majority of the votes cast upon that question, it shall go into effect and be in force from and after it shall be ratified by the people as herein provided; and provided, the contract hereinbefore set forth shall have been made; otherwise it shall not take effect or be in force.

Upon the ballot to be voted at such election shall be printed:
Shall chapter — [insert on the ballot the number of chapter]

of the laws of 1905, entitled "An act to provide for the use of the pocket ballot and coupon voting system and to amend section 45 of the statutes of 1898," be adopted?

SECTION 21. This act shall take effect and be in force from and after its passage and publication, subject to all provisions herein contained for its submission to the people for their ratification or rejection.

Approved June 21, 1905.

No. 703, A.]

[Published June 29, 1905.]

CHAPTER 523.

AN ACT relating to the office of county supervisor of assessment and to amend chapter 445 laws of 1901.

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

County board to elect supervisor; vacancies. SECTION 1. Section 1 of chapter 445 of the laws of 1901 is hereby amended so as to read as follows: Section 1.* *The county board of every county at the annual meeting in November, 1901, and at the annual meeting every third year thereafter shall elect a county supervisor of assessment who shall hold his office for three years from the first Monday in January following such annual meeting and until his successor is elected and qualified. If any vacancy shall occur in said office it may be filled by the county board at an annual meeting or at any special meeting called for that purpose; provided, that in case any such board shall fail to elect a supervisor of assessment at the annual meeting herein designated for that purpose, or shall fail to fill any vacancy within thirty days after it shall occur, the commissioner of taxation shall appoint a suitable person to hold such office and discharge the duties thereof and shall also fix the rate of compensation of such appointee within the limits herein prescribed. The*

*Entire section is rewritten.