

No. 367, A.]

[Published July 15, 1907.

CHAPTER 583.

AN ACT to amend sections 37, 38, 40, 51 and 57 of the statutes as amended, and to repeal sections 39 and 52 of the statutes, relating to the official ballot at general elections.

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

SECTION 1. Section 37 of the statutes, as amended, by section 1 of chapter 349, laws of 1899, section 3 of chapter 351, laws of 1899, and section 2 of chapter 457, laws of 1901, is amended to read:

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SECTION 2. Section 38 of the statutes, as amended by chapters 349 and 351, laws of 1899, and chapter 457, laws of 1901, is amended to read:

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SECTION 3. (Repeals Sec. 39 of the statutes.)

SECTION 4. Section 40, of the statutes, is amended by substituting in place of the forms appearing in said statutes the forms appearing herein and made a part of this bill and to read as follows:

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SECTION 5. Section 51, of the statutes, as amended by chapter 349, laws of 1899, is amended to read:

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SECTION 6. (Repeals Sec. 52 of the statutes.)

SECTION 7. Section 57, of the statutes as amended by sections 6 and 7 of chapter 349, laws of 1899, is amended to read:

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SECTION 8. All laws or parts of laws in conflict herewith are repealed.

Approved July 12, 1907.

(In effect from and after date of publication.)

city on other questions are conducted and the returns canvassed. If a majority of the votes cast at such election shall be in favor of the adoption of such sections, all nominations and elections for city offices in such city shall be thereafter made as provided therein. At any time after one year after such election the question as to whether such sections shall continue to be applicable to such city may be upon a similar petition similarly signed, again submitted in a similar manner to the voters of such city.

(Ch. 670, 1907.)

Nominations: county and city newspaper notices.

SECTION 36. 1. * * * Before an election to fill any public office the county *or city* clerk of each county *or city* shall cause to be published in at least two and in not more than four newspapers published within the county *or city* the nominations to office certified to or filed with him.

2. One of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding *county or city* election cast the largest number of votes, and at least one of the other publications shall be made in a newspaper which advocates the principles of the political party that then cast the next largest number of votes. * * *

3. *Such publications shall be made twice in daily newspapers in counties or cities having such, one of which publications shall be on the last Monday preceding election day and the other one week previously; but if there be no daily newspaper published within the county or city one publication in each weekly newspaper selected shall be sufficient.* * * *

4. In addition to the publication required to be made by this section, so much of the following section as relates to information to voters may be published in the papers hereinbefore mentioned, and in such papers as are printed in foreign languages, fairly translated into such language, with illustrative examples as to the proper manner of marking a ballot, as in the judgment of the clerk may be proper and necessary.

5. *The publication required in this section shall not be made in more than two newspapers unless authorized by a resolution adopted by the county board of supervisors of such county or city council of such city.*

(Ch. 563, 1907.)

General election notice: methods of marking ballot and of voting; list of candidates. SECTION 37. 1. In mak-

ing publication of an election notice, the county or city clerk, as the case may be, shall precede the same with the 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 names of the candidates for each office to be voted for, whose nominations have been certified to this office, are given opposite the title of the office and under the appropriate party or other designation. each in its proper column, and the questions submitted to a vote are stated below.

INFORMATION TO VOTERS.

The following instructions are given for the information and guidance of voters: (a) A voter upon entering the polling place and giving his name and residence, will receive a ballot from the ballot clerk which must have endorsed thereon 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 marking a ballot, but he must not advise or indicate in any manner whom to vote for. * * *

(b) *If a voter wishes to vote for all the candidates nominated by any party he shall make a cross or other mark under the party designation printed at the top of the ballot in the circle made for that purpose. A ballot so marked and having no other mark will be counted for all the candidates of that party in the column underneath, unless the names of some of the candidates of the party have been erased or a name shall be written in or a*

cross mark be placed in the square at the right of the name or names of candidates in another column. If the voter does not wish to vote for all the candidates nominated by one party, he shall mark his ballot by making a cross or mark in the square at the right of the name of the candidate for whom he intends to vote or by inserting or writing in the name of the candidate.

(c) A voter may vote for an entire group of candidates for presidential electors by making a cross (X) or mark in the square at the right of the names of candidates for president and vice president whose names appear in the column above the names of the candidates for presidential electors, or he may vote for the candidates for presidential electors by making a cross (X) or mark in the square at the right of the name of each candidate for elector for whom he wishes to vote. If a voter does not wish to vote for any one or more candidates for presidential electors in the group, he may erase the name of such candidate or candidates and the cross (X) or mark at the right of the names of the candidates for president and vice president shall count as a vote for each of the other candidates for presidential electors in such group whose names are not erased. If a voter wishes to vote for another person in place of a candidate whose name he has erased he may insert or write in the name of each such person in one of the spaces in the blank column at the right of the ticket. If a voter does not wish to vote for any candidates for president or vice president or for any presidential electors, whose names appear upon the ballot, he may insert or write in the names of the candidates for president and vice president, and presidential electors to a number equal to the number of electors to be elected, in the appropriate spaces in the blank column at the right of the ballot.

(d) A voter may vote upon a question submitted to a vote of the people by making a cross (X) or mark in the square at the right of the answer which he intends to give.

(e) 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 three in all shall be issued to any one voter. Five minutes' time is allowed in booth to mark ballot. Unofficial ballots or memorandum to assist the voter in marking 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 marked by the voter.

(f) After it is marked it should be folded so that the inside cannot be seen, but so that the printed indorsements and signa-

tures of the ballot clerks on the outside may be seen. Then the voter should pass out of the booth or compartment, give his name to the inspector in charge of the ballot box, hand him his ballot to be placed in the box, and pass out of the voting place.

(g) A voter, who declares to the presiding officer that he is unable to read, or that by reason of physical disability he is unable to mark his ballot, can have assistance of one or two election officers in marking 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.

(h) The party designations and candidates for the different offices, are for example, as follows: Insert list of party designations and candidates.

Office.	Democrat- ic Ticket.	People's Ticket.	Prohibi- tion Ticket	Republi- can Ticket.	Ind. Nomi- nations.
Governor	A. B.	B. C.	C. D.	D E.	E F.
Lieutenant Governor	F. G.	G. H.	H. I.	I J	J. K.

_____, County Clerk.

Size of type; lines to the inch; spacing. 2. 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 nor smaller than minion and shall contain at least seven lines of type to the inch. The titles of offices and names of candidates shall be separated in the notice by blank spaces not exceeding one-twelfth of an inch in thickness and the columns containing the titles of offices and the names of candidates shall not exceed two and one-sixth inches in width.

City clerk's additional items. 3. 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 such notice, specify the place of voting in such election precinct, and the hours of opening and closing the polls.

Printer's rates. 4. The compensation to be paid for all publications of such notice shall be * * * *sixty cents* per square for weekly papers and * * * *one dollar* * * * per square for the first publication and *thirty-five cents* per

*square for each subsequent publication in daily papers, but the total shall in no case exceed the amounts hereafter specified, to-wit: for a general election in weekly newspapers * * * seventy-five dollars, and in daily papers * * * one hundred twenty dollars; for a judicial general election in weekly newspapers * * * twenty dollars and in daily newspapers * * * forty dollars; for a municipal election in weekly newspapers * * * twenty-five dollars, in daily newspapers * * * fifty-five dollars which shall cover all insertions required to be made; provided, that in cities of the first class and in counties containing more than two hundred thousand population 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 the subsequent insertion. But nothing herein shall be so construed to require the publication of a separate notice to women voters at any election.*

Newspaper "square." 5. The word "square" as used in this section shall be construed to mean a space one inch in length of the column of the newspaper in which any such notice is published; but any fraction of a square shall be paid for as a full square.

(Ch. 583, 1907.)

Ballot material and size. SECTION 38. 1. Every ballot printed under the provisions of this chapter for use at general elections shall be upon white print paper * * * of sufficient *width and length* to afford space for all the tickets or several candidates in columns therein; said paper shall be cut from sheets twenty-four by thirty-six inches in size and weighing thirty-five pounds to the ream; if a different sized sheet is used the weight per ream shall be proportioned as above.

Party columns; independent nominations. 2. The several regular party tickets nominated by conventions or by regularly constituted and authorized committees or *primaries* shall be printed each in a separate column under the appropriate party designation, the columns to be arranged alphabetically, *from left to right*, according to the first letter of the party name, thus democratic party, labor party, prohibition party, republican party. *To the right hand of the party column shall be one or more columns for independent nominations.*

Separating lines. 3. * * * All columns are to be separated by heavy black lines not less than one-eighth of an inch wide. * * *

Placing of candidates' names; squares for voting. 4. *In each column shall be placed the name of each office to be voted for and directly under the name of each such office * * * shall appear the name of the person nominated as a candidate for such office. The name of the candidate shall in all cases be placed in the column designated by the party name of that party by which such candidate was nominated; and if the person be an independent candidate, his name shall be placed in its proper place in the column or columns designated independent, together with his party designation as given in his nomination papers. The names of all candidates shall be so placed in the various party designated columns so that names of the same office and the candidates for such office shall appear on or between the same horizontal lines of the ballot. After and to the right of the name of each candidate for a state or county office and within each party designated column there shall be a square, in which the voter may designate by a cross or other mark his choice for each office.*

Candidates for county superintendent. 5. * * * *In no case shall a county clerk * * * place the name of any person upon such ballot as a candidate for the office of county superintendent of schools unless such person shall have filed in such clerk's office at least ten days before the day of election at which such superintendent is to be elected, proof of having successfully taught in one or more of the public schools of this state, for a period of eight months, and a copy of a certificate entitling him to teach in any such school, or of a certificate known as a county superintendent's certificate, unless such person, before the first day of May, 1895, had held the office of county superintendent of schools in this state.*

Order of offices. 6. *All offices to be filled, together with the names of the persons who are candidates for such offices, shall be arranged within the columns in the following order: first, state offices; second, congressional offices; third, legislative offices; fourth, county offices; fifth, and underneath in the presidential ballot, the offices of president, vice president and presidential electors.*

Questions submitted to the people. 7. *Whenever a proposed amendment 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 beneath the presidential ballot and separated by an appropriate line or rule, and underneath the question as thus stated shall appear the words "yes" and "no", and after and to the right of each of which words there shall be a square.*

Head line; instructions to voters; party designations and circles. 8. *At the top of each ballot shall be placed in letters of not less than three-eighths of an inch in length the words "official ballot." Underneath the words "official ballot" and in plain legible type shall appear the following instructions to voters: "If you desire to vote an entire party ticket for state, congressional, legislative and county offices and presidential electors, make a cross (X) or other mark in the circle (O) under the party designation at the head of the ballot. If you desire to vote for particular persons without regard to party, mark in the square at the right of the name of the candidate for whom you desire to vote, if it be there, or write any name that you wish to vote for, in the proper place. If you desire to vote for state, congressional, legislative and county offices of one party and presidential electors of another party, make a cross (X) or other mark in the circle (O) at the head of the party ticket, and also make a cross (X) or other mark in the square ([]) at the right of the names of the candidates for president and vice president, you desire to vote for." There shall be a space * * * at the top of each column in which shall be placed the party designation and under the party designation a circle (O) of three-eighths of an inch in diameter formed by black lines in which the voter by his mark may declare that he votes for all the names printed in that column except such as are erased or written over or otherwise marked as hereinafter specified and under * * * such party designation shall appear the names of all candidates for state, congressional, legislative and county offices and presidential electors of that party.*

Presidential ballot. 9. *Underneath that portion of the ballot containing the names of candidates for state, congressional, legislative and county offices shall be placed the names of the*

candidates for president and vice president and the names of the candidates for presidential electors, which portion of the ballot is herein designated the presidential ballot.

Presidential candidates and electors; position of names.

10. The names of the candidates for president, vice president and presidential electors shall be placed in and directly underneath the designated party column of that party of which such candidates are the nominees. At the top of such column in the presidential ballot shall appear the words "for president,—(naming such candidate), for vice president,—(naming such candidate)" and immediately beneath shall appear the party designation. To the right of and after the names of the candidates for president and vice president and within the party column there shall be a square. Beneath the party designation shall appear the words "electors of president and vice president." Underneath the words "electors of president and vice president" and separated by lines shall appear the names of those persons who are candidates for presidential electors. To the right and after the name of each candidate for presidential elector there shall appear a square within which may be designated the choice of the voter.

No pasting. *11. * * * No pasting names over a ticket or over any names thereon shall be allowed and no name so pasted shall be counted except as provided in section 34 of these statutes.*

Candidate nominated by more than one party. *12.*

When any person is nominated for the same office, by more than one party or primary, his name shall be placed upon the ticket under the designation of the party which first nominated him, or if he was nominated by more than one party or primary at the same time, he shall, within the time fixed by law for filing certificates of nomination, file with the office with whom his certificate of nomination is required to be filed, a written election indicating the party designation under 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 an election, the officer with whom the certificate of nomination is required to be filed, shall place his name under the designation of either of the parties by which he was nominated, but under no other designation whatsoever.

Paper nominations; place on ballot. 13. The names of persons nominated by paper nominations shall be placed in the one or more columns * * * *designated independent* * * * provided that the name of the same individual shall not be placed on the ticket under the head of * * * *independent* nominations if his name already appears under a party designation.

Outside of ballot. 14. 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 endorsement and blank certificates in the following forms: I certify that the within ballot was marked by me for an elector incapable under the law of marking his own ballot, and as directed by him.

.....
Inspector of Election.

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

.....

School and judicial offices. 15. No party designation need be placed upon the ballots for any school or judicial officer.

Judicial and city ballots. 16. (a) Ballots for judicial and city elections shall be printed upon the quality of white print paper hereinbefore specified, and shall be of sufficient size to afford space for all the tickets or several candidates in columns therein.

(b) 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 convention or primary tickets, shall be placed as is provided for independent 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.

(Ch. 583, 1907.)

Repeal. SECTION 39, of the statutes, as amended by chapter 423, laws of 1903, is repealed.

(Ch. 583, 1907.)

Ballot models; general and city elections. SECTION 40. The official ballots for general elections and for regular city elections, with the endorsements thereon and the instructions given * * * *thereon*, shall be substantially the annexed forms, *marked respectively A and B*; provided, that ballots for such city elections may be varied as to the titles of the offices to be printed thereon to conform to the law under which each such election is held.

(Ch. 583, 1907.)

Liquor license question; separate ballot and box. SECTION 40a. 1. Whenever the question of granting license for the sale of intoxicating liquors, shall be submitted to electors of any town, village or city, the clerk of such town, village or city shall prepare a separate ballot for such question to be so submitted.

2. Every such ballot shall, when the question submitted will permit, contain the words "for _____" (inserting the question to be voted upon) with a blank square directly following, and also the words "against _____" (inserting the question to be voted upon) with a blank square directly following.

3. Every ballot containing a cross or other mark in the blank square following the words "for _____" (the question voted upon being inserted) shall be counted as a vote for the question thus submitted, and every ballot containing a cross or other mark in the blank square following the words "against _____" (the question voted upon being inserted) shall be counted as a vote against such question so submitted.

4. The ballot upon the question so submitted shall be deposited in a separate ballot box in each town, village and election district wherein such question is submitted.

(Ch. 664, 1907.)

Printer's bidding restricted to city or county, but clerk may reject. SECTION 41. 1. Except as in this chapter otherwise provided, it shall be the duty of each county clerk and city clerk to provide printed ballots for every election for public officers to be voted for in his county or city, and to cause to be printed in the appropriate ballot the name of every candidate whose name has been duly certified to or filed with him; such county or city clerk shall let to the lowest bidder *within such county or city* the printing of all ballots and shall

3. They shall also, before the opening of the polls, compare the ballot labels on the machine with the sample ballots furnished, and see that the names, numbers and letters thereon agree. They shall also examine the seal upon the voting machine, to see that it has not been broken, and shall examine every counter therein to see that each registers 000. If any counter in the voting machine shall be found not to register 000, a notice of such fact, stating the designating number of such counter, together with the number registered thereon, shall be written out and signed by all the members of the election board and a copy thereof posted in a conspicuous place upon the wall of the polling place, where it shall remain during the election day.

4. The members of the election board shall then certify on each of the blanks furnished for that purpose as to the condition of the voting machine and the counters therein, which blank shall be signed by each member of the board, and after the election one delivered with each copy of the election returns.

(Ch. 316, 1907.)

Section 47. 1. (Amended by Subs. 2, Sec. 11—12, Ch. 666, 1907.)
Counties of 200,000, opening and closing of polls. [Section 49] (See Chapter 594, 1907.)

General elections; method of voting. SECTION 51. 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. * * * An elector may use or copy an unofficial sample ballot which may have been marked in advance of his entering the polling place, but he shall not use or bring into such place any such ballot printed upon paper of the color or quality required to be used for printing official ballots. After preparing his ballot, the elector shall fold it so that its face will be concealed and so that the printed indorsement and signatures or initials of the ballot clerks thereon may be seen. He shall then vote forthwith and before leaving the polling place.

(Ch. 583, 1907.)

Repeal. SECTION 52, of the statutes, as amended by section 5, chapter 349, laws of 1899, is repealed.

(Ch. 583, 1907.)

Voter's marking; determination of intent. SECTION 57. All ballots cast at any election shall be counted for the persons for whom they were intended, so far as such intent can be ascertained therefrom. In determining the intent the following rules shall be observed:

First. If the elector shall place on his ballot at a general election a cross mark or other equivalent mark or symbol under a party designation, at the head of the column, in or near the space indicated for that purpose he shall be deemed to have voted for all the candidates whose names appear in the column under such mark, unless some name or names shall be erased, or some name shall be written in, or unless in some other column he shall have placed a mark in the square at the right of the name of some other candidate for the same office.

Second. At all elections, whether general or other, when the voter shall place a mark against two or more names for the same office, * * * *when only one candidate is to be chosen for the office*, he shall be deemed to have voted for none of them, and the ballot shall not be counted for either candidate therefor.

Third. If an elector shall mark his ballot with a cross mark (X), or any other marks, as,

|, A, V, O, /, \, +,

* * * within the * * * *square after, at the right of the name of any candidate*, or at any place within the space in which the name appears indicating an intent to * * * *vote for such person*, it shall be deemed a sufficient vote for the candidate whose name * * * *it is opposite*.

Fourth. When the 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 that person, although he shall have omitted to erase the name printed in the same column for the same office, or shall have made a mark against the same or against any other name for the same office, or omitted to mark against the name written.

* * * *Fifth.* A ballot put in without any marks shall not be counted and a ballot not marked at the top shall be counted only for the persons for whom the marks therein are applicable.

(Ch. 583, 1907.)

Special election ballots; city and village. SECTION 59. Whenever the common council of any city or board of trustees