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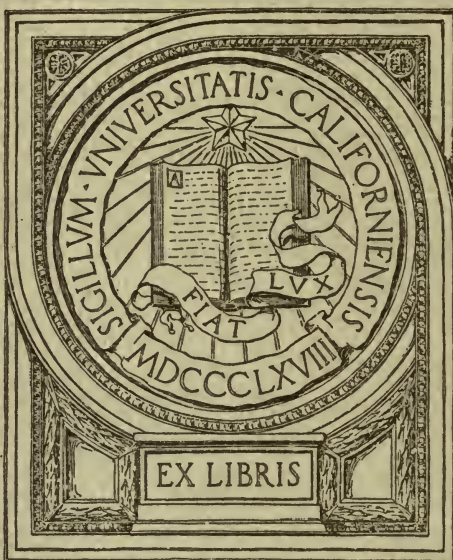
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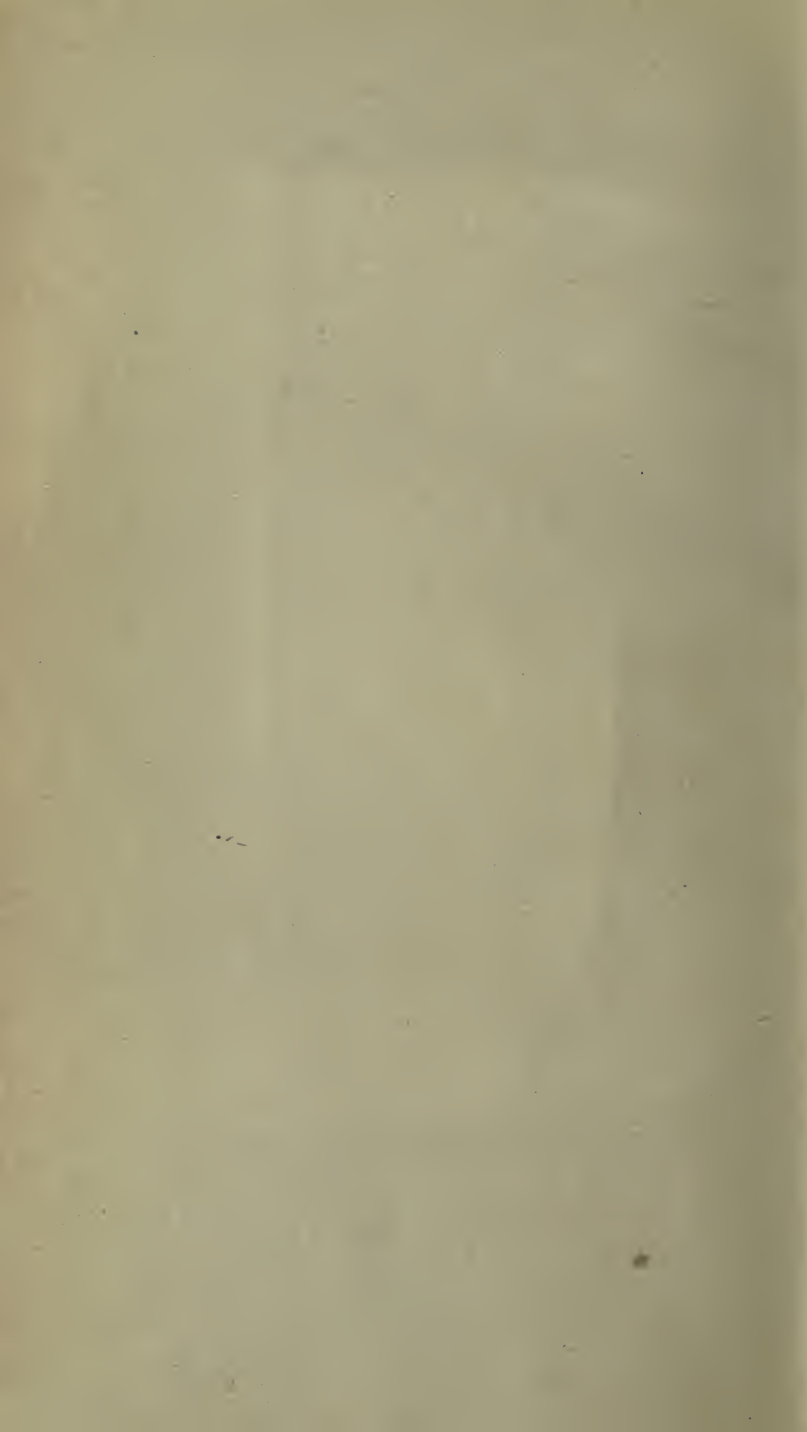
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GIFT OF
*South Dakota - Secty. of
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GIFT
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The following Constitutional Amendment, Laws and Measures are submitted to the electors of this state at the next general election, to be held on the 4th day of November, 1912:

CONSTITUTIONAL AMENDMENT

One

That Section 2 of Article XI of the Constitution of the State of South Dakota be amended so as to read as follows:

§ 2. All taxes shall be uniform on all property and shall be levied and collected for public purposes only. The value of each subject of taxation shall be so fixed in money that every person and corporation shall pay a tax in proportion to the value of his, her or its property. Franchises and licenses to do business in the state, gross earnings and net income, shall be considered in taxing corporations and the power to tax corporate property shall not be surrendered or suspended by any contract or grant to which the state shall be a party. The legislature shall provide by general law for the assessing and levying of taxes on all corporate property, as near as may be by the same methods as are provided for assessing and levying of taxes on individual property.

Measures and Laws submitted to the electors of this State, to be voted upon at the next general election.

1

AN ACT Entitled, "An Act to Provide for Regulation of Political Party Transactions; for the Purpose of Determining Organic Provisions and Definitions of Terms, Party Enrollment, Party Organization, Independent and Representative Proposals of Candidates for Party Nomination, to Elective Offices, Official Primary Ballot, Conduct of Primary Elections, Official Party Endorsement of U. S. Senators and Appointive Government Positions Other than Postmasters, Postmaster Primary, Party Recall, Official State Publicity Pamphlet, Violations, Penalties and Contests.

Whereas, Under the Provisions of Section 1 of Article 3, of the Constitution of the State of South Dakota, and Article 3 of Chapter 2, of the Political Code of the State of South Dakota, a Petition Has Been Filed in the Office of the Secretary of State, Signed by More than Five Per Centum of the Qualified Electors of the State in the Manner and Form Therein Directed, Petitioning that the Following Proposed Law be Enacted, and Submitted to a Vote of the Electors of the State at the Next General Election, to be Held in the Year 1912, Certified Copies of Said Petition Having Been Transmitted to the Senate and House of Representatives by the Secretary of State.

Be it Enacted by the Legislature of the State of South Dakota:

§ 1. That the following Act be and the same is hereby enacted and submitted to the electors of this state at the next general election, for their approval:

AN ACT, to provide for regulation of political party transactions: for the purpose of determining organic provisions and definition of terms, party enrollment, party organization, independent and representative proposals of candidates for party nomination, to elective offices, official primary ballot, conduct of primary elections, official party endorsement of U. S. Senators and appointive government positions other than postmasters, postmaster primary, party recall, official state publicity pamphlet, violations, penalties and contests.

Be it Enacted by the People of the State of South Dakota:

The following words and phrases used in this Act shall, unless the same be inconsistent with the context, be construed as follows:

Article 1.—Organic Provisions and Definitions of Terms

§ 0. The words "unit representation" shall mean that any committeeman representing the party electors of his precinct, county or state, at the regular party organization meetings or at minority or majority proposal committee meetings, shall have the right to cast the full number of votes as shown by the last official primary returns to have been voted in his precinct, county, or state as a total party vote; or separate district, circuit, county, or state, vote in favor of the minority

or the majority committee proposals with which such minority or majority committeeman may be affiliated.

§ 1. The word "party" shall mean any political organization which has heretofore maintained a state organization and has had candidates for state offices on the official ballot at general election, or which, at any general election, shall hereafter poll at least ten per cent of the total vote cast for governor, for an independent candidate.

§ 2. The word "enrollment" shall mean the official registration of electors as party members.

§ 3. The word "elector" shall mean an enrolled party elector.

§ 4. The word "primary" shall mean the March primary party election provided for by this act to determine party nominations of candidates and party principles.

§ 5. The words "official party endorsement" shall mean the act of determining the party recommendation of candidate for United States senator by a direct primary vote, and for appointive offices by postmaster primary, or by the regular party central committee, or the state and county party chairman and party national committeeman, as hereinafter provided.

§ 6. The words "November election" shall mean the general election held in November.

§ 7. The word "precinct" shall mean a district established under the law within which qualified electors vote in one polling place.

§ 8. The words "postmaster primary" shall mean a municipal party primary election for the endorsement of a party candidate for postmaster.

§ 9. Public places for posting notices shall include the outer door of polling places, the postoffice lobby, if any, and the front outside door of any public building or any other place where notices are usually posted.

§ 10. The words "party platform" shall mean the declaration of principles and propositions which have received the highest number of party votes for governor at the primary.

§ 11. The principles proposed by any independent candidate or committee proposal candidate, as printed in the state publicity pamphlet, receiving the highest number of votes for governor at the primary shall immediately become the regular party platform at the following general election.

Provided, further, if there shall be any principles in such nominating party platform pertaining to national affairs, delegates and alternates to party national conventions shall become bound and instructed to work and vote for such principles in the national convention.

§ 12. The words "party central committee" shall mean an elected body of enrolled party members constituting the regular party organization; one party county central committeeman from each precinct within each county to constitute the party county central committee; and one party state committeeman from each county to constitute the party state central committee.

§ 13. The words "majority proposal committee" shall mean an elected representative body of party electors of one party consisting of one member from each county to constitute the state majority proposal committee and one member from each precinct to constitute the county majority proposal committee, authorized to promulgate principles and propose group candidates and representing the principles of the party candidate nominated for governor at the last primary.

§ 14. The words "minority proposal committee" shall mean an elected representative body of party electors of one party consisting of one member from each county to constitute the state minority proposal committee and one member from each precinct to constitute the county minority proposal committee authorized to promulgate principles and propose group candidates and representing the principle of the party candidate receiving next to the highest vote for the nomination of governor at the last primary held under the provisions of this Act.

§ 15. The committeemen composing the county majority or minority proposal committees may meet in the court room at the county court house on the last Friday in December in each odd numbered year, and each committee may retire to self-appointed separate rooms in the court house to propose principles and indorse candidates for state and congressional offices for the purpose of instructions to the state proposal committeeman of the minority or majority, who shall represent the county, at the state proposal committee meeting at the state capitol, on the first Monday in January following; but when the state majority and minority proposal committee principles shall have been decided upon by a majority of the representative vote of the respective state committee members present, as a proposal for a party state platform to be nominated at the primary then all circuit, county or district committee proposals of principles must be in conformity with either the majority or minority state committee proposal principles, summary of principles or motto, to entitle the circuit, county or district proposal committee candidates to the use of either the majority or minority column as hereinafter designated, upon the official primary ballot. The county auditor shall cause no candidate's name for county, circuit or district offices to be printed upon official primary ballot under committee proposals in either the minority or majority column unless the principles and motto filed conform to the principles adopted by the state majority or minority committee proposal, except that a motto of county platform principles, not to exceed eight words, and not to conflict with the state platform principles of the minority or the majority under which proposed, may be added, immediately under the state summary of principles, and designated, as the county motto in the column of the minority or majority on the official primary ballot.

§ 16. The word "independent" shall mean any individual candidacy in the independent column.

§ 17. The word "declaration" shall mean a statement signed by the party candidate and attached to his filing papers before his name shall appear on the official primary ballot.

§ 18. The words "summary of principles or motto" shall mean a condensed statement of principles and propositions expressed in not to exceed sixteen words for state summary of principles and eight words for county motto for use as a heading for candidates proposed by the majority and minority committee on the official primary ballot.

§ 19. The words "political record book" shall mean a public record kept by the secretary of state, in which record shall be entered the independent and group proposals of principles and names of all party candidates in the order filed.

§ 20. The word "clerk" shall mean the clerk, secretary or auditor keeping the records of any village, town, city or township.

§ 21. The words "party recall" shall mean the right and official act of the regular party organization, for the causes and under the

restrictions herein provided, to request the resignation of any public official who has been elected or appointed, to office as a party candidate; except judges of the supreme and circuit courts.

§ 22. The words "publicity pamphlet" shall mean the official state publicity pamphlet compiled by the secretary of state from the political record book and filings made by party candidates in his office.

§ 23. The words "official primary ballot" shall mean the official party ballot, printed by the auditor of each county for each party and used at the party primaries on the fourth Tuesday in March in the even numbered years in the order and form designated in section 72 of this act; but no candidate's name shall appear upon the official primary ballot more than once in the same primary except the names of candidates for judges of the supreme and circuit court, who may be endorsed by the minority and majority proposal committee and whose names may appear in each of the three candidate columns hereinafter designated upon the official primary ballot.

§ 24. Hereafter all party candidates for all of the elective congressional, state, county, legislative and district offices, and for the office of United States senator and presidential electors, and all party delegates and alternate delegates to the national conventions and all precinct, county, state and national committeemen, party state chairmen and majority and minority proposal committeemen shall be nominated, and party representatives elected, at the primary held in accordance with the provisions of this Act. All other proposals of such candidates shall be by petition in the manner now provided by law.

§ 25. The Act shall not apply to municipal, town, township and school district offices, but may be adopted by either by a majority vote upon such proposition at any election held therein.

Article 2.—Party Enrollment

§ 26. Enrollment] No elector in the state of South Dakota shall be permitted to vote at any party primary unless he is duly enrolled, as herein required.

§ 27. Duty of County Auditor—Enrollment Book] The county auditor of each county shall, on or before the first day of January of each odd numbered year, provide suitable enrollment books, one for each voting precinct in his county, so arranged, printed and bound that there shall be ten columns across two pages; the first column for the enrollment numbers of the electors; the second for the surnames of the electors; the third for the Christian names of electors; the fourth, the place of residence; fifth, the occupation; sixth, the post-office address; seventh, the name of the political party affiliating with; eighth, for the record of transfer or removal from one precinct to another; ninth, date of enrollment; tenth, column for the signature of each enrolled elector; and of the electors who reside in the city or incorporated village, the residence of each shall be given by number of the dwelling, if any, or the name of the street, and if not, a description of the locality of the same, and of the electors of each township, the quarter section upon which the elector resides shall be given; and the said county auditor shall deliver said books on or before the first day of January of each odd numbered year to the clerk of each village, town, city or township of his county in person or by registered mail

§ 28. Duties of Clerk—Enrollment] It shall be the duty of the clerk of any village, town or township from and after January first and up to and including October 31st of each odd numbered year to enroll in the enrollment book furnished by the county auditor, an

elector of his village, town, city or township then qualified to vote, or any person who shall arrive at the age of majority on or before the day of holding any primary, by entering in the enrollment book of the proper precinct, the information and facts required by section 27 of this Act to be given by each elector, and to require such elector to sign the said entry in the column provided for signature and to return said enrollment book or books so made to the county auditor on the first day of November of each odd numbered year in person or by registered mail.

§ 29. Duties of Auditor—Enrollment] It shall be the duty of the county auditor from and after November first, preceding January first of each even numbered year, to enroll any elector applying for enrollment and to make the same record as provided for in Section 27 of this Act and to require the signature of such elector in the proper precinct enrollment book.

§ 30. Enrollment List—How Prepared for Primary] It shall be the duty of the county auditor from and after January first of each even numbered year to prepare two certified and sealed enrollment list copies of each precinct enrollment book for each party separately, for each precinct, arranged alphabetically and consecutively numbered, and deliver the same through the auditor to the respective election officers of any primary with the other primary election supplies.

§ 31. Enrollment and Certificate—After Moving] The county auditor shall, from and after January first and before any primary is held, in each even numbered year, on the verified application of any enrolled party elector of his county or of any county of this state, as shown by sealed certificate to that effect of any county auditor of this state, showing a change of residence of such elector, note such change on the enrollment book as to the precinct in this county such applicant removed from, and enter his enrollment in the enrollment book of the precinct moved to, provided such application is made on or before the eleventh day preceding any primary to be held; and, provided further, that the auditor certify said qualification and change of residence and number of the enrolled elector on the enrollment book, if the enrollment list has been transmitted to the primary election officer, and deliver said certificate to said applicant and such certificate shall entitle the identical person therein named to vote at said primary for the party candidates of his party in the precinct of his acquired residence, otherwise qualified to vote.

§ 32. Enrollment of Persons Arriving at Majority Before Primary] Any person arriving at the age of majority on or before the day of the holding of any primary shall be entitled to vote as a party member by enrolling in the same manner as any other qualified voter.

§ 33. Special Enrollment—If Absent or Sick] Any elector desiring to vote at any primary who is unable on account of sickness or absence to enroll as a party member in person, may do so within the time fixed for enrollment by making an affidavit setting forth the facts and information required for enrollment and filing the said affidavit with the clerk or auditor then having the custody of the enrollment book of the elector's precinct, whose duty it shall then be to enter said elector's name on the record and note in the place for signature, "affidavit filed."

§ 34. Expenses of Enrollment—How Paid—Paper—Where Filed] The county shall pay all expenses of enrollment of electors and all affidavits of enrollment filed with any clerk shall be delivered to and filed by the county auditor with the enrollment book or books, and all certificates of enrollment accepted at the primary shall be returned with the primary returns and filed by the county auditor.

Article 3.—Party Organization

§ 35. County Committeemen—How Elected] The party electors of each precinct may, at each primary, by ballot, elect one party elector as party county central committeeman who shall represent all the party electors of his party in such precinct in the regular party county organization, and shall continue to act until his successor is elected; and the party county central committeemen so elected shall constitute the party county central committee. The precinct party electors affiliated with the majority of the party may also elect one party elector for county majority proposal committeeman who shall represent the majority of that party from that precinct at county majority proposal committee meetings for the purpose of proposing majority group principles and candidates for the following primary. The precinct party electors affiliated with the minority of the party may also elect one party elector for county minority proposal committeeman who shall represent the minority of that party from that precinct at county minority proposal committee meetings for the purpose of proposing minority group principles and candidates for the following primary.

§ 36. County Committeemen—Ballot—How Provided] The county auditor shall furnish for each precinct and deliver with the other election supplies, a sufficient number of blank party organization precinct ballots for each party separately, for the election of a party county central committeeman and a county majority and minority proposal committeeman for said precinct and in the following form:

PARTY ORGANIZATION PRECINCT BALLOT

To vote your choice for party county central committeeman, write in the name of one resident party elector on the blank line provided below.

Vote for only one county proposal committeeman by writing in the name of one resident party elector of your choice for either the minority or the majority. Leave one of the two last lines blank.

..... Precinct
 (Write in name of precinct)
For Party County Central Committeeman.
 (Write in name of your choice)
For County Minority Proposal Committeeman.
 (Write in name of your choice)
For County Majority Proposal Committeeman.
 (Write in name of your choice)

§ 37. County Committeeman Primary—How Conducted] The judges in charge of the precinct primary shall officially stamp or write on the "party organization precinct ballot," the precinct, and deliver one to each elector belonging to said political party, at the time of handing him the regular official party primary ballot, and said elector receiving said ballot shall vote it by writing the name of one of his party electors in the place designated for party county central committeeman, and by writing the name of another of his party electors in one of the places designated for county majority or minority proposal committeeman, according to his choice, and after so voting, the judges shall receive, and place same in the ballot box and count and canvass all such votes cast. The candidates receiving the highest number of votes cast by his party in the precinct for party county central

committeeman, county majority or minority proposal committeeman, shall be elected and the judges and clerks of said primary shall make returns, on the party primary poll book, of the election of said committeeman.

Any party elector may propose the name of any resident party elector as candidate for party county central committeeman or county minority or majority proposal committeemen by filing such name or names in writing, with the superintendent of election who shall make a list of the same, which shall be posted in a convenient place for the information of the voters. No provision for writing or printing the name of candidates for such county committeemen shall be made on the regular official primary ballot.

§ 38. County Central Committees—How Formed] The party elector chosen as party county central committeeman shall represent all the party electors of his precinct and the respective county central committeemen within one county shall constitute the party county central committee in the regular party organization, and shall continue to act until his successor is elected, and shall vote by unit representation at all meetings.

§ 39. Party County Chairman—How Elected] The chairman of the party county central committee of each political party shall be elected by the nominated candidates for county and legislative offices, together with the elected party county central committeemen of the county who shall meet at 1 o'clock p. m. on the fourth Tuesday after the primary date in the court house or place where the court was last held, at the county seat; and a majority vote of candidates and committeemen present shall constitute an election.

§ 40. Party State Central Committee—How Elected] The party electors of each county may, at each primary by the official primary ballot, elect one party elector as party state central committeeman, who shall represent all the party electors of his party in such county in the regular party state organization, and shall act until his successor is elected, and such party state central committeeman, so elected, one from each county, shall constitute the party state central committee and shall vote by unit representation at all committee meetings.

§ 41. Party State Chairman—How Elected] The party electors of the state may at each primary, by official primary ballot, elect one party elector as chairman of the party state central committee, who shall continue to act until his successor is elected.

§ 42. National Party Committeeman—How Elected] The party electors of the state may at the primary held in March, 1912 and quadrennially thereafter, elect by official primary ballot, one party elector as national committeeman and member of the national committee of his party.

§ 43. Party Committee Secretaries and Treasurers—How Elected] The chairman of any party central committee may appoint his own secretary, who shall be chosen from the minority of his party. The treasurer of any party central committee shall be elected by the members of their respective committees. Each secretary and treasurer shall keep suitable record books of proceedings and moneys and shall account for funds received and expended and hand the books and funds on hand over to his successor, and said books shall be party property.

§ 44. State Majority and Minority Proposal Committeeman—How Elected] The party electors of the county affiliated with the majority of the party may also elect one party elector for state majority

proposal committeeman, who shall represent the majority of that party from that county at the state majority proposal committee meetings for the purpose of proposing state majority group principles and candidates for the following primary.

The party electors affiliated with the minority of the party may also elect one party elector for state minority proposal committeeman, who shall represent the minority of that party from that county at state minority proposal committee meetings for the purpose of proposing state minority group principles and candidates for the following primary.

§ 45. Preliminary Returns Through Party Organization] Party presidential electors and delegates and alternate delegates to national political party convention shall be chosen by each political party at the March primary, quadrennially, provided, however, that in order to save time in issuing credentials to such delegates the county canvassing boards immediately upon canvassing the votes for delegates to the national convention, shall forward to the proper party chairman of the party state committee an abstract showing the vote cast for the candidates for delegates and alternates in the several counties of the state, and such state chairman and the secretary of said committee shall have the power, and it shall be their duty, to canvass the same and to issue credentials to the delegates and alternates who have received the highest number of votes in the state.

Article 4.—Individual and Committee Proposals and Forms and Meetings

§ 46. Independent Candidate Proposal Petition] The name of no candidate for presidential elector, United States senator, member of congress, state officers, including judges of the supreme and circuit courts, national committeeman, delegates and alternates to national conventions, party state chairman, county, legislative and district offices, member of any party state central committee or member of any state minority or majority proposal committee shall be printed upon the official ballot used at any primary held, as herein provided, except the candidates of one majority and one minority committee proposals within each party as herein provided, unless at least sixty days before the date of the primary, an individual candidate proposal petition shall have been filed in the office of the secretary of state, or county auditor, as the provisions of this act require, in substantially the following form:

"INDIVIDUAL CANDIDATE PROPOSAL PETITION"

We the undersigned, qualified electors of the state of South Dakota do hereby promulgate the following principles:

.....

 and do hereby propose.....
 who resides at.....in.....county
 and whose postoffice address is.....South Dakota,
 and who is an enrolled elector of the.....
 party, for the office of.....to be voted for at the primary
 to be held on the fourth Tuesday of March next; and we, and each of

us for himself severally, do further declare that we intend to support the candidate named herein at said primary and to vote the..... ticket at the following November election.

Names of Signers	Postoffice	Precinct	County	Date of Signing
.....
.....
.....
.....

DECLARATION OF CANDIDATE

I do hereby declare that if nominated and elected, I will qualify, adhere to the principles herewith proclaimed and obey the party recall if invoked against me.

Signature of Candidate	Residence	P. O. Address
.....
.....

§ 47. Percentage of Signers Limited] Said individual proposal petition, before the same shall be filed in the secretary of state or county auditor's office, as the provisions of this Act require, must have affixed thereto the signatures of not less than 2 per cent nor more than 5 per cent of the electors of the party, of which the petitioners are members, in the state, county or district for which the candidate is proposed, at the preceding general election, for the party candidate for the office of governor as shown by the official returns. There shall also be affixed thereto the executed declaration of the candidate as shown upon the foregoing petition. It shall be unlawful for any candidate to secure further signatures to his petition after the required limit has been reached.

§ 48. Individual Proposal Petition—How Made and Signed] To each of the individual proposal petitions, as provided in Sections 46 and 47 of this Act, each petitioner shall affix his own signature, with pen and ink or by indelible pencil, shall add after his name, his voting precinct, postoffice address, county and date of signing. No petitioner shall sign more than one such petition relating to the same office in the same year, and no name shall be counted upon such petition unless the same appears upon the party enrollment books and to have been signed within three months prior to the holding of the primary before which the person in whose behalf it is filed is to be a candidate. It shall not be necessary that one paper shall contain all the signatures, but a single petition may be made up of one or more papers, each having the requisite heading. Separate papers in the proper form and duly signed, may, before filing, be bound together and shall be regarded as one petition, and be sufficient if the aggregate number of signatures upon all is not less, nor more than, the number required by this act. Blank lines upon additional sheets, securely fastened to a top sheet having the prescribed heading, may be used in obtaining signatures and shall be regarded, together with the top sheet having the proper heading, as one paper.

§ 49. Legislative District Proposal Petitions] In legislative districts composed of more than one county, the individual proposal petition in behalf of a candidate for the legislature from such district shall be filed in the office of the county auditor of the county in said district in which said candidate resides at least sixty days prior to the holding of the primary; and within five days thereafter said audi-

tor shall make a certified copy or copies thereof, as the case may be, and forward the same to the auditor of each other county in said legislative district for filing. Said individual proposal petition shall be substantially in the same form as provided in Sections 46 and 47 of this Act, with the same requirements as to signatures and form of execution and declaration; and the timely filing thereof shall entitle the candidate to have his name printed upon the official ballot used by his party at the primary in each county in such legislative district.

§ 50. Proposal Petition for Judges] All candidates for judges of the supreme and circuit courts shall file individual proposal petitions 90 days before the primary date and their names shall appear in the independent column upon the official primary ballot, but may be endorsed by either the majority or minority proposal committee. But no candidate for judge of the supreme or circuit court shall be required to sign the recall declaration, but shall be required to sign a declaration to the effect that he will qualify if elected.

§ 51. Majority and Minority Proposal Committee—State Meetings] The members of the respective state majority and minority proposal committees which have been elected in the manner herein provided at the last primary, or by mass conference, called in each county for the election of the first committee membership, as especially provided for in Section 53 of this Act, for state majority and minority committees, shall assemble on the first Monday in January at 10 o'clock a. m., in each general election year, and the first state majority proposal committees shall convene in the assembly hall; and the first minority proposal committees shall convene in the senate chamber at the state capitol at Pierre, South Dakota, and each committee shall retire to self-appointed rooms in the capitol building and the members present shall constitute a quorum and shall at all times act without sub-committees, as a committee of the whole, sitting in open and public session, and shall proceed to organize by the election of a chairman and a secretary for each committee and then promulgate separately, majority or minority principles, prepare separate summary of principles from such principles for the ballot, limited to sixteen words, and propose majority or minority candidates for presidential electors, congressional and state offices and party representatives in the manner required for committee proposals, as per blank forms hereinafter provided, which when duly signed by the majority of the members present at any committee meeting and the declaration thereon signed by the candidates, shall be filed within seven days from date of said meeting by the chairman or secretary, together with the roll of the members present, with the secretary of state. Proposals when so made and filed, shall entitle the respective summary of principles, and name of candidates thus proposed, limited to one candidate for each office, to be printed on the official primary ballot in separate column as herein provided, and thereafter said proposal committee shall cease to exist except to fill vacancies. Each state proposal committeeman shall at state committee proposal meetings be entitled to vote by unit representation. Each member of the minority or majority proposal committee who shall attend such state meeting, shall receive payment of five cents per mile for each mile necessarily traveled in going to and returning from such meeting by filing a written receipted sworn statement thereof with the secretary of state, who shall deliver same to the state auditor who shall see to its auditing and forward a warrant therefor, to the person who filed such statement, it being the intention hereof that the state shall pay all expenses of mileage herein provided.

§ 52. Proposal Committee—County Meetings] The members of the respective county majority and minority proposal committees, who have been elected by precincts in the manner herein provided at the last primary, or by mass conference called in each county for the election of the first committee membership for state and county majority and minority committees, as especially provided for in Section 53 of this Act shall assemble on the first Wednesday in January at 1 o'clock p. m., in each general election year, and the county majority committees shall convene in the court room and the county minority committees in the clerk of court's office in the court house of the county, or place where the court was last held, and each committee shall retire to selfappointed rooms in the court house, and the members present shall constitute a quorum and shall, at all times, act without sub-committees, as a committee of the whole, sitting in open and public session, and shall proceed to organize separately by election of chairman and a secretary for each committee, and then promulgate separate majority or minority principles, and prepare separate mottoes, from such principles, for the ballot, limited to eight words each, and propose majority and minority candidates for county and legislative offices, and party state committeeman and state proposal committeeman, in the manner required for committee proposals, as per blank form, hereinafter provided, which when duly signed by the majority of the members present at such proposal committee meeting and the declaration thereon signed by the candidates shall be filed within seven days from date of said meetings by the chairman or secretary, together with the roll of members present, with the county auditor and said committee proposal when so made and filed, shall entitle the respective mottoes, and names of candidates thus proposed, limited to one candidate for each office and only one state proposal committeeman for each group, to be printed on the official primary ballot in separate column as herein provided, and thereafter said proposal committees shall cease to exist, except to fill vacancies. Each county proposal committeeman shall at county committee proposal meetings be entitled to vote by unit representation. Each member of the minority or majority proposal committee who shall attend such county meeting shall receive payment of ten cents per mile for each mile necessarily traveled going to and returning from said meeting by filing a written receipted sworn statement thereof with the county auditor, who shall present the same to the board of county commissioners, who shall allow the same, and the auditor shall thereupon issue his warrant therefor upon the general fund and forward the same to the person issued.

§ 53. First Special Mass Meeting for the Purpose of Electing Primary Majority and Minority Proposal Committeemen] For the purpose of electing the first membership of minority and majority proposal committees, which require one member from each precinct for each county committee, and one member from each county for the state committees, a mass conference of the party members affiliated with the respective principles represented by the candidates for governor within each party, having received the highest and next to the highest vote cast at the preceding primary, may be called in each county, signed by three or more majority or minority electors and notice thereof shall be published twice in a weekly county seat newspaper, requesting such affiliates of those principles to meet at two o'clock p. m. on the first Tuesday in December preceding the first primary held under this law, at the court room in the county court house or place where the court was last held, and each conference body shall retire to self appointed rooms in the court house, and proceed to elect their re-

pective precinct and state majority or minority proposal committeemen who shall be eligible to act and hold the first committee proposal meetings as provided for in Section 51, 52, 54 and 55 of this Act; and all proposal committeemen thereafter shall be elected at the primary.

§ 54. Committee Proposal, Legislative District Meetings] In legislative districts composed of more than one county, the members of the majority and minority proposal committees of each of said counties in said legislative district shall assemble in the county having the largest vote at the last general election, and at the places fixed for holding the county meetings as provided for in section 52 of this act, and on the first Friday in January of each even-numbered year, at one o'clock p. m., and at said meetings, so held, the members thereof present shall propose the legislative candidates of said legislative district in the form provided for proposals of candidates in section 56 of this act, and file said proposals with the county auditor of the county of said legislative district where the meetings are held as part of the committee proposals of the majority or minority committees of said counties and for said district, and the county auditor with whom said proposals have been filed shall, within five days thereafter, make a certified copy or copies thereof, as the case may be, and forward the same to the auditor of each other county in said legislative district for filing, and the filing thereof shall entitle the candidate so proposed to have his name printed upon the official ballot in the column of the majority or minority for which proposed. Each proposal committeeman shall be entitled to vote by unit representation at all proposal committee meetings.

Each member of the minority or majority proposal committee who shall attend such district meeting shall receive payment of ten cents per mile for each mile necessarily traveled in going to and returning from such meeting by filing with the county auditor of the county he represents at such proposal committee meeting a written receipted, sworn statement thereof, the auditor of such county shall present the same to the board of county commissioners who shall allow the same, and the auditor shall thereupon issue his warrant therefor upon the general fund and forward the warrant to the person issued.

§ 55. Committee Proposals for Judges of Circuit Court] The county proposal committeemen within each judicial circuit of the minority or majority proposal committees, may assemble at 11 o'clock a. m., on the first Saturday of January, 1914, and quadrennially thereafter, and the county majority committee shall convene in the court room and the county minority committee in the clerk of court's office, in the county court house, or place where the court was last held in the county casting the largest vote for governor at the last preceding general election in that circuit, and each committee shall retire to self-appointed rooms in said court house and the members present shall constitute a quorum and shall, at all times, act without sub-committees, as a committee of the whole, sitting in open and public session and shall proceed to organize separately by electing a chairman and secretary for each committee and propose a majority and a minority candidate for the office of judge of that circuit, in the form required for "committee proposals," as per blank form provided in section 56 of this act, which, when duly signed by a majority of the members present at such proposal meeting shall be filed with the county auditor of the county where the meeting is held, within seven days, and the county auditor with whom the "committee proposal" is filed shall, within five days thereafter make certified copies thereof and forward the same to the auditor of each other county in said circuit; and the

filing thereof shall entitle the candidate proposed to have his name printed upon the official ballot in the column of the majority or minority for which proposed. Each proposal committeeman shall be entitled to vote by unit representation at all proposal committee meetings.

Each member of the minority or majority proposal committee who shall attend such circuit meeting, shall receive payment of ten cents per mile for each mile necessarily traveled in going to and returning from said meeting by filing a written receipted, sworn statement thereof with the county auditor, who shall present the same to the board of county commissioners, who shall allow the same and the auditor shall thereupon issue his warrant therefor upon the general fund and forward said warrant to the person issued.

§ 56. Form of Committee Proposal] The name of no candidate for presidential elector, United States senator, member of congress, state offices, including judges of the supreme and circuit courts, national committeemen, delegates to national conventions, state chairman, county, legislative or district offices, nor candidate for member of any party state central committee, nor candidate for any state minority or majority proposal committeeman shall be printed in the minority or the majority column hereinafter designated upon the official primary ballot used at any primary held, as herein provided, unless at least sixty days before the date of the primary, a minority or majority committee proposal shall have been filed in the office of the secretary of state or county auditor, as the provisions of this act require in substantially the following form:

"COMMITTEE PROPOSAL"

We, the undersigned qualified members belonging to the proposal committee of.....party of the state of South Dakota, do hereby promulgate the following principles:

.....

and propose the following named persons as candidates for nomination to the respective offices named to be voted for at the primary on the fourth Tuesday of March next.

Name	Office
.....	For.....
.....	For.....
.....	For.....

and we desire the following summary of principles, or motto, to be placed at the head of.....column of the

Official Primary Ballot as representing the above principles:

.....

(Not more than sixteen words)

.....

and request that the foregoing names be printed in a group under said motto in the.....column upon the official primary ballot as representing the principles above set forth, to be voted for at the primary to be held on the fourth Tuesday in March next, and we and each of us do hereby declare that we intend to support the principles and candidates named herein at said primary, and

to vote the.....ticket at the following November election.

Signature of Committeemen	County
.....
.....

Precinct	P. O. Address	Date
.....
.....

DECLARATION OF CANDIDATES

I do hereby declare that if nominated and elected, I (or we) will qualify, adhere to the principles herewith proclaimed and obey the party recall if invoked against me (or us.)

Signature of Candidates	Residence	P. O. Address
.....
.....

§ 57. Signing of Committee Proposal and Declaration] To the above "committee proposal" the committeeman in favor thereof, shall affix his own signature with pen and ink or with indelible pencil, and shall add after his name, the name of the county in which he resides, the precinct, his postoffice address and date of signing. Following the signature of the committee members there shall be attached to and filed with the committee proposal, the above declaration by the candidates named, each giving his residence by county and precinct and postoffice address.

§ 58. Vacancy in Committee Proposal—How Filled] In the event, a vacancy, of a candidate by death, resignation, or otherwise shall occur in any committee proposal for any office or party, state representative or state minority or majority proposal committeeman between the date of committee proposal meeting and twenty-five days before the primary election date, such vacancy may be filled by the chairman of the proposal committee by forwarding the name of the new candidate, together with his signed declaration, to the secretary of state or county auditor, who shall place the name of the new candidate in the vacancy.

§ 59. Filing Fees] No fees shall be required of candidates for the filing of proposal petitions.

§ 60. Duty of Secretary of State] At least twenty-five days before any primary, the secretary of state shall transmit to each county auditor a certified separate group of lists containing the summary of principles; the names and postoffice addresses of candidates of each minority and majority committee proposal; also a certified separate list of independent candidates giving the names and postoffice addresses of each person for whom individual candidate proposal petition has been filed under this act in his office; also the name of the office for which each candidate seeks nomination of the political party he represents.

§ 61. Filing—When Sufficient] The filing of a "committee proposal" or "individual candidate proposal petition" within the time and in the manner and form provided in this act, together with the declaration of the candidate shall be sufficient to require that his name be printed upon the primary ballot. No other condition shall be imposed,

Article 5.—Official Primary Ballot Form, Regulation and Distribution

§ 62. Color of Ballots—By Whom Designated] The color of the ballots of all political parties having a state organization shall be designated by the secretary of state. For parties having less than a state organization, the county auditor of each county in which such parties have a ticket shall select the color of such ballots. Provided that the ballots of each political party shall be of a separate and distinct color. Provided, further, that when a color has been selected for a party having a state organization, such color shall not again be changed. Such color shall be selected upon application of the chairman of the party state committee of each party, and as soon as selected, the secretary of state shall immediately notify the county auditor of each county of such selection.

§ 63. Position of Committee Proposals on the Official Primary Ballot] It is further provided that the committee proposal receiving the highest number of votes for its candidate for governor at the last primary held shall occupy the majority column at the following primary in its position on the official ballot, although the principles and candidates may have been proposed by the minority proposal committee.

§ 64. Auditor to Provide for Extra Primary Ballots] The county auditor shall provide and retain in his office until after the primary election, an ample supply of extra official primary ballots for each political party and for each election precinct; and if at any time before or during the primary election any of the official primary ballots for each political party and for each election precinct shall be lost, destroyed or exhausted, on written application signed by the primary judges, or any one of them, then said auditor shall immediately cause to be delivered to said primary judges such supply of extra official primary ballots as may be required to comply with the provisions of this act.

§ 65. Duty of Auditor] The county auditor shall, from the names filed in his office and the names forwarded to him by the secretary of state, prepare an official ballot for use at the primary for each political party for whom candidates have been presented by "committee proposal" or "individual candidate proposal petition" under the provisions of this act. The names of all candidates in the same political party by whom or for whom "committee proposal" or "individual petition" has been filed shall be printed on the official ballot to be used by that party in the primary, provided that the same summary of principles or motto shall appear once only on the ballot and the summary of principles or motto first filed, of two that are alike shall be printed on the official ballot with the said committee proposal candidates with which filed; no candidate's name shall appear on the official primary ballot more than once for the same office except judges of the supreme and circuit courts.

§ 66. Official Primary Ballot] The "official primary ballot" of each political party shall be separately printed in black ink upon paper of uniform quality and texture; but the "official primary ballot" of no two political parties shall be of the same color, or tint, within any one county. The ballots shall vary in form and size only as the names of the candidates and officers may require.

§ 67. Duty of County Auditor—Notice of Color—Ballot] The county auditor shall, at least thirty days prior to the date of the primary post in a conspicuous place in his office an announcement of the

color of the official primary ballots of the respective parties and shall also at least thirty days prior thereto publish such announcement for at least one week in at least two newspapers of general circulation in the county.

§ 68. Designation of Ballot] At the top of the ballot shall be printed in large letters words designating the ballot. If a republican ballot, the words shall be "Republican Party Official Primary Ballot." If a democratic ballot, the words shall be "Democratic Party Official Primary Ballot," and in like manner for each political party.

§ 69. Auditor to Furnish Copy to Printer—Ballot] The county auditors shall furnish the copy of the official ballot to the printer not less than twenty days prior to the date of the primary, and the necessary number of official primary ballots and sample ballots shall forthwith be printed at the expense of the county.

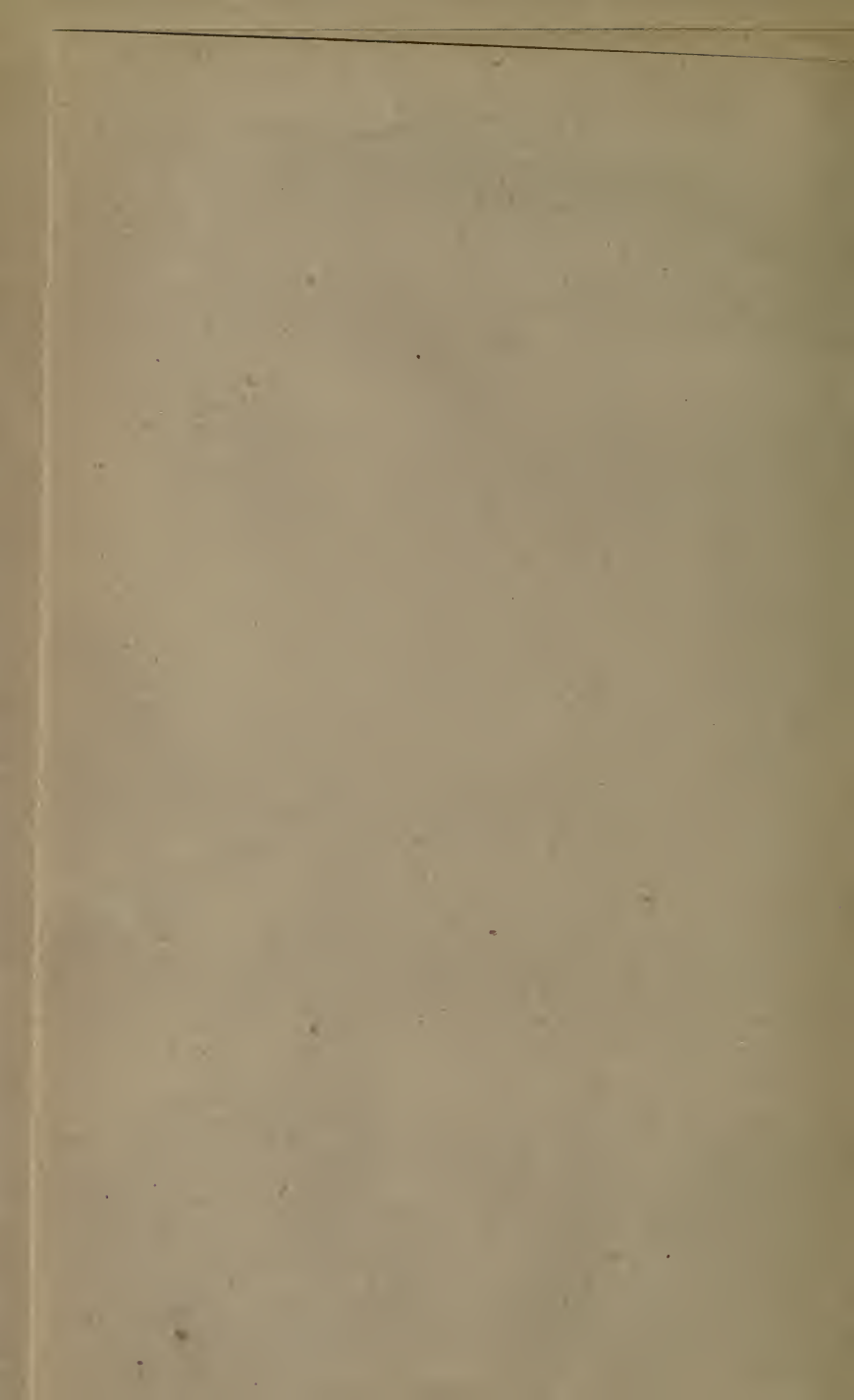
§ 70. Back of Ballot—How Printed] On the back or outside of the "official primary ballot" so as to appear when folded, shall be printed the words "Official Primary Ballot," followed by the designation of the county where used, the date of the primary election and a facsimile of the signature of the county auditor of such county.

§ 71. Number of Ballots to Be Provided] The number of "official primary ballots" for each political party in each election precinct shall be not less than seventy-five ballots for each fifty votes cast in said election precinct by said political party at the last preceding general election.

§ 72. Arrangement of Official Primary Ballot and Form] The official primary ballot shall be so arranged and printed that the first column to the left shall contain the names of the offices and the number to be voted for; the second column shall contain the names of the independent candidates who have filed individual candidate proposal by petition; the third column shall contain the principles and names of candidates of the minority committee proposal; but the words "minority," "progressive" or "stalwart" or any factional label other than principles shall not appear in the heading; the fourth and last column to the right on said ballot shall contain the principles and names of candidates of the majority committee proposal; but the words "majority," "progressive," "stalwart" or any factional label, other than principles, shall not appear in the heading.

Such official ballot shall be in the following form:





Article 6.—Conduct of Primary Elections

§ 73. Primary When Held] The primary election herein provided for shall be held at the regular polling place in each precinct throughout the state on the fourth Tuesday in March, 1914, and biennially thereafter, between the hours of eight o'clock a. m. and five o'clock p. m., and any person entitled to vote at such primary election, who is an employee, shall be entitled to the same privileges from his employer for the purpose of voting at a primary election as are given him by law at the general election in November.

§ 74. Notice of Primary Election] Not less than thirty days prior to the holding of the primary, the county auditor shall prepare a notice in substantially the following form:

NOTICE OF PRIMARY ELECTION

Notice is hereby given, that a primary election will be held at the regular polling place in all the voting precincts of..... county, South Dakota, on the.....day of March, 19....., between the hours of 8 o'clock a. m., and 5 o'clock p. m., for the purpose of allowing the members of each political party in the state by their own separate party vote to choose their party platform and their several party candidates for all national, state, congressional, judicial, legislative and county offices, which are to be filled by election at the next general election, and to elect their several national, state, county and precinct committeemen and state party chairman and delegates to the national convention; also to nominate in the same manner, the several party candidates for the office of United States senator, which is to be filled by the next legislature of this state.

Dated this.....day of.....19....

County Auditor.

§ 75. Further Duties of County Auditor] The county auditor shall, also at the expense of the county, procure a sufficient number of printed copies of the notice of the primaries prepared under the provisions of section 74 of this act, and shall at least fifteen days before the holding of the primary, mail not less than five copies thereof to the town clerk of every organized civil township in the county at his post-office address; also to the clerk, auditor or secretary, as the case may be, of every incorporated city, town or village in his county a sufficient number so that not less than five copies may be posted in each voting precinct in such city, town or village. In all cases where established voting precincts are not within the limits of an organized township or within a city, town or village, the auditor shall, at the same time, mail to some responsible elector residing within such precinct, five copies of said notice.

§ 76. Duties of Officers] It shall be the duty of each officer or person named in section 75 of this act, upon receiving said notices, not less than ten days before the holding of the primary, to post the same in five public places in his precinct, most likely to give notice to the electors. Upon filing with the county auditor proof, that he posted the notices as required, each of said persons shall be paid by the county the sum of two dollars, provided that in a city having more than one voting precinct the clerk or auditor thereof shall be paid not to exceed fifty cents for each precinct in which he posted the notices.

§ 77. Superintendent of Election—Duties] The county auditor, when appointing judges of a primary under this act shall designate

one of the judges as superintendent to whom the primary supplies shall be sent by registered mail or express, and whose duty it shall be to inquire for and obtain the same at his postoffice address or nearest express office, and he shall erect and have ready for the primary, a sufficient number of booths which shall be furnished by the county, together with such supplies and conveniences as shall enable the voter to prepare his ballot. The provisions and rules for voting shall be the same as now prescribed by law for voting at general elections.

If the superintendent of election shall not have received his ballots and election supplies three days prior to the election, it shall be his duty to immediately communicate with the county auditor and obtain new ballots and election supplies so as to have the same on hand at the voting place primary day.

§ 78. Appointment of Clerks] It shall be the duty of the county auditor not less than sixteen days before any primary to appoint two persons to act as clerks of the primary election in each voting precinct in the county. He shall appoint in each township precinct two persons to act as clerks of the primary, who shall be the school and civil township clerks; in villages, towns and cities, he shall appoint two qualified voters to act as clerks from the list submitted by the municipal board or commissioners, but in case no names are presented, then the auditor shall use his own discretion in appointing two clerks of the primary in villages, towns or cities for each precinct.

§ 79. Distribution of Election Supplies] The county auditor shall, not less than ten days before the holding of the primary, deliver to the superintendent of election hereinafter designated, in each precinct, a sufficient number of official primary ballots to serve the needs of the voters in each of the precincts in the county, together with poll books, large envelopes (which may be sealed, made of heavy manilla paper in which the judges are to place the counted ballots and returns), return blanks, supplies and apparatus herein provided for, put up in separate sealed packages for each precinct, with marks on the outside clearly designating the name of the superintendent, postoffice address and the election precinct for which they are intended, and the number of ballots enclosed for each political party, by registered mail or express, and obtain a receipt therefor from the postmaster or express company.

§ 80. Judges—How Appointed] The county auditor shall, not less than sixteen days before any primary, appoint judges for each of the several voting precincts of his county, and notify them by registered mail, which appointments shall be made from the personnel constituting the school and civil township boards in each township. Provided the personnel of such boards include representatives of the political parties having principles or candidates in the primaries; otherwise the county auditor shall use his own discretion. In villages, towns or cities where there are more than one voting precinct, the municipal clerk and members of the municipal board of commissioners shall by a majority vote select three judges and two election clerks of each voting precinct of the municipality, and in ample time before each primary, submit a list to the county auditor for his final appointment, but in case no names are presented, the auditor shall use his own discretion. The judges appointed must be qualified voters in the precinct from which they are appointed. Three judges shall be appointed for each precinct. If three or more parties have official ballots for use in the primary, one judge shall be appointed from each party casting the three highest number of votes as shown by the returns of the last preceding general election

If but two parties have such ballots at the primary, then the judge shall be selected therefrom, and the party having a majority of the votes in the precinct at the last preceding general election, shall have a majority of such judges.

§ 81. Failure to Qualify—Vacancy—How Filled] If any person appointed as a judge of a primary election shall neglect to be sworn or to act as such, the place of such person shall be filled by the electors of the precinct present from the different political parties as herein provided and the person so elected to fill the vacancy shall be vested with the same power for that primary as if appointed judge of election by the county auditor.

§ 82. Judges May Administer Oath] The judges of said primary election and each of them are hereby empowered to administer to each other and to the clerks the oath of office and to administer the oath to any voter when challenged.

§ 83. Oath—Form] Previous to votes being taken the judges and clerks of the election shall severally take an oath in the following form:

I.....do solemnly swear (or affirm, as the case may be) 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.

§ 84. Judges Must Challenge—When] If any judge of the primary shall know, or have reason to believe that any person offering to vote is not a qualified elector, it shall be his duty to challenge the right of such person to vote.

§ 85. Challenge—Oath—Form] Any person may challenge the right of any person to vote the ballot of the party making the challenge at the primary. If the challenge is made on the ground that the person offering to vote is not a qualified elector of the precinct, one of the judges shall tender to him the oath used under the law of this state at a general election in a similar case, accompanied by like conditions. If the challenge is made upon the ground that the person challenged is not in good faith a member of the political party whose ticket he requests to vote at the primary, one of the judges shall tender the following oath:

You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age; that you are a citizen of the United States, or have declared your intention to become a citizen conformably to the laws of the United States, that you have resided in the United States one year, in this state six months, in this county thirty days, and in this precinct ten days next preceding this primary election, that you have not voted in any precinct at this primary election; that you are in good faith a member of the.....party and a believer in its principles as declared in the last preceding national and state platforms; and that you do now in good faith intend to support the principles of that party and the candidates nominated by it at the primaries now being held and at the general election.

§ 86. Vote May be Rejected—When] If any person so challenged shall refuse to take such oath or affirmation as required, his vote shall be rejected and after taking such oath or affirmation, if the judges have good reason to believe that the person so challenged is not qualified, before receiving his vote, they shall require him to subscribe the oath or affirmation, which shall be written out and presented with the poll books for future reference.

§ 87. **Challengers May Be Appointed]** In addition to the right of every person present at a primary to challenge a voter, the chairman of the party county central committee of each political party shall have the right to appoint one challenger in each precinct. Such challenger must be an elector of the precinct in which he is appointed to act. He shall be protected in the discharge of his duties by the judges of the primary and by peace officers, and shall be permitted to remain within polling place in such position as will enable him to see such person as he offers to vote, and said challenger may remain within the polling place throughout the canvass of the vote and until the returns are signed.

§ 88. **Duty of Voter and Judges]** Every voter upon requesting official primary election ballots at any primary, shall in a distinct and audible voice state his name and the name of the political party of which he is a member. The judges shall keep the ballots of each party separate, and unless said person is challenged, as herein provided, one of the judges shall stamp and deliver to him the official ballot belonging to the party of which he is a member, and the voter shall take the same into the booth, and after marking it as directed shall fold and return the same to the judges, one of whom shall write the initials of his name on the back thereof and deposit it in the ballot box.

§ 89. **Poll Books]** A registry poll book and duplicate and copies of the enrollment list of each party shall be furnished for use of the judges and clerks at each precinct by the county auditor at the expense of the county, and one of each party enrollment list shall be posted in a conspicuous place in each precinct polling place.

§ 90. **Announcement of Opening Polls]** Upon the opening of the polls, one of the judges shall openly announce that fact; and at least thirty minutes before the closing of the polls, announcement shall be made in like manner that the polls will be closed in half an hour.

§ 91. **No Adjournment Shall Be Taken]** After the opening of the polls at a primary election no adjournment shall be had nor recess taken until all the votes cast at such primary election have been counted and canvassed.

§ 92. **Restrictions of General Law Govern]** The votes shall be canvassed at the place by the officers and under the same rules and restrictions that govern judges with like duties at the general election.

§ 93. **Voters—Objected to]** No official primary election ballot shall be marked by the voter except as directed thereon for the use of the cross (X) at the left of the name of the candidates voted for. Official primary ballots otherwise marked shall not be counted. Such ballots and others not counted by reason of some defect therein shall be marked "defective" and official primary ballots to which objection has been made by either of the judges or appointive challengers shall be marked "objected to" on the back thereof, and the memorandum signed by the judges, stating how it was counted, shall be written upon the back of each ballot so marked and all official primary ballots marked "defective" or "objected to" shall be enclosed in an envelope and securely sealed and endorsed so as to clearly disclose its contents. All official primary ballots not voted, and all that have been spoiled by voters while attempting to vote, shall be returned by the primary judges to the county auditor and a receipt taken therefor and shall be preserved for three months.

§ 94. **Name of Voter Entered by Clerk]** The name of every voter whose vote is accepted at a primary election shall be entered in numerical order by each clerk in the registry poll book and duplicate

and there shall also be entered by each clerk, in such poll book and duplicate, opposite the name of each person voting, in a column arranged in said books for that purpose, a letter or other designation showing the name of the political party whose ballot such elector voted, and in a column arranged in said books at the right side of the name, for that purpose, the number of the voter on the enrollment list of the voter's party.

§ 95. Canvass of Votes] Immediately upon closing the polls the primary judges shall proceed to canvass the votes polled in the manner following:

a. They shall proceed to ascertain the number of names entered upon the registry poll book lists for each political party separately.

b. They shall then ascertain how many ballots have been deposited in the ballot box for each political party separately.

c. If the number of ballots of any political party exceeds the number of names of voters of such party entered upon the poll books, said ballots shall be folded and replaced in the ballot box from which they were taken and the box closed and well shaken and again opened, and one of the judges who shall be blindfolded shall draw out of said ballot box and destroy so many of such ballots as shall be equal to such excess.

d. They shall then place the ballots of each political party in separate piles and proceed to count those of each political party separately, and as the judges shall open and read a ballot, such clerk shall carefully mark upon the tally sheets, blanks for which shall be furnished for the purpose by the county auditor, the votes which each candidate of the party whose name is written or printed on such ballot has received, in a separate column for that purpose, with the name of the office for which he is a candidate at the head of such column.

e. After the ballots of the political party shall all have been read and entered in the tally sheets, the clerk shall make footings therein so as to show the total number of votes for each candidate whose name is printed or written upon the official primary ballot of such political party and certify the same to be correct. Thereupon the judges shall set down in the registry poll books in a space and form to be provided therein for that purpose the name of each candidate voted for, written at full length, the name of the office for which he is a candidate, the total number of votes which said candidate received and the total number of votes cast by said political party at said primary, and shall certify the same to be true and correct; said entry in the poll books shall be made in substantially the following form:

.....Party.

At the primary election held in this precinct on the..... day of..... A. D. 19....., the respective candidates whose names were printed or written on the official primary ballot of said..... party, received the following votes:

Name of Candidates	Title of Office	Number of Votes
John Doe	United States Senator	000
Richard Roe	Governor	000

(and so for each candidate.)

Total number of votes cast by said..... party..... votes.

We hereby certify the above and foregoing to be true and correct.

Dated this day of A. D. 19....

.....

Primary Judges.

§ 96. Official Ballots Must Be Preserved] After the votes of a political party have been counted and canvassed and the returns certified to, all the official primary ballots except those marked "defective" or "objected to" shall be strung upon a strong thread or twine or wire separately for each political party, in the order in which they have been read, and shall thereupon be carefully sealed in wrappers and endorsed as follows:

Ballots of the party cast in precinct in county in South Dakota.

§ 97. Poll Books and Tally Sheets Must Be Delivered to The County Auditor] The registry poll books, with the certificate of the primary judges written thereon, and the tally sheets, together with the wrappers containing the ballots, shall be carefully enveloped and sealed up together, each party separately, properly endorsed, and with the enrollment lists, certificates of enrollment and precinct committee election returns, and placed in the hands of the superintending judge, who shall deliver (or give to one of the other judges or to one of the clerks who shall deliver) the same, to the county auditor at his office within three days after said canvass has been completed.

§ 98. Compensation] Each precinct judge and clerk performing the duties at a primary election imposed upon him by this Act shall receive from the county the same compensation now paid to judges and clerks of the general election.

§ 99. County Canvassing Board—Duties] On the first Saturday following such primary the county auditor shall, with the assistance of the clerk of the courts and county judge, open and canvass all of said returns and make separate tabulated statements for each political party, which shall show, in appropriate columns and under proper headings, the total number of votes cast in the county for each candidate whose name is printed or written upon the official primary ballot of one of the political parties and the same shall be kept on file in the office of the county auditor. Each county auditor within seven days after the primary election has been held, shall forward under seal to the secretary of state a certified abstract for each political party having upon its official primary ballot the name of any candidate for whom a proposal petition or committee proposal was filed in the office of the secretary of state, showing the total number of votes cast in such county at the primary for each of such candidates, which abstract shall be signed by such auditor under his official seal and by the clerk of courts under his official seal and by the county judge.

§ 100. State Canvassing Board—Duties] Immediately upon receiving the returns from the county auditors of all the counties, as provided in the last section, the same shall be canvassed by the same state officers as are directed by the general election laws to canvass returns after a general election. Such canvassing boards shall, without delay, open the returns and certify tabulated statements thereof separately for each political party. Such statements shall show, under appropriate headings, the total number of votes cast for each candidate in whose behalf a committee proposal petition was filed in the office of the secretary of state by the voters of the political party before which

he stood as a candidate, and after being signed by the members of said board and attested by the great seal of the state, shall be filed in the office of the secretary of state.

§ 101. Highest Vote Received Nominates] Any candidate for nomination whose name is printed upon any official primary ballot who receives the highest number of votes cast by the voters of his party for any candidate for nomination to the office for which he is a candidate, shall be the nominee of his party for such office, and any candidate for national, state, county or precinct committeeman or delegate to a national convention who receives the highest number of votes cast for any candidate for election to the position for which he is a candidate, shall be duly elected to such position.

§ 102. Certificate of Nomination—How Issued] If the office be an elective one, for which his committee proposal or petition was filed in the office of the secretary of state, a certificate of his nomination shall be issued to such successful candidate by the state canvassing board under the great seal of the state, and if such successful candidate was voted for as a party candidate for nomination to the office of United States senator, the state board of canvassers shall issue him a certificate under the great seal of the state, declaring him to be the regularly nominated candidate of his political party for the office of United States senator, to be filled at the next regular session by the legislature of this state. To the person who received the highest number of votes cast by his party at all the primaries in this state for the position of national committeeman or state chairman, the state canvassing board shall issue a certificate declaring him duly to be elected as a member of the national committee of his party for the ensuing four years and state chairman for the ensuing two years.

§ 103. Persons Declared Nominated—Names to Appear on Official Ballot] If such office be an elective one for which his committee proposal or individual petition was filed in the office of the county auditor, a certificate of his nomination for that office by his party shall be issued to such successful candidate by the county canvassing board, herein created, under the seal of the county.

If such office be a legislative or judicial one, in a district comprising more than one county, then the canvassing officers of the counties in said district shall meet the following Monday after the canvass of the returns in their respective counties at the auditor's office at the county seat of the county in said district having cast the largest party vote at the preceding general election, and there complete the canvass of said returns from certificates of their respective county canvass for said legislative office and declare the candidate having received the highest number of party votes cast for any of the candidates for nomination to the office for which he was a candidate, nominated, and certify said nomination over the canvassing members signatures and seal of said county to the auditor of each county in said district.

And if such office be one in which the candidate was seeking election at the primary as party state chairman, national, state or precinct committeeman of any political party or as a delegate to a national convention, the candidate who received the highest number of votes cast by the voters of any given political party at the primary for any candidate for the same position, shall be declared elected to such position, respectively, in such political party and a credential or certificate shall be issued to such successful candidate by the same canvassing board. And all successful party candidates for nomination for elective offices whose proposal papers were filed in the office of the secretary of state

or in the office of any county auditor, under the provisions of this Act, shall have their names as such candidates printed upon the official ballot for use at the succeeding November election, and the name of no other party candidate for the same offices in the same political parties shall appear thereon.

§ 104. Conventions Abolished] State and county conventions for the nomination of party candidates and principles for national, state, judicial, county and legislative offices, and party representatives, committeemen and delegates, are hereby abolished.

§ 105. Tie Vote] In case of a tie vote, the tie shall be determined by lot by the canvassers.

§ 106. Duty of Attorney General] It shall be the duty of the attorney general and secretary of state on or before July 1st, after the enactment of this act, to prepare all forms necessary to carry out the provisions of the Act.

§ 107. Holiday] The days herein appointed for holding primary elections shall be legal holidays.

§ 108. Vacancies in Legislative Districts—How Filled] If for any reason, after a nomination as a party candidate for legislative office from a district comprising more than one county has been made, a vacancy shall occur, such vacancy shall be filled by the joint action of the party county central committees of such party of the counties comprising such legislative district.

§ 109. Vacancies—How Filled] If for any reason after a nomination of a party candidate or election of a party candidate for a party position as provided for in this Act has been made, a vacancy shall occur on or before the date of holding the general election, such vacancy shall be filled by the party state central committee, in case of state and congressional offices, and the party county central committee in case of county and legislative offices, or members of the party central committees from the circuit where the vacancy exists.

§ 110. General Election Laws Govern—When] The provisions of the statute now in force in relation to holding of elections, the solicitation of voters at the polls, the bribing or attempting to bribe voters, the sale of intoxicating liquors in the voting precincts, the manner of conducting elections and all other kindred subjects shall apply to all primary elections held under the provisions of this act, in so far as they are consistent with the same, the intent of this act being to place the primary election, except where otherwise provided, under the regulations and protection of the laws now in force as to general elections.

Article 7.—Official Party Endorsement of United States Senator and Appointive Government Positions Other Than Postmasters

§ 111. Party Endorsement of United States Senator] The endorsement by popular vote of a party candidate for United States senator, as provided by this Act and the issuance to such candidate of a certificate of nomination as herein provided shall have the force and effect of an instruction to such members of the legislature of the same political party as such candidate as were nominated at the same primary election to vote for and support such candidate in the legislature for the office of United States senator.

§ 112. Official Party Endorsement—to Appointive Offices] Any party elector who wishes to become a candidate for an appointive gov-

ernment position, state or federal, except postmaster, which is otherwise provided for in this Act, may file his written application for the official party endorsement for the office for which he is a candidate, stating therein his party affiliation, with the secretary of state after any primary election date, and before the following general election date.

§ 113. Duty of Secretary of State—Party Endorsement Record] It shall be the duty of the secretary of state, for the purpose of preserving a record of applications for appointive government positions referred to in Section 112 of this Act to prepare and keep in his office a suitable record book of official party endorsements in which all said applications for official party endorsement shall be entered as received, and from which they shall prepare and cause to be printed within ten days after the general election date, a separate list of such applicants of each party, giving the name, address and position for which each candidate has applied, and mail one copy of the same to each member of the party state central committee, including its chairman and secretary.

§ 114. Official Party Endorsement—How Determined] The party state central committee, interested, including its chairman and secretary and national committeeman, shall meet in the senate chamber at the state capitol at ten o'clock a. m., on the second Tuesday of December after the general election, and the members present shall constitute a quorum, and shall, at all times, act in public session and without sub-committees, as a committee of the whole, hearing applicants and receiving written recommendations from party electors, and shall proceed by ballot and majority vote to determine who shall receive the official party endorsement as the recommendation of the party for any state and federal appointive government position. The chairman and secretary of said committee shall certify to such endorsement in writing and forward the same immediately for consideration to the person having the appointive power in state positions, and to each of the United States senators and congressmen in federal positions as the official party recommendation, and shall send a copy of the same to the secretary of state, who shall enter the same in the record book of official party endorsements. Each member of such, interested, party state central committee including its state chairman and secretary and national committeeman, who shall attend such meeting shall receive payment of five cents per mile for each mile necessarily traveled in going to and returning from said meeting by filing a written receipted sworn statement thereof with the secretary of state who shall deliver same to the state auditor who shall see to its auditing and forward a warrant therefor, to the person who filed such statement, it being the intention hereof that the state shall pay all expenses of mileage herein provided.

Any official party endorsement desired by any party elector as a recommendation to fill vacancies occurring during the interim of biennial meetings of the party state central committee shall be given by a majority of the party state chairman and national committeeman and the chairman of the applicants county, and a copy of their endorsement shall likewise be filed with the secretary of state.

Article 8.—Postmaster Primary

§ 115. Municipal Endorsement of Party Candidates For Postmaster by Primary] The official municipal endorsement of any party candidates for postmaster may be determined by postmaster primary in villages, towns or cities, as follows:

§ 116. Notice of Expiration of Postmaster Commission or Vacancies] It shall be the duty of the party county chairman of the party

national administration in power, ninety days prior to the expiration of any postoffice commission in any municipality in his county, or immediately upon any vacancy occurring to post notices in the manner provided in Section 9 of this Act, for the holding of a postmaster primary, to take place on the sixteenth day after the posting of the notice. Said notice shall contain the name of the postoffice, the date of expiration of commission or the vacancy occurred, the date set for holding the postmaster primary and the date on or before which petition of candidates must be filed with the municipal clerk, said notice shall be signed by the party county chairman.

§ 117. Candidates in Postmaster Primary—How to File] Any enrolled, resident party elector may become a candidate for postmaster by filing a petition with the municipal clerk, together with executed declaration of the candidate, in the form hereinafter provided, signed by not less than ten per cent or more than fifteen per cent of the resident party electors of such municipality. All candidates and signers upon petitions of persons for municipal endorsement for postmaster shall be limited to enrolled party electors of the party national administration in power.

§ 118. Duty of Municipal Clerk—Postmaster Primary] It shall be the duty of the municipal clerk, in the event of more than one party elector filing for the municipal endorsement for postmaster in any municipality, to prepare and cause to be printed an official municipal postmaster primary ballot, under the Australian ballot system, containing only the names of candidates of that party having filed proposal petitions as provided for in section 117 of this act, and furnish an adequate number of such ballots to the officers of the postmaster primary to supply all voters in each precinct of his municipality; also to furnish poll books and necessary election supplies; also to appoint judges and clerks for holding said postmaster primary. In the event of only one candidate filing a petition no postmaster primary shall be held.

§ 119. Expense of Postmaster Primary—How Paid¹ The entire expense of such postmaster primary shall be paid by the municipality in which it is held, and the clerk shall receive, audit and present all bills in connection therewith to the municipal board for payment.

§ 120. Time of Filing Petitions Limited] All petitions of candidates must be filed, as herein provided, not later than the sixth day before date of postmaster primary.

§ 121. Pastmaster Primary—How Conducted] The provisions of this Act governing the March primary election, except as to qualification of voters, the hours of opening and closing of the polls; duties of election officers; counting of the vote and making return thereon, shall apply to postmaster primaries as far as applicable, except that the return of the vote shall be made to the municipal clerk and the judges and clerks receive but two dollars per day.

§ 122. Canvassing the Vote—Issuing Endorsement Certificate] The municipal recording officer, party county chairman and secretary shall constitute the canvassing board of the returns of postmaster primary, and upon canvassing the vote, shall issue to the candidate for official municipal endorsement for postmaster who received the majority vote, if only two candidates filed, and in the event three or more candidates filed, then to the candidate who received the highest total number of first and second choice votes added, an official municipal party endorsement certificate addressed to the congressmen at large, or of the district, setting forth that an official postmaster primary has been held by the voters of that municipality, and that the

party elector named therein has received the highest vote for postmaster of that municipality and respectfully recommending him for that position, which certificate shall be forwarded to the congressmen.

§ 123. Certificate of Municipal Endorsement of Party Candidates—To Whom Sent When No Party Representative in Congress] In the event that there is no congressman from this state of the same party affiliation as the party national administration in power, then, and in that event, the above official municipal endorsement certificate shall be addressed to the president in case of presidential postoffices, and to the second assistant postmaster general in case of fourth class postoffices, and said certificates shall be forwarded to the party national committeeman in the state, who shall forward the same to the party national chairman at Washington, D. C.

§ 124. The postmaster primary proposal petition shall be in substantially the following form:

We, the undersigned, qualified, enrolled party electors of theparty, do hereby propose.....who is a resident of.....and who is a member of the party for the position of postmaster of the.....postoffice, to be voted for at the municipal postmaster primary to be held on the..... day of.....and we, and each of us, for himself severally, do further declare that we intend to support the candidate herein named at said postmaster primary.

Name of Signers	Postoffice	Precinct	Date of Signing
.....
.....

DECLARATION OF CANDIDATE

I hereby declare, if endorsed and appointed, I will qualify and obey any party recall, if invoked against me.

Signature of Candidate	Residence	Postoffice Address
.....

§ 125. The Postmaster Primary Ballot shall be in the following form:

MUNICIPAL POSTMASTER PRIMARY BALLOT

.....South Dakota.

To vote for a person, if only two candidates names appear on the ballot, mark a cross (X) in the square to the left of his name. If more than two candidates names appear on the ballot, vote your first choice by marking a cross (X) in the square at the left of the name of the candidate, and vote your second choice of candidates by marking another cross (X) in the square at the right of the name of another candidate.

First Choice	FOR POSTMASTER	Second Choice
	John Doe	
	Richard Roe	

Article 9.—Party Recall

§ 126. How and When Invoked] In the event any public official elected upon a party platform of principles to which he is pledged to adhere shall fail during the term of his office to support or advocate by vote or act the principles of the party platform on which he was elected, or in case any public officer elected or appointed who obtained his office through party election or party endorsement is charged with misconduct, or malfeasance, or crime, or misdemeanor in office, or with drunkenness, or gross incompetency, or habitual or wilful neglect of duty, the party recall may at any time be invoked against him as follows:

A petition signed by thirty-three (33) per cent of the electors of his party within the district from which he was elected or appointed giving the postoffice address, precinct and county and date of signing shall be filed with the secretary of state, and a copy thereof with the party state chairman, in case of state or federal offices, and with the county auditor, and a copy thereof with the party county chairman in case of county offices, or with the municipal clerk, and a copy thereof with the party county chairman, in case of municipal offices.

§ 127. Complaint Must Accompany Petition] There shall be filed with said petition a complaint in writing setting out specifically the charges made against the said public officer, which complaint shall be verified by at least twelve of the petitioners, and a copy of the said petition and complaint shall be immediately personally served upon the officer against whom the party recall is invoked.

§ 128. Party Committee to Have Jurisdiction] Authority and jurisdiction is hereby vested in the party state central committee in case of state and federal offices, and in the party county central committee in case of county and municipal offices, to hear the said complaint and try and determine the charges therein made against its own party members.

§ 129. Party Chairman to Fix Date of Party Central Committee Hearing] Upon the filing of said petition and complaint, as provided herein, it shall be the duty of the state or county party chairman as the case may require, to forthwith set the time and place where he and his committee will hear the said charges, which date shall not be less than ten nor more than thirty days from the date of notice thereof upon the officer charged in the complaint.

§ 130. Notice of Party Central Committee Hearing—How Served] When the party chairman, state or county, shall have fixed a date for the hearing, he shall give immediate notice thereof by registered mail to each member of his committee and a copy of the complaint shall accompany such notice, which notice shall contain the date, hour, and place of said hearing, and he shall serve a copy of said notice, by registered mail, upon the officer charged in the complaint.

§ 131. Party Central Committee Hearing—How Conducted] Upon the day set for hearing, the members of the party central committee present shall be first sworn to try the issue raised by the complaint in the same manner as now provided for swearing petit jurors and the chairman of said committee or any member of said committee elected by a majority of said hearing in place of, or in the absence of said chairman shall preside at the hearing and administer all oaths. The party electors petitioning may appear by counsel and the officer charged by his counsel, and the party chairman and his committee shall proceed in the manner usually followed in judicial proceedings to hear

the evidence which shall be given under oath and to examine witnesses, and to make a record thereof if demanded and paid for and enter such decision as the facts and justice shall require. The decision of a two-thirds majority of the committee present shall be final and if the charges be sustained, formal findings shall be prepared and certified by the chairman and secretary of the committee and served upon the officer charged and with it shall be served as the official party recall a formal request signed by the party chairman and secretary that he resign from said office, as promised in his written declaration as a party candidate. If the charges be not sustained, the complaint shall be dismissed and notice thereof served upon the officer charged, signed by the party chairman and secretary.

§ 132. Expense of Party Recall—How Paid] The entire expense of invoking the party recall as herein provided, except the expense of the record shall be paid by the state in case of state, congressional and federal offices, and by the county in case of county and legislative offices, and by the municipality in case of municipal offices.

§ 133. Auditing of Fees and Expenses—Party Recall] Each member of the party, state and county central committees, as the case may be, including the chairman and secretary, shall be paid at the rate of two dollars per diem for each day necessarily spent in said hearings and five cents per mile for each mile necessarily traveled in going to and returning from said hearings. The party chairman having jurisdiction shall audit all bills and file the same with the secretary of state, or county auditor, or municipal clerk, as the case may require, who shall present the same to the proper board for payment, which shall allow the same and order them paid out of the respective general funds.

Article 10.—Official State Publicity Pamphlet

§ 134. There shall be compiled and published by the secretary of state, an official state publicity pamphlet for general distribution to the electorate of the state, at least thirty days prior to the general primary date, as hereinafter provided.

§ 135. Restriction of Matter in Publicity Pamphlet] It shall be the duty of the secretary of state, in addition to the filing and recording in the political record book, the platform, principles, the individual petitions and committee proposals of all party candidates, to also receive and file a biography of not over 200 words, and a half tone oval cut 2½ inches by 3½ inches in size, of any candidate, provided the said candidate shall deposit with the secretary of state, together with his biography and cut the sum of \$100, or fifty dollars for either cut or biography, to defray expenses of publication. It shall be his duty also to receive and file written arguments in support of platform principles from each committee group of candidates, limited to 800 words, also written arguments by any independent party candidate, limited to 200 words, all of which must be filed more than sixty days before the date of the party primary. The secretary of state shall immediately compile and prepare for publication the material so filed, "the Publicity Pamphlet" in size six inches by nine inches, to be set in eight point solid type, thirty picas wide, type size of page to be 30 picas by 47 picas. Each person's cut and biography, if any, to occupy one page and no more. No platform proposals or arguments shall contain any personal attack of character upon anyone and it shall be the duty of the secretary of state to see to it that none are printed in the state publicity pamphlet. No charge shall be made for publication of any matter herein, except for the cut and biography of the candidate, as above provided; the front and title page to read as follows:

OFFICIAL STATE PUBLICITY PAMPHLET

Published by the State of South Dakota

Principles and arguments of Candidates in Party Primaries to be held on the Fourth Tuesday in March, 19.....

§ 136. Arrangement of Publicity Pamphlet:

a. Pamphlet Arranged by Parties] It shall be the duty of the secretary of state to arrange all party platform principles, names of candidates, cuts and biographies, and arguments of party candidates, of each party separately under the general heading of the party name.

b. Arrangement of Candidates Within the Party] Independent candidates names and principles come first, followed by minority committee proposals, and last by the majority committee proposal, under each party heading.

c. Arrangement of Parties in the Pamphlet] The political party for which the smallest vote was cast for governor at the preceding election shall have its candidates and platform published first in the publicity pamphlet. The party receiving the next lowest vote for governor at the preceding election shall have its candidates and platforms published next, and so on, until the party which had the largest vote for governor at the preceding election shall appear last in said publicity pamphlet.

§ 137. Printing and Distribution] The secretary of state shall furnish the printer the copy for the said publicity pamphlet fifty-eight days prior to the primary date, and shall cause the same to be printed, together with suitable envelopes, and forward the same by express in numbers equal to the total vote cast in each county at the preceding election for governor, with two hundred extra copies to each county auditor in the state, at the entire expense of the state, thirty days prior to the primary date.

§ 138. Duty of County Auditor—Mailing Publicity Pamphlet] It shall be the duty of the county auditor to immediately upon receipt of the publicity pamphlet from the secretary of state, to cause the same to be placed in the accompanying envelopes and addressed and mailed, postage prepaid, as third class mail matter, to each elector in his county according to the poll lists of the preceding election and addresses obtainable in his office. The expenses of mailing the publicity pamphlet shall be paid by the county.

Article 11.—Violations, Penalty and Contests

§ 139. Enrollment] Any person making a false statement in relation to his qualification as an enrolled elector at said primary, shall, upon conviction therefor, be fined in a sum not exceeding two hundred dollars or imprisoned in the state's prison not exceeding three months, and the court, may in its discretion impose both such fine and imprisonment; and for the violation of any of the provisions of Article 2 of this Act by an enrollment officer, he shall be subject to a like fine and imprisonment. Any person who shall cause his name to be enrolled in more than one election precinct, or who shall cause his name to be enrolled, knowing he is not a qualified elector in the precinct where such enrollment is made, or shall falsely impersonate any enrolled voter, and any person aiding or abetting him in any manner in either of said Acts shall be punished for each and every offense by imprison-

ment in the county jail for not less than two, or more than five months. Any person, who shall at any primary knowingly insert any name in said enrollment list contrary to the provisions of this Article, or make any false statements in said list, shall, on conviction therefor, be punished by imprisonment in the county jail for not less than two months or more than five months. Any judge or clerk of any primary who shall willfully violate any of the provisions as to the enrollment of party electors, or be guilty of any fraud in the execution of the duties of his office, shall, upon conviction thereof, be punished by imprisonment in the county jail not less than two or more than five months.

§ 140. Person Knowing Himself Not to Be Qualified] Any person knowing himself not to be a qualified elector who votes or offers to vote at any primary, is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding two hundred dollars or by imprisonment in the county jail not exceeding six months.

§ 141. Illegal Voting—Penalty] Every person who votes or offers to vote illegally at any primary election within this state shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months.

§ 142. Perjury] If any person so challenged shall take the oath provided for in this Act, knowing the same to be false, he shall be deemed guilty of wilful and corrupt perjury, and shall, on conviction, suffer such punishment as now is or shall hereafter be prescribed by law for persons guilty of perjury.

§ 143. Interference Prohibited] It shall be unlawful for any person who is a member of one political party to in any way interfere with the voting of any other political party at any primary, or in any way to obstruct the voting of any elector at such primary or to create any disturbance, or to in any way intimidate any elector from attending at any primary or voting thereat. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and punished accordingly.

§ 144. Unlawful to Vote Unless Qualified—Penalty] It shall be unlawful for any person not a qualified elector of the ward or precinct in which any primary is held to vote in any manner or on any question which may come before said primary. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and punished accordingly.

§ 145. Unlawful to Vote More Than Once—Penalty] Any person who votes more than once at any primary or offers to vote more than once, either in the same or any other precinct, is guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding one year.

§ 146. Solicitation of Illegal Votes—Penalty] Every person who procures, aids, assists, counsels or advises another to give his vote at any primary knowing that such person is disqualified, is guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding thirty days.

§ 147. Person Knowing Himself Not to Be Qualified—Penalty] Any person knowing himself not to be a qualified elector, who votes or offers to vote at any primary, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars or by imprisonment in the county jail not exceeding six months.

§ 148. Inducing Persons to Vote in Other Precincts—Penalty] Every person who procures or counsels another to enter any town, ward or voting precinct for the purpose of giving his vote at the primary, knowing that such person is not entitled to vote, is guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding one hundred dollars or by imprisonment in the county jail not exceeding thirty days.

§ 149. Voting in Precincts in Which One Does Not Reside—Penalty] Every person, who at any primary knowingly votes or offers to vote in a precinct in which he does not reside or in which he is not authorized by law to vote, and any person who knowingly votes the primary election ballot of a political party of which he is not a member, is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding thirty days.

§ 150. Intoxicating Liquors Prohibited] Every person who sells, gives away or disposes of any intoxicating liquors as a beverage on the day of any primary election, in this state, is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not exceeding one hundred dollars or by imprisonment in the county jail not more than thirty days.

§ 151. False Returns—Penalty] Any judge or clerk of a primary election or any member of any board, county or state whose duty it shall be to keep, make, deliver or canvass returns of any primary or primaries, who shall knowingly and willfully make any false canvass, count, or certificate abstract, summary list or return, or who shall knowingly and willfully alter or change the same after being correctly made, or who shall fail to preserve, forward and deliver any returns entrusted to him for that purpose, shall be deemed guilty of a misdemeanor and upon conviction thereof be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding one year or both in the discretion of the court.

§ 152. Limitation of Expenses of Candidates and Committees] The expense of any candidate at any primary shall be limited to payments for food, clothing, lodging, transportation, public speaking, printing, hall rent, office rent, clerk hire, stationery and postage and candidates must keep an itemized account of all such campaign expenses and to whom paid and file a verified itemized statement thereof in the office of the secretary of state or county auditor as the case may require; but no candidate or committee or organization shall be allowed to pay any moneys or other consideration for transporting voters to or from the polling places at primary elections.

§ 153. Contests—How Made and Decided] Any candidate for nomination to any elective office or for any party position, whose name appears on the official primary ballot of any political party, may contest the primary election as to the office or position for which he was a candidate for nomination or election by filing with the clerk of the circuit court of the county in which his proposal petition was filed, a complaint in writing within ten days after the returns have been canvassed by the county canvassing board or boards, setting forth the grounds of his contest, which complaint shall be verified by the complainant. Authority and jurisdiction are hereby vested in the circuit court to hear and determine such contests. When a complaint has been filed, it shall forthwith be presented to the judge of the circuit in which it is filed, who shall note thereon the day of presentation and also the day and place when he will hear the same, which shall not be more

than ten days thereafter. The candidate who appears upon the face of the returns to have been elected, or to whom a certificate of nomination has been issued, shall be named as defendant. When the court has fixed the day for hearing the complaint, order fixing such hearing shall be personally served upon the defendant. The defendant must answer on or before the day of hearing. The cause may be heard and determined by the court in term time, or by the judge thereof in vacation, and shall have preference in order of hearing to all other cases. The complainant shall give security for all costs. If, in the opinion of the court, the grounds alleged for the contest are insufficient the complaint shall be dismissed. If the grounds alleged are sufficient, the court shall proceed in a summary manner and may hear evidence, examine the returns, recount the ballots and make such orders and enter such decisions as the facts and the law may require. The judgment of the court shall be final, and the provisions of this section shall, so far as applicable, apply to contests of nominations and elections by primary where the proposals have been filed with the secretary of state, and contests affecting such candidates shall be brought and determined in the same manner by the supreme court.

§ 154. Penalty for Violation of This Act] Any willful violation of any of the provisions of this Act, or failure to comply therewith by any person or officer herein named, and not otherwise provided for herein shall be a misdemeanor and upon conviction shall be punished by a fine of not over \$100.00 or by imprisonment in the county jail for not over thirty days or by both such fine and imprisonment in the discretion of the court.

§ 155. Penalty for Interference] Any person, corporation, or association or organization which, or who, shall with money, or any other consideration, procure or counsel another to vote for or against any principles or candidates at primary election, or who attempts to do so, shall be guilty of a felony, and upon conviction thereof, shall be fined for each offense in a sum not to exceed \$5,000 or by imprisonment in the penitentiary not to exceed five years, or both, at the discretion of the court.

Article 12

§ 156. Repeal] All Acts and parts of Acts in conflict with this Act are hereby repealed.

Article 13

§ 157. Emergency] There being no adequate law in this state providing for the nomination of party principles, candidates for elective offices, delegates and committeemen, by a direct primary vote, nor provision how to determine what shall constitute an official party endorsement to appointive offices, or orderly representation within the party, an emergency is hereby declared to exist and this Act shall take effect and be in force immediately upon its passage and approval.

2

AN ACT Entitled, An Act to Promote the Safety of the General Public and the Employes of the Railroads in the State of South Dakota by Requiring all Railway Corporations or Receivers or Lessees Thereof Operating a Line of Railroad in the State of South Dakota to Equip all Locomotive Engines Used in Road Service in the Night-time With Head Lights of Not Less Than 1500 Candle Power Measured Without the Aid of a Reflector and Providing a Penalty for the Violation of this Act.

Be it Enacted by the Legislature of the State of South Dakota:

§ 1. It shall be the duty of every railroad corporation or receiver or lessee thereof operating any line of railroad in the state of South Dakota to equip all locomotives being operated in road service in the state of South Dakota, in the night time, with headlight of not less than 1500 candle power measured without the aid of a reflector, the same to be kept in good condition; provided, that ten per cent (10%) of the said locomotives shall be required to be equipped within sixty days after the passage and approval of this act and an additional ten per cent (10%) to be so equipped every thirty days thereafter until all engines operated in the state of South Dakota in the night time in road service shall be equipped according to the provisions of this act.

§ 2. Any railroad corporation or receiver or lessee thereof operating any line of railroad in the state of South Dakota which shall violate any of the provisions of this Act shall be liable to the state of South Dakota for a penalty of not less than one hundred dollars (\$100) or more than one thousand dollars (\$1000) for each offense and such penalty shall be recovered and suits therefor brought in the name of the state of South Dakota in a court of proper jurisdiction by the attorney general or by the state's attorney of any county in or through which such line of railway may be operated.

Approved March 1, 1911.

3.

AN ACT Entitled, An Act to Repeal Sections 10, 11 and 12 of Chapter 244 of the Session Laws of 1907, Relating to the Damages for Trespass of Animals.

Be it Enacted by the Legislature of the State of South Dakota:

§ 1. That Sections 10, 11 and 12 of Chapter 244 of the Session Laws of 1907, relating to the damages for trespass of animals, be and the same are hereby repealed.

Approved March 4, 1911.

AN ACT Entitled, An Act to Amend Sections 791 and 792 of the Revised Political Code of 1903, Relating to the Location of County Seats.

Be it Enacted by the Legislature of the State of South Dakota:

§ 1. That section 791 of the Revised Political Code of 1903 be amended to read as follows.

Section 791. Whenever any city, town or place desiring to become a candidate for county seat shall file with the county auditor, signed by not less than fifteen per cent of the voters of the county as shown by the vote for governor at the last preceding general election, and if there has been no vote for governor, then said petition shall be signed by not less than fifteen per cent of the votes cast at the election held for the organization of the county, requesting that the name of said city, town or place be placed upon the ballot as a candidate for county seat, the board of county commissioners of any organized county in this state, in which the county seat has not been located by a majority vote, shall submit the question of location of the county seat to the qualified electors of the county at said primary election.

Provided that said petition shall be filed with the county auditor not more than sixty days, nor less than thirty days immediately preceding the primary election held according to law. And provided further that no county shall submit the question of the permanent location of its county seat hereunder unless the said county shall have been organized for four years or more.

Notice of the submission of the said question shall be included in the notice published by the county auditor, giving notice of the time and place of holding said primary election. The ballot used at said election shall be separate from the ballots cast and used for the nomination of state, county and other officers, and shall be received and deposited in a separate ballot box.

The auditor shall prepare ballots, which shall be of plain white paper, four inches wide by six inches long, and shall have printed thereon the words, "candidate for permanent county seat," and under which shall be placed the names of such places petitioned to be placed thereon as aforesaid. In front of each name so placed on said ballot shall be placed a square, and the elector shall place an "X" in the square in front of the place of his choice.

Such ballot shall be prepared by the county auditor and be distributed in the same manner as the official and sample ballot, as provided by law. The votes cast shall be returned, canvassed and certified as provided by law for the return of votes at any primary election. The two places receiving the highest number of votes cast at the primary shall be the candidates for the permanent county seat.

§ 2. The question of the permanent location of the county seat shall be again submitted to the qualified electors of the county at the general election following said primary and the places voted for shall be limited to the two receiving the highest number of votes at the said primary election, and no other place shall be voted for. The ballots to be used at such election shall be of the same form prescribed in section 791. The votes cast at said election shall be counted and returns thereof made and canvassed in the same manner as now provided

by law for the counting, returning and canvassing the votes cast at any general election as provided by law, and upon the canvass of said returns the city, town or place receiving a majority of the votes cast at the election shall be declared the permanent county seat of said county.

§ 3. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 7, 1911.

COUNTY AUDITOR.

NOTE—At the next general election each of the above measures or laws will appear on the ballot and each will be followed by the words: "Shall the above measure or law (as the case may be) become the law of this State?" Immediately to the left of which will be printed the words, "Yes," "No," each preceded by a square in which the elector may place a cross within such square to indicate his vote. Each elector desiring to vote "Yes," will place a cross within the square before the word "Yes," and those desiring to vote "No," will place a cross within the square before the word "No."

Gaylord Bros.
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