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# L A W S

RELATING TO

# ELECTIONS

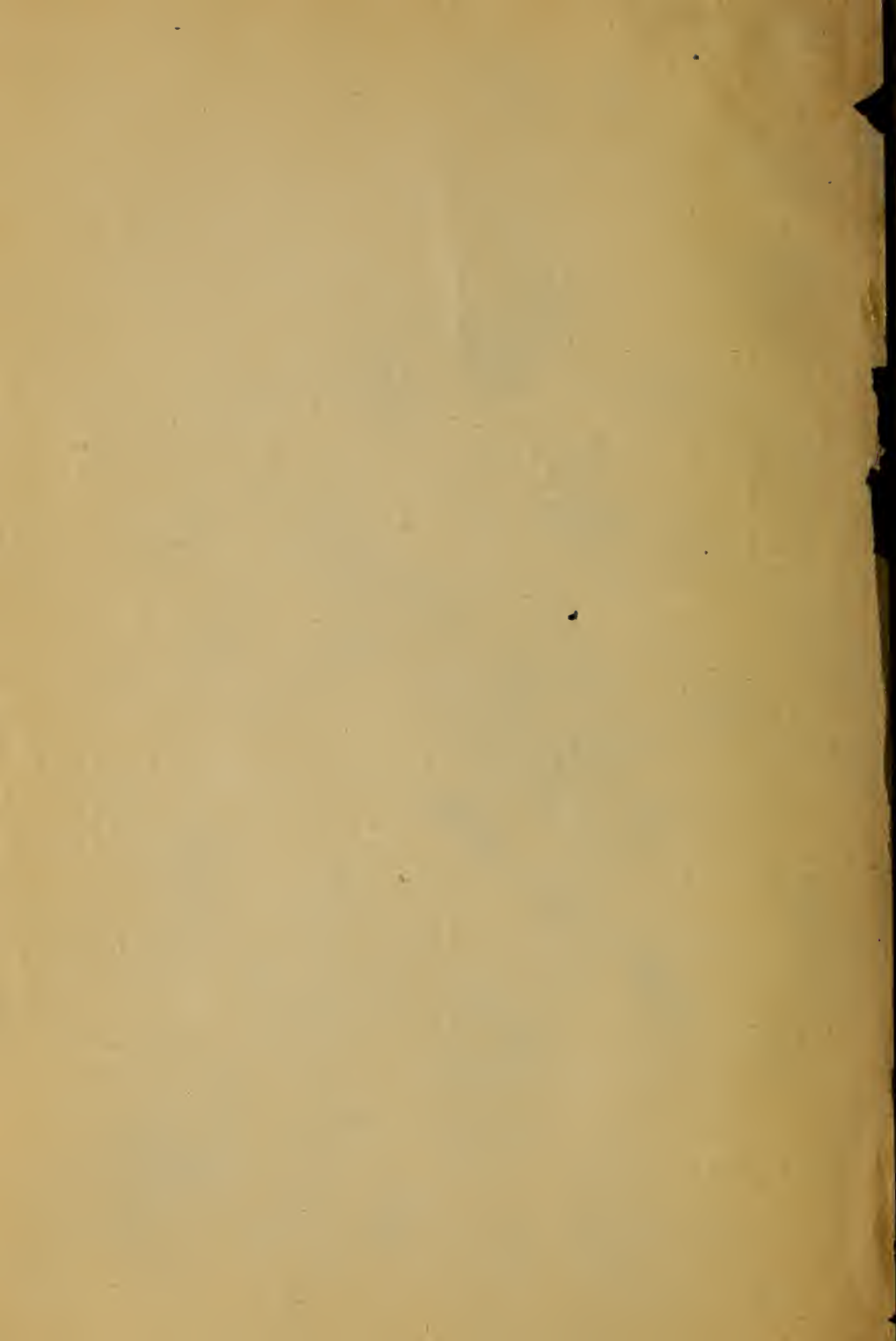
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STATE OF COLORADO

1891-1894.

DENVER, COLO.  
THE SMITH-BROOKS PRINTING COMPANY.

1894



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# L A W S

RELATING TO

# ELECTIONS

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STATE OF COLORADO

1891-1894.

DENVER, COLO.  
THE SMITH-BROOKS PRINTING COMPANY.  
1894





# CORRUPT PRACTICES ACT.

(S. B. 45.)

## AN ACT

IN RELATION TO ELECTIONS AND CRIMES AND OFFENSES AGAINST  
THE ELECTIVE FRANCHISE.

*Be it enacted by the General Assembly of the State of Colorado:*

Section 1. It shall be unlawful for any person, directly or indirectly, by himself or through any other person:

(a) To pay, loan or contribute, or offer, or promise to pay, loan or contribute, any money or other valuable consideration to or for any voter, or to or for any other person, to induce such voter to vote or refrain from voting at any election provided by law, or to induce any voter to vote or refrain from voting at such election for any particular person or persons, or to induce such voter to go to the polls, or remain away from the polls at such election, or on account of such voter having voted or refrained from voting for any particular person, or having gone to the polls or remained away from the polls at such election.

(b) To give, offer or promise any office, place or employment, or to promise or procure or endeavor to procure any office, place or employment, to or for any voter, or to or for any other person, in order to induce

such voter to vote or refrain from voting at any election provided by law, or to induce any voter to vote or refrain from voting at such election for any particular person or persons.

To make advances for, or in repayment of money used for bribery.

(c) To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used in bribery at any election provided by law, or to knowingly pay or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part expended in bribery at any such election.

It shall be unlawful—

Sec. 2. It shall be unlawful for any person, directly or indirectly, by himself or through any other person:

To receive or contract for, directly or indirectly, any valuable consideration for voting.

(a) To receive, agree or contract for, before or during an election provided by law, any money, gift, loan or other valuable consideration, office, place, or employment, for himself or any other person, for voting or agreeing to vote, or for going or agreeing to go to the polls, or for remaining away or agreeing to remain away from the polls, or for refraining or agreeing to refrain from voting or for voting or agreeing to vote, or refraining or agreeing to refrain from voting for any particular person or persons, measure or measures, at any election provided by law.

To receive money or other valuable thing for himself or others on account of voting.

(b) To receive any money or other valuable thing during or after an election provided by law, on account of himself or any other person, for voting or refraining from voting at such election, or on account of himself or any other person, for voting or refraining from voting for any particular person at such election, or on account of himself, or any other person

for going to the polls or remaining away from the polls at such election, or on account of having induced any person to vote or refrain from voting, or to vote or to refrain from voting for any particular person or persons, measure or measures, at such election.

Sec. 3. It shall be unlawful for any candidate for public office, before or during any election provided by law, to make any bet or wager with a voter, or take a share or interest in, or in any manner become a party to, any such bet or wager, or provide or agree to provide any money to be used by another in making such bet or wager, upon any event or contingency whatever, arising out of such election. Nor shall it be lawful for any person directly or indirectly to make a bet or wager with a voter, depending upon the result of any election provided by law, with the intent thereby to procure the challenge of such voter or to prevent him from voting at such election. Any violation of this section shall be deemed a misdemeanor.

Unlawful for candidate to make bet or wager with voter.

Unlawful to make bet or wager with intent to procure challenge.

Misdemeanor.

Sec. 4. It shall be unlawful for any person directly or indirectly, by himself or any other person in his behalf, to make use of any force, violence or restraint, or to inflict, or threaten the infliction, by himself or through another person, of any injury, damage, harm or loss, or in any manner to practice intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting for any particular person or persons, measure or measures, at any election provided by law, or on account of such person having voted or refrained from voting at any such election. And it shall be unlawful for any person, by abduction, duress, or any forcible or fraudulent device or contrivance whatever, to impede, prevent or otherwise interfere with the

Unlawful to use violence or intimidation to influence votes.

free exercise of the elective franchise of any voter, or to compel, induce or prevail upon any voter, either to give or refrain from giving his vote at any such election, or to give or refrain from giving his vote for any particular person at any such election. It shall be unlawful for any employer, either corporation, association, company, firm or person, in paying its, their or his employes the salary or wages due them, to enclose their pay in "pay envelopes" upon which there is written or printed any political mottoes, devices or arguments, containing threats, express or implied, intended or calculated to influence the political opinion, views or actions of such employes. Nor shall it be lawful for any employer, either corporation, association, company, firm or person, within ninety days of any election provided by law, to put up or otherwise exhibit in its, their or his factory, workshop, mine, mill, boarding-house, office or other establishment or place where its, their or his employes may be working or be present in the course of such employment any hand-bill, notice or placard containing any threat, notice or information that in case any particular ticket or candidate shall be elected, work in its, their or his place or establishment will cease in whole or in part or its, their or his establishment be closed, or the wages of its, their or his workmen be reduced; or other threats, express or implied, intended or calculated to influence the political opinions or actions of its, their or his employes. Any person or persons, or corporation violating any of the provisions of this section, shall be deemed guilty of a misdemeanor, and any person, whether acting in his individual capacity or as an officer or agent of any corporation so guilty of such misdemeanor shall be punished as hereinafter prescribed.

Unlawful for employer to use "pay envelopes."

Or exhibit hand-bill or placard.

Misdemeanor.



Sec. 5. It shall be unlawful for any corporation or any officer or agent of any corporation to influence or attempt to influence by force, violence or restraint or by inflicting or threatening to inflict any injury, damage, harm or loss, or by discharging from employment or promoting in employment, or by intimidation or otherwise in any manner whatever, to induce or compel any employe to vote or refrain from voting at any election provided by law, or to vote or refrain from voting for any particular person or persons at any such election. Any such corporation, or any officer or agent of such corporation, violating any of the provisions of this section, shall be deemed guilty of a misdemeanor, and be subject to the penalty hereinafter provided, and in addition thereto, any corporation violating this section shall forfeit its charter and right to do business in this State.

Unlawful for corporation to influence votes by discharging or promoting employes.

Misdemeanor.

Shall forfeit charter.

Sec. 6. Every candidate who is voted for at any public election held within this State shall, within thirty days after such election, file as hereinafter provided, an itemized statement, showing, in detail, all the moneys contributed or expended by him, directly or indirectly, by himself or through any other person, in aid of his election. Such statements shall give the names of the various persons who received such money, the specific nature of each item, and the purpose for which it was expended or contributed. There shall be attached to such statement an affidavit, subscribed and sworn to by such candidate, setting forth, in substance, that the statement thus made is in all respects true, and that the same is a full and detailed statement of all moneys so contributed or expended by him, directly or indirectly, by himself, or through any other person, in aid of his election. Candidates

Candidates shall file statement of expense incurred in aid of election.

Contents of statement.

Affidavit.

for office to be filled by the electors of the entire State, or any division or district thereof greater than a county, and candidates for either house of the general assembly, and for district judge, and for district attorney, shall file their statements in the office of the Secretary of State; and candidates for town and city offices shall file their statements in the office of the town or city clerk, respectively, and candidates for county offices, and for all other offices not otherwise above expressly provided for, shall file their statements in the office of the clerk of the county wherein such election occurs. Within thirty days after each election, the chairman and Secretary of State, county and city central committees of each and every political party presenting candidates, shall make and file a statement, under oath, setting forth, in detail, all sums of money received, from whom received, and to whom and for what purpose such money was paid by such committees during the preceding election. Certificates of state chairman or secretaries shall be filed with the Secretary of State, and for the county chairmen and secretaries with the clerk of the county, and by city chairmen and secretaries with the city clerk. Any person or persons who shall violate the provisions of this section shall be deemed guilty of a misdemeanor. Which certificates shall be preserved by the officers with whom they are filed until the next general election, and shall be open to the inspection of the public.

Statements, where filed.

Chairmen and secretaries of central committees shall file statements.

Misdemeanor.

Certificates preserved.

Interfering with officers of election.

Sec. 7. Any person who, at any election provided by law in this State, shall interfere in any manner with any officer of such election in the discharge of his duty, or who shall induce any officer of any election, or officer whose duty it is to ascertain, announce

or declare the result of any such election, or give or make any certificate, document or evidence in relation thereto, to violate or refuse to comply with his duty, or any law regulating the same, or who shall take, carry away, conceal or remove any ballot or ballot box, poll book or other thing from the polling place, or from the possession of the person or persons authorized by law to have the custody thereof, or who aids, counsels, procures, advises or assists any person or persons to do any of the acts aforesaid, shall be guilty of a crime, and shall be punished as hereinafter provided.

Taking or removing ballot box, poll book, etc.

Sec. 8. A person offending against any provision of sections one, two and seven of this act, is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding or investigation in the same manner as any other person. But the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying, except for perjury in giving such testimony. A person so testifying, shall not thereafter be liable to indictment, prosecution or punishment for the offense with reference to which his testimony was given, and may plead or prove the giving of testimony accordingly, in bar of such an indictment or prosecution.

Offender competent witness.

Persons testifying not liable to indictment.

Sec. 9. Any person convicted of any of the crimes or offenses mentioned in sections one, two and seven of this act, shall be punished by a fine of not more than one thousand dollars or by imprisonment in the penitentiary for not less than one or more than five years, or by both such fine and imprisonment; and any person, corporation or agent of a corporation,

Felony.

Misdemeanor. guilty of any offense herein made a misdemeanor shall, upon conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. Any candidate for office who refuses or neglects to file the statement prescribed in section six of this act, shall be deemed guilty of a misdemeanor, punishable as above provided, and shall also forfeit his office.

Refusal or neglect of candidate to file statement.

Applicable to all elections.

Sec. 10. The provisions of this act shall extend so far as applicable to all elections provided by law, either general, special or primary.

Repeal.

Sec. 11. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed; Provided, That the repeal of such acts or parts of acts, or any of them shall not be construed to affect any offense committed or any prosecution or proceeding instituted or pending under the laws so repealed.

Saving clause.

Approved March 7, 1891.



# ELECTIONS.

(S. B. 28.)

## AN ACT

IN RELATION TO ELECTIONS, DEFINING OFFENSES AGAINST THE  
SAME AND PRESCRIBING PUNISHMENTS THEREFOR.

*Be it enacted by the General Assembly of the State of Colorado:*

Section 1. All ballots cast in elections for public officers or for the decision of any question submitted to electors, within this State shall be printed and distributed at public expense. The printing of ballots and cards of instruction for the voters of each county, and the delivery of the same to the election officers as hereinafter provided, 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 the expense of printing and delivering ballots and cards of instruction to be used in municipal elections shall be a charge upon the city or town in which such election shall be held.

Ballots printed and distributed at public expense.

Shall be a county charge.

In municipal elections a charge upon city or town.

Sec. 2. This chapter shall not apply to any election for school officers held at any time other than a regular election for State, county or city officers, nor to any special election at which no persons are to be voted for, for any city, county or State office.

School and special elections.

### NOMINATION OF CANDIDATES.

Who may make nominations.

Sec. 3. Any convention of delegates of a political party which presented candidates at the last preceding election held for the purpose of making nominations to public office, and also voters to the number hereinafter specified may nominate candidates for public offices to be filled by election within this State. A convention within the meaning of this act is an organized assemblage of voters or delegates representing a political party, which at the last election before the holding of such convention polled at least ten per centum of the entire vote cast in the State, county or other political division or district for which the nomination may be made. A committee appointed by any such convention may also make nominations to public office when authorized to do so by resolution duly passed by the convention at which such committee was appointed.

Convention defined.

Committee may make nominations when authorized.

### CERTIFICATES OF NOMINATIONS BY CONVENTIONS.

Nominations—how certified.

Sec. 4. All nominations made by such convention or committee shall be certified as follows: The certificate of nomination, which shall be in writing, shall contain the name of the office for which each person is nominated, the name, postoffice address, if any, and residence of each such person, and if in a city, the street, number of residence and place of business, if any, and shall designate, in not more than five words, the party which such convention or committee represents. It shall be signed by the presiding officer and secretary of such convention or committee, who shall add to their signatures their respective places of residence, and postoffice address,

Contents of certificates.

By whom signed and certified to.

if any, and make oath, before an officer qualified to administer the same, that the affiants were such officers of such convention or committee and that said certificates and the statements therein contained are true, to the best of their knowledge and belief.

When the nomination is made by a committee, the certificate of nomination shall also contain a copy of the resolution passed at the convention, which authorized the committee to make such nomination. In

Additional statement when nomination made by committee.

the case of electors of President and Vice-President of the United States, the names of candidates for President and Vice-President may be added to the political party or appellation.

Candidates for President and Vice-President.

#### CERTIFICATE OF NOMINATION BY INDIVIDUALS.

Sec. 5. Certificates of nomination of candidates for offices to be filled 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. Certificates of nomination of candidates for offices to be filled by the voters of any city or town shall be filed with the clerk of such city or town. All other certificates of nominations shall be filed with the clerks of the respective counties wherein the officers are to be elected.

Certificates—where filed.

#### NOMINATIONS OTHER THAN BY CONVENTIONS.

Sec. 6. Candidates for public office may be nominated otherwise than by a convention or committee in the manner following: A certificate of nomination containing the names of the candidates for the offices to be filled, with such information as is required to be given in certificates provided for by sec-

Contents of certificate.

tion four of this act, except that said certificate shall designate in not more than five words, instead of the party, the political or other name, which the signers shall select; shall be signed by voters residing within the district or political division in and for which the officer or officers are to be elected, to the number of at least five hundred, when the nomination is for an office to be filled by the voters of the entire State; of at least one hundred when the nomination is for an office to be filled by the voters of the district, less than the State and greater than a county, or by the voters of a county or city; of at least fifty when the nomination is for an office to be filled by all the voters of a ward, town or other division less than a county, other than a city. The signatures to a certificate of nomination is for an office to be filled by all the voters The certificate may designate or appoint upon the face thereof, one or more persons who, for the purposes set forth in sections fourteen and fifteen of this act, shall represent the signers of said certificate. Each voter signing a certificate shall add to his signature his place of residence and shall, before an officer duly authorized to take acknowledgments, acknowledge his signature and make oath that he is a voter within and for the political division for which such nomination is made, and has truly stated his residence. Said certificate, when executed and acknowledged as above prescribed, may be filed as provided for in section four of this act, in the same manner and with the same effect as a certificate of nomination made by a convention or committee.

Number of signers

Certificates may designate one or more persons to represent signers.

Signatures shall be acknowledged.

Certificate—where filed.



## CONTENTS OF CERTIFICATES OF NOMINATION.

Sec. 7. No certificate of nomination shall contain the names of more candidates for any office than there are offices to fill, but if any such certificate does contain the names of more candidates than there are offices to fill, only those names which come first in order on such certificate, and are equally numbered with the number of offices to be filled, shall be taken as nominated, and all the rest of such names shall be treated as surplusage. No person shall sign more than one certificate of nomination for any office.

Certificates containing more names of candidates than offices.

## PRESERVATION OF CERTIFICATES.

Sec. 8. The Secretary of State shall cause to be preserved in his office, for the period of two years, all certificates of nomination filed therein under the provisions of this act; and each county clerk or city clerk shall cause to be preserved in his office for a like period, all certificates of nomination filed therein. All such certificates shall be open to public inspection, under proper regulations, to be made by the officers with whom the same are filed.

Certificates shall be preserved two years.

Open to inspection

## FILING OF CERTIFICATES OF NOMINATION.

Sec. 9. When nominations are made by a convention or committee, as provided for in section four of this act, the certificates of nomination to be filed with the Secretary of State shall be filed not more than sixty nor less than thirty days before the day of election and the certificates of nomination herein directed to be filed with the county clerk, shall be filed not more than sixty, nor more than fifteen days

Nominations by convention or committee.

Time within which certificates shall be filed.

Nominations otherwise than by convention or committee.

before election; and the certificates of nomination herein directed to be filed with the city clerk shall be filed not more than thirty nor less than fifteen days before the day of election. Certificates of nomination, otherwise than by a convention or committee, made according to the provisions of section six of this act, shall, when required to be filed with the Secretary of State be filed not more than forty nor less than thirty days before election; and when required to be filed with the county clerk, shall be filed not more than thirty nor less than fifteen days before election; and when required to be filed with the city clerk, shall be filed not more than thirty nor less than fifteen days before election. All certificates of nominations made by conventions shall be filed in the proper offices, not later than five days after the date of such nominations.

Time within which certificates shall be filed.

### CERTIFYING NOMINATIONS TO COUNTY CLERKS.

Secretary of State shall certify nominations to county clerk.

Sec. 10. The Secretary of State shall, immediately upon the expiration of the time within which certificates of nomination may be filed with him and corrections thereof made, certify to the county clerk of each county, within which any of the voters may by law vote for the candidates named in the certificate, the name and description of each such candidate, together with the other details mentioned in such certificate of nomination so filed with the Secretary of State.

### PUBLICATION AND POSTING OF NOMINATIONS.

Sec. 11. For at least six successive days before an election to fill any public office, the county clerk

of each county or the city or town clerk of each town shall give notice in not less than two and not more than four newspapers published within the county, a list of all nominations to offices certified to him under the provisions of this act. Such publication shall contain the name and residence, and, if in a city, the street, number of residence and place of business, if any, and the party or other designation of each candidate, and shall be, as far as possible, in the form in which such nominations shall appear upon the official ballots. In the case of municipal elections such publication of the names of candidates for municipal offices shall be made in newspapers which are published within the municipality where the election is to be held. One of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding State election cast the largest number of votes, and another of such publications shall be made in the newspaper which advocates the principles of the political party which at the last preceding State election cast the next largest number of votes. The county clerk, in selecting the respective papers for such publication shall select those which, according to the best information he can obtain, have the largest circulation within the county. For the purpose of ascertaining which paper published in said county has the largest circulation, the county clerk may require a sworn certificate showing the number of bona fide subscribers to each newspaper. In making additional publications, county clerks shall keep in view the object of giving information as far as possible to the largest number of votes of all political parties, and in no event shall such additional publication be made in two newspapers representing the same political party.

Notice of nominations given by publication.

Contents and form of notice.

Publication of notice in municipal elections.

Notice shall be published in papers having largest circulation.

Publications made in the 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. Should the county clerk find it impracticable to make the publication six days before election day in counties where no daily paper is printed, he shall make the same at the earliest possible day thereafter, and one of the publications in any newspaper shall be in the last issue thereof before the day of election. In counties where there are no daily papers, the county clerk shall make the publication at the earliest possible day after the filing in his office of such certificates of nomination, and in counties where it is impracticable to make such publication in newspapers advocating opposite political principles such publication shall be made in the newspaper having the largest circulation, and in counties where there are no newspapers published, the county clerk shall post double the number of printed lists and such additional lists shall be posted in other conspicuous places in different portions of the county.

Where there are no daily newspapers.

Where there are no newspapers, lists shall be posted in conspicuous places.

County, city or town clerks shall send printed lists of nominations to precinct officers.

Sec. 12. The county clerk of each county and the city clerk of each city and the town clerk of each town shall, at least six days before election day, send to the election officers in each election precinct in such county, city or town at least five and not more than ten copies, for each election precinct, of printed lists containing the name and residence, and if in a city, the street, number of residence and place of business if any, and party or other designation of each candidate nominated, as hereinbefore provided, to be voted for by the voters of the respective counties, cities or towns. Such lists shall, at least three days before



the day of election, be conspicuously posted by such election officers in one or more public places in each election precinct of the county, city or town, one or more of which shall be duly placed where such election is to be held.

Lists shall be conspicuously posted in precinct.

### OBJECTIONS TO NOMINATIONS.

Sec. 13. All certificates of nomination which are in apparent conformity with the provisions of this act, shall be deemed to be valid, unless objection there-to shall be duly made in writing within three days after the filing of the same. In case such objection is made, notice thereof shall forthwith be mailed to all candidates who may be affected thereby, addressed to them at their respective postoffice addresses, if any, or places of residence, as given in the certificate of nomination. The officer with whom the original certificate was filed shall pass upon the validity of such objection and his decision shall be final; Provided, Such officer shall decide such objection within at least forty-eight hours after the same is filed, and any objection sustained may be remedied or defect cured upon the original certificate, or by an amendment thereto, or by filing a new certificate within three days after such objection is sustained.

Certificates deemed valid unless written objection filed.

Candidates shall be notified of objections.

Officer with whom certificate filed shall pass upon validity of objection.

Defect may be cured by amendment or by new certificate.

### ACCEPTANCE OF NOMINATIONS.

Sec. 14. Every person nominated for any public office as in this act provided, shall, within five days after the filing of the certificate or nomination paper containing his nomination, in the proper office, accept such nomination in a written declaration signed and acknowledged before an officer authorized to take acknowledgments; the failure of any such nominee

Manner of acceptance.

Upon failure to file acceptance, nomination treated as vacant.

Nominees of two leading political parties deemed to have accepted unless written declination filed.

to so accept such nomination and file such declaration of acceptance within the time aforesaid, shall be deemed a declination, and such nomination shall be treated as vacant, which vacancy shall be filled as provided for other vacancies herein. Two or more nominees may make and acknowledge such acceptance in one paper; Provided, That any person nominated for any office by either of the two leading political parties which presented candidates at the last preceding election shall be deemed to have accepted such nomination unless such candidate shall file with the officer having the custody of such certificate of nomination a written declination of such nomination within said five days.

### VACANCIES IN NOMINATIONS.

To fill vacancies on the ballot.

Sec. 15. Should any person so nominated die before election day, resign or decline the nomination as in this act provided, or should any certificate of nomination be insufficient or inoperative, because of failure to remedy or cure the same, the vacancy or vacancies thus occasioned may be filled in the same 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 was 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 fur-

ther information as is required to be given in an original certificate of nomination. The certificate so made shall be executed, sworn to and acknowledged in the manner prescribed for the original certificate of nomination, and shall, upon being filed at least eight days before the election, have the same force and effect as an original certificate of nomination.

When such 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 been nominated to fill a vacancy in place 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, together with the other details mentioned in the certificate of nomination so filed with the Secretary of State, and the name of the person for whom such nominee is substituted. The chairman and secretary of such committee may in like manner make and file with the proper officer a certificate setting forth the occurrence of a vacancy by death, resignation or otherwise, and the further fact that it is not the intention of such committee to fill such vacancy; when such certificate shall be filed with the Secretary of State, he shall certify such vacancy to the several county clerks forthwith. All resignations of any candidates nominated for public office shall be made to the committee or officers representing their party, or persons making such nomination, and it shall be the duty of such persons to certify such resignation to the proper officer within five days thereafter, and in case of neglect or refusal of any such committee

How the secretary of state shall certify nominations.

Chairmen and secretaries of county committees may certify to vacancy on ticket.

Resignation of candidates. How made.

Upon refusal of committee to act courts may act.

or officers to so certify such resignation, so that said names may be omitted from the official ballot, upon the complaint of the person aggrieved, it shall be the duty of the district or county court of the county wherein such nomination was originally filed, upon the written complaint of the person aggrieved, to summarily hear and determine such complaint, and upon proof of such resignation, together with such neglect and refusal by said committee or officers, to compel the filing of such certificate of resignation. The Secretary of State shall not be required to make any certificates of new nominations or vacancies after eight days before election day, exclusive of election day.

No new certificates of vacancy within eight days of election.

## SUBMITTING CONSTITUTIONAL AMENDMENTS

Proposed constitutional amendment certified by secretary of state to county clerk.

Sec. 16. Whenever a proposed constitutional amendment or other question (except the incurring of a bonded indebtedness) is to be submitted to the people of the State, for popular vote at any general election, 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 propositions or questions to be submitted as they will appear in the ballot to be used on election day, in the publication provided for by section eleven of this act, and in the notice provided for by section twelve.

Included in publication notice.

## PREPARATION OF BALLOTS.

County clerk shall provide printed ballots.

Sec. 17. 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 of public officers in which the voters or any of the



voters within the county participate, and to cause to be printed on the ballot the name of every candidate, whose nomination has been certified to or filed with the county clerk in the manner provided for in this act. It shall be the duty of the clerk of any city or town to provide printed ballots for every election of public officers in which the voters, or any of the voters, of such city or town participate, and to cause to be printed on the ballot the name of every candidate whose nomination has been certified to or filed with such city or town clerk in the manner provided for in this act. City or town clerk shall provide printed ballots for municipal election. Sample ballots printed upon paper of a different color from the official ballots, but in the form of those to be used on election day, each containing the names of the candidates which are to be printed upon the appropriate official ballot, shall be printed and in the possession of the county clerk or other officers charged with the duty of preparing such ballots, seven days before the day of election, subject to public inspection. Sample ballots. The official ballots shall be printed and in the possession of the county clerk or city or town clerk at least four days before election, and subject also to inspection by the candidates and their agents. Official ballots. Sample ballots shall be delivered to the election officers and posted with the cards of instruction provided in section thirty. Sample ballots delivered to election officers.

## FORM, NUMBER AND CORRECTION OF BALLOTS.

Sec. 18. Every ballot, intended for the use of voters, shall contain the names of all candidates for offices to be balloted for at that election, whose nominations have been duly made and accepted as herein provided, and who have not died or withdrawn, and Ballot contain only names of candidates.

shall contain no other names of persons, except that in case of electors for President and Vice-President of the United States, the names of the candidates for President and Vice-President shall be added to the party or political designation; the name of each person nominated shall be printed upon the ballot in but one place, but there shall be added opposite to the name of each person nominated, the party or parties or political designation, expressed in not more than three words for one party, as specified in each of the certificates of nomination nominating him for the office. The names of the candidates for each office shall be arranged under the designation of the office, in alphabetical order, according to surnames, except that the names of the candidates for the offices of electors of President and Vice-President of the United States shall be arranged in groups, as presented in the several certificates of nomination. 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 elector may write the name of any person not printed on the ballot for whom he desires to vote as a 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 lists of candidates. The ballot 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 the questions 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," "If you have not

Exception.

Party designation allowed on ballot.

Names of candidates for each office arrayed in alphabetical order.

Elector may write name of candidate not on ballot.

Questions on ballots.

voted a straight ticket above, place a cross mark (X) with ink opposite each name you wish to vote for in the blank space left for that purpose," and the like. It shall be lawful to designate the political party or nominating committee by which each list of candidates is nominated, by an appropriate emblem or design, such as a flag, eagle, rooster or other device, as may be set forth in the certificate of nomination; Provided, No two sets of nominations shall use or have the same device, and each political party or nominating committee shall have the prior right to use the device used by it at the last similar election. When any political party or nominating committee in its certificate of nomination certifies any such emblem or device, the name or title of such party or nominating committee (in not more than three words), together with such emblem, or device, opposite thereto shall be placed in a line at the top of the ballot with a blank square opposite thereto in which a cross mark may be placed by the voter; all such party designations and emblems, so certified shall be placed in parallel lines, one under another, on the top part of the ballot above the list of candidates. Proper words of instruction shall also be inserted such as these: "To vote a straight ticket place a cross mark (X) with ink in the square opposite your party emblem." It shall be lawful for a voter to make a cross mark in any such square following any such party name and emblem, and such mark shall indicate and be counted as a vote for each and every candidate on the ballot nominated by the party or committee after whose name and emblem the mark is so placed. The extreme top part of each ballot, above the portion which contains the names of the candi-

How ballots shall be prepared.

Device or emblem on ballot.

Party name may be printed on ballot with emblem.

Instructions to voter.

How voter may vote for whole list of candidates of any party.

dates to be voted for and the party and committee names and emblems, shall be divided by two perforated lines, into two spaces, each of which shall be not less than an inch in width, the top portion being known as the stub, and the next portion as the duplicate stub; upon each of said stubs, nothing shall be printed except the number of the ballot, and the same number shall be printed upon both stubs. Stubs and duplicate stubs of ballots shall both be numbered consecutively by numbers thereon. All ballots shall be uniform and of sufficient length and width to allow for the names of candidates and officers to be printed in clear plain type, as herein required, with a space of at least one-half inch between the different columns on said ballot. On the back of each ballot shall be printed in capital letters in two-line pica gothic, or type not smaller in size, the endorsement: "Official ballot for....." and after the word "for" shall follow the designation of the election precinct or political division, for which the ballot is prepared, and the date of the election, and a fac simile of the signature of the clerk who has caused the ballot to be printed. The ballot shall contain no caption, or other endorsement except as in this section provided. Each county, city or town clerk shall use precisely the same quality and tint of paper and kind of type, and quality and tint of plain black ink for all ballots furnished by him at one election. Whenever candidates are to be voted for only by the voters of a particular district, county, city, town or other political division, the names of such candidates shall not be printed on any other ballot than those provided for use in such district, county, city, town or political division respectively. The ballots shall be of such

Top of ballot perforated and numbered.

Ballots shall be uniform in type and paper.

Endorsement of county clerk on ballot.

None but official ballots allowed.



form and the endorsements thereon so printed that they may be folded in such a way that when so folded the whole endorsement shall be visible and the contents of the ballot shall not be exposed. There shall be but one ballot box at each polling place for receiving ballots cast for candidates for office. One ballot box.

Sec. 19. The county clerk of each county, and the city clerk of each city, and the town clerk of each town, when charged by this act with the duty of printing and preparing ballots, shall provide, for each election precinct in a county, city or town, one hundred ballots for every fifty or fraction of fifty voters registered at the last preceding election in the election precinct. Number of ballots to be provided. If there is no registry in the precinct, such ballots shall be provided to the number of one hundred of each kind for every fifty or fraction of fifty voters who voted at the last preceding election in such precinct. When a precinct shall be divided, or the boundaries changed, the county clerk, or city clerk, or town clerk, as the case may be, must ascertain as nearly as possible the number of voters in the new precinct or precincts and provide therefor a sufficient number of ballots in the above proportion.

Sec. 20. Whenever it shall appear by affidavit of a candidate or his agent, 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 sample or official ballots, the district or county court, or a judge thereof, either in term time or vacation, may upon petition of such candidate, or his agent, by order require the county clerk, city clerk, or town clerk, charged with the duty in respect to which an error or omission has occurred, to forthwith correct such error, or to forthwith show Errors may be corrected by order of the district or county courts.

Costs may be taxed  
by the court.

County, city or  
town clerks shall  
correct errors in  
ballots.

Proceeding in case  
of controversy.

cause why such error should not be corrected. Costs, including a reasonable attorney's fee, may be taxed, in the discretion of such court or judge, against either party. The county clerk, city clerk, or town clerk shall also, on their own motion, correct without delay any error in all ballots which he or they may discover, or which shall be brought to his or their attention, and which can be corrected without interfering with the timely distribution of the ballots as herein provided. Whenever any controversy shall arise between any official charged with any duty or function under this act, and any candidate, or the officers or representatives of any political party, or persons who have made nominations, upon the filing of a petition by any such official or persons, setting forth in concise form the nature of such controversy and the relief sought; which petition shall be under oath, it shall be the duty of such court, or the judge thereof in vacation, to issue an order commanding the respondent in such petition to be and appear before the court or judge, and answer under oath to such petition; and it shall be the duty of the court or judge to summarily hear and dispose of any such issues, with a view of obtaining a substantial compliance with the provisions of this act by the parties to such controversy, and to make and enter orders and judgments, and issue the writ or process of such court to enforce all such orders and judgments. The provisions of this act shall be liberally construed, so as to carry out the intent of this act, and of political parties, nominees and others in proceedings under this act.

## DISTRIBUTION OF BALLOTS.

Sec. 21. The county clerks of the various counties of the State, and the city and town clerks, as the case may be, shall prior to an election cause to be delivered, at the expense of the county, city or town to the election judges in the respective precincts, the proper number of ballots provided for the use of the voters at such election in such precinct. The same shall be sent in two sealed packages for each election precinct in said county, city or town with the marks on the outside of each, clearly stating the election precinct and polling place for which it is intended, together with the number of ballots enclosed. Each of such packages shall contain one-half of the number of ballots intended for such election precinct. Such packages shall be delivered between the Saturday noon and the Monday noon before election day, one to each of the two judges of election in each precinct, who are members of the political parties which cast the largest and next largest numbers of votes at the last general State election. Receipts for ballots thus delivered shall be given by the election judges who receive them, and filed with the clerk of the county, city or town, as the case may be, who shall also keep a record of the time when, and the manner in which each of said packages was sent and delivered. The several election judges receiving such packages shall, at the opening of the polls on election day produce the same, with the seals unbroken, in the proper polling place, and shall in the presence of all three judges open the said packages.

Ballots delivered to election judges at expense of county.

Sent in two sealed packages.

When and to whom delivered.

Election judges shall file receipts for tickets with clerk.

Packages opened in presence of all three judges

Sec. 22. If the ballots to be furnished to any election judges, as herein provided, shall not be delivered at the time above mentioned, or if after de-

Substitute ballots.

livery they shall be destroyed or stolen, it shall be the duty of the said clerk of the county, city or town to cause other ballots to be prepared, as nearly in the form prescribed as practicable, with the word "substitute" printed in brackets immediately under the fac-simile signature of the clerk preparing such ballots, and upon receipt of ballots thus prepared from such clerk, 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 destroyed or stolen, the election judges shall cause the ballots so substituted to be used at the election. If from any cause none of the official ballots nor substitute ballots prepared by the county, or city or town clerk, as herein prescribed, shall be ready for distribution at any polling place, or if the supply of ballots shall be exhausted before the polls are closed, unofficial ballots, printed or written, made as nearly as possible in the form of the official ballots, may be used until substitutes prepared by the clerk, as provided in this section, can be printed and delivered.

Unofficial ballots.

## APPOINTMENT OF JUDGES AND CLERKS OF ELECTION.

Sec. 23. Judges and clerks of election shall be appointed for each election precinct in the manner following: In all counties of class "A" and of the first and second classes according to the classification of counties, made for the purpose of fees, during the first week of the session of the board of county commissioners for each such county in the State, which commences on the first Monday of October in each year, and in all other counties, according to such classifi-

County commissioners shall appoint election judges.



cation, during the first week of the session of the board for each such county which commences on the first Monday of July of each year, they shall appoint three qualified electors, two of whom shall be of opposite political parties, to act as judges of election in each election precinct, at all general and special elections, until their successors are appointed. On or before the last days of September and June respectively in each year, such political parties may each file with the clerk of the board of county commissioners, a list, designating six or more persons in each election precinct in such county, together with their residence and occupations, which list shall be subscribed by the chairman or secretary of the county organization of such political party, and an affidavit shall be added thereto, subscribed by the said chairman or secretary, stating that he is such officer or acting officer, duly appointed and with authority to file such list on behalf of such party; that the names submitted are names of qualified electors of such precincts, respectively; that, according to the best knowledge and belief of such affiant, each of such persons named in such list is a creditable and trustworthy person; and the county commissioners shall appoint one of such persons in each precinct so recommended in each of said lists, as election judge. Whenever all or any of the political parties so entitled shall fail to file such list or lists, or whenever such list or lists when filed shall be incomplete, all such omissions shall be supplied and persons selected by the board of commissioners. Vacancies in the office of judge of election shall be filled as now provided by law. Clerks of election shall be selected as now provided by law. If any board of commissioners shall fail to comply with

Qualifications of judges.

Political parties may file list of persons qualified to act as judges.

List shall be subscribed and verified.

County commissioners shall appoint one of such persons in each precinct.

Failure to file list or incomplete lists.

Vacancies.

Clerks.

Penalty for failure of commissioners to comply with this section.

the provisions of this section, each and every member thereof shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten nor more than one hundred dollars for every offense, and the neglect and failure to designate any one judge properly suggested in accordance herewith, shall be a separate offense. In case of a conflict arising before such board, owing to different persons claiming the right to certify such list for any political party, the board shall have authority to decide between such lists; Provided, That they shall select only names included in a sworn list, as above mentioned; And provided further, That any person making a false statement in any such affidavit shall be guilty of perjury and punished as provided by law. The officers of all cities and towns, whether incorporated under general law or special charter, who may be by law authorized to appoint judges of election for any election therein, shall in like manner, upon like application, appoint the election judges for each precinct from different political parties in the manner aforesaid. Any such officer failing to comply with this provision shall be guilty of a misdemeanor, punishable as in the cases of county commissioners.

Board shall have authority to decide conflicting claims as to right to file lists.

Perjury.

Appointment of judges for municipal elections.

Misdemeanor.

#### POLLING PLACES AND COMPARTMENTS.

Sec. 24. 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 voting booths, or compartments; which shall be furnished with such supplies and conveniences, including shelves, pens, penholders, ink and blotting paper, as will enable the voter to prepare his ballot for voting; and in which voters may prepare their ballots screened from observation, as

Voting booths.

to the manner in which they do so; and a guard rail Guard rail. shall be so constructed and placed that only such persons as are inside such rail can approach within six feet of the ballot box and of such voting booths and compartments. The arrangements shall be such that the voting booth or compartment can only be reached by passing within such guard rail. And both they and the ballot boxes shall be in plain view of the election officers and of those outside the guard rail. Each booth or compartment shall be at least three feet Size and arrangement of voting booth. square, and shall contain a shelf, which shall be at least one foot wide, extending across one side of the booth or compartment at a convenient height for writing, and shall be so arranged that the voter can prepare his ballot screened from observation. No person other than the election officers and watchers Who admitted inside of guard rail. provided by law, and those admitted for the purpose of voting, as herein provided, shall be permitted within such guard rail, except by authority of the judges of election, and then only when necessary to keep order and enforce the law. The number of such Number of voting booths. voting booths or compartments shall not be less than one for every fifty voters who voted at the last election in the district. The officers who are charged with the duty of providing voting booths or compartments, shall also furnish for each polling place in their respective towns and cities, a ballot box, Ballot box. which shall be large enough to properly receive and hold the ballots to be cast for candidates for offices, in conformity with the provisions of this act. The expense thereof shall in all cases be a public charge, to be provided for in the same maner as other election expenses. Expense—how provided for. At the times now prescribed by law, and in each year hereafter, the officers charged by law with the

division or alteration of the election precincts, shall alter or divide the existing election precincts, whenever necessary, in such manner that each election precinct shall contain not more than two hundred and fifty voters.

Election precinct shall contain not more than 250 voters each.

### MANNER OF PREPARATION OF BALLOTS AND VOTING.

Person desiring to vote shall give his name.

Sec. 25. Any person desiring to vote shall give his name, and, if requested so to do, his residence, to one of the judges of election, who shall thereupon announce the same in a loud and distinct tone of voice, clear and audible, and if such name is found upon the registry list by the election judge or clerk having charge thereof, he shall likewise repeat the said name, and the voter shall be allowed to enter the space enclosed by the guard rail, as above provided. An election judge or clerk shall give him one and only one ballot, which shall be removed from the package of ballots by tearing the same along the perforated line between the stub and duplicate stub, and before delivering such ballot to the voter, the judge or clerk of election having charge of the ballots shall endorse his initials on the duplicate stub. The name of such voter shall be immediately checked on said list with the number of such duplicate stub. Besides the election officers and watchers, not more than four voters in excess of the number of voting shelves or compartments provided shall be allowed in said enclosed space, within said guard rail, at one time, except as provided in section twenty-eight. Each of the political parties which cast the largest and next largest number of votes at the last general election in the State, shall be entitled to have one person as

Elector entitled to only one ballot.

Judge or clerk shall endorse his initials on duplicate stub.

What persons allowed within guard rail.



watcher within the guard rail during the casting and counting of votes and declaration of the result thereof. Such person shall be designated and his selection made known to the election officers by an affidavit made by the acting chairman of the county or State committee of each of such parties; Provided, That in case of temporary absence for meals or by reason of sickness or otherwise, the person so selected may have substituted for himself some other person of like political belief, such substitute to be made known to the election judges by an affidavit of the person first so selected as watcher. When any person shall make application for a ballot, his right to vote at that poll and election may be challenged, and such proceedings shall thereupon be had before the judges of election as are now prescribed in case of challenge. If the person so applying is not entitled to vote, no ballot shall be delivered to him. Any person may also be challenged, as now provided by law, when he shall offer his ballot for deposit in the ballot box. Two challengers, representing each political party or set of nominations, shall be permitted to remain just outside the guard rail, where they can plainly see what is done within the polling place, except within the said booths or compartments. The said polling place shall be so arranged that every part thereof, except inside the said booths or compartments, may be in full view of such challengers and watchers.

Watchers.

Substitute  
watchers.

Challenges.

Challenger to  
remain just out-  
side of guard rail.Polling place shall  
be in full view of  
challengers and  
watchers.How voter shall  
prepare ballot.

Sec. 26. On receiving his ballot the voter shall forthwith, and without leaving the enclosed space, retire alone to one of the voting shelves or compartments so provided, and shall prepare his ballot by marking in ink, in the appropriate margin or place, a cross (X) opposite the name of the candidate of his

choice for each office to be filled; and in case of a question submitted to a vote of the people, by marking in the appropriate margin or place a cross (X) against the answer which he desires to give; and in case of a vote for an entire or straight ticket or list of candidates, by marking a cross (X) in the appropriate square after the name and emblem designating such ticket or list of candidates. Before leaving the voting shelf or compartment, the voter shall fold his ballot without displaying the marks thereon, in the same way it was folded when received by him, so that the contents of the ballot shall be concealed and the stub can be removed without exposing any of the contents of the ballot, and he shall keep the same so folded until he has voted. Each voter who has prepared his ballot, and is ready to vote as aforesaid, shall then leave the compartment and approach the judges of election having the ballot box in charge and give his name to one of the judges of election, who shall announce it in a loud and distinct tone of voice, clear and audible. The voter's ballot shall be handed to the judge in charge of the ballot box, who shall announce the name of such voter, and the number upon the duplicate stub of his ballot; which number must correspond with the stub number previously checked in front of his name by the election judge or clerk who handed him his ballot; if the stub number of the ballot corresponds and is identified by the initials of the judge or clerk placed thereon, the judge or clerk shall then remove the duplicate stub from such ballot. The judge or clerk shall immediately write the name of such voter upon the poll list, and shall take the ballot of such voter and number it in ink, in one corner, upon the top thereof, in such manner as

Voter shall fold ballot so as not to disclose marks.

Ballot shall be handed by voter to judge.

Voter's name shall be written on poll list and ballot numbered.

not to expose or show how the voter has voted, the same to be numbered in the order in which it shall be received, consecutively, and so as to permit the corner to be turned and pasted down with mucilage, which shall then be done so that the number is not thereafter visible, and such seal shall only be broken in case of contested election; and the same number shall be recorded by the election judge or clerk on the list of voters beside the name of such voter. Such ballot shall then be returned by said judge or clerk to the voter, who shall thereupon, in full view of the judges of election, deposit the same in the ballot box, with the official endorsement on the ballot uppermost. Each voter shall mark and deposit his ballot without undue delay, and shall quit said enclosed space as soon as he has voted. No such voter shall be allowed to occupy a voting shelf or compartment already occupied by another, nor to remain within said enclosed space more than ten minutes, nor to occupy a voting shelf or compartment for more than five minutes, in case all such shelves or compartments are in use and other voters are waiting to occupy the same. Besides the election of officers, not more than four voters in excess of the number of voting shelves or compartments provided, shall be allowed in said enclosed space at any one time, except as provided in section 28. No voter not a judge or clerk of election, whose name has been checked on the registry list of the ballot officers, shall be allowed to re-enter said enclosed space during said election. It shall be the duty of each and all of the judges of election to secure the observance of the provisions of this section and of other sections relative to the duties of judges and clerks of election.

Number be  
concealed.

Voter deposits  
ballot in box.

Only one voter  
allowed in  
compartment at a  
time, for ten  
minutes only.

Number of voters  
allowed in polling  
place.

Voter shall not  
re-enter  
compartment.

## SPOILED BALLOTS, ETC.

No person shall take or remove any ballot from polling place before close of polls.

Spoiled ballots may be exchanged

Spoiled ballots cancelled and preserved.

Election officers shall account to clerk for all ballots received.

Penalty for election officer failing to account for official ballots.

Sec. 27. No person shall take or remove any ballot from the polling place before the close of the polls. If any voter spoils a ballot, he may successively obtain others, one at a time, not exceeding three in all, upon returning each spoiled one. The ballots thus returned shall be immediately cancelled, and together with those not distributed to voters, shall be preserved and with the poll list used by the election judges and clerks, which shall be certified by them to be such, shall be secured in an envelope, sealed and sent to the several town, city and county clerks. The election officers shall also at the same time file with the county clerk, city clerk or town clerk, as the case may be, a statement in writing showing the number of ballots voted (making a separate statement of the number of unofficial ballots, if any, voted, as provided in section twenty-two), the number of ballots delivered to voters, the number of spoiled ballots and the number of ballots not delivered to voters and the number of ballots returned, identifying and specifying the same; and all unused ballots, spoiled ballots and stubs of ballots voted, shall be returned with such statement. Any election officer who shall fail to thus account fully and particularly for all official ballots placed in his charge and be deemed guilty of a misdemeanor.

## ASSISTANCE TO ILLITERATE AND DISABLED VOTERS.

Sec. 28. Any voter who declares under oath to the inspectors of election that he cannot read or write, or that, by reason of physical disability, he is unable to prepare his ballot without assistance, shall



upon his request, receive the assistance of any two of the election judges or clerks, who are of different political parties, in the marking thereof; and such officers shall certify on the outside thereof that it was so marked with their assistance, and shall thereafter give no information regarding the same. The same two judges or clerks shall not together successively act as such assistants. The judges of election are hereby qualified to administer such oath, and a memorandum shall be made on the poll lists of every instance when an oath was administered to a voter as herein provided, stating what facts were sworn to, the name of affiant, and the name of the judges or clerks who aided the voter in the preparation of his ballot. No officer who assists a voter in the preparation of his ballot, as herein provided, shall, in any manner request, persuade, or induce, or seek to persuade or induce any such voter to vote for any particular candidate or candidates. Nor shall any such officer reveal to another the name of any candidate for whom the voter has voted, or anything that took place while he was assisting such voter in preparing such ballot for voting. No voter shall divulge to any one within the polling place the name of any candidate for whom he intends to vote, nor shall he ask for or receive the assistance of any person within the polling place, in the preparation of his ballot, except as provided in this section. When any voter in addition to the oath required hereinbefore by this section shall also make oath that he cannot speak and understand when spoken, the English language, the election judges may select two persons, one from each political party, who shall act as interpreters and who shall take the oath taken by election judges as nearly

Judges or clerks of election may assist illiterate voter.

Judges of election may administer oath.

Memorandum.

No voter shall divulge the name of any candidate for whom he intends to vote.

Interpreters.



as may be, which interpreters may assist such persons who cannot speak or read the English language in making up their ballots.

### IMPERFECT OR DEFECTIVE BALLOTS.

Imperfect or defective ballots not counted.

Sec. 29. If a voter marks in ink more names than there are persons to be elected to an office, or if, for any reason it is impossible to determine the choice of any voter for any office to be filled, his ballot shall not to be counted for such office; Provided, however, A defective or incomplete cross mark on any ballot in ink, in a proper place shall be counted if there be no other mark or cross in ink on such ballot indicating an intention to vote for some person or persons or set of nominations other than those indicated by the first mentioned defective cross or mark, and where a cross is marked in ink against a device indicating a vote for the entire set of candidates, and also another cross in ink against one or more names in another list, such ballot shall only be held invalid as to any office so doubly marked. No ballot without the official endorsement shall, except as provided in section twenty-two of this act, be allowed to be deposited in the ballot box, and none but ballots provided in accordance with the provisions of this act shall be counted. Ballots not counted shall be marked "Defective" on the back thereof, and shall be preserved until the next general election, when the same shall be destroyed by fire by the clerk having the custody thereof.

Defective cross or mark.

Ballot invalid as to any office doubly marked.

Defective ballots preserved.

### CARDS OF INSTRUCTION.

Sec. 30. The county clerk of each county, or the city or town clerk, as the case may be, charged with the duty of providing ballots, shall cause to be printed

and furnished as herein provided, in large type, on cards in English, and in such other languages as he or they may deem necessary, instructions for the guidance of voters in preparing their ballots. Twelve such cards so printed in all the languages determined upon shall be furnished to the judges of election in each election precinct, at the same time and in the same manner as the printed ballots. The election judges shall post not less than one of such cards in each place or compartment provided for the preparation of ballots, and not less than three of such cards elsewhere in and about the polling place upon the day of the election. Such cards shall be printed in large, clear type, and shall contain full instructions to the voters as to what should be done: (1) to obtain ballots for voting; (2) to prepare the ballots for deposit in the ballot box; (3) to obtain a new ballot in the place of one spoiled by accident or mistake; (4) to obtain assistance in marking ballots.

Cards of instruction furnished to judges of election.

Where posted.

Contents of cards of instruction.

### COUNTING VOTES.

Sec. 31. As soon as the polls at any election shall have finally closed, the judges shall immediately open the ballot box and proceed to count the votes polled, and the counting thereof shall be commenced and continued until finished before the judges and clerks shall adjourn. They shall first count the number of ballots in the box. If the ballots shall be found to exceed the number of names entered on each of the poll lists, the judges of election shall then examine the official endorsements upon the outside of the ballots without opening the same, and if, in the unanimous opinion of the judges, any one or more of the ballots in excess of the number on the poll lists be

Ballots shall be counted before judges and clerks adjourn.

Excess ballots.

Counting votes.

deemed not to bear the proper official endorsement, it or they shall be put into a separate pile by themselves, and a separate record and return of the votes in such ballots shall be made under the head of "Excess Ballots." When the ballots and the poll lists agree, or, as above provided, have been made to agree, the board shall proceed to count the votes; each ballot shall be read and counted separately, and every name included in a marked set or list of nominations, or separately marked as voted for on such ballot, where there is no conflict to obscure the intention of the voter, as aforesaid shall be read and marked upon the tally list, before any other ballot is proceeded with; and the entire number of ballots, excepting "excess ballots," shall be read and counted and placed upon the tally lists in like manner, and when all of the ballots, excepting "excess ballots," if any, have been counted as herein provided, the board shall estimate and publish the votes.

### CLERKS KEEP TALLY LISTS.

Sec. 32. As the judges of election shall open and read the tickets, each clerk shall, upon tally lists prepared for that purpose, carefully mark down the votes each of the candidates shall have received, in separate lines, with the name of such candidate at the end of the line, and the office it is designed by the voter such such candidate shall fill.

### OFFENSES AND THEIR PUNISHMENT.

Exposing ballot.

Sec. 33. A voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person, with an apparent intention of letting it be known how he is about to vote, or who shall make a

false statement as to his inability to mark his ballot, or any person who shall interfere, or attempt to interfere, with any voter when inside said enclosed space, or when marking a ballot, or who shall endeavor to induce any voter to vote, or to show how he marked or has marked his ballot, shall be punished by a fine of not less than five nor more than one hundred dollars. Any election judge or clerk shall report any person so doing to the district attorney for the county in which the election is held, whose duty it shall be to see that the offender is forthwith brought before the proper court.

False statement as to inability to mark ballot.

Interfering with voter.

Fine.

Election judge or clerk shall report offenders to district attorney.

Sec. 34. Any person who shall, prior to an election, wilfully deface or destroy any list of candidates posted in accordance with the provisions of this act, or who, during an election, shall wilfully deface, tear, down, remove or destroy any card of instruction or sample ballot, printed or posted for the instruction of voters, who shall during an election wilfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot, or shall wilfully hinder the voting of others, shall be punished by fine of not less than five nor more than one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both fine and imprisonment.

Defacing or destroying posted list of candidates.

Cards of instruction.

Sample ballot.

Hindering voters.

Penalty.

Sec. 35. Any person who shall falsely mark or wilfully deface or destroy any certificate of nomination, or any part thereof, or any letter of acceptance, declination or resignation; or file any certificate of nomination, or letter of acceptance, declination or resignation, knowing the same, or any part thereof, to be falsely made, or suppress any certificate of nomination, or any part thereof, which has been duly

Defacing or destroying certificate of nomination

Letter of acceptance or declination

Filing false certificate of letter.



filed; or forge any letter of acceptance, declination or resignation; or falsely make the official endorsement on any ballot, or wilfully destroy or deface any ballot or wilfully delay the delivery of any ballots, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Falsely make official endorsement.

Penalty.

Violation or neglect of duty by public officer.

Penalty.

Destroying or concealing official ballots.

Felony.

Failure of person or officer to deliver official ballots.

Penalty.

Election officer or watcher revealing candidate for whom any voter has voted.

Sec. 36. Every public officer upon whom any duty is imposed by this act, who violates his said duty, or who neglects or omits to perform the same, shall be punished, except as otherwise in this act specially provided, by imprisonment in the county jail for a term not exceeding one year, or by a fine of not less than one hundred dollars, and not more than three thousand dollars, or by both such fine and imprisonment. Any person or officer having charge of official ballots who shall destroy or conceal or suppress them, except as in this act permitted, shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years. Any person or officer who has undertaken to deliver official ballots to any city, town or county officer of election, who neglects or refuses to do so, 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, or by fine of not less than two hundred and fifty dollars, and not more than one thousand dollars, or by both said fine and imprisonment. Any election officer or watcher who shall reveal to any other person the name of any candidate for whom a voter has voted, or who shall communicate to another his opinion, belief or impression as to how or for whom a voter has voted, 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, or by fine of not less than two hundred and fifty dollars nor more than one thousand dollars, or by both fine and imprisonment. Any official or person, except those authorized by law, who shall break or loosen a seal or ballot with the intent to disclose or learn the number of such ballot, shall be guilty of a misdemeanor.

Penalty.

Breaking or loosening seal on ballot.

Sec. 37. No person shall do any electioneering on election day within any polling place or in any public street or room, or in a public manner within one hundred feet of any polling place. No person shall remove any official ballot from the polling place before the closing of the polls. No person shall show his ballot after it is prepared for voting to any person in such a way as to reveal its contents, nor shall any person solicit the voter to show the same. No person, except a judge or a clerk of election, shall receive from any voter a ballot prepared for voting. No voter shall receive an official ballot from any other person than one of the judges or clerks of election having charge of the ballots, nor shall any person other than such election officer deliver an official ballot to such voter. No voter shall place any mark upon his ballot by means of which it can be identified as the one voted by him, and no other mark shall be placed upon any ballot prepared for voting, other than the number of such voter on the poll list, to be placed thereon by the judge or clerk of election. Every voter who does not vote or deliver in the manner hereinbefore provided the ballots received by him from the election officers, shall, before leaving the polling place or going outside the guard rail, return

Electioneering.

Removing official ballot from polling place.

Showing ballot or soliciting voter to show ballot.

No voter shall mark his ballot.

Voter not voting shall return ballot to judges.

each such ballot to the officer from whom he received the same. Whoever shall violate any provision of this section shall be deemed guilty of a misdemeanor. But nothing herein contained shall prevent any person from receiving, delivering and voting an unofficial ballot in the contingency provided for in section twenty-two of this act.

Misdemeanor.

Sec. 38. Any person entitled to vote at a general election held within this State, shall, on the day of such election, be entitled to absent himself away from any service or employment in which he is then engaged or employed for a period of two hours between the time of opening and the time of closing the polls, and any such absence shall not be sufficient reason for the discharge of any such person from such service or employment, and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages, (except when such employe is employed and paid by the hour.) Provided, however, That application shall be made for such leave of absence prior to the day of election. The employer may specify the hours during which such employe may absent himself as aforesaid. Any person or corporation who shall refuse to his or its employe the privilege hereby conferred, or who shall subject an employe to a penalty or reduction of wages because of the exercise of such privilege, or who shall, directly or indirectly, violate the provisions of this act, shall be deemed guilty of a misdemeanor.

Employe entitled to two hours on election day for voting.

Such absence insufficient reason for his discharge.

No deduction shall be made from salary on account of such absence.

Misdemeanor.

Sec. 39. It shall be unlawful for any person or any election judge or clerk to induce into any polling place, or to use therein or to offer to another for use therein, at any time while any election is in progress or the result thereof being ascertained by the count-

ing of the ballots, any intoxicating, malt, spirituous or vinous liquors. It shall be unlawful for any officer or board of officers of any county or any city or town, whether incorporated under general law or by special charter, who may at any time be by law charged with the duty of designating polling places for the holding of any general or special election therein, to select therefor, a saloon or a room within the distance of fifty (50) feet (measured in a direct line) of any saloon or other place where any intoxicating, malt, vinous or spirituous liquors are usually sold, to be drank where sold.

Unlawful to introduce intoxicating liquors into polling places.

Unlawful to select saloon or room within fifty feet of a saloon as a polling place.

Sec. 40. Sunday shall be included in all computations of time made under the provisions of this act.

Sunday included in computations of time.

#### HOURS OF VOTING.

Sec. 41. At all elections held under this act, the polls shall be opened at seven o'clock in the morning, and continue open until seven o'clock in the evening of the same day; Provided, however, That if a full board of judges of election shall not attend at the hour of seven o'clock in the morning, and it shall be necessary for the electors present to appoint judges to conduct the election as provided by law, the election may in that event commence at any hour before the time for closing the polls shall arrive, as the case may require. Upon the opening of the polls, proclamation shall be made by one of the clerks, and thirty minutes before the closing of the polls, proclamation shall be made, in like manner, that the polls will close in thirty minutes.

Polls open from 7 A. M. to 7 P. M.

Proclamation by clerk upon opening and closing of polls.

Sec. 42. All acts, omissions and neglects of any person, official or corporation, made an offense by the

provisions of this act, and the punishment for which is not herein expressly designated, shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both fine and imprisonment. Any person so offending against any provision of this act is a competent witness against any other person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding or investigation in the same manner as any other person. But the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying, except for perjury in giving such testimony. A person so testifying shall not thereafter be liable to indictment prosecution or punishment for the offense with reference to which his testimony was given, and may plead or prove the giving of testimony accordingly, in bar of such indictment or prosecution.

Penalty.

Offenders under this act competent witnesses against any other person.

Testimony shall not be used against the person giving it, except for perjury.

Person testifying not liable for prosecution.

Election day made a legal holiday.

Sec. 43. Election day in November of each year is hereby made a legal holiday.

#### ACTS REPEALED.

Sec. 44. Sections twenty-three (23), thirty-one (31), thirty-two (32), thirty-three (33), thirty-five (35), thirty-six (36), forty-nine (49), fifty (50), one hundred and thirty-two (132), one hundred and thirty-three (133), and one hundred and thirty-four (134), of chapter thirty-four (34), entitled "Elections" of the General Statutes of Colorado, of 1883, being general sections eleven hundred and seventy-two (1172), eleven hundred and eighty (1180), eleven hundred and eighty-one (1181), eleven hundred and eighty-two (1182), eleven hundred and eighty-four (1184),

Repeal.



eleven hundred and eighty-five (1185), eleven hundred and ninety-eight (1198), eleven hundred and ninety-nine (1199), twelve hundred and eighty-one (1281), twelve hundred and eighty-two (1282), and twelve hundred and eighty-three (1283), and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed; Provided, That such repeal <sup>Saving clause.</sup> shall not affect any right, remedy, suit or proceeding now pending or hereafter begun, for any act or omission arising under the law so repealed.

Approved March 26, 1891.

Amended February 27, 1894.

## REGISTRATION.

### AN ACT

TO PROVIDE FOR ESTABLISHING AND MAINTAINING, AT PUBLIC EXPENSE, PERMANENT REGISTRATION LISTS OF ALL QUALIFIED ELECTORS IN ELECTION PRECINCTS INCLUDED WHOLLY OR PARTIALLY WITHIN THE LIMITS OF CITIES OF THE FIRST AND SECOND CLASSES, AND ALL OTHER CITIES WITH A GREATER POPULATION THAN FIFTEEN THOUSAND INHABITANTS, AND TO PROVIDE FOR PUNISHING ALL VIOLATIONS THEREOF, AND TO REPEAL ALL OTHER ACTS AND PARTS OF ACTS INCONSISTENT THEREWITH.

*Be it enacted by the General Assembly of the State of Colorado:*

Section 1. No person shall hereafter be permitted to vote at any general or special election, whether national, state, district, county or city (excepting election of school trustees), held in any election precinct included wholly or partially within the limits of any city of the first or second class, or any other city, whether incorporated under general law or special charter, with a greater population than fifteen thousand (15,000) inhabitants, without first having been registered within the time, and in the manner and form, required by the provisions of this act.

Sec. 2. It shall be the duty of the board of county commissioners in each county in which any such election precincts are included, within 5 days after the first day in March, 1894, to employ canvass-

No person may vote unless registered.

County commissioners shall employ canvassers who shall be qualified electors.

ers, each of whom shall be a qualified elector in such precinct, not more than one to each precinct, and make and complete within twenty days thereafter, at the expense of the county, a full and accurate registration of all female persons who at that time are qualified electors in all such election precincts. Registration shall be taken by such canvassers in the same manner as at the office of the county clerk, except that they shall be taken upon separate sheets of paper, one sheet for each registration, instead of upon the permanent registration books. It shall be the duty of the several canvassers to return to the county clerk each morning the registrations taken by him on the previous day, and any canvasser who shall wilfully fail to return to the county clerk the sheets of paper showing such registration shall be deemed guilty of a misdemeanor for each registration sheet not so returned, and upon conviction shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail not less than one nor more than six months, or by both such fine and imprisonment. It shall be the duty of the county clerk to enter daily all such registrations in the permanent registration books in his office for the respective precincts, and preserve in his office for the period of two years thereafter such original registration sheets. The county clerk shall under the column of "Remarks," identify each such registration with the original registration sheet therefor.

Only one canvasser to each precinct.

Manner of taking the registration.

Registration lists must be returned daily. Penalty for failure.

County clerk shall enter registration in the permanent registration book every day.

Sec. 3. To entitle each qualified elector to be lawfully registered he shall be required to answer concerning each of the following matters: (1) Name in full; (2) Whether married or single; (3) Place of

Elector shall answer questions.

residence, which if urban or suburban, shall be located according to its street number, or if there be no street number, then by the number and description of the lot or lots in the block or blocks in the addition, division or subdivision into which the land upon which the residence is located is divided, in all other cases the residence shall be located by the section or sections or subdivisions thereof, in the township and range as established and numbered by the United States government survey; (4) Whether owner of, tenant of or lodger with occupant of residence; (5) Whether a native born citizen of the United States, or, if a female, by marriage to a citizen of the United States, or by naturalization of self or parents; if the latter, state as near as may be to the best knowledge, information or belief of the applicant for registration, when self or parents were naturalized, the place of naturalization and by what court the naturalization papers were granted. Like answers shall also be made where only a declaration of intention to become a citizen has been made; (6) a description of his person, consisting of his height, age, sex, complexion, color of eyes and any other physical features by which he can be readily identified; (7) his profession, business or employment; (8) his postoffice address; Provided, however, It shall only be necessary for a female voter to state that she is twenty-one years of age in answer to all questions relating to her age.

Description of voter, how made.

Women may state they are twenty-one years of age.

Electors not compelled to write their names.

Sec. 4. In the making of said registration by the board of county commissioners the writing of his own name by each elector shall not be required, but thereafter shall be in all other cases where the elector can write; if he be unable to write, he may



make his mark and write his name with the assistance of the county clerk in the presence of his vouchers. May make his mark.

Sec. 5. The board shall from time to time, as required, provide for each one of all such election precincts of the county, a book or books of convenient size and shape, arranged for the registration of names in alphabetical divisions, each alphabetical division to be composed of ruled columns with appropriate headings, under which the proper answers to the statements, made by each elector, in being registered in compliance with this act, shall be recorded. Commissioners shall provide registration books.

The names of electors as registered, shall be numbered under each alphabetical division, consecutively, from one (1) upwards, and the date of registration shall also be recorded. There shall also be ruled columns under each one of said alphabetical divisions for the full names, and registry numbers of those registered electors who become vouchers for the purpose of securing the registering of electors, personally seeking to be thereafter registered; also a column with the heading "Registration Changed From," and sub-headings, "Election Precinct No. —," and "Registry No. —," whereunder in all cases of change of registration made necessary by change of residence of elector or change of boundaries, or establishment of new election precincts, shall be stated, the election precinct and registry number of the elector's last registration. Arrangement of registration books.

There shall also be a ruled column headed, "Remarks," under which shall be briefly noted any important information affecting the registry of the elector, whose name they follow, including any explanation of any erasure or other suspicious appearance in such registration, as well as the change

in the registration of the names of electors from one election precinct to another by reason of a change of residence, or a change of election precinct boundaries, or an establishment of a new election precinct or precincts.

Sec. 6. The headings of each alphabetical division aforesaid, for each such election precinct, shall be substantially as follows, viz.:

No.	DATE OF REGISTRY		NAME IN FULL		MARRIED OR SINGLE		Owner, Tenant or Employer With Occupant of Residence.
RESIDENCE		URBAN AND SUBURBAN		COUNTY			
		ON	Street or Ave. or if no Street Number	Lots No.	Block No.	Addition, Division or Sub-division.	Portion of

Registry list.





Sec. 7. Immediately after the completion of the registration by the board of county commissioners in all such election precincts, it shall be the duty of the board of county commissioners to give public notice thereof by advertisement, for four consecutive insertions, through two newspapers, if there be so many published at the county seat, or of general circulation in the county, representing as far as practicable the political parties which at the preceding general election cast the largest and next largest number of votes. Such notice shall also state, that for a period of sixty days next after the date of the first publication thereof, the record of such registration is at the office of the county clerk open for inspection at any time during office hours, and that upon application in person and without vouchers, any error or errors in the registration of any such elector will be corrected, and also that any such elector who has not been registered may, on like application, in person and without vouchers, be registered in his proper election precinct. It shall be and is hereby made the duty of the county clerk of each county within the said period of sixty days, on the application in person of any such elector to correct any and all errors in his registration, or on like application of any elector, if he has not already been registered, to register him in his proper election precinct without requiring vouchers. All such corrections and registrations, and the time when made, shall be noticed by the clerk in the registration book on the same line opposite the name of such elector, and under the column headed "Remarks."

Notice of completion of registration shall be made by advertisement in newspapers.

Registration lists open for inspection

Errors will be corrected. How done.

Registration without vouchers for sixty days.

Sec. 8. After the expiration of said period of sixty days mentioned in the preceding section, no

After sixty days no changes or registration can be made without vouchers.

No elector may vouch for more than twelve voters.

Record of vouchers

qualified elector shall be registered, nor shall his registration be corrected or changed, except he make application to the county clerk as in this act provided. Such applicant must be vouched for by the oath or affirmation of two qualified electors already registered in the county clerk's office for such county, as possessing all the qualifications entitling such applicant either to be lawfully registered or to the desired correction or change therein, as the case may be. No registered qualified elector shall be accepted as voucher for more than twelve such applicants during any one calendar year, nor shall any registered qualified elector, who is for any reason unable to write his signature, be received or accepted as a voucher. The said county clerk, in the presence of both the applicant and of his said vouchers, shall take the answers of such applicant concerning all the matters required by section three (3) of this act and then and there record the same (excepting the names of applicant and vouchers) in the registration book of the election precinct in which such elector then resides. Such record shall then and there be signed by the said applicant under the heading "Name in full," and by his said vouchers under the heading "Names of vouchers." If said applicant be for any reason unable to write his name, then the same may be written for him by the county clerk

his  
with.....X.....  
mark.

In all cases of correction of errors in or change in registration, such correction or change and the date when made shall be noted on the line after the name affected under the heading "Remarks." The form of the oath or affirmation to be administered to

the said applicant and his vouchers shall be as follows: "We, .....(giving name of applicant), and we, .....(giving names of vouchers), each being severally duly sworn (or having affirmed, as the case may be), depose and say that the said.....(giving name of applicant) possesses all the qualifications of a lawful elector, and is entitled to be registered as a duly qualified elector or to correct his resignation as to the..... (here state the matter corrected) or to have his resignation changed, to or of (as the case may be).....precinct in..... county, State of Colorado. That the record of such registration which we have signed was made by the clerk of said county or his authorized deputy in our presence and in the presence of said applicant for registration, and is true and correct, and was in all particulars made in full conformity with this registration law." Such oaths or affirmations need not be written out or preserved, but the said vouchers shall, by their signatures in the place provided by this act on said registry book, be conclusively deemed in law to have duly verified the registry, correction or change therein, of any elector whose name they follow as vouchers, in substance, manner and form as aforesaid, and shall accordingly be liable for any and all penalties and punishments provided by law for false or illegal vouching under this act. Said registry book, or a certified copy of the registry or correction therein of any name or names, shall be admissible in evidence as proof of the taking of the said oath or affirmation in all cases of criminal proceedings for the punishment of false or illegal vouching or registration under this act. Upon request of any

Oath administered to applicant and vouchers.

Oaths need not be written.

Registry book proof in criminal cases.

Certificate of registration made when demanded.

Attested by county clerk.

Certificate is prima facie evidence.

In case of removal.

When new lists shall be made.

registered voter it shall be the duty of the county clerk to make out and deliver to such voter a certificate of the registration of such voter, setting forth the fact of such registration, including the date of registration, description and other information recorded in connection with the registration of such voter; which certificate shall be attested by the hands of county clerk and the seal of the county; and the county clerk shall be allowed a fee of ten cents for each such certificate, to be paid by the applicant. Such certificate together with proper proof of identity of the person therein named, may be used when such person becomes a voucher for another applicant for registration, and also as prima facie evidence of the facts therein stated. When any registered voter removes from the county where he is registered under the provisions of this act, upon his request he shall be entitled to have his name cancelled upon such registration list and shall thereupon be entitled to a certificate, similar in form and substance to the certificate hereinbefore mentioned, and also showing the fact of such cancellation, which certificate shall be prima facie evidence of the facts therein set forth, for which certificate a like fee of ten cents shall be paid to the county clerk by the applicant.

Sec. 9. Whenever the board of county commissioners of any county shall change the boundaries of, or create a new election precinct or precincts, wholly or partially within the limits of any city of the first or second class, or any city having a population greater than fifteen thousand (15,000) inhabitants, it shall be and is hereby made their duty to forthwith cause to be prepared at the expense of the county, complete or new registration lists, in con-



formity with such change, of all registered electors in each and all of said changed and new election precincts. Such new registration lists shall be made by red-lining off from the former precinct registry, and by copying off into the proper election precinct registry the names of those already registered in the former precinct registry, who are thereby shown to be residing in another election precinct than the one wherein they were lawfully registered before said change or changes were made. Such change or transfer so made necessary by change in, or creation of, any election precinct, shall be noted by the county clerk, in the registry of the names so transferred under the head "Remarks," giving the date of the action of the board of county commissioners ordering such change in the registration. Whenever any registered qualified elector shall change his residence from one election precinct to another, he shall be entitled to have his registration changed in accordance with his change of residence, upon making application in person to the county clerk at any time; but he shall not be required to present any voucher as to this change of residence, unless the same be to a different election precinct, and such application to change registration be made within fifteen (15) days of the next election in the precinct of his new residence, in which case there shall be two vouchers to such change of residence, who shall make oath or affirmation thereto as in other cases. An application for change of registration made before within fifteen (15) days of the ensuing election may be granted, and change made without vouchers. The record of such registration in case of change of residence by a registered elector shall be made the same

How made.

In case registered elector changes residence, registration may be changed without voucher.

Application must be made before within fifteen days of election.

as his registration record in the election precinct from which he moved, excepting that the names of the vouchers, if any, which were first given to secure the registration of such elector may be omitted, and in their stead shall be written the signatures of his last vouchers, with the words "as to residence" immediately upon their signatures, which shall indicate that they only vouch as to the residence of such elector. The county clerk shall notice each such change of residence under the appropriate column, as required in such cases by the provisions of section five of this act. At the time prescribed by law the officers charged by law with the division of alteration of the election precincts in precincts included wholly or partially within the limits of any city of the first or second class, whether incorporated under the general law or special charter, and all other cities with a greater population than fifteen thousand (15,000) inhabitants shall alter or divide the existing election precincts whenever necessary in such manner that each election precinct shall contain not more than five hundred (500) voters.

Election precincts shall not contain more than five hundred voters.

If not registered before fifteen days of election, elector shall not vote.

Sec. 10. Any qualified elector who has not been registered at least fifteen (15) days before the holding of the next general or special election in his precinct, or had his registration changed or corrected at least ten (10) days before the holding of the same, shall not be entitled to vote at such election, and the county clerk in preparing the registry book for the respective election precincts shall omit therefrom all such names so registered.

Change of post-office address.

Sec. 11. A change in the postoffice address of any elector as registered may be made at any time without vouchers provided the same shall be noted

under the head of "Remarks," in the line following such person's registration.

Sec. 12. The county clerk of each county shall be authorized to receive from the county the sum of ten cents for the making of each original registration and ten cents for each change made therein on the application of any qualified voter in pursuance of the provisions of this act. A fee of ten cents for each name transferred from one precinct registry to another may also be collected from the county by the county clerk, for preparing and completing new registration lists, to conform to the changes of boundary or establishment of new election precincts.

County clerk allowed fees for registration.

Sec. 13. It shall be the duty of the county clerk in any county wherein any such city is situate, at least three (3) days before the day of any election therein, whether national, State, district, county or city, or whether general or special (excepting election of school trustees) to make full and complete certified copies of the registration lists of the qualified voters in their respective election precincts for use in the holding and conducting such election upon the day thereof, and deciding who shall be entitled to vote thereat, and to deliver such lists to the election judges for the proper precinct one day prior to such election. To each of such copies so delivered to the said election judges, it shall be the duty of the county clerk to attach his certificate under the seal of his office, setting forth that the said copy contains a full, complete and accurate list of the qualified voters in each such election precinct as the same appear upon the original registration books on file in his office. Each such county clerk shall forfeit the sum of ten dollars for each and every name incorrectly omitted

County clerk shall make copies of registration lists.

Lists shall be certified.

Forfeit for all errors made.

from or added to any such copy, in case of an omission the said sum to be recovered by the party whose name is so incorrectly omitted in an action brought by him against said county clerk, in any court of competent jurisdiction in the county, and for each and every name so incorrectly added to such copy, the said sum to be deducted by the county commissioners of such county from any amount due by the county to said county clerk. It shall be the duty of the board of election judges for each precinct included within any such city for any such election to call in person at the office of the county clerk and recorder one day prior to such election for the purpose of receiving such copy of the registration list. Said registration list shall be furnished to said judges in a sealed envelope, which said envelope shall not be opened until the morning of election day at the polls in the presence of the judges. Which copy shall be delivered to two judges, one belonging to the political party which cast the highest number of votes in the last similar election in said county or city, and the other belonging to the party which cast the next highest number of votes at such election, and both such judges shall receipt to the county clerk for such copy of the registration lists, and they shall receive mileage for such service at the rate of ten cents per mile for each mile actually traveled. The county clerk shall be allowed a fee of ten dollars (\$10) for each precinct for which he shall furnish such copy of registration lists, to be paid by the county; when such lists are furnished to the election judges of any city election for city officers or other city purposes only, such city shall pay to the county the sum of ten dollars (\$10) for each precinct the registration list of which is so furnished. Any

Judges must call  
for lists in person.

How delivered.

County clerk  
allowed fee for  
each precinct.



voter whose vote is rejected because of any error made in transcribing the official registry shall be entitled to vote upon producing to the judges of election a certified copy of his registration showing his right to vote.

Electors allowed to vote upon certificate.

Sec. 14. Within thirty days next after each election in precincts included within the limits of any such city, the county clerk and recorder of the county shall proceed to check the poll list of persons who voted in each such election precinct with the registration list for such precinct, and shall in some proper manner mark and designate the names of the persons not shown by said poll list to have voted at such preceding election in such precinct. The county clerk shall thereupon make out a list of all such names of persons, together with their residence so appearing not to have voted at such preceding election, which list shall be made out in alphabetical order of the last names of such electors and in consecutive numbers, according to election precincts and districts, and shall have appended thereto an affidavit by such county clerk that such list has been compared with the official registration lists in the county clerk's office, and is a full, true and correct list of the names of such persons not voting at such election. Said list shall be entitled "A list of registered electors appearing not to have voted at the . . . . election held . . . .(date). . . . in the . . . . of . . . . . Said list shall be certified to and filed with the board of county commissioners. It shall be the duty of the county clerk to immediately send notice by mail to each elector whose name may appear upon said list. Said notice shall be in substance as follows: You are hereby notified that a comparison of the registered electors in

The poll list shall be checked.

County clerk shall make list of those who did not vote.

Electors on list shall be notified by mail.

the several precincts with the poll lists for such election precincts show that you did not vote at the election held the...day of.....18.. Any qualified elector may have his name retained on the registration lists by appearing before the board of county commissioners on either one of the following days, to wit:.....and showing to the satisfaction of said board either that he did not vote at such election, or that he was entitled to vote thereat, because still a qualified elector in such precinct. Failing to appear, his name shall be struck from the registration list."

Elector shall appear and show cause for remaining on list or names shall be stricken off.

Commissioners shall sit for three days.

The board of county commissioners shall fix three separate and not consecutive days within thirty days after the date of such notice, on which it will sit for the purpose mentioned in said notice, and at each of said sittings said board shall continue the session from day to day so long as there are persons appearing before it for hearing in accordance with such notice. At the close of such hearing the board of commissioners shall certify to the county clerk a list of names of persons who have shown cause for the retention of their names on such registration list. It shall be the duty of the county clerk, upon the receipt of said certified list from the board of county commissioners to forthwith strike such names from the registration lists in the proper precincts, of persons who have not so shown cause for retention, by ruling a red ink line through such name with the notation in the column for "Remarks," that such names were stricken out in pursuance of the county commissioners' certificate of a given date.

Commissioners shall certify lists retained.

Names stricken from lists.

Original registration in districts.

Sec. 15. Original Registration in Districts—The board of county commissioners of any county wherein any such city is situate are hereby directed

to group into registration districts a number of election precincts, not less than eight nor more than twenty, in each registration district. It shall be the duty of the county clerk to appoint a deputy or deputies, not to exceed two, for each such registration district, which deputy or deputies shall attend and be present in such district, for the purpose of receiving original registrations before each such election, on the third Tuesday before such election, and from day to day thereafter, for not less than three nor more than five days in all, and between the hours of noon and nine o'clock p. m. of each such day; the county commissioners shall provide a suitable room in each district and all necessary stationery and appurtenances for the use of such deputy county clerks. The county clerk shall give notice for three days by publication in at least two newspapers, belonging to different political parties, of the name of each deputy, and the time and particular place in each district where such registration will be carried on. Such deputy shall be provided with separate sheets of paper suitably ruled to record all the information elsewhere required in this act for original registrations in the county clerk's office. Registrations shall be taken before such deputies in the same manner as at the office of the county clerk, except that they shall be recorded upon separate sheets of paper, one sheet for each registration, instead of upon the permanent registration books. It shall be the duty of the several deputy county clerks to return to the county clerk each morning the registrations taken by him on the previous day, and any deputy who shall wilfully fail to return to the county clerk at or before the closing of registration in such district the sheets of paper

County clerk  
appoints deputies.

Commissioners  
shall provide  
room and supplies.

Deputies shall  
make registration.

Lists returned  
each morning.

Penalty.

showing registrations shall be guilty of a misdemeanor for each registration sheet not so returned, and upon conviction shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail not less than one nor more than six months, or by both such fine and imprisonment. It shall be the duty of the county clerk to enter daily all such registrations in the permanent registration books in his office for the respective precincts, and preserve in his office for the period of two years thereafter such original registration sheets. The county clerk shall, under the column of "Remarks," identify each such registration with the original registration sheets therefor.

Masculine pronoun applies to both sexes.

Sec. 16. Whenever in this act the masculine pronoun is used, it shall be construed to apply to women as well as men.

Penalties for violation of act.

Sec. 17. Except as otherwise provided in this act any person who shall make false answer, either for himself or another, or who shall violate or attempt to violate any of the provisions of this act, or knowingly permit another to violate the same, or any public officer or officers upon whom any duty is imposed by this act or any of its provisions, who shall wilfully neglect such duty, or who shall wilfully perform it in such a way as to hinder the objects and purposes of this act, shall be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment in the penitentiary not less than one year nor more than five years, and if he be a public officer, shall forfeit his office.

Act of 1891 repealed.

Sec. 18. "An act to provide for establishing and maintaining at public expense permanent registration lists of all qualified electors in election precincts



included wholly or partially within the limits of cities of the first and second classes, and in all other cities with a greater population than fifteen thousand inhabitants, and to provide for punishing violations thereof," approved April 13, 1891, and all acts amendatory thereof, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed; Provided, Nothing herein shall be construed as a repeal of any act concerning registration in its application to elections in election precincts not included within the limits of cities of the classes and population mentioned in section 1.

Sec. 19. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage. Emergency clause.

Approved March 2, 1894.



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APPENDIX.

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# APPENDIX.

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ELECTION LAWS ENACTED PRIOR TO EIGHTH GENERAL ASSEMBLY,  
NOT REPEALED AND IN FORCE JUNE 2, 1891.

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## CHAPTER XXXIV., G. S.

Section 1. Every male person over the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections:

First—He shall be a citizen of the United States, or, not being a citizen of the United States, he shall have declared his intention according to law to become such citizen not less than four months before he offers to vote.

Second—He shall have resided in this State six months immediately preceding the election at which he offers to vote; in the county ninety days, and in the ward or precinct ten days; Provided, that no person shall be denied the right to vote at any school district election, nor to hold any school district office, on account of sex. That all acts or parts of acts inconsistent with this act be, and the same are hereby repealed.

Sec. 2. No person under guardianship, non compos mentis, or insane, shall be qualified to vote at any election, nor shall any person while confined in

any public prison be entitled to vote, but every such person who was a qualified elector prior to such imprisonment, and who is released therefrom by pardon or by having served out his full term of imprisonment, shall be vested with all the rights of citizenship except as provided in the constitution.

Sec. 3. For the purposes of voting and eligibility to office, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while in the civil or military service of the State or of the United States, nor while a student at any institution of learning, nor while kept at public expense in any poorhouse or other asylum, nor while confined in public prison.

Sec. 4. Every qualified elector shall be eligible to hold any office of this State for which he is an elector, except as otherwise provided by the constitution.

Sec. 5. A general election shall be held in the several wards and precincts in this State on the first Tuesday of October, A. D. 1877, 1878 and 1879, and on the Tuesday succeeding the first Monday in November, A. D. 1880, and on the Tuesday succeeding the first Monday of November in every year thereafter.

Sec. 6. At the general election, A. D. 1877, and every alternate year thereafter, there shall be elected in every county of the State the following county officers, to-wit: One county clerk, who shall be ex officio recorder of deeds and clerk of the board of county commissioners; one sheriff, one coroner, one treasurer, who shall be collector of taxes; one county superintendent of schools, one county surveyor and one county assessor. There shall also be elected in

every county of the State, at the general election, A. D. 1877, and every third year thereafter, one county judge.

Sec. 7. At the general election, A. D. 1878, and every alternate year thereafter, there shall be elected the following State officers to-wit: One governor, one lieutenant governor, one secretary of state, one state treasurer, one auditor of state, one superintendent of public instruction, and two regents of the university; and in each representative district of the State, such members of the house of representatives as they may severally be entitled to. State senators shall be elected in every senatorial district at the general election in the year when the term of office of senator shall expire in such district respectively; also, on the first Tuesday succeeding the first Monday in November, A. D. 1878, and every alternate year thereafter, there shall be elected the number of representatives in congress to which the State may be entitled.

Sec. 8. At the general election, A. D. 1879, and every third year thereafter, there shall be elected one judge of the supreme court, and in each judicial district of the State one district attorney. At the general election, A. D. 1880, and every fourth year thereafter there shall be elected such a number of electors of president and vice-president of the United States as the State may be entitled to in the electoral college, and at the general election in 1882, and every sixth year thereafter, there shall be elected in each judicial district one judge of the district court.

Sec. 9. At the general election, A. D. 1877, and annually thereafter, there shall be elected in each county of the State one county commissioner, whose

term of office shall be three years, and in each justice's precinct, except wards in incorporated cities, there shall be elected at the general election, A. D. 1877, and annually thereafter, one justice of the peace and one constable, whose terms of office shall be two years; and all other officers not herein specified that now or hereafter may be created shall, unless otherwise provided, be elected on the day of the general election.

Sec. 10. All vacancies in any State or county office, and in the supreme or district courts, unless otherwise provided by law, shall be filled by appointment by the governor until the next general election after such vacancy occurs, when such vacancy shall be filled by election, and the district judge shall fill all vacancies in the office of district attorney in his district by appointment until the next general election.

Sec. 11. The regular term of office of all State, district, county and precinct officers and of the judges of the supreme court shall commence on the second Tuesday of January next after their election, except as otherwise provided by law.

Sec. 12. The regular term of office of members of the general assembly shall commence on the first Wednesday of December next after their election.

Sec. 13. Any of the said officers that may be elected or appointed to fill vacancies may qualify and enter upon the duties of their office immediately thereafter, and if elected they may hold the same during the unexpired term for which they were elected, and until their successors are elected and qualified, but if appointed they shall hold the same only until their successors are elected and qualified.



Sec. 14. Whenever a vacancy shall occur in the office of senator or member of the house of representatives in any county or counties or district in this State, entitled by law to such senator or representative, the governor shall, upon satisfactory information thereof, and as soon as the necessity is apparent, issue a writ or writs of election to the sheriff or sheriffs of said county or counties, entitled by law to such senator or representative, as aforesaid, directing him to give notice of a special election within such county or counties on a day specified in such writ or writs, for the purpose of filling such vacancy; and the sheriff shall proceed to give notice of the time and place of holding such election, as in other cases, and such election shall be held and conducted, and the returns thereof be made to the county clerks in the same manner and within the time specified in this act.

Sec. 15. Special elections shall be conducted and the results thereof canvassed and certified in all respects, as near as practicable, in like manner as general elections, except as otherwise provided; but special elections shall not be held, unless when required by public good, and in no case within ninety days next preceding a general election.

Sec. 16. All vacancies in any county or precinct office of any of the several counties of the State, except that of the county commissioner, shall be filled by appointment by the county commissioners of the county in which the vacancy occurs until the next general election, when such vacancy shall be filled by election subject to the provisions of section twenty-nine, article six, of the constitution.

Sec. 17. Whenever the governor appoints a county commissioner to fill a vacancy in any county he shall appoint a person who is a resident of the county and of the commissioner district of the county in which the vacancy exists.

Sec. 18. Whenever any vacancy shall happen in the office of representative in congress from this State, it shall be the duty of the governor to appoint a day to hold a special election to fill such vacancy, and cause notice of such election to be given as required in section twenty of this act.

Sec. 19. The secretary of state shall, at least thirty days previous to any general election, at which officers of the executive department, regents of the university, members of the general assembly, judges of the supreme and district courts, district attorneys, representatives in congress and presidential electors, are to be elected for a full term, make out and cause to be delivered or transmitted by registered letter, to the county clerk of each county, a notice in writing, stating that at the next general election the before-mentioned officers are to be elected, or so many of such officers as are then to be chosen; when members of the general assembly are to be elected, and are included in such notice, it shall specify the number of the district, and the name of the member or members whose terms of office will expire.

Sec. 20. Whenever there is a vacancy in any of the offices mentioned in the preceding section, which is by law to be filled at the general election, at which county officers are elected, the Secretary of State shall, at least thirty days previous to said election, give notice in writing, as provided for in the preceding section, and said notice shall specify the office in

which a vacancy exists, the cause of such vacancy, the name of the officer in whose office it has occurred, and the time when his term of office will expire.

Sec. 21. The county clerk shall give notice in writing of each general or special election, in which shall be stated the time when it shall be held, and the officers then to be elected, by causing the same to be published in a newspaper having general circulation in the county, and sending a copy of such notice by mail to the judges of election in each precinct, to be posted at the place of voting at least fifteen days before such time.

Sec. 22. County commissioners of the several counties in this State are hereby required to divide their respective counties into as many election precincts for all general and special elections as they may deem expedient for the convenience of voters of said county, and shall designate the house or place in each precinct or ward at which elections are to be holden, and the precincts and places of holding elections thus established shall so remain until changed by the board of commissioners; Provided, That the board of county commissioners shall establish at least one election precinct for every five hundred registered voters, as shown by the registry list of the respective counties at the last general election, and shall every year, if necessary, increase the number of election precincts as the number of registered voters shall be increased on said registry list, so that at least one election precinct for every three hundred registered voters may be constituted; And provided, That it shall be the duty of the county commissioners at any time to change any place of holding elections upon a petition of a majority of the voters residing

within said precinct; And provided further, That the precincts and wards established and the places designated in which to hold elections at the time of the taking effect of this act shall so remain until changed; And provided further, That no new precincts shall be established or polling places changed at a later date than thirty days previous to any election.

Sec. 23. The county commissioners of each county shall provide a ballot box, at the expense of the county, for each place of voting, which box shall be made of glass, to be kept by the county clerk and recorder of each county and by them delivered over to their successors in office. Each of said ballot boxes shall be circular in form, with a small opening in the top thereof, and enclosed in a square wooden frame with a lid to be fastened by three locks, no two of which can be opened by the same key; one of said keys shall be kept by each of the judges of the election last appointed, to be by them delivered to their successors in office. Should either of said judges die or remove from their precinct meantime, the key held by him shall be surrendered to the county clerk and recorder, to be by him kept and delivered to the successor of such judge of election. The said ballot boxes shall be, by the clerk and recorder of the respective counties delivered to the judges of election within three days immediately preceding any general or special election, to be by him used and returned as hereinafter provided.

Sec. 24. The said judges of election shall choose two persons having similar qualifications with themselves to act as clerks of election; and the said clerks of election may continue to act as such during the pleasure of the judges of election.



Sec. 25. If any person appointed to act as a judge of election as aforesaid, shall neglect or refuse to be sworn or affirmed, or to act in such capacity, the place of such person shall be filled by the votes of such qualified voters residing within the precincts as may then be present at the place of election, and the person or persons so elected to fill such vacancy or vacancies shall be and are hereby vested with the same power as if appointed by the board of county commissioners.

Sec. 26. Previous to any votes being taken, the judges and clerks of the election shall severally take an oath or affirmation in the following form, to wit: "I, A. B., do solemnly swear (or affirm) that I will perform the duties of judge (or clerk, as the case may be) according to law, and the best of my ability; that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the same, and that I will not try to ascertain, nor will I disclose, how any elector voted, if, in the discharge of my duties as judge (or clerk, as the case may be) knowledge shall come to me as to how any elector shall have voted unless called upon to disclose the same before some court of justice."

Sec. 27. In case there shall be no judge, justice of the peace, or other person qualified by law to administer an oath, present at the opening of the election, to administer the oath mentioned in the preceding section, it shall be lawful for the judges of election, and they are hereby empowered to administer the oaths or affirmations to each other, and to the clerks of the election, and the person administering such oaths or affirmations shall cause an entry thereof to be made and subscribed by him, and prefixed to the poll books.

Sec. 28. Whenever it shall become impossible or inconvenient to hold an election at the place designated therefor, the judges of election, after having assembled at or as near as practicable to such place, and before receiving any vote, may adjourn to the nearest convenient place for holding the election and at such adjourned place forthwith proceed with the election.

Sec. 29. Upon adjourning any election, as provided in the preceding section, the judges shall cause proclamation thereof to be made, and shall station a constable or some other proper person at the place where the adjournment was made from to notify all elector [electors] arriving at such place of adjournment and the place to which it was made.

Sec. 30. If any elector shall vote more than once, or having voted once, shall offer to vote again at any election, or shall offer to deposit in the ballot box at any election more than one ballot, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding one hundred dollars or imprisoned in the county jail not exceeding sixty days.

Sec. 31. The judges of election, in determining the residence of a person offering to vote, shall be governed by the following rules, so far as they may be applicable:

First—That place shall be considered and held to be the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

Second—A person shall not be considered or held to have lost his residence who shall leave his home and go into another State, territory or county of this

State for temporary purposes merely, with an intention of returning.

Third—A person shall not be considered or held to have gained a residence in this State, or in any county in this State, when retaining his home or domicile elsewhere.

Fourth—If a person remove to any other State, or to any of the territories, with the intention of making it his permanent residence, he shall be considered and held to have lost his residence in this State.

Fifth—If a person remove from one county, precinct or ward in this State to any other county, precinct or ward in this State, with the intention of making it his permanent residence, he shall be considered and held to have lost his residence in the county, precinct or ward from which he removed.

Sec. 32. If a person offering to vote be challenged as unqualified, by one of the judges of election, or by any elector, one of the judges shall tender to him the following oath or affirmation: You do solemnly swear (or affirm), that you will fully and truly answer all such questions as shall be put to you touching your place of residence, and qualifications as an elector at this election: First—If the person be challenged as unqualified, on the ground that he is not a citizen, and will not exhibit his papers pertaining to his naturalization, the judges, or one of them, shall put the following questions: First—Are you a citizen of the United States? Second—Are you a native, or naturalized citizen? and if neither, have you declared your intention to become a citizen, conformably to the laws of the United States, on the subject of naturalization, at least four months previous to to-day? Third—Have you become a citizen of the

United States by reason of the naturalization of your parents, or one of them? Fourth—Where were your parents, or one of them, naturalized? If the person offering to vote claims to be a naturalized citizen of the United States, or that he has, four months previous to the election, declared his intention to become such, he shall state, under oath, where and in what courts he was naturalized. Second—If the person be challenged as unqualified, on the ground that he has not resided in this State for six months immediately preceding the election, the judges, or one of them, shall put the following questions: First—have you resided in this State for six months immediately preceding this election, and during that time have you retained a home or domicile elsewhere? Second—Have you been absent from this State within the six months immediately preceding this election? Third—If so, when you left, was it for a temporary purpose with the design of returning, or did you intend remaining away? Fourth—Did you, while absent, look upon and regard this State as your home? Fifth—Did you, while absent, vote in any State or territory? Third—If the person be challenged on the ground that he has not resided in the county ninety days, or in the precinct, or ward, ten days, one of the judges shall question him as to his residence in the county, precinct or ward, in a manner similar to the before-mentioned method of questioning a person as to his residence in the State. Fourth—If the person be challenged as unqualified, on the ground that he is not twenty-one years of age, the judges, or one of them, shall put the following question: Are you



twenty-one years of age, to the best of your knowledge and belief? The judges of election, or one of them, shall put all such other questions to the person challenged, under the respective heads, aforesaid, as may be necessary to test his qualifications as an elector at that election.

Sec. 33. If the person challenged as aforesaid shall refuse to answer fully any question which shall be put to him as aforesaid, the judges shall reject his vote.

Sec. 34. If the challenge be not withdrawn after the person offering to vote shall have answered the questions put to him as aforesaid, one of the judges shall tender to him the following oath: You do solemnly swear (or affirm) that you are a citizen of the United States (or declare your intention of becoming such at least four months previous to this election), of the age of twenty-one years; that you have been a resident of the State for six months next preceding this election, and have not retained a home or domicile elsewhere; that you have been for the last ninety days, and now are, a resident of this county; that you have been for the last ten (10) days, and now are, a resident of this precinct (or ward, as the case may be), and that you have not voted at this election.

Sec. 35. If any person shall refuse to take the oath or affirmation so tendered, his vote shall be rejected; Provided, That after such oath shall have been taken the judges may nevertheless refuse to permit such person to vote if they shall be satisfied that he is not a legal voter.

Sec. 36. Whenever any person's vote shall be received, after having taken the oath or affirmation pre-

scribed in section forty (40) of this act, it shall be the duty of the clerks of the election to write on the poll books at the end of the person's name, "sworn."

Sec. 37. It shall be the duty of any judge of election to challenge any person offering to vote whom he shall believe not to be qualified as an elector.

Sec. 38. It shall be the duty of the judges of election, immediately before proclamation is made of the opening of the polls, to open the ballot box in the presence of the people there assembled and turn it upside down so as to empty it of everything that may be in it, and then lock it securely; and it shall not be reopened until for the purpose of counting the ballots therein at the close of the election.

Sec. 39. For the preservation of order as well as the securing of the judges and clerks of the election from insult and abuse, it shall be the duty of any constable or constables residing within the precinct, who shall be designated for the purpose by the judges of the election to attend to all elections within his precinct, and the judges of election are hereby authorized and empowered to appoint one or more special constables to assist in preserving order during the elections and until the votes are canvassed.

Sec. 40. Constables or special constables appointed or requested by the judges of election to preserve peace at the polls, shall receive two dollars and a half per day for their services, payable out of the county treasury.

Sec. 41. Each clerk of the election shall keep a poll list which shall contain one column headed, "Names of voters," and one column headed, "Number on ballot." The name and number on the ballot of

each elector shall be entered by each clerk in regular succession under the said headings in his poll list.

Sec. 42. The polls at any election shall not be closed, after once being opened, until they are finally closed in the evening.

Sec. 43. As soon as all the votes shall have been read off and counted, the judges of election shall make out a certificate under their hands, and attested by the clerks, stating the number of votes each candidate received, designating the office for which such person received such vote or votes, and the number he did receive, the number being expressed in words at full length, and in numerical figures, such entry to be made, as nearly as circumstances will admit, in the following form, to wit: At an election held at the house of .....in.....precinct or ward, in the county of.....and State of Colorado, on the .....day of.....in the year of our Lord one thousand eight hundred and....., the following named persons received the number of votes annexed to their respective names for the following described offices, to wit: Whole number of votes cast were ..... A. B. had seventy-two (72) votes for governor; C. D. had seventy-one (71) votes for governor; E. F. had seventy-two (72) votes for lieutenant-governor; G. H. had sixty-nine (69) votes for lieutenant-governor; J. K. had sixty-eight (68) votes for representative in congress; L. M. had seventy (70) votes for representative in congress; N. O. had seventy-two (72) votes for representative; P. Q. had seventy-one (71) votes for representative; R. S. had eighty-four (84) votes for sheriff; T. W. had sixty (60) votes for sheriff;

and in the same manner for any other person voted for.

Certified by us           A. B.

                                  C. D.

                                  E. F.

Judges of Election.

Attest:

          G. H.

          I. J.

          Clerks of Election.

And the said certificate, together with one of the lists of voters, and one of the tally papers, shall then be enclosed and sealed up, under cover, and directed to the clerk of the county in which such election is held, and the packet thus sealed shall be sent by registered letter where practicable, otherwise it shall be conveyed by one of the judges or clerks of the election, to be determined by lot if they cannot agree otherwise, within six days of the closing of the polls. And if any judge or clerk of an election, after having been deputed by the judges of election, at which he served as judge or clerk, to carry the poll book of such election to the clerk of the county, shall fail or neglect to deliver such poll book to the said clerk, within the time prescribed by law, safe, with the seal unbroken, he shall for every offense forfeit and pay the sum of five hundred dollars, for the use of the county, to be recovered in the name of the commissioners of the county, by an action of debt in any court of competent jurisdiction; Provided, That informality in the delivering of the poll books as directed in this section shall not invalidate the vote of any precinct when said poll books shall have been delivered previous to the canvassing of the votes of such election by the county



board of canvassers. When all the votes shall have been read and counted, the ballots, together with one of the tally lists, shall be returned to the ballot box and the opening of the glass part thereof shall be carefully sealed, and each of the judges shall place his private mark on said seal; the wooden cover shall then be locked, and each of the judges shall preserve one of the keys thereof as herein provided. This box shall then be delivered by one of the clerks of the election who is of the opposite political party from the judge or clerk chosen to take charge of and deliver the certificate and tally list, which clerk shall at once and with all convenient speed take said box to the office of the county clerk and recorder and safely deliver it to such officer, taking his delivery receipt therefor.

Sec. 44. If any judge or the judges of any election shall wilfully and maliciously refuse to receive the ballot of any qualified elector, who shall take or offer to take the oath prescribed by this act, in such case every judge so refusing or neglecting to receive the vote or ballot when the same shall be presented, shall be liable to be indicted, and on conviction thereof shall be fined five hundred dollars, and imprisoned not exceeding thirty days; and for every refusal or neglect to receive such vote, the party aggrieved may have an action on the case against the said judge or judges; the damages in such case shall not exceed the sum of five hundred dollars.

Sec. 45. On the tenth day after the close of the election or sooner, if all the returns be received, the clerk of the county, taking to his assistance two justices of the peace of his county, one at least of whom shall belong to a different political party than him-

self, if any such there be in the county, shall proceed to open the said returns, and make abstracts of the votes in the following manner: The abstract of the votes for electors for President and Vice-President of the United States shall be on one sheet, and the abstract of votes for representative in congress shall be on another sheet, and the abstract of votes for regents of the university shall be on another sheet, and the abstract of votes for officers of the executive department shall be on another sheet, and the abstract of votes for senators shall be on another sheet, and the abstract of votes for representatives shall be on another sheet, and the abstract of votes for judges of the supreme court shall be on another sheet, and the abstract of votes for judges of the district court and district attorneys shall be on another sheet, and the abstract of votes for county and precinct officers shall be on another sheet; and it shall be the duty of said clerk of the county immediately to make out a certificate of election to each of the persons having the highest number of votes for county and precinct officers, respectively, and cause such certificate to be delivered to the person entitled to it. If any two or more persons have an equal number of votes for the same county or precinct office, and a higher number than any other person, the county clerk and his assistants aforesaid shall immediately determine by lot which of the two candidates shall be elected.

Sec. 46. The clerk of the county, immediately after making out abstracts of votes given in his county, shall make a copy of such abstract and deliver or transmit the same in a registered package by mail to the office of the secretary of State; the original abstracts he shall file and record in a book in his office

to be kept for that purpose. He shall also certify to the abstracts and copies and affix thereto the county seal, and the said clerk shall respectively endorse on the back of the envelope in which said certified copies are enclosed, "Certified copy of the abstract of votes cast for governor, etc., members of the general assembly, etc. (as the case may be), cast at the regular election in.....county.....18...."

Sec. 47. Whenever it shall so happen that the county clerk shall die, be absent, or from any casualty be prevented from opening the returns of votes at any election, it shall be lawful for his deputy to discharge the duties required of such clerk by law; which deputy shall be appointed by the majority of county commissioners when said clerk has failed to appoint a deputy.

Sec. 48. The abstract of votes cast in each county for the officers of the executive department shall be sealed up by the county clerks of said counties, and delivered or transmitted in a registered package by mail to the secretary of State, directed to the speaker of the house of representatives. Upon the organization of the house the secretary of State shall deliver to the speaker of the house all of the returns for officers of the executive department that he shall have received, and upon the receipt of the same by the speaker of the house of representatives, he shall, before proceeding to other business, open and publish the same in the presence of a majority of the members of both houses of the general assembly, who shall for that purpose assemble in the hall of the house of representatives. The person having the highest number of votes for either of said offices shall be declared duly elected by the presiding officer

of the joint assembly, but if two or more have an equal and the highest number of votes for the same office, one of them shall be chosen thereto by the two houses of joint ballot.

Sec. 49. The governor, secretary of State, auditor of State, treasurer of State and attorney general, or any three of them, shall constitute the board of State canvassers, and shall canvass the abstracts of votes cast in the different counties of the State for electors of President and Vice-President, for representative in Congress, for regents of the university, for judges of the supreme and district courts, for district attorneys, and for senators and representatives.

Sec. 50. If from any county no such abstract of votes shall have been received within the twenty-five days next after any election by the Secretary of State, he shall dispatch a special messenger to obtain a copy of the same from the county clerk of such county, and such county clerk shall immediately on demand of such messenger make out and deliver to him the copy required, which copy of the abstract of votes the messenger shall deliver to the Secretary of State without delay. The said messenger shall receive as compensation for his services three dollars per day, and fifteen cents for each mile traveled in going to and returning from the county seat of said county, by the usual route, to be paid out of the State treasury.

Sec. 51. For the purpose of canvassing the result of elections, the State board of canvassers shall meet at the office of the Secretary of State at ten o'clock of the forenoon of the twenty-fifth day after any election for any of the officers mentioned in section fifty-three (53) of this act, if it be not on Sunday;



if it be on Sunday, then they shall meet on the twenty-sixth day, when they shall, if the returns from all the counties of the State be in the possession of the Secretary of State, proceed to canvass the votes. If the returns are not all in they shall adjourn from time to time, as they deem proper, to wait the receipt of all returns; Provided, however, That on the last Wednesday of December next after the election, they shall canvass the votes, whether all the returns be received or not; And also provided, That on the year upon which there is elected electors for President and Vice-President, the State board of canvassers shall meet at the Secretary of State's office on the last secular day of November, in the year of the election, and proceed to canvass the votes cast for said electors.

Sec. 52. The State board of canvassers, when met in accordance with the law, and a quorum (three) being present, shall proceed to examine and make statement of the whole number of votes given at any such election for all of the officers mentioned in section fifty-three (53) of this act that shall have been voted for in said election; which statements shall show the names of the persons to whom such votes shall have been given for either of said offices, and the whole number given to each, distinguishing the several districts and counties in which they were given; they shall certify such statements to be correct and subscribe their names thereto, and they shall thereupon determine what persons have been by the greatest number of votes duly elected to such offices, or either of them, and shall endorse and subscribe on such statements a certificate of their determination and deliver them to the Secretary of State.

Sec. 53. If any two or more persons have an equal and the highest number of votes for member of either house of the general assembly, for judges of the supreme or district courts, for district attorney or for regent of the university, or electors of President and Vice-President, the State canvassers shall proceed to determine by lot which of the candidates shall be declared elected. Reasonable notice shall be given to such candidates of the time when such elections will be so determined.

Sec. 54. The Secretary of State shall record in his office in a book to be kept by him for that purpose each certified statement and determination, as made by the board of State canvassers, and shall without delay make out and transmit to each of the persons thereby declared to be elected, a certificate of his election, certified by him under his seal of office, and he shall also forthwith cause a copy of such certified statement and determination to be published in a newspaper published at the seat of government.

Sec. 55. Upon the day fixed by law for the assembling of the general assembly, the Secretary of State shall lay before each house a list of members elected thereto, with the districts they represent, in accordance with the returns in his office.

Sec. 56. The Secretary of State shall prepare lists of the names of the electors of President and Vice-President of the United States, elected at any election, procure thereto the signature of the governor, affix the seal of the State to the same, and deliver one of such certificates thus signed to each of said electors, on or before the first Wednesday in December next after such election.

Sec. 57. The electors of President and Vice-President of the United States shall convene at the capital of the State on the first Wednesday of December next after their election, at the hour of twelve o'clock at noon of that day; and if there shall be any vacancy in the office of electors, occasioned by death, refusal to act, neglect to attend, or other cause, the elector or electors present shall immediately proceed to fill such vacancy in the electoral college; and when the vacancy shall have been filled as above provided, they shall proceed to perform the duties required of such electors by the Constitution and laws of the United States, and vote for President and Vice-President by open ballot.

Sec. 58. Every elector of this State for the election of President and Vice-President of the United States, hereafter elected, who shall attend and give his vote for those officers at the time and place appointed by law, shall be entitled to receive the sum of five dollars per day for each day's attendance at such election, and fifteen cents per mile for each mile he shall travel in going to and returning from the place where the electors shall meet, by the most usual traveled route, to be paid out of the general contingent fund, and the auditor of State shall audit the amount and draw his warrant for the same. There shall be an election held in this State for the election of such electors at the times appointed by any law of congress or the Constitution of the United States for such election, and when such election shall be special the same shall be called, held, and the votes polled, canvassed, in all respects as at a general election, and the duties of the electors so elected shall be the same as prescribed by law for electors selected at a general election.

Sec. 59. Whenever the judges of election in any precinct or ward discover in the canvassing of votes that the name of any candidate voted for be misspelled, or the initial letters of his Christian name or names be transposed or omitted in part or altogether on the ballot, the vote or votes for such candidate shall be counted for him if the intention of the elector to vote for him be apparent; and whenever the board of county canvassers or of State canvassers, or the speaker of the house of representatives, when authorized by law to canvass votes or returns, shall find the returns from any precinct, ward, county or district (as the case may be) do not strictly conform to the requirements of law in the making, certifying and returning the same, the votes polled in such precinct, ward, county or district shall, nevertheless, be canvassed and counted, if such returns shall be sufficiently explicit to enable such boards, or any person or persons authorized to canvass votes and returns to determine therefrom how many votes were polled for the several persons who were candidates and voted for at the election of which the votes are being canvassed.

Sec. 60. If upon proceeding to canvass the votes it shall clearly appear to the canvassers that in any statement produced to them certain matters are omitted in such statement which should have been inserted, or that any mistakes which are clerical merely, exist, they shall cause the said statements to be sent to one of their number (whom they shall depute for that purpose) to the precinct or ward judges, or the county board of canvassers (as the case may be) from whom they were received, to have the same corrected, and the judges of election or county clerk



(as the case may be) when so demanded, shall make such correction as the facts of the case require, but shall not change or alter any decision before made by them, but shall only cause their canvass to be correctly stated; and the canvassing board may adjourn from day to day for the purpose of obtaining and receiving such statements; Provided always, That they shall not delay counting past the day provided by law for the completion of the canvass.

Sec. 61. Judges and clerks of election shall each receive as compensation for their services two and a half dollars per day of twelve hours or fractional part thereof of over four hours, and it shall be the duty of the clerk of each county, on the receipt of the election returns of any general or special election, to make out his certificate stating therein the compensation to which the judges and clerks of such election may be entitled for their services and lay the same before the board of county commissioners at their next meeting; and the said board shall order the compensation aforesaid to be paid out of the county treasury.

Sec. 62. It shall be the duty of the secretary of State to make out a complete form of poll books, tally lists, and all the forms required by this act, to be used by judges of election and the county clerks, and to send printed copies thereof to the county clerk of each county, and he shall cause to be printed in pamphlet form such parts of this act as are necessary for the guidance of the judges of election in the discharge of their duties, and to send printed copies thereof to the county clerk of each county, for him to distribute to the judges in each precinct or ward.

Sec. 63. No saloon or other place at which intoxicating liquors are sold shall be open during the day of any general or special election in this State. Any saloon-keeper or other person who shall sell, barter or give away any intoxicating liquors during the day of any general or special election, before the polls are closed on such day, shall for each and every offense be liable to pay a fine of fifty dollars, or be imprisoned twenty days, or both, at the discretion of the court in which the case may be tried.

Sec. 64. The proper ballots, when not required to be taken from the ballot box for the purpose of election contests, shall remain in the ballot box in the custody of the county clerk and recorder until the next election, when, before opening the polls, the ballot box shall be opened in the presence of the judges, and the ballots destroyed by fire; Provided, That if the ballot boxes be needed for a special election before the legal time for commencing any proceedings in the way of contests shall have elapsed, or in case such judges at the time of holding such special election have knowledge of the pendency of any contest in which the ballots would be needed, the said judges shall preserve the ballots in some secure manner, and provide for their being so kept so no one can ascertain how any elector may have voted.

Sec. 65. Any person who shall falsely personate any voter, and vote under the name of such voter, shall, upon conviction, be punished by confinement and hard labor in the State penitentiary not exceeding three years.

Sec. 66. If any elector, challenged as unqualified, shall be guilty of willful and corrupt false swearing or affirmation by an oath or affirmation pre-

scribed by this act, such person shall be adjudged guilty of willful and corrupt perjury.

Sec. 67. Every person who shall willfully and corruptly procure any person to swear or affirm falsely as aforesaid, shall be adjudged guilty of subornation of perjury, and shall, upon conviction thereof, suffer the punishment provided by law in cases of willful and corrupt perjury.

Sec. 68. If any officer on whom any duty is enjoined by this act shall be guilty of any willful neglect of such duty, or of any corrupt conduct in the execution of the same, and be thereof convicted, he shall be deemed guilty of a misdemeanor, punishable by a fine or imprisonment, the fine in no case to exceed the sum of five hundred dollars, nor the imprisonment the term of one year.

Sec. 69. In case any judge of election shall knowingly and willfully permit any person to vote at any election who is not entitled to vote thereat, the said judge so offending shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be sentenced to pay a fine not exceeding five hundred dollars or be imprisoned in the county jail not exceeding six months.

Sec. 70. If any person shall, by bribery, menace or other corrupt means or device whatever, either directly or indirectly, attempt to influence any voter of this State, in giving his vote or ballot, or deter him from giving the same, or disturb or hinder him in the free exercise of the right of suffrage at any election in the State, or shall fraudulently or deceitfully change or alter a ballot or cause any such deceit to be practiced with intent fraudulently to induce such elector to deposit the same as his vote, and thereby

have the same thrown out and not counted, every person so offending against the provisions of this act shall be deemed guilty of a misdemeanor, punishable by fine not exceeding two hundred and fifty dollars or by imprisonment not exceeding six months.

Sec. 71. Any person who, at a general or special election, or any city or charter election, shall knowingly vote or offer to vote in any election precinct or ward in which he does not reside, shall, on conviction, be adjudged guilty of a misdemeanor, and punishable by fine not exceeding two hundred dollars, or by imprisonment not exceeding six months.

Sec. 72. If any elector shall accept or receive from any person whomsoever any money or other valuable thing for and in consideration of his voting for or against any person or persons who are candidates at any election in the State, he shall be deemed guilty of a misdemeanor, and punishable by a fine not exceeding two hundred dollars or by imprisonment not exceeding six months.

Sec. 73. If any person shall mutilate or erase any name, figure or word in a poll book, taken or kept at any election; or if any person shall take away such poll book from the place where it has been deposited for safe keeping with an intention to destroy the same, or to procure or prevent the election of any person; or if any person shall destroy any poll book so taken and kept at any election, he or she shall be deemed guilty of a misdemeanor, and on conviction shall be fined not exceeding five hundred dollars or imprisonment not exceeding sixty days in the county jail.

Sec. 74. Any qualified elector may institute proceedings to contest the election of any person to the



office of supreme, district or county judge. The supreme court shall have original jurisdiction for the adjudication of such contests, and shall prescribe rules for practice and proceedings therein.

Sec. 75. Any candidate or elector being desirous of contesting the election of any person declared elected governor, lieutenant governor, secretary of State, auditor of State, treasurer of State, attorney general, superintendent of public instruction or regent of the university, shall, between the sixth and tenth days of the first session of the general assembly, after the day of election, file a notice of such intention with the secretary of the senate, specifying the particular points on which he means to rely.

Sec. 76. Upon any such notice being filed, as aforesaid, the general assembly shall, by resolution, determine on what day they will meet in joint convention to take action in any such contest, and thereupon a certified copy of the notice, filed by the contestor, shall be served upon the person whose election is sought to be contested, or by leaving a copy thereof at his last or usual place of residence, by such person as shall, by resolution, be appointed, with a notice that he is required to attend the joint convention, on the day so fixed, to answer the contest.

Sec. 77. On the hearing of any contested election for any of the officers named in section eighty-three of this act, the parties to such contest may introduce written testimony to be taken in manner later prescribed by the joint convention; but no depositions shall be read on such hearing unless the opposite party shall have had reasonable notice of the time and place of taking the same.

Sec. 78. In conducting any contested election for offices named in section eighty-three of this act, the following rules shall be observed, to-wit:

First—On the day and at the hour appointed for that purpose, the general assembly, with its proper officers, shall convene in joint convention.

Second—The President of the Senate shall preside, but when he is the contestee, the president pro tem. of the senate shall preside.

Third—The parties to the contest shall then be called by the secretary of the senate, and if they answer, their appearance shall be recorded.

Fourth—The contestor shall first introduce his testimony, and then the contestee shall introduce his, and after the testimony is gone through on both sides, the contestor may, by himself or by his counsel, open the argument, and the contestee may then proceed, by himself or his counsel, to make his defense, and the contestor be heard in reply.

Fifth — After the arguments are thus gone through by the parties, any member of the joint convention shall be at liberty to offer his reasons for the vote he intends to give; Provided, That the convention may limit the time of argument and debate.

Sixth—The secretary of the Senate shall keep a regular journal of the proceedings. The manner of taking the decision shall be by a call of the members, and a majority of all the votes given shall decide.

Sec. 79. The election of any person declared duly elected as a Senator or a member of the house of representatives may be contested by any qualified voter of the district to be represented by such senator or representative.

Sec. 80. The contestor shall, within ten days after the canvass of the votes, make and file in the office of the secretary of State, a verified statement, as hereinafter required, in relation to county officers, except the list of illegal votes cast, or legal votes rejected, and serve a copy thereof upon the contestee.

Sec. 81. The contestee shall, within ten days after the service upon him of such statement, make and file in the office of the secretary of State an answer, duly verified, admitting or specifically denying each allegation contained in such statement intended to be controverted by contestee, and shall also set up in such answer any new matter or counter-statement embracing any of the causes hereinafter enumerated as causes of contest in relation to county offices, except the list of illegal votes cast or legal votes rejected, which may entitle him to retain his seat in that branch of the general assembly to which he shall have been declared duly elected, and serve a copy thereof upon the contestor.

Sec. 82. When the answer of contestee contains new matter constituting a counter-statement, the contestor shall, within ten days after the service upon him of such answer, reply to the same, admitting, or specifically denying, under oath, each allegation contained in such counter-statement intended by him to be controverted on the trial, and file the same in the office aforesaid, and serve a copy thereof upon the contestee.

Sec. 83. Either party, contestor or contestee, may, at the time of serving his statement or answer, serve upon the adverse party a notice of taking depositions in support of his statement or answer, if any such depositions are to be taken, to be used upon the

trial of such contest. That immediately after joining issue of fact, as hereinbefore provided, both contestor and contestee shall proceed with all reasonable dispatch to take such deposition as he may desire to use on such trial. The written notice of the time and place of taking such depositions shall be given to the adverse party a sufficient length of time to enable such party to reach such place within the time, by the usual traveled route, and upon a public conveyance, if any such conveyance plies between the place of serving such notice and the place of taking such deposition; otherwise, a reasonable time to make such journey; Provided, That nothing herein contained shall abridge the right of either party to take depositions upon reasonable notice prior to the joining of issue aforesaid, in relation to any of the matters of controversy to be raised in such contest; but a failure to take depositions before the joining of issue shall not be held as laches against either party to such contest.

Sec. 84. If, upon the completion of taking any deposition, the adverse party has any witness or witnesses present before the officer taking such deposition, whose testimony is sought to be used in rebuttal of the deposition so taken, such adverse party may proceed immediately to take the deposition of such rebutting witness or witnesses before such officer, upon giving written notice to the opposite party or his attorney; and such officers shall attach to said depositions a copy of said notice, with proof of service; the said rebutting depositions shall be returned, by the officer taking the same, in the same manner as hereinafter provided for returning depositions in chief; Provided always, That such adverse party shall



be at his own proper cost and expense in procuring such depositions and the return thereof.

Sec. 85. The time for taking depositions, by either party, to be used upon the trial of such contest, shall expire three days prior to the meeting of the next general assembly. Both parties may take depositions at the same time, but neither party shall take depositions at two or more different places at the same time. Both parties must be ready, with all their testimony, to proceed with the trial of such contest, when called for trial by the body authorized to try the same; but nothing herein contained shall be construed to abridge the right of either branch of the general assembly, upon good cause shown, to extend the time to take depositions, or to send for and examine any witness, or to take any testimony it may desire to use on the trial of such contest.

Sec. 86. Any county judge, or justice of the peace, or notary public, of a county in the district where the contest arises, may issue subpoenas in every such contested election case, and shall have power to compel the attendance of witnesses, take such depositions, and certify the same, according to the rules for taking depositions in the district court.

Sec. 87. The officer before whom such depositions shall be taken, shall immediately, upon the conclusion of the taking thereof, certify to the same, and enclose the same, together with the notices for taking such depositions, and the proof of service of such notices, in an envelope, and seal the same up, and transmit the same by mail, or by the hands of a sworn officer, to the secretary of State, with an endorsement thereon showing the nature of the papers, the names

of the contesting parties, and the branch of the general assembly before which the contest is to be tried.

Sec. 88. The secretary of State shall deliver the same, unopened, together with the statement of contestor, answer of contestee, and reply, if any there be, to the presiding officer of the body in which the contest is to be tried, immediately upon the organization of such body, or so soon thereafter as the same may come to his possession; and such presiding officer shall, immediately upon the receipt thereof, give notice to the body over which he presides that such papers are in his possession.

#### COUNTY OFFICERS.

Sec. 89. The election of any person, declared duly elected to any county office, except the office of county judge, may be contested by an elector of such county: First—When the contestee is not eligible to the office to which he has been declared elected. Second—When illegal votes have been received, or legal voters rejected, at the polls, sufficient to change the result. Third—For an error, or mistake, in any of the boards of judges, or canvassers, in counting or declaring the result of the election, if the error, or mistake, would affect the result. Fourth—For mal-conduct, fraud, or corruption on the part of the board of registry, or judges of election, in any precinct or ward, or any of the boards of canvassers, or on the part of any member of such boards. Fifth—For any other cause (though not above enumerated) which shows that another was the legally elected person.

Sec. 90. The matter contained in the second, third, fourth and fifth causes of contest shall not be held sufficient to set aside the election, unless such causes be found sufficient to change the result.

Sec. 91. All contested election cases of county officers, except county judges, shall be tried and determined by the county judge of the county in which the contest arises; but before the county judge shall be required to take jurisdiction of the contest, the contestor must file, with the clerk of said court, a bond, with sureties, to be approved by said judge, running to said contestee, and conditioned to pay all costs in case of failure to maintain his contest.

Sec. 92. The contestor shall file in the office of the clerk of the county court, within ten days after the day when the votes are canvassed, a written statement of his intention to contest the election, setting forth the name of the contestor, and that he is an elector of the county; the name of the contestee; the office contested; the time of the election, and the particular cause or causes of the contest; which statement shall be verified by the affidavit of the contestor, or some elector of the county, that the causes set forth in such statement are true, as he is informed and verily believes.

Sec. 93. The county clerk shall thereupon issue a summons in the ordinary form, in which the contestor shall be named as plaintiff and the contestee as defendant, stating the court in which such action is brought, the county in which the statement is filed, and a brief statement of the cause or causes of contest as set forth in contestor's said statement, which said summons shall be served upon the contestee by the sheriff of the county in the same manner as other original process is served, within ten days after the same shall have been placed in the hands of such sheriff for service. The contestee shall, within ten days after the service of such summons, make and file his

answer to the same with the clerk of said court, in which he shall either admit or specifically deny each allegation contained in such statement intended to be controverted by contestee on the trial of such contest; and shall also set up in such answer any counter-statement embraced in any of the causes hereinbefore enumerated, as causes of contest in relation to county officers, which he relies upon as entitling him to the office to which he has been declared elected. When the reception of illegal or the rejection of legal votes is alleged as a cause of the contest, a list of the number of persons who so voted, or whose votes were rejected, and the precinct or ward where they voted, or offered to vote, shall be set forth in the statement of contestor, and shall likewise be set forth in the answer of contestee, if any such cause is alleged in his answer by the way of counter-statement.

Sec. 94. When the answer of contestee contains new matter constituting a counter-statement, the contestor shall, within ten days after the filing of such answer, reply to the same, admitting or specifically denying, under oath, each allegation contained in such counter-statement, intended by him to be controverted on the trial, and file the same in the office of said clerk.

Sec. 95. Immediately after the joining of issue as aforesaid, the county judge shall fix a day for the trial to commence, not more than twenty nor less than ten days after the joining of issue as aforesaid, and such trial shall take precedence of all other business in said court. The testimony may be oral, or by depositions, taken before any officer authorized to take depositions. Any depositions taken, to be used upon the trial of such contest, may be taken upon four days'



notice thereof. The county judge trying such cause shall cause the testimony to be taken in full and filed in said cause. The trial of such causes shall be conducted according to the rules and practices of the county court in other cases. An appeal from the judgment and final determination in any cause may be taken to the supreme court the same as in other causes tried in said court; Provided, That such appeal be prayed for, bill of exceptions settled, bond for costs executed and filed, and the record transmitted to the clerk of the supreme court within twenty days from the date of entering such judgment. The supreme court shall advance such cause to the head of the calendar, and hear and determine the same with all reasonable dispatch.

Sec. 96. The style and form of process, the officers by whom served, and the manner of service of process and papers, and the fees of officers, shall be the same as in the county court. It shall be lawful to require any person called as a witness, who voted at such election, to answer touching his qualifications as a voter, and if he was not a qualified voter in the precinct or ward in which he voted, and the witness answers such questions as may be propounded to him upon the trial of such contest, no part of his testimony shall be used against him in any criminal action, except for perjury in giving such testimony.

Sec. 97. If, upon the trial of any contested election for any officer mentioned in this act, it be proven that a vote or votes that were illegal were cast in any precinct or ward, or if the statement or counter-statement sets forth an error in canvass, as hereinbefore set forth in the fourth cause of contest, the general assembly, or either branch thereof, or the

trial judge provided in this act (as the case may be) shall have power, if such illegal vote or votes or error in canvass, be sufficient to change the result to send to the precinct or ward where such illegal voting or error in canvass was done, and obtain of their custodians the poll books and ballot-box used at such election, and when so obtained shall have the power to take out of the ballot-box the poll books and ballots bearing the number corresponding to the number opposite the name on the poll book of the persons who have thus been proven to have voted illegally. The ballot or ballots so taken from the ballot-box shall be examined, and if it be found that any and all of them bear the name of either of the parties, they shall, or so many of them as do bear the name of such party, be deducted from his vote, and the determination shall be in accordance with the result after such deduction shall have been made. In all cases where there has been an error in the canvass of the vote, there shall be a re-count of the ballots in such ballot-box, and the determination shall be in accordance with such re-count.

Sec. 98. The court shall pronounce judgment whether the contestee or any other person was duly elected, and the person so declared elected will be entitled to the office upon qualification. If the judgment be against the contestee, and he has received his certificate, the judgment annuls it. If the court finds that no person was duly elected, the judgment shall be that the election shall be set aside.

Sec. 99. Judgment of costs, and execution thereon, shall be issued in the same manner and like effect as in any case pending or determined in the county court. The county judge shall have the same author-

ity to enforce any order made at such a trial, and final judgment therein, as in other cases tried in the same court.

Sec. 100. Contested election of town and precinct officers shall be tried before the county court, as hereinbefore provided for the trial contest of county officers, so far as the same is practicable; but the judgment rendered in such cause shall be final, and no appeal to the supreme court therefrom shall lie.

Sec. 101. The judges of elections in the several wards and election precincts shall meet on Tuesday, three weeks before the day upon which any general election shall by law be appointed be held, at nine o'clock a. m. of said day, and proceed to make a registry list, as hereinafter prescribed, of the names of all persons qualified and entitled to vote at the ensuing election in the ward or precinct in which they are judges, which list, when completed and revised as hereinafter provided, shall constitute the registry of electors of said precinct. Whenever at the last election in any precinct, prior to the meeting of such board of registry, the number of votes cast in such precinct shall have exceeded three hundred, the said board may continue in session for the purpose of making such registry, five days if necessary; when the number of votes cast in such precinct shall have exceeded one hundred, the said board may continue in session, for the purpose of making such registry, three days if necessary; otherwise but one day.

Sec. 102. The list so made shall contain the names of the qualified electors of the ward or voting precinct in which the same is made, alphabetically arranged, according to surnames, so as to show in

one column the names of each elector at full length, and in another the place of his residence, designated by the number or name of street, the number of house, if known, or the section or other subdivision thereof, according to United States surveys, on which such elector shall reside, if he resides on surveyed lands, and if not, such description as will best locate his residence. Said board shall enter on said list the names of all legally qualified electors in such ward or precinct, or of those who will become such by lapse of time, on or before the next ensuing day of such general election, as aforesaid, in all cases in which such entry can be made consistent with the provisions hereinafter contained. For the convenience of the said board they are authorized to take from the office of the county clerk the poll list of such ward or precinct, filed by the judges of the last preceding election in such precinct. Said board shall make four copies of such registry list when revised and completed, which list they shall certify to be correct, and forward one copy to the office of the county clerk, and retain two copies for use on election day; and one copy they shall, within two days from the completion thereof, post in some conspicuous place where the last election was held in such precinct, and so as to be accessible and convenient to any elector who may desire to inspect the same. The board of county commissioners may cause to be printed and published any such registry list when completed, at an expense not exceeding two cents per name thereon.

Sec. 103. Every board of registry shall meet on the Tuesday of the week preceding any and every general election, at the place designated for holding such election, for the purpose of revising, correcting



and completing such registry list, and in all cases they shall meet at nine o'clock a. m. and remain in session until six o'clock of said day. Said boards of registry shall meet at the place designated for holding such election, on the day preceding the election, at nine o'clock a. m., and remain in session until six o'clock p. m. of the same day, at which time any elector whose name is not on the revised registry list may have his name placed thereon; Provided, He shall take and subscribe to the oath prescribed in section forty of this act, and shall prove by the oath of two registered electors of the precinct (or ward) that such person has been a resident of the precinct ten days, of the county thirty [ninety] days, and of the State six months next preceding the day of election, and that they verily believe him to be a qualified elector. Said oaths shall be taken and subscribed to in the presence of the board of registry, either of whom may administer the oath; and said oaths shall be preserved and filed in the office of the county clerk, together with the poll lists of said election. The name of such person and his residence, as given by him, shall be entered upon the registry list, and opposite the name of such person shall be marked the word "affidavit" and the names of the witnesses.

Sec. 104. No vote shall be received at any election unless the name of the person offering to vote shall be found on the said certified registry list.

Sec. 105. In cases of vacancy in the office of judge of election, or in the board of registry, at any time when they meet according to law, the vacancy may be filled by the election, by the qualified electors then present, of a qualified elector to serve as a member of such board of registry until the appearance of

a judge of election duly appointed in and for such ward or precinct.

Sec. 106. Every judge of elections or other person serving on such board of registry, shall, before entering upon the duties of his office, take an oath, to be administered by any justice of the peace or other officer present having power to administer oaths, faithfully to discharge the duties of registrar according to law and to the best of his skill and ability. If no such officer shall be present the oath may be administered by one judge or registrar to another.

Sec. 107. The members of said board of registry shall receive the same compensation as allowed by law to judges of elections, for every day actually employed in the making and completing of the registry.

Sec. 108. It shall be the duty of the secretary of state to make out a complete form of a registry book, alphabetically arranged, with the oath of the registrar in blank, and the requisite blank columns properly headed, and have the same printed, and to send copies thereof to the county clerk of each county in the State, together with a sufficient number of copies of the registry and election laws bound in pamphlet form.

Sec. 109. It shall be the duty of the county clerk of each county to furnish annually for the use of the board of registry in each precinct or ward in his county, four printed copies of said blank registries, and send them by mail or other safe conveyance to the judges of election in such wards or precincts at least twenty (20) days prior to the day of the first meeting of the board of registry as herein provided.

Sec. 110. The persons appointed judges of election in every incorporated town or city, hereafter,

shall meet on Tuesday of the week preceding each municipal election in the town or city in which they are such judges, in the several precincts, at the place of holding municipal elections therein, for the purpose of revising, correcting and completing the annual registry in this act required to be made, and for that purpose they are authorized to take from the office of the county clerk the last annual registry of the electors of the wards or precincts, including the town or city in which they are appointed judges.

Sec 111. The last mentioned registrars shall, in all respects, proceed in the revising and correcting of their respective wards or precincts, as is hereinbefore provided for in the revision and correction of the annual registries, except that the registry list, as so revised and corrected by such city or town registrars, shall be filed with the city or town clerk of the proper city or town.

Sec. 112. All registries taken from the county clerk's office under the provisions of the last section shall be returned to the county clerk within ten (10) days after the day of registry for which they may be taken out of the same.

Sec. 113. The same proceedings shall be had in all cases of special elections as are herein provided for general elections, so far as the same may be applicable.

Sec. 114. All judges of election shall on being appointed hold their office for one (1) year, or until their successors are appointed, and shall serve at all special elections during their terms of office, and they shall severally, before entering upon their duties as judges at any election, take and subscribe the oath prescribed by law in such cases.

Sec. 115. In case any new election precinct shall be formed, the county commissioners shall immediately appoint judges of election therein; and in case of the division of any voting precinct, the names of all voters residing in that part of any precinct stricken off shall be stricken from the registry list in the voting precinct from which such part shall have been stricken, and shall be inserted in the registry lists of the precinct to which such part may have been attached, at the first registration of voters' names in each such precinct respectively.

Sec. 116. That hereafter, the judges of election, when acting as a board of registry in cases provided by law, shall not, in any case, allow the name of any person to be placed on the list of registered voters, called the registry of elections, in any ward or voting precinct in the State, unless in the following cases:

First—When the person whose name is to be registered, and also the facts of his legal qualifications as a voter in the ward, township or precinct in which such registry is made, shall be known to one or more of the persons acting as such board of registry, and the judge or person so acting on such board of registry, to whom such voter and his legal qualifications are known, shall sign his name on the registry roll or list opposite the name of such voter, and the judge or person acting as a member of such board of registry so signing his name opposite the name of such voter, shall be deemed and held to have vouched, under oath, that such person so registered is a legal voter within the ward, township or precinct in which such registry is made; and such judge or person acting on such board of registry who shall sign his own name as aforesaid, shall be subject to



the same liability, in all respects, as a person making affidavit under the provisions of the next following subdivision of this section. But any person claiming the right to be registered as a legal voter in any ward, township or precinct, shall be so registered by the board of registry, at any session of said board, excepting the last session, held the day preceding the ensuing election; Provided, Such person shall make personal application to be so registered, and take and subscribe before said board of registry, the following oath:

I do solemnly swear (or affirm) that I am a citizen of the United States (or have declared my intention of becoming such, at least four months previous to this election), of the age of twenty-one years; that I shall have been a resident, at the date of this election, of the State for six months and have not retained a home or domicile elsewhere; of this county for ninety days and of this precinct (or ward, as the case may be) ten days.

Second—When a legal voter, being registered in such ward, township or precinct, and known as such by one or more of such judges or persons acting on such board of registry, or proven to be such by affidavit of some known legal voter registered in such ward, township or precinct in similar form to that herein following, shall make affidavit in substance as follows:

I,....., do solemnly swear in the presence of the ever living God, that I am a resident and legal voter in.....ward (precinct), in the county of....., State of Colorado, and that I well know....., who aims to be registered as a legal voter in said.....ward (pre-

inct), and that I know he has resided in the State of Colorado during six months, in.....county ninety days last past, and has resided in said ward during ten days last past, and still resides therein, and his place of residence is at No..... street, in said.....ward (precinct), and I believe him to be of lawful age.

The blanks therein filled with the proper names, dates, places and numbers as the case may require, and such affidavit, shall show that the person so offering to vote, is or will be by the day of election next ensuing, in all respects a legal voter in such ward or precinct.

Sec. 117. Every judge of election, or person acting as such or any board of registry, who shall willfully set his name on the registry roll opposite the name of any voter registered on such list, knowing him to be not legally entitled to be registered upon such list, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not less than three hundred (\$300) dollars nor more than one thousand (\$1,000) dollars; or be imprisoned not less than thirty (30) days nor more than ninety (90) days, or may be punished by both such fine and imprisonment.

Sec. 118. If any person shall make an affidavit, as provided in section one hundred and twenty-six [124] of this act, for the purpose of causing the name of any person to be registered in any ward or precinct of this State, and shall in such affidavit state falsely the name of such person to be registered, or the fact of his having resided in such precinct or ward a sufficient length of time to entitle him to be registered, or the place of his actual habitation or resi-

dence, or the fact of his age or of his residence within a sufficient time to entitle him to be registered, the person so making a false affidavit shall be deemed guilty of a willful and corrupt perjury, and on conviction shall be punished accordingly.

Sec. 119. Every person who shall procure his own name, or the name of any other person, to be registered on the list of registered voters called the registry list, in any ward or voting precinct in this State, in which any election is or may be by law authorized to be held, and in which ward or precinct such person shall not be at the time of such registry entitled to be registered in such ward or voting precinct; or if any person shall procure or attempt to procure to be registered in any ward or voting precinct any fictitious name as the name of any person entitled to be registered in such ward or precinct, every person so procuring or attempting to procure such registry of the name of any person not by law entitled to be registered, or any fictitious name in manner aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred (200) dollars, nor more than five hundred (500) dollars, or be imprisoned not less than ten (10) nor more than forty (40) days for each and every offense, or may be punished by both such fine and imprisonment.

Sec. 120. The registry of voters' names shall be completed on the evening next preceding each and every election appointed by law to be held in each and every precinct, and no name shall be added to the registry list in any ward or precinct after the close of the registration on the day preceding such election; and in case any judge of election or person acting as

member of any board of registry shall willfully and knowingly add any name or names of any person, or any fictitious or false name to the list of registered voters in any ward or voting precinct after the close of the registry of voters' names, on the day next preceding any election in such ward or voting precinct according to law, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than two hundred (200) dollars, nor more than five hundred (500) dollars, for each and every offense.

Sec. 121. All fines or forfeitures collected under the provisions of this act shall be paid to the county treasurer of the county wherein the offense was committed for the benefit of the school fund of such county.

Sec. 122. That all acts and parts of acts enacted by any territorial legislature relating to elections be and the same are hereby repealed.

Sec. 123. That whenever an election shall be ordered by the board of county commissioners of any county to ascertain the sense of the legal voters of such county upon the question of removal or location of the county-seat of such county, it shall be the duty of such board of county commissssioners to appoint special judges and registers of such elections, and to provide a special ballot-box in each voting precinct, in which shall be deposited all the ballots cast at such election in such precinct on the question of location or removal of the county-seat.

Sec. 124. It shall be the duty of the judges and registers so appointed to make a special registration of the voters of each precinct who have resided in the county at least six months, and in such precinct at



least ninety days prior to the day designated for holding such election, which day shall be the day designated by law for holding a general election, and no other.

Sec. 125. The election shall be held at the same places at which the general election is ordered to be held, but the vote for or against removal or location of the county-seat shall be by a special ballot, separate and distinct from the general ticket voted at said election, which ballot shall be deposited in the special ballot-box provided for in section 1 [134] of this act, and no vote shall be counted for or against said removal or location, which is not deposited in such special ballot-box as herein provided.

Sec. 126. No county-seat shall be removed until the expiration of thirty days after the canvass of the votes had by the county canvassers upon the question of location or removal, nor until the board of county commissioners of such county shall have made and entered of record on their journal an order directing such removal, which order the said board shall make within thirty (30) days after the county canvass is completed, unless enjoined or restrained from so doing by an order of the district court of said county, or the judge thereof, or by the supreme court.

Sec. 127. All laws now in force relating to elections shall apply to elections held upon the question of removal or location of county-seats, except that the question of location of such county-seat shall be contested in the district court of said county in the first instance, but may be removed to the district court of any other county under the provisions of the code relating to change of the place of trial, and shall be also subject to appeal or writ of error to the su-

preme court; Provided, That not less than two-thirds of all the legal votes cast shall be necessary to effect the removal of the county-seat of any county in this State.

Sec. 128. All laws governing contests of elections shall be held applicable to contests of county-seat elections, except that the board of county commissioners of the county shall in all cases be the contestee, and that the contest shall be conducted in the district court of the proper county. Such district court, or the judge thereof in vacation, may appoint a referee to take testimony in relation to the grounds of contest alleged by the contestor, which referee may sit to take evidence in any precinct of his county.

## APPENDIX.

A, A, A—Guard Rail, so constructed as to prevent any one, excepting election officers, watchers and voters while voting, from approaching within six (6) feet of the ballot box and voting booths.

B—Gate, for entrance to and exit from railed space, should be situated in railing near election officers.

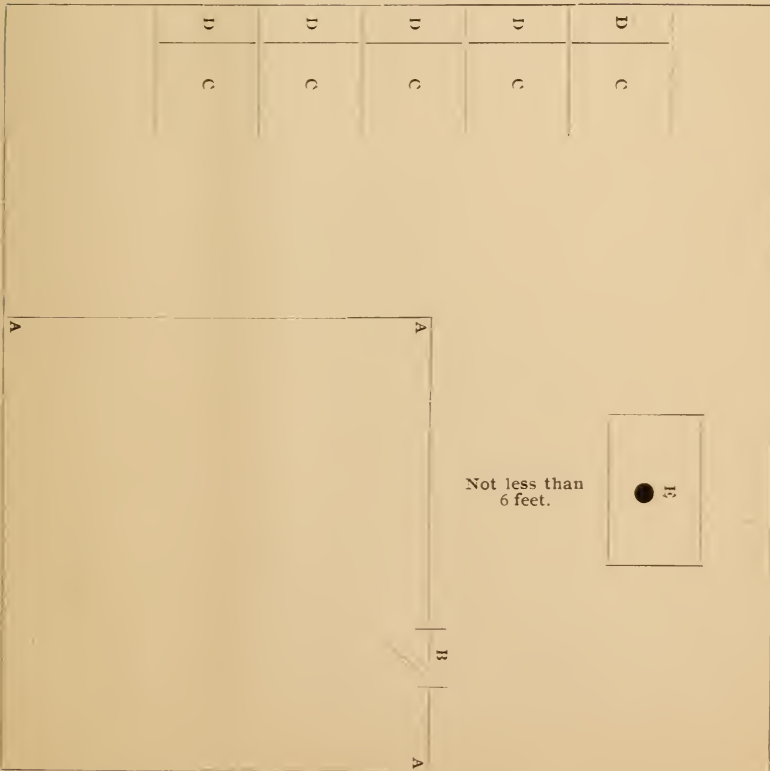
C—Voting Booth, at least three feet square, open on side toward election officers and public outside of rail, and it would be well to so arrange the booths (with a door or screen) that *not* *only* the ballot of the voter, while being prepared by him, may not be observed by outsiders, but that the *voter himself* may be so screened from observation that there may be no possibility of his being influenced or intimidated by the looks and actions of outside watchers.

D—Shelf in each voting booth, not less than one foot wide, of height and arrangement so voter can conveniently prepare ballot screened from observation.

E—Ballot box on table, which box must be at least six (6) feet inside of guard rail.

REMARKS—This arrangement of voting booths and railing may be varied to suit the room or place in which the election is held, provided always that the booths and ballot box are always at least six feet from the guard rail and the booths are so arranged as not to be reached without going within the guard rail, and so enable the voter to prepare his ballot screened from observation.

To insure absolute secrecy and prevent fraud, the booths should be located against a wall through which there is no opening from the outside connecting with booth.

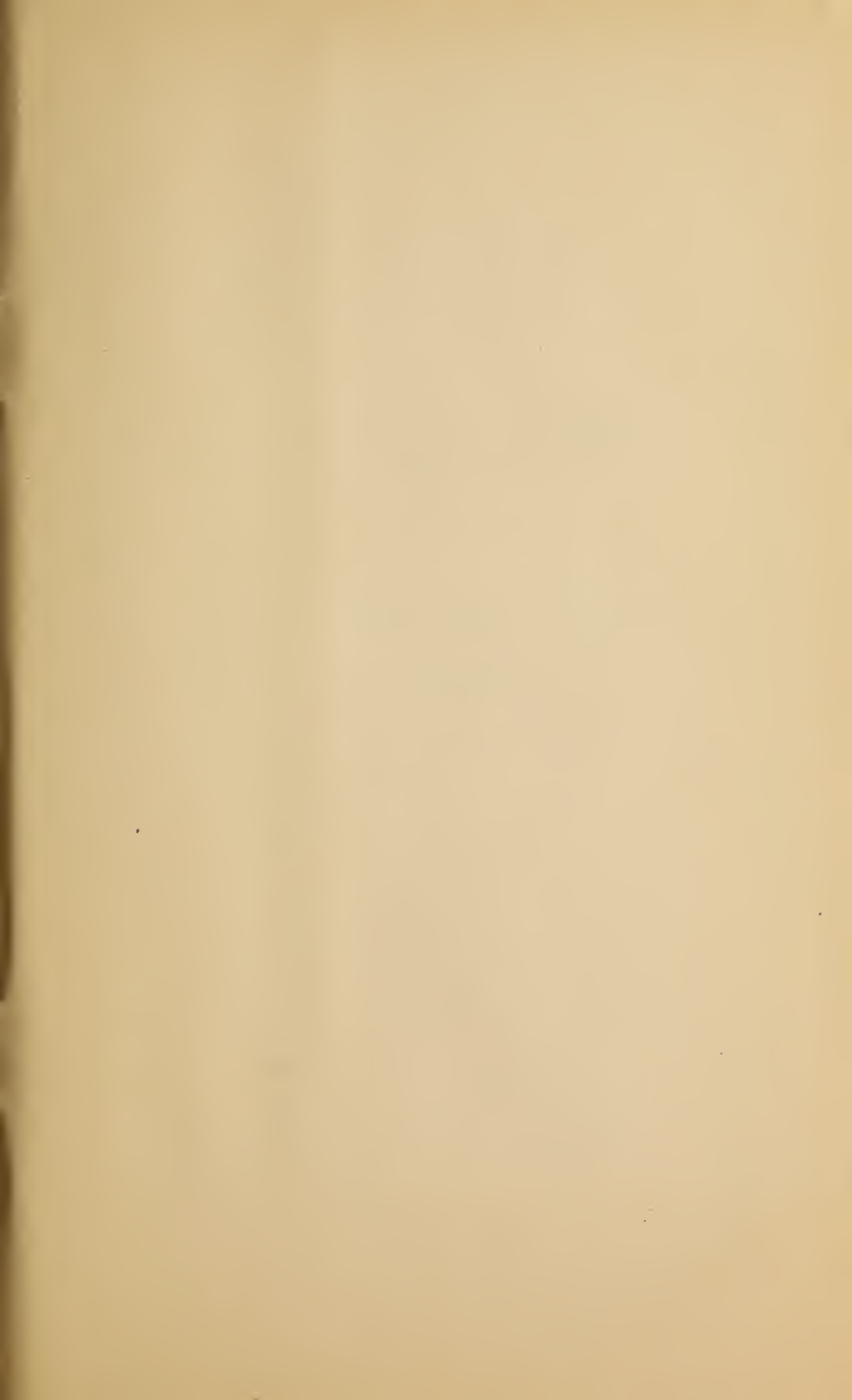












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**OFFICIAL BALLOT FOR ELECTION, NOVEMBER 7,  
1894, IN PRECINCT 3, DISTRICT B, ARAPA-  
HOE COUNTY, COLORADO.**



# SAMPLE BALLOT.

Provided by Act Approved February 27, 1894.

To Vote a Straight Party Ticket place a Cross (X) with Ink in the Square Opposite Your Party Emblem.

<b>Republican Ticket.</b>		<b>X</b>
<b>Democratic Ticket.</b>		
<b>People's Party Ticket.</b>		
<b>Prohibition Ticket.</b>		

If you have not Voted a Straight Ticket above Place a Cross Mark (X) with Ink Opposite Each Name You wish to Vote for in the Blank Space left for that purpose.

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