

[Published March 22, 1877]

CHAPTER 264.

AN ACT to guard against the abuse of the elective franchise and to preserve the purity of elections by regulating the appointment of inspectors of election and requiring a registration of electors in certain cases, and to repeal chapter 445 of the laws of 1864, chapter 296 of the laws of 1865, chapter 126 of the laws of 1866, chapter 134 of the laws of 1871, chapter 233 of the laws of 1875, and chapter 302 of the laws of 1876, and amendatory of certain city and village charters therein referred to.

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

Mayors of cities and presidents of villages to present names of persons for inspectors and clerks of elections.

SECTION 1. The mayor of every incorporated city and the president of every incorporated village in this state, except in the cases hereinafter mentioned, shall present to the common council of such city, or the board of trustees of such village, at their first regular meeting in September of each year, and in case such common council or board of trustees hold no regular meeting during September, then at a special meeting of such common council or board of trustees, which shall be held the last Tuesday in September of each year, the names of three persons for inspectors of elections, and the names of two persons for clerks of elections, for each election precinct in said city or village. Such inspectors shall be electors in the ward for which they shall be appointed inspectors; shall be able to read and write the English language understandingly; shall not be candidates to be voted for at any election for which they may be appointed inspectors; and not more than two of such inspectors shall belong to the same political party. Such clerks shall be electors in the ward for which they shall be appointed clerks; shall be able to read and write the English language understandingly; shall not be candidates to be voted for at any election for which they may be appointed clerks, and shall be of opposing political parties. Such common council or board of trustees, upon presentation of such nominations for inspectors and clerks of elections, shall immediately proceed to approve or disapprove of the same, and in case a majority of said common council or board of trustees shall disapprove of any person so nominated, the mayor or president shall then and there nominate another person for such position, and shall so continue to do until said board of three inspectors and two clerks for each election precinct in said

Qualifications of inspectors and clerks.

Common council or board of trustees to confirm or reject appointments.

city or village shall have been nominated and confirmed; and such nominations and confirmations shall be made and concluded on the day aforesaid, and when so made and concluded, such board of inspectors and clerks shall possess the qualifications, and be composed of persons known to belong to the different political parties as hereinbefore provided. The persons so appointed inspectors and clerks of election shall hold their positions during one year; they shall act as inspectors and clerks at every general, municipal or special election held within their precinct during such time; they shall receive such compensation for their services, and be liable to such penalties for any violation of their duties, as is provided by law for inspectors and clerks of elections in other cases. Such board of inspectors shall have power to fill any vacancy in their number, or in the number of the clerks, but the person so appointed to fill a vacancy shall be of the same political party, and possess the same qualifications as the person he succeeds. In all incorporated cities or villages in this state, which are joined to towns for state and county purposes, the inspectors of elections appointed by law in such towns, cities or villages, shall, in addition to the general duties imposed upon them as such inspectors, discharge the further duties imposed upon the inspectors of elections by this act.

Terms, qualifications and duties of inspectors and clerks.

Additional duties of inspectors in certain cases.

SECTION 2. The persons authorized by law to act as inspectors of elections in any ward or election precinct, in any incorporated city or village, or in any town in which is situated any incorporated city or village in this state, shall constitute a board of registry for their respective towns, wards, precincts or villages, and their duties as such boards of registry shall be as follows, viz: To make at such times and in such manner as hereinafter prescribed, a list of all the persons qualified and entitled to vote at the then ensuing election, in the election district of which they are inspectors. The said inspectors shall have their first meeting on Tuesday, four weeks preceding each general election, at the place where said election is to be held, and shall then have power to sit four days, if necessary, for the purpose of making such list; they shall meet at nine o'clock in the forenoon and hold their meetings open until nine o'clock in the evening of each day during which they shall so sit, and the clerks appointed by law to act as clerks of elections shall act as clerks of the board of registry.

Inspectors to form board of registry.

Duties of board of registry.

First meeting of same.

Election registers—how made and what to contain.

SECTION 3. Said registers shall each contain a list of the persons so qualified and entitled to vote in said election district, alphabetically arranged according to their respective surnames, so as to show in one column the name at full length, and in another column, in cities and incorporated villages, the residence by the number of the dwelling, if there be a number, and the name of the street or other location of the dwelling place of each person. It shall be the duty of said inspectors to enter in said lists the names of all persons residing in their election districts, whose names appear on the poll list kept in said district at the last preceding general election, and in cities or incorporated villages the number of the dwelling and name of street or other location, if the same shall be known to or can be ascertained by such inspectors; and for this purpose said inspectors are authorized to take from the office in which they are filed, the poll lists made and filed by the inspectors of such district at the general election held next prior to the making of such register. In making said list the board shall enter thereon, in addition to the names on the poll list, the names of all other persons who are well known to them to be electors in said district; and the names of all persons on said poll list, who have died or removed from the district, shall be omitted from said register. The said inspectors shall complete as far as practicable, the said register at their first meeting as aforesaid, and shall make four copies thereof, and shall certify the register and each of the copies to be a true list of the voters in their district so far as the same are known to them.

Copies of register to be made.

Original list to be filed with town, village or city clerk.

Within two days thereafter, the said original list, together with the poll list taken from the office as aforesaid, shall be filed by said inspectors in the office of the town clerk of the town in which such election district may be, or if such election district is a village, then they shall be filed in the office of the village clerk; or if such election district is in a city, then they shall be filed in the office of the city clerk of said city; and one copy of said list shall be kept by each of said inspectors, and carefully preserved by him for their use on the day or days hereinafter mentioned, for the revision and correction of the same. One copy of said list shall, immediately after its completion, be posted in some conspicuous place in the room in which such meeting shall be held, and be accessible to any elector who may desire to examine the same, or make copies thereof. The inspectors shall cause in addition ten

How duplicate copies of list to be disposed of.

printed copies of said list to be posted up in ten of the different and most public places within such election district.

Printed copies of list to be posted up.

SECTION 4. In case a new election district shall be formed by the division of any ward, or the incorporation of a city or village, the inspectors of election in the new district thus formed may make their registry of electors on the days prescribed by this act, in such manner as a majority of the inspectors may direct; and for that purpose may make a list or cause to be made, a certified copy of the poll list or lists of the district or districts in which such new district is situated; or they may dispense with such list or lists, and proceed to make a register of electors from the best means at their command. Said list shall only embrace the names of such persons as are known to them to be electors in their district, and shall be posted up and copies thereof made as prescribed in the preceding section, and shall be corrected in the same manner that other lists are corrected.

In case of formation of new election district

SECTION 5. The said board shall meet on Tuesday, two weeks preceding the general election, in their respective election districts, at the place designated for holding the polls of election, for the purpose of revising, correcting and completing said lists; and for this purpose they shall meet at nine o'clock in the morning, and remain in session until nine o'clock P. M. on that day and the day following.

Meeting of board to revise lists.

SECTION 6. The proceedings of said board shall be open, and all persons residing and entitled to vote in said district shall be entitled to be heard by said inspectors in relation to corrections or additions to said register. One of the lists so kept by inspectors as aforesaid, shall be used by them on the days of making corrections or additions, for the purpose of completing the registry for said district.

Proceedings of board to be public.

SECTION 7. It shall be the duty of said inspectors at their meeting for revising and correcting said lists, to erase therefrom the name of any person inserted therein who shall be proved by the oath of two legal voters of said district, to the satisfaction of said inspectors, to be a non-resident of said district or otherwise not entitled to vote in said district at the election then next to be held. Any elector residing in said district and entitled to vote therein, may appear before said board of inspectors and require his name to be recorded on said alphabetical list. Any person so requiring his name to be entered on said list, shall make the same state-

Duty of inspectors to erase names of persons proved to be non-residents.

Right of elector to require his name to be placed on list.

Same to answer questions put to him.

ment as to the street and number thereof and where he resides, required by the provisions of this act of persons offering their votes at the election, and shall be subject to the same penalties for refusing to give such information, or for falsely giving the same, and shall also be subject to challenge, either by the inspectors or either of them, or by any other elector whose name appears on said alphabetical list, and the same oaths may be administered by the inspectors as now provided against persons offering to vote at an election; and in case no challenge is made of any person requiring his name to be entered on said alphabetical list or in case of challenge, if such person shall make an oath that would entitle him to vote in case of challenge at an election, then the name of any such person shall be added to the alphabetical poll list of the last preceding year. Any person who is not twenty-one years of age on either of these days when the register is completed, but will be if he should live until the day of election, may have his name put on said register, provided he is otherwise qualified to be an elector.

Persons who will be of age on election day to be registered.

No names to be added to list after completion.

SECTION 8. After said lists shall have been fully completed, upon the days before mentioned, no names shall be added thereto by any person or upon any pretext, and the said inspectors shall within three days thereafter cause four copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of their district, one of which shall be filed in the office of the town clerk of towns, in the office of village clerk in villages, and in the office of city clerk in cities, and one of which copies shall be delivered to each of said inspectors. Said inspectors shall, in addition to the foregoing, cause to be printed within one week from the completion of said register, such number as they may determine, but not less than fifty nor more than one hundred copies of such register, together with the residence of every person whose name appears thereon; and of the lists of names so printed, one-half shall be delivered not later than Wednesday preceding each election to the respective chairmen of the town, village or ward committees of the principal opposing political parties. It shall be the duty of said inspectors so receiving such completed lists as aforesaid, carefully to preserve the said lists for their use on election day, and to designate two of their number at the opening of the polls to check the name of every voter voting in such district whose name is on the reg-

Copies of list to be made, and how disposed of.

Register to be printed and distributed.

ister. No vote shall be received at any general election in this state, unless the name of the person offering to vote be on the said register as completed on Tuesday, two weeks preceding the election, and Wednesday, the day following, as provided in section five (5) of this act, except as herein provided. In case any one shall after the last day for completing said register, and before such election, become a qualified voter of the election district, he shall have the same right to vote therein at such election, as he would have had if his name had been duly registered in said register; *provided*, he shall before or at the time he offers to vote, deliver to the inspectors his own affidavit, in which he shall state the facts showing that he has since the completion of said register, become a qualified elector of such district, and the facts showing that he was not such elector on the day said register was completed, and he shall also deliver to such inspectors with his own affidavit the affidavits of two freeholders of such election district, corroborating in detail the material statements in his own affidavit. No one freeholder shall be competent to make at any one election corroborating affidavits for more than three voters. All of said affidavits shall be sworn to before some officer authorized by the laws of Wisconsin to take depositions. The inspectors shall keep a list of the names and residence of the electors voting whose names are not on said completed register, and attach such list to the register and return it together with all the affidavits aforesaid to the town, village or city clerk's office in which such election district may be. Any person whose name is on the register, may be challenged, and the same oaths shall be put as now are or hereafter may be prescribed by law.

No vote to be received unless elector is registered, except in certain cases.

How and by whom affidavits to be made.

SECTION 9. The clerks at each poll, in addition to the duties now prescribed by law, shall enter on the poll list kept by them, in columns prepared for that purpose, opposite the name of each person voting, the same statement or minute as hereinbefore required of inspectors in making the registry. Every elector at the time of offering his vote shall truly state the street in which he resides, and if the house, lodging or tenement in which he resides is numbered, the number thereof, and the clerks of the polls shall truly enter in the appropriate column of the poll list, opposite the name of the elector, the street in which the elector resides, and the number in case the house, lodging or tenement is numbered; and if the same is not num-

Clerks to enter statement on poll list.

Elector to make statement as to residence, and clerk to enter same.

bered, then the clerk shall enter "not numbered" in the column of the poll list for entering the number. In case of refusal to make the statement as aforesaid, the vote of such elector shall not be received. Any person who shall willfully make any false statement in relation thereto shall be deemed guilty of misdemeanor, and shall, upon conviction, be punished with a fine of fifty dollars, or by imprisonment in the county jail of the county for a period of ten days, or by both such fine and imprisonment.

Disposition of registers after canvass of votes.

SECTION 10. After the canvass of the votes, one of said poll lists and said registers so kept and checked as aforesaid shall be attached together, and shall on the following day be filed in the town, village or city clerk's office (as the case may be), in which said district may be, to be used by the inspectors in making the list of voters at the next general election. The other of said poll lists and registers so kept and checked shall be returned to the office of the county clerk of the county in which such district may be, at the same time the returns of the election are made.

Registers to be open for inspection.

SECTION 11. The registers shall at all times be open to public inspection at the office of the authorities in which they shall be deposited, without charge.

Compensation of clerks and inspectors.

SECTION 12. The members of the board of registration and their clerks shall each receive the same compensation as is now allowed by law for inspectors of election for each day actually employed in the making and completion of the registry, to be paid to them at the time and in the manner in which they are paid their other fees.

Power of board in preserving order.

SECTION 13. The said board shall have and exercise the same power for preserving order at their meetings under this act as is given to inspectors of election for preserving order on election days.

Penalty for false registration.

SECTION 14. Any person who shall cause his name to be registered in more than one election district, or who shall cause his name to be registered, knowing that he is not a qualified voter in the district where such registry is made, or who shall falsely personate any registered voter, and any person causing, aiding or abetting any person in any manner in either of said acts, shall be punished for each and every offense by imprisonment in the state prison for not less than one year. All false swearing before said board of registration, or in making affidavits required by this act, shall be deemed willful and corrupt perjury, and on conviction punished as such. If any member or officer

of said board shall willfully violate any of the provisions of this act, or be guilty of any fraud in the execution of the duties of his office, he shall be punished for each and every offense by imprisonment in the state prison for not less than one year.

Penalty for violation of act by officer of election.

SECTION 15. The secretary of state shall cause this law to be printed in pamphlet form with suitable forms and instructions for carrying it into effect, together with the general election law of the state, and a sufficient number of copies thereof sent to each clerk of the board of supervisors in every county in this state to supply each of the officers named in this act with a copy; and it shall be the duty of each of said clerks immediately to transmit a copy of the same to each of the inspectors of election in his county.

Duty of secretary of state to cause election laws to be printed and distributed.

SECTION 16. The necessary blanks for making the registers required by this law shall be prepared by the secretary of state and transmitted to the persons entitled to receive them in the same manner that blank returns of elections are now transmitted.

Same to furnish blank registers

SECTION 17. Chapter 445 of the laws of 1864, chapter 296 of the laws of 1865, chapter 126 of the laws of 1866, chapter 134 of the laws of 1871, chapter 232 of the laws of 1875, and chapter 302 of the laws of 1876, are hereby repealed, and section one (1) of this act shall be taken and held to be an amendment in respect to the matters contained therein, of every city and village charter in this state.

Repealed.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.
Approved March 8, 1877.

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CHAPTER 265.

AN ACT to amend section 44, of chapter 165, of the revised statutes, entitled "Of offenses against property," and the act amendatory thereof.

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

SECTION 1. Section 44, of chapter 165, of the revised statutes, entitled "Of offenses against property," as amended by section 1, of chapter 211, of the general laws of 1862, entitled "An act to amend section 44, of

Amended. }