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ELECTION LAWS OF INDIANA

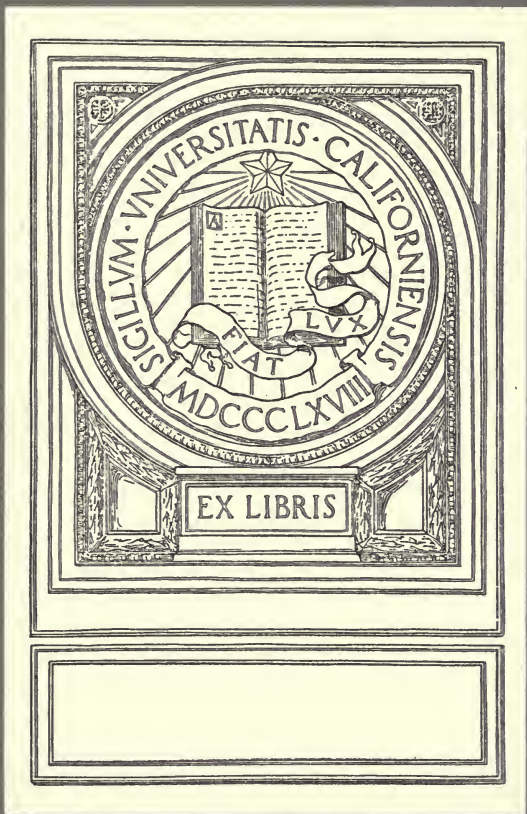
With Instructions to Voters and
Election Officers

ISSUED UNDER THE AUTHORITY OF THE
State Board of Election Commissioners

COMPILED BY
WILLIAM W. SPENCER
AND
MAURICE E. TENNANT
Of the Indianapolis Bar, and
ULYSSES S. LESH
Attorney-General of the State of Indiana

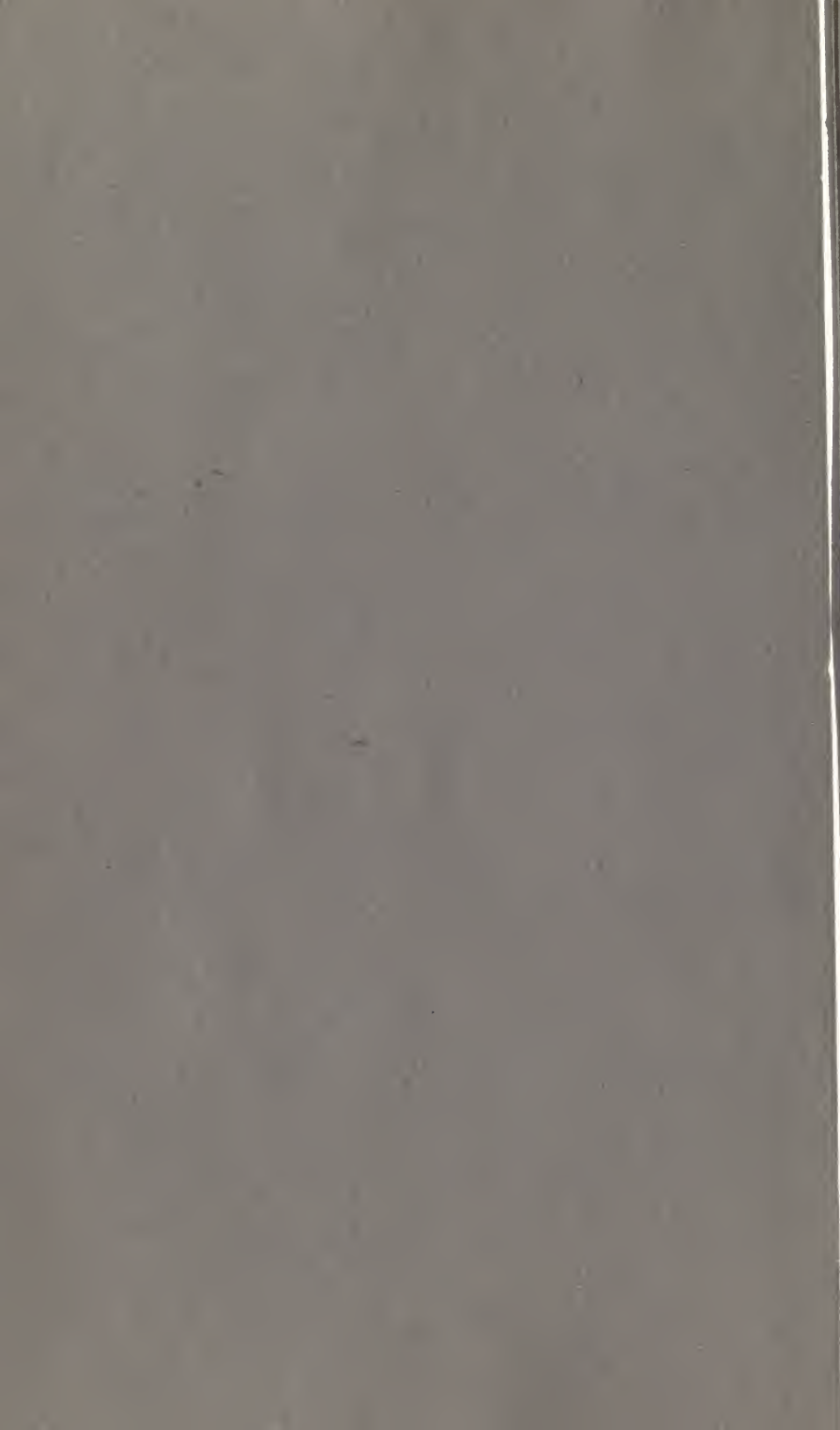
INDIANAPOLIS

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ELECTION LAWS OF INDIANA

With Instructions to Voters and
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State Board of Election Commissioners

WARREN T. McCRAY
Governor

WILLIAM W. SPENCER
Democratic Election Commissioner

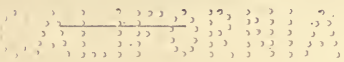
MAURICE E. TENNANT
Republican Election Commissioner

COMPILED BY

WILLIAM W. SPENCER
AND

MAURICE E. TENNANT
Of the Indianapolis Bar, and

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INDIANAPOLIS:

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TO VINA
AIRBORNE

Indianapolis, Ind., September 1, 1922.

To the Honorable Warren T. McCray,
Governor of the State of Indiana:

The undersigned, appointed by you to construe and revise the Election Laws of the State of Indiana, beg leave to report that we have completed our work and hereby submit the same to you for your approval.

WILLIAM W. SPENCER,
MAURICE E. TENNANT,
ULYSSES S. LESH,
Attorney-General.

Received by the Governor of the State of Indiana, ex-officio President of the State Board of Election Commissioners, on this 1st day of September, 1922, and approved by the said board this 1st day of September, 1922.

WARREN T. McCRAY,
Governor.

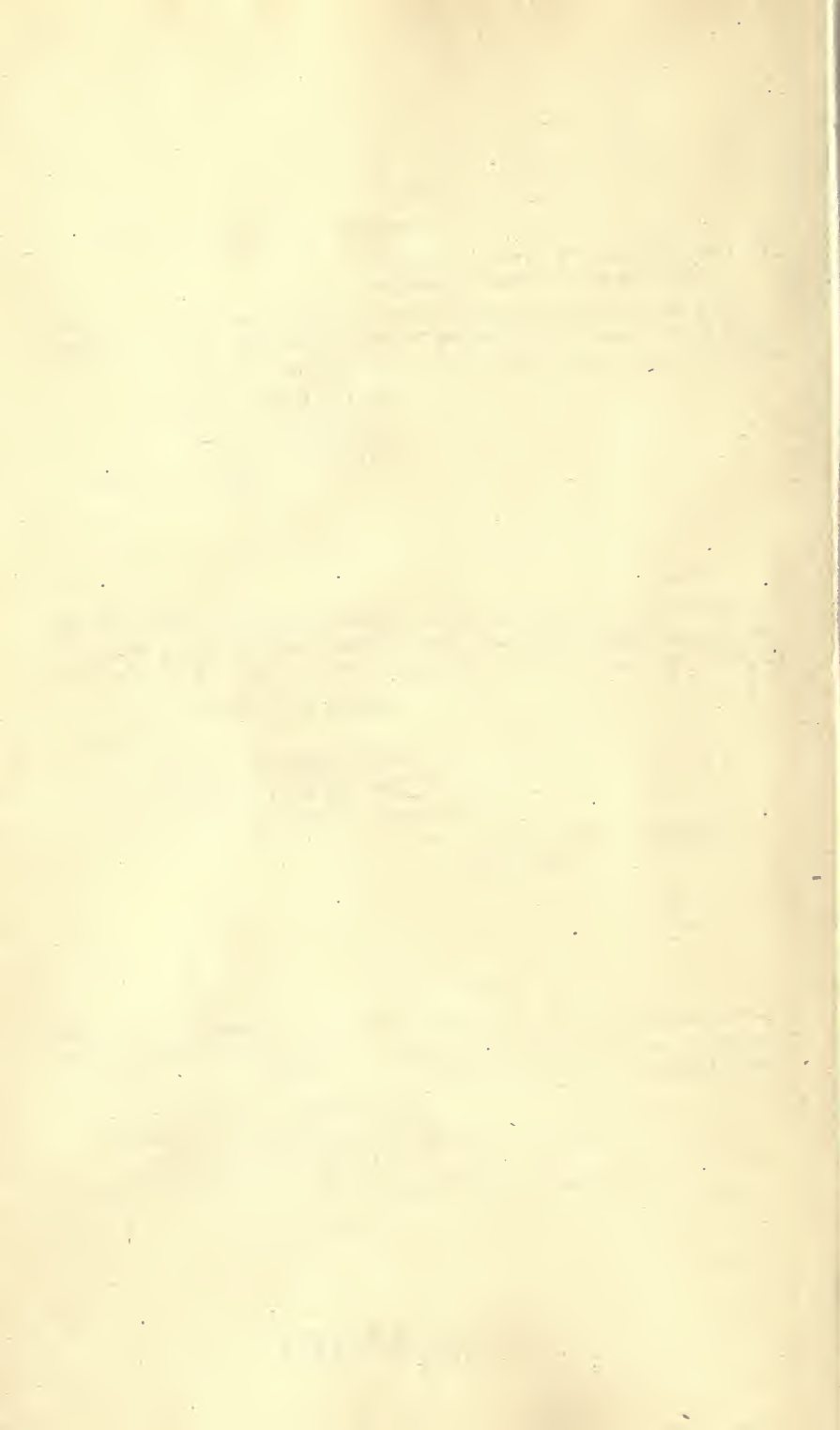
WILLIAM W. SPENCER,
MAURICE E. TENNANT,
State Board of Election Commissioners.

GEORGE H. HEALEY,
Secretary.

We hereby concur in and agree to abide by the printed revision of the Election Laws of the State of Indiana, with the interpretation thereof, above reported, this the — day of —, 1922.

LAWRENCE E. LYONS,
Chairman of the Republican State Central Committee.
WALTER S. CHAMBERS,
Chairman of the Democratic State Central Committee.

M144076



INSTRUCTIONS

TO

Voters and Election Officers

WHERE ELECTIONS MUST BE HELD.

An election must be held at the place designated by the Board of County Commissioners, unless, from absolutely unavoidable circumstances, it can not be done. If it can not be held at the place so designated, the Election Board should meet at, or as nearly as possible, the place so designated and there organize as a Board, and then adjourn to a place available and nearest to the one so designated, not, however, outside of the precinct. In such an instance care should be taken to see that no voter loses his vote by not finding the new voting place; and, if necessary, some person should be stationed at the place so designated by the Board of County Commissioners to notify the voters of the change and where the actual voting place is situated.

PRECINCT BOUNDARIES.

The Board of Commissioners of the county fix the precinct boundaries at their March session, preceding a general election to be held on the first Tuesday after the first Monday in November, and gives notice not later than ten days thereafter, by one publication in two newspapers representing the two political parties that cast the highest and next highest number of votes in the State at the last general election, and by posters put up in four of the most public places in each precinct.

DESIGNATION OF VOTING PLACES.

In any township in which there is only one precinct and in which there are one or more incorporated towns, the Board of County Commissioners shall designate the polling place at some convenient place in that incorporated town in the township which had the largest population, according to the last preceding United States census.

BALLOT BOXES.

The Board of County Commissioners of each county must provide, at the expense of the county, three ballot boxes—one painted red, for the reception of the State ballots; one painted white, for the reception of the local ballots (Sec. 119), one painted yellow, for the reception of the town-

ship ballots (Sec. 233). The Board of County Commissioners must deliver all the ballot boxes and all the election paraphernalia, at the places where the election is to be held, prior to the day of the election, except the ballots and other supplies furnished by the auditor and clerk.

CHUTES.

The chute should be so constructed that it will not obstruct passage along the highway or street. Persons within fifty feet for manifestly lawful and necessary purposes should not be molested. This is also true of persons passing within that distance of the chute. (Secs. 160 and 161.)

PASTER BALLOTS.

The law permits the use of complete pasters, by which is meant a complete ticket pasted on the ballot by the voter, without the knowledge of the Election Board. If such a ballot be found in the box, the Election Board must carefully examine the law, and if it does not comply with its provisions, it is void and should not be counted. (Sec. 166.)

WATCHERS.

Each of the four political parties that cast the largest vote at the last State election, and which has a place on any of the official ballots, is entitled to one watcher at each precinct, at the canvass of the vote. Each watcher must present to the election board, before he enters the election room, credentials signed by the township or county chairman of the party which he represents showing him to be the duly authorized watcher for his party. The only parties entitled to have watchers at the count are the Democratic, Republican, Farmer-Labor and Socialist parties. No person other than the Inspector, Judges, Poll Clerks, Election Sheriffs and Watchers can be permitted in the election room during the canvass of the votes (Sec. 173). No watchers can be present during the voting.

SAMPLE BALLOTS.

The sample State and local poster ballots should be printed in large type, each on a sheet of paper about 25 by 38 inches in size.

The sample state ballots will be prepared and furnished by the State Board of Election Commissioners, and three will be enclosed in each package of State ballots. They will be printed on yellow paper, and will have thereon the words, "Sample Ballot. Genuine State Ballot is on red paper."

The sample Local Ballot should be prepared by the County Board of Election Commissioners, and three enclosed in each package of local ballots. They should be printed on blue paper, and have thereon the words, "Sample Ballot. Genuine Local Ballot is on white paper."

The sample Township Ballot should be prepared by the County Board of Election Commissioners, and three enclosed in the package of township ballots for each precinct of the township for which the sample ticket is

printed. They should be printed on brown paper, and have thereon the words, "Sample Ballot. Genuine Township Ballot is on yellow paper." (Sec. 154.)

If deemed desirable by committees of political parties, or by candidates, for the purpose of instructing voters, sample ballots, conforming to the description given above, may be printed, of any size, on blue, brown and green paper, respectively, and posted up or circulated by them at any time during the political canvass.

CANDIDATES FOR COUNTY COUNCIL.

The County Board of Election Commissioners must print on local (county) ballots for the several precincts of each councilmanic district, the names of the candidates for councilmen-at-large, and also the names of the candidates for county councilmen for that district.

POSTING DIRECTIONS.

The Inspector and the other election officers should be at the polling place early enough before 6 a. m. to enable them to post up the cards of instructions and sample ballots, and erect the chute and have everything arranged so that the polls can be opened promptly at 6 o'clock.

One of each kind of instruction cards must be posted in each election booth; and also one of each kind at the outer end of the chute. Not less than three of each kind of instruction cards and not less than three of each kind of sample ballots must be posted about the polls beyond the fifty-foot limit. (Sec. 148.)

INSPECTOR.

Election Inspectors are appointed by the Board of Commissioners of the county at their September session preceding the general election.

An Inspector must have been a freeholder and a resident householder of his precinct for one year, or a resident householder for two years immediately preceding the day of election. If no person qualified to act will consent to serve as Inspector, or if there be no person residing in the precinct qualified to act as Inspector by reason of the fact that he has not been a resident householder within the precinct for two years, or a freeholder and householder for the year next preceding the election, then any qualified voter of the precinct may be appointed. (Secs. 109, 110 and 117.)

An Inspector must not have anything bet or wagered on the election, nor be a father, father-in-law, son, son-in-law, grandfather, grandson, brother, brother-in-law, uncle, nephew, or first or second cousin of any candidate at the election.

Not more than three nor less than two days before the day of election, the Inspector, or the Judge authorized by him, must call at the County Clerk's office and get the ballots for his precinct. (Secs. 153, 156, 157.) Before going he should inform himself, if he can, if the number of voters in his precinct has increased fifty per cent since the last

presidential election. He will receive ten ballots for each five voters in his precinct—ten local (county) and ten township ballots—each kind of which must be counted, wrapped in separate packages and sealed in his presence. He will also receive a sealed package containing the State ballots, for his precinct, three blue pencils, the cards provided by the County Board of Election Commissioners with printed instructions for voters, and three sample ballots of each kind of ballots. All these he must carefully guard and preserve. (Secs. 150, 151.) If, by accident, they be lost or destroyed, he must report at once to the County Board of Election Commissioners, at the County Clerk's office, and obtain a new supply. (Sec. 157.)

At the time election supplies are received by the Inspector, he shall also receive from the Auditor the registration books, applications and affidavits returned by the Registration Board. These he shall have present at the election precinct on the day of the election, and within three days thereafter he shall return them to the Auditor. (Sec. 46.)

The Inspector acts as Chairman of his Election Board, and must announce the opening and closing of the polls. His duties as a member of such board are set forth hereinafter under the head of "Election Board."

APPOINTING JUDGES.

Before opening the polls the Inspector must appoint two Judges, one from the Republican and the other from the Democratic party. (Sec. 110.) The Chairman of the Republican and Democratic County Committees have the right to name these Judges, but must do so at least one week before the election. (Sec. 107.) If a member of the Election Board fail to appear at the hour for opening the polls, the remainder of the Board must select a member from his political party to serve in his stead. The qualified voters of his party present at the polls may nominate a qualified person for the vacancy, and he must be appointed. If no member of the Election Board appear at the hour appointed for opening the polls, the qualified voters present must elect a Board *viva voce* as nearly as possible in conformity with the requirements above stated. (Sec. 110.)

ELECTION JUDGES.

Election Judges have no duties except as members of the Election Board. They must be qualified voters of the precinct and have been freeholders and resident householders therein for at least one year, or householders for at least two years next preceding the day of election, and be members of different political parties and of the parties which cast the highest number of votes in the State at the last State election. If no persons who are qualified will consent to serve as such Judges, or if there are no persons residing in the precinct qualified to act as Judges by reason of the fact that they have not been resident householders within the precinct for two years, then, in that case, any two electors of the precinct may be appointed as such Judges. (Sec. 109.)

PREPARATION BEFORE ELECTION DAY.

There are two methods of voting, by voting machine and by paper ballots.

The township trustee should make arrangements for meals for the following election officers, to-wit:

Inspector, Judges, Clerks and Sheriffs and no others. These meals should be brought to the election room, at the usual hours for meals during the day and until the count is closed, beginning with breakfast, which should be served at seven o'clock a. m. (Sec. 104.) The price for meals should not exceed seventy-five cents per meal. The township trustee may delegate to the Inspector the matter of procuring the meals.

The Inspector should see that the election room is supplied with the necessary chairs, tables, light and fuel, and made comfortable.

The Inspector must go to the County Clerk's office not more than three days nor less than two days before election day and there receive the election supplies for his precinct. (Sec. 117.)

An Inspector failing to so appear at the clerk's office as above required forfeits his compensation for serving.

The Inspector must qualify by taking his oath of office and get his voting machine keys and the registration records at the County Auditor's office not later than Monday, the day before election.

The voting machine, together with all necessary furniture and appliances, will be delivered at the voting room not later than 6 p. m. of Monday, the day before election. (Sec. 117.)

After the delivery of such machine the Inspector and election judges should meet at the election room on Monday evening, open the packages containing sample ballots, the ballot labels, and see that the voting machine is correctly labeled, set and adjusted, and ready for use in voting. If it is properly labeled, adjusted, and set ready for voting, the machine must not be disturbed, but if not they must at once cause it to be put in order ready for voting. (Sec. 117.)

If the machine is not in proper order, immediately call up by telephone the County Clerk's office.

The Inspector, before the day of election, should learn how to operate, open and close the voting machine.

ELECTION DAY.

On the morning of election the entire Election Board, including Inspector, Judges, Clerks and Sheriffs, shall meet at election room at least one hour before time for opening polls—5 a. m. (Sec. 117.)

The election officers who have not already been sworn in should be sworn in. If any election officer is not present at the time for the opening of the polls, then the Board of Election fills the vacancy by appointing a legal voter of the precinct that belongs to the same political party that the absent election officer does; the members of such party present at the polls can recommend the party for appointment. (Secs. 116, 117-122.)

The Inspector shall then cause the chute ropes to be erected outside. Post sample ballots and instruction cards, fix the booths, and put every-

thing in readiness to commence voting at the hour of opening the polls—6 a. m. (Secs. 117, 129 and 153.)

The chute should be so constructed that it will not obstruct passage along the highway or street. Persons within fifty feet for manifestly lawful and necessary purposes should not be molested. This is also true of persons passing within that distance of the chute.

One of each kind of cards must be posted in each election booth; and also one of each kind at the outer end of the chute. Not less than three of each kind of cards and not less than three of each kind of sample ballots must be posted about the polls beyond the fifty-foot limit. (Sec. 133.)

Where voting machines are used the entire Election Board, in the presence of the clerks, just before the voting commences, must again examine the machine. See that the ballot labels are correct, and that all counters are set at zero (000000) and the machine in perfect order, and the sample voting machine ballots posted. (Sec. 21.)

The machine is examined both on the evening before the election, and on the morning of the election by first examining the face of the machine, then by looking into the back of the machine through the glass door or case. The zero marks are painted "red," and the board must see that all so show. (Sec. 133.)

All counters must be set at zero except the protective counter on the end of the machine. After the Inspector has found the machine to be in perfect order, he will lock the case of the machine, give key No. 1 to the judge of opposite politics to him and retain the other keys to himself. Then have the number of the machine, the number of the protective counter register entered of record in the poll books, and the public counter and the counters of the candidates on the back of the machine, set at zero. Thereafter the machine can only be operated or moved by electors in voting. (Sec. 133.)

There should be a railing between the Election Board and the voting machine, and the machine so placed that all parts of the room and the exterior of the machine shall be in plain view of the board, and so that no person outside of the railing or outside of the room can see or determine how the voter casts his vote. (Sec. 133.)

After opening the polls, no person shall be allowed behind the railing or in that part of the room where the machine is situated, except the voter, and only while casting his vote. He must not remain at the machine longer than one minute, and after one minute, if he refuses to depart, he shall at once be removed by the Sheriff upon order of the board. Provided: If a voter makes affidavit that he is unable to read the English language, or is physically disabled so that he can not register his vote on the machine, he shall be accompanied by both clerks, who, in his presence and in the presence of each other, shall register the vote as declared by the voter. Under no other circumstances shall any officer or person go behind the railing or to the machine with any voter. One other voter may be permitted to be in the election room while a voter is voting, but he must remain outside of the railing until the voter casting his vote has come from behind the railing. (Sec. 133.)

The election officers shall not themselves, nor shall they permit any person to remain in any position that would permit him to see or ascertain how the voter has voted. (Sec. 159.)

The Inspector should operate the release knob from without the railing by means of a rope or cord. He should not operate the release knob by standing by the machine, for such a position would permit him to ascertain how some voter has voted, especially voters assisted by the clerks.

Of course the election officers have a right to and should, when they think necessary, examine the front of the machine from time to time, when no voter is registering his vote, and see that it is all right. When the voter has passed the challengers and entered the election room, he shall announce his name to the clerks, who shall register his name in the poll books. If not challenged by a member of the board, the voter shall be permitted to pass the railing and go to the machine, and there register his vote; having done so, he shall immediately pass out and announce to the clerks that he has voted, who shall write opposite his name "Voted." If the voter is voting by printed ballots and has been given a ballot by the clerk, he or she takes the ballot into one of the booths and marks it, and then folds it so that the initials of the poll clerks will show, but does not show how the ticket is marked, then takes it and hands it to the Inspector, who puts it in the ballot box and announces that the voter has voted, and the clerks then write opposite the name of the voter the word "Voted," and the voter passes out. (Sec. 160.)

ELECTION BOARDS.

The Election Board is composed of the Inspector and the two judges representing the two leading political parties. No person except these three have any voice in determining any question arising for the board's decision. (Sec. 108.)

The Chairman of the Republican party and the Chairman of the Democratic party are each entitled to name one judge, one clerk, one assistant clerk, if more than two clerks are appointed (Sec. 109), and one Sheriff.

The judge must be named one week (Sec. 108), the Sheriff five days (Sec. 130), and the clerks four days before the election day. (Sec. 110.) The Sheriffs should go to the county Sheriffs' office before the day of election and be sworn in. The judges and clerks are sworn in on the morning of the election before the polls are open, and if the Inspector and Sheriff have not been sworn in before that day, they must be sworn in before the polls open on the morning of the election. If no member of the board has been sworn in, the Inspector shall administer the oath to the judges, and one of the judges shall then administer the oath to the Inspector. (Sec. 115.) The blank oaths for the election officers to fill out and sign are in the election supplies.

Nomination of Poll Clerks.

The first duty of an Election Board is the appointment of Poll Clerks, who must be qualified electors of the precinct and representatives of the

two leading parties. If nominations have been made by the Chairman of these two parties, such nominees must be appointed. (Sec. 109.)

Oath of Office.

The next duty is taking the oath of office in accordance with Sections 115 and 116. The law requires the Inspector and judges to be qualified on the morning of the election. If no person is present at the polling place authorized to administer oaths, the Inspector administers the oath to the two judges and then one of the judges administers the oath to the Inspector. The Inspector administers the oath to the Polling Clerks. (Sec. 117.) The Inspector then reads to the judges Sections 57 and 58 of the election law, and each member of the Election Board then takes an oath as provided in said sections. (Secs. 179, 180 and 181.)

Providing Ballots and Furniture.

In case, for any reason, the ballots or any necessary furniture for the election be not on hand at the opening of the polls, the board must supply them as speedily as possible. Ballots should be obtained from the person who was entrusted to bring them to the polling places, if possible; if not, then at the County Clerk's office; and if that be impracticable, the board must have them printed. (Sec. 159.)

Opening Ballot Packages.

After the organization of the board the ballot packages must be opened by the Inspector in the presence of the board without breaking the seals, in other words, cut the strings and leave the seals on them. (Sec. 154.) The seals must be preserved and returned with the protested, disputed, defective and uncounted ballots. (Sec. 174.) The Inspector then delivers twenty-five of each of the different kinds of ballots to the Poll Clerk of the party opposing his own, and the pencils to the other clerk, who has charge of the same. As soon as a ballot has been delivered by the Poll Clerk to a voter the Inspector must deliver another ballot to the Poll Clerks, who must at once sign it with their initials and place it at the bottom of those already signed, so that at all times the Poll Clerk shall have twenty-five of each of the different kinds of ballots before him. (Sec. 153.)

Ballot Boxes.

The ballot boxes must be opened, examined and then closed and locked before announcing that the polls are open. One key must be retained by the Inspector and the other key given to the judge of the opposite politics of the Inspector. (Secs. 119 and 120.)

Opening the Polls.

When these duties have been performed and the Poll Clerks have marked their initials on the lower left-hand corner of the back of twenty-five of each of the different kinds of ballots, the Inspector must then announce that the polls are open. No ballot can be received before this announcement is made. (Sec. 121.)

Polls Open at 6 a. m. Sharp.

The failure of the Poll Clerks to have their initials marked on the full number of twenty-five ballots shall not delay the opening of the polls. The law says the election shall be opened at 6 o'clock a. m. (Sec. 121), and this provision is mandatory. As soon as the clerks have any ballots at all marked properly with their initials, the polls shall be opened, and the full quota of twenty-five ballots shall be marked ahead as quickly as possible without delaying the vote.

Polls Open Continuously.

The polls must be kept open continuously from 6 a. m. to 6 p. m., unless after 4 p. m., when there has been no vote tendered for fifteen minutes, the board may, by unanimous consent of all its members, close the polls. (Sec. 121.) After the polls open at an election, the board can not adjourn temporarily, nor take any recess, until the polls have been regularly closed, all the votes counted, the returns made out and the result publicly announced. The meals should be served the board in the election room, and the polls kept open so that no delay shall be had in voting. (Sec. 199.)

Interpreter.

If any member of the board request it, an interpreter may be called to aid in instructing a voter, but the interpreter has no right to mark the ticket or see it marked. (Sec. 168.)

Balloting.

The board has general supervision of the balloting and should not permit any violation of the law in its presence without the immediate arrest of the offender. No ballot may be put in the box by the Inspector if the manner in which it has been marked has been shown to any person, or if it has been mutilated, or defaced, or any distinguishing mark put on it, or if the initials of the Poll Clerks do not appear on it. (Sec. 164.)

Closing Polls.

No voter can enter the election room after the polls are closed, but any voter in the room at the time of closing may tender his vote and it must be received. The Inspector must make proclamation of the closing of the polls, and a minute of the time must be entered by the Poll Clerks on the tally papers. (Sec. 121.)

POLL CLERKS.

Poll Clerks and additional Poll Clerks must be qualified voters of the precinct and taken from the two leading parties. They may be nominated by the respective county committees four days prior to the election. (Sec. 110.) But if not, they must be selected and appointed by the Board of Election, one from each of the two leading parties. (Sec. 110.)

Oath of Office.

The first duty of the Poll Clerks is to take the oath of office. (Sec. 115.)

Pasters.

On receiving ballots from the Inspectors the Poll Clerks must place all necessary pasters on them in their proper places, when a candidate has been properly named to fill a vacancy occasioned by the death, removal or resignation of any candidate after the tickets have been printed. (Sec. 166.)

Initials.

The Poll Clerks must place their initials in their ordinary handwriting, in ink, on the lower left-hand corner of the back of each ballot immediately upon receiving the ballot from the Inspector. (Sec. 153.) This must be done without any distinguishing marks. Twenty-five ballots of each kind must be kept ready for delivery to the voters, and the one first signed must be delivered first. (Sec. 153.) Placing a mark on a ballot by which it may afterward be known is a penal offense. (Secs. 170 and 179.)

The Voter and Poll Clerks.

On entering the election room the voter announces his name to the Poll Clerks. The board shall cause the registration books for such precinct to be examined, and if the voter is properly registered the Poll Clerks shall at once enter his name upon their register. Then they furnish him with one of each kind of ballots and a blue pencil, and on request explain to him the manner of voting. This explanation must be made in the presence of the whole board. If deemed necessary by any member of the board an interpreter may be called. (Sec. 168.) The voter, after marking and properly folding his ballots in the booth, must return the pencil to the Poll Clerk from whom he received it and deliver the ballots to the Inspector. In no event can he be allowed to remain in the booth more than three minutes. When his ballot is deposited in the ballot box the Poll Clerks must write the word "voted" after his name on the poll lists. (Sec. 168.) If the elector make an affidavit that, on account of physical disability or inability to read English, he can not mark his ballot, the Poll Clerks must do so for him in the presence of each other and in his presence, and, on request, must read over to him the names of the candidates as marked. It is a felony for a Poll Clerk to deceive any elector in selecting or marking his ballot. (Sec. 179.) If the voter accidentally or by mistake spoil, mutilate or deface his ballot, the Poll Clerks must give him another and have him destroy the first in the presence of the board, and they must make a minute of the facts on the poll lists at the time. (Sec. 172.) If the voter discloses how he has marked his ballot it must be rejected, and the Poll Clerks must make a minute of that fact on the poll lists. (Sec. 183.)

ELECTION SHERIFFS.

The Sheriff must appoint two special deputies as Election Sheriffs for each precinct; one from each of the two leading political parties. The Chairman of each of such political parties may, five days prior to the election, designate an Election Sheriff for each precinct, and if the person so

appointed fail to appear the member or members of the Election Board of his political party must appoint a person to act in his place. (Sec. 156.)

Attendance.

The Election Sheriffs must be at the polls when they open and remain until the count is concluded. (Sec. 130.) During the canvass of the vote the Sheriffs should remain in the election room with the Election Board. They may go in and out of the election room, when they wish, or as the occasion may require.

Arrest.

They must make arrests on the demand of any member of the board (Sec. 130), and also on affidavit made before the Inspector by any qualified voter that any person who has voted is not a legal voter. Persons thus arrested by Election Sheriffs should be promptly delivered by them to the nearest magistrate or court, where their cases may be speedily heard, and if their offense be bailable, bond may be given. (Sec. 155.) In general, the Sheriffs must follow the direction of the Election Board.

Voter and Sheriffs.

It is the duty of the Election Sheriffs to see that no more than three voters are permitted in the election room at the same time, and that all other persons are kept away for a distance of fifty feet. They should also assist infirm or decrepit voters going through the chute to and from the election room. (Sec. 130.)

Challenger.

The challenger, together with the precinct committeeman and the poll-book holder, should be familiar with the names of the voters of the precinct, and whenever the name of a voter is mentioned each should know at once whether or not the person is a legal voter, and if not a legal voter, make the challenge. When a challenge is once made, stand by it, unless convinced that the challenge should not have been made. Challenge every voter who is not registered, or if registered is fraudulently registered, or has moved out of the precinct since registering.

The right of any person offering to vote may be challenged by either challenger present, by any member of the Election Board, or by any voter in the precinct. (Sec. 160.)

A legal voter is a person over the age of twenty-one, who is a citizen of the United States, and who has resided in the State six (6) months, township sixty (60) days, and in the precinct thirty (30) days, and has legally registered. (Sec. 9.)

The grounds of challenge are:

1. That the person is not registered.
2. That the person desiring to vote is not twenty-one years of age.
3. That the person desiring to vote has not resided in the State six (6) months.
4. That the person has not resided in the township sixty (60) days.
5. That the person has not resided in the precinct thirty (30) days.

6. That the person has sold or offered to sell his vote.
7. That the person has bought or offered to buy votes.
8. That the person has been disfranchised by a court of record.
9. That the person is not a citizen of the United States.

If a person is not entitled to vote he should be challenged. The manner of making a challenge is as follows: The challenger says "I challenge this vote." The challenger does not have to give the grounds of the challenge except where the ground of the challenge is that the voter has sold or offered to sell his vote, or bought or offered to buy votes, or that the person is not a citizen of the United States. The voter, if challenged, must make out his or her affidavit. Then he or she is entitled to vote unless the challenger makes what is called a counter affidavit. There are two kinds of counter affidavits—one on personal knowledge, the other on information and belief. If the challenger has informed himself as to the right of the voter to vote, he can make the necessary counter challenge or affidavit. Then the challenged voter can not vote unless he gets some voter of the precinct who is either a householder for two years or a freeholder and householder for one year of the territory comprising that precinct to make affidavit that he is a legal voter. The following is an exception: If the challenged voter makes an affidavit that there is no person of his political party in his precinct that possesses these qualifications, then any legal voter of the precinct may make the affidavit. (Sec. 38.)

If a voter is challenged on the ground of having sold or offered to sell, bought or offered to buy votes, then the challenged party must make his affidavit that he has not, before being permitted to vote. (Sec. 39.)

The challenger should not delay legal voters, and only challenge when he knows that the voter is not qualified to vote.

After the voter has entered the room and announced his or her name, the judges must first examine the registration records and ascertain whether the voter is legally registered. No one who is not registered can be allowed to vote. The voter can not by making an affidavit or in any way swear in his or her vote. If any voter presents himself or herself who is not registered and attempts to vote, the Election Board should order the person removed from the election room by the Sheriff. If such person does not depart the election officers should order him or her to be arrested. (Sec. 7.)

The fact that a man or woman is registered does not, however, of itself prove that he or she is entitled to vote. In addition to being registered he or she must have all the legal qualifications of a voter, and any member of the Election Board has the right, and it is his duty to challenge an illegal voter, although he or she has passed the challengers on the outside. The grounds for challenge will be found in this pamphlet under the heading "CHALLENGERS." (Secs. 160 and 161.)

The Election Board must be especially careful to ascertain that the person offering to vote is in fact the person he or she claims to be. If there be a question as to this, his or her identity should be established. Among other things the board may require such person to write his or her signature and compare the same with the signature on the regis-

tration application. All names must be checked by the judge on the registration book as they vote or are rejected, so as to prevent repeating.

If the voter is not challenged, the voter shall be permitted to pass the railing and enter the machine, and there register his or her vote in secret, or if voting by ballot the clerk will give him or her the necessary ballots, and blue pencil, and after he or she has passed out and his or her vote is recorded, the clerk shall write opposite his or her name the word "VOTED."

See that no voter is permitted to vote more than once while at the machine, by keeping proper control of cord to release knob. The curtains will close when the voter enters the machine, and will open after he or she has voted, so when the curtains open you will know that the voter has voted.

Absent Voters' Ballots Subject to Challenge.

Before depositing any absent voters' ballots in the ballot box, the election inspector shall notify the challengers or the poll-book holders of his precinct that he is about to deposit an absent voter's ballot, and such ballot or ballots may be challenged for cause. In case of challenge the Election Board shall have all the power and authority given by law to hear and determine the legality of such ballot or ballots the same as though the ballot or ballots were cast by the voter in person. (Sec. 63.)

INSTRUCTIONS FOR VOTING THE AUSTRALIAN BALLOT.

First. You must get your ballot and the blue pencil from the Polling Clerks in the election room.

Second. If you desire to vote a straight ticket, make a cross, thus, X, within the large circle at the head of the ticket containing the device of the party for whose candidates you desire to vote. If you do not desire to vote a straight ticket, you must not make a cross in the large circle containing the device of a party, but must make a cross, thus, X, on the small square to the left of the name of each candidate for whom you desire to vote, on whatever list of candidates it may be. If the large circle at the head of the ticket is marked with a cross or otherwise and the ballot marked with a cross or otherwise at any other place, it will be void and can not be counted, unless there be no candidate for some office in the list printed under such marked device, in which case you may indicate your choice for such office by making a cross, thus, X, on the square to the left of the name of any candidate for such office on any other list. The cross must be placed within or on the circle or square, or the ballot will be void and can not be counted.

Third. Do not mutilate your ballots, nor mark them, either by scratching off a name or writing one upon them, nor in any other way put a mark upon them, except by placing a cross, thus, X, in the circle or on the square, as above described. Otherwise the ballot will not be counted. You must not put any mark of any kind upon your ballots except in the manner above described. You must not remain in the booth more than three minutes.

Fourth. After you have marked your ballots, and before you leave

the election booth, fold them up separately so that the face of each one can not be seen, and so the initial letters of the names of the Polling Clerks on the back thereof can be seen. Then hand your ballots to the Inspector, the pencil to the Polling Clerk, from whom you received it, and immediately leave the election room.

Fifth. If you are physically unable to mark your ballots, or can not read English, so inform the Polling Clerks, and make an affidavit to that effect. They will then go with you into the election booth, and you can there tell them how you desire to vote, and they will mark your ballot for you. Neither you nor the Polling Clerks must permit any other person to hear or see how your ballot is marked. It is a penal offense to declare you can not read English, or can not mark your ballot, if in fact you can.

[In no case can the ballots be marked by the Polling Clerks if the voter can read the English language and is physically able to mark his ballot. Nor can they mark it until the voter has made the proper affidavit.]

Sixth. If you should accidentally, or by mistake, deface, mutilate or spoil one of your ballots, return it to the Poll Clerks and get another one of the same kind.

Seventh. You must not accept a ballot from any person outside of the election room. Any ballot outside is fraudulent; and it is a penitentiary offense to have it in your possession, whether you attempt to vote it or not.

Eighth. You must not attempt to hold any conversation in the election room except with members of the Election Board and Polling Clerks.

Ninth. Use only the blue pencil handed you by the Polling Clerks in marking your ballots. If you mark with any other pencil, your ballot so marked will be void, and will not be counted.

Tenth. You must not put any mark of any kind on your ballot, except as above described.

[If the foregoing instructions to voters are printed on cards and posted up at the polls, it will be a sufficient compliance with the provisions of the statute requiring instructions to be posted up at such places. Add, however, in full, at the foot of such cards the original Sections 43, 50, 55, 56, 59 and 60 of the election law of March 6, 1889, being Sections 162, 170, 171, 176, 178 and 180 of this compilation.]

INSTRUCTIONS FOR VOTING BY MACHINE.

1. The election officers in precincts where voting is done by machines are the same as in voting by ballot.

2. All laws relating to the secrecy of the ballot and the number of persons permitted in the room apply as well to machine voting as in voting by ballot.

3. When the voter enters the election room he must announce his name to the Polling Clerks, who must register it in the same manner as when voting by ballot.

4. The qualifications of voters, election officers and challengers are the same in case of machine voting as in voting by ballot.

5. All machines will be so constructed that the voter can vote either a straight or mixed ticket.

6. Instruction must be given at each voting place as to the manner

of voting by machine; no fixed rule can be laid down, because it is not known what kind of machine will be used in a precinct.

7. If the voter requests it, he must, upon being registered by the Polling Clerks, be instructed by them as to the manner of voting by the machine.

8. If the voter is unable to vote by machine on account of physical disability or inability to read English, and make an affidavit to that effect, he or she will be instructed or assisted by the Polling Clerks, as in the case of voting by ballot. If he or she requests it, he or she will, upon being registered by the Polling Clerks, be instructed by them as to the manner of voting by machine. The voter can not remain in the voting machine booth more than one minute; and no person can be in or near the machine when a voter is in the voting machine booth unless it is the Polling Clerks while instructing or assisting the voter.

9. After the voter has voted the Inspector, or one of the judges, will announce to the Polling Clerks that such voter has voted, and the clerks will write the word "voted" opposite the name of such voter, in the same manner as when voting by ballot.

CAUTION.

As voting by machine is an experiment, it would be wise for the Inspector to provide the necessary ballots and ballot boxes; so that in case of the machine failing to work, at any time, the election can proceed thereafter in the usual way of voting by ballot. (Sec. 398.)

CANVASSING THE BALLOTS.

Watchers.

The four leading political parties voting in the last general election, to-wit: Republican, Democratic, Socialist and Farmer-Labor parties, are each entitled to a watcher, who has the right to enter the polls as soon as they are declared closed, and remain in the election room until the vote is fully canvassed and returns made out. Watchers must present their certificate signed by the Chairman of the committee. It is the watcher's duty to see that the vote registered for each candidate on the back of the machine is taken off correctly and recorded correctly by the clerks.

Locking Machine—Return of Keys.

As soon as the polls are closed the Inspector, in the presence of the Judges, Clerks, Sheriffs and Watchers, must lock the voting part of the machine against voting. The keys must be put on a strong string or wire with a card, on which must be written the number of the machine and the precinct. The keys must be returned to the county auditor not later than ten o'clock a. m. Thursday following election.

The Inspector and judges must see that the lock No. 1 is snapped on the voting lever on the front of the machine and that the release knob is locked with key No. 2. The Inspector will then open the counting compartment with key No. 3, giving a full view of all the counters or numbers to the entire board, including the clerks, sheriffs and watchers. When

the Inspector announces the vote cast for each candidate, the judges and watchers must see that the vote is correctly called and the vote correctly entered by the clerks on the tally books. (Sec. 281, Election Laws.)

After the whole vote has been called off, the clerks must again call back the vote of each candidate from the tally book for verification by the Election Board.

After the vote has been verified and found correct, then close the machine and lock with key No. 3, sign the books, tally sheets, certificates, etc. If the machine has broken before the polls close, in canvassing the vote the number of votes each candidate received on the machine must be added to the number cast for such candidate by printed ballots and the certificate must be made up to show the total vote of each candidate.

Absent voter's Ballot—How Counted on Voting Machine.

In the canvassing of absent voter's ballots in any precinct where voting machines are used, the Inspector shall remove the absent voter's ballots from the ballot box in which they have been deposited, as herein provided, and, together with the two (2) clerks, open the ballots and record them on the voting machine in accordance with the intent of the absent voter as indicated by the appropriate markings on the face of the ballot if the vote is not challenged. (Sec. 76.)

Canvassing Vote—Pencils Destroyed.

Before the ballots cast or uncast in any primary or general election in this State shall have been counted, all the pencils used in marking the ballots in such primary or general election shall be destroyed. (Sec. 172.)

Order of Canvassing Australian Ballots.

The Election Board must then proceed to canvass the ballots; first the State, second the county, and third the township. (Sec. 173.)

Ballots, How Canvassed.

The Election Board must, in canvassing the votes, begin first with the State ballots and complete them before proceeding with the other ballots, by laying each ballot upon the table in the order in which it is taken from the ballot box; and the Inspector and the judge of election differing in politics from the Inspector must view the ballots as the names of the persons voted for are read therefrom. The Inspector reads the ballots, the judge differing in politics from the Inspector sees that the ballot is read correctly, and the judge of the same politics as the Inspector strings the ballots after they are read. If any ballot be found mutilated, defaced or marked so that it can be identified, it must not be counted (Sec. 66); but the board should not adhere to such a severe construction of the laws as will deprive innocent or honest voters of their rights. In determining the intention of the voter a careful but common-sense discretion should be exercised. Instances may arise where finger marks from a greasy or soiled hand may, unintentionally, have been left upon a ballot. In such an instance, if the board is convinced, after a careful examination, that the marks were accidentally and not intentionally or corruptly made, the ballot should be counted. If the initials of the Poll Clerks be on the

ballot, but not on the lower left-hand corner, and this appears clearly to have been an honest and unintentional mistake of the Poll Clerks, the ballot should be counted. No ballot can be counted, however, if the intention of the voter is not indicated by the blue pencil mark and in the exact manner required by the statute, which provides that the cross must be on or touch the circle or the square.

All ballots voted and not voted, together with all protested, disputed or uncounted ballots, must be preserved and returned to the County Clerk's office in the proper packages. (Sec. 173.)

Ballot Where There Are Several Candidates for Same Office.

In case there are two or more persons to be elected to the same office, as in the case of Senators and Representatives in the Legislature, judges of the Superior Court, justices of the peace, etc., if the names of one or more, but less than all, of such persons for a particular office are marked on one or more of the tickets, the ballot must be counted for the persons whose names are so marked; but if in such case the names of more persons than are to be elected to the particular office are marked on any ballot, such ballot can not be counted for any person for that office, for the reason that it can not be determined which of the right number to be elected were intended to be voted for, but the ballot is valid and must be counted for the candidates for other offices as to whom it is properly marked. (Sec. 173.)

Ballot in Wrong Box.

If the Inspector, by mistake or intention, deposits genuine ballots in the wrong box, putting State ballots in the local box, or local ballots in the State box, such ballots must be counted. (See 130 Ind. 561.)

Absent Voter's Ballots—Use of Ink or Pencil in Marking Not a Distinguishing Mark.

Absent voter's ballots have the signature of the clerk of the Circuit Court and his seal impressed thereon on the lower left-hand corner of the back of the ballot; such ballots may, according to law, be marked either with ink, or a pencil with any color of lead, and when so marked should be counted by the board. (Sec. 70.)

The use of a pencil making other than a blue mark or ink is not a distinguishing mark on absent voter's ballots, but would be on any other. The signature of the clerk and the impression of the seal on the back of the ballot is an indication that the ballot is an absent voter's ballot.

Close of Count.

The board, after canvassing the ballots, must record the results on the tally sheets, and make out three certificates of the number of votes for each candidate, over the signatures of all the members of the board, and deliver one of them to each member of the board.

All ballots voted and not voted, together with all disputed, protested, uncounted and defective ballots, must be preserved and returned to the County Clerk's office in the sealed bags. Before putting such ballots in the bag, one of the Poll Clerks must endorse upon the back of each dis-

puted, defective, uncounted or protested ballot the word "counted" or "not counted," or if counted in part, for whom counted, as the case may be, which statement must be signed by both of the clerks. (Sec. 173.)

Protested Ballots.

At the close of the canvass the Poll Clerks must make memoranda on the tally sheets of the protested, uncounted, disputed and defective ballots. It is intended by the law that there should be a separate memorandum for each ballot, specifying the objections to it. It will, therefore, be necessary to number the protested, uncounted, disputed and defective ballots so that the objections may be referred to the proper ones by number. (Sec. 173.)

A paper sack is provided in which the seals of the ballot packages and all the disputed, protested, uncounted and defective ballots must be placed; and this bag, after sealing, must be delivered to the County Clerk. (Sec. 173.)

Effect of Protest.

A protest does not, in any sense, mean that the ballot shall not be counted. It must be counted, notwithstanding the protest, if a majority of the board so decide, and the only persons to decide are the Inspector and the two judges. If a ballot is counted over the protest of a member of the Election Board, it must be preserved. (Sec. 173.)

Disposition of Papers.

The various papers and documents used by the board must be disposed of as hereinafter set out.

In a precinct where printed ballots only are used the election ballots and papers are put up in eight (8) parcels as follows:

1. Bag containing all unvoted state, county and township ballots.
2. Bag containing all voted state, county and township ballots, except protested, disputed and defective ballots.
3. Bag containing all disputed, protested and defective voters' ballots, and seals of ballots packages.
4. Bag containing defective and unopened absent voters' ballots.
5. Bag containing one poll-book, one state tally paper, one county tally paper and one township tally paper and the affidavits of election officers.
6. Bag or envelope containing all the affidavits made after the polls are opened and before the polls are closed.
7. Package containing one poll-book, one state tally paper, one county tally paper and one township tally paper, if there are more than ten precincts in the township; but if not more than ten precincts in the township, the township tally paper is taken to the township trustee's office the next day after the election. This package should not be sealed.
8. Package containing the two registration books and registration applications.

In a precinct where a voting machine and also printed ballots are used there are eight (8) parcels, the same as set out above where only

printed ballots are used, and in addition the inspector must take the machine keys to the auditor's office.

In a precinct where a voting machine and no printed ballots are used there are six (6) parcels, as follows:

1. Package containing one poll-book, one voting machine tally paper for state, county and township officers, and the affidavits of the election officers.

2. Package containing one poll-book, one voting machine tally book for state, county and township officers, if there are more than ten precincts in the township; but if not more than ten precincts a township tally paper is taken to the township trustee's office the next day after the election. This package should not be sealed.

3. Package containing affidavits made after the polls are opened and before the polls are closed.

4. Package containing voted and counted absent voters' ballots.

5. Package containing the disputed, protested, defective and unopened absent voters' ballots.

6. Package containing the two registration books and the registration applications.

7. Package containing the keys to the voting machine.

All of the above packages should be taken to the county clerk's office except the voting machine keys and the registration books and the registration applications which should be taken to the county auditor's office.

The election board must sign their names on each bag or package and seal them except the packing containing the poll-book, one state tally paper and one county tally paper. In no event should the inspector or judge, who has been selected as custodian of these papers, part with their possession or permit them to be changed, handled or mutilated. (Secs. 173, 176, 177 and 191.)

Upon delivery of same to clerk of the circuit court the inspector must take and subscribe an oath that he has securely kept said envelope, ballots and papers therein, and that he has not suffered or permitted any person to break the seal or open said envelope or tamper with the ballots or papers, which oath shall be filed in said clerk's office with the other election papers. (Sec. 191.)

The inspector should make out a statement showing the names of the inspector, judges, clerks, additional clerks, sheriffs, the number of meals and the name of the party furnishing the meals.

The ballot box, booths and the other election supplies should be left at the place of voting, and the board of commissioners will send for them and store them for future elections.

CONSTITUTIONAL AMENDMENT.

Constitutional amendments when proposed are printed in brief on the state ballots. They are followed by a line with the word "Yes" and another line with the word "No" thereon and the voter may indicate

his desire with reference to such constitutional amendment by making a cross (X) in the square before either of said answers. (Sec. 177.)

If any political party polling at least one per cent of the entire vote cast in the state has taken action upon any constitutional amendment and certified its resolution to the secretary of state, there shall be printed upon the ballot of such party immediately below the names of its state candidates, a statement of such proposed constitutional amendment followed by the word "Yes" or the word "No" according as affirmative or negative action may have been taken thereon by such party. In this case if the voter makes a cross (X) mark in the circle at the head of the state ticket for the purpose of voting a straight party ticket, he thereby votes upon said constitutional amendment in accordance with the action taken by his party; or if he choose he may vote a mixed ticket and may make his cross (X) mark in the blank to the left of and before the statement and answer thereto that he desires to make. (Secs. 176-181.)

PARTIES.

The party vote of 1908, 1910, 1912, 1914, 1916, 1918 and 1920 was as follows:

	1920	1918	1916	1914	1912	1910	1908
Democratic.....	510,239	251,694	323,686	262,703	281,890	299,935	338,262
Republican.....	686,974	301,207	337,851	233,313	151,267	287,568	348,993
Progressive.....	.....	.....	4,543	93,683	162,207	.....	.....
Prohibitionist.....	12,443	8,409	15,567	14,246	19,249	17,024	18,045
Socialist.....	23,404	11,297	21,648	21,755	36,931	19,632	.....
Socialist Labor.....	.....	.....	1,556	2,808	3,130	2,974	.....
*Socialist and Socialist Labor.....	.....	.....	.....	.....	.....	.....	13,476
Peoples.....	.....	.....	.....	.....	.....	.....	1,113
Independent Party.....	.....	.....	.....	.....	.....	.....	514
Farm-Labor.....	16,702	.....	.....	.....	.....	.....	.....
Total vote.....	1,249,762	572,607	704,851	628,508	654,674	627,133	720,403

Under the law, each of the four political parties which cast the largest vote in 1920 is entitled to one watcher at the count (Sec. 165), and each party that cast ten per cent of the total vote of the state for secretary of state is entitled to and must nominate its candidate at a primary election, and each party which cast one per cent of the total vote is entitled to and must nominate its candidates by a convention. All parties casting less than one per cent of the total vote of the state must nominate their candidates by a petition. Under the vote of 1920 the Democratic and Republican parties are the only parties that can nominate their candidates at a primary election; and the Farmer-Labor and the Socialist parties are the only parties that can nominate their candidates at a convention, all other parties must nominate their candidates by a petition. The only parties entitled to have watchers at the count are the Democratic, Republican, Farmer-Labor and Socialist parties.

ARRANGEMENT OF BLANKS AND TICKETS.

State Ballots.

On the state tickets the names of the candidates when such candidates are to be elected will be in the following order:

Presidential Electors.
 For United States Senator.
 For Governor.
 For Lieutenant-Governor.
 For Secretary of State.
 For Auditor of State.
 For Treasurer of State.
 For Attorney-General.
 For Clerk of the Supreme Court.
 For Superintendent of Public Instruction.
 For Judge of the Supreme Court, First District.
 For Judge of the Supreme Court, Second District.
 For Judge of the Supreme Court, Third District.
 For Judge of the Supreme Court, Fourth District.
 For Judge of the Supreme Court, Fifth District.
 For Judge of the Appellate Court, First Division.
 For Judge of the Appellate Court, First Division.
 For Judge of the Appellate Court, First Division.
 For Judge of the Appellate Court, Second Division.
 For Judge of the Appellate Court, Second Division.
 For Judge of the Appellate Court, Second Division.
 For Reporter of the Supreme Court.

Local Ballots.

On the local tickets the names of the candidates should be in the following order as far as applicable to the particular county:

For Representatives in Congress,Congressional District
 For Judge of the Circuit Court,Judicial Circuit
 For Judge of the Probate Court.
 For Prosecuting Attorney,Judicial Circuit
 For Judge of the Superior Court,Superior Court District
 For Judge of the Superior Court,County
 For Judge of Room, Superior Court,County
 For Judge of the Criminal Court,County
 For Judge of the Juvenile Court.
 For Senator,County
 For Joint Senator,Counties
 For Representative,County
 For Joint Representative,Counties
 For Clerk of the Circuit Court.
 For County Auditor.
 For County Treasurer.
 For Recorder.
 For Sheriff.

- For Coroner.
- For County Surveyor.
- For County Assessor.
- For County Commissioner, First District.
- For County Commissioner, Second District.
- For County Commissioner, Third District.
- For County Councilman at Large.
- For County Councilman,District

Township Ballots.

- For Township Trustee.
- For Township Assessor.
- For Township Advisory Board.
- For Justice of the Peace.
- For Constables.

On the blank forms for canvassing provided by the county auditor, the names of the candidates should be arranged in the same order.

INTERPRETATION OF THE
REGISTRATION LAW

REGISTRATION CALENDAR, 1922.

General Election—November 7, 1922.

September 9th—First or September session of the registration board,
8 a. m. to 9 p. m.

October 9th—Second or October session of the registration board,
8 a. m. to 9 p. m.

Changes in precinct boundaries for general election purposes must be made not later than March of the year in which a general election is held.

April 10th is the last day for publishing notice of change in precinct boundaries.

In all precincts, there shall be appointed two registration clerks. In all precincts having voting machines, there shall be appointed an inspector and two clerks. In all precincts having more than 600 voters, there shall be appointed an inspector and two clerks, and two additional clerks may be appointed.

Registration inspectors, the clerks and additional clerks, if any, are appointed by the Board of Commissioners, not later than five days before registration day.

County chairmen may nominate registration clerks and additional clerks, if any, ten days before registration day, and the board of commissioners must appoint them.

At least ten days before registration day, the auditor of the county delivers to the registration inspector or clerk in charge, registration blanks, registration books, etc.

At least fifteen days before registration day, the board of commissioners shall provide for and secure a suitable room for the session of the board in each precinct.

County auditor gives ten days' notice by publication in two newspapers representing the two leading political parties, before each registration day, of the time and places of registration.

Inspector or clerk in charge posts a notice of the time and place of registration in five public places in his precinct eight days before registration day.

The county auditor, within ten days after each registration day, must make, certify and furnish to the chairman of both leading political parties, complete copies of the registration.

At time inspector receives the ballots from the county board of election commissioners at the clerk's office, he also receives the registration books and blanks. Inspector must return registration books and blanks to county auditor within three days after election.

Mistakes in registration made at the September session may be corrected at the October session.

Mistakes made at the October session may be corrected before the county auditor not later than ten days before election day.

Mistakes made at the October session, and unknown to the voter until he goes to the polls to vote, can be corrected on election day, at the polls.

At least ten days before an election, one or more electors of a precinct may begin proceedings to strike a name or names from the registration books. Immediate service of notice in person or by copy, return of notice within 48 hours, to appear in not less than two nor more than five days after service. If not personally served and no appearance at trial, such voter before four o'clock p. m. on the day preceding the election shall have the right to have said order to remove his name from registration books modified and changed.

INSTRUCTIONS TO VOTERS AND OFFICERS UNDER THE REGISTRATION LAW AND INTERPRETATIONS THEREOF.

Registration, When Held.

In the year 1922, there will be two sessions of the registration board. The first, or September session, will be held on Saturday, the ninth (9th) day of September, which is the 59th day before the election, and the second, or October session, will be held on Monday, the ninth (9th) day of October, the 29th day before the election. (Sec. 29.)

Hours, Board in Session.

The registration board must be in session ready to receive applications for registration from the hour of eight (8) o'clock a. m. to the hour of nine (9) o'clock p. m. (Sec. 33.)

Oaths of Office.

The inspector and clerks must each take an oath before entering upon the discharge of their duties, which oath must be filed with the county auditor. (Sec. 28.)

Registration, Where Held.

In any year in which a general election is held on the first Tuesday after the first Monday in November the board of commissioners of any county shall establish, change or divide the election precincts of the county not later than their March term, except that where voting machines have been adopted since March 14, 1919, two or more precincts may be combined into one. (Sec. 27.)

Commissioners, Provide Place For.

The board of commissioners of each county must, at least fifteen (15) days before the session of the registration board, provide for and secure a suitable room in each precinct of the county, in which to conduct the registration, and if practicable, the same room should be

secured in which to hold both sessions and the election. (Sec. 31.) Friday, the 25th day of August, is the last day for securing the room. The room should be equipped with chairs and suitable furniture.

Notice.

The county auditor before each session of the registration board must give ten (10) days' notice of the time and place of holding the registration by one (1) publication in each of two newspapers of general circulation, printed and published in the county, representing the two political parties that cast the highest and next highest vote respectively in the county at the last preceding general election. (Sec. 31.)

Forms of Notice Furnished by Auditor, Posting Of.

The county auditor shall prepare and, at least ten (10) days before each session, deliver to each inspector or clerk in charge of each precinct fifteen (15) printed blank forms of notice of the time and place of session. The inspector or clerk in charge of the precinct shall fill out the blanks, and at least eight (8) days before the session post or cause the same to be posted in at least five (5) public places in the precinct. (Sec. 31.)

Registration Officers Appointed by County Commissioners.

The board of commissioners of each county of the state in each year in which there is to be held a general election on the first Tuesday after the first Monday in November, at least five (5) days before each session of the registration board shall appoint in each precinct two (2) registration clerks, and in each precinct where voting machines are used shall also appoint an inspector of registration, and in precincts having more than six hundred (600) voters at the last preceding general election, the board of commissioners may appoint two (2) additional clerks. (Secs. 28 and 39.)

Registration Officers, Qualifications Of.

The inspector and registration clerks, or the registration clerks so appointed, as the case may be, constitute the registration board of the precinct for which they are appointed, and each of the members of the registration board shall be voters and residents of the precinct for which appointed. Women who are over the age of 21 years are voters and may be appointed as members of the registration board, the same as male voters. The county chairman of each of the two political parties that cast the highest and next highest vote respectively at the last preceding general election shall have the right to nominate one (1) of the clerks of registration, and one of the additional clerks, if any are appointed; provided, that he does so in writing ten (10) days before the session of the board at which the appointment is made. The board of commissioners of the county must appoint the clerks so recommended: Provided, that if such chairman shall fail to make nomination or appointment within the time specified, the board of commissioners of the county shall make such appointment of its own selection from such political parties failing to make recommendation. (Sec. 28.)

Auditor to Notify, Etc.

The county auditor immediately notifies the members of the registration board of their appointment. (Sec. 28.) The members of the registration board must be sworn in and the oath must be filed with the county auditor. They hold their office until the day after the election. They are eligible as members of the regular election board. (Sec. 28.) The inspector or the clerk in charge must be a member of the political party that cast the highest vote for Secretary of State in the county at the last preceding general election. (Sec. 31.)

Police Powers of Board.

Each member of the board while in session is a conservator of the peace and has the right to arrest any person who creates any disturbance in or around the room of the board or offers any interference with the work of the board or the people appearing for the purpose of registration, or who violates any law of the state in the presence and hearing of the board, and any member of the board has the right to command bystanders to assist in making such arrest and in detaining such person until a warrant can be obtained for him. (Sec. 42.)

Registration Officer's Pay.

The inspector or clerk in charge for each session shall receive for his services the sum of nine dollars (\$9.00), and in addition five cents (\$.05) per mile for each mile of the shortest distance between his residence and the county auditor's office; and each of the clerks shall receive six dollars (\$6.00) for his services. (Sec. 37.) The county auditor for his services shall receive reasonable compensation, the amount to be allowed by the board of commissioners. (Sec. 41.)

Meals.

The inspector or clerk in charge shall cause the registration board to be furnished at the expense of the county with good, plain and substantial meals not to cost more than seventy-five cents (\$.75) per meal. (Sec. 31.)

Statement of Expense.

Before adjournment the board shall make an itemized statement for services, cost of meals and other expenses chargeable against the county, which the inspector or clerk in charge shall file with the county auditor at the time he delivers to him the books, applications, unused blanks, etc. All expenses of registration and preparation therefor are paid by the board of commissioners out of the county treasury. (Sec. 26.)

Who May Register.

The object of the registration law is to provide for and require the registration of all voters who may be qualified and desire to vote at a general election or at any municipal election held in cities of the first and second classes, and anyone who may be qualified to vote at such elections is entitled to registration. Registration alone does not qualify one to vote, but if a voter is otherwise qualified and not registered his or her vote can not be accepted. (Sec. 32.) All voters must register. (Sec. 25.)

Who Are Voters.

All person, male or female, who were born in the United States, and who on the day of registration, or who on the day of election will be 21 years of age, and who, on said election day, have resided in the State of Indiana for six months, in the township sixty (60) days, and in the precinct thirty (30) days, if registered, are entitled to vote; and if foreign born, in addition to the above qualifications, they must on the day of election have resided in the United States one (1) year, and must have been naturalized. (Sec. 32.)

Foreign Born Children Who Were Minors When Their Fathers Were Naturalized.

When a foreigner has been naturalized, this of itself operates as a naturalization of his wife, minor child or children resident at that time in this country. If the father has been naturalized, but the son or daughter does not know when and where, this information can be procured from the Bureau of Naturalization, Washington, D. C. The mere fact that the son or daughter does not know the place and time of his or her father's naturalization does not disqualify him or her from registering, but might be a serious impediment if such person is challenged when he or she presents himself or herself to vote. It would, of course, be advisable for a person in this condition to secure this information and thus avoid any possible question.

Woman Citizenship.

An American woman who married a foreigner prior to March 2, 1907, did not lose her citizenship by her marriage, but any American woman who married a foreigner after March 2, 1907, lost her citizenship as an American, becoming a citizen of the country of which her husband was a citizen.

An alien wife of an alien man can not, on her own petition, become a citizen of the United States by naturalization.

A foreign born woman, unmarried, can become an American citizen by naturalization the same as a man.

An alien female who lawfully entered the United States for a lawful purpose and afterwards marries a citizen of the United States, becomes a citizen of the United States by virtue of such marriage.

A foreign born woman, married to a foreigner, whose husband becomes a full naturalized American citizen, can vote; provided, she has the other qualifications.

A person who is a citizen of any country that is at war with the United States can not be naturalized as a citizen of the United States.

Registration for Special Election.

At a special election, other than an election to fill the unexpired term of an office that has become vacant by death, resignation, or otherwise, no person can vote unless duly registered under the registration laws in force and effect at the time of such special election, and such registration must be had in a one-day session, the 59th day preceding the election, and a one-day session, the 29th day preceding the election.

Books and Blanks.

The county auditor provides necessary books and blanks, and other supplies for the registration, and the inspector or the clerk in charge obtains the same at the county auditor's office at least ten (10) days before each session of the registration board. (Sec. 30.) The inspector or clerk in charge may place part of the applications at such convenient place or places in the precinct to accommodate the voters, so that they may obtain them before the registration day; and he shall retain a sufficient number in his own hands for use on registration day, and to supply the voters that may call on him for them before that day. (Sec. 31.) Any political party or any person may print registration applications and other blank forms as prescribed by law in addition to the ones furnished by the respective registration boards.

How to Register.

A voter may register in the following manner, to-wit:

(a) By delivering in person an application for registration properly made out, signed and executed, to the board of registration during the hours said board is in session in the precinct in which said voter lives and claims the right to vote; the voter should sign his or her name in full in the English language in his or her own handwriting (Sec. 35); or

(b) By causing an application for registration, properly made out, signed and executed, to be delivered by a voter of the precinct to the board of registration during the hours said board is in session in the precinct in which said voter lives and claims the right to vote: Provided, that in the event the application is sent to the board by any voter of the precinct, the applicant shall first make oath or affirmation before some officer authorized to administer oaths and who has an official seal (Sec. 36); or

(c) By causing an application for registration, properly made out, signed and executed, to be certified to by two voters residing in the precinct, who shall state that they are personally acquainted with the applicant and that he or she is the person he or she represents himself or herself to be, and that the statements he or she represents in his or her application are to their personal knowledge true. The application when so signed and certified to shall be delivered to the registration board, while it is in session by any voter of the precinct (Sec. 36); or

(d) By mailing an application for registration properly made out, signed, executed, and sworn to, to the county auditor, who shall deliver the same to the inspector or clerk in charge of the registration board, either on or before the day of said registration. (Sec. 36.)

(e) Every application shall be signed by the applicant in his own handwriting in the English language, if able to write, and if not able to write in any language, he shall procure some resident of the township to write his name for him, and he shall make his mark, but the person so writing his name shall also write his own name on the application as an attesting witness. It is unlawful for any person to write the name of an applicant to an application, unless he is personally acquainted with said applicant. (Sec. 35.)

There are two classes of voters—native born and foreign born, naturalized.

A voter may register in three ways.

REGISTRATION APPLICATION.

(Application for Registration of Native Born Voter.)

No., Indiana,, 1922.
 (To be put in by the Clerk)

My name is..... I am a
 (Give name in full, initials will not do)
 voter.
 (Male or female)

I reside in the Precinct, Township,
 Ward, (Name of city or town)
 County, Indiana, at No.....*Street.

I was years of age on the day of, 192....
 I was born in

(Signed)

The above is all that is required if the voter appears in person.

(The jurat below to be filled out and signed by the officer swearing the applicant, if the applicant does not appear in person.)

Subscribed and sworn to before me, this the day of, 1922.

.....

Official Title.

My commission expires, 192....

(The following to be used if the application is not to be delivered in person or sworn to.)

We, the undersigned legal voters residing in Precinct,
 Township,
 Ward, (Name of city or town)

County, Indiana, certify that we are personally acquainted with
, the above named applicant
 for registration, and know that said applicant is the person he or she
 represents himself or herself to be, and that the statements in the above
 application are to our personal knowledge true.

WITNESS our hands, this day of, 1922.

SignedResides at.....

SignedResides at.....

REGISTRATION APPLICATION.

(Application for Registration of Foreign Born Naturalized Voter.)

No., Indiana,, 1922.
 (To be put in by the Clerk)

My name is..... I am a
 (Give name in full, initials will not do)
 voter.
 (Male or female)

* If the residence is outside of a town or city, give the postoffice address of the applicant. If inside of a town or city, give street and street number of the house in which the applicant resides.

I reside in the Precinct, Township,
Ward, (Name of city or town)
..... County, Indiana, at No.....*Street.
I was years of age on the day of, 192....
I was born in.....; I was naturalized
under the laws of the United States at
on the day of, 1.....; or, my
father was naturalized as a citizen of the United States while I was
a minor.

(Strike out this last clause if it does not apply.)

(Signed)

The above is all that is required if the voter appears in person.

(The jurat below to be filled out and signed by the officer swearing the applicant, if the applicant does not appear in person.)

Subscribed and sworn to before me, this the day of,
1922.

.....
.....

Official Title.

My commission expires, 192....

(The following to be used if the application is not to be delivered in person or sworn to.)

We, the undersigned legal voters residing in the.....Precinct,
..... Township,,
Ward, (City or town)

County, Indiana, certify that we are personally acquainted with
....., the above named applicant
for registration, and know that said applicant is the person he or she
represents himself or herself to be, and that the statements in the above
application are to our personal knowledge true.

WITNESS our hands, this day of, 1922.

Signed Resides at.....

Signed Resides at.....

Voter Moving from Precinct.

Any voter who has registered at the September session, and who has
moved from the precinct in which he registered to another precinct in the
same township or who by mistake has registered in the wrong precinct,
is entitled to register in the precinct to which he has moved by filing with
the board a new registration application at the October session.

He must also fill out a statement showing the previous registration,
giving the number and name of the precinct and the facts as to how such
previous registration came to be made, which statement shall be deliv-
ered to said board with said application. This statement, after the close
of said registration, shall be delivered by the inspector or clerk in charge
to the auditor of the county, who shall deliver such statement to the
inspector of the precinct in which such person was first registered, and

* If the residence is outside of a town or city, give the postoffice address of the applicant. If inside of a town or city, give street and street number of the house in which the applicant resides.

such auditor shall make a note in red ink on both registration books of the precinct in which such person was first registered opposite the name of the person thereon, calling attention to such statement, said statement may be substantially in either of the following forms: (Sec. 26.)

....., 19....
 At the September session, 19...., of the Board of Registration, I by mistake registered in Precinct, Ward, City or Town, Township, County, Indiana, when at such time I was and am now a legal voter in Precinct, Ward, City or Town, Township, County, Indiana.

....., 19....
 At the September session, 19...., of the Board of Registration, I was a legal voter in Precinct, Ward, City or Town, Township, County, Indiana, and I duly registered in said precinct, at said session of said board. Since doing so I have changed my place of residence and I now reside in Precinct, Ward, City or Town of, in the same township, county and state.

Any voter who at the October session of the board of registration by mistake registered in the wrong precinct, and who otherwise was entitled to vote, may be registered in the correct precinct by the auditor of the county of which such voter is a resident, at any time after such October session up to and including the 10th day prior to the day of election. Such voter shall make out the regular application blank, and in addition fill out a blank to be furnished by the county auditor, showing the previous registration, the number and name of the precinct, and how such previous registration came to be made, and deliver the same to the county auditor, who shall deliver such statement to the inspector of the precinct in which the voter was first registered, and such county auditor shall make a note in red ink on both of the registration books of the precinct in which such voter was first registered, opposite the name of such voter, calling attention to such statement.

Such statement may be substantially in the following form:

At the October session, 1922, of the Board of Registration, I by mistake registered in Precinct, Ward, Town or City of..... Township, County, Indiana, when at such time I was and am now a legal voter in.....Precinct,Ward, Town or City of..... Township, County, Indiana.

, 1922.

Any legal voter who at the October session of the registration board shall by mistake have registered in the wrong precinct and is not aware

of the fact until he presents himself to vote, may be registered and permitted to vote in the correct precinct. Such voter shall make out a regular application for registration and procure from the election board in which he is wrongfully registered a statement signed by the judges and each of the clerks, setting forth the fact that such voter is registered in such precinct, and also procure a statement signed and sworn to by two qualified voters of the precinct in which such person is entitled to vote, setting forth that such person is the person he represents himself to be, that he is a resident of such precinct, and that he has resided therein a sufficient length of time to qualify him to vote therein.

Upon the presentation of said application and statement of the judges and clerks of the precinct in which he was wrongfully registered and the verified statement of the two resident voters of the precinct in which he offers to vote, such person's name shall be placed upon the registration books of such precinct and he shall be permitted to vote. (Sec. 50.)

Such certificate may be substantially in the following form:

STATE OF INDIANA, }
 COUNTY OF..... } SS:

We, the undersigned, judges and clerks of the election board of Precinct, Ward, Town or City of, Township, County, Indiana, hereby certify that is duly registered in said precinct, this the 7th day of November, 1922.

..... Judge.
 Judge.
 Clerk.
 Clerk.

Statement of Two Qualified Voters.

Such statement may be substantially in the following form:

STATE OF INDIANA, }
 COUNTY OF..... } SS:

We, the undersigned, legal voters of Precinct, Ward, Town or City of, Township, County, Indiana, each being first duly sworn, upon oath says that he or she is personally acquainted with, who is a resident of said precinct, residing at..... in said precinct, and personally know that he or she has resided therein a sufficient length of time to qualify him or her to vote therein, and that such voter is the same person he or she represents himself or herself to be.

Signed.....Resides at.....
 Signed.....Resides at.....

Subscribed and sworn to before me, this 7th day of November, 1922.
, Inspector.

Duties of the Registration Board.

When the registration board opens its session for the receipt of applications, each clerk of the registration board shall take one of the registration books, and record therein the names in order of application. The names of the male and female voters shall be recorded in separate parts of the registration book, or if on account of the large number of voters, in separate books. (Sec. 33.)

Names of Applicants to Be Written in Registration Books.

As applications are accepted by the board, the names of the applicants shall be written by the clerks in the registration books in the order in which they were received and numbered in regular order, and both clerks shall indorse their initials on the back of the application and number it to correspond with the number of the registry name. During the day when the board is not busy with the receiving of applications and writing of names in the registration books, the clerks should be filling out the various columns of their registration books by writing in the proper columns after each name the data contained in the application as indicated in the headings of the columns of the books.

Number Names at October Session.

The clerks shall give the first name registered at the October session the next number coming after the last registry number of the September session for both men and women, and number consecutively thereafter.

Indexing Names.

The registration board shall enter in the back or index part of the books, the registered names therein in alphabetical order as to surnames, with a reference to the registration numbers. (Sec. 30.)

Applications Placed in Envelopes.

After all applications have been entered in the registration books of the precinct, the board shall place such applications for registration and re-registration, arranged separately for men and women, in numerical order, in substantial envelopes or wrappers, securely fasten the same and indorse thereon the name of such precinct, ward, town or city, township and county, and the members of the board shall sign their names to such indorsement on both envelopes.

When Board May Adjourn.

The board shall not adjourn until it has entered the names of all applicants for registration in the books, certified to the same, and compiled all of the names in alphabetical order with reference to their numbers in the index in the back part of the registration books, and has arranged all applications received of both men and women in regular order as to numbers and placed them in the envelopes, filled up the data thereon, and signed the same. (Sec. 33.)

Certificate of Registration Board.

After all the applications for both men and women have been entered in both registration books, and all the names entered in the alphabetical index in the back part thereof, the registration board at the close of each session shall immediately below the last name registered, place the following certificate, which shall be signed by each member of the board, to-wit:

The foregoing is a correct registration of all applications received by the board of registration for Precinct, Ward, in the Town or City of..... ..,Township, in the County of, at the regular session of
(September or October)
said Board, held on the day of, 19.....

Disposition of Books and Blanks.

The inspector or the clerk in charge shall take charge of the registration books and applications together with all unused blanks and stationery and deliver the same to the county auditor the next working day after the session of the board.

Duties of County Auditor.

The auditor shall cause books and blanks to be printed; deliver the same to the inspector or clerk in charge ten (10) days before the session of the registration board; publish notice of the time and place of the session of the registration board at least ten (10) days before the session (Sec. 30); make note in red ink on the registration books where voter has re-registered (Sec. 26); make and certify a complete copy of the names on the registration books, the address of the voter, and his or her registration number, and furnish a copy to each of the chairmen of the parties casting the highest and next to highest vote for secretary of state at the last preceding general election in the county, within ten (10) days after each registration session (Sec. 40); and at the time the ballots and other election supplies are received by the inspectors for the November election, or by some other member of the election board authorized in writing by the inspector to receive the same, the auditor shall deliver the registration blanks, books, applications and affidavits returned by the registration board, and said inspector shall have the same present in his precinct on election day, and within three (3) days thereafter, he shall deliver them to the auditor's office. (Sec. 46.)

Change of Name.

If, after registration and prior to the date of election, the voter's name is changed by marriage or divorce, or decree of court, such voter in order to be entitled to vote at such election and before receiving his or her ballot, shall file with the election board a certified copy of the decree of the court or the certificate of marriage, which shall be preserved and returned by the election board to the county auditor or the city clerk, as the case may be. (Sec. 38.)

Challenges.

The law makes no provisions for challenging an applicant for registration.

At the election, a voter may be challenged, in addition to the existing causes for challenge, on the ground that he or she is not registered in the precinct where he or she offers to vote. The person so challenged shall not be permitted to vote until he or she makes and presents an affidavit that he or she is registered and that he or she is the identical person who is registered under the name under which he or she intends to vote. Upon such challenge, the election officers of the precinct shall inspect the application for registration and the registration books, and if they are satisfied that the affidavit of such person is false, they shall order his or her arrest at once: Provided, That no person shall be allowed by the officers to vote at the election whose name is not registered, even though there be no challenge. (Sec. 47.)

Registration for City Election.

In cities of the first and second classes a registration shall be had, the same as in general elections except that the duties required by the board of county commissioners shall be performed by the city council, except that the city clerk shall appoint the clerks of registration. The city clerk shall also perform all the duties required of the county auditor, and the rights of nominating registration officers by chairmen of political parties of the county shall be exercised by the respective city chairmen. The expenses of this registration shall be borne by the city. (Sec. 48.)

Offenses.

It shall be unlawful for any person who is not a voter, and who will not be a voter at the next ensuing general election, to apply for registration (Sec. 19); or to procure himself or herself to be registered as a voter; or to make any false statement in any application that he or she may present to the registration board for the purpose of procuring himself or herself or other person to be registered (Sec. 43); or to present any application containing false statement; or to subscribe the name of any other person to any application for registration (Sec. 44).

It shall be unlawful for any member of the registration board to wilfully neglect to perform any duty as provided for in the registration law, or to do any act prohibited therein, for which punishment is not otherwise provided. Any member of the registration board or any public officer, upon whom any duty is imposed by the registration law, who shall wilfully neglect to perform such duties, or to do any act prohibited therein for which punishment is not otherwise provided, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment and by a fine, and be disfranchised and rendered ineligible for holding any office for any determinate period not less than five (5) years. (Sec. 45.)

Removal of Names From Registration Books.

One or more electors of any election precinct may apply in writing to any judge of the circuit, superior or probate court of the county for,

an order to strike from the registration books the name of any person he or they believe is not entitled to vote in such precinct, provided such application is made not later than ten days before an election, and is accompanied by their affidavit setting forth their reasons for believing such person is not entitled to vote.

Said judge shall forthwith consider such application and if he determines from said affidavit or other evidence that there is reasonable ground for believing that said person is not entitled to vote in said precinct, he shall forthwith cause notice of such application to be served by the sheriff upon such person; and if such person is not found, then notice shall be served by leaving a copy thereof at the place designated in the registration books to be his residence. Return thereof shall be made within forty-eight hours. Said notice shall briefly state the substance of the application and shall order such person to appear before said judge either in person or by representative in the court house of the county in which such precinct is situated at an hour named therein which shall be not less than two nor more than five days after service of such notice; at the hour named in said notice for the appearance of such person, the judge shall summarily proceed to investigate whether such person is entitled to vote. Witnesses may be summoned in the usual way to testify in regard thereto.

If the judge shall find that the person is not entitled to vote, he shall order such name to be stricken from the registration books by an order directed to the inspector of said precinct, and which order shall be served by the sheriff or coroner on the inspector of the precinct, who shall strike the name of such person from the registration books on the evening of the day before the election unless notified not to do so.

All persons who have not been personally served, and have not entered their appearance, shall have the right to apply to said judge at any time before four o'clock p. m. on the day before the election to have said order set aside, and, if upon the hearing of said application, the said judge shall decide that said person is entitled to vote, he shall set aside said order and cause notice to be served on the election inspector. Fees of the sheriff, clerk or coroner shall be the same as are allowed in civil cases; and in case a final order is not made granting the application, the costs of such proceeding shall be paid by the electors making the application; otherwise the costs shall be paid by the county as part of the election expenses.

The judge in such proceeding shall appoint special deputy sheriffs when requested to do so and nominated by the chairman of any political party having a ticket on the official ballot. These sheriffs shall have authority to serve and return such notices. The return of such notices shall be supported by an oath of the person making such service, whether he be sheriff or a special deputy. All such special sheriffs shall be paid by the political committee whose chairman nominated him, and said pay shall not exceed ten dollars per day. (Sec. 57.)

INTERPRETATION OF THE
ABSENT VOTERS' LAW

INTERPRETATION OF THE ABSENT VOTERS' LAW.

Classes of Elections Covered By This Law.

This law applies to general, special, primary and municipal elections.

Classes of Electors to Whom This Law Applies.

(1) Any qualified and duly registered elector of the state who is absent or expects to be absent from the county in which he is qualified on the day of election by reason of illness or the nature of his business, or other unavoidable cause, may vote under the provisions of this law. (Sec. 63.)

(2) Any duly qualified and registered voter of the state remaining within the county in which he resides, who, because of illness, is unable to attend the polls, may vote under the provisions of this act. This law has no application to an elector who resides temporarily out of his precinct. (Sec. 63.)

(3) Any duly qualified and registered voter of the state remaining within the county in which he resides, who by reason of physical infirmity or by reason of being quarantined has reason to believe that he will be unable to attend the polls, may vote under the provisions of this law. (Sec. 80.)

(4) Any qualified elector who is present in his county after the official absent voters' ballots of and for such county have been printed and delivered to the clerk of the circuit court, and who has reason to believe that he will be absent from his county on election day, may vote before he leaves his county in like manner as an absent voter. (Sec. 82.)

Electors May Return and Vote in Person.

(1) If an elector having applied for and received an absent voters' ballot or ballots, shall return to his precinct and go to the polls on election day, he can vote in person if he return the absent voters' ballot or ballots unmarked to the election inspector. (Sec. 79.)

(2) If he has marked and returned such ballot or ballots and arrives at the polls before such ballot or ballots have been deposited in the ballot box by the election inspector, he can have such ballot or ballots taken from its sealed envelope and deposited in his presence, or he may demand a new ballot or ballots and vote in person, in which case the envelope containing such absent voters' ballot or ballots shall not be opened, but shall be endorsed "unopened because voter appeared and voted in person," and such envelope shall be preserved in the same manner as defective ballots. (Sec. 83.)

Duties of an Elector to Vote as an Absent Voter—Application.

Every elector desiring to vote as an absent voter must make application either in person or by mail to the clerk of the circuit court of the county, or the clerk of the town or city in case of a municipal election, for an official ballot or ballots. (Sec. 64.)

Time of Filing Such Application.

This application must be made not more than thirty nor less than two days prior to the date of the election. (Sec. 64.)

The application must be made to and received by the clerk before the delivery of the official ballots to the election inspector of the precinct of the voter's residence. (Sec. 80.)

Form of Application.

The application must be made in writing upon a blank form to be furnished upon request by the clerk. (Sec. 65.)

The application must be signed and sworn to before some officer authorized by law to administer oaths, and having an official seal. The clerk will administer this oath if the voter makes the application in person. The following is the form of the application:

**APPLICATION FOR ABSENT VOTER'S BALLOT TO BE VOTED
AT THE GENERAL ELECTION, NOVEMBER 7, 1922.**

State of Indiana, }
County of..... } SS:

I,, do solemnly swear (or affirm) that I have been a resident of the State of Indiana for six (6) months, and of.....Township,County for sixty (60) days, and of the.....precinct oftownship or of the.....precinct of the.....ward of the city of..... for thirty days next preceding the general election, to be held on the 7th day of November, 1922;

That I am a duly qualified elector entitled to vote in such precinct at such election;

That I am registered in the precinct of my residence as provided by law;

That I am twenty-one (21) years old or more or shall have attained the age of twenty-one (21) years prior to the general election in November, 1922.

That I shall be entitled to vote at such election;

That I am.....(stating business);

That because of the nature of my business or employment or for the following reason.....(relating unavoidable cause of absence) I expect to be absent from the county of my residence on November 7, 1922, the date of such general election;

That because of (1) illness or (2) physical infirmity or (3) being quarantined I expect to be unable to attend the polls on November 7, 1922, the date of such general election.

I hereby make application for an official ballot to be voted by me at such election, and I hereby swear (or affirm) that I will return such ballot to the officer issuing it on or before the day of such election.

I expect to vote for the candidates of the..... political party at the election at which the candidates chosen at this primary election will be voted upon;

I voted for a majority of the candidates of the said party at the last preceding general election. (Applicant must cross this off if he did not vote at the last preceding general election.)

I expect to affiliate myself with the.....political party and I expect to vote for the candidates of the said party at the election at which the candidates chosen at the primary election will be voted upon.....

Date.

Signed.....

Home address of applicant.....

Postoffice address to which ballot is to be sent.....

Subscribed and sworn to before me this.....day of October, A. D. 1922.

My commission expires.....192..

.....

(Official Title)

This application must be made not more than thirty nor less than two days prior to date of election, and must be signed and sworn to before some officer authorized to administer oaths, having an official seal. The clerk of the circuit court will enclose this APPLICATION together with the UNOPENED envelope containing the absent voters' ballots, in the carrier envelope and securely seal the same.

How to Procure Official Absent Voters' Ballots.

After he has filed his application the elector can get an official absent voters' ballot or ballots by applying in person at the office of the clerk not more than ten nor less than one secular day before the election. (Sec. 67.)

In the case of an election held on Tuesday, the last day for making such personal demand for such ballots will be Saturday preceding the election.

The elector may, if he chooses, wait until such official absent voters' ballot or ballots are sent to him by the clerk through the mail. (Sec. 67.)

How to Fill Out and Mark Absent Voters' Ballots.

(1) The ballot will be sent to the voter in an unsealed envelope, addressed on its face to the clerk. On the reverse side of this envelope will be the affidavit set out in Section 68 of this pamphlet.

This must be filled out and subscribed before some officer authorized to administer oath and having an official seal. (Sec. 69.)

(2) In the presence of such officer alone, no other person being present, the voter must mark the ballot or ballots (in case more than one such ballot is to be voted at such election) in such manner that the officer cannot know how such ballot or ballots is marked. (Sec. 69.)

Pen and ink, or lead pencil of any color may be used in such marking. (Sec. 70.)

(3) In the presence of such officer alone the voter shall fold the ballot or ballots after it is so marked, each ballot separately, in such a manner as to conceal the marking. (Sec. 69.)

(4) In the presence of such officer the voter shall enclose such

ballot or ballots so marked and folded, together with any unused ballot in the envelope on the reverse side of which is the affidavit set out above and securely seal the same. (Sec. 69.)

(5) The voter shall then mail the envelope so sealed by registered mail, postage prepaid, to the clerk, or he may deliver it in person. (Sec. 69.)

Time Such Ballot Must Be Returned.

The ballot or ballots so marked must be in the hands of the clerk in time for him to deposit it with the election board of the voter's precinct before the closing of the polls on election day. (Sec. 69.)

Absent Voter May Vote Leaving County.

In event one is present in his county after the printing and delivery of the official absent voters' ballot, and has reason to believe that he will be absent from his county on election day, he may vote before he leaves by marking his ballot before the clerk or some other officer authorized to administer oaths and having an official seal. (Sec. 82.) Such a voter must make application and mark and return his ballot in like manner as an absent voter.

Absent Voter My Return and Vote in Person.

Any elector after having filed an application and received an absent voters' ballot or ballots, if he shall return to his precinct and present himself at the polls while they are open, may vote in person. If he has not marked such ballot or ballots he must return them to the election inspector. (Sec. 79.) If he has marked and returned them to the clerk before so appearing at the polls, he may have the sealed envelope containing his absent voters' ballot or ballots opened in his presence, or he may elect to have a new ballot or ballots and to vote in person in which event the sealed envelope containing the absent voters' ballot or ballots shall remain unopened and shall be endorsed "unopened because voter appeared and voted in person," and such envelope shall be preserved in the same manner as defective ballots. (Sec. 83.)

Penalties for Misconduct of Elector.

If anyone wilfully swears falsely to any affidavit he shall be guilty of perjury and upon conviction be punished as provided by law. Anyone, who, having procured an official ballot or ballots, shall wilfully neglect or refuse to cast or return the same in the manner hereinbefore provided, or who shall wilfully violate any of the provisions of this law, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not to exceed \$250 or to imprisonment in the county jail for a period not to exceed six months. (Sec. 77.)

DUTIES OF THE CLERK OF THE CIRCUIT COURT.

Estimates of Number of Absent Voters' Ballots Required.

Not less than twenty-five days prior to the date on which any general, primary or special election is held he shall estimate and deter-

mine the number of absent voters' ballots of all kinds which will be required in his county. (Sec. 84.) No method for making this estimate is set out in this law.

Certificate to State Board of Election Commissioners.

As soon as he shall have determined the number of absent voters' ballots which will be required he shall certify the number so determined upon to the state board of election commissioners. (Sec. 83.)

The county board of election commissioners makes its own estimates for such absent voters' ballots as are to be prepared under its direction. (Sec. 84.)

Date of Receiving Ballots.

The ballots prepared by the county board of election commissioners are to be delivered to the clerk of the circuit court not less than ten days prior to the day of the election in which they are to be used. (Sec. 84.)

The ballots prepared by the state board of election commissioners are to be delivered to the clerk of the circuit court or his specially authorized deputy at the same time and in the same manner that other official ballots are delivered. Sec. 6911, Burns' Statutes, 1914, but each package of such absent voters' ballots must be plainly marked and a label attached reading "This package contains.....absent voters' ballots." (Sec. 84.)

Ballots—How to Keep.

All such ballots shall be kept securely in the office of the clerk of the circuit court until delivered to the applicants as provided by law. (Sec. 84.)

Preparation of Applications.

The clerk of the circuit court must prepare a sufficient number of application forms, which he shall distribute to those making requests for them, either by delivering them to those appearing in person or by mailing them to those requesting it. (Sec. 65.)

Administering Oaths for Applications.

He must administer the oath attached to such applications to all such applicants as shall appear in person at his office. (Sec. 65.)

Filing Applications.

He shall file in his office all such applications as are filed with him. (Sec. 66.)

List of Applications to Be Kept.

He shall keep a list upon which he shall enter for each application filed the name of the elector whose application he has filed, the address to which the ballot or ballots are to be sent and the date of receiving the application. He shall keep a separate list for each precinct in the county. (Sec. 66.)

Enclosing Absent Voters' Ballots in Envelopes.

Before sending out any absent voters' ballot or ballots he shall enclose such ballot or ballots in an unsealed envelope bearing upon its face the name, official title and postoffice address of such clerk, and on the other side a printed affidavit as set out in Section 68.

Mailing Absent Voters' Ballots to Applicants.

(1) On the 15th day prior to the election he shall mail an official ballot or ballots, if more than one are to be voted at such election, to all applicants who have executed and filed their applications on or before said fifteenth day, postage prepaid, at the address named in the application. (Sec. 67.)

Note: It will be noted that Section 5 of the law provides that the clerk of the circuit court shall mail these ballots on the fifteenth day prior to the election. Section 21 of the law provides that the county board of election commissioners shall have until the tenth day before the election in which to furnish to the said clerk the ballots which they prepare and the state board of election commissioners have a similar period in which to furnish such ballots as are to be printed under their direction. It can only be possible for the clerk to mail the ballots as soon after the fifteenth day prior to the election as he comes into the possession of such ballots in the event of either or both of the election boards failing to deliver the official ballots by that date.

(2) He shall mail to all applicants whose applications are filed after the fifteenth day prior to such election and at some time between that date until and including the second day before the election, but not after such second day, on the date of the filing of such application, an official ballot or ballots in the way and manner the applications were mailed on said fifteenth day. (Sec. 67.)

Fifteenth and Second Day Before Elections—How Computed.

In computing the fifteenth day before the election day and the second day before the election day the date of the election shall be excluded, and if said fifteenth day or said second day fall on a legal holiday, then the official ballot or ballots shall be mailed the day prior to said day. (Sec. 67.) In the case of the general election, held on the first Tuesday after the first Monday in November, the second day before the election day, excluding Sunday, will always fall on Saturday, and this will be the last day provided for mailing out absent voters' ballots.

Personal Delivery of Absent Voters' Ballots in the Clerk's Office.

The clerk of the circuit court shall deliver an official ballot or ballots to all those who have previously filed applications and who shall appear personally at his office not more than ten nor less than one secular day before such election. (Sec. 67.) In case of all general elections held on the first Tuesday after the first month in November, the Saturday previous to such Tuesday will be the last day upon which delivery can be made.

Personal Delivery of Absent Voters' Ballots at Clerk's Office.

The clerk may at his office deliver such ballot or ballots to the applicant personally or to the duly authorized agent of the applicant not more than ten nor less than one secular day before such election. (Sec. 67.)

No Ballots to Be Delivered on Election Day.

No absent voters' ballots shall be delivered in such manner as to be received by any elector on election day. (Sec. 80.)

Sealing and Signing Absent Voters' Ballots.

Before mailing or delivering any ballot the Clerk shall affix his official seal and place his signature near the lower left hand corner of the back thereof, leaving sufficient space on the margin for the initials of the poll clerk. (Sec. 67.)

Administering Oaths for Ballots.

He shall administer the oath for the affidavit set out in Section 6, which affidavit appears on the reverse side of the envelope in which the ballots are delivered to the applicants, if any qualified elector who, being in his county after the official absent voters' ballot of or for such county have been delivered and having reason to believe that he will be absent from his county on election day, shall come in person to the office of the clerk. (Sec. 82.)

Record to Be Kept of All Absent Voters' Ballots.

On the same list upon which he keeps a list of the applications received by him, the clerk shall enter the date of mailing the ballot or ballots to any elector who has filed his application, the date of receiving the ballot or ballots from such elector, and such other information as may seem necessary or advisable. (Sec. 66.) He shall keep a record of all ballots so delivered for the purpose of absent voting as well as all ballots marked before him. (Sec. 81.)

Note: One record will suffice for both applications and ballots. It must contain the names of the electors, the addresses to which ballots are to be sent, the date of receiving the applications, the date of mailing the ballots to said electors, or of giving the ballots to such electors in person, the date of receiving the ballots from such electors (Sec. 79), and, in addition, the names and addresses of those electors who have marked their ballots before the clerk of the circuit court and the dates when such ballots were so marked. This record shall be kept separately by precincts.

Marked Ballots to Be Enclosed by the Clerk.

He shall forthwith enclose, unopened, the absent voters' ballot or ballots of any elector, together with the application made by such elector in a large or carrier envelope which he shall securely seal and indorse with his name and official title, and also the words, "This envelope contains an absent voters' ballot and must be opened only at the polls on election day while such polls are open." (Sec. 71.)

Enclosed Ballots—How Filed.

He shall keep the same so sealed and endorsed in his office until delivered by him to the election inspector of the voter's precinct. (Sec. 71.)

Delivery of Absent Voters' Ballots to Election Inspectors.

(1) In event he shall receive an absent voters' ballot from any elector prior to the delivery of the official ballots to the election inspector of the precinct in which such elector resides, the clerk of the circuit court shall deliver such enclosed ballot and application sealed in the carrier envelope to the election inspector of such precinct along with such official ballot. (Sec. 72.)

(2) In event that the official ballots for such precinct have already been delivered to the election inspector of such precinct at the time the clerk receives such absent voters' ballot, the clerk shall immediately enclose such envelope containing the absent voters' ballot, together with his application, in a carrier envelope securely sealed and endorsed on the face, to the election inspector of the proper precinct, giving the name or number of precinct, the street and number of the polling place or the city or town in which such absent voter is a qualified elector, and the words, "This envelope contains an absent voters' ballot and must be opened only on election day at the polls while the polls are open." And said clerk shall mail such ballot and application, postage prepaid, to such election inspector. (Sec. 72.)

(3) If more convenient the clerk may deliver such absent voters ballot and application to the election inspector in person, or by duly deputized agent, in which case he, or his agent, shall secure from the election inspector a receipt for the delivery of such ballot or ballots. If he makes a personal delivery of such ballot or ballots to the election inspector such delivery must be made without expense to the county. (Sec. 72.)

Certificate to the Election Inspectors.

The clerk shall deliver to the election inspectors to whom the ballots for the precinct are delivered at the time of the delivery of such ballots a certificate stating the number of ballots delivered or mailed to absent voters in such precinct, as well as those marked before him, and the names of the voters to whom such ballots have been delivered or mailed, or by whom they have been marked, if marked before him. (Sec. 81.)

Penalties for Clerk's Refusal or Neglect to Perform These Duties.

If the clerk shall refuse or neglect to perform any of the duties prescribed in this law or shall violate any of the provisions thereof, he shall be deemed guilty of a misdemeanor and be subject to a fine of not less than \$250 nor more than \$500, or to imprisonment in the county jail for a period of not to exceed six months. (Sec. 77.)

Duties of City and Town Clerks.

In city and town elections the duties prescribed for the clerk of the circuit court are to be performed by the city or town clerk. (Sec. 80.)

DUTIES OF ELECTION OFFICIALS.

The Preparation of the Ballots—By Whom Prepared.

(1) Absent voters' ballots shall be in all respects like other ballots (Secs. 81 and 84), and are to be prepared by the state board of election commissioners if they are for the election of officers, or the ratification, acceptance or rejection of any measure or proposition to be voted for by the electors of the state at large and by the various other boards of election commissioners if they are for the election of any officer to be voted for other than by all the electors of the state. (Secs. 80, 84.)

When Prepared and Delivered.

(1) The several county boards of election commissioners shall immediately proceed to prepare and have printed, in such number as they shall have determined, such absent voters' ballots as are to be printed under their direction. They shall deliver such ballots to the clerks of the circuit court of the counties not less than ten days prior to the day of the election at which they are to be used. (Sec. 84.)

(2) After the clerks of the circuit courts shall have certified the number of absent voters' ballots which will be required in their several counties to the state board of election commissioners, such board shall have prepared such ballots as are to be prepared under its direction and shall deliver the same to the clerks of the circuit courts at the same time and in the same manner that other official ballots are delivered by them. (Sec. 6911, Burns R. S. 1914.) (Sec. 84.)

How Marked.

Each package of absent voters' ballots shall be plainly marked on an appropriate label attached thereto with the words: "This package contains (giving number of ballots) absent voters' ballots." (Sec. 84.)

Election Inspector to Receive Absent Voters' Ballots from the Clerk.

The election inspector shall receive from the clerk at the same time he receives his official ballots, such ballots of absent voters, qualified to vote in his precinct, as shall have been received by the clerk at that time. (Sec. 71.)

Such as are received by the clerk after that time shall be mailed to the election inspector at the polling place where such absent elector is qualified to vote or delivered in person by such clerk or one of his duly deputized agents to said election inspector. (Sec. 72.)

The election inspector shall receipt for all such absent voters' ballots as shall be delivered to him in person by the clerk or any agent of the clerk. (Sec. 72.)

Election Inspector to Receive Clerk's Certificate.

At the time of delivering the official ballots to the election inspector, the clerk shall deliver a certificate stating the number of ballots delivered or mailed to absent voters in such election inspector's precinct, as well as those marked before such clerk, and the names of the voters to whom such ballots have been delivered or mailed or by whom they have been marked, if marked before him. (Sec. 81.)

Election Inspector to Inspect Absent Voter's Application and Affidavit.

The election inspector in the presence of the election board at any time between the opening and closing of the polls shall open the outer or carrier envelope, which envelope contains both the application of the absent elector, and the sealed envelope enclosing his marked ballot. He shall announce the absent voter's name and compare the signature upon the application with the signature upon the affidavit which appears on the reverse side of the smaller envelope which contains the ballot. He shall then inspect the affidavit to see that it is properly executed and attested. He shall ascertain (1) whether the applicant is a duly qualified elector of the precinct, (2) whether he is duly registered, (3) whether he has voted in person at such election, (4) whether, in case of a primary election, and in case the applicant has not previously exercised the right of suffrage, he has executed the proper declaration relative to his age and qualifications, and the party with which he intends to affiliate. (Sec. 73.)

Election Inspector to Open the Sealed Envelope.

In case all these matters are determined in favor of the absent voter the election inspector shall open the envelope containing the absent voter's ballot or ballots in such a way as not to deface or destroy the affidavit thereon and take out the ballot or ballots enclosed therein without unfolding or permitting the same to be unfolded or examined. (Sec. 73.)

Poll Clerks Put Their Initials on Absent Voters' Ballots.

The inspector shall then deliver such ballots to the poll clerks who shall at once proceed to write their initials in ink on the lower left hand corner of the back of each of such ballots in their ordinary handwriting and without any distinguishing mark of any kind, and in the same manner as other ballots are required to be endorsed. (Sec. 73.)

Absent Voters' Ballots Subjected to Challenge.

Before depositing any absent voters' ballots in the ballot box, the election inspector shall notify the challengers or the poll book holders of his precinct that he is about to deposit an absent voter's ballot and such ballot or ballots may be challenged for cause. In case of challenge the election board shall have all the power and authority given by law to hear and determine the legality of such ballot or ballots the same as though the ballot or ballots were cast by the voter in person. (Sec. 74.)

Election Inspector to Deposit Absent Voters' Ballots So Endorsed.

The election inspector shall thereupon deposit the absent voter's ballot or ballots in the proper ballot box or ballot boxes and enter the absent voter's name in the poll book, the same as if he had been present and voted in person. (Sec. 73.)

Rejection of Absent Voter's Ballot by Election Inspector.

In event the election inspector determines any of the above enumerated questions unfavorably to the applicant, or that the ballot is opened,

or has been opened and resealed, or that the ballot envelope contains more than one ballot of one kind, such ballot or ballots shall not be accepted or counted. (Sec. 73.)

Rejected Absent Voters' Ballots—How Labeled.

Every ballot not accepted shall, without being unfolded to disclose how it is marked, be endorsed on the back, "Rejected....." (giving the reason or reasons therefor). (Sec. 73.)

Rejected Absent Voters' Ballots—How Preserved.

All rejected absent voters' ballots shall be enclosed and securely sealed in an envelope on which the election inspector shall endorse the words: "Defective absent voters' ballots," with a statement of the precinct in which and the date of the election at which such ballots were sought to be cast. The election inspector shall sign such envelope and return it to the clerk in the same manner as he returns official ballots cast and uncast at the election. (Sec. 73.)

Applicant Who Has Returned to Place of Residence—Rights of.

(1) An elector who has made application for and to whom has been sent an absent voter's ballot or ballots, but who has not voted such ballot or ballots, may, if he returns to his place of residence, vote in person in his precinct, provided he shall return such ballot or ballots, if received, to the election inspector of such precinct. The election inspector shall endorse such surrendered absent voter's ballot or ballots "Cancelled," and return same with the other defective absent voters' ballots. (Sec. 79.)

(2) If he has marked such absent voter's ballot or ballots and voted the same, by returning them to the clerk so marked and he shall arrive at his voting place before such ballot or ballots have been deposited in the ballot box, he may have the envelope containing his ballot opened in his presence, and the ballot or ballots found therein deposited in the ballot box. (Sec. 83.)

(3) If he has marked such absent voter's ballot or ballots and voted the same and he shall arrive at his voting place before such ballot or ballots have been deposited in the ballot box, he may have a new ballot or ballots and vote in person. In such a case his absent voter's envelope shall not be opened. The election inspector shall mark across the face thereof the words, "Unopened because voter appeared and voted in person," and such envelope and ballot shall be preserved in the same manner as defective absent voters' ballots. (Sec. 83.)

Note: If an envelope containing an absent voter's ballot has not been opened for any reason, such envelope shall not be opened without an order of a court of competent jurisdiction.

(4) If the envelope containing his ballot or ballots shall have been marked, "Rejected as defective," he shall, upon subsequent appearance while the polls are open, have same right to vote as any other voter voting in person. And the fact that voting machines are used shall not affect his right to vote. (Sec. 83.)

Death of Absent Voter.

Wherever it shall be made to appear by due proof to the election board that any elector who has marked and forwarded his ballot has died, the ballot of such deceased voter shall not be counted, but shall be returned by the election inspector with the defective absent voters' ballots to the clerk. (Sec. 75.)

Effect of Such Death on Election.

Where the absent voter's ballot or ballots of a deceased voter shall have been cast such fact shall not invalidate the election. (Sec. 75.)

Separate Return of Absent Voters' Ballots in Precincts Using Voting Machines.

In precincts where voting machines are used the inspector shall remove the absent voter's ballot from the ballot box in which they have been deposited, and he with the two clerks, open the ballots and record them on the voting machine in accordance with the intent of the absent voter as indicated by the appropriate markings on the face of the ballot. (Acts 1919, p. 711.) (Sec. 76.)

Supplies to Be Furnished According to the Provisions of Election Laws Already in Effect.

All provisions of the existing election laws relative to the furnishing of ballot boxes, the printing and furnishing of official ballots in such number as the County Board of Election Commissioners may deem necessary, and the canvassing of absent voters' ballots and the making of the proper return and the result of the election shall apply. (Sec. 76.)

Note: All ballot boxes and ballots, such as come within the direction of the county board of commissioners, as are required to carry out the provisions of this law shall be furnished by the county board of election commissioners, and absent voters' ballots shall be canvassed and returned and the result of the election declared according to the provisions of the existing election laws.

Penalties for Refusal or Neglect to Perform These Duties.

If any election official shall refuse or neglect to perform any of the duties prescribed in this law or shall violate any of the provisions thereof, he shall be deemed guilty of a misdemeanor and be subject to a fine of not less than \$250 nor more than \$500, or to imprisonment in the county jail for a period of not to exceed six months. (Sec. 77.)

INTERPRETATION OF THE CORRUPT
PRACTICES ACT

STATE AND FEDERAL

INTERPRETATION OF THE STATE CORRUPT PRACTICES ACT.

SCOPE OF ACT.

The law applies:

First. To the election of all officers for whom ballots are cast at an election provided by law.

Second. To the election of all officers to be voted for by the Indiana General Assembly.

Third. To the election of all officers by common councils of cities or the boards of trustees of incorporated towns.

Fourth. To the election of county superintendents.

Fifth. To all caucuses and primary elections preliminary to any such other elections.

Sixth. To all candidates to be voted for at such elections, caucuses and primary elections. (Sec. 285.)

Meaning of Term "Caucus and Primary Election."

The term "caucus and primary election" includes:

First. All meetings and elections held to nominate a candidate for office or to elect delegates to a nominating convention.

Second. Nominating conventions of such delegates.

Third. Caucuses of members of the General Assembly.

Fourth. Caucuses of the Common Council of any city.

Fifth. Caucuses of the board of trustees of any incorporated town. (Sec. 285.)

"Political Committee" Defined.

The term "political committee" includes every committee or combination of two or more persons to aid or promote the success, or defeat of any political party or principle in any election, or of any proposition submitted to a vote at a public election, or to aid or take part in the nomination or election of any candidate for public office. (Sec. 286.)

"Treasurer" Defined.

The term "treasurer" includes all persons appointed by any political committee to collect, keep, receive or disburse moneys or any other thing of value to aid or promote the success or defeat of any such party, principle or candidate. (Sec. 286.)

"Political Agent" Defined.

The term "political agent" includes all persons appointed by any candidate before any election or primary election to assist him in his candidacy, or to collect, keep, receive or disburse moneys or any other thing of value to aid or promote the success of such candidate. (Sec. 286.)

Appointment of "Political Agent" or "Treasurer" Must Be in Writing Where Filed.

No person shall act as any such treasurer or political agent until he has been appointed in writing, which written appointment shall be

signed by the chairman of the political committee or candidate appointing such treasurer or political agent and until such written appointment has been filed with the clerk of the circuit court of the county within which such treasurer or political agent resides except in the case of the treasurer of the state central committee of any party, when such written appointment shall be filed in the office of the secretary of state, and until such treasurer has given bond as required by section 3 of the corrupt practices act. Every such appointment shall designate the particular period, election or primary election within which such treasurership or political agency shall continue. (Sec. 287.)

Form of Appointment of Political Agent.

The undersigned candidate for the office of.....
(or for the nomination to the office of).....
on the ticket, hereby appoints John Brown as
a political agent to aid in promoting my candidacy at the general election
to be held on the first Tuesday after the first Monday in November,
19.... (or the primary election to be held on the.....)
this appointment to continue for the period beginning on the.....day
of, 19...., and ending on the.....day of
....., 19.....

Dated

Candidate for the Office of

(Sec. 264.)

Form of Appointment of Treasurer.

The undersigned, chairman of the state central committee of the
.....party (or chairman of the county central
committee of county of the.....
party, or chairman of the city central committee of
of the party) hereby appoint John Smith as
treasurer for said committee for the election to be held on the first
Tuesday after the first Monday of November, 19.... (or for the pri-
mary election to be held on), this appoint-
ment to continue for the period beginning on the day of
....., 19...., and ending on the day of
....., 19.....

Dated

Chairman of the (STATE, COUNTY
OR CITY) Central Committee of the

.....Party.

(Sec. 287.)

Duty to Appoint Treasurer.

Every political committee shall appoint and constantly maintain a treasurer to collect, receive, keep and disburse all sums of money or other valuable things which may be collected, received or disbursed by

such committee or any of its members for any purposes mentioned in the scope of the corrupt practices act or for which such committee exists or acts, and unless such treasurer is first so appointed and maintained it shall be unlawful and a violation of the corrupt practices act for a political committee or any of its members to collect, receive, keep or disburse money or other valuable things for any such purposes. (Sec. 287.)

Bond of Treasurer—Where Filed.

The treasurer appointed by a central committee under the corrupt practices act before proceeding to act as such treasurer shall execute a bond payable to the State of Indiana in such penalty as the appointing committee shall prescribe, except that in no event shall the minimum penalty of such bond be less than \$500.00, and with surety or sureties to the approval of such committee, which bond shall be conditioned for the faithful performance by such treasurer of the duties of his office without loss or detriment to any person interested in the performance of such duties and the payment by such treasurer of all sums of money in his hands to his successor, upon which bond an action may be maintained in the name of the State of Indiana for the use of any persons interested in the faithful performance of his duties and injured by a breach of the condition. Said bond shall be filed in the office of the clerk of the circuit court except the bond of the treasurer of the state central committee, which shall be filed in the office of the secretary of state. (Sec. 287.)

Sub-Treasurers—Bond Not Required—Appointment Must Be in Writing—Treasurer Liable on Bond for Sub-Treasurer's Acts.

The treasurer may appoint one sub-treasurer for each voting precinct which sub-treasurer is authorized to collect money for the treasurer by whom he is appointed and to turn said money over to such treasurer without diminution. Or he may be authorized to expend such money as may be placed in his hands by the treasurer appointing him. The sub-treasurer may be authorized both to collect and expend money. A sub-treasurer shall not be required to give bond, but shall, before serving as such, receive from the treasurer an appointment in writing stating for what purpose such sub-treasurer is appointed, the name of such sub-treasurer, the territory in which he shall act and the time for which he is appointed. Every treasurer appointing a sub-treasurer shall be liable on his official bond for any dereliction in duty or misappropriation or unauthorized expenditure of funds by any sub-treasurer so appointed by him. (Sec. 287.)

Qualifications of Political Agents and Treasurers—Removal—Successors—Reports.

1. No person shall be appointed or act as "treasurer" or "political agent" in any election or primary election who is not a citizen and resident of the State of Indiana.
2. No person shall be appointed or act as any such "treasurer" or "political agent" who is the chairman of any political committee.
3. A "treasurer" or "political agent" is not prohibited from being

the treasurer of another political committee or the political agent of any other candidate.

4. Any political committee shall have the power and right to remove, without assigning any cause therefor, any person appointed by such committee as treasurer and to appoint the successor of such removed treasurer.

5. A treasurer who has been removed shall immediately account for and turn over to his successor in office the moneys then in his possession as such treasurer and within twenty days after such removal file a full, true and detailed account and statement of his receipts and expenditures with the clerk of the circuit court in the county in which he resides in accordance with the provisions of section 7 of the corrupt practices act.

6. Any candidate shall have the power and right to remove, without assigning any cause therefor, any person appointed by him as political agent and to appoint the successor of such removed political agent.

7. Upon such removal said political agent shall immediately account for and turn over to the candidate appointing him, the moneys then in his possession as such political agent, and shall within twenty days after such removal, file a full, true and detailed account and statement of his receipts and expenditures with the clerk of the circuit court in the county in which he resides in accordance with the provisions of section 7 of the corrupt practices act. (Sec. 287.)

Candidate Need Not Appoint Political Agent.

Any candidate may, without appointing a political agent, make such disbursements as political agents may make under the provisions of the corrupt practices act. He is not required to file a written appointment, give bond, make a report as political agent, but shall include in the statement required to be filed by him as a candidate under the provisions of the corrupt practices act, a full, true and detailed account and statement of the matters and facts required to be reported by political agents under the provisions of this act. (Sec. 287.)

All Moneys Received or Disbursed by a Political Committee Must Pass Through the Hands of the Treasurer.

All moneys or other valuable things collected, received or disbursed by any political committee or by any member thereof for any political purpose shall be paid over to and made to pass through the hands of the treasurer of such committee, and shall be disbursed by him and not otherwise: Provided, however, That such disbursement may be made by a voucher drawn by the chairman of such political committee on the treasurer and presented to such treasurer for payment, which voucher shall show the specific purpose for which said money is being expended, and it shall be unlawful and a violation of the corrupt practices act for any political committee or for any member or members thereof to disburse or expend money or any other valuable thing for any political purpose until the money or other valuable thing so disbursed shall have passed through the hands of the treasurer of said committee and any person other than a member of such political committee or other than the

political agent hereinbefore defined, who shall engage in receiving or disbursing money for any political purpose shall be deemed a treasurer of a political committee within the meaning of the corrupt practices act and shall be subject to all the requirements, obligations and penalties hereby provided for in the case of such treasurer. (The treasurer may appoint sub-treasurers as stated above.) (Sec. 287.)

Reports of Sub-Treasurers.

It shall be the duty of every sub-treasurer within twenty days after every election or primary election to make a report in writing under oath to the clerk of the circuit court of the county in which such sub-treasurer resides, stating in detail the amount of money collected by him and from whom and when collected, or the amount of money placed in his hands by said treasurer and for what purpose the said money was expended by him and to whom paid, or both, if such sub-treasurer has both collected and disbursed money or other things of value, and each sub-treasurer shall file vouchers for all money expended by him, which vouchers shall state the purpose for which said sums are expended; but in no event shall a sub-treasurer who is appointed to collect money, expend or disburse any money so collected by him, but he shall in every case deliver the same and every part thereof without diminution to the treasurer appointing him and any money which said sub-treasurer expends must be money placed in his hands by the treasurer appointing him. (Sec. 287.)

Members of a Political Committee Having a Treasurer May Solicit Contributions.

Any member of a political committee which has appointed and maintains a treasurer in accordance with the provisions of the corrupt practices act may solicit or receive contributions for political purposes provided that the same are immediately turned over without diminution to such treasurer of said committee and by such treasurer disbursed and accounted for as provided by the corrupt practices act, and when money is so received the treasurer in his account and statement in addition to the requirements of section 7 of this act, shall show through what member of such committee said sum or sums were received. (Sec. 287.)

Candidates or Persons Desiring to Become Candidates Must Not Be Solicited for Contributions, Payments or Favors.

It shall be unlawful for any political committee or officer thereof to solicit any contribution, payment or favor from any candidate for any office or from any person desiring to become a candidate: Provided, however, That any such political committee may assess against and collect from the candidate before any primary election, convention or mass convention **not held pursuant to the laws of this state**, the necessary costs and expenses of holding such primary, convention or mass convention. (Sec. 288.)

Contributions, Donations, Advertising, Money or Things of Value Must Not Be Solicited From Political Committees or Candidates.

It shall be unlawful for any person, firm or corporation to solicit from any political committee or member thereof or any treasurer, sub-

treasurer or political agent or candidate any contribution or donation, or to solicit advertising or money or things of value for advertising purposes from any such political committee or member thereof, treasurer, sub-treasurer, political agent or candidate. (Sec. 288.)

Candidates May Make Voluntary Payments to a Treasurer or Political Agent.

Any person nominated as a candidate for public office or a candidate for such nomination, except as hereinafter provided, may make a voluntary payment of money to any treasurer or political agent, for any of the purposes permitted by this act: Provided, however, That no person, other than such candidate shall to aid or promote the success or defeat of any political party or principle, or of any candidate for public office, or of any candidate for nomination as such, within six months prior to any such election, make a contribution of money or property or incur any liability or promise any valuable thing to any person other than to a treasurer, sub-treasurer or political agent. (Sec. 288.)

Private Corporations Shall Not Make or Be Solicited for Contributions.

No contribution, payments or favors of any kind shall be made, extended by or solicited from any private corporation to promote the success or defeat of any candidate for public office or of any political party or principle or for any other political purpose whatever. (Sec. 288.)

Legal Expenses to Contest Elections Not Unlawful.

Nothing contained in the corrupt practices act limits or affects the right to any person to expend money for proper legal expenses in maintaining or contesting the result of any election. (Sec. 288.)

Contributions from Political Committees.

The right of a political committee to receive contributions from other political committees for purposes authorized, is not limited by the corrupt practices act. (Sec. 288.)

Contributions to National Committees.

National committees may solicit or receive contributions through treasurers or agents appointed by them. Such agents or treasurers are not required to give bond but must file their written appointment with the secretary of state. They cannot solicit or receive funds from sources prohibited to a political committee within the state. Such treasurers or political agents must be residents and citizens of the State of Indiana. (Sec. 288.)

Reports by Treasurers or Agents of National Committees.

Within twenty days after an election such treasurer or agent must file a sworn statement with the secretary of state giving a detailed statement of all sums of money received by or promised to him and the date of each of such promises or contributions. He shall not expend any money except the actual expenses of collecting said money. If any of the funds collected by him be disbursed in the state it must be by the local committees and accounted for the same as other contributions. (Sec. 288.)

Expenses of Elections, Caucuses and Primary Elections Must Be Paid by a Treasurer or Political Agent—Exception.

No person other than a treasurer or political agent shall pay any of the expenses of any election, caucus or primary election, except that a candidate may pay his own expenses for postage, telegrams, telephoning, stationery, letters, circular letters, printing, expressage, and traveling; but this provision shall not apply to non-partisan election and ante-election expenses paid out of the public moneys of the state, or of any town, city, county or other municipality. (Sec. 289.)

The Payments, Expenditures, Promises and Liabilities a Candidate May Make or Incur.

The payments, expenditures, promises and liabilities, which any candidate for nomination or election, or both, may make or incur directly or indirectly under sections 4 and 5 of the corrupt practices act, shall not exceed in the whole twenty-five dollars for each thousand (or the major portion thereof) up to fifty thousand, ten dollars for each thousand (or the major portion thereof) in excess of fifty thousand and up to one hundred thousand, and five dollars for each thousand (or the major portion thereof) in excess of one hundred thousand of the voters qualified to vote for the office in question at the next preceding election therefor, except that such candidate may expend twenty-five dollars for said purposes, all to be paid, handled and disbursed by a treasurer or political agent and not otherwise; and any payment, contribution, expenditure of, or promise or liability to pay, contribute or expend any money, or valuable thing in excess of said sum, shall be unlawful: Provided, however, That a candidate may pay personally, in addition to said sum or valuable thing or things amounting thereto, his own expenses for postage, letters, circular letters, telegrams, telephoning, stationery, printing, advertising, publishing, expressage, traveling and board and the cost of any primary, convention, or mass convention, not held pursuant to the law of this state, which may be assessed against such candidate by the political committee under whose direction such primary, convention or mass convention is held. (Sec. 289.)

Authorized Expenditures—All Others Prohibited.

A treasurer or political agent is expressly authorized to pay the following expenses:

(a) The necessary cost of hiring halls and music for conventions, public meetings and public primaries and for advertising the same, and decorating said halls;

(b) Of printing and circulating political articles, circulars, circular letters, plate and electrotype matter, candidates' cards, pamphlets and books, including the payment of subscriptions to newspapers or periodicals containing political articles to be circulated among voters;

(c) Of printing and distributing sample or specimen ballots and instructions to voters;

(d) Of renting rooms and headquarters to be used by political committees, agents, treasurers or sub-treasurers and of paying for all clerical assistance and labor employed therein;

(e) Of compensating clerks, stenographers, typewriters, and other assistants employed in the committee rooms, or on the business of the committee outside of said committee rooms, and also of challengers, watchers and messengers employed in the registration rooms, in the voting rooms and at the polls, and the cost and expenses of any primary convention or mass convention not held pursuant to the laws of the State of Indiana;

(f) The traveling and other legitimate expenses of political agents, committees and public speakers, including reasonable compensation for the chairman and secretary of the state, district, county or city central committees, but no compensation shall be paid to public speakers, political agents, treasurers, sub-treasurers, or members of a political committee, other than the chairman and secretary for their services; providing that the costs of treasurers' bonds may be paid.

(g) Of making poll books, copies of registration lists and compiling information or data with respect to the qualifications of voters, or their political affiliations, or any other information of a political character.

(h) Of necessary postage, telegrams, telephoning, printing expenses and conveyance charge for carrying sick and infirm persons to and from the polls or to and from the places of registration;

(i) The necessary cost of equipping, furnishing and maintaining committee rooms and headquarters and places of meeting for political committees, agents and treasurers, both during and after political campaigns, if it shall be desired to maintain permanent headquarters.

(j) The cost and expenses of messengers sent by the direction of the chairman of any state, district, county, township or city committee of any political party in connection with party matters or interests, and also the cost and expenses of any person or persons summoned by or at the instance of the chairman of the state central committee, or of the county central committee, or of the district committee, or of the township committee, or of the city central committee of any political party to the committee headquarters or offices in connection with party matters or interests, and also for the accommodation and entertainment of all such persons;

(k) All expenses incurred by or under the authority of the chairman of the state, district, county, township or city central committee of any political party in providing accommodation or entertainment for members of said respective committees or for the transportation of such members, when assembling for any meeting of said respective committees or visiting the headquarters of said respective committees in connection with party matters or interests;

(l) The cost and expenses of political parades, meetings and demonstrations, including the equipment and compensation of a political band or drum corps, but not including the cost or expense of any meal, drink or entertainment of any person except as hereinbefore specified.

(m) The cost of political buttons, lithographs, banners and other political advertising matter.

No treasurer or political agent shall incur any expense or liability or make any payment for any purpose not enumerated above, and every liability incurred or payment made shall be made at a rate which is

reasonably and fairly commensurate with the service rendered. (Sec. 290.)

Payment for Printing Is Limited to Such as May Be Made by Authority and Properly Marked.

It shall not be lawful for any political committee, treasurer or political agent to expend any money for the printing or publication of any political matters whatsoever, which shall not purport on its face to be printed or published by the authority of said treasurer or political agent, and which, if published in any newspaper or other periodical, shall not be marked as an advertisement: Provided, however, That when newspapers or periodicals containing political articles are subscribed and paid for by such treasurer or political agent and sent to voters, it shall not be necessary to mark the same or any part thereof as an advertisement or to stamp or place on such newspaper a statement that they are published or circulated by the authority of said treasurer or political agent, if the only payment made to said newspaper or newspapers is for the papers actually delivered and at not more than the usual rate of subscription. Nothing in the corrupt practices act shall be construed to prevent any newspaper from publishing any political information as news although such information is furnished by a political committee or some officer thereof either in manuscript form or in plates or electrotypes, and in such case it shall not be necessary to mark such publication as an advertisement, provided such newspaper or the owner thereof receives no compensation or reward, directly or indirectly, for such publication, and the same is published in good faith as a matter of news. (Sec. 290.)

Books of Political Treasurer or Agent.

It is the duty of every political treasurer or agent to keep detailed, full and accurate accounts in a proper book or books called "account books," which are to be provided and preserved by him, of the following items:

1. All money or valuable things received by or promised to such treasurer or agent.
2. All expenditures, disbursements and promises of payments or disbursements of money or valuable things made by any political committee or by its officers or agents or any person acting under its authority or by such treasurer or agent.
3. The sum or valuable things so received, disbursed or promised.
4. The date when received.
5. The person from whom received.
6. The person to whom paid or promised.
7. The object and purpose for which such sum or valuable thing was received or disbursed or promised. (Sec. 291.)

Reports of Political Treasurers and Agents.

Twenty days after every election or primary election every such treasurer and political agent is required to file a full, true and detailed account and statement subscribed and sworn to by him before an officer

authorized to administer oaths, which report shall be filed in the office of the clerk of the circuit court of the county wherein such treasurer or political agent resides.

This statement shall include:

1. The amount of money or property in each case received or promised.
2. The name of the person from whom it was received or by whom it was promised.
3. The amount of every expenditure made or promised. This evidently means an itemized statement of each and every sum spent and also the amount of every valuable thing given or promised or liability of every sort incurred.
4. The name of the person to whom such expenditure, gift, or promise was made or to whom such liability was incurred.
5. The purpose for which the money was expended or property or thing of value given or promised or liability incurred, separately indicating the expenditures, gifts and liabilities for election and primary elections.
6. A detailed statement of all unpaid debts and obligations with the nature and amount of each, for what purpose incurred and to whom owing.
7. If there are no unpaid debts or obligations, the report shall contain a statement of such fact.
8. In case of political treasurers the report shall be accompanied by a statement of expenditures from any subtreasurer properly sworn to by such subtreasurer. (Sec. 291.)

Sworn Statements of Expenses Must Be Filed by All Candidates for Office (Including U. S. Senators) with the Clerk of the Circuit Court Within Thirty Days After an Election or Primary.

Every candidate for public office, including candidates for the office of senator of the United States within thirty days after the election or primary election held to nominate for or fill such office or place shall make out and file with the clerk of the circuit court for the county in which such candidate resides, a full, true and itemized statement in writing, which statement shall be subscribed and sworn to by such candidates, before an officer authorized to administer oaths setting forth in detail all moneys or other valuable things, contributed, expended or promised by him to aid or promote his candidacy, or in any way in connection with his nomination or election, or both as the case may be, or for other political purposes in connection with the election of any other person at said election, and all existing unfulfilled promises or liabilities in that connection remaining uncanceled and in force at the time such statement is made, whether such expenditures, promises or liabilities were made or incurred before, during or after such election, and showing the dates when, the person to whom, and the purpose for which each and all of said sums or valuable things were paid, expended or promised or said liabilities incurred. Such statement shall also set forth that the same is full, true and correct. (Sec. 292.)

Exceptions.

That the provisions and requirements of this section shall not apply to candidates for county council, township advisory board, road supervisor, constable or candidate for any other office, the emoluments of which are less than one hundred dollars per year.

Failure to File Sworn Statement Renders a Candidate Ineligible and Guilty of a Misdemeanor.

No person shall be deemed elected to any elective office, under the laws of this state, or enter upon the duties thereof, or receive any salary or emoluments therefrom, until he shall have filed the statement provided for in section 8 of the corrupt practices act; and no officer authorized by the laws of this state to issue commissions or certificates of election, shall issue a commission or certificate of election to any person claiming to be elected to any office, until such statement as aforesaid shall have been so made, verified and filed by such person with such clerk. Upon the filing of such statement, the clerk shall issue to the candidate a certificate showing the filing of such statement, and the date of such filing, which certificate shall be presented by the candidate to the officer authorized to issue his commission and such certificate shall be the only evidence of the filing of such statement which may be required by the officer authorized to issue such commission. Any person violating or failing to comply with any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than three hundred dollars nor more than two thousand dollars, or imprisoned for not more than one year, or both fined and imprisoned, in the discretion of the court or jury trying said cause. (Sec. 292.)

At the Expiration of Ten Days the Prosecuting Attorney Must Be Notified of Failure of Candidate to File Statement.

Ten days after the period fixed for the filing of said original statement shall have expired, the clerk of the circuit court, with whom the same is required to be filed, shall notify the proper prosecuting officer of any failure to file such statement on the part of any candidate, and within fifteen days thereafter such prosecuting officer shall proceed to prosecute for such offense. (Sec. 292.)

False Statement Constitutes Perjury.

Any wilfully false statement or entry made by any candidate, treasurer, political agent, member or officer of a political committee in any statement or account under oath, required by law, constitutes the crime of perjury. (Sec. 293.)

Public Records.

Every officer with whom a statement of account or duplicate thereof are required to be filed by the corrupt practices act, is required to file and preserve such records for at least three years after they are filed, and such records shall, during the hours for which they are filed, be subject and open to the inspection of any citizen of Indiana. (Sec. 294.)

Corrupt Practices.

The following persons shall be guilty of corrupt practices and shall be punished in accordance with the provisions of the corrupt practices act:

(a) Every person who shall, directly or indirectly, by himself or another, give, or offer or promise to any person any money, gift, advantage, preferment, entertainment, aid, emoluments, or any valuable thing whatever, for the purpose of inducing or procuring any person to vote, or refrain from voting, for or against any person, or for or against any measure or proposition at any election or primary election, political convention or session of the general assembly of the State of Indiana or either house thereof. (Sec. 295.)

(b) Every person who shall, directly or indirectly receive, accept, request or solicit from any person, candidate, committee, association, organization, or corporation, any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, for the purpose of inducing or procuring any person to vote, or refrain from voting, for or against any person, or for or against any measure or proposition at any election or primary election or political convention. (Sec. 295.)

(c) Every person who, in consideration of any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, paid, received, accepted, or promised to the advantage of himself or any other person, shall vote, or refrain from voting for or against any person, or for or against any measure at any such election, caucus or primary election or political convention. (Sec. 295.)

(d) Every person who shall, directly or indirectly, pay, give, contribute or promise any money or other valuable thing, to defray or towards defraying the costs or expenses of any campaign or election to any persons, committee, company, club, organization or association, other than a treasurer or political agent; but this sub-section or paragraph shall not apply to dues regularly paid for membership in any incorporated political club if all money expended by such club, for or in connection with the costs of expenses of any campaign or election, shall be paid out by it only through a treasurer or political agent as provided in this act, or to any expenses for postage, telegrams, telephoning, stationery, printing, expressage or traveling, and board incurred by any candidate for office or for nomination thereto, so far as they are permitted by this act. (Sec. 295.)

(e) Every person who shall, directly or indirectly, by himself or through another person, make a payment, or promise of payment, to a treasurer or political agent in any other name than his own. (Sec. 295.)

(f) Every treasurer or political agent who shall, knowingly, receive a payment, or promise of payment, and enter the same, or cause the same to be entered, in his accounts in any other name than that of the person by whom such payment or promise of payment is made. (Sec. 295.)

(g) Every person who being an employer, pays his employes the salary or wages in "pay envelopes" upon which there is printed or in which there is enclosed any political motto, device or argument con-

taining threats, express or implied, intended or calculated to influence the political opinions or actions of such employes, or within ninety days of an election or primary election, puts or otherwise exhibits in the establishment or place where his employes are engaged in labor, any handbill or placard containing any threat, notice or information that if any particular ticket or candidate is elected or defeated, work in his place or establishment will cease, in whole or in part, his establishment be closed up, or the wages of his employes reduced, or other threats, express or implied, intended or calculated to inflame the political opinions or actions of his employes. (Sec. 295.)

(h) Every person who, before, during or after an election or primary election, by himself, or by any other persons, either directly or indirectly, gives or provides, or pays wholly or in part, the expenses of giving or providing any meat, drink, entertainment or provisions to or for any person for the purpose of influencing that person, or any other person, to give or refrain from giving his vote at the election or primary election or to influence his vote in any other way therein, or on account of his having voted, or refrained from voting, or being about to vote or refrain from voting; and every elector who accepts the same, or any of the same, for any of the purposes aforesaid. (Sec. 295.)

(i) Every person who, at any election held pursuant to the laws of this state, applies for a ballot paper in any election room or polling place, in the name of any other person than himself, whether that name be that of a person living or dead, or of a fictitious person, or who, having voted once at any election, applies for a ballot paper at the same election in his own name, or any other name, or who aids, abets, counsels, or procures the commission of any such act or acts. (Sec. 295.)

(j) Every person who shall falsely compose, dictate, print, write, or transmit by any means whatever to any publisher of any newspaper, book or serial, any matter, the publication of which in such newspaper, book or serial, would expose any person to hatred, contempt, ridicule or obloquy, or which would cause or tend to cause any person to be shunned or avoided, or which would have a tendency to injure any person in his business, for the purpose of intimidating, influencing, inducing or procuring any person to vote or refrain from voting for or against any person, or for or against any measure or proposition at any election or primary election, or political convention or session of the general assembly of the State of Indiana, or either house thereof. (Sec. 295.)

(k) Every proprietor or editor of a book, newspaper or serial, and every partner, or member of a partnership, or manager of any incorporated association by which a book, newspaper, or serial is issued or published, or circulated, who shall falsely publish, or cause to be published, any writing, typewriting, printing, picture, effigy, symbol, sign, cartoon, or which exposes any person to be shunned or avoided, or which has a tendency to injure any person or company in his or its business, for the purpose of intimidating, influencing or inducing, or procuring any person to vote or refrain from voting for or against any person, or for or against any measure or proposition at any election, or primary election, or political convention or session of the general assembly of the State of Indiana, or either house thereof. (Sec. 295.)

Penalty for Violation of Corrupt Practices Act.

Every person who shall be guilty of any corrupt practices as aforesaid, shall be fined not less than \$300.00 nor more than \$1,000.00 or be imprisoned for not more than one year, or both, and shall be ineligible to any public office or public employment, for the period of four years from and after the time of the commission of such offense. (Sec. 295.)

Corporate Contributions.

No corporation, domestic or foreign, can directly or indirectly or through any officer, agent or employe, representative or other person whatsoever, give, contribute, furnish, lend or promise any money, property, transportation or means to aid, promote or influence the success or defeat of any political party, or principle, or to aid, promote or influence the election or defeat of any candidate, or to be used for any political purposes whatever, to the following persons:

1. To any political party.
2. To any candidate for public office or for nomination therefor.
3. To any public organization.
4. To any political committee.
5. To any treasurer or political agent. (Sec. 296.)

Contest Complaint.

The act provides for contest, at the instance of a defeated candidate or of ten duly qualified voters, of any election wherein it is alleged that corrupt practices have been used. (Sec. 298.)

Duty of Prosecuting Attorneys.

It is the duty of the prosecuting attorney to prosecute by the regular course of criminal procedure, persons whom he may believe to be guilty of having violated any of the provisions of this act. (Sec. 299.)

INTERPRETATION OF THE FEDERAL CORRUPT PRACTICES ACT. TERM "POLITICAL COMMITTEE" DEFINED.

The term "political committee" under the provisions of the federal corrupt practices act includes the national committees of all political parties and the national congressional campaign committees of all political parties and all committees, associations or organizations which shall in two or more states influence the result or attempt to influence the result of an election at which representatives in congress are to be elected. (Sec. 300.)

Officers of Political Committees.

Every political committee shall have a chairman and a treasurer. No officer or member of such committee, or other person acting under its authority or in its behalf shall receive any money or its equivalent, or expend or promise to expend any money on behalf of such committee, until after a chairman and treasurer of such committee shall have been chosen. (Sec. 301.)

Treasurers Must Keep Books of Account.

It shall be the duty of the treasurer to keep a detailed and exact account of all money or its equivalent received by or promised to such committee or any member thereof or by or to any person acting under its authority or in its behalf, and the name of every person, firm, association or committee from whom received, and of all expenditures, disbursements and promises of payment or disbursement made by the committee or any member thereof, or by any person acting under its authority or in its behalf, and to whom paid, distributed or disbursed. (Sec. 301.)

Receipts for Disbursements.

Every payment or disbursement made by a political committee exceeding ten dollars in amount must be evidenced by a receipted bill stating the particulars of expense, and every such record, voucher, receipt or account shall be preserved for fifteen months after the election to which it relates. (Sec. 302.)

Records of Contributions.

All persons receiving contributions, payments, loans, gifts, advances, deposits or promises of money or its equivalent, are required to render detailed accounts to the treasurer on demand and in any event within five days, and it is the duty of the treasurer to forthwith enter the name and address of the contributor and the amount of the contribution in the record kept for that purpose. (Sec. 303.)

Treasurer's Statements—Where Filed.

The treasurer must file a sworn, itemized, detailed statement not more than fifteen days and not less than ten days before a general election of representatives in congress in the office of the clerk of the house of representatives in Washington, D. C., and supplemental statements each sixth day thereafter until such election. He shall also file a similar statement within thirty days after such election. Each of said statements must conform to the following requirements:

“First. The name and address of each person, firm, association, or committee who or which has contributed, promised, loaned, or advanced to such political committee or any officer, member or agent thereof either in one or more items, money or its equivalent of the aggregate amount or value of one hundred dollars or more, and the amount or sum contributed, promised, loaned, or advanced by each.

“Second. The aggregate sum contributed, promised, loaned, or advanced to such political committee, or to any officer, member or agent thereof, in amounts of less than one hundred dollars.

“Third. The total sum of all contributions, promises, loans, and advances received by such political committee or any officer, member, or agent thereof.

“Fourth. The name and address of each person, firm, association or committee to whom such political committee, or any officer, member or agent thereof, has distributed, disbursed, contributed, loaned, advanced, or promised any sum of money or its equivalent of the amount or value

of \$10.00 or more, stating the amount or sum distributed, disbursed, contributed, loaned, advanced, or promised to each, and the purpose thereof.

"Fifth. The aggregate sum distributed, disbursed, contributed, loaned, advanced, or promised by such political committee, or any officer, member or agent thereof, where the amount or value of such distribution, disbursement, loan, advance or promise to any one person, firm, association, or committee in one or more items is less than ten dollars.

"Sixth. The total sum disbursed, distributed, contributed, loaned, advanced, or promised by such political committee, or any officer, member or agent thereof."

The clerk shall preserve said statements for fifteen months. They shall be a part of the public records and open to public inspection. (Secs. 304 and 305.)

Statements of Contributions Not Made to a Political Committee.

Every person, firm, association or committee except political committees, expending \$50 or more for influencing congressional elections in two or more states, must file statements under oath the same as required of treasurers, with the clerk of the house of representatives, Washington, D. C. (Sec. 306.)

"Candidate" Defined.

The word "candidate" as used in the federal corrupt practices act shall include all persons whose names are presented for nomination for representative or senator in the congress of the United States at any primary election or nominating convention or for indorsement or election at any general or special election held in connection with the nomination or election of a person to fill such office, whether or not such persons are actually nominated, indorsed or elected. (Sec. 307.)

Statements of Candidates for Representative in Congress to Be Filed Prior to a Primary Election, Convention or Election. Where Filed.

Every candidate at any primary election or nominating convention or at any general or special election, as representative in congress, shall, not less than ten nor more than fifteen days before any such primary, convention or election, file with the clerk of the house of representatives at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or representative, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made, for the purpose of procuring his nomination or election. (Sec. 307.)

Statement of Candidates for U. S. Senate to Be Filed Prior to a Primary Election, Convention or Election. Where Filed.

Every candidate at any primary election or nominating convention or for indorsement at any general or special election or by the legisla-

ture of any state, shall, not less than ten nor more than fifteen days before such primary election, convention, or election and not less than five nor more than ten days before the day upon which the first vote is to be taken in the two houses of the legislature, file with the secretary of the senate at Washington, D. C., a full, correct and itemized statement of all moneys and things of value received by him in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part, and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate or his representatives, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election. (Sec. 307.)

Statement of Candidate for Senator or Representative in Congress to Be Filed After a Primary, Convention or Election. Where Filed.

Every such candidate for nomination at any primary election or nominating convention, or for indorsement or election at any general or special election, or for election by the legislature of any state, shall, within fifteen days after such primary election or nominating convention, and in thirty days after any such general or special election, and within thirty days after the day upon which the legislature shall have elected a senator, file with the clerk of the house of representatives or with the secretary of the senate, as the case may be, a full, correct, and itemized statement of all moneys, etc., received by him, together with the names of all those who have furnished the same in whole or in part; and such statements shall contain a true and itemized account of all moneys, etc., expended by any such candidate, upon, on, and after the day of such primary election, convention or election, or election by the legislature, together with the names of all contributing to aid in his nomination or election. Every such statement shall also include all promises or pledges relative to appointment to office in the county, state or nation or in any private or corporate employment made to aid in his nomination or election. If none has been made such fact should be distinctly stated. (Sec. 307.)

Candidates for Senator or Representative in Congress Prohibited From Promising Any Office or Position to Procure Support of Candidacy.

No candidate for representative in congress or for senator of the United States shall promise any office or position to any person, or to use his influence or to give his support to any person for any office or position for the purpose of procuring the support of such person, or of any person in his candidacy. (Sec. 307.)

Candidates for U. S. Senate Prohibited From Contributing to Campaign Fund of a Candidate for the General Assembly. May Contribute to Political Committees.

No candidate for senator of the United States shall give, contribute, expend, use, or promise any money or thing of value to assist in procur-

ing the nomination or election of any particular candidate for the legislature of the state in which he resides, but such candidate may, within the limitations and restrictions and subject to the requirements of this act, contribute to political committees having charge of the disbursement of campaign funds. (Sec. 307.)

Limitation on Expenditures by Candidates for Senator or Representative in Congress.

No candidate for senator or representative in congress shall expend more than allowed by the laws of the state where he resides: Provided, A candidate for representative may expend in the aggregate not to exceed \$5,000 and a candidate for the U. S. senate not to exceed \$10,000: Provided, further, That assessments under the laws of his state or for necessary personal expenses for travel and subsistence, stationery and postage, writing or printing (other than in newspapers), and distributing letters, circulars, and posters, and for telegraph and telephone service shall not be regarded as an expenditure within the meaning of the federal corrupt practices act. (Sec. 307.)

What Second or Subsequent Statements Shall Contain.

A statement required before an election or election by the legislature need not contain items of which publicity has been given in a previous statement, but the statement after the general election or election by the legislature shall in addition to an itemized statement of all expenses not theretofore given publicity, contain a summary of all preceding statements. (Sec. 307.)

All Statements Must Be Verified.

Every statement required under the federal corrupt practices act shall be verified by the oath or affirmation of the candidate, taken before an officer authorized to administer oaths. (Sec. 307.)

When Statement Deemed Filed.

The depositing of any statement in a regular postoffice, directed to the clerk of the house of representatives, or to the secretary of the senate, as the case may be, duly stamped and registered, shall be deemed a sufficient filing of any statement under the federal corrupt practices act. (Sec. 307.)

Federal Corrupt Practices Act Does Not Annul or Vitate the Laws of Any State.

The federal corrupt practices act shall not be construed to annul or vitiate the laws of any state, not directly in conflict therewith, relating to the nomination or election of candidates for the office therein named, or to exempt any candidate from complying with such state laws. (Sec. 307.)

Expenditures Not Subject to the Provisions of the Federal Corrupt Practices Act.

Any person may in connection with an election incur and pay from his own private funds for the purpose of influencing or controlling, in

two or more states, the results of an election at which representatives in the congress of the United States are elected, all necessary personal expenses for his traveling, for stationery and postage, and for telegraph and telephone service, without being subject to the provisions of the act. (Sec. 308.)

No Limit on Legal Expenses to Contest an Election.

Nothing contained in the federal corrupt practices act limits or affects the right of any person to spend money for proper legal expenses in maintaining or contesting the results of any election. (Sec. 309.)

Penalty for Violation of the Corrupt Practices Act.

Every person wilfully violating any of the provisions of the federal corrupt practices act shall, upon conviction, be fined not more than \$1,000 or imprisoned not more than one year, or both. (Sec. 310.)

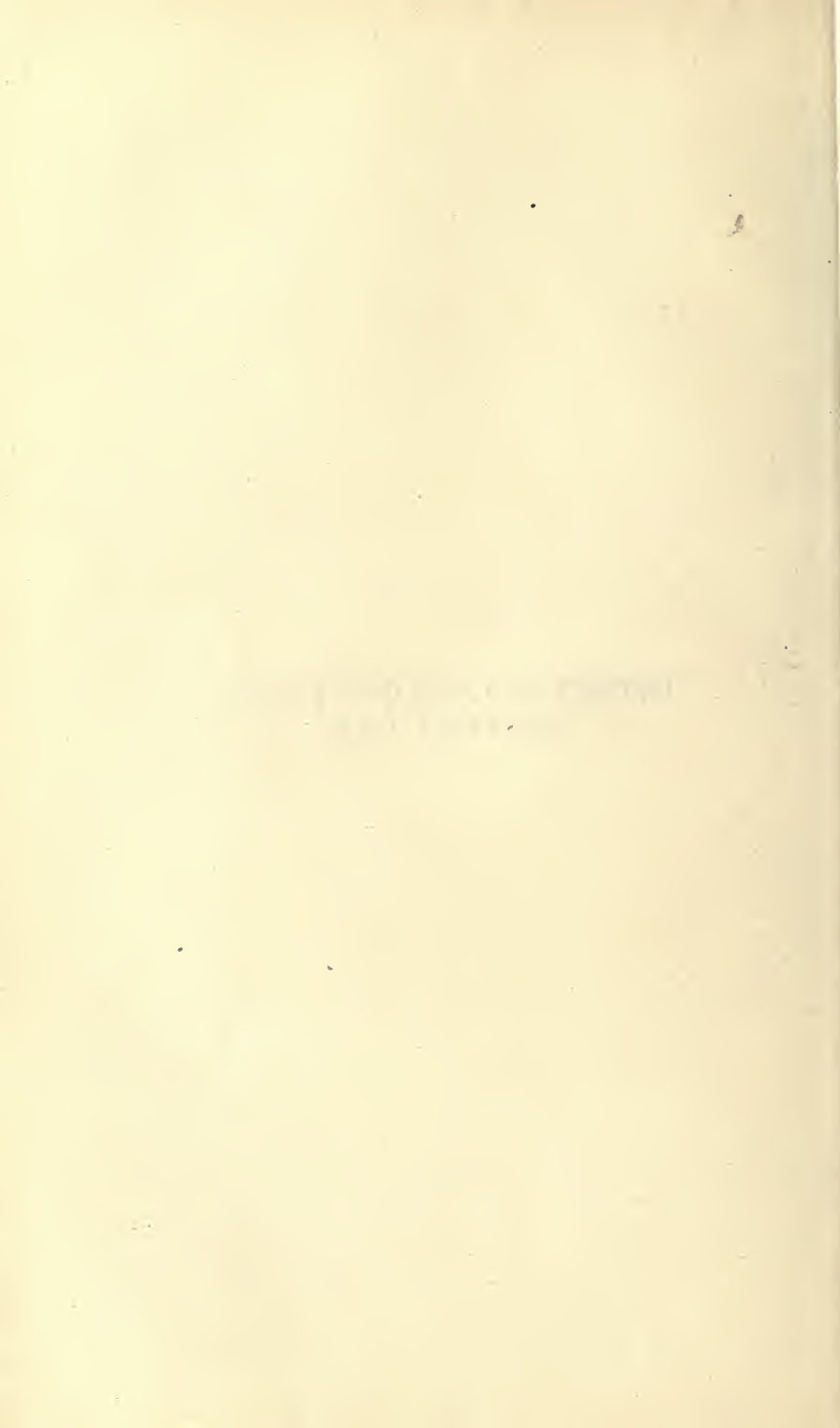
National Banks and Corporations Must Not Contribute to Campaign Funds. Penalties.

National banks and corporations organized by authority of congress are prohibited from making contributions in connection with any election to any political office.

All corporations are prohibited from making contributions in connection with any election at which presidential and vice-presidential electors or a representative in congress is to be voted for, or any election by any state legislature of a United States senator.

A corporation violating any of the provisions of this act (35 Stat. L. 1103) is subject to a fine not to exceed \$5,000. Officers of a corporation violating the act, who consent thereto, shall be subject to a fine of not less than \$250 nor more than \$1,000, or imprisonment for not more than one year, or both such fine and imprisonment in the discretion of the court. (Sec. 311.)

INTERPRETATION OF THE
PRIMARY LAW



INTERPRETATION OF THE INDIANA STATE PRIMARY LAW.

PART I.

PURPOSE OF LAW—POLITICAL PARTIES AFFECTED—OFFICES, CANDIDATES FOR WHICH MUST BE NOMINATED —DATE OF PRIMARY.

Purpose of Primary Law.

It is the purpose of the primary law to secure to each individual member of each of the political parties subject to the law the right to express directly his preference among the various candidates of his party for the offices of President and Vice-President of the United States, of United States senator, members of congress and governor of Indiana; candidates for members of the state legislature, judges and prosecuting attorney of his district; candidates for elective offices of his county, township and city; participate directly in the election of the precinct committeeman of his party in his precinct, and the delegates who shall represent him in the state convention of his party.

A second purpose of the primary law is to so safeguard the voter in the exercise of his choice of candidate of his party, that his preference as recorded by him on his ballot shall be counted exactly as he makes it. Accordingly the law not only provides penalties for violation of acts forbidden by it, but makes applicable to the primary the penal laws regulating general elections and the "corrupt practices act."

A third purpose of the law is to enable members of each political party participating in the primary to preserve their party's integrity against the manipulation of members of a rival party.

Election officials charged with the duty of safeguarding the rights of voters, should see to it that the law is enforced according to its spirit, and should resolve all doubts as to the interpretation of the law in favor of the construction which best secures the voter in the exercise of his rights under the law.

Political Parties to Which Law Applies.

The primary election law applies to nominations to be made by all parties, which at the last general election preceding the primary, cast 10 per cent or more of the total vote. The vote for secretary of state is fixed as the basis for determining whether a political party is subject to the law. In 1920 the total vote cast for secretary of state was 1,249,762, divided as follows:

Democratic.....	510,239	Socialist.....	23,404
Republican.....	686,974	Farmer-Labor.....	16,702
Prohibition.....	12,443		

No party which cast less than 124,979 votes for secretary of state in 1920 is entitled to participate in the primary of 1922; so that in 1922

the democratic and republican parties must nominate their candidates under the primary law throughout the state, and no other political party can. (Sec. 399.)

The Offices, Candidates for Which Are Nominated at the Primary.

Candidates for the following offices in each political party subject to the law must be nominated at the primary:

Representatives in congress;

State senators and representatives;

Judges of the circuit, superior, criminal, probate and juvenile courts;

Prosecuting attorneys;

All county officers, including treasurer, auditor, sheriff, recorder, clerk of the circuit court, surveyor, coroner, assessor, commissioners, and members of the county council;

Township trustees, township assessors, justices of the peace, and constables. (Sec. 399.)

All elective city officials (at a separate city primary.)

The primary law also provides that the members of each party participating in the primary may express their preference for candidates of their party for president and vice-president of the United States, for United States senator and governor; and provides further that in the event any candidate either for president or vice-president receives in the primary a majority of all the votes cast in his party at the primary for such office, the delegates to the national convention of such party shall be bound to support such candidate receiving such majority so long as his name is before such national convention; and provides further that if any candidate for senator or governor receives a majority of all votes cast in his party at such primary for such office, such candidate receiving such majority shall be declared the nominee of such party for such office. (Sec. 429.)

Also at each primary preceding a general election the following party representatives are to be elected:

Precinct committeemen;

Delegates to state conventions. (Secs. 399 and 409.)

State Conventions.

Each political party in its state convention shall nominate candidates for such party for all state offices, including United States senator and governor: Provided, however, that in the event any candidate either for United States senator or governor shall at the primary preceding such state convention have been nominated by reason of his having received a majority of all votes cast by members of his party for such office, then such nomination at the primary shall be binding upon such state convention.

Also the following party representatives are to be elected by the state convention.

Delegates and alternate delegates to the national convention.

Presidential electors and alternate electors. (Sec. 430.)

Date Fixed for Primary.

The law fixes the first Tuesday after the first Monday in May of each year preceding each state, congressional, county, city and township election as the date for holding the primary. (Sec. 406.)

The polls must be open from six (6) o'clock in the morning until six (6) o'clock in the evening. (Sec. 419.)

PART II.**PRIMARY ELECTION OFFICIALS—HOW CHOSEN—GENERAL DUTIES.**

The following state and county officials are charged with certain duties in primary elections: Secretary of state, treasurer of state, attorney-general, county auditors, clerks of the circuit court, county sheriffs, boards of county commissioners and township trustees. The duties of such officers are hereinafter set out.

The primary law authorizes the creation of a board of primary election commissioners for each county of the state, and a precinct election board for each precinct of the state.

The board of primary election commissioners of each county constitute the county canvassing board of such county.

The secretary of state, the treasurer of state, and the attorney-general constitute the state canvassing board. (Sec. 424.)

BOARD OF PRIMARY ELECTION COMMISSIONERS.

The board of primary election commissioners of each county shall be composed of the clerk of the circuit court and two others to be appointed by him; one of each of the persons so appointed shall be taken from the two political parties casting the highest vote in said county in the last general election for secretary of state. These persons shall be nominated in writing by the respective county chairmen of the two parties; such primary election commissioners also serve as election commissioners at the general election. The primary election commissioners may employ all necessary clerical assistants. (Sec. 402.)

Precinct Election Boards—Qualifications—How Chosen.

The primary election board of each precinct is composed of one inspector, two judges, two clerks, two sheriffs and one poll book holder for each political party participating in the primary. (Sec. 403.)

Qualification of Election Officers.

The inspector and each judge must have been a freeholder and a resident householder of his precinct for one year, or a resident householder for two years immediately preceding the day of election. If no person qualified to act will consent to serve as inspector or judge, or if there be no person residing in the precinct qualified to act as inspector or judge by reason of the fact that he has not been a resident householder within the precinct for two years, or a freeholder and householder for the

year next preceding the election, then any qualified voter of the precinct may be appointed. (Sec. 405.)

Neither an inspector nor judge can have anything bet or wagered on the election, or be a father, father-in-law, son, son-in-law, grandfather, grandson, brother, brother-in-law, uncle, nephew, or first or second cousin of any candidate at the election.

The poll clerks and the sheriffs must each be qualified voters of the precinct.

No person holding an appointive or elective office in the city, township, county, state or federal government is eligible to serve as an inspector or judge of a primary. This does not disqualify a notary public. The officers referred to are those who have duties to exercise towards the public and who take an oath of office. Among the persons so disqualified are deputy clerks of the circuit court, deputy county and township assessors, deputy sheriffs, deputy recorders, deputy auditor of state, deputy secretary of state, deputy clerk of the supreme court, etc., etc. Persons who simply have public employment, and who are not required to take an oath of office, such as janitors of courthouses and the like, are not disqualified. (Sec. 410.)

How Appointed.

Inspectors, judges and clerks are appointed as follows:

The party casting the highest number of votes in the county for secretary of state at the preceding general election shall name the inspector.

The party participating in the primary and casting the next highest vote in the county for secretary of state names one of the judges, and so on. (Sec. 403.) To illustrate:

In Marion county in 1920 the republican party cast 79,836 votes for secretary of state, the democratic party 61,390, so that in such county in each precinct the republicans will name the inspector, one judge, one clerk and one sheriff, and the democrats will name one judge, one clerk and one sheriff.

The county chairmen of each political party shall nominate the precinct election officers to which such party is entitled. Such nomination should be made in writing, and delivered to the board of primary election commissioners at least five (5) days before the holding of such primary. Any vacancy in a precinct primary board, occurring prior to the date of the primary should be filled by the county chairmen of the political party originally nominating such election officer. This should be done by a certificate in writing, signed by such chairman and delivered to the board of primary election commissioners. (Sec. 405.)

In the event any county chairman who is entitled to nominate any primary election officer fails to do so, or in case of vacancy fails to nominate an officer to fill such vacancy, the assembled voters of the precinct on election morning shall name such precinct election officer from the members duly qualified to serve of the party whose chairman would have been entitled to make such nomination. (Sec. 405.)

The sheriffs are to be chosen one each upon the written nomination of the county chairman of each of the two parties that cast the largest

number of votes in the state at the last general election, to-wit, the democratic and republican parties. They are appointed by the sheriff of the county upon such written nominations.

The several township trustees, who are by virtue of their offices inspectors at the general election in the precincts in which they reside, are not election inspectors in their precincts under the primary law, but such inspectors are to be selected in the manner provided by the primary law as hereinbefore stated.

PAY OF ELECTION OFFICERS.

Each inspector, judge, clerk and sheriff of the primary election shall be allowed and paid three (\$3.00) dollars a day for each day's service while attending such election and performing the duties of his office. (Sec. 418.)

PART III.

ELECTION PRECINCTS—VOTING PLACES.

Election precincts for primary elections are to be the same as for general elections.

Voting Places.

It is important that voters be informed as to the location of precinct voting places early.

It is the duty of the county commissioners, preceding a primary before a general election, and the city council, in case of a city primary, to arrange for voting places in the several primary precincts, and to give notice ten days before the date of such primary of such voting places by two (2) publications in one paper of each of the two leading parties of the county or city. This publication shall be made for two (2) consecutive weeks prior to the primary. If there are no newspapers in the county representing the two leading political parties of the county, the county chairman of each of the two leading parties (which is to be determined by the highest number of votes cast for secretary of state in such county at the preceding general election) shall each designate a paper in which the notice shall be printed.

It is the duty of the township trustee of each township at as early a date as possible to post notices designating the location of the polling places in the several precincts of his township in at least three (3) public places in each precinct in his township. (Sec. 415.)

Changes in polling places selected should not be made unless absolutely necessary. If it should become necessary to change any voting place after such notice has been given, then a like publication of such change shall be made, but no change shall be made within two (2) days before holding a primary, and in the event a change is made less than two (2) weeks prior to the primary, the two publications shall be made at the earliest possible dates. (Sec. 417.)

All publications made under the provisions of the primary law may be made either in daily or weekly papers. (Sec. 417.)

PART IV.

DUTY OF PRIMARY COMMISSIONERS TO DISTRICT COUNTY FOR ELECTION OF DELEGATES TO STATE CONVENTIONS.

The primary law provides that delegates to the state conventions of the parties subject to the law are to be elected at the primary.

It is the duty of the board of primary election commissioners of each county, at as early a date as possible, to divide the county into as many different sets of districts for the purpose of apportioning delegates to the state conventions as there are parties participating in the primary, one set of districts for each party so participating. (Sec. 428.)

Each political party is entitled in each county to one delegate for each four hundred votes, and one for each fraction of two hundred or more votes cast in such county by such party for the candidate on such party's state ticket in the last preceding general election who received in the state the highest vote. (Sec. 428.)

The board of primary election commissioners should make the apportionment for delegates for each party as equitably as possible among the wards and townships of the county so as to give each party voter representation. In most counties it will be found impracticable, if not impossible, to apportion the delegates among the precincts, and that the apportionment must be made by wards and townships. One or more wards and one or more townships may be joined together in one delegate district.

In townships containing the smaller cities and towns, both precincts and wards may be disregarded in districting for delegates, and the township in which such city or town is situated may be made a delegate district. (Sec. 428.)

PART V.

PETITIONS AND DECLARATIONS OF CANDIDACY REQUIRED OF CANDIDATES WHO DESIRE NAMES PLACED ON PRIMARY BALLOT.

There are two general methods by which persons desirous of having their names on the primary ballot of their party may qualify as candidates:

1. By filing a petition of voters;
2. By filing a declaration of candidacy.

Candidates for certain offices must pursue one method; candidates for certain other offices the other.

No candidate for president, vice-president, United States senator, governor, or for delegates to the state convention can have his name placed on the primary ballot as such candidate unless a petition therefor signed by qualified voters shall have been filed as hereinafter set out. (Sec. 412, 431.)

All that is required of a candidate for any other office to be voted for at the primary is to file a declaration of candidacy as hereinafter set out. (Sec. 411.)

RULES GOVERNING PETITIONS.

1. Candidate for President, Vice-President, United States Senator and Governor.

Any person who is a candidate for president, vice-president, United States senator or governor, and desires his name placed on the primary ticket, must, at least sixty (60) days before the primary, file a written request, made either in person or by some one on his behalf, with the secretary of state that his name be placed on his party ballot, and at the same time file a petition signed by at least five hundred (500) voters of the state asking that the name of such person shall be so printed on the ballot as a candidate for such office, and that they (the petitioners) desire to vote for such candidate. (Sec. 412.)

2. Delegates to State Conventions.

A candidate for delegate to the state conventions of any party participating in the primary, in order to have his name printed on the primary ballot, must be nominated by petition as follows:

Any ten legal voters of any one party in any county may file such nominating petition. The names of the petitioners shall be signed in ink, and the residence of each petitioner shall be set opposite his name. (Sec. 431.)

Such petition shall state the party, territorial unit and convention for which said delegate is nominated, and some one of said petitioners shall make and subscribe to an oath, to be attached to said petition, that he, the affiant, supported a majority of the candidates of said party at the last preceding election, and that he intends to support a majority of said party's candidates at the next general election; that he believes, to the best of his knowledge and belief, that each person who signed said petition supported a majority of the candidates of said party at the last preceding election, and that each intends to support a majority of said party's candidates at the next general election. (Sec. 431.)

Such petition nominating a delegate to a state convention must be filed with the clerk of the circuit court not less than twenty (20) days before the primary. (Sec. 431.)

When such petition is filed, accompanied by the required affidavit, the board of primary election commissioners must place the name of the person so nominated on the ballot, their duties in this respect being ministerial.

Ten persons residing in a county may, by filing one petition with the required affidavit thereto attached, nominate all the delegates from such county for one party to its state convention; that is, nominate for each delegate district of the county as many delegates as such delegate district is entitled to. The persons so nominated must reside in the districts for which they are nominated as delegates, that is, in the wards or townships into which the county has been divided for delegate purposes, and the petition must show what particular persons are nominated for each of such districts, and that the persons so named do reside in such districts for which they are nominated. The filing of such a joint petition does not prevent the filing of other petitions, either joint or separate. (Sec. 431.)

The fact that a person holds an appointive or an elective office either in the city, township, county or state government, does not disqualify him from being a candidate for delegate to the state convention of a political party.

The same person may at one primary be a candidate for nomination for any office, and also be a candidate for delegate to the state convention.

The same person may be a candidate both for delegate to the state convention and precinct committeeman.

Declaration of Candidacy.

Candidates for all offices, except those desiring to be placed on the primary ballot as candidates for President, Vice-President, United States senator and governor, excepting those who are candidates for offices which must be nominated by the state convention of a party, and except delegates to the state convention, are required to file a declaration of candidacy at least thirty (30) days and not more than sixty (60) days prior to the primary election. Such declarations are to be filed with the following officers:

In case of candidates for member of the national house of representatives, member of the general assembly, or for a judicial office, including judges of the circuit, superior, probate, criminal and juvenile courts, or for prosecuting attorney, with the secretary of state.

In case of any candidate for a county or township office or for precinct committeeman, with the clerk of the circuit court, and for a city office with the city clerk.

A declaration of candidacy must be signed by the candidate in person, but may be filed for him by any person. (Sec. 411.)

No Fees Required.

That part of section 13 of the primary law which required the payment by candidates of fees upon filing declarations of candidacy has been declared invalid. No fees therefore are required to be paid by any candidate for nomination.

Declaration of Candidate for Precinct Committeeman.

In each precinct in this state each of the political parties subject to the primary law shall at such primary elect a precinct committeeman, who is to serve until the next primary election: Provided, however, that any such precinct committeeman may be removed for cause after hearing, under such rules and regulations as may be adopted by the respective state central committees of the parties governed by the primary law. (Sec. 400.)

A candidate for precinct committeeman must file, at least thirty (30) and not more than sixty (60) days prior to the primary, a declaration with the clerk of the circuit court of the county in which he resides, stating that he is a qualified voter of a certain precinct and township, or, if he resides in a city, of a precinct and ward, in the latter case giving his street number, if any he has, and requesting that his name be placed on the official primary ballot as a candidate of the party of which he is a member, and of which he desires to be elected a precinct committeeman. (Sec. 411.)

Certifying Names of Candidates Filed with Secretary of State to County Clerks—Publication of Same.

Twenty (20) days before any county primary preceding a general election, the secretary of state shall transmit to the clerk of the circuit court of each county a certified list containing the names and postoffice addresses of each person for whom a declaration of candidacy has been filed in his office, stating the name of the office for which the person is a candidate and the party he represents. Upon the receipt of this certificate the clerk of the circuit court shall immediately publish, under the proper party designation, the names and addresses of all persons for whom nominating papers have been filed, whether in his office or in that of the secretary of state, giving the name and address of each person, the date of the primary and the hours during which the polls will be open. This notice must be published for two consecutive weeks prior to the primary in one paper of each of the two leading political parties of the county, and if there be no such papers, then the county chairmen of the two parties which cast the highest number of votes for secretary of state in such county at the last general election shall each designate a paper in which such notice shall be printed. (Sec. 415.)

Upon receipt of the certificate from the secretary of state, the clerk of the circuit court shall mail copies of the notice to each township trustee of his county, who shall post copies of the same in at least three (3) public places in each precinct in his township, designating therein the location of the polling booth in each election precinct. (Sec. 415.)

PART VI.

WITHDRAWAL OF CANDIDATES—VACANCIES BEFORE PRIMARY —GENERAL METHODS OF FILLING VACANCIES.

Any person who has filed a notice of his candidacy (excepting candidates for delegates to the state convention and precinct committeemen) may, at any time not less than twenty-five (25) days before the day set for holding the primary, notify in writing the officer with whom the petition has been filed, that he does not wish his name to appear on the primary ballot. Upon receipt of such notice said officer shall withdraw the declaration from his file and shall not certify the name of the person so withdrawing as a candidate to be voted for at the primary. If a withdrawal shall leave no candidate for that office, then the officer shall notify the chairman of the party affected by such resignation, who shall call a meeting of the proper committees (pursuant to the rules of the state central committee), which shall proceed to nominate a candidate to fill such vacancy. In case the vacancy is in a county office, the nomination should be made by the county committee. In case the withdrawal is of the only candidate for any party for president, vice-president, United States senator or governor, notice of such withdrawal should be given to the chairman of the state central committee of such party, but the state committee should not nominate any one to fill such vacancy inasmuch as the state convention has the right to make nominations where no preferential vote has been cast. In case the person withdrawing is a

candidate for a judicial office, for prosecuting attorney, or for a member of the general assembly, where the district is composed of one county only, the county chairman should be notified; where composed of more than one county, the county chairman of the counties affected by such withdrawal should be notified and a new candidate of such party shall be selected, and his name certified under the rules of its state central committee, and any nomination so made must be placed on the primary ballot by the board of primary election commissioners. (Sec. 416.)

Withdrawal of Candidates for Delegate to State Conventions and Method of Filling Vacancies.

Not less than ten days before the primary any person who has been nominated as a candidate for delegate to a state convention may notify the board of primary election commissioners that he does not wish his name to appear on the ballot as a candidate, and the same shall thereupon be withdrawn. In such case said board shall immediately by registered mail give notice of such withdrawal to that one of the signers of the petition of the candidate withdrawing, who made oath to such petition, and such petitioner, not less than six (6) days before said primary shall have the right to substitute as a candidate, the name of some legal voter residing in the same ward, or township, and of the same political party as the person who withdrew. (Sec. 432.)

Withdrawal of Candidate for Precinct Committeeman and Method of Filling Vacancy.

A candidate for precinct committeeman may, at any time not less than twenty-five (25) days before the primary, withdraw by notifying the clerk of the circuit court in writing that he is not a candidate and does not wish his name to appear on the official primary ballot as such candidate. Upon the receipt of such notice, the name of such person as a candidate shall be withdrawn. In the event such withdrawal leaves no person as a candidate of a party for precinct committeeman of such precinct, then the clerk of the circuit court shall notify the county chairman of the party affected by such withdrawal, who shall call a meeting of the proper committee (pursuant to the rules adopted by the state central committee of such party), which committee shall nominate a candidate to fill such vacancy. The chairman shall certify the action of the committee to the clerk of the circuit court, and the name of the person so nominated shall be placed upon the official primary ballot.

In case of the death of a person who is the only candidate for precinct committeeman, too late for the name of any other person to be placed on the primary ballot, or in case of the death, removal for cause, resignation or removal from the precinct of any precinct committeeman after he shall have been elected, such vacancy shall be filled by the members of the committee to which he belongs, or would have belonged, pursuant to rules adopted by the state central committee of such party. (Sec. 416.)

PART VII.

**PREPARATION OF BALLOTS, BALLOT BOXES, BOOTHS, AND
OTHER ELECTION SUPPLIES—DUTIES OF OFFICIALS
IN RESPECT THERETO.**

The board of primary election commissioners of each county shall cause to be printed and distributed separate primary ballots for each political party participating in such primary. The board shall have printed and distributed for each party in each precinct a number of ballots equal to one and one-half times the number of votes cast by such party in such precinct at the last preceding general election. The number of ballots to be provided each party in each precinct shall be based on the vote cast by such party in such precinct for the office of secretary of state at the last preceding general election. The county board of primary election commissioners may provide and hold in reserve extra ballots, if they deem it necessary. (Sec. 402.)

The ballots of each party participating in the primary in any one county shall be of uniform size, and the paper to be used in the preparation of such ballots should be of the same quality as is required in ballots in general elections. No two political parties should be furnished or use ballots of the same color in any one county.

The primary election boards of each county shall also cause to be printed and distributed in each precinct for each party sample ballots uniform in size with the official ballots, but printed on paper of different colors.

The names of all candidates representing one political party shall be placed on one ticket, the name of such political party being placed at the top thereof, the purpose being that each voter shall find on one ballot the names of all candidates for whom he is entitled to vote.

The names of all candidates of one political party for any one office, who have properly qualified as candidates for such office, shall be grouped together under the name of such office, and printed in type of uniform capital letters with uniform spaces between the names. At the head of each group, where only one candidate of such group is to be voted for, there shall be printed "vote for one only." Where more than one candidate in any group is to be voted for, the number to be voted for shall be specified at the head of such group.

That there will be no separate ballot for the nomination of candidates for township offices and election of state delegates and precinct committeemen. That all candidates for nomination or election of any political party that comes under the provisions of the primary election law shall go on ONE ballot for that party in each particular township, ward or precinct, or in other words, there shall be but one form of official ballot for each party which shall contain the names of all candidates of that party to be voted for in each particular precinct.

That the names of candidates for each political party shall come on that party's official ballot in the following order:

- (1) Candidates to be voted for in the whole county.
- (2) Candidates for county councilman to be voted for in that particular district.

(3) Candidates for township offices to be voted for in that particular township.

(4) Candidates for state delegates to be voted for in that particular township or ward.

(5) Candidates for precinct committeemen to be voted for only in that particular precinct.

That the names of candidates shall be printed on the party's official ballot under the proper title of the office for which they are candidates, and that the ballots for each party shall be on different colored paper. The color of the ballot of each party to be fixed by the board of primary election commissioners. (Sec. 402.)

Under the last proviso to section 11 the name of any unopposed candidate for nomination for any office need not be placed upon the primary ballot, and should be certified by the election commissioners the same as though printed on the ballot and the same as though votes had in fact been cast for such unopposed candidate at the primary election. It would not be improper or illegal, however, to place such name on the primary ballot. (Sec. 409.)

The official ballot must be printed substantially in the form set out in section 15 of the primary law.

It is the duty of the primary election commissioners to arrange the names of all candidates for each office for whom nominating papers have been filed under the designation of the office in alphabetical order according to surnames. (Sec. 413.)

On the left margin of the ballot of each political party the name of the uppermost candidate for nomination as printed shall be number 12, the next 13, and the next 14, and so on consecutively, to the end of the ballot: Provided, in every case where four or more persons are candidates for nomination for the same office, except the office of precinct committeeman, the number of ballot forms required shall be divided into sets equal to the greatest number of candidates for any one office on said ballot, and the names of all candidates in groups of four or more with their respective numbers for each office beginning with a form arranged in alphabetical order shall be rotated by removing one name with its number from the top of the list for each office, and by placing said name with its number at the bottom of said list, and so on. As nearly as possible an equal number of ballots of each set shall be delivered to each election precinct. (Sec. 414.)

Sample ballots shall be printed from the first or official form of ballot only. (Sec. 414.)

2. Tally Sheets.

The primary election commissioners of each county shall cause to be printed and distributed to each precinct separate tally sheets for each political party participating in such primary. (Sec. 423.)

The tally sheets for the precincts, the blanks for returns to be made for each party by each precinct board, the sheets to be prepared for the county board of canvassers and the state canvassing board should all be prepared so as to show the number of votes cast for each candidate.

3. Other Election Supplies.

It is the duty of the board of primary election commissioners of each county to contract for and cause to be delivered to the office of the clerk of the circuit court for distribution, at least the following amounts of election supplies, forms of affidavits, stationery, etc., for each precinct of such county:

- 2 copies of primary law and interpretation.
- 2 poll books.
- 2 tally sheets for the democratic vote.
- 2 tally sheets for the republican vote.
- 2 blanks for precinct returns of democratic votes cast.
- 2 blanks for precinct returns of republican votes cast.
- 2 copies of primary election laws.
- 2 copies of oaths of inspectors.
- 2 copies of oaths of judges.
- 4 copies of oaths of clerks.
- 4 copies of appointments and oaths of election sheriffs.
- 20 copies of affidavits for qualified voters whose names do not appear on registration books of precinct.
- 20 copies of affidavits of persons who will be 21 years of age before the next election.
- 20 copies of affidavits of party affiliation.
- 20 copies of affidavits of voters unable to read English language.
- 6 certificates of precinct committeemen.
- 10 copies of affidavits for arrest of illegal voters.
- 10 copies of bribery law affidavits.
- 1 paper bag for unvoted and mutilated democratic ballots.
- 1 paper bag for unvoted and mutilated republican ballots.
- 1 paper bag for voted democratic ballots.
- 1 paper bag for voted republican ballots.
- 1 paper bag for disputed, protested, defective and unopened ballots of republican absent voters.
- 1 paper bag for disputed, protested, defective and unopened ballots of democratic absent voters.
- 1 paper bag for voted, disputed, protested and defective republican ballots, and seals of republican ballot package.
- 1 paper bag for voted, disputed, protested and defective democratic ballots, and seals of democratic ballot package.
- 1 paper bag for poll books, tally sheets, precinct returns of votes and oaths of members of election board.
- 1 envelope for affidavits.
- 2 copies statement of expenses of election board.
- 1 stick of sealing wax.
- 1 darning needle and thread.
- 4 blotters.
- 3 penholders.
- 6 steel pens.

As many blue pencils as there are voting booths in the voting place.
As the law requires that any voter whose name is not found on the

registration book of the precinct in which he offers to vote shall be entitled to vote if he shall make affidavit that he is a qualified voter of such precinct, the board of primary election commissioners should provide a larger supply of such affidavits, particularly in those precincts the boundary lines of which have been changed since the last preceding general election, or in which registration books have been lost.

4. Ballot Boxes, Chutes, etc.

It is the duty of the board of county commissioners of each county to provide for each voting precinct a separate ballot box for each political party, the color of the ballot box for each party to be the same color as the color of the ballots to be used by such party in such county. Each ballot box should be provided with an opening in the top for the reception of a single ballot at a time, and with a lock and two keys. The boxes used at the general election may be used at the primary: Provided, They be of ample size to hold the votes. (Sec. 19.)

It is also the duty of the board of county commissioners to provide election booths for each precinct.

In counties which have been divided into small voting precincts for the purpose of voting by the Australian ballot, three voting booths should be provided for each precinct (and but three voters other than election officers should be allowed in the voting room on election day at one time.

The use of voting machines at primary elections is impracticable.

In those counties which have been divided into voting precincts containing a larger number of voters in contemplation of using voting machines at elections, the county commissioners should provide a larger number of voting booths (in no instance, however, exceeding nine) for each precinct containing such large number of voters. In such precincts the members of the precinct election boards may permit as many voters (other than themselves) for the purpose of voting to be in the voting room at any one time as there are voting booths.

The county commissioners should also provide material necessary for the construction of a fifty-foot chute in each precinct.

The board of county commissioners must deliver all the ballot boxes, voting booths, material for chutes, and all election paraphernalia to be provided by said county commissioners for each precinct to the voting place of such precinct prior to the day of the primary.

5. Registration Books.

It is the duty of the auditor of each county to furnish to the inspector of each precinct of said county the registration books made in such precinct just prior to the last preceding general election. (Sec. 408.)

6. Preparations to Be Made by Inspectors.

It is the duty of the inspector of each precinct, or the judge of his precinct authorized by him, to call at the office of the clerk of the circuit court not later than the Saturday before the primary and get the ballots, sample ballots and election supplies for his precinct. If the

inspector does not get such supplies on the Saturday before the primary, he must serve as inspector without compensation, and is subject to a fine of from ten to one hundred dollars.

The ballots for each precinct for each political party should be counted, wrapped in separate packages, and sealed in the presence of the inspector of that precinct. He should also procure from the clerk of the circuit court sample ballots, tally sheets, and all other election supplies, stationery, etc., for use in his precinct. All these he must carefully guard and preserve. The sealed packages of ballots are not to be opened until the day of election, and then in the presence of the election board. If by accident, the ballots or supplies be lost or destroyed, the inspector must report at once to the board of primary election commissioners at the office of the clerk of the circuit court, and make affidavit of such loss or destruction, and obtain a new supply.

At the time the ballots and election supplies are received by the inspector from the office of the clerk of the circuit court, the inspector should receive the registration books prepared for his precinct just prior to and for use at the last general election. These registration books he should have at the voting place of his precinct on the day of the primary, and should return to the county auditor immediately after the primary.

The inspector should see that the voting booths and chutes are set up at the voting place of his precinct, the sample ballots and cards of instruction to voters are posted, that the room in which the primary is to be held is furnished with fuel, lights, chairs, a table and stove, and made comfortable.

The inspector should also see that the election board of his precinct is furnished with good, plain, substantial meals at the regular hours for meals during the day of the primary, and until the count is finished; but no spirituous, vinous, or malted liquors shall be furnished. Those entitled to receive meals are the inspector, two judges, two clerks, two election sheriffs and no others.

EXPENSES FOR SUPPLIES.

All ballots, blanks and other supplies to be used at such primary and all expenses necessarily incurred in the preparation for and conducting of such primary shall be paid out of the county treasury in the same manner and by the same officers as in the case of general elections. (Sec. 432.)

PART VIII.

CONDUCT OF PRIMARY—ORGANIZATION OF BOARD—OATHS OF OFFICERS—RULES GOVERNING PRIMARY—QUALIFICATION OF VOTERS—CHALLENGES—AFFIDAVITS.

Preliminary Preparations.

All members of each precinct board should be at the polling place not later than 5:30 a. m. of the day of the primary.

The inspector should see that the room is ready, the election booths in place, chute erected, sample ballots—three for each party—posted about the polls beyond the fifty-foot limit, one in each election booth and three at the outer end of the chute, and that the registration books, ballots and supplies are at hand.

Organization of Precinct Board.

The law requires the inspector and judges to be qualified on the morning of the election. If no person is present at the polling place authorized to administer oaths, the inspector administers the oaths to the two judges, and one of the judges then administers the oath to the inspector. The inspector administers the oath to the polling clerks. If the sheriffs have not been sworn in by the sheriff of the county, the inspector shall administer the oath. In the event any person appointed to serve on the precinct board fails to appear, or any vacancy occurs among the officers of such primary during the day of the primary, such vacancy shall be filled by the voters assembled at the precinct polling place belonging to the political party which originally nominated the officer whose place has become vacant. (Sec. 405.)

Opening Ballot Packages.

After the organization of the election board and in its presence the inspector shall open the packages of the ballots in such a manner as to preserve the seals intact. He shall then deliver to the poll clerk of the party other than his own twenty-five (25) of the ballots of each party, and to the other clerk the blue pencils for the marking of the ballots. The poll clerks shall at once proceed to write their initials in ink in the lower left-hand corner on the back of each of said ballots in their ordinary handwriting, and without any distinguishing marks of any kind. As each successive elector calls for a ballot, the poll clerks shall deliver to him the first signed of the twenty-five (25) ballots belonging to the party whose ticket the voter calls for, and the inspector shall immediately deliver to the clerk another ballot of such party, which the clerks shall at once countersign as before, and add to the ballots already countersigned, so that it shall be delivered for voting after all those theretofore countersigned.

Ballot Boxes.

The ballot boxes, one for each party participating in the primary, must be opened, examined, closed and locked before announcement is made that the polls are open. One key for each box must be retained by the inspector, and one duplicate key for each box given to one of the judges whose party politics is different from the inspector's.

Opening the Polls.

When the foregoing duties have been performed, and the poll clerks have marked their initials on twenty-five (25) each of the different party ballots, the inspector must announce that the polls are open, provided the time fixed for opening the polls has arrived. No ballot can be received before this announcement is made.

Hour of Opening.

Six o'clock a. m. is the hour fixed by law for opening the polls, and this provision is mandatory. The failure of the clerks to have their initials marked on the full number of twenty-five ballots for each party should not delay the opening of the polls. As soon as the clerks have some ballots marked for each party—a like number for each—the polls should be opened and the full quota of twenty-five (25) ballots for each party be marked ahead as quickly as possible without delaying the vote. (Sec. 419.)

CONDUCT OF THE ELECTION.**Election Officers.**

Primary election officials should at all times remember that they are not as such officials representative of political parties and paid by political parties, but that they are public officials and draw their pay from the public treasury.

They should not forget that the primary law, for the purpose of protecting the members of the political parties participating in the primary in their rights to cast their votes and have them counted as cast, has not only provided that the acts forbidden and defined as offenses under the general election law and corrupt practices acts are forbidden at primary elections, but has also laid down strict rules for the conduct of primaries, and rigid penalties of fine and imprisonment for violation thereof.

The precinct primary board has general supervision of the primary in its precinct, and should not permit any violation of the law in its presence without the immediate arrest of the offender.

It is the duty of the sheriffs to preserve order at the polls, enforce the provisions of the law under the direction of the election board, and make arrests on demand of one member of the board or on affidavit. Such sheriffs should see that no more voters are permitted in the election room at any time than there are election booths in the room, and that all other persons except one challenger and one poll book holder of each party, who may stand next to the polling room entrance at the side of the chute, and voters in line in the chute, are kept away for a distance of fifty feet. They should also assist infirm or decrepit voters going through the chute to and from the election room. Any voter of the precinct who desires in good faith to challenge any person offering to vote shall have the right to enter the polling room for the purpose of making such challenge. Having done so, he must immediately withdraw from the polling room.

It is the duty of the inspector to administer all oaths required during the day.

Polls Open Continuously.

The polls should be kept open continuously from 6 a. m. to 6 p. m. After the polls are open the board cannot adjourn temporarily, nor take any recess until the polls have been regularly closed, all the votes counted, the returns made out, and the result publicly announced. The members of the board should eat their meals in the voting room, and the polls be kept open so that no voter shall be delayed in voting on account thereof.

Rights of Employees to Time for Voting.

All employees shall be given four hours, from six until ten a. m., in which to vote, save employees in works of necessity, who shall be given four hours at some time during the day.

QUALIFICATIONS OF VOTERS—CHALLENGES.

Legally Qualified Voters Defined.

A legally qualified voter of any precinct is a person 21 years of age, or who will be 21 years of age on the day of the next general election, who is a citizen of the United States, and who is on the day of the primary a bona fide resident of such precinct, and who has not, upon conviction of any felony or misdemeanor, been disfranchised.

Every qualified voter of the precinct, as hereinbefore defined, shall be entitled to vote in such precinct at such primary election for the candidates of a party, providing he voted for a majority of the candidates of such party at such last preceding general election, and providing further that his name appears on the registration books of such precinct. If his name does not appear on such registration book he shall be entitled to vote if he shall make affidavit that he is a qualified voter of such precinct. (Sec. 408.)

An absent voter having in his application for an absent voter's ballot made his affidavit that he is a legally qualified voter of his precinct cannot be challenged on the ground that he is not registered.

Challenge on Ground Not Legally Qualified.

If any voter is challenged on the ground that he is not a legally qualified voter of such precinct he shall not be entitled to vote until he makes affidavit that he is a legally qualified voter of such precinct. (Sec. 408.)

Challenge on Ground of Party Allegiance.

If any voter save a first voter is challenged on the ground of party allegiance he shall be entitled to vote if he makes affidavit that at the last preceding general election he voted for a majority of the candidates of the party whose ticket he offers to vote at such primary, and that at the approaching general election he intends to vote for and support the regular nominees of such party. (Sec. 408.)

If a first voter is challenged on the ground of party allegiance he shall be entitled to vote on making affidavit that he intends to vote for and support the regular nominees of the party whose ticket he proposes to vote in such primary. (Sec. 408.)

Challenges on Ground of Bribery.

Any voter offering to vote in any precinct may be challenged on the ground that he has used or attempted to use money or other means to buy and induce any voter to vote or refrain from voting for any candidate at such primary, or has advised the bribery of electors thereat, or has sold or offered to sell his own vote for any candidate thereat. Such elector

shall not be permitted to vote unless and until he make affidavit denying the facts set forth in such challenge.

Who May Challenge.

Only a legally qualified voter in such precinct and a member of the party whose ticket the voter offers to vote may challenge any voter on the ground of party allegiance; that is, only a republican may challenge a person (on the grounds of party allegiance) who offers to vote the republican ticket, and the same rule prevails as to the other parties. But any voter of the precinct, any challenger, and any member of the election board of any party may challenge any voter on any legal ground save that of party allegiance. (Sec. 408.)

Penalty for Fraudulent Voting and Fraudulently Attempting to Vote.

"Whoever not having the legal qualifications of a voter at any primary election, authorized by law to be held in the state, votes, or offers to vote, at such primary election, shall be fined not more than one hundred dollars nor less than ten dollars, or imprisoned in the county jail not more than one year nor less than one month, or both, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period."

"Whoever knowingly votes or offers to vote at a primary election in any precinct except the one in which he resides shall be fined not more than one hundred dollars nor less than ten dollars, or imprisoned in the county jail not more than one year nor less than one month, or both, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period." (Sec. 435.)

If at any time during the election any qualified legal voter shall make an affidavit that any person who has voted or offered to vote is not a legal voter in such precinct, the person accused shall be arrested by the election sheriff and turned over to the civil authorities.

MANNER OF VOTING.

Instructions to Voters.

On entering the polling room you should announce your name to the judges, who will examine the registration books, and if you are not registered you can not vote unless you make the necessary affidavit, and if you are registered or have made the required affidavit the poll clerks will write your name on the poll books, and the clerk holding the ballots will hand you the ballot of the party you ask for and the other clerk hand you a blue pencil. On request both clerks will make explanations.

If you are physically unable to mark your ballot, you should disclose your condition to the inspector, whereupon the two clerks will go with you into the booth and aid you in marking your ballot. If you are unable to read English, you must make an affidavit to that effect before the poll clerks can assist you. In either case neither you nor the poll clerks shall permit any other person to hear or see how your ballot is marked. It is a penal offense to swear that you cannot read English, or are unable to mark your ballot, if you can. (Sec. 422.)

How to Mark Your Ballot.

To cast a vote for a candidate make a cross (X) after his name, as follows:

VOTE FOR ONE.

County Treasurer.	Vote for One.
A _____	_____
B _____	_____
C _____	X
D _____	_____

You have here voted for C as your choice for county treasurer.

Where more than one candidate is to be nominated for a certain office, the ballot will direct you to vote for a certain number in that group only—as, for example, three senators in one county. In such case you will be entitled to vote for the three you most desire shall be elected and can do so by marking an (X) after each of their names.

To illustrate:

VOTE FOR THREE.

State Senator.	Vote for Three.
A _____	_____
B _____	_____
C _____	X
D _____	_____
E _____	X
F _____	_____
H _____	X
I _____	_____

That is, the vote above will be counted as a vote for C, E and H each.

You are entitled to cast a preferential vote for president, vice-president, senator and governor in case there are any names of candidates for

such offices on the ballots, and you may indicate your choice for such candidates.

Do not mutilate your ballot, nor mark it either by scratching off a name or writing one upon it, nor in any other way put a mark upon it except as above described. If you do, the ballot will not be counted.

If you spoil your ballot you can secure another on satisfying the poll clerks that the mutilation was not intentional. The clerks must make a minute of the facts on the poll list.

After you have marked your ballot, and before you leave the booth, fold it so that the face cannot be seen, and so the initial letters of the names of the poll clerks on the back thereof can be seen. Return the pencil to the poll clerk from whom you received it and hand your ballot to the inspector, who shall at once and in your presence place it in the ballot box of your party. The clerks shall thereupon write the word "voted" after your name on the poll book and you will then immediately leave the room.

You are not permitted to stay in the election booth longer than it is necessary to mark your ballot, and in no event longer than three minutes.

You must not hold any conversation in the polling room other than with members of the election board.

If you display your ballot to show how you have voted, it cannot be placed in the ballot box and you must immediately leave the room. A minute of the fact that you have displayed your ballot must be made on the poll list; and also on the ballot and signed by the poll clerks. The ballot so displayed shall be preserved with the mutilated ballots.

If you mark your ballot with any other pencil than the blue pencil handed you by the poll clerk, your ballot will be void.

Closing the Polls.

The polls must be closed at six p. m. by the inspector so announcing the closing in a loud tone of voice. A record of such announcement must be made on the poll list by the clerks. Any voter who has been admitted into the room before the announcement of closing was made, but who has not yet voted, should be allowed to vote, but no person should be admitted to the room after such announcement.

PART IX.

COUNTING THE VOTE AND MAKING RETURNS IN PRECINCTS.

Watchers.

Immediately upon closing the polls one watcher for each participating party holding a certificate of appointment from the county chairman of his party is entitled to enter the election room and remain until the count is completed and the returns made up. The election officers and the legally appointed watchers are the only persons entitled to be in the room while the votes are being counted and returns made out.

Pencils Destroyed.

Before the ballots cast or uncast in any primary or general election in this state shall have been counted, all the pencils used in marking

the ballots used in such primary or general election shall be destroyed. (Acts 1915, p. 591.)

Counting and Tallying the Votes.

The entire election board must count the votes of each party. But one ballot box shall be opened at a time, the board determining the order in which the boxes shall be opened. When a ballot box is opened the count of the votes in that box must be completed and the return sheets of the votes in that box made up and signed by the board before another box is opened.

As soon as the ballots of one box have all been counted, they must be placed in a bag, securely sealed, and properly labeled, showing the number of ballots contained in the bag voted and counted, and the number voted and not counted, if any. Each election officer must sign his name on this bag and the bag be delivered to the clerk's office by the inspector with the returns.

When all the votes of one party have been counted, the returns made and ballots sealed up, the ballot box of another party is opened, votes counted, and returns made in a like manner.

The inspector takes one ballot at a time out of the box and reads it aloud in view of one of the judges, while each poll clerk tallies the votes as it is read. As soon as a ballot is read, it is handed to the other judge, who strings it; another ballot is then taken out of the box and counted in a like manner.

Any member of the election board may protest as to the counting of any ballot or part thereof, and any ballot which is not endorsed with the initials of the poll clerks, as provided by law, and any ballot which shall bear any distinguishing mark or mutilation shall be void, and shall not be counted, and any ballot or part of a ballot from which it is impossible to determine the elector's choice of candidates shall not be counted for the candidate or candidates affected thereby. Before the ballots are placed in the bag one of the poll clerks shall endorse upon the back of each disputed or protested ballot the word "counted" or "not counted" as the case may be, and said endorsement shall be signed officially by both of said poll clerks. (Sec. 424.)

Rules for Counting Votes.

The duty of the precinct primary board in counting and tallying the votes cast in a precinct consists in a correct reading of the ballots by the inspector and a proper tally by the poll clerks so that there shall be tallied on the tally sheets the votes received by each candidate.

Tally Sheets.

The precinct tally sheets will be supplied for each set of candidates to be voted for in the precinct. (Sec. 423.)

Making Return of Precinct Vote.

As soon as the ballots of one party have all been counted and tallied, the board should proceed, on blanks supplied for the purpose, to make three full, complete and accurate returns of the votes cast for each

candidate on that ticket, setting out the number of votes received by such candidate.

The return shall set forth opposite the name of each candidate the total number of votes cast for such candidate in the precinct. (Sec. 26.)

The following is the form to be used for making the return of the precinct vote for one group of candidates on one party ticket, showing the totals taken from the tally sheet as set out heretofore.

Returns of total votes cast in primary election for

.....Candidates
for.....party

The undersigned, members of the election board of primary election, held on the day of, 19...., in.....precinct(township) (ward) in..... county, Indiana, for the nomination of candidates to be voted for at the general election in November, 19...., certify that the following total votes were cast for the following named candidates for the several offices hereinafter designated, to wit:

Names of Officers and Candidates.	Votes.
For Auditor.	
A	50
B	40
C	25
D	5

Witness our hand and seal, this day of, 19....
.....Inspector.

..... } Judges. } Clerks.
..... } }

The inspector must see that at least three copies of this blank are made out; one copy to be delivered to the clerk of the circuit court of the county by the inspector with one poll book, and one each of the democratic and republican tally papers; one copy goes in the paper bag with one poll book, one each of the democratic and republican tally papers and the oaths of the election officers, AND ONE COPY IS TO BE RETAINED by the inspector. If the township has MORE THAN ONE and NOT MORE THAN TEN precincts, the inspector must take his copy of the return of votes cast with him to the office of the township trustee on the day following the election as near the hour of ten o'clock a. m. as practicable, to be used in canvassing the votes for township officers.

The law makes it the duty of the inspector of the several voting precincts of a township that has more than one and not more than ten

precincts to meet at the office of the township trustee on the day following the election as near the hour of ten o'clock a. m. as practicable and canvass the votes of the candidates for nomination for township officers. (Secs. 61 and 62, and Sec. 6987, R. S. 1914.)

Duty of Inspector After Vote Is Counted.

Immediately after the board has completed the count of all the votes cast in the precinct and prepared the returns, it is the duty of the inspector to deliver to the office of the clerk of the circuit court the following:

1. One bag containing the following:
 - One poll book.
 - One democratic tally sheet.
 - One republican tally sheet.
 - One return sheet of votes cast for democratic candidates.
 - One return sheet of votes cast for republican candidates.
 - All the oaths of the precinct election officers.
2. One bag containing all unvoted and mutilated democratic ballots.
3. One bag containing all unvoted and mutilated republican ballots.
4. One bag containing all the voted democratic ballots.
5. One bag containing all the voted republican ballots.
6. One bag containing all the voted republican ballots that are disputed, protested and defective ballots and that are not counted, and the seals of the republican ballot package.
7. One bag containing all the voted democratic ballots that are disputed, protested and defective ballots and that are not counted, and the seals of the democratic ballot package.
8. One bag containing the disputed, protested, defective and unopened ballots of the republican absent voters.
9. One bag containing the disputed, protested, defective and unopened ballots of the democratic absent voters.
10. One bag or envelope containing all affidavits, except the oaths, of the election officers of the precinct.
11. One package containing one of the poll books, one of the republican tally sheets and one of the democratic tally sheets and one of the democratic and one of the republican return of the votes cast in the precinct; this package must not be sealed, but must be delivered to the clerk of the circuit court immediately after the votes are counted and returns made up.
12. One package containing the two registration books.

All of the above packages should be taken to the county clerk's office except the registration books which should be taken to the county auditor's office.

The election board must sign their names on each bag or envelope and seal them except the package containing the poll book, one republican tally paper and one democratic tally paper and one republican and one democratic return of the votes cast. In no event should the inspector or judge, who has been selected as custodian of these papers, part with their possession or permit them to be changed, handled or mutilated.

Upon delivery of same to the clerk of the circuit court the inspector

must take and subscribe on oath that he has securely kept said envelope, ballots and papers therein, and that he has not suffered nor permitted any person to break the seal or open said envelope or tamper with the ballots or papers, which oath shall be filed in said clerk's office with the other election papers.

The inspector should make out and file with the county auditor a statement showing the names of the inspector, judges, clerks, additional clerks, sheriffs, the number of meals and the name of the party furnishing the meals.

The ballot box, booths and the other election supplies should be left at the place of voting and the board of county commissioners will send for them and store them for use in future elections.

Affidavits to Grand Jury.

It is the duty of the clerk of the circuit court to deliver to the grand jury of the county, to be investigated by such grand jury, all the envelopes containing the affidavits made in the various precincts on the day of election (except, however, the oaths of the election officers) as turned in to him by the inspectors of the several precincts.

County Board of Canvassers.

The county board of canvassers shall meet in the circuit court room at 6 o'clock p. m. on the day of the primary and shall canvass and tabulate the returns of votes cast for all candidates at the primary in the county, except for precinct committeemen, which are canvassed by the election boards of the precincts. It is the duty of such county board to canvass votes for delegates to the state convention. (Sec. 424.)

The county board of canvassers makes the final canvass of returns of the votes cast for candidates for all offices wholly within the county, except those for precinct committeemen.

The county board of canvassers does not make the final canvass of returns of votes cast for candidates in districts composed of two or more counties. In such cases the county board canvasses and tabulates the returns of votes cast in its county and such returns are sent to the secretary of state, by registered mail, by the clerk of the circuit court of such county, not later than the Tuesday succeeding the day on which the primary is held. These returns must show the vote cast for each candidate not voted for wholly within the limits of the county. The returns sent to the secretary of state from the several counties are to be canvassed by the state board of canvassers.

Said state board of canvassers shall meet at the office of the secretary of state at 10 o'clock a. m. on the second Friday following the primary and make a canvass of the returns of the preferential votes cast for president, vice-president, United States senator and governor, and the returns of the votes cast for the following officers who are voted for in districts composed of two or more counties, to wit: Representative in congress, judicial officers, prosecuting attorneys, members of the general assembly, and tabulate the result according to the following rules, which rules are for the guidance of the state and county board of canvassers, to wit:

Rules for Canvassers.

The state and county board of canvassers shall be guided by the following rules:

If any candidate for an office receives a majority of the votes he shall be declared nominated for such office.

The one then having the greater number of votes to his credit shall be declared nominated, except in the case of candidates for president, vice-president, governor and United States senator, the rule applying to them being hereinafter set out.

Any tie shall be decided by lot by the canvassers.

Nominees—How Determined.

The person so nominated at such primary as the candidate of any party for any office, determined under the rules herein provided, shall be the nominee of that party for such office, and his name as such nominee shall be placed on the official ballot at the following election.

FINAL CANVASS OF PREFERENTIAL VOTE.

The final canvass of the returns of the preferential vote for candidates for president, vice-president, United States senator and governor is made by the state canvassing board in the office of the secretary of state at 10 o'clock a. m. on the second Friday following the primary.

If a candidate for president or vice-president receives a majority of the votes cast on any one ticket at the primary for such office, the delegates to the national convention of the party which such candidate represents shall be instructed and it shall be their duty to cast their vote as a unit for such candidate as long as his name is before the party national convention as a candidate for such office. If, at any time, the name of such candidate should be withdrawn from consideration at such convention, then and not until then would such delegates be authorized to vote for another person for president or vice-president, as the case may be.

The law clearly recognizes that there may be no nomination of candidates for the offices of president, vice-president, governor and United States senator, although there has been a preferential vote, and the above construction is the only one which gives effect to all the provisions of the statute. (Sec. 429.)

CERTIFYING RESULTS.**Clerk of the Circuit Court to State and County Chairmen.**

The clerk of the circuit court of each county shall certify within twenty days after such primary to each state chairman of the political party participating in such primary the vote cast in such county for each candidate for delegate to the state convention of the political party of such state chairman, and shall further certify to each county chairman of each political party participating in such primary the votes cast for the candidates for precinct committeemen of the political party of

such county chairman, and shall also certify a list of all such candidates nominated, except precinct committeemen, to the secretary of state within said twenty days.

Secretary of State to State Chairman.

The secretary of state shall certify to the chairman of each such political party the result of the preferential vote of the candidates of such party for the nomination for president, vice-president, governor and United States senator, which result shall be reported to the state convention of such party by its chairman.

County Board of Election Canvassers to Clerk.

The county board of election canvassers shall file with the clerk of the circuit court of its county, within thirty days after such primary, a certificate of nomination of all candidates for the offices canvassed by it.

Board of Canvassers to Secretary of State and Governor.

The state board of election canvassers shall file with the governor and in the office of secretary of state, not less than sixty days after such primary, the names of the candidates nominated for all offices canvassed by it.

Certification to Chairmen of Parties.

The clerk of the circuit court and the secretary of state each shall, upon receiving the respective lists of nominations above referred to, immediately certify to the state, district and county chairmen of each political party participating in such primary, the nominations of such party made at such primary for the state, district or county, as the case may be.

As to persons to be voted for within a county or any municipal subdivision thereof, no certificate is necessary, but the board of election commissioners shall place the names on the ballot.

As to persons to be voted for in districts greater than a county, the certificate is to be made by the state board of canvassers through the secretary of state and no other form of certificate is necessary.

Within twenty days after any primary the clerk of the circuit court must furnish to the secretary of state a complete list of all nominations at the primary, excluding the precinct committeemen, but including the names of all persons elected delegates to state conventions, with postoffice addresses.

Within ten days after receipt thereof the secretary of state shall furnish a list thereof to the chairmen of the state committees coming under the law, including all the names so certified by the clerks and all the names coming under the canvass of the state board of canvassers, with postoffice address. (Sec. 424.)

PART X.

PROHIBITED ACTS.

In addition to the offenses of fraudulent voting and fraudulently offering to vote as heretofore set out, the primary law declares the fol-

lowing acts to be criminal offenses, punishable by fine or imprisonment, or both.

For anyone to vote more than once at a primary election, either at the same precinct or at different precincts. (Sec. 436.)

For the printer of ballots for any election, or for any person employed in printing the same, to give or deliver, or knowingly permit to be taken away any of said ballots by any person other than a member of the board of primary election commissioners, or to cause or permit to be printed any ballot in any other form than the one prescribed in the primary law, or with other names thereon, or with the name spelled or the names thereon arranged in any other way than that authorized by the said board of primary election commissioners. (Sec. 437.)

For a member of the board of election commissioners to give or deliver to any other person any of the ballots for such primary, or to permit any of them to be taken away, except as provided in the primary law. (Sec. 438.)

For any person to take or remove in any manner feloniously or with the consent or permission of the custodian for the time from any place where they may lawfully be, any of such ballots or pencils to be used in the primary, except as an official or custodian under this act, or while in the polling place for the purpose of voting, or for any custodian or officer to consent to, or permit any of such ballots or pencils to be removed or carried away from the place where they may lawfully be, by any person, except an official or custodian, whose duty it is to receive the same. (Sec. 439.)

For any inspector to wilfully or negligently fail to appear at the proper clerk's office in person or by representative not less than one day nor more than three days before the primary to procure ballots and election supplies for his precinct. (Sec. 440.)

For any clerk, inspector or other person intrusted with the custody of the ballots for use at the primary to open any of the packages in which said ballots are contained, or permit them to be destroyed, or give or deliver any such packages of ballots to any person not lawfully entitled to receive them; or to conspire to procure, or in any way aid, abet or connive at any robbery, loss or destruction of any ballots or packages. (Sec. 443.)

For any person to induce or attempt to induce any voter at a primary election to write, paste or otherwise place on his ballot any sign or device of any kind as a distinguishing mark, whether or not said act be committed or attempted to be committed. (Sec. 444.)

For any person, either directly or indirectly, to give, offer or promise to give any elector any money, property, or other thing of value, for the purpose of preventing, influencing, inducing or procuring such elector to refrain from voting or to remain away from the polls at any primary election. (Sec. 445.)

For any person to give or offer to give, directly or indirectly, any money, property or other thing of value to any elector to influence his vote at a primary election, or for any person at such election to solicit, furnish, or receive any money or other means for such purpose, or to

aid, advise, counsel or suggest to any person, or to persons generally, to use or procure any money or other means to be used to induce, hire or buy any person or persons to vote or refrain from voting for any candidate or candidates or to remain away from the polls at any primary election, whether or not any such person shall act upon any such counsel, advice or suggestion. (Sec. 446.)

(If either the one giving a bribe or the one receiving a bribe informs on and will testify against the other in a prosecution therefor, the person so informing shall not thereafter be prosecuted for his guilt in the transaction.)

For any person being a member of a primary election board or otherwise entitled to the inspection of the ballots, to reveal to any other person how any elector has voted, or give any information concerning the appearance of any ballot voted. (Sec. 448.)

For any person to induce or attempt to induce any member of a primary election board to violate any of the provisions of the primary law, whether or not such member of the election board shall violate or attempt to violate any of the provisions of the primary law. (Sec. 449.)

For any person during the primary election to remove or destroy any of the supplies or other conveniences placed in the voting booths, or during the primary election to destroy or remove any booth, railing, or other convenience provided for such election, or to induce or attempt to induce to commit any such acts, whether or not any of such acts are committed. (Sec. 450.)

For an officer of a primary election to disclose to any person the name of any candidate for whom an elector has voted. (Sec. 450.)

For an officer of a primary election to do any electioneering on primary election day. (Sec. 450.)

For any person whatever to do any electioneering on primary election day within the polling place. (Sec. 450.)

For any person to apply for, or to receive any ballot for the primary in any polling place other than the one in which he is entitled to vote. (Sec. 450.)

For any person to show his ballot, after it is marked, to any person in such a way as to reveal the contents thereof, or the name of any candidate or candidates for whom he has marked his vote. (Sec. 450.)

For any person to examine the ballot which any person has presented for voting or to solicit the voter to show the same. (Sec. 450.)

For any person except the inspector of a primary election, or the member of the board who may be temporarily acting for him, to receive from any voter a ballot prepared by him for voting. (Sec. 450.)

For a voter to receive a ballot to be used in the primary from any one person other than one of the poll clerks. (Sec. 450.)

For any person other than the poll clerk to deliver a ballot to be used in the primary to an elector to be voted. (Sec. 450.)

For a voter to deliver any ballot to be voted at the primary to an inspector to be voted, except the one such voter received from the poll clerk. (Sec. 450.)

For a voter to place any mark upon his ballot or suffer or permit any other person to do so by which it may afterwards be identified as the one voted by him. (Sec. 450.)

For any public officer, upon whom any duty is imposed by this act, to wilfully neglect or omit to perform such duties, or to do any act prohibited in this law. (Sec. 451.)

Offenses Under General Election Law and Corrupt Practices Act.

In addition to the above offenses the primary law provides that any act declared to be an offense under the general election laws shall also in like cases be an offense in all primaries and be punished in the same form and manner as therein provided; and that the provisions of the statutes now in force in relation to corrupt practices at elections, the solicitation of voters at the polls, the challenging of voters, the manner of conducting elections, of counting the ballots and making the returns thereof, and all other kindred subjects shall apply to all primaries in so far as they are consistent with the primary act. (Secs. 455 and 458.)

PART XI.

CITY PRIMARIES.

On the first Tuesday after the first Monday in May of each year in which a city election is held, a primary election must be held in the several precincts of the cities of this state for the nomination of all elective city officers of all political parties coming under the provisions of the primary law. In a general way, all the provisions of the law with reference to general primary elections apply to city elections. The duties required of the clerk of the circuit court at a general primary election are to be performed by the city clerk; those of the board of commissioners by the city council; those of the county sheriff by the chief of police, and the right to nominate election officers by political parties shall be exercised by the chairmen of the city committees of such political parties.

Declarations of candidacy for city offices are to be filed with the city clerk not less than thirty (30) days prior to such primary and the city board of election commissioners is to be appointed in the same manner that county boards of election commissioners are appointed.

The chairman of the county central committee is not the chairman of the city central committee. The chairman of the city central committee is to be elected by the precinct committeemen whose precincts are in whole or in part within the city limits and by them only. If they desire they may select the county chairman as such city chairman, if he resides in the city, but they are not bound to do so. There are to be no precinct committeemen elected at the city primary. (Sec. 409.)

PART XII.

POLITICAL PARTY COMMITTEES—HOW COMPOSED—DATE OF ORGANIZATION—RULES.

Party Committees Authorized.

The parties regulated by this act shall have the following committees:

- State central committee.
- Congressional district committees.
- County committees.
- City committees.
- Precinct committees.

The state central committee shall be composed of the district chairmen from each congressional district; the congressional district committee shall be composed of the county chairmen of the several counties in the congressional district, except that in congressional districts having no more than one county the county committee shall constitute the district committee and such committee shall elect in addition to the county chairman a district chairman, who shall represent such district in the state central committee.

The county committee shall be composed of the precinct committeemen of the several precincts; the city central committee shall be composed of those members of the county central committee who have been elected for precincts in whole or in part in such cities; each precinct committee shall be composed of the precinct committeeman and such other persons as may be designated and appointed by the county chairman, under rules adopted by the state central committee of such party. (Sec. 400.)

Reference should be made to above section for the large powers of state committees as to rules, removals and legal proceedings.

Time Fixed for Organization of Party Committees.

At one (1) o'clock p. m. on the Saturday following their election, the precinct committeemen of each political party shall meet at some place in the county seat, to be fixed by the retiring county chairman, and shall organize by electing the officers required by the primary act. These officers are a chairman, a secretary and treasurer and such other officers or sub-committees as they may deem necessary to perfect their organization. The chairman, secretary, treasurer and other officers need not be precinct committeemen, but any person appointed on a sub-committee must be either a regularly elected precinct committeeman or a regularly selected officer of such county committee. The state central committee of each political party shall, by proper rules, provide for the organization of all committees, state, congressional, city and precinct. These committees are to have the same officers as the county committee—chairman, secretary and treasurer; and such other officers or sub-committees as may be deemed necessary to perfect their organization, and the officers of such committees do not need to be members of the committee who were elected at the primary. For example: The

county chairmen who form the congressional committee may elect a person chairman of the congressional committee who is not a county chairman. The members of the state central committee, that is, the chairmen of the several congressional districts, may elect a person chairman of the state committee who is not the chairman of a congressional committee, and the same rule applies to the other officers of such committees. (Sec. 401.)

The state central committee of each party shall by proper rules provide for the organization of all the committees provided for by the primary law and shall make any reasonable rules and regulations for their organization and government not inconsistent with the statute. The organization of all such committees shall take place within thirty (30) days after the primary, except that the city central committee need not organize until sixty (60) days before the city primary. The state committees fix the time for the city committee to meet to perfect their organization. (Sec. 404.)

PART XIII.

STATE CONVENTIONS—TIME—PLACE—RULES—DELEGATES— CANDIDATES FOR WHAT OFFICES NOMINATED— CERTIFICATE OF RESULTS.

State Convention.

The state convention of each political party shall be held at a date to be fixed by the state central committee of such party, which date shall be within one hundred fifty (150) days after the primary. Each convention is to be held in the city of Indianapolis. Under the power of the state central committee to adopt appropriate and adequate rules for the government and regulation of the party, such committee may regulate the manner and method of holding such convention. Rules for the nomination of all candidates to be nominated by said convention (except where there shall have been a nomination for president, vice-president, United States senator or governor, as a result of a preferential vote) shall be adopted by the committee. (Sec. 427.)

Delegates to State Convention—Official Delegates.

The state convention of each party participating in the primary shall be composed of the delegates duly elected by members of such party in the delegate districts of the state. (Sec. 428.)

Proxies and Power to Fill Vacancies.

If, after a person has been elected a delegate to a state convention, he is unable to attend, he may give his proxy to some other voter of the delegate district in which he resides, who has all the qualifications required by law for a delegate to the convention of such party. But the state central committee of any party has the power to pass reasonable regulations respecting the giving of such proxies, the circumstances under which they may be given and to require, if in its judgment it is necessary, the approval of such proxy by some proper officers of the party.

In the following cases vacancies in delegate representation may be

filled in such manner as the rules of the respective state central committees of the parties shall provide:

1. In case of the death of a person nominated as delegate by petition, too late to place the name of another candidate for such delegate on the ticket, and when such death results either in leaving no person nominated for delegate or in reducing the number of persons nominated below the full representations to which the party is entitled for such delegate district.

2. In case of the death of any person after he has been elected as a delegate.

3. Where any delegate is absent from the convention and has not executed a proxy, or if he has executed a proxy and the same has not been presented to the convention or has been presented and rejected by the proper officers or committees of such convention. (Secs. 400 and 427.)

Candidates to Be Nominated at State Convention.

The state convention of each party is authorized to nominate candidates for all state offices, including those of the United States senator and governor, to be voted for at the ensuing general election: Provided, however, Such state convention has power to nominate candidates for governor and United States senator only in the event that in the primary preceding such convention no candidate of such party for such office was nominated. (Sec. 430.)

State Convention Elects Delegates to National Convention and Presidential Electors.

The state convention of each party shall nominate candidates of such party for presidential electors, and alternate electors, and shall elect delegates and alternate delegates of such party to the national convention. The party may, by appropriate rules adopted by its state committee, permit the delegates to the state convention from the several congressional districts to select their own candidates from such districts for elector and alternate elector and elect their own delegate and alternate delegate to the national convention, but if it see fit, the convention as a whole may select such delegates, alternate delegates, electors and alternate electors. The convention has the power to make its own rules with respect to the qualifications of such electors and delegates. (Sec. 430.)

Party Platform.

The state convention of each political party shall formulate and adopt its own party platform. (Sec. 430.)

METHOD OF FILLING VACANCIES ON STATE AND COUNTY TICKETS SUBSEQUENT TO PRIMARY AND STATE CONVENTION—VACANCIES OCCURRING IN OFFICE AFTER PRIMARY AND STATE CONVENTION AND BEFORE ELECTION—HOW NOMINATIONS ARE MADE.

Vacancies in Nominations and Offices.

The general election law provides that in case of death, removal or resignation of any candidate, it shall be lawful for the chairman of

the state, district or county political organization of which such candidate was a member to make a nomination to fill the vacancy and to provide the election board of each precinct in which such candidate is to be voted for, with a number of pasters containing only the name of such candidate, which shall be pasted on the ballot in the proper manner and placed on each ticket by the poll clerks, but no resignations shall be filed with or received by the state board of election commissioners within (20) days preceding an election, or with the county board of election commissioners within fifteen (15) days immediately preceding an election and so far as resignations are concerned, no candidate whose nomination has been certified by the proper officer, according to law, can withdraw unless he does so in writing within three days after the filing of his certificate of nomination.

In the event of the death, resignation or removal of any candidate, after his nomination at the primary or by the state convention, the chairman of the proper committee has the right to fill the vacancy pursuant to rules adopted for such purposes by the state central committees of the respective parties.

In case of death, resignation or removal of any person who is the only candidate for an office (except president, vice-president, governor and United States senator, and the other officers to be nominated by the state convention) prior to the primary election, but after it is too late to procure the name of a candidate to be placed on the primary ticket then a candidate to fill such place and to be voted for at the general election shall be chosen by the chairman of the proper committee under the rules adopted for that purpose by the state central committee of such party, and certified by him to the proper board of election commissioners.

In the event that any state or federal office, which must be filled at the next general election, and for which there may be preferential voting at any primary, becomes vacant by reason of death or otherwise, and such vacancy occurs after the time when a candidate for such office would be entitled to file his petition for nomination at such primary the state conventions of each party shall nominate a candidate for the unexpired term of such office; in the event such vacancy occurs after the state convention, then the chairman of the state central committee of the respective parties shall nominate candidates for such office under and pursuant to rules adopted by the respective state central committees in that behalf, and the names of such candidates shall be certified to the proper board of election commissioners and by such board placed on the official ballot.

In making any such nomination each of such chairmen and state conventions shall have the right to select any legally qualified person, whether he has prior to that time been a candidate for such office or not.

In the event a vacancy occurs in any other office which must be filled at the general election, nomination for which must be made at a primary, and such vacancy shall occur too late for a candidate to file his petition for nomination at such primary, then such nomination shall be made by the same method as a vacancy is filled, where the vacancy occurs after a nomination is made at such primary.

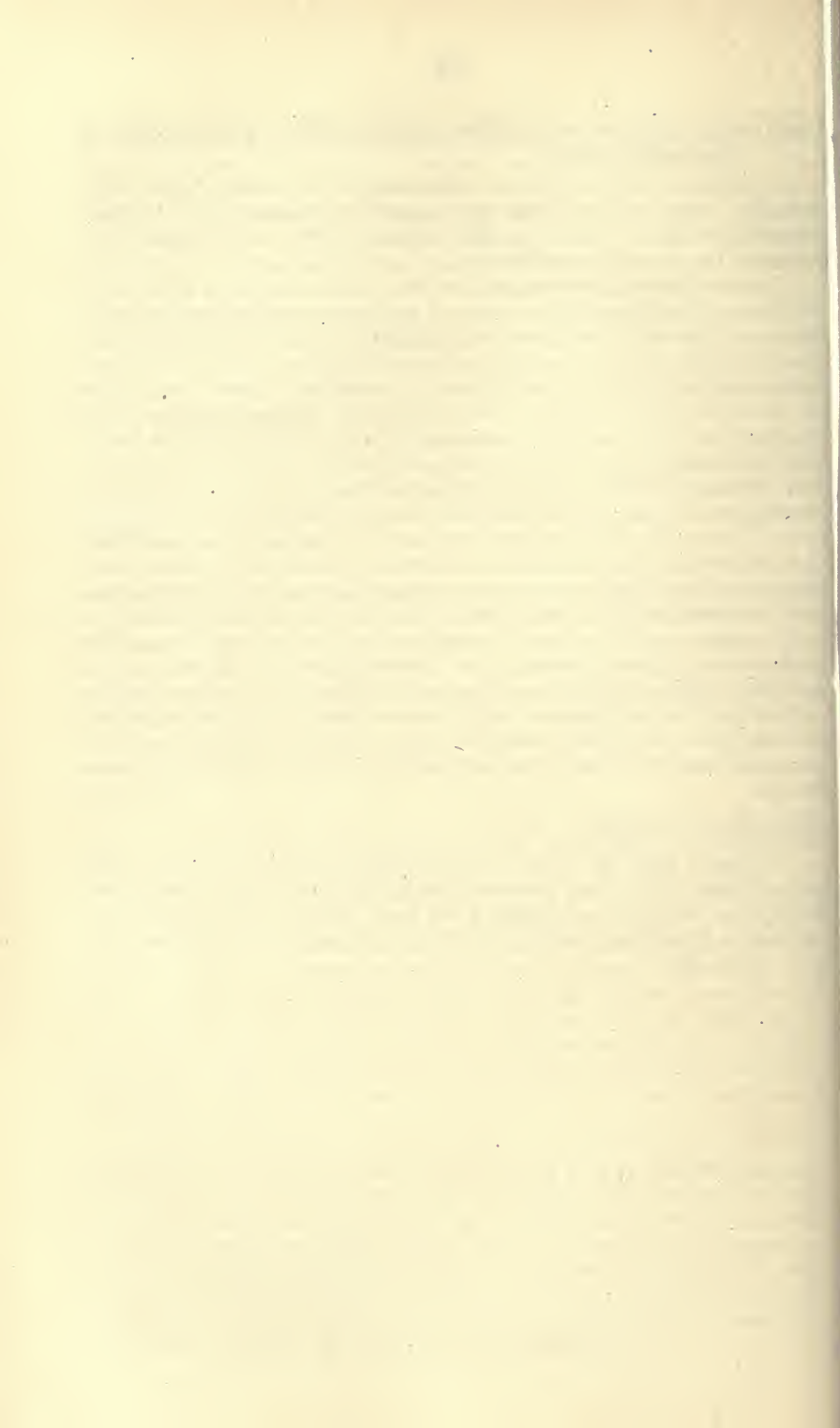
Certifying Nominations to Governor—Presiding Officer and Secretary of Convention Certify.

In the event that any person nominated at a primary for an office shall die, resign or be removed, the vacancy so occurring shall be filled pursuant to rules adopted for that purpose by the state central committee of the party affected thereby.

The certificate of nominations of each state convention shall be in writing and shall contain the name of each person nominated, his residence, and the office for which he is nominated and shall designate the title of the party which such convention represents, together with any simple figure or device by which its list of candidates may be designated on the ballots; said certificate shall be signed by the presiding officer and secretary of such convention, who shall add to their signatures their respective places of residence and acknowledge the same before an officer duly authorized to take acknowledgments of deeds. If the certificate of nominations of any state convention shall request that the figure or device selected by such convention be used to designate the candidates of such party on the ballot, for all elections throughout the state, such figure or device shall be used until changed by request of a subsequent state convention of the same party. Such device may be the figure of a star, eagle, a plow or some such appropriate symbol, but the coat of arms or seal of the state or of the United States, the national flag or any other emblem common to the people at large shall not be used as such device. A certificate of such acknowledgment shall be appended to such instrument. Said certificate shall be filed with the governor not more than sixty days and not less than twenty days before such election.

Independent Candidates.

A person desiring to be an independent candidate for any office must, at least thirty days before the primary, file his or her declaration the same as any other candidate or the name of such person will not be printed on the official ballot to be used at a general or municipal election. (Sec. 460.)



ELECTION LAWS.

CHAPTER I.

CONSTITUTIONAL PROVISIONS.

CONSTITUTION OF THE UNITED STATES.

SEC.

1. Elections.
2. The President.
3. Representatives apportioned.
4. Official disabilities.
5. The rights of voters.

SEC.

6. Suffrage amendment.
7. Election of Senators.
8. Election of President and Vice-President.

1. Elections.

The times, places and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators. The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day. (Art. 1, Sec. 4, U. S. Con. R. S. 1914, Sec. 4.)

2. The President.

The executive power shall be vested in a president of the United States of America. He shall hold office during the term of four years and together with the vice-president, chosen for the same term, be elected as follows: Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the congress. But no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the vice-president; and the congress may by law provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

The president shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive, within that period, any other emolument from the United States, or any of them.

Before he enter on the execution of his office he shall take the following oath or affirmation:

"I do solemnly swear (or affirm). that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect and defend the constitution of the United States." (Art. 2, Sec. 1, U. S. Con. R. S. 1914, Sec. 11.)

3. Representatives Apportioned.

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice for electors for president and vice-president of the United States, representative in congress, the executive and judicial officer of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participations in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state. (Art. 14, Sec. 2, U. S. Con. R. S. 1914, Sec. 40.)

4. Official Disabilities.

No person shall be a senator or representative in congress, or elector of president and vice-president, or hold any office civil or military under the United States, or under any state, who, having previously taken an oath as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof. But congress may, by a vote of two-thirds of each house, remove such disability. (Art. 14, Sec. 4, U. S. Con. R. S. 1914, Sec. 41.)

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (Art. 14, Sec. 1, U. S. Con.)

5. The Rights of Voters.

The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any state, on account of race, color, or previous condition of servitude. (Art. 15, Sec. 1, U. S. Con. R. S. 1914, Sec. 44.)

6. Suffrage Amendment.

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex. (Art. 19, Sec. 1, U. S. Con.)

7. Election of Senators.

The senate of the United States shall be composed of two senators from each state, elected by the people thereof, for six years; that each senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

When vacancies happen in the representation of any state in the senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, That the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the constitution. (Art. 17, Sec. 1, U. S. Con. R. S. 1914, Sec. 45b.)

8. Election of President and Vice-President.

The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the persons voted for as president, and in distinct ballots the persons voted for as vice-president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each; which lists they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and the house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in case of the death or other constitutional disability of the president.

The person having the greatest number of votes as vice-president shall be the vice-president, if such number be the majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the senate shall choose the vice-president; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States. (Art. 12, Sec. 1, U. S. Con. R. S. 1914, Sec. 36.)

CONSTITUTION OF INDIANA.

SEC.

8. Elections free.
9. Qualifications of electors.
10. Soldiers—Seamen—Marines.
11. Residence.
12. Bribery.
13. Challenge to duel.
14. Disfranchisement.
15. Effect of holding lucrative office.
16. Defaulters.

SEC.

17. Pro tempore appointments.
18. Electors free from arrest.
19. Method of elections.
20. Time of elections.
21. Election.
22. Manner of voting.
23. Plurality elects.
24. Contests.

8. Elections Free.

All elections shall be free and equal. (Art. 2, Sec. 1, Const. of Ind. R. S. 1914, Sec. 83.)

9. Qualifications of Electors. (As amended September 6, 1921.)

In all elections not otherwise provided for by this constitution, every citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the state during the six months, and in the township sixty days, and in the ward or precinct thirty days immediately preceding such election, shall be entitled to vote in the township or precinct where he or she may reside. (Art. 2, Sec. 2, Const. of Ind.)

10. Soldiers—Seamen—Marines.

No soldier, seaman or marine in the army or navy of the United States, or of her allies, shall be deemed to have acquired a residence in the state in consequence of having been stationed within the same; nor shall any such soldier, seaman or marine have any right to vote. (Art. 2, Sec. 3, Con. of Ind. R. S. 1914, Sec. 85.)

11. Residence.

No person shall be deemed to have lost his residence in the state by reason of his absence, either on business of this state or of the United States. (Art. 2, Sec. 4, Con. of Ind. R. S. 1914, Sec. 86.)

12. Bribery.

Every person shall be disqualified for holding office during the term for which he may have been elected who shall have given or offered a bribe, threat or reward, to secure his election. (Art. 2, Sec. 6, Con. of Ind. R. S. 1914, Sec. 87.)

13. Challenge to Duel.

Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of the state to fight a duel, shall be ineligible to any office of trust or profit. (Art. 2, Sec. 7, Con. of Ind. R. S. 1914, Sec. 88.)

14. Disfranchisement.

The general assembly shall have power to deprive of the right of suffrage and to render ineligible any person convicted of any infamous crime. (Art. 2, Sec. 8, Con. of Ind. R. S. 1914, Sec. 89.)

15. Effect of Holding Lucrative Office.

No person holding a lucrative office or appointment under the United States, or under this state, shall be eligible to a seat in the general assembly; nor shall any person hold more than one lucrative office at the same time, except as by this constitution expressly permitted: Provided, That offices in the militia, to which there is attached no annual salary, and the office of deputy postmaster, where the compensation does not exceed ninety dollars per annum, shall not be deemed lucrative. And Provided, also, That counties containing less than one thousand polls may confer the office of clerk, recorder and auditor, or any two of said offices, upon the same person. (Art. 2, Sec. 9, Con. of Ind. R. S. 1914, Sec. 90.)

16. Defaulters.

No person who may hereafter be a collector or holder of public moneys shall be eligible to any office of trust or profit until he shall have accounted for, and paid over according to law, all sums for which he may be liable. (Art. 2, Sec. 10, Con. of Ind. R. S. 1914, Sec. 91.)

17. Pro Tempore Appointments.

In all cases in which it is provided that an office shall not be filled by the same person more than a certain number of years continuously, an appointment pro tempore shall not be reckoned a part of that time. (Art. 2, Sec. 11, Con. of Ind. R. S. 1914, Sec. 92.)

18. Electors Free From Arrest.

In all cases, except treason, felony, and breaches of the peace, electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same. (Art. 2, Sec. 12, Con. of Ind. R. S. 1914, Sec. 93.)

19. Method of Elections.

All elections by the people shall be by ballot, and all elections by the general assembly, or either branch thereof, shall be viva voce. (Art. 2, Sec. 13, Con. of Ind. R. S. 1914, Sec. 94.)

20. Time of Elections.

(As amended March 14, 1881.) All general elections shall be held on the first Tuesday after the first Monday in November; but township elections may be held at such time as may be provided by law: Provided, That the general assembly may provide by law for the election of all judges of courts of general and appellate jurisdiction by an election to be held for such officers only, at which time no other officers shall be voted for; and shall also provide for the registration of all persons entitled to vote. (Art. 2, Sec. 13, Con. of Ind. R. S. 1914, Sec. 95.)

21. Election.

The governor and lieutenant-governor shall be elected at the times and places of choosing members of the general assembly. (Art. 5, Sec. 3, Con. of Ind. R. S. 1914, Sec. 129.)

22. Manner of Voting.

In voting for governor and lieutenant-governor, the electors shall designate for whom they vote as governor and for whom as lieutenant-governor. The returns for every election for governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the house of representatives, who shall open and publish them in the presence of both houses of the general assembly. (Art. 5, Sec. 4, Con. of Ind. R. S. 1914, Sec. 130.)

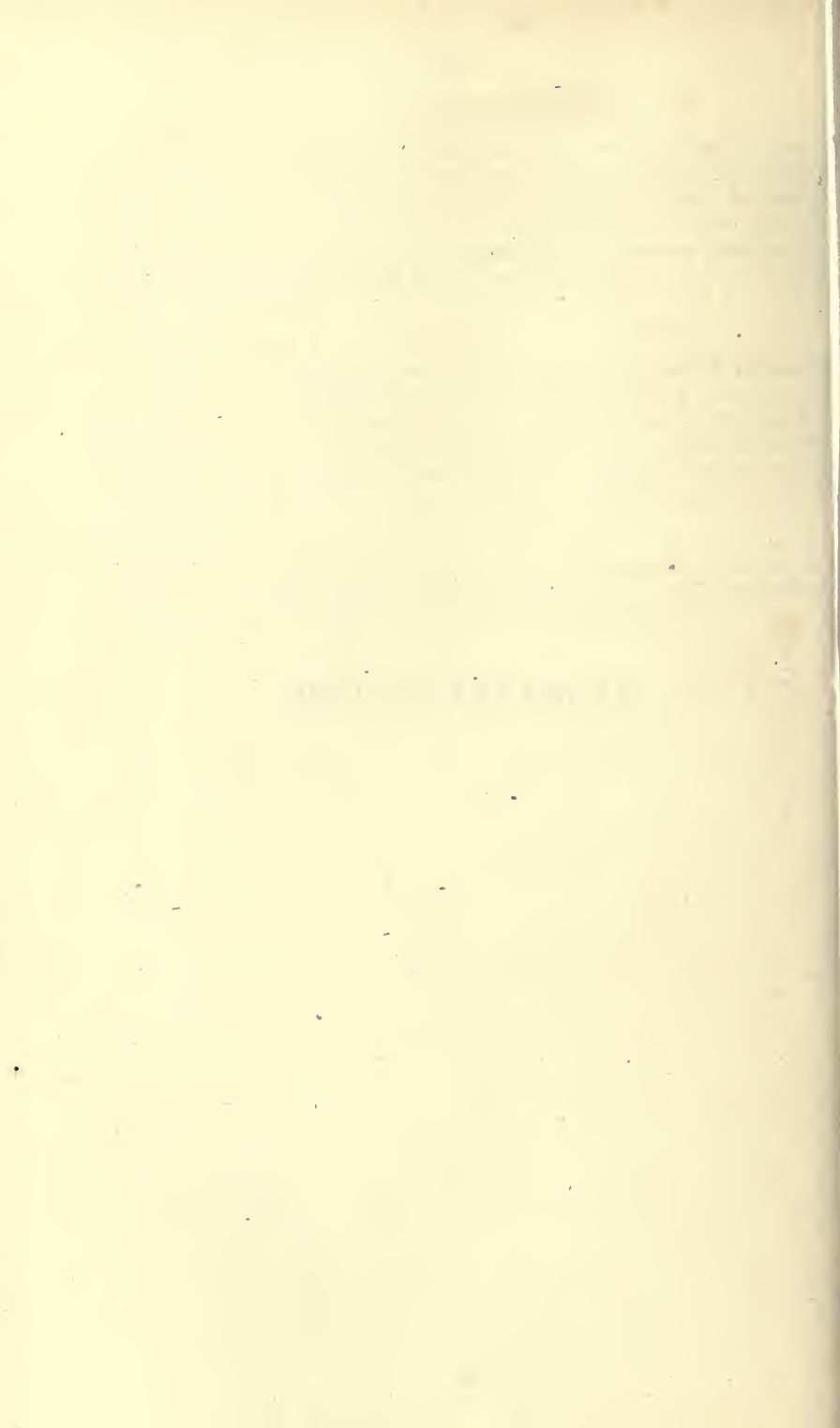
23. Plurality Elects.

The persons, respectively, having the highest number of votes for governor and lieutenant-governor shall be elected; but in case two or more persons shall have an equal, and the highest, number of votes for either office, the general assembly shall, by joint vote, forthwith proceed to elect one of the said persons governor or lieutenant-governor, as the case may be. (Art. 5, Sec. 5, Ind. Con. R. S. 1914, Sec. 131.)

24. Contests.

Contested elections for governor or lieutenant-governor shall be determined by the general assembly, in such manner as may be prescribed by law. (Art. 5, Sec. 6, Ind. Con. R. S. 1914, Sec. 132.)

REGISTRATION LAW



REGISTRATION LAWS OF INDIANA.

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| SEC. | | Sec. |
| 25. | Registration of voters. | 45. Penalty for neglect. |
| 26. | Expense. | 46. Registration blanks furnished Inspectors of Election. |
| 27. | Change of precincts. | 47. Challenge for non-registration. |
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(Acts 1917—p. 443)

25. Registration of Voters.

Section 1. That hereafter it shall be unlawful for any person to vote at any general election held in this state unless such person be at the time of such election a registered voter under the requirements of this act. (R. S. 1921, §6977x2.)

26. Expense.

Sec. 2. The expense of registration and preparation therefor, as provided for herein, shall be paid out of the county treasury by the board of county commissioners as election expenses are paid; and the county council shall, in due season, make the necessary appropriations therefor. (R. S. 1921, §6977y2.)

27. Change of Precincts.

Sec. 3. Every order of a board of county commissioners in any county in this state establishing, changing, or dividing election precincts in such county shall be made not later than their March session in any year in which will occur a general election to be held on the first Tuesday after the first Monday in November. The precincts shall remain throughout the year as they are established at such March session, or previously. The notice required by law of the establishments of precincts or changes of boundary shall be given not later than ten (10) days after such March session, if it has not been previously given: Provided, That in any case where the board of county commissioners shall adopt the use of voting machines in counties where machines are not used at the time of the passage of this act, the precinct boundary lines may be established, changed or modified on or before the first Monday in June, but then only by combining two (2) or more precincts into one (1). (R. S. 1921, §6977z2.)

28. Registration Officers.

Sec. 4. In each calendar year in which will occur in this state a general election, to be held on the first Tuesday after the first Monday in November, there shall be appointed two (2) registration clerks for each voting precinct in the several counties of this state, and in precincts where voting machines are used there shall be appointed an inspector of registration in addition to the two (2) registration clerks. The inspector and registration clerks, or the registration clerks so appointed, as the case may be, shall constitute the registration board of the precinct for which appointed. The inspectors and registration clerks at the time of their appointment shall be voters and residents of the precinct for which they are appointed. The clerks shall not both be adherents of the same political party. The inspector and registration clerks of the precinct shall be appointed by the board of county commissioners not less than five (5) days before the day of registration. The county chairman of each of the political parties which cast the highest and next highest vote respectively in the county at the last preceding general election, shall have the right to nominate one (1) of the clerks of registration for each precinct, provided he do so in writing at least ten (10) days before the session of the board at which the appointment is made, and the board of county commissioners shall appoint the persons so nominated respectively: Provided, That if either or both of the chairmen of said political parties should fail to so nominate, then the board of county commissioners shall appoint the clerk or clerks without such nomination. The auditor shall immediately notify the members of the registration board of their appointment. The inspectors and clerks shall, before entering upon the discharge of their duties, take an oath in writing to support the constitution of the United States and of the State of Indiana, and to faithfully and honestly discharge their duties as registration clerks, which oath shall be filed in the auditor's office of the county. The inspector and clerks shall hold their office from the time of their appointment until the day of the ensuing general election. The members of such registration board shall be eligible as members of the regular election board. (R. S. 1921, §6977a3.)

29. Sessions.

Sec. 5. The registration board of each precinct of this state shall hold in such precinct two (2) regular sessions in each year in which a general election will occur. The first session of such board shall be held on Saturday the fifty-ninth (59th) day before such election, and shall be known as its September session; the second session shall be held on Monday the twenty-ninth (29th) day before such election and shall be known as its October session. (R. S. 1921, §6977b3.)

30. Books and Blanks.

Sec. 6. The auditor of each county shall make, or cause to be made, a sufficient number of blank forms of registration books, blank applications for registration and other necessary stationery to supply each and every election precinct of his county. Ten (10) days or more before the session of the registration board the auditor of each county

shall deliver to the registration inspector or to the clerk-in-charge of each precinct in the county a sufficient number of blank applications for registration and other necessary stationery, and at the same time such auditor shall deliver two (2) blank forms of registration books to each and every precinct within such county. Each registration book shall be covered with tag, have proper caption, with blanks to adjust it to any precinct, and shall be ruled in nine (9) columns, headed, respectively: Number; name; residence; age; where born; when came to the United States; when and where naturalized; when and where declared intention; remarks; and shall contain a sufficient number of leaves to allow for registration of all voters in a precinct, with the memoranda required to be made after the names as elsewhere provided by this act, and also for an alphabetical index at the back of the book of the names registered, with a reference to their numbers, respectively. The application blanks shall be of such form as are suitable for their purposes under the provisions of this act. (R. S. 1921, §6977c3.)

Note.—The column "when and where declared intention" should be omitted in the registration books as only citizens can register.

31. Rooms—Notice of Time and Place of Registration.

Sec. 7. The county commissioners of each county in the state shall, at least fifteen (15) days before the session of the board of registration provide for and secure in each precinct of the county a suitable room in which the board shall sit during its session, and if practicable, they shall secure the same room for both sessions of the registration board and also the same room in which the election is to be held. The auditor of each county shall give ten (10) days' notice of the time and place of the session of the board of registration by one (1) publication in each of two (2) newspapers of general circulation representing the two (2) political parties which cast the highest vote respectively in the county at the last preceding general election printed and published in the county, if such there be, and he shall cause to be prepared and delivered to each of the inspectors or to the clerk-in-charge of each precinct in the county, at least ten (10) days before the session of the board of registration, at least fifteen (15) printed forms of notice of the time and place of such session, with blanks therein as to the township, precinct and place of the session, so that by filling the blanks the printed notices may be suitable for any precinct in the county. The inspector or clerk-in-charge of the precinct shall fill the blanks in writing, properly for his precinct and at least eight (8) days before such session of the board post the same in at least five (5) public places in the precinct and in as many other places as he may deem proper, or cause them to be so posted. The notices so posted shall have for caption: "Important notice to voters of registration." In the body of the notice shall be stated in effect among other things: "Every voter of the precinct is required to register either at the September session of the registration board held on Saturday, the 59th day before the election, or on Monday, the 29th day before the election. If any such voter fails to register, he will have no right to vote at the November election." It shall be the duty of the inspector and where no inspector is appointed of the regis-

tration clerk representing the party in his precinct which cast the highest vote for secretary of state in the county at the last preceding general election, to go to the office of the county auditor at least ten (10) days before the session of the board, and receive from the auditor the registration books and the registration blanks and other stationery for each precinct. When he has received the registration blanks, he may place portions of them at such place or places and in such hands in the precinct so that voters therein may conveniently obtain them before the day of registration. He shall retain a sufficient portion in his own hands to deliver to voters who may apply for them before such date, and shall retain till the day of registration, and have at the place of registration on that day, a sufficient portion to supply all voters of the precinct that may apply for them there. The inspector or clerk-in-charge shall cause to be furnished good, plain and substantial meals during the time the board is in session, which meals shall be charged as a part of their necessary expenses at not to exceed seventy-five cents (75c) each and shall be paid for like other election expenses. (R. S. 1921, §6977d3.)

32. Who Entitled to Register.

Sec. 8. At the session of the board of registration held in September or October in the year in which a general election will occur, every person who, at the time resides in the precinct in which he applies for registration, and who will be of the age of twenty-one (21) years or upward at the next ensuing November election, and is a citizen of the United States, or if not a citizen of the United States, who, if he continue to reside in the precinct till the next following November election, will at that time have resided in the State of Indiana during the six (6) months and in the United States during the one (1) year immediately preceding such election, and who shall have resided in the township sixty (60) days and in the ward or precinct thirty (30) days before such election, if he continue to reside in such precinct until such election, shall be entitled, upon proper application, to be registered in such precinct. No other person or persons shall be entitled to be so registered. Nothing in this act shall be construed as qualifying or attempting to qualify any person to vote at any election, even though registered, who would not be so qualified if there were no registration act in force in this state; the purpose of this act being to provide for and require registration in addition to the requirements of the election laws and the constitution of the State of Indiana. (R. S. 1921, §6977e3.)

Note.—Only citizens can register.

33. Hours for Receiving Registrations.

Sec. 9. The board of registration shall be in session for receiving applications for registration and registering names from the hour of eight (8) o'clock a. m. till the hour of nine (9) o'clock p. m. When the board closes its session for the receipt of applications, it shall remain in session until it has fully completed its registration books and signed up and certified the same, and done the other things required in this act. When the board opens its session for the receipt of applications, each clerk of the board of registration shall take one (1) of the registration

books and register therein the names in the order of application, and other things required by this act. The names of male and female voters shall be recorded in separate parts of the same registration book, or if on account of the large number of voters in separate books. (Acts 1920, p. 38. R. S. 1921, §6977f3.)

34. Form of Applications.

Sec. 10. Before any applicant shall present himself or send his application to the board for registration, he shall make, or cause to be made in writing, or partly in writing and partly in print, in the English language, an application showing the following: His name; that he resides in the precinct in which he desires to be registered; his age on the last preceding anniversary of his birthday; if born in the United States, in what state, territory or district he was born; if not born in the United States, in what country he was born; if foreign born, whether he has been naturalized under the laws of the United States, and, if so, when and where naturalized; if foreign born and not naturalized, whether he has declared his intention to become a citizen of the United States conformably with the laws thereof on the subject of naturalization; if so, when and where; if foreign born and not naturalized, when he came to the United States; at what place or places he has resided during all the time since the last day of the preceding registration, and the length of time he has resided in each place, if more than one. In such application, it shall be a sufficient showing, if situate outside of a town or city, if it show the postoffice address of the applicant, and, if inside a city or town, if it show the street and street number of the house in which he resides. If a native-born applicant or a citizen of the United States, by reason of the naturalization of his father, residing outside of a city or town a form of application after the manner of the following shall be sufficient:

....., 19....

My name is John Doe. I reside in precinct No. 2, Warren township, Marion county, Indiana, postoffice address R. R. No. 1. I was fifty years of age on the 10th day of January, 1912. I was born in the State of Ohio, (or my father was naturalized as a citizen of the United States when I was a minor).

Signature.....

If a foreign born applicant, who has not been naturalized, but has declared his intention, and resides in a town whose houses have no street numbers, the following shall be a sufficient form:

....., 19....

My name is John Doe. I reside in precinct No. 2, ward No. 3 in the town of, in Hancock county, Indiana, 125 Spruce street. I was fifty (50) years of age on the 10th day of January, 1920. I was born in France. I arrived in the United States on the 4th day of September, 1918. I declared my intention to become a citizen of the United States conformably to the laws thereof touching naturalization, at Columbus, Ohio, on the 15th day of September, 1918.

I have resided in the United States continuously since October 31st last at the following places: From October, 1918, to January 1, 1919, at Columbus, Ohio; from January 1, 1919, to February 1, 1920, at Cincinnati, Ohio; from February 1, 1920, until the present time at the place where I now reside.

Signature.....

(Acts 1919, p. 742. R. S. 1921, §6977g3.)

Note.—The person that has only declared intention cannot register, and no form therefor is required.

35. Signature of Applicant.

Sec. 11. Every application for registration shall be signed with the name of the applicant in his own handwriting and in the English language, if he be able to write his name in the English language, and, if not, then in any language that he may be able to write. If he is not able to write in any language, he may procure some resident of the township to write his name for him, and he shall make his mark. But the person so writing his name shall also write his own name on the instrument as attesting witness. It shall be unlawful for any person to write the name of an applicant to an application unless he is personally acquainted with such applicant, and if he writes the name of an applicant to an application, he must write his own name in attestation. (R. S. 1921, §6977h3.)

36. Applications—How Made—Registration by Mail.

Sec. 12. Any person entitled to vote at such election, and who is required under the provisions of this act to register, in order to exercise such right, instead of registering in person as provided herein, may make an application similar to what would be required of him, if he were applying for registration in person. Such application shall be signed and sworn to by such applicant, before any officer authorized by law to administer oaths and having an official seal, or if two (2) voters residing in said precinct shall certify on said application, that they are personally acquainted with such applicant, and that he is the person he represents himself to be, and that the statements in his application are to their personal knowledge true, it shall not be necessary for such application to be sworn to by said applicant. Said application when so sworn or certified to may be delivered to the board of registration of the precinct in which said applicant resides, by any voter of the precinct on the day and during the time said board is in session for the purpose of receiving applications to register, or said application may be mailed to the auditor of said county who shall deliver the same to the inspector or clerk-in-charge of said board, either on or before the day of said registration. If such board finds that such application conforms to the provisions of this act, they shall place the name of such applicant on the registration books of said precinct in the same manner as if said applicant had appeared in person. Any person who shall make a false statement in his application as to his qualifications as a voter in said precinct, and any person who shall certify to the statements contained in said application, any of which statements are false, or which are not personally known to said person to be true, shall be guilty of a felony.

and upon conviction shall be imprisoned for not less than one (1) year, nor more than two (2) years and fined in any sum not exceeding five hundred dollars (\$500.00) and disfranchised for any determinate period. (Acts 1920, p. 38. R. S. 1921, §6977i3.)

Note.—The legislature of 1921, Acts 1921, page 850, attempted to amend this (12) section. The attorney-general of the State of Indiana held that the amendment failed because it was not included in the title, so this section is still in force.

37. Pay of Registration Officers.

Sec. 13. The inspector of registration or clerk-in-charge shall receive for each registration period for his service in and about said registration performed including the services required to be performed by him both before and after the day or days of registration, the sum of nine dollars (\$9), together with a sum equal to five cents (5c) per mile for each mile of the shortest distance between his residence and the auditor's office, but such inspector or clerk shall be entitled to such per diem as aforesaid for procuring and returning such registration books, only in the event that he actually performs such services in person. The clerks of such board shall receive for all services performed by them the sum of six dollars (\$6) each for each registration period. (R. S. 1921, §6977j3.)

38. Male and Female Voters.

Sec. 14. The words "voter", "applicant" and "elector" and the personal pronouns used in connection with the terms "voter", "applicant" or "elector" as used in this act shall mean any person, male or female, who shall, by any law of the State of Indiana, have the right to vote at any election. Any voter who shall have registered with the registration board as hereinbefore provided and whose name shall have been changed by marriage or divorce or court decree subsequent to such registration and prior to the date on which such election shall be held, in order to be entitled to vote at such election, shall file with the election board, on the day of such election, and before receiving her ballot, a certified copy of the court decree or certificate of marriage which shall entitle such person to vote, if otherwise qualified and which shall be preserved by the registration board and returned to the county auditor with the other papers returned by such board. (R. S. 1921, §6977k3.)

39. Additional Clerks.

Sec. 15. Where any precinct had six hundred (600) or more voters at the last preceding general election the county commissioners are authorized if they shall deem it necessary to appoint two (2) additional clerks in the same manner as the other clerks are selected and such additional clerks shall receive the same compensation for their services as the other clerks. (R. S. 1921, §6977l3.)

40. Certified Copies of Registration Books.

Sec. 16. The auditor shall have made and certified a complete copy of the names on the registration books and their addresses and furnish a copy to each of the chairmen of the parties casting the highest and next

highest vote for secretary of state at the last preceding election in the county. These copies shall be made within ten (10) days after each registration period. (R. S. 1921, §6977m3.)

41. Additional Compensation to County Auditor.

Sec. 17. The county auditor shall receive such reasonable compensation for performing the duties in connection with the registration of voters and making copies of the registration lists in his county as the county commissioners may approve. (R. S. 1921, §6977n3.)

42. Right of Officers to Make Arrests.

Sec. 18. Each member of the board of registration, while in session, shall be a conservator of the peace, and shall have the right to arrest any person who creates any disturbance in or around the room of the board, or offers any interference with the work of the board or people appearing for the purpose of registration, or who violates any law of the state in the presence or hearing of the board and he shall have the right to command bystanders to assist in making such arrest and in detaining such person until a warrant can be obtained for him. (R. S. 1921, §6977o3.)

43. False Registration.

Sec. 19. It shall be unlawful for any person who is not a voter, and who will be a voter at the next ensuing general election, to apply for registration in any election precinct in this state, or to procure himself to be registered thereat as a voter; and it shall be unlawful for any person to make any false statement in any application that he may present to the board of registration for the purpose of procuring himself to be registered, and it shall be unlawful for him to present any application containing a false statement. Any person violating any of the provisions of this section shall, on conviction, be imprisoned not less than one (1) year nor more than five (5) years, or fined in any sum not more than five hundred dollars (\$500), and disfranchised for any determinate period. (R. S. 1921, §6977p3.)

44. Unlawful to Subscribe Name Any Other Person.

Sec. 20. It shall be unlawful for any person to subscribe the name of any other person to any application for registration, in any precinct of this state, if such person knows such application to contain a false statement, and it shall be unlawful for any person to subscribe the name of any other person to any such application for registration, without writing his own name thereon as an attesting witness. Any person convicted of violation of any provision of this section shall be imprisoned not less than one (1) year nor more than five (5) years or fined in any sum not exceeding five hundred dollars (\$500), and disfranchised for any determinate period. (R. S. 1921, §6977q3.)

45. Penalty for Neglect.

Sec. 21. Any member of the board of registration or any public officer, upon whom any duty is imposed by this act, who shall wilfully

neglect to perform such duties, or do any act prohibited herein for which punishment is not otherwise provided, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not less than six (6) months nor more than three (3) years, or by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), and be disfranchised and rendered ineligible of holding any office for any determinate period, not less than five (5) years. (R. S. 1921, §6977r3.)

46. Registration Blanks Furnished Inspectors of Elections.

Sec. 22. At the time ballots and other election supplies are received by the inspector of the elections for the November election he shall also receive from the county auditor the registration blanks, registration books and applications and affidavits returned by the registration board, and shall have these present at the election precinct on the day of the election, and within three (3) days thereafter shall return them to the auditor's office. (R. S. 1921, §6977s3.)

47. Challenge for Non-Registration.

Sec. 23. In addition to the grounds of challenge of a voter or proposed voter at the election, it shall hereafter be a ground of challenge that the person offering to vote is not registered. The person so challenged shall not be permitted to vote until he make and present an affidavit that he is registered and that he is the identical person who is registered under the name under which he intends to vote. Upon such challenge, the election officers of the precinct shall inspect the application for registration, and if they be satisfied that the affidavit of such person is false, they shall order his arrest at once: Provided, That no person shall be allowed by the officers to vote at the election whose name is not registered, even though there be no challenge on that ground. (R. S. 1921, §6977t3.)

48. Registration in Cities of First and Second Class.

Sec. 24. In an election in any city of the first or second class of this state, there shall be required a registration of voters complying with the provisions of this act; except that in the registration of voters therein the clerks of registration shall be appointed by the clerk of the city and the clerk of the city shall perform all the duties required by this act of the county auditor. The duties herein required of the board of commissioners shall be performed by the city council, and the rights of nomination of registration officers by chairmen of political parties of the county in this act may be exercised by chairmen of the city committee of the political parties, if such there be. The city officers shall be required to perform the various duties herein prescribed for the county officers in whose stead they act, subject to the same penalties and provisions herein prescribed as to such county officers. The city shall appropriate for and defray the expense of such registration, in the same manner as it defrays the expense of a city election. (R. S. 1921, §6977u3.)

49. Repeal.

Sec. 25. All acts and parts of acts in conflict herewith are hereby repealed. (R. S. 1921, §6977v3.)

50. Registration in Wrong Precinct—Statement—Penalty for False Statement—Re-Registration.

Sec. 26. Any person who at the September session of the board of registration shall have by mistake registered in the wrong precinct, and any person who shall have registered at the September session of such board, and who thereafter shall have changed the place of his residence to any other precinct in the same township, and who shall be entitled to vote at the election for which such registration is being had, may register in the precinct in which he then resides, at the October session of said board. Said person shall make out the regular application for registration, required by this act, and in addition he shall upon a blank to be furnished him by the board of registration, show the previous registration giving the number or the name of the precinct, and the facts as to how such previous registration came to be made, which statement shall be delivered to said board with such application. Thereupon said board, if such application and statement conforms to the provisions of this act, shall place the name of such applicant on the registration books of said precinct. At the close of said registration said board shall deliver such statement to the auditor of said county, who shall deliver the same to the inspector of the precinct in which such person was first registered, when he delivers the election supplies, and such auditor shall make a note in red ink on both of the registration books of the precinct in which such person was first registered, opposite the name of the person thereon calling attention to such statement.

Such statement may be substantially in either of the following forms:

....., 19.....
At the September session, 19....., of the board of registration, I by mistake registered in.....precinct,ward,city or town,.....township,county, Indiana, when at such time I was and am now a legal voter in.....precinct,ward,city or town,township,county, Indiana.

Or such statement may be substantially in the following form:

....., 19.....
At the September session, 19....., of the board of registration, I was a legal voter in.....precinct,ward,city or town,.....township,.....county, Indiana, and I duly registered in said precinct, at said session of said board. Since doing so I have changed my place of residence, and I now reside inprecinct, in the same township, county and state.

Any person who at the October session of the board of registration shall, by mistake, have registered in the wrong precinct, and who shall otherwise be entitled to vote at the election for which such registration shall have been had, may be registered in the correct precinct by the auditor of the county of which such person is a resident, in the manner hereinafter provided, and at any time after such October session and up to and including the tenth day prior to the day on which such election is held. Such person shall make out the regular application for registration required by this act, and, in addition, he shall, upon a blank to be furnished him by the auditor, show his previous registration, giving the number and name of the precinct, and the facts as to how previous registration came to be made, which statement shall be delivered to the auditor along with the application. If such application and statement conforms to the provisions of this act, the auditor shall thereupon place the name of such applicant on the registration books of the proper precinct, and the auditor shall deliver such statement to the inspector of the precinct in which such person was first registered, when he delivers the election supplies, and such auditor shall make a note in red ink on both of the registration books of the precinct in which such person was first registered opposite the name of the person thereof, calling attention to such statement.

Such statement may be substantially in the following form:

....., 19.....
 At the October session, 19....., of the board of registration, I by mistake registered in.....precinct,ward, city or town,township,county, Indiana, when at such time I was and am now a legal voter in.....precinct,ward,city or town,township,county, Indiana.

Any person who shall make or present any such statement which is false, shall be guilty of a felony and upon conviction shall be imprisoned for not less than one (1) year, nor more than two (2) years and fined in any sum not exceeding five hundred dollars (\$500) and disfranchised for any determinate period.

Any person who at the October session of the board of registration shall, by mistake, have registered in the wrong precinct, and who shall otherwise be entitled to vote at the election for which such registration shall have been had, but who is not aware that he has registered in the wrong precinct until he presents himself to vote at the ensuing general election, may be registered and permitted to vote in the correct precinct in the manner hereinafter provided. Such person shall make out the regular application for registration, required by this act, and, in addition, he shall procure from the election board of the precinct in which he is wrongfully registered a statement, signed by the judge and each of the clerks, setting forth the fact that such person is registered in such precinct, and he shall likewise procure a statement signed and sworn to by two qualified voters of the precinct in which such person is entitled

to vote, setting forth that such person is the person he represents himself to be, that he is a resident of such precinct and that he has resided therein a sufficient length of time to qualify him to vote therein. Upon the presentation of the application for registration, the statement procured from the election board of the precinct in which he is wrongfully registered and the statement signed by the two resident voters of the precinct in which he offers to vote, such person's name shall thereupon be entered in the registration books of such precinct and he shall be permitted to vote therein. (As amended, Acts 1921, page 56. R. S. 1921, §6977z3.)

51. Voter Registers But Once—Exceptions.

Sec. 27. It shall be unlawful for any person to register at any such registration more than once in any precinct, or in more than one precinct except as authorized by this act in case of a mistake or removal. It shall be unlawful for any person to present or file the application of any person for registration who has already been registered, except as authorized by this act in case of a mistake or removal. Any person violating any of these provisions of this section, shall upon conviction be imprisoned not less than one (1) year nor more than two (2) years, or fined in any sum not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), and disfranchised for any determinate period. (Acts 1920, approved July 21, 1920. R. S. 1921, §6977a4.)

52. Separate Registration for Women.

Sec. 28. Prior to any presidential election for which male voters are required to register, women citizens shall also register in the same place and manner as male voters, provision being made for women citizens to register separately by those whose duty it is to provide for registration of male voters. (Acts 1919, page 5. R. S. 1921, §6976c.)

53. Institution and Operation of Registration Boards—Special Elections.

Sec. 29. That whenever any special election shall have been called, and the date thereof fixed, at which all voters, who are entitled by law to vote on the question or for the candidates whose names appear on the ballot at said election, must cast their ballots in accordance with the qualifications for voters at general elections as provided for by law for general elections, it is hereby declared to be the duty of all public officials or officers, charged with the responsibility of initiating, instituting or putting in operation the registration machinery and facilities as provided by law for general elections, to at once proceed to initiate, institute, appoint, organize and put in operation complete registration boards and facilities for the purposes of such special election in accordance with the provisions of law governing registration for general elections: Provided, That the same shall be done in sufficient time to allow for a full period of sixty (60) days for such registration, the end of which period shall be on the fifth (5) Monday, by retrogression, preceding such special election: Provided, That no voter shall be eligible to vote at such special election, unless qualified under the registration laws in effect at the time of such

special election: Provided, That nothing in this act shall be construed to apply to county, township or city elections, or to election of successors to fill unexpired terms as is now provided for by law. (R. S. 1921, §6977u2.)

54. Acts for Registration for Special Election Validated.

Sec. 30. All provisions in this act fixing periods of time for registration for certain elections, and all appointments of registration boards and clerks made by public officials or officers charged with the responsibility of initiating, instituting and putting in operation the registration machinery and facilities as provided by law for general elections, shall be valid against any other provisions or dates fixed by any other prior enacted law. (R. S. 1921, §6977v2.)

55. Penalty.

Sec. 31. Any member of the registration board or any public official or officer, upon whom any duty is imposed by this act, who shall wilfully neglect to perform such duties, shall be deemed guilty of a felony, and upon conviction shall be punished in the manner prescribed by law governing registration for general elections. (R. S. 1921, §6977w2.)

56. Permanent Registration in 1922—Sessions for Re-Registration.

Sec. 32. Except as hereinafter provided, the registration books of each and every precinct in this state, as compiled in the year 1922, shall be deemed to constitute a permanent registration record of all voters resident within such precinct and entitled to vote therein, and any voter, resident within any such precinct, whose name appears on the registration books of his precinct, shall not be required to register again if he continues to reside in the same precinct in which he is registered, and if he shall not be disfranchised for any cause prescribed in the laws of the State of Indiana: Provided, That if a petition signed by at least three hundred (300) resident freehold voters of any county of this state shall be filed with the Auditor of such county not later than the first day of June of any year in which a general election will occur, there shall be held in each precinct of such county a session of the board of registration on the fifty-ninth (59th) day and on the twenty-ninth (29th) day before such election in the manner hereinbefore provided in this act, and every voter who is a resident of any precinct in any such county shall be required to register in the manner hereinbefore provided in this act and any voter who shall not be so registered at a session of the registration board in such county prior to the general election next ensuing shall have no right to vote at such election. If no such petition shall be filed in any county, there shall be one session of the Registration Board only in each precinct in such county and such session shall be held on the twenty-ninth (29th) day before such election, but no voter whose name appears on the registration books of such precinct shall be required to register again. At such session, the Registration Board shall receive applications for registration in the manner provided for in this act; they shall likewise strike off of the registration books the names of all voters who have

moved out of the precinct or who have died or who have been disfranchised. For the purpose of accurately ascertaining the names of all voters who have died since the last preceding general election, it shall be the duty of the County Auditor of each and every county of this state to obtain from the county health commissioners of his county and from the board of health, or boards of health, or the health officer or health officers of such cities and towns as may be situated wholly or partly within such county a certified list of the names and last known addresses of all persons of the age of twenty-one (21) years and upwards who voted in any precinct of such county at the last preceding general election, and whose deaths have occurred or for whom a burial permit has been issued within such county since the registration books were last used for the identification of voters. Such health commissioner, boards of health or health officers shall be required to furnish the County Auditor, on application, with an authentic certified list of the names of all deceased persons, or such persons for whom such certificates have been issued. The Auditor of the county shall in a similar manner obtain a certified list of the names and last known addresses of all persons who have been disfranchised while residents of such county, since the last preceding general election from the clerk of the circuit or superior or criminal court, of that county. The Auditor of the county shall ascertain the precinct of his county, if any, in which any or all of such deceased or disfranchised persons voted at the last general election next preceding and shall certify the names, accordingly, to the Registration Board of such precincts not later than three (3) days preceding the day on which the regular session of the Registration Board is held. Any voter or voters in any precinct may make application in writing, before the Registration Board of such precinct at any time during the session of such board to have any name upon the permanent registration books of such precinct stricken off. Such application shall be, in substance, as follows:

I (or we).....do hereby solemnly swear (or affirm) that I (or we) believe that..... is not a qualified voter in.....precinct, or has moved out of such precinct, and I (or we) ask that his name be stricken from the registration books of such precinct.

Such application shall be signed and sworn to by the applicant or applicants and filed with the board and upon receipt of such application and if the truth of the statements therein alleged shall be made to appear to the board, the board shall strike such name from the registration books of such precinct. The Registration Board shall likewise compile new registration books for such precinct to be used for the identification of voters at the ensuing general election by transferring thereto and entering therein the names of all voters who apply for registration, together with the names of all voters which have not been stricken off of the registration books used for the identification of voters at the last preceding general election, and the registration books so compiled shall be deemed to constitute the official registration books of such precincts.

The Auditor of the county shall keep such registration books and

packages in his office in such place or receptacles that they will be secure. He shall in no event allow any of them to be taken from his office except as provided by this act, but at least one of the registration books, together with all affidavits securely bound together, shall be open to examination by the public and to be copied from as any other public record, and the Auditor shall be responsible for the safe keeping and preservation thereof. (R. S. 1921, §6977w3.)

57. Removal of Names from Registration Book.

Sec. 33. If one or more electors of any election precinct have reason to believe that a person, whose name appears upon any registration books made for the registration of electors for any election, by reason of death or removal is no longer entitled to vote therein, he or they may apply in writing to any judge of the circuit, superior or probate courts of the county in which the election precinct, upon the register of which such name appears, is situated, for an order to strike the name of such person from the register. Such application shall not be made later than ten days preceding such election. At the time of so applying they shall present to the said judge an affidavit signed by one or more of them, setting forth their reasons for believing that the said person is not entitled to vote. Said judge shall forthwith consider said application, and if he shall determine from said affidavit or other evidence that there is reasonable ground for believing that said person is not entitled to vote in said precinct, he shall forthwith cause notice of said application to be served by the sheriff upon the person; if the person be not found, then notice shall be served by leaving a copy thereof at the place which appears from the registration books to be his residence. Return thereof shall be made within forty-eight hours. Said notice shall briefly state the substance of the said application and shall order such person to appear before said judge either in person or by representative in the court house of the county in which such voting precinct is situated, at an hour to be named therein, which shall be not less than two days nor more than five days after service of such notice. At the hour named for the appearance of such person, the said judge shall summarily proceed to investigate whether such person is entitled to testify in regard thereto. If the judge shall find that said person is not entitled to vote, he shall order such name to be stricken from the register by an order directed to the election inspector of said precinct, which order shall be served by the sheriff or coroner and carried into effect by said election inspector upon the evening of the day before said election takes place, unless changed, as hereinafter directed. As to all persons who have not been personally served, or have not entered their appearance such persons shall have the right to apply to said judge at any time before four o'clock p. m. on the day preceding the election to have said order set aside, and if, upon the hearing of said application, the said judge shall be of the opinion that said person was entitled to vote he shall set aside said order and shall cause notice thereof to be served upon the election inspector. The fees of the sheriff, clerk or coroner, shall be the same as are allowed in civil cases. The costs of such proceeding shall be paid by the electors making the ap-

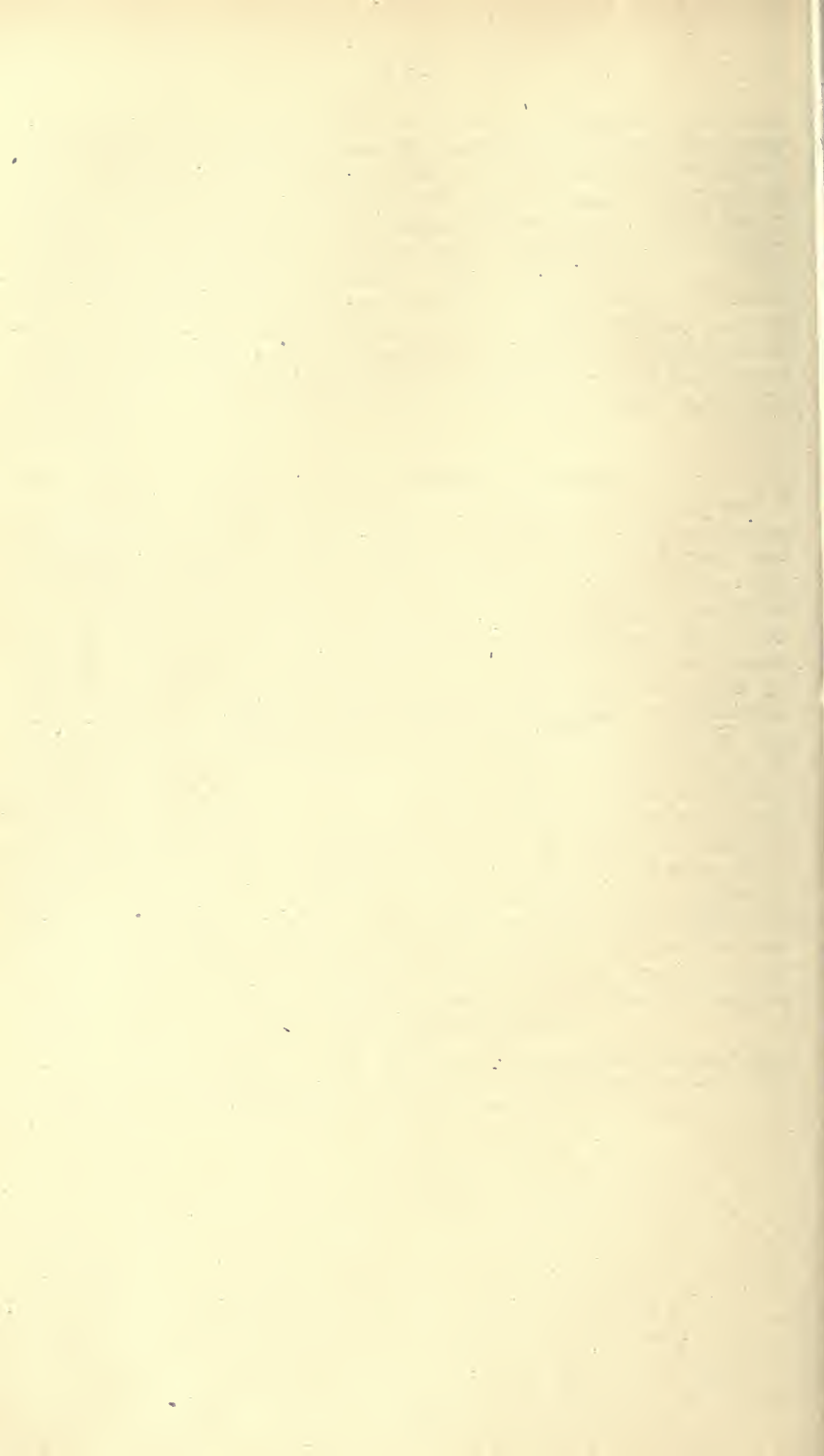
plication in the event a final order is not made granting the application; otherwise the costs of such proceeding shall be taxed against the county and paid as part of the election expenses. Said judge upon the application of the chairman of any political party having a ticket on the official ballot to be voted at such election, shall appoint special deputy sheriffs to be nominated by such chairman, and who shall have authority to serve and return such notices. The return of such notices shall be supported by the oath by the person making such service, whether he be a sheriff or a special deputy. All such special deputies shall be paid by the committee whose chairman nominated him for appointment, but he shall not be paid more than ten dollars per day for his services and expenses as special deputy sheriffs. (Acts 1921, p. 849. R. S. 1921, §6977x3.)

58. Voters Not Required to File Application in Person.

Sec. 34. Any person entitled to vote at such election, and who is required under the provisions of this act to register, in order to exercise such right, instead of registering in person as provided herein, may make an application similar to what would be required by him, if he were applying for registration in person. Such application shall be signed by the applicant. Said application when so signed may be delivered to the Board of Registration of the precinct in which said applicant resides, by any voter of the precinct on the day and during the time said board is in session for the purpose of receiving applications to register, or said application may be mailed to the auditor of said county who shall deliver the same to the inspector or clerk-in-charge of said board, either on or before the day of said registration. If such board finds that such application conforms to the provisions of this act, they shall place the name of such applicant on the registration books of said precinct in the same manner as if said applicant had appeared in person. Any person who shall make a false statement in his application as to his qualifications as a voter in said precinct, shall be guilty of a felony, and upon conviction shall be imprisoned for not less than one (1) year, nor more than two (2) years and fined in any sum not exceeding five hundred dollars (\$500) and disfranchised for any determinate period. (Acts 1921, p. 850. R. S. 1921, §6977y3.)

Note.—The attorney-general of the State of Indiana, in an opinion rendered March 9, 1921, held that this section was not operative for the reason that it is not included in the title. (See §6977i3, supra.)

ABSENT VOTER'S LAW



CHAPTER II.
ABSENT VOTER'S LAW.

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[Approved March 14, 1919.]

63. Voters Absent on Election Day.

Sec. 1. That any qualified elector of the State of Indiana, having duly registered, when such registration is required, who by reason of illness or the nature of his business or other unavoidable cause is absent or expects to be absent from the county in which he is a qualified elector on the day of holding any general, special, primary or municipal election, or who because of illness, may be unable to attend the polls, may vote at any such election as hereinafter provided. However, the provisions of this act shall not apply to any elector who resides temporarily out of said precinct, but shall only apply to electors necessarily absent on election day by reason of their business or employment. (R. S. 1921, §6927a.)

64. Application for Absent Voter's Ballot.

Sec. 2. An elector as designated in section one (1) of this act expecting to be absent from the county of his residence on the day of any general, special, primary or municipal election may, not more than thirty (30) days nor less than two (2) days prior to the date of any such election, make application to the clerk of the circuit court of the county, or the clerk of the city or town in which his precinct is situated, as the case may be, for an official absent voter's ballot or ballots to be voted at such election. (R. S. 1921, §6927b.)

[Approved March 7, 1917.]

65. Blank Furnished by Clerk—Form Oath.

Sec. 3. Application for absent voter's ballots shall be made in person or by mail on a blank to be furnished by the clerk of the circuit court of the county in which the applicant is a qualified elector. Such blank shall, upon request, be sent to the applicant by mail by such clerk or delivered to such applicant in person upon his appearance at

the office of such clerk. Applications for absent voter's ballots shall be substantially in the following form, and shall be signed and sworn to by the applicant, as hereinafter provided, before some officer authorized by law to administer oaths and having an official seal. If the applicant appears in person at the office of the clerk of the circuit court such clerk shall administer the necessary oath.

Application for absent voter's ballot to be voted at the electionto be held on, 19...., State of County ofss

I,, do solemnly swear (or affirm) that I have been a resident of the State of Indiana for six (6) months, and of.....township,county for sixty (60) days, and of the.....precinct oftownship or of the.....precinct of the.....ward of the city of..... for thirty (30) days next preceding this election; and that I am a duly qualified elector entitled to vote in such precinct at such election; and that I am registered in the precinct of my residence as provided by law; or that I shall have attained the age of twenty-one (21) years prior to such.....election; and shall be entitled to vote at such election. (In case of voters who are for the first time exercising the right of suffrage.) That I am.....(stating business) and that because of the nature of my business or employment or for the following reason.....(relating unavoidable cause of absence) I expect to be absent from the county of my residence on..... the date of such.....election, and I hereby make application for an official ballot or ballots, if more than one (1) is to be used, to be voted by me at such election, and that I will return such ballot or ballots to the officer issuing them on or before the day of such election. If application is made for a primary ballot, the applicant, unless he has not previously exercised the right of suffrage, shall also designate the party whose candidate he expects to vote for, and shall also state that at the last preceding general election he voted for a majority of the candidates of such party.

.....Date
Signed.....
Home address of applicant.....
Postoffice address to which ballot is to be sent.....
Subscribed and sworn to before me this.....day of, A. D. 191.....

.....
Official Title.

(R. S. 1921, §6927c.)

66. Duty of Clerk.

Sec. 4. Upon receipt of such application, the clerk of the circuit court with whom such application is filed shall file the application in his office and enter the name of the election [elector], the address to

which the ballot or ballots are to be sent, the date of receiving the application, the date of mailing the ballot or ballots to such elector, as hereinafter provided, the date of receiving the ballot or ballots from such elector, and such other information as may seem necessary or advisable upon a list to be kept for that purpose. Such clerk shall keep a separate list or record for each voting precinct in the county. (R. S. 1921, §6927d.)

[Approved March 14, 1919.]

67. Ballots Mailed or Delivered—Clerk's Seal.

Sec. 5. The clerk of the circuit court of the county in which said applicant is a qualified elector, shall, on the 15th day prior to the election at which such absent voter's ballot is to be used, but not before said 15th day, mail to all applicants who have executed and filed their application on or before said 15th day, postage prepaid, at the address named in the application, an official ballot or ballots, if more than one (1) are to be voted at such election; or the applicant may obtain such ballot or ballots by applying personally at the office of such clerk of the circuit court not more than ten (10) days not less than one (1) secular day before such election; or such clerk may deliver such ballot or ballots at the clerk's office, to the applicant personally or to a duly authorized agent of such applicant, not more than ten (10) nor less than one (1) secular day before such election. The clerk of said circuit court shall, on each and every day after said 15th day until and including the second day before the election at which such absent voter's ballot is to be used, but not after said second day, mail to each applicant on the day of the filing of the application an official ballot or ballots in the way and manner the applications were mailed on said 15th day. In computing the fifteenth day before the election day and the second day before the election day the date of the election shall be excluded and if said fifteenth day or the said second day fall on a legal holiday then the official ballot or ballots shall be mailed as herein provided, the day prior to such holiday. Before mailing or delivering any ballot the clerk shall affix his official seal and place his signature near the lower left hand corner on the back thereof leaving sufficient space on the margin of such ballot for the initials of the poll clerks. (R. S. 1921, §6927e.)

[Approved March 7, 1917.]

68. Ballot Enclosed in Envelope—Affidavit.

Sec. 6. The clerk of the circuit court of the county shall enclose such ballot or ballots in an envelope, unsealed, to be furnished by such clerk, which envelope shall bear upon the face thereof the name, official title and postoffice address of such clerk and upon the other side a printed affidavit in substantially the following form:

State of..... }
County of..... } ss:

I,, do solemnly swear (or affirm), that I am a resident of the.....precinct oftownship, or of the.....precinct

of the.....ward of the city of.....
 residing at.....in that city, in the county
 of.....and State of Indiana; and am
 entitled to vote in such precinct at the.....election
 to be held on....., 19.... That I am
 (stating business) and that because of
 the nature of my business or employment, or for the following reason
(relating unavoidable cause of absence)
 I expect to be absent from the county of my residence on.....
 the day of such.....election. I further swear
 (or affirm) that I have personally marked the enclosed ballot or ballots
 in secret, and have enclosed the same in this envelope and sealed the
 same without exhibiting them to any other person.

Signed.....

Subscribed and sworn to before me, a.....in and
 for.....county, state of.....
 this.....day of....., A. D. 19.... I
 hereby certify that the affiant exhibited the enclosed ballot to me un-
 marked; that he then in my presence and in the presence of no other
 person, and in such manner that I could not see his vote, marked such
 ballot or ballots and enclosed and sealed the same in this envelope; that
 the affiant was not solicited or advised by me to vote for or against any
 candidate or measure.

.....
 Signature of Official.

 Official Title.

Commission expires
 (R. S. 1921, §6927f.)

69. Affidavit of Absent Voter—Marking Ballot—Return.

Sec. 7. Such absent voter shall make and subscribe to the affidavit provided for in section six (6) of this act before any officer authorized by law to administer oaths and having an official seal, and such voter shall thereupon, in the presence of such officer, and of no other person, mark such ballot or ballots, but in such manner that such officer can not know how such ballot or ballots is marked, and such ballot or ballots shall then, in the presence of such officer be folded by such voter so that each ballot will be separate and so as to conceal the marking, and shall, in the presence of such officer, be enclosed in such envelope, together with any unused ballot and the envelope shall be securely sealed. The envelope shall then be mailed by such voter, by registered mail, postage prepaid, to the officer issuing the ballot or if more convenient it may be delivered in person. Any such ballot to be valid shall be received by the clerk of the circuit court of the county in time for him to deposit it with the election board of such electors' voting precinct before the closing of the polls on election day. (R. S. 1921, §6927g.)

[In force July 20, 1920.]

70. Marking Ballot with Pen, Ink, or Any Colored Lead Pencil.

Any absent voter exercising the right to cast an absent voters' ballot may mark his ballot or ballots with pen and ink, or lead pencil with any color of lead, and the marking of such ballot in such manner shall have the same force and effect as if it was marked with a pencil with blue lead. (R. S. 1921, §6881k.)

71. Ballot Sealed—Endorsement.

Sec. 8. Upon receipt of an absent voters' ballot, the clerk of the circuit court of the county shall forthwith enclose the same, unopened, together with the application made by such absent voter, in a large or carrier envelope, which shall be securely sealed and endorsed with the name and official title of such clerk and the words: "This envelope contains an absent voter's ballot and must be opened only at the polls on election day while such polls are open," and such clerk shall thereafter keep the same securely in his office until delivered by him as provided in section nine (9) of this act. (R. S. 1921, §6927h.)

72. Delivery to Inspector.

Sec. 9. In the event that an absent voter's ballot shall be received by the clerk of the circuit court prior to the delivery of the official ballots to the election inspector of the precinct in which such elector presides, such enclosed ballot and application sealed in the carrier envelope, shall be delivered to the election inspector of such precinct along with such official ballots. In the event that the official ballots for such precinct have already been delivered to the election inspector of such precinct at the time of the receipt by such clerk of the circuit court of such absent voter's ballot, such clerk shall immediately enclose such envelope containing the absent voter's ballot, together with his application thereof, in a large or carrier envelope, which shall be securely sealed and endorsed on the face to the election inspector of the proper precinct, giving the name or number of the precinct, the street and number of the polling place or the city or town in which such absent voter is a qualified elector and the words: "This envelope contains an absent voter's ballot and must be opened only on election day at the polls while the polls are open," and he shall mail such ballot and application, postage prepaid, to such election inspector, or, if more convenient, such clerk of the circuit court may deliver such absent voter's ballot and application to the election inspector in person or by duly deputized agent. If delivered in person such clerk or agent shall secure from the election inspector a receipt for the delivery of such ballot or ballots. Provided, however, That such delivery of ballots in person shall be made without expense to the county. (R. S. 1921, §6927i.)

73. Canvass of Ballots.

Sec. 10. At any time between the opening and closing of the polls on such election day, the election inspector of such precinct, in the presence of the election board, shall open the outer or carrier envelope

only, announce the absent voter's name and compare the signature upon the application with the signature upon the affidavit on the ballot envelope. In case the election inspector finds the affidavit properly executed and attested, that the signatures correspond, that the applicant is a duly qualified elector of the precinct, that he is duly registered, or that the applicant has not voted in person at such election, or, in case of a primary election, if he has not previously exercised the right of suffrage, if he shall have executed the proper declaration relative to his age and qualifications and the party with which he intends to affiliate, the election inspector shall open the envelope containing the absent voter's ballot in such manner as not to deface or destroy the affidavit thereon and take out the ballot or ballots enclosed therein without unfolding or permitting the same to be unfolded or examined. The inspector shall then deliver such ballot or ballots to the poll clerks, who shall at once proceed to write their initials in ink on the lower left-hand corner of the back of each of such ballot in their ordinary handwriting and without any distinguishing mark of any kind and in the same manner as other ballots are required to be endorsed. The inspector shall thereupon deposit the same in the proper ballot box or ballot boxes and enter the absent voter's name in the poll book, the same as if he had been present and voted in person. In the event that such affidavit is found to be insufficient, or that the signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct or that he has voted in person at such election, or that he has not registered, if registration is necessary, or that the ballot is open, or has been opened and resealed, or that the ballot envelope contains more than one (1) ballot of any one (1) kind, or in case of a primary election, and if such absent voter has not previously exercised the right of suffrage, if he shall have failed to execute the proper declarations relative to his age and qualifications and the party with which he intends to affiliate, such ballot or ballots shall not be accepted or counted. Every ballot not accepted or counted for any of the reasons hereinbefore enumerated shall, without unfolding the same to disclose how it is marked, be endorsed on the back thereof with the words: "Rejected(giving the reason or reasons therefor)." All rejected absent voters' ballots shall be enclosed and securely sealed in an envelope on which the election inspector shall indorse the words: "Defective absent voters' ballots," with a statement of the precinct in which and the date of the election at which they were last signed by such inspector and returned to the same officer and in the same manner as by law provided for the return and preservation of official ballots cast and uncast at the election. (R. S. 1921, §6927j.)

74. Challenge of Vote.

Sec. 11. The vote of any absent voter may be challenged for cause and the election board shall have all the power and authority given by law to hear and determine the legality of such ballot or ballots the same as though the ballot or ballots were cast by the voter in person. Before depositing any absent voter's ballots in the ballot box as provided in section 10 of this act the inspector shall notify the challengers or

the poll-book holders of his precinct, that he is about to deposit an absent voter's ballot, in order that such vote may be challenged under the provisions of this section. (R. S. 1921, §6927k.)

75. Deceased Voter's Ballot.

Sec. 12. Wherever it shall be made to appear by due proof to the election board that any elector who has marked and forwarded his ballot as hereinbefore provided in this act, has died, then the ballot of such deceased voter shall be returned by the election inspector with defective ballots to the officer issuing it, but the casting of an absent voter's ballot by a deceased voter shall not invalidate the election. (R. S. 1921, §6927l.)

[Approved March 14, 1919.]

76. Absent Voter's Ballot—How Counted on Voting Machine.

Sec. 13. All the provisions of the election laws now in force, and not inconsistent with the provisions of this act, shall apply with full force and effect in all election precincts in which voting machines are used; and absent voters' ballots shall be counted and returned separately with the returns of the ballots cast on the voting machines, all provisions of the existing election laws relative to the furnishing of ballot boxes, the printing and furnishing of official ballots in such number as the county board of election commissioners may deem necessary, and the canvassing of absent voters' ballots and the making of the proper return and result of the election shall apply: Provided, however, That in any precinct where voting machines are used, the inspector shall remove the absent voters' ballots from the box in which they have been deposited, as herein provided, and, together with the two (2) clerks, open the ballots and record them on the voting machine in accordance with the intent of the absent voter as indicated by the appropriate markings on the face of the ballot. (R. S. 1921, §6927m.)

77. Refusal to Vote or Cast Ballot—Penalty.

Sec. 14. If any person shall wilfully swear falsely to any such affidavit he shall be guilty of perjury and shall upon conviction thereof be punished as provided by law. If any person who, having procured an official ballot or ballots, as hereinbefore provided shall wilfully neglect or refuse to cast or return the same in the manner hereinbefore provided, or who shall wilfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor and shall upon conviction thereof be subject to a fine of not to exceed two hundred and fifty dollars (\$250) or by imprisonment in the county jail for a period of not to exceed six (6) months. If the clerk of the circuit court of any county, or the clerk of any city or town, or any election officer shall refuse or neglect to perform any of the duties prescribed in this act, or shall violate any of the provisions hereof, he shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be subject to a fine of not less than two hundred and fifty dollars (\$250) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for a period of not to exceed six (6) months. (R. S. 1921, §6927n.)

[Approved March 7, 1917.]

78. Act Supplementary.

Sec. 15. The provisions of this act shall be deemed to constitute a method of voting in addition to the method now provided by law, and to such extent shall be deemed as supplementary and amendatory of existing laws relating to the manner and method of voting. (R. S. 1921, §6927o.)

79. Return of Voter.

Sec. 16. The provisions of this act shall not be so construed as to prohibit any absent voter, returning to his place of residence, from voting in person within his precinct at any election contemplated in this act, notwithstanding that he may have made application for an absent voter's ballot or ballots, and such ballot or ballots may have been mailed or otherwise delivered by the proper clerk, provided such voter has not availed himself of the privileges of an absent voter, as provided in this act and voted the ballot or ballots mailed or otherwise delivered to him by such clerk, and provided he shall return such ballot or ballots, if received, to the election inspector of the precinct of his residence by whom it shall be marked "cancelled," and preserved with other defective ballots, as hereinbefore provided. (R. S. 1921, §6927p.)

[Approved March 14, 1919.]

80. Elector to Vote in Own Precinct—Time for Receiving Absent Voter's Ballot.

Sec. 17. Nothing in this act shall be construed to authorize any elector to vote in any precinct other than his own within the county of his residence, except that any elector who because of illness, physical infirmity or by reason of his being quarantined has reason to believe that he will be unable to be present at the polls in the precinct of his residence on the day of any general, primary, municipal or special election may avail himself in all respects of the provisions of this act as though he were in fact an absent voter. No elector shall be entitled to receive an absent voter's ballot on election day; nor shall an elector be entitled to receive an absent voter's ballot, nor unless his application is made to or received by the clerk of the circuit court of the county before the delivery of the official ballots to the election inspector of the precinct of his residence. In any election in any city or incorporated town, the clerk of the city or town, as the case may be, shall perform all the duties required by this act of the clerk of the circuit court and the other city or town officers shall be required to perform the various duties herein prescribed for the county officers in whose stead they act, subject to the same penalties and provisions herein prescribed as to such county officers. (R. S. 1921, §6927q.)

[Approved March 7, 1917.]

81. Ballots, Official—Record and Delivery.

Sec. 18. The ballot or ballots to be delivered to and marked by any absent voter shall be of the regular official ballots to be used at such

election. The clerk shall keep a record of all ballots so delivered for the purpose of absent voting, as well as all ballots, if any, marked before him, and shall deliver to the election inspector to whom the ballots for the precinct are delivered, and at the time of the delivery of such ballots, a certificate stating the number of ballots delivered or mailed to absent voters, as well as those marked before him, if any, and the names of the voters to whom such ballots have been delivered or mailed, or by whom they have been marked, if marked before him. (R. S. 1921, §6927r.)

82. Voting in Person Before Clerk.

Sec. 19. Any qualified elector who is present in his county after the official absent voters' ballots of or for such county have been printed and delivered and who has reason to believe that he will be absent from his county on election day, may vote before he leaves his county, in like manner as an absent voter, before the clerk of the circuit court of the county or some officer authorized to administer oaths and having an official seal, and the provisions of this act shall be deemed to apply to such voting. If the ballot be marked before the clerk of the circuit court of the county, it shall be his duty to deal with it in the same manner as if it had come by mail. (R. S. 1921, §6927s.)

83. Right of Elector Who Returns in Time to Vote in Person.

Sec. 20. Any qualified elector who has marked his ballot or ballots as hereinbefore provided, and who shall be in his voting precinct on election day before his ballot or ballots shall have been deposited in the ballot box, shall, if he so desires, have his envelope containing his ballot opened in his presence, and the ballot or ballots found therein shall be deposited in the ballot box as hereinbefore provided. If such elector shall ask for a new ballot or ballots with which to vote, and if his absent voter's ballot or ballots shall have not been deposited in the ballot box, he shall be entitled to the same, but in such case his absent voter envelope shall not be opened, and the election inspector shall mark across the face thereof the words: "Unopened because voter appeared and voted in person," and such envelope and ballot shall be preserved in the same manner as defective ballots. If the envelope containing the absent voter's ballot shall have been marked, "Rejected as defective," such elector so appearing thereafter shall have the same right to vote as any other voter voting in person. If voting machines are used he shall be entitled to vote as other voters. If an envelope containing an absent voter's ballot has not been opened for any reason, such envelope shall not be opened without an order of a court of competent jurisdiction. (R. S. 1921, §6927t.)

84. Ballots—Number—Printing—Distribution.

Sec. 21. Absent voters' ballots shall be in all respects like other ballots. Not less than twenty-five (25) days prior to the date on which any general, primary or special election is held, the clerks of the circuit courts of the several counties shall estimate and determine the number of absent voters' ballots of all kinds which will be required in their re-

spective counties for any such election. The ballots for the election of all officers, or the ratification, acceptance or rejection of any measures or propositions to be voted for by the electors of the state at large shall be prepared and printed under the direction of the state board of election commissioners; the ballots for the election of all officers to be voted for in any such county other than those who are to be voted for by all the electors of the state shall be prepared and printed under the direction of the county board of election commissioners as now provided by law. The several county boards of election commissioners shall immediately proceed to prepare and have printed, in such number as they shall have determined, such absent voters' ballots as are to be printed under their direction as hereinbefore provided, and such ballots shall be delivered to the clerk of the circuit court of the county not less than ten (10) days prior to the day of the election at which they are to be used. As soon as the clerk of the circuit court shall have determined the number of absent voters' ballots which will be required, he shall certify the number so determined upon to the state board of election commissioners, and such board shall proceed to prepare and have printed such ballots as are prepared and printed under their directions. The absent voters' ballots which are printed under the direction of the state board of election commissioners shall be delivered to the clerk of the circuit court or his specially authorized deputy at the same time and in the same manner that other official ballots are delivered. Each package of absent voters' ballots shall be plainly marked, on an appropriate label attached thereto, with the words: "This package contains..... (giving number of ballots) absent voters' ballots." All such ballots shall be kept securely in the office of the clerk of the circuit court, and shall be distributed to applicants therefor as hereinbefore provided. (R. S. 1921, 6927u.)

CHAPTER IV.

ELECTIONS.

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[1881 S., 482. Approved April 21, 1881. In force September 19, 1881.]

96. When Held—What Offices Filled.

1. A general election shall be held on the first Tuesday after the first Monday in November in the year one thousand eight hundred and eighty-two, and biennially thereafter on the same day, at which election all existing vacancies in office, and all offices the terms of which will expire before the next general election thereafter, shall be filled, unless otherwise provided by law. (R. S. 1908, 1914 and 1921, §6874; R. S. 1901, §6190; R. S. 1897, §6480; R. S. 1894, §6190; R. S. 1881, §4678.)

97. Certificate of Clerk—Notice of Sheriff.

2. The clerk of the circuit court shall, at least twenty days before such election, certify to the sheriff of his county what officers are to be elected; and such sheriff shall give fifteen days' notice thereof by posting up at all usual places of holding such elections, a copy of such certificate, and by one publication thereof in some newspaper of his county, if any there be, and by delivering a copy thereof to the township trustee of each township within the county. But no election shall be invalidated by the failure of such clerk or sheriff in the performance of any of the duties enjoined by this section. (R. S. 1908 and 1914, §6875; R. S. 1901, §6191; R. S. 1897, §6481; R. S. 1894, §6191; R. S. 1881, §4679.)

98. Who Disfranchised.

4. Every person undergoing a sentence of imprisonment of conviction for any felony or misdemeanor shall be disfranchised during the period of such imprisonment. (R. S. 1908 and 1914, §6877; R. S. 1901, §6193; R. S. 1897, §6483; R. S. 1894, §6193; R. S. 1881, §4681.)

99. Soldiers, Seamen and Marines.

5. No soldier, seaman or marine, in the army or navy of the United States or of their allies, shall be deemed to have acquired a residence in the state in consequence of having been stationed within the same; nor shall any such soldier, seaman or marine have the right to vote. (R. S. 1908 and 1914, §6878; R. S. 1901, §6194; R. S. 1897, §6484; R. S. 1894, §6194; R. S. 1881, §4682.)

100. Residence.

6. No person shall be deemed to have lost his residence in the state by reason of his absence either on business of this state or of the United States. (R. S. 1908 and 1914, §6879; R. S. 1901, §6195; R. S. 1897, §6485; R. S. 1894, §6195; R. S. 1881, §4683.)

101. Elector's Freedom From Arrest.

7. In all cases, except treason, felony and breach of the peace, electors shall be free from arrest in going to election, during their attendance

there, and in returning from the same. (R. S. 1908 and 1914, §6880; R. S. 1901, §6196; R. S. 1897, §6486; R. S. 1894, §6196; R. S. 1881, §4684.)

[1857, p. 35. Approved March 4, 1857. In force August 24, 1857.]

102. Betting on Election.

1. Any person who shall bet or wager any money or other valuable property on the result of any election in this or any other state, shall, upon conviction thereof, forfeit and pay to the state of Indiana, for the benefit of the common school fund, any sum not less than the amount so bet or wagered, nor more than twice said amount. (R. S. 1908 and 1914, §6881; R. S. 1901, §6197; R. S. 1897, §6487; R. S. 1894, §6197; R. S. 1881, §4685.)

[1907, p. 659. Approved March 13, 1907. In force April 9, 1907.]

103. Precincts.

1. The county commissioners of each county in this state shall, at their first session after the taking effect of this act, divide the townships of their respective counties into election precincts, and establish the boundaries of the same. Such board of commissioners shall designate at least one place of holding elections in each precinct, and every township in which only one place of holding election is designated shall constitute a precinct. Each precinct shall contain, as nearly as practicable, two hundred and fifty electors, based on the number of votes cast at the last election for presidential electors, but no precinct shall contain more than two hundred and fifty electors. If at any election hereafter, two hundred and fifty or more votes should be cast at any voting place, it shall be the duty of the inspector in such precinct to report the same to the board of county commissioners, who shall at their next regular meeting divide such precincts as nearly as possible, so that the precincts formed thereof shall each contain two hundred and fifty electors as nearly as practicable, but no precinct shall contain more than two hundred and fifty electors, and report such division to the clerk of the circuit court of each county and to the governor of the state, together with the estimated votes of each of the new precincts. If twenty-five electors of any township in which there is only one voting precinct where there were two hundred votes cast at the last election for presidential electors, shall by their written petition, addressed to the board of county commissioners represent that it will be to the convenience of the public and for the public good to change, divide or consolidate such precinct, and if the board of commissioners shall be convinced that it will be to the convenience of the public or for the public good to change, divide or consolidate such precinct, such board shall make an order to change, divide or consolidate such precinct as they may think best, and shall report such change, division, or consolidation to the clerk of the circuit court of such county, and to the governor of the state, together with the estimated votes of each of the new precincts. If such board shall fail to act as herein elected, any qualified voter of the county may apply for a writ of mandamus, to compel the performance of this duty: Provided, however, that nothing contained in this act shall apply to any county in this state wherein they use "voting ma-

chines." (R. S. 1908 and 1914, §6882; R. S. 1901, §6198; R. S. 1897, §6488; R. S. 1894, §6198; E. S. §1323.)

Note: Precincts in which voting machines are used may contain six hundred votes. Acts 1903, p. 278; R. S. 1915, §6329; R. S. 1908, §7024; post, §221.

[1891, p. 154. Approved March 6, 1891. In force June 3, 1891.]

104. Elections—Voting Precincts—County Commissioners Designate.

1. That in any township in which there is only one precinct, and in which there are one or more incorporated towns the board of county commissioners shall designate the polling place at some convenient place in that incorporated town in the township which had the largest population according to the last preceding United States census. (Act 1915, p. 135. R. S. 1921, §6882a.)

105. Boundaries of Precincts—Changes.

2. The board of commissioners of any county may change the boundaries of any precinct within such county, or divide any precinct into two or more precincts, or consolidate two or more precincts into one, or change any place of holding elections whenever public convenience or the public good may require it: Provided, that no such change, division or consolidation shall be made after the June term of such commissioners' court next preceding an election: And, provided further, that no such change, division or consolidation shall be valid without giving due notice, at least one month before any election, by one publication in two newspapers published in said county, representing the two political parties which cast the highest number of votes in the state at the last general election, and by posters put up in four of the most public places in each precinct: And, provided further, that no precinct shall be enlarged so as to contain more than two hundred and fifty electors. (R. S. 1908 and 1914, §6883; R. S. 1901, §6199; R. S. 1897, §6489; R. S. 1894, §6199.)

Note: The time for making changes in the boundaries of precincts has been changed by section 3 of the registration law, acts 1917, p. 443. Sec. 6977e, Burns R. S. 1918.

106. Change of Precincts.

1. That the board of commissioners in any county in this state is authorized to change the precincts of any or all the townships of such county, in such manner as to provide facilities for the increased number of electors in any such precinct or precincts caused by the enfranchisement of women or otherwise: Provided, that any change in such precincts made during the year 1920 may be made at any regular or special session of such board of commissioners, but the action of such board in so changing precincts, if taken during the year 1920, must be taken not later than August 8, 1920: Provided further, that nothing contained in this act or in any other statute of the State of Indiana, shall require such board of commissioners to make any change in any of the precincts of said county during the year 1920, if in the opinion of said board the facilities for voting provided by this act are sufficient to afford all of the voters of such precinct an ample opportunity to vote. In making changes in pre-

incts, it shall be lawful for said board of commissioners to so arrange a precinct that it will contain approximately five hundred voters if voting therein is to be by Australian ballot system, one thousand voters in case voting therein is to be by the machine, and fifteen hundred voters if voting is to be by both such systems. In making such changes in precincts during the year 1920 said board of commissioners shall designate the method of voting to be exercised in such precinct: Provided, that said board of commissioners shall have no authority to designate that voting in said precinct shall be by machine unless there are sufficient voting machines owned by the county at the time such change is made to supply a machine for such precinct. All changes made in precincts shall be at once reported to the clerk of the circuit court of such county and to the governor of the state with the estimated number of votes in each of the new precincts. (Acts 1920, p. 41. R. S. 1921, Sec. 6881a.)

107. Notice of Change of Precincts.

2. Whenever the board of commissioners of any county shall under the provisions of this act change the boundaries of any precinct in such county, the auditor of said county shall immediately give notice of such change by one publication in two newspapers of general circulation of opposite politics, printed and published in such county, if there be such; if not, said notice may be published in any two newspapers of general circulation printed and published in such county, or if there be only one newspaper published in such county, then publication in such one newspaper shall be sufficient notice of such change of precincts. (R. S. 1921, Sec. 6881b.)

[1897, p. 199. Approved and in force March 6, 1897.]

108. Election Officers.

3. Township trustees shall, by virtue of their office, be inspectors of elections in the precincts in which they respectively reside, and shall, prior to the opening of the polls in such precincts, appoint as judges of elections two qualified electors of such precinct, who shall have been freeholders and resident householders therein for at least one year, or householders for at least two years next preceding such election, and who are members of different political parties and of the parties which cast the highest number of votes in the state at the preceding general election: Provided, if no persons that are qualified will consent to serve as such judges, or that if there are no persons residing in any precinct qualified to act as judges of election, by reason of the fact that they have not been resident householders within such precinct for one year, then in that case the township trustee shall appoint two qualified electors of such precinct as such judges: And, provided further, that if at least one week or more prior to such election the chairman of the county central committee of either of the two parties that cast the largest number of votes in the state at the last general election shall designate a member of such party as judge, having the same qualifications as above prescribed, he shall be appointed, and such judges, together with the inspector, shall constitute a board of election. No person shall be eligible as a member of the

board of election who has anything of value bet or wagered on the result of such election, or is a candidate to be voted for at such election, or who is father, father-in-law, son, son-in-law, grandfather, grandson, brother, brother-in-law, uncle, nephew, first or second cousin of any candidate at such election. If at any time before, or during an election, it shall be made to appear to any inspector, by the affidavit of two or more qualified electors of the precinct, that either of the judges is disqualified under the provisions of this act, he shall at once remove such judge and fill the place with a qualified person of the same political party as the judge removed; and, in case such disqualified judge shall have taken the oath of office hereinafter prescribed, the inspector shall place such oath and affidavit before the next grand jury of the county. (R. S. 1908 and 1914, §6884; R. S. 1901, §6200; R. S. 1897, §6490.)

[1901, p. 437. Approved March 11, 1901. In force May 16, 1901.]

109. Inspectors and Election Board.

4. Whenever any board of county commissioners shall designate more than one precinct in any township, it shall, at the September term of said board, next preceding any election, appoint in each precinct in which no township trustee resides, as inspector of such election, some qualified voter of such precinct, who shall have been a freeholder and resident householder in such precinct for at least two years next preceding such election: Provided, that if no person thus qualified will consent to serve as such inspector, or if there is no person residing in any precinct qualified to act as inspector by reason of the fact that he has not been a freeholder and resident householder in such precinct for one year, or a resident householder in such precinct for two years, preceding such election, such board of county commissioners shall appoint some qualified elector of such precinct as such inspector. Such board of county commissioners shall hold a special session one week before each election, and shall fill all vacancies that may have occurred in the office of inspector, and shall fill any vacancy occurring thereafter at any regular or called session of the board previous to the election. Such appointed inspector shall, before the time of opening the election in his precinct, appoint two election judges, if the same have not already been appointed, as hereinbefore provided, in the same manner and under the same requirements as provided for township trustees acting as inspectors; and such judges and inspectors shall constitute the board of election for such precinct. If any member of an election board shall fail to appear at the hour appointed for the opening of the polls, the remainder of the board shall select a member of his political party to serve in his stead: Provided, that if the qualified electors of his party present at the polls shall nominate a qualified person for such vacancy, such nominee shall be appointed. If none of the members of an election board shall appear at the hour appointed for opening the polls, the qualified electors present shall elect a board viva voce, as nearly as possible in conformity with the provisions hereof. (R. S. 1908 and 1914, §6885; R. S. 1901, §6201.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

110. Poll Clerks.

5. Such board of election shall appoint as poll clerks two qualified electors of such precinct, one from each of the two parties that cast the largest vote in the state at the last general election: Provided, that if, four days or more prior to such election, the chairman of the county central committee of either of the two parties that cast the largest number of votes in the state at the last general election shall designate a member of such party as poll clerk, such nominee shall be appointed. (R. S. 1908 and 1914, §6886; R. S. 1901, §6202; R. S. 1897, §6492; R. S. 1894, §6202; E. S. §1327.)

111. Assistant Poll Clerks.

Sec. 4. In every election precinct where voting is to be by both machine and ballot, and in every other election precinct where the board of county election commissioners of the county where such precinct is located deems it to be necessary, two assistant poll clerks shall be appointed. Said assistant poll clerks shall be of opposite politics, and shall be appointed in the same manner that poll clerks are now appointed by law. Said assistant poll clerks shall take the same oath that is required by law to be taken by poll clerks. The duties of said assistant poll clerks shall be as prescribed by this act. Said assistant clerks shall receive the same compensation as is paid to the regular poll clerks of such precinct. All such assistant clerks shall be subject to the same penalties as is prescribed by law in cases of violation of law by the regular poll clerks. The county board of election commissioners at least four weeks before the election shall adopt a written resolution designating the particular precincts for which assistant poll clerks are to be appointed, copy of which resolution shall be filed in the office of the clerk of the circuit court of the county. (R. S. 1921, Sec. 6881d.)

112. Duties of Assistant Clerks.

Sec. 5. In precincts where there are clerks and assistant clerks, and the voting is wholly by the Australian ballot system, such assistant clerks shall perform the same duties as is required by the clerks, in reference to the initialing and giving out of the ballots and pencils: Provided, in any such precinct it shall be necessary for only the two clerks or assistant clerks giving out any ballot to place their initials on the back thereof, but such clerks or assistant clerks must be of opposite politics. If any elector is entitled to receive instructions as to the method of voting, such instructions shall be given by the clerks or assistant clerks who furnished the ballots to such elector. After the close of the polls said assistant clerks shall, under the directions of the election board, assist the regular clerks in tallying the votes. In any such precinct the election returns or other certificates required by law to be signed by the poll clerks of such precinct need not be signed by such assistant clerks. (R. S. 1921, Sec. 6881e.)

113. Duties of Clerks in Separate Methods of Voting.

Sec. 6. In any precinct where the voting is both by machine and printed ballot, the regular clerks of such precinct shall attend to all the duties connected with voting by machine, and the two assistant clerks shall attend to all the duties connected with voting by printed ballots, and it shall be necessary for only said two assistant clerks to place their initials on the back of such ballots. In any such precinct the regular clerks shall tally the vote cast by printed ballots in such precinct, and they alone shall sign the election certificates and returns, but said board of elections may call upon the assistant clerks to assist the regular clerks in tallying such vote. (R. S. 1921, Sec. 6881f.)

113½. Number of Voters Admitted to Polling Places.

Sec. 7. In any precinct for which assistant clerks are provided as many as six (6) electors may be admitted to the polling place at one time for the purpose of voting. (R. S. 1921, Sec. 6881g.)

114. Blank Forms.

6. The auditor of each county in the state shall make out and cause to be delivered to the inspectors of the several precincts in their respective counties, at least ten days previous to any election, a suitable number of blank forms of poll books, containing one column headed, "Names of Voters," and an additional column headed, "Number of Voters" [votes], and also forms of election returns, with the proper captions, forms of oaths, and forms of certificates and tally papers necessary to be used in all elections hereafter held in this state. (R. S. 1908 and 1914, §6887; R. S. 1901, §6203; R. S. 1897, §6493; R. S. 1894, §6203; E. S. §1328.)

115. Officer's Oaths.

7. Before any election shall be opened, the inspector and judges shall each make oath to support the constitution of the United States and of this state; to faithfully and impartially discharge the duties assigned by law; that they will not knowingly permit any person to vote who is not qualified, and not knowingly refuse the qualified vote of any elector, or cause any delay to persons offering to vote, further than is necessary to procure satisfactory information of the qualifications of such person as an elector; that they will not disclose or communicate to any person how any elector voted or how any ballot was folded, marked or stamped; and that they are now and for one year next preceding have continued to be bona fide residents and freeholders, or bona fide householders, for at least two years, of the township in which such precinct is situated; and that they have nothing of value bet or wagered upon the result of said election, and are not candidates at said election, and that they are not related to any person to be voted for at said election, within the degrees named in section 3 of this act; which oath shall be in writing or printed, and shall be subscribed and executed before some person authorized by law to administer oaths, which officer shall attach thereto his jurat; and such oath shall then be attached to the poll book, and with it return [returned] to the clerk's office of his county, as hereinafter provided.

Which oath shall be in the following form:

State of Indiana, }
.....County, } SS:

I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States and of this state; that I will faithfully and impartially discharge the duties as inspector or judge of election assigned by law; that I will not knowingly permit any person to vote who is not qualified, and will not knowingly refuse the vote of any qualified elector, or cause any delay to persons offering to vote further than is necessary to procure satisfactory information of the qualification of such person as an elector; that I am now and have been continuously for one year next preceding this date a bona fide resident freeholder (or a bona fide resident householder for at least two years next preceding this date) of the township in which the precinct in which I am to act as a member of the election board is situated; and that I will not disclose or communicate to any person how any elector has voted at such election, or how any ballot has been folded, [or] marked or stamped;* that I have nothing of value bet or wagered upon the result of said election, and am not a candidate at this election, and am not related to any person to be voted for at this election within the degree named in section 3 of the election law.

Subscribed and sworn to before me, this.....day
of

.....
(R. S. 1908 and 1914, §6888; R. S. 1901, §6204; R. S. 1897, §6494;
R. S. 1894, §6204; E. S., §1329.)

116. Administering Oaths.

8. If no person present be authorized by law to administer the oath of office, the inspector shall administer the same to the judges, and one of the judges shall then administer said oath to the inspector. (R. S. 1908 and 1914, §6889; R. S. 1901, §6205; R. S. 1897, §6495; R. S. 1894, §6205; E. S., §1330.)

117. Duties of Inspector.

9. The inspector shall be chairman of such board, and before the reception of any votes shall administer an oath to the clerks of the election that they will faithfully discharge their duties as such. After the organization of the board of election the inspector may administer all necessary oaths which may be required in the discharge of its duties, and all oaths shall be written or printed, and shall be signed by the persons making such oaths in the presence of such board of elections, and the person administering such oaths shall affix his jurat thereto, and said affidavit shall be attached to and returned with the poll list to the office of the county clerk. The oaths herein prescribed for the clerk of elections shall be in the following form, namely:

State of Indiana, }
.....County, } SS:

I do solemnly swear (or affirm, as the case may be) that I will faithfully and honestly discharge my duties as clerk of the election.....

* The word "stamped" is repealed.

Precinct and Ward (..... orTownship) in
County, Indiana, and that I will not disclose or commu-
 nicate to any person how any elector voted, or how any ballot was folded,
 [or] marked or stamped.*

Subscribed and sworn to before me, this.....day
 of

(R. S. 1908 and 1914, §6890; R. S. 1901, §6206; R. S. 1897, §6497;
 R. S. 1894, §6206; E. S., §1331.)

118. Ballot Boxes and Booths.

Sec. 9. It shall be the duty of the board of county commissioners of the proper county to provide all ballot boxes and booths that may be required in order to carry out the provisions of this act. (R. S. 1921, Sec. 6881i.)

119. Ballot Boxes.

10. The board of county commissioners of each county shall provide, at the expense of the county, two ballot boxes, one painted red, for the reception of the ballots prepared by the state board of election commissioners, and one painted white, for the reception of the ballots prepared by the county board of election commissioners for each precinct; each ballot box shall have at least two locks of different kinds and combinations, so that the key of one will not unlock the other, and be otherwise so constructed as to contribute toward the prevention of fraud. (R. S. 1908 and 1914, §6891; R. S. 1901, §6207; R. S. 1897, §6497; R. S. 1894, §6207; E. S., §1332.)

120. Ballot Boxes, How Constructed—Keys.

11. An opening shall be made in the lid of each box sufficient only for a single ballot; and at the time the election is opened the inspector and judges shall see that there are no ballots in the box before the voting begins, and shall thereupon securely lock the box, and give one key to one of the judges who is in politics opposed to the inspector, the inspector retaining the other key; and the same shall not be again opened until the polls are closed, and the board is ready to immediately proceed with the counting. (R. S. 1908 and 1914, §6208; R. S. 1901, §6208; R. S. 1897, §6498; R. S. 1894, §6208; E. S., §1333.)

[Acts 1899, p. 539. In force April 28, 1899.]

121. Openings Polls—Closing.

12. The election shall be opened in the forenoon at the hour of six o'clock and continue open until four o'clock in the afternoon, after which the board may close the election at any time, when all the electors have voted, or when fifteen minutes have passed without a vote having been tendered; but the polls shall in no case be kept open after six o'clock of the afternoon; and the polls shall not be closed after four o'clock and

* The word "stamped" is repealed.

before six o'clock except by the unanimous consent of all the members of the election board; but whenever the polls are closed, proclamation must be made of the fact of such closing by the inspector, to the people outside, in a loud and audible tone of voice, and a minute of such proclamation, and of the time when the same was made, must be entered on the tally papers by the clerks, and after such minute has been made no more votes shall be received. (R. S. 1908 and 1914, §6893; R. S. 1901, §6209.)

122. Where Elector Votes.

13. Each elector shall vote by ballot in the precinct where he resides. (R. S. 1908 and 1914, §6894; R. S. 1901, §6210; R. S. 1897, §6500; R. S. 1894, §6210; E. S., §1335.)

1. The remainder of this section and the amendment of 1891 (p. 350) were declared unconstitutional. *Morris vs. Powell*, 125 Ind. 281; and *Brewer vs. McClellan*, 144 Ind. 423.

[1897, p. 274. Approved March 8, 1897. In force April 14, 1897.]

123. Polling Precincts.

1. Any political or civic party, association or organization may, at any time prior to any general or other election, take a poll of voters qualified to vote at the next ensuing election, in any district, county, township, municipality, ward, precinct or precincts of the state: Provided, the chairman or president, or other chief officer of the party, association or organization taking such poll shall issue to the person or persons employed in taking the poll a certificate showing the nature of such employment and the party organization or association for which such poll is to be taken. (R. S. 1908 and 1914, §7049; R. S. 1901, §6336; R. S. 1897, §6501.)

124. Giving Information to Poll Takers.

2. It shall be the duty of every person to whom application is made for information in regard to such poll to furnish to the poll-taker, upon the exhibition of such certificate, all information in the possession of the person to whom application is made with regard to the names, residence and other qualifications in regard to voting of any and every person within such district, county, township, municipality, ward or precinct; and it shall be the duty of every proprietor or manager of every boarding house, lodging house, restaurant, hotel, building or other place within which persons are lodged, to obtain a complete and accurate list of all legal voters domiciled in such boarding house, lodging house, hotel, or other place, not less than sixty days prior to each election, which list shall state the name, age, occupation, place of business, and place of previous residence, with the length of residence in the state, county, township, precinct and ward of each person named thereon, and such list shall be retained by such owner or manager of such boarding house, lodging house, hotel or other building for the period of not less than forty days thereafter, and upon application, shall be submitted to the inspection of each and every poll-taker who may demand the same. Every person who shall violate the provisions of this section may be fined in any sum not less than one dollar nor more than twenty-five dollars, to which may be added

imprisonment in the county jail or workhouse for a period not exceeding ten days. (R. S. 1908 and 1914, §7050; R. S. 1901, §6337; R. S. 1897, §6502.)

125. List of Voters.

3. It shall be the duty of each and every poll-taker so appointed to make a full, true and complete list of all persons whose names are reported to him as voters, with such comments as he may deem proper as to their respective qualifications. (R. S. 1908 and 1914, §7051; R. S. 1901, §6338; R. S. 1897, §6503.)

126. Withholding Information—Penalty.

4. Any person who shall withhold any information in his or her possession from any poll-taker with regard to the qualifications of any voter or voters or other person or persons not entitled to vote, upon the demand of such poll-taker, shall be fined in any sum not less than one nor more than twenty-five dollars, to which may be added imprisonment not exceeding thirty days. (R. S. 1908 and 1914, §7052; R. S. 1901, §6339; R. S. 1897, §6504.)

127. Deceiving Poll-Taker—Penalty.

5. Every person who shall knowingly furnish to any poll-taker any false information with regard to the qualifications of any person or persons for voting, or shall knowingly return to such poll-taker as voters any false names, or the names of any persons who are dead or are not voters, shall be fined in any sum not less than one nor more than twenty-five dollars, to which may be added imprisonment in the county jail for a period not exceeding six months. (R. S. 1908 and 1914, §7053; R. S. 1901, §6339a; R. S. 1897, §6505.)

128. Returning Fictitious Names—Penalty.

6. Every poll-taker who shall knowingly return the name of any person who is not entitled to vote in the precinct or district for which such poll is taken at the election immediately ensuing, or any fictitious name, or the name of any dead person, shall be fined in any sum not less than ten nor more than five hundred dollars, to which may be added imprisonment in the county jail or workhouse for a period not exceeding six months. (R. S. 1908 and 1914, §7054; R. S. 1901, §6339b; R. S. 1897, §6506.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

129. Proclamation of Opening Polls.

14. Before receiving the ballot of any elector the board of election shall cause to be proclaimed that such election is opened. (R. S. 1908 and 1914, §6895; R. S. 1901, §6211; R. S. 1897, §6507; R. S. 1894, §6211; E. S., §1336.)

[1891, p. 124. Approved March 6, 1891. In force June 3, 1891.]

130. "Election Sheriffs."

15. It shall be the duty of the sheriff of each county to appoint, five days prior to each election, two special deputies for each precinct in the

county, to be known as election sheriffs, who shall attend the polling places in their respective precincts from the opening of the polls to the conclusion of the count. It shall be their duty to preserve order at the polls and enforce the provisions of the election law under the direction of the election board, and make arrests on the demand of a member of the board, or on affidavit, as hereinafter provided. One of such election sheriffs shall be chosen from each of the two parties that cast the largest number of votes in the state at the last general election; and if at least five days prior to such election the chairman of the county central committee of either of such parties shall nominate a member of his party for election sheriff in any precinct, such nominee shall be appointed. If any election sheriff shall fail to appear at the opening of the polls, the member or members of the election board of his political party shall appoint a person to act in his place. Compensation of one dollar and fifty cents per day shall be allowed to each election sheriff by the board of county commissioners, but no such election sheriff shall be allowed for more days' service than members of the election board in the same precinct are allowed. No other peace officers of the state, or any division thereof, shall be allowed within fifty feet of the polls, except to serve process of courts or to vote, unless summoned by the election sheriffs. No person other than the election officers shall remain within fifty feet of the polls, except when voting. Provided, that each political party may appoint one challenger and one poll book holder for each precinct, who shall be entitled to stand at the sides of the chute next to the challenge window. Such challenger and poll book holder shall be appointed in writing by the chairman of the county or other local committee of their political party, and shall produce written appointments on demand of a member of the election board. It shall be lawful for a political party to pay such challenger and poll book holder not more than three dollars for services at any election, but not more than one person of any one party shall be paid for services in either such capacity in any precinct, and no challenger or poll book holder shall receive any compensation for such services, except from the political party he represents. (R. S. 1908 and 1914, §6896; R. S. 1901, §6212; R. S. 1907, §6508; R. S. 1894, §6212.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

131. State Board of Election Commissioners.

16. The governor of the state, and two qualified electors by him appointed, one from each of the two political parties that cast the largest number of votes in the state at the last preceding general election, shall constitute a state board of election commissioners. Such appointments shall be made at least thirty days prior to each general election, and if, prior to that time, the chairman of the state central committee of either of such parties shall nominate in writing a member of his own party for such appointment, the governor of the state shall appoint such nominee. In case of death or disability of either appointee the governor of the state shall notify the chairman of the said central committee of such appointee's political party, and such chairman may, within three days thereafter, recommend a successor, who shall thereupon be appointed: Pro-

vided, that if such chairman shall fail to make recommendations of appointment within the time specified, the governor of the state shall make such appointment of his own selection from such political party. It shall be the duty of said board to prepare and distribute ballots and stamps for election of all officers for whom all the electors of the state are entitled to vote, in compliance with the provisions of the election law. The members of such board shall serve without compensation. (R. S. 1908 and 1914, §6897; R. S. 1901, §6213; R. S. 1897, §6509; R. S. 1894, §6213; E. S., §1338.)

132. County Board of Election Commissioners.

17. In each county of the state the clerk of the circuit court and two persons by him appointed, one from each of the two political parties that cast the largest number of votes in the state at the last general election, shall constitute a county board of election commissioners. Said appointments shall be made in all respects as appointments to the state board of election commissioners are required to be made by the governor of the state, except that the privilege of nomination shall belong to the chairman of the county central committee of the two parties aforesaid. It shall be the duty of such board to prepare and distribute ballots for election of all officers to be voted for in such county other than those who are to be voted for by all the electors of the state, in compliance with the provisions of this act. The members of such board shall serve without compensation. (R. S. 1908 and 1914, §6898; R. S. 1901, §6214; R. S. 1897, §6510; R. S. 1894, §6214; E. S., §1339.)

133. Board's Duties.

18. The said board of election commissioners shall cause to be printed on the respective ballots the names of the candidates nominated by the conventions of any party that cast one per cent of the total vote of the state at the last preceding general election, as certified to said boards by the presiding officer and secretary of such convention, or in case of primary election, by the chairman and secretary of any county or township committee; and also the names of any candidates for any office when petitioned so to do by electors qualified to vote for such candidates, as follows: For a state officer, or any officer for whom all the electors of the state are entitled to vote, five hundred petitioners; for a representative in congress from any congressional district, two hundred petitioners; for a county officer, member of the general assembly, circuit judge or prosecuting attorney, twenty-five petitioners; for an officer of a township, ward or other division less than a county, twenty petitioners. The signatures to such petition need not be appended to one paper, but no petitioner shall be counted, except his residence and postoffice address be designated. Such petition shall state the name and residence of each of such candidates; that he is legally qualified to hold such office; that the subscribers desire and are legally qualified to vote for such candidates; and may designate a brief name or title of the party or principle which said candidates represent, together with any simple figure or device by which they shall be designated on the ballots. The certificate of nomination by a convention or primary election shall be in writing, and shall

contain the name of each person nominated, his residence and the office for which he is nominated, and shall designate a title for the party or principle which such convention or primary election represents, together with any simple figure or device by which its list of candidates may be designated on the ballots; said certificate shall be signed by the presiding officer and secretary of such convention, or by the chairman and secretary of the county, city or township committee, who shall add to their signatures their respective places of residence, and acknowledge the same before an officer duly authorized to take acknowledgments of deeds. If the certificate of nomination of any state convention shall request that the figure or device selected by such convention be used to designate the candidates of such party on the ballots for all elections throughout the state such figure or device shall be so used until changed by request of a subsequent state convention of the same party. Such device may be the figure of a star, an eagle, a plow, or some such appropriate symbol, but the coat of arms or seal of the state or of the United States, the national flag, or any other emblem common to the people at large shall not be used as such device. A certificate of such acknowledgment shall be appended to such instrument. In case of death, resignation or removal of any candidate subsequent to nomination, unless a supplemental certificate or petition of nomination be filed, the chairman of the state, county, city or township committee shall fill such vacancy. In case of division in any party, and claim by two or more factions to the same party name, or title, or device, the board of election commissioners shall give the preference of name to the convention held at the time and place designated in the call of the regularly constituted party authorities, and if the other faction shall present no other party name, title or device the board of election commissioners shall select a name or title and place the same before the list of candidates of said faction on the ballot, and select some suitable device to designate its candidates. If two or more conventions be called by authorities claimed to be the rightful authorities of any party, the proper board of election commissioners shall select some suitable devices to distinguish one faction from the other, and print the ballots accordingly: Provided, however, that if any political party entitled to nominate by convention shall in any case fail to do so, the names of all nominees by petition for any office who shall be designated in their petitions as members of and candidates of such party, shall be printed under the device and title of such party on the ballots, as if nominated by convention. Certificates and petitions of nomination of candidates for officers to be voted [for] by the electors of the entire state shall be filed with the governor of the state. Certificates and petitions of nomination of candidates for officers to be voted for by electors of any district or division of the state exclusively shall be filed with the clerks of the circuit courts of the counties or county included in or including such districts or division. (R. S. 1908 and 1914, §6899; R. S. 1901, §6215; R. S. 1897, §6511; R. S. 1894, §6215; E. S., §1340.)

The duty to place on the official ballot in the proper column the names of the nominees selected "at the time and place designated in the call of the regularly constituted party authorities" may be enforced by mandamus. *State vs. Board*, 167 Ind. 276.

134. Superior Court—Election of Judges.

In all counties of this state, having a superior court consisting of two or more judges, such court shall be divided into rooms and such rooms numbered consecutively, beginning with No. 1, and the judges of said court shall be nominated and elected by rooms: Provided, that any one of said judges shall have full power and authority to sit as judge in the other rooms of said court. (R. S. 1914, Sec. 1463.)

[Acts 1905, p. 193.]

135. Signatures to Petition Must Be Acknowledged.

12. No name upon any petition for nomination shall be considered by the city or county board of election commissioners unless the same be signed by the petitioner in person or by his mark duly attested, and no petition for nomination shall be effectual to authorize the name petitioned for to appear upon the official ballot unless the signatures of such petition to the number required by law shall be duly acknowledged before some officer authorized to take acknowledgments. (R. S. 1908 and 1914, §6967; R. S. 1905, §6275f.)

[1889, p. 157. Approved May 6, 1889. In force May 10, 1889.]

136. Preservation of Petitions.

20. The governor of the state and county clerks shall cause to be preserved in their respective offices all certificates and petitions of nominations filed therein under the provisions of this act for six months after the election for which such nominations were made. (R. S. 1908 and 1914, §6901; R. S. 1901, §6217; R. S. 1897, §6513; R. S. 1894, §6217; E. S., §1342.)

137. When to Be Filed.

21. Certificates and petitions of nominations filed with the governor of the state shall be filed not more than sixty days, and not less than twenty days, before the day fixed by the law for the election of the persons in nomination. Certificates and petitions of nomination herein directed to be filed with the clerk of a county shall be filed not more than sixty and not less than fifteen days before election. (R. S. 1908 and 1914, §6902; R. S. 1901, §6218; R. S. 1897, §6514; R. S. 1894, §6218; E. S., §1343.)

138. Governor's Certificate.

2. Not less than eighteen days before an election of the state to fill any public office for which all the electors are entitled to vote the governor of the state shall certify to the county clerk of each county the name and the place of residence of each person nominated for such office, as specified in the certificates and petitions of nominations filed with the governor of the state, and shall designate therein the device under which the group or list of candidates of each party will be printed, and the order in which they will be arranged. (R. S. 1908 and 1914,

§6903; R. S. 1901, §6219; R. S. 1897, §6515; R. S. 1894, §6219; E. S., §1344.)

1. The next section of the original act is repealed. It was Section 23. See 1891, p. 126; 1893, p. 154.

139. Resignations of Nominees.

24. The governor of the state shall not certify the name of a candidate whose certificate of nomination shall have been filed in his office and who shall have notified him in a writing signed and executed with the formalities prescribed for the execution of an instrument to entitle it to record that he will not accept the nomination contained in the certificate or petition of nomination. The county clerk shall not include in the publication to be made according to section 23 hereof the name of any candidate whose certificate or petition of nomination shall have been filed in his office who shall have notified him in like manner that he will not accept the nomination. The names of such candidates shall not be included in the names of the candidates to be printed on the ballots as hereinafter provided. (R. S. 1908 and 1914, §6904; R. S. 1901, §6220; R. S. 1897, §6516; R. S. 1894, §6220; E. S., §1346.)

140. Constitutional Amendments.

25. Whenever a proposed constitutional amendment or other question is to be submitted to the people of the state for popular vote, the secretary of state shall duly, and not less than thirty days before election, certify the same to the clerk of each county in the state, and the clerk of each county shall include the same in the publication provided for in section 23 of this act. (R. S. 1908 and 1914, §6907; R. S. 1901, §6221; R. S. 1897, §6517; R. S. 1894, §6221; E. S., §1347.)

[H. 281. Approved March 13, 1919.]

141. Election Ballots—Form and Printing.

1. The board of election commissioners of the State of Indiana, the boards of election commissioners of the several counties of the state and the boards of election commissioners of the several cities and towns of the State of Indiana shall cause the names of all candidates of their respective jurisdiction to be printed on one (1) ballot, all nominations of any party or group of petitioners being placed under the title and device of such party or petitioners as designated by them in their certificate or petition, or if none be designated, under some suitable title and device. The ballots shall be of uniform size and of the same quality and color of paper, and sufficiently thick that the printing cannot be distinguished from the back. All ballots prepared by the state board of election commissioners shall be printed on red tinted paper, and put up in blocks of one hundred (100) each. All ballots prepared by the county boards of election commissioners shall be printed on white paper except the ballots to be used in the election of township officers shall be printed on yellow paper. If the same device for designating candidates be selected by two (2) parties or groups of petitioners, it shall be given

to the one which first selected it, and a suitable device shall be selected for the other. The device named and list of candidates of the party which cast the largest number of votes for secretary of state at the last preceding general election shall be placed in the first column on the left-hand side of said ballot; and of the party which cast the second largest number of votes for secretary of state at the last preceding general election in the second column; and of any other party in the same order. The device of each party shall be enclosed in a circle of not less than one and one-half (1½) inches in diameter, and shall be placed at the head of the list of candidates of the party, and the following words shall be printed around the outer edge of each of said circles, to-wit:

“To vote a straight ticket make a X within one circle and not elsewhere.”

Immediately under it shall be placed the name or title of the party ticket, and immediately under the name or title the list of candidates of the party, such names being placed three-fourths of one inch (¾ of 1) apart from center to center of the name, the name of each candidate having immediately on its left a square three-eighths (⅜) of an inch on each side, and the general arrangement of the ballot shall conform as nearly as possible to the following:



REPUBLICAN TICKET



DEMOCRATIC TICKET



For Governor
JAMES P. GOODRICH



For Governor
JOHN A. M. ADAIR

(As amended acts 1919, p. 466. R. S. 1921, Sec. 6908.)

142. Printing of Ballots by State Board of Election Commissioners.

1. That it shall be the duty of the state board of election commissioners to cause to be printed a sufficient number of state ballots for the voters of this state at such general election, but said state board of election commissioners shall not cause to be printed one and one-fourth ballots for each vote cast at the last preceding general election in precincts in which voting machines are in use, but shall only cause to be

printed for such precincts such number of ballots as in their judgment is necessary to meet any emergency which may arise. (Acts 1920, p. 160. R. S. 1921, Sec. 6908a.)

143. Nominee's Name on Ballot but Once.

2. If any certificate or petition of nomination shall contain the name of more than one candidate for any office to be filled, neither name shall be printed as a candidate for such office. If any person shall join in nominating by petition more than one nominee for any office to be filled such person shall not be counted as a petitioner for either nomination. The name of any person who has been selected or nominated as a candidate for any office, by convention, petition or otherwise, shall not appear in more than one place, and but once upon a ballot. If any person has been nominated as a candidate for the same office, both by petition and by convention, his name shall be placed on the ballot but once, to-wit: In the list of candidates nominated by such convention; and the place occupied by his name in such petition shall be left blank: Provided, That if such candidate shall in writing signed and acknowledged before some person authorized to take acknowledgments, prior to the last day for filing nominations, request that his name be printed as nominated by petition, it shall be so printed, and shall be omitted from the list nominated by convention. (R. S. 1908 and 1914, §6900; R. S. 1901, §6216; R. S. 1897, §6519.)

144. Candidate to Elect Nomination.

5. Whenever any person has been nominated by two or more parties either by convention, petition or otherwise, he shall make his election as to which of such nominations he will accept, in writing, signed and acknowledged before some officer authorized to take acknowledgments, and file the same with the proper board of election commissioners. Where a person has been so nominated for an office for which all electors of the state may vote, he shall file his election with the state board of election commissioners, not more than sixty nor less than twenty days, before the day fixed by law for the election of the persons in nomination; and when a person has been so nominated for an office, wherein it is required by law to file the certificate or petition of such nomination, with the county clerk, he shall make and file his election with the clerk of the county in which nomination is made, if for a county office, and with the clerks of all the counties of the district if for a district office, not more than sixty days nor less than fifteen days before election. And if a person so nominated shall not make and file his election as herein provided, with the proper board of election commissioners, said board shall make such election for him, giving preference to the nominations made by conventions. And after such election is made, the board of election commissioners shall place the name of such person in the list of nominees under the party name and device as indicated by him or the board of election commissioners, and under no other device and not elsewhere upon the ballot. (R. S. 1908 and 1914, §6906; R. S. 1901, §6220b; R. S. 1897, §6520.)

145. Registrations of Candidates—Vacancy.

4. If any candidate whose nomination has been certified according to law shall wish to resign from such ticket, he shall file his resignation in writing with the officer with whom such certificate of nomination was filed within three days after the filing of such certificate of nomination, and any resignation filed after the time mentioned in this section shall not be considered by the board of election commissioners: Provided, That no resignation shall be filed with or received by the state board of election commissioners within twenty days immediately preceding an election, And that no resignation shall be filed with or received by any county board of election commissioners within fifteen days immediately preceding an election: Provided, further, That should any vacancy on the ticket occur by reason of the death of any candidate whose name has been legally certified, such vacancy shall be filled as now provided by law. (R. S. 1908 and 1914, §6905; R. S. 1901, §6220a; R. S. 1897, §6521.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

146. Vacancy in Nominations.

27. In case of the death, removal or resignation of any candidate after the printing of such ballots and before such election, it shall be lawful for the chairman of the state, district or county political organization of which such candidate was a member to make a nomination to fill such vacancy, and provide the election board of each precinct in which such candidate is to be voted for with a number of pasters containing only the name of such candidate at least equal to the number of ballots provided each precinct, but no pasters shall be given to or received by any one except such election board and such chairman, and it shall be the duty of the polling clerk to put one of such pasters, in a careful and proper manner and in the proper place, on each ticket before they shall sign their initials thereon. (R. S. 1908 and 1914, §6909; R. S. 1901, §6223; R. S. 1897, §6522; R. S. 1894, §6223; E. S., §1349.)

147. Printer's Duties—Penalty.

28. If the printer of such ballots, or any person employed in printing the same, shall give or deliver, or knowingly permit to be taken, any of said ballots by any person other than a member of the board of election commissioners for which such ballots are being printed, or shall print or cause or permit to be printed any ballot in any other form than the one prescribed by this act, or with any other names thereon, or with the names spelled or the names or devices thereon arranged in any other way than that authorized and directed by the said board of election commissioners he shall be guilty of felony, and on conviction thereof shall be imprisoned in state penitentiary not less than three nor more than ten years, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6010; R. S. 1901, §6224; R. S. 1897, §6523; R. S. 1894, §6224; E. S., §1350.)

[1907, p. 282. Approved March 9, 1907. In force March 9, 1907.]

148. Distributing Ballots.

1. It shall be the duty of each county clerk to appear in person, or by specially authorized deputy bearing credentials given under the seal

of the circuit court, at the office of the governor of the state, not more than sixteen nor less than ten days prior to each general election, and the state board of election commissioners shall thereupon deliver to said clerk a number of ballots equal [to] the number of voters in each precinct of his county at the last presidential election, plus 25 per cent. of such number of voters; or, if a new precinct has been established in such county said board of election commissioners shall deliver to said clerk a number of ballots equal to the estimated vote in such new precinct as reported by the board of county commissioners of the county wherein the same is located, plus 25 per cent. of said estimated vote: Provided, however, That if it shall be made to appear by the affidavit of such clerk that any precinct has so increased in population as to have 50 per cent. more voters than at the last presidential election, or at the time of estimate by the board of county commissioners, the state board of election commissioners shall deliver to him a number of ballots equal to the number of voters so declared by him under oath to be resident within said precinct, plus 25 per cent. of such number of voters. The ballots shall, in the presence of the clerk, be wrapped and tied in packages, plainly marked, one for each precinct, and securely sealed with wax, and the clerk shall give his receipt for the same. And for the safe sealing of such ballots, such board shall provide itself with a seal of such design as it may deem proper, but the same design shall not be used for any two consecutive elections. The state board of election commissioners shall also provide and inclose in each of said sealed packages three blue pencils. In addition to the precinct packages, the state board of election commissioners shall deliver to each clerk a package, wrapped and sealed in his presence, containing two thousand state ballots, and twelve blue pencils, which package shall remain in the custody of the county board of election commissioners and shall not be opened by them except for the purpose of supplying a precinct whose ballots or pencils have been lost or destroyed, on due showing of such fact as hereinafter provided. The state board of election commissioners shall, from time to time, certify to the auditor of state the necessary expenses of the preparation and distribution of the state ballots and pencils, and the auditor shall audit and issue his warrants for the same, which shall be paid out of any funds in the state treasury not otherwise appropriated. (R. S. 1908 and 1914, §6911; R. S. 1901, §6225; R. S. 1897, §6524; R. S. 1894, §6225.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

149. Clerk's Allowance—Special Messenger.

30. An allowance shall be made to the clerk by the board of county commissioners of five cents per mile for the distance necessarily traveled in going to and returning from the office of the governor of the state; but in case said clerk of any county shall fail to appear at the office of the governor of the state by the close of the tenth day prior to the election, the state board of election commissioners shall forthwith dispatch a special messenger to such county with the ballots for the county; which messenger, before receiving such ballots, shall take and subscribe to an oath, to be administered to him by the secretary of state, which

oath shall be filed with said board of election commissioners, and shall be in the words following:

State of Indiana, }
County, } SS.

I,, swear (or affirm, as the case may [be] that I will take charge of the election ballots delivered to me by the state board of election commissioners for the county of....., and will safely deliver said ballots in sealed packages, and in the same condition as received by me, to the clerk of said county at the earliest time that I can reach the county seat of said county. So help me God.

Subscribed and sworn to before me this.....day of 19...

And in such case said messenger shall be allowed three dollars per day for the time necessarily employed, and three cents per mile for the distance necessarily traveled by him, which allowance shall be certified to the treasurer of such county, and deducted from the first moneys thereafter accruing to such clerk payable by the treasurer. The amount so deducted shall be remitted by the county treasurer to the treasurer of state. (R. S. 1908 and 1914, §6912; R. S. 1901, §6226; R. S. 1897, §6525; R. S. 1894, §6226; E. S., §1352.)

150. Permitting Ballots to Be Taken Away—Penalty.

31. If any member of the board of election commissioners shall give or deliver to any other person any of said ballots, or shall permit any of them to be taken away, except as herein provided, he or they shall be guilty of a felony, and on conviction shall be punished by imprisonment in the state penitentiary for not less than three nor more than ten years, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6913; R. S. 1901, §6227; R. S. 1897, §6226; R. S. 1894, §6227; E. S., §1353.)

151. Taking Ballots Away—Penalty.

32. If any person shall take or remove in any manner feloniously or with the consent or permission of the custodian for the time from any place where they may lawfully be under this act, any of such ballots or stamps [pencils], or be found in custody or possession of such ballots or stamps [pencils] (except as an official or custodian under this act, or while within the polling place for the purpose of voting); or if any such custodian or official shall consent to, or permit, any of such ballots or stamps [pencils] to be removed or carried away from the place where they may lawfully be by any person except an official or custodian under this act whose duty it is to receive the same, such person, custodian or official shall be deemed guilty of a felony, and on conviction shall be punished by imprisonment in the penitentiary at hard labor for not less than three nor more than ten years, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6914; R. S. 1901, §6228; R. S. 1897, §6527; R. S. 1894, §6228; E. S., §1354.)

152. Distribution of Ballots.

33. It shall be the duty of each election inspector, or in case he can not attend, some other member of the election board authorized in writing by the inspector, to appear at the office of the clerk of the circuit court of his county not more than three nor less than two days before each election, and the county board of election commissioners shall deliver to him the sealed packages of ballots and the stamps provided for his precinct by the state board of election commissioners, and also ten of the local ballots printed under the direction of the county board of election commissioners of each five or fraction thereof of the number of votes cast at such precinct at the last presidential election; or if a new precinct for each five or fraction of five votes, as estimated by the county commissioners: Provided, however, That in case it be made to appear by affidavit of such inspector that the number of voters in his precinct has increased more than fifty per cent. since the last presidential election or estimate by the board of county commissioners, there shall be delivered to him two ballots for each voter so declared under oath by him to reside in the precinct. The local ballots shall be wrapped and tied in packages and securely sealed with wax in the presence of said inspector or his representative, who shall receipt for the same; and for the safe sealing of such ballots the county board of election commissioners shall provide themselves with a seal of such design as they may deem proper, but the same design shall not be used at any two consecutive elections, and said packages shall not be opened until delivered to the election board of the respective voting precincts to which they are directed, and said boards shall be fully organized and ready for the reception of votes as in this act provided. (R. S. 1908 and 1914, §6915; R. S. 1901, §6229; R. S. 1897, §6528; R. S. 1894, §6229; E. S., §1355.)

[1897, p. 49. Approved February 23, 1897. In force April 14, 1897.]

153. Opening Packages—Clerk's Initials.

8. At the opening of the polls, after the organization of and in the presence of the election board, the inspector shall open the packages of ballots in such a manner as to preserve the seals intact. He shall then deliver to the poll clerk of the opposite political party from his own twenty-five each of the state and local ballots; and to the other poll clerk a blue pencil for marking the ballots. The poll clerks shall at once proceed to write their initials in ink on the lower left-hand corner of the back of each of said ballots in their ordinary handwriting, and without any distinguishing mark of any kind. As each successive elector calls for a ballot the poll clerks shall deliver to him the first signed of the twenty-five ballots of each kind; and the inspector shall immediately deliver to the poll clerks another ballot of each kind, which the poll clerks shall at once countersign as before, and add to the ballots already countersigned, so that it shall be delivered for voting after all those theretofore countersigned. (R. S. 1908 and 1914, §6916; R. S. 1901, §6230; R. S. 1897, §6529.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

154. Cards—Instructions—Posting Up Ballots.

35. The county board of election commissioners of each county shall cause to be printed in large type on cards, in English and such other language as they deem necessary, instructions for the guidance of electors in preparing their ballots. They shall furnish twelve of such cards in each of the languages determined upon by them to each of the election inspectors at the same time they deliver to him the ballots for his precinct. Each inspector shall cause to be posted one of each of said cards in each place or compartment provided for the preparation of ballots, and one of each kind of such cards at or near to the outer end of the chute leading to the polling place, and not nearer than fifty feet of the polling place, and not less than three of each of such cards, and three samples of each of the state and local ballots in and about the polling place at the opening of the polls on the day of election, which sample ballots shall be printed on different colored paper than the genuine ballots. Said cards shall contain full instructions to the voters as to what must be done. First, to obtain ballots for voting; second, to prepare the ballots for voting; third, to obtain a new ballot in place of one accidentally defaced, mutilated or spoiled; also copies of sections 43, 50, 55, 56, 59 and 60 of this act. (R. S. 1908 and 1914, §6917; R. S. 1901, §6231; R. S. 1897, §6530; R. S. 1894, §6231; E. S., §1357.)

155. Special Messenger.

36. In case any inspector or his representative shall fail to appear at the office of the county clerk at the close of the second day prior to any election, the county board of election commissioners shall forthwith dispatch a special messenger to his precinct with the ballot and stamps [pencils] for such precinct. Such messenger shall be allowed two dollars for his time and five cents per mile for the distance traveled by him, and shall promptly report to such clerk and file with him the receipt of the person to whom he delivered such ballots and stamps [pencils], and his affidavit stating when and to whom he delivered such ballots and stamps [pencils], and such inspector shall receive no compensation for his services at such election. (R. S. 1908 and 1914, §6232; R. S. 1897, §6531; R. S. 1894, §6232; E. S., §1358.)

156. Failure of Inspector to Appear.

37. Any inspector who shall wilfully or negligently fail to appear at the clerk's office, in person or by representative, as herein provided, shall be guilty of [a] misdemeanor, and on conviction shall be fined not less than ten dollars nor more than one hundred dollars, and shall thereafter be incompetent to serve as inspector. (R. S. 1908 and 1914, §6919; R. S. 1901, §6233; R. S. 1897, §6532; R. S. 1894, §6233; E. S., §1359.)

157. Ballots Lost.

38. If by any accident or casualty the ballots delivered to any clerk, inspector, or other messenger shall be lost or destroyed, it shall be the duty of such persons in custody to report the loss at once to the board of election commissioners from which the same were obtained, and

make affidavit of the circumstances of the loss, whereupon such board shall at once re-supply such person. In case such person in custody fails or refuses to report and make proof of the loss, any qualified elector may do so, and thereupon such board shall at once send a new supply by special messenger, as provided in other cases. In case, for any reason, there should be found no ballots or other necessary means or contrivances for voting at the opening of the polls, it shall be the duty of the election board to secure the same as speedily as possible; and, if necessary, such board may have ballots printed: Provided, however, That such ballots shall conform as nearly as possible to the genuine ballots, and the printing and the care of the same shall be under the same provisions and penalties as the printing and care of the other ballots prescribed in this act. (R. S. 1908 and 1914, §6920; R. S. 1901, §6234; R. S. 1897, §6533; R. S. 1894, §6234; E. S., §1360.)

158. Destroying Ballots Not Used—Record.

39. The various boards of election commissioners shall preserve the ballots that are left over in their hands after supplying the precincts as hereinbefore provided, until 6 o'clock p. m. of the day of election, and shall then count and destroy, by totally consuming by fire, all of such ballots but one, which shall be securely pasted in the election record immediately preceding the place where the vote is to be recorded. They shall also cause to be entered below such ballot the number of ballots printed by them, the number delivered to each messenger and the number destroyed by them. (R. S. 1908 and 1914, §6921; R. S. 1901, §6235; R. S. 1897, §6534; R. S. 1894, §6235; E. S., §1361.)

[1897, p. 49. Approved February 23, 1897. In force April 14, 1897.]

159. Rooms—Booths.

6. It shall be the duty of the county commissioners in each county before each election to provide for and secure in each precinct of the county a suitable room in which to hold the election, and to have placed therein a railing separating the part of the room to be occupied by the election board from the remainder of the room, and also three booths, or compartments, in which electors shall mark their ballots, screened from observation, each containing a counter or shelf. Booths shall be so constructed and arranged that all the members of the election board can see whether more than one voter enters any one of such booths at one time, and each and every member of any election board allowing any booth or compartment, in which an elector is preparing his ballot, to be used without a screen or such screen being so arranged as not to shield the preparation of the ballot from observation, shall upon conviction therefor, be fined for each offense in any sum not exceeding one hundred dollars (\$100) nor less than five dollars (\$5), to which may be added imprisonment in the county jail not exceeding ninety days. The portion of the room set apart for the election board shall include a window, at which the voter shall appear for challenge, and such voter shall immediately announce his full and true name to the challengers. The board of county commissioners shall also provide for each precinct a chute or passage with a railing, rope or wire on each side commencing

ing fifty feet away from and leading to such polling place, passing such window for challenge and thence to the entrance of the room in which the election is held. The expenses of such preparation shall be defrayed as other expenses of the county by the board of county commissioners. No election shall be held in a room in which spirituous, vinous, malt or other intoxicating liquors are kept or sold. (R. S. 1908 and 1914, §6922; R. S. 1901, §6236; R. S. 1897, §6535.)

[1899, p. 60. Approved February 17, 1899. In force April 28, 1899.]

160. Challengers—Who May Stand Near Polls.

41. One challenger and one poll-book holder, appointed and designated by each party organization, shall be entitled to stand at the sides of the chute near the challenge window. No other person shall remain within fifty feet of the same, except for the purpose of offering his vote; and voters shall approach and enter the chute in the order in which they appear for the purpose of voting. If any person offering to vote shall be challenged by one of such challengers or by any member of the election board, he shall stand aside and shall not be entitled to vote unless he makes affidavit in writing that he is a qualified and legal voter of the precinct, and such affidavit sets forth his name, residence, occupation, place or places of residence during the six months prior to the election, with the date of any removal within that time, and the names of two persons who have personal knowledge of his residence in the precinct thirty days and the township sixty days, and shall, in case he be a person required by this act to be registered, also produce the necessary certificate of registration provided for in this act. He shall then be allowed to vote, unless the challenger or some qualified voter of the precinct makes affidavit in writing that he knows or is informed and verily believes that the person offering to vote is not a legal voter in the precinct; and if the affidavit be on information and belief he shall set forth the names of the person or persons from whom such information was obtained, and the person offering to vote shall not thereafter be allowed to vote, except one qualified voter of the precinct, who has been a freeholder and resident householder in the precinct for at last one year or a resident householder for two years next preceding such election shall make affidavit or affirmation in writing that of his personal knowledge such person offering to vote is a legal voter at the precinct: Provided, That if the person offering to vote shall make affidavit that there is no person of his political party residing in the precinct who has been a freeholder or resident householder as provided for in this act, then the affidavit or affirmation of any qualified voter shall be accepted by said election board: Provided further, That if such person so offering to vote be challenged solely or for the additional reason that he is not a citizen of the United States, then such person so challenged for such reason shall take and subscribe the following oath:

I do solemnly swear (or affirm, as the case may be) that I have resided in the United States one year, and have declared my intention of becoming a citizen thereof in conformity with the laws thereof.

.....

The other affidavit herein referred to shall be in the following form:

I do solemnly swear (or affirm, as the case may be) that I am a citizen of the United States; that I am now over the age of twenty-one years to the best of my information and belief; and that I have been a bona fide resident of this state for six months immediately preceding this election; that I have resided in the township sixty days and in the precinct thirty days, and that I am a bona fide resident of this precinct; that I am generally known by the name in which I now desire to vote, which is; that I have not voted and will not vote in any other precinct in this election; that my occupation is; that my present residence is (if in the city or town give the street or number), and that during the last six months prior to this election I have resided at....., I have removed from..... to on the following date.....and that.....and.....have personal knowledge of my residence in the precinct thirty days and in the township sixty days.

I do solemnly swear (or affirm, as the case may be) that there is no legal voter in this precinct who has been a freeholder and resident householder in the precinct for one year, or a resident householder for two years next preceding this election, belonging to the same political party to which I belong and whose candidates I wish to support.

I swear that I am informed and believe that....., now offering to vote, is not a legal voter in this precinct, and that I obtained such information from.....and.....

I do solemnly swear (or affirm, as the case may be) that I am a qualified voter in this precinct; that....., who now desires to vote, has resided in this state for six months immediately preceding this election; that he has resided in this township sixty days, and in this precinct thirty days, at.....; that he is now a bona fide resident of this precinct and a legal voter therein. These facts I know of my own personal knowledge.

I do solemnly swear (or affirm, as the case may be) that I am a qualified voter in this precinct; that I have been a freeholder and resident householder in this precinct for one year, or a resident householder for two years next preceding this election; that....., who now desires to vote, has resided in this state for six months immediately preceding this election; that he has resided in this township sixty days, and in this precinct thirty days, at.....; that he is now a bona fide resident of this precinct and a legal voter therein. These facts I know of my own personal knowledge.

(R. S. 1908 and 1914, §6923; R. S. 1901, §6237.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

161. Arrest of Illegal Voter.

42. If at any time during the election any qualified elector shall make affidavit before the inspector that any person who has voted is an illegal voter in such precinct, the person accused shall at once be arrested by the election sheriffs and by them delivered to the civil authorities. Immediately after the close of the election the inspector shall deliver such affidavits to some justice of the peace in the township, who shall proceed thereon as if the affidavit had been made before him. (R. S. 1908 and 1914, §6924; R. S. 1901, §6238; R. S. 1897, §6537; R. S. 1894, §6238; E. S., §1364.)

162. Perjury, False Affidavit.

43. Whoever shall knowingly or wilfully make a false affidavit under any of the provisions of this act, shall be deemed guilty of perjury. (R. S. 1908 and 1914, §6925; R. S. 1901, §6239; R. S. 1897, §6538; R. S. 1894, §6239; E. S., §1365.)

[1891, p. 124. Approved March 6, 1891. In force June 3, 1891.]

163. Election Holidays—Preventing Employes Voting.

44. No person entitled to vote at any general, national, state or county election shall be employed upon the day on which such election shall be held in any manufacturing, mining, mechanical or mercantile establishment or any railroad corporation in this state during the period of four hours after the opening of any election in the county in which such person is entitled to vote, except as to works of necessity, in which works of necessity every employe shall be given some period of four hours between the opening and closing of the polls on said day; and any circuit court may enforce the provisions of this section in term time or in vacation by mandate, or otherwise, upon the application of any voter: Provided, however, that in any such establishment or corporation the employer or employes may agree on any four hours between the opening and closing of the polls that will be most convenient. Every officer of any corporation, owner, superintendent, overseer or foreman, who employs or permits to be employed any person in violation of this section, shall be guilty of a misdemeanor, and fined not less than fifty nor more than five hundred dollars. (R. S. 1908 and 1914, §6926; R. S. 1901, §6240; R. S. 1897, §6539; R. S. 1894, §6240.)

[1897, p. 49. Approved February 23, 1897. In force April 14, 1897.]

164. Manner of Voting.

3. When a voter shall have been passed by the challengers or shall have been sworn in, he shall be admitted to the election room: Provided, however, that not more than three voters shall be allowed in the room at one time. On entering the room the voter shall announce his name to the poll clerks, who shall register it. The clerk holding the ballots shall deliver to him one state and one local ballot, and the other clerk shall thereupon deliver to him a blue pencil, and both poll clerks, on request, shall give explanation of the manner of voting. If deemed necessary by any member of the board an interpreter may be called. The voter shall

then, and without leaving the room, go alone into any one of the booths which may be unoccupied and indicate the candidates for whom he desires to vote by making a cross, thus X on the square immediately preceding their names, and indicate his preference on any question of constitutional amendments, or other special matter by a similar mark in front of the words "yes" or "no" under such questions: Provided, however, that if he shall desire to vote for all the candidates of one party or group of petitioners he may mark in the large circle enclosing the device and preceding the title under which the candidates of such party or group of petitioners are printed, and the vote shall then be counted for all the candidates under that title. If the voter marks on the large circle enclosing the device he shall not mark elsewhere on the ballot, unless there be no candidate for some office in the list printed under such device, in which case he may indicate his choice for such office by marking the square to the left of the name of any candidate for such office on any other list. A mark on the ballot in violation of this provision shall be treated as a distinguishing mark. If a pencil mark touches a circle or a square it shall be counted on such circle or square, but a mark that touches no circle or square shall be treated as a distinguishing mark. Before leaving the booth or compartment the voter shall fold his ballots separately so that no part of the faces thereof shall be exposed, and so that the initials of the poll clerks shall be exposed, and on leaving the booth or compartment shall return the pencil to the poll clerk and deliver the ballots to the inspector, or to the judge who may temporarily be authorized to act for him who shall forthwith, in the presence of the voter and of the election board, deposit the same in the respective boxes, the state ballot in the red ballot box, and the local ballot in the white ballot box; and the ballot clerks shall write the words "voted" after the name of the voter on the poll lists: Provided, however, that if an elector shall show his ballot or any part thereof to any other person, after the same shall have been marked, so as to disclose any of the candidates voted for, such ballot shall not be deposited in the ballot box. A minute of such occurrence shall be made on the poll list and such person shall not be allowed to vote thereafter. If a voter shall offer to vote a ballot so folded as not to disclose the initials of the poll clerks, and also not disclosing the face of the ballot, the election board shall direct him to return to the booth and fold his ballot properly. After voting the voter shall leave the room, but no voter to whom a ballot and pencil, or either, have been delivered shall be permitted to leave the room without voting the ballots or returning them to the poll clerk, or without returning the pencil to the poll clerk from whom he received it. It shall be unlawful for any voter to attempt to leave the room with a ballot or the pencil used in marking ballots in his possession. And any voter who shall attempt to leave the room with a ballot or such pencil in his possession shall be at once arrested on demand of any member of the election board. (R. S. 1908 and 1914, §6927; R. S. 1901, §6241; R. S. 1897, §6540.)

165. Voting by Ballots and Machines.

3. If in the judgment of the county board of election commissioners the number of voters in any precinct in such county where a

machine is used for voting, is so large, that the voting machine in use in such precinct will not be sufficient to register the vote of all the voters in such precinct, such board is hereby authorized to use in such precinct, at the same polling place therein a voting machine or machines, and also printed ballots, and in such case the voting in such place shall be by voting machine and by printed ballot. The voting by ballot shall be under the Australian ballot system and subject to all the restrictions and regulations prescribed by law therefor. In any such precinct the voting therein shall be under the charge and control of the election board and officials thereof. If at the general election held in 1920 there shall be two classes of voters, one class having the full elective franchise and the other only a partial franchise, then the class having full elective franchise shall vote by machine, and the other class vote by printed ballot. It shall be the duty of said board of election commissioners to furnish to such precinct the necessary ballots and other paraphernalia necessary for voting by ballot. Said board of election commissioners shall when it determines to provide for voting by ballot in such precincts, notify the governor of the state of such fact, and of the estimated number of state ballots that will be required in such precinct. (R. S. 1921, Sec. 6881c.)

[1891, p. 130. Approved March 6, 1891. In force June 3, 1891.]

166. "Paster Ballots."

46. In addition to the state and local ballot which the clerk is to deliver to the voter in the election room under the provisions of section 45 of the acts of which this act is an amendment, the voter may take with him into the booth a printed ballot or ballots of his own selection or preparation to be known as a paster ballot or ballots, and designed to be pasted upon either state or local ballot, or upon each of them. If such paster ballot is designed to be pasted upon the state ballot, it shall be in the nature of a complete ticket and shall contain a complete list of all offices to be filled at the election where used by the vote of the electors of the whole state, and shall contain the name of one person for each and every one of such offices. If such paster ballot is designed to be pasted upon the local ballot it shall be in the nature of a complete ticket, and contain a complete list of all offices to be filled at such election for the filling of which the electors of the county where used are entitled to vote other than offices which are filled by the vote of the electors of the whole state, and it shall also contain the name of one person for each and every one of such offices in such list. The said paster ballots shall be in the form indicated as follows:

For Governor,
COURTLAND C. MATSON.

For Lieutenant-Governor,
WILLIAM R. MYERS.

They shall be printed in plain black ink upon white paper. The paper shall not be more than two inches in width, and of sufficient length to contain the complete list of offices and names as above specified. The names of the persons upon said list, as well as of the offices, shall be

printed one below another in the manner above indicated. The distance from the center of the name of any person in such list to the center of the name of the person immediately below in such list shall be three-fourths of an inch, in order that the names in such list when pasted upon the state or local ballot will conform to the squares thereon. Such pasters shall contain no heading, no printing save as above indicated, no writing, no blank nor any distinguishing marks of any kind whatever. Such paster ballot may be gummed upon the back and pasted upon the state or local ballot accordingly as it is designed in such manner as that the squares upon the state or local ballot to the left of any list of names printed thereon will come immediately to the left of, and opposite respectively the names upon such paster ballot and in such manner as that the state or local ballot will not show when folded that it contains a paster. The voter may then indicate his choice for any office by stamping [marking] the square upon the state or local ballot immediately to the left of the name printed upon such paster ballot when pasted. He shall in no other manner attempt to indicate his choice. Any stamps [marks] upon the state or local ballot elsewhere shall be deemed a distinguishing mark and render the ballot void. If the ballot contains no distinguishing mark, the election board shall deem and count as the voter's choice the names of the persons upon such paster ballot having the square immediately to the left stamped [marked], and they shall count none other. It shall be unlawful for any person to use the paster ballot provided for in this section unless he desires to vote for one or more persons for one or more offices respectively to be filled at such election, the names of which person or persons are not printed upon the state or local ballot, as the case may be, as a candidate or candidates for such office or offices respectively. And any paster which contains the names of persons only for the respective offices whose names are printed upon the state or local ballots as candidates for the same offices respectively shall be void and the ticket containing the name shall not be counted. The voter who attempts to use a paster ballot under the provisions of this section must prepare or select a paster ballot containing a complete list of names for every office for whom he desires to vote and must vote for names contained upon the paster and none other. If a state or local ballot contains a paster placed thereon by the voter, as provided for in this section, any stamp [mark] upon such state or local ballot other than are on the squares at the left of the paster ballot shall be deemed a distinguishing mark and render the whole ticket void. Every violation of the provisions of this section by a voter shall be deemed to be an attempt to distinguish his ballot and shall render the same entirely void. (R. S. 1908 and 1914, §6928; R. S. 1901, §6242; R. S. 1897, §6541; R. S. 1894, §6242.)

167. Number of Persons in Booths—Spoiling Ballots.

47. Not more than one person shall be permitted to occupy any booth at one time, and no person shall remain in or occupy a booth longer than may be necessary to prepare his ballot and in no event longer than five minutes. Not more than three persons other than the election officers shall be permitted to enter or be in the election room at any one

time, and no voter or person offering to vote shall hold any conversation or communication with any other person than a member of the election board while in the election room. Any person who shall by accident or mistake spoil, deface or mutilate his ballot may, on returning the same to the poll clerks and satisfying them that such spoiling, defacing or mutilation was not intentional, receive another in place thereof, and such clerks shall make a minute of the fact on the poll list at the time, and the mutilated ballot shall then be destroyed by the elector in the presence of the board. (R. S. 1908 and 1914, §6929, R. S. 1901, §6243; R. S. 1897, §6542; R. S. 1894, §6243.)

[1891, p. 132. Approved March 6, 1891. In force June 3, 1891.]

168. Illiterate Voters.

48. Any elector who declares that by reason of physical disability or inability to read the English language, he is unable to mark his ballot, may declare his choice of candidates to the poll clerks, who, in the presence of the elector and in the presence of each other, shall prepare the ballots for voting in the manner hereinbefore provided, and on request shall read over to such elector the names of the candidates as marked. Any one making a false declaration under the provisions of this section shall, upon conviction, be fined in any sum not exceeding five dollars and be disfranchised for a period of five years, and any poll clerk or poll clerks who shall deceive any elector in selecting or marking his ballot, or mark the same in any other way than as requested by said elector, shall be imprisoned in the penitentiary for not less than two nor more than five years, and be disfranchised for any determinate period not less than five years: Provided, That before the poll clerk shall so prepare the ballot of said elector, the said elector shall, in the presence of the board, make affidavit in writing that he is unable to read the English language, or that by reason of physical disability, setting out the particulars in which said physical disability exists, he is unable to mark his ballot. (R. S. 1908 and 1914, §6930; R. S. 1901, §6244.)

169. Time Limit for Voting.

Sec. 8. Where at any election voting is by machine, no voter shall remain within the voting booth or compartment longer than one minute; and where voting is by printed ballot, no voter shall remain within the voting booth or compartment longer than three minutes. If any voter shall refuse to leave such booth or compartment after the lapse of such time, he shall at once be removed therefrom by the election board, or by the election sheriff or sheriffs upon order of the board. (R. S. 1921, Sec. 6881h.)

[1891, p. 133. Approved March 6, 1891. In force June 3, 1891.]

170. Distinguishing Marks—Penalty.

49. No inspector of elections, or judge acting for an inspector, shall deposit any ballot upon which the initials of the poll clerks, as hereinbefore provided for, does not appear, or any ballot on which appears externally any distinguishing mark, defacement or mutilation. If

any inspector, judge, poll clerk or other person entrusted with the custody and control of any ballot or ballots, either before or after they have been voted, shall in any way mark, mutilate, or deface any ballot or place any distinguishing mark thereon, either for the purpose of identifying the same (except by numbering protested ballots for future reference) or for the purpose of vitiating the same, he shall be guilty of a felony, and on conviction shall be imprisoned in the state's prison not more than ten nor less than five years and fined in any sum not exceeding two thousand dollars. (R. S. 1908 and 1914, §6931; R. S. 1901, §6245; R. S. 1897, §6544; R. S. 1894, §6245.)

[1889, p. 124. Approved March 6, 1889. In force May 10, 1889.]

171. Taking Ballots from Election Room—Penalty.

50. Any person who shall remove or attempt to remove a ballot or stamp [pencil] from the election room, or having in his possession outside the election room, any ballot or stamp [pencil] either genuine or counterfeit, during the election, shall be guilty of felony, and on conviction shall be imprisoned in the penitentiary not less than two nor more than five years, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6932; R. S. 1901, §6246; R. S. 1897, §6545; R. S. 1894, §6246; E. S., §1372.)

172. Counting and Destroying Ballots.

51. Immediately on closing the polls, the board shall count all the ballots remaining unvoted, record the number of the same on the tally sheets, and destroy all of such ballots by totally consuming by fire. (R. S. 1914, Sec. 6933.)

[Acts 1909, p. 162. S. 49, approved March 5, 1909.]

173. Elections—Canvass and Count—Ballots Preserved.

The election boards shall, in canvassing the votes, begin first with the state ballots and complete them before proceeding with the local ballot, by laying each ballot upon the table in the order [in] which it is taken from the ballot box, and the inspector and the judge of election differing in politics from the inspector shall view the ballots as the names of the persons voted for are read therefrom. And in the canvass of the votes any member of the election board may protest as to the counting of any ballot, or any part thereof, and any ballot which is not indorsed with the initial of the poll clerks, as provided by law, and any ballot which shall bear any distinguishing mark or mutilation shall be void, and shall not be counted, and any ballot, or part of a ballot, from which it is impossible to determine the elector's choice of candidates, shall not be counted as to the candidate, or candidates, affected thereby; and all ballots, voted or not voted, together with all protested, disputed or uncounted ballots, shall be preserved by the inspector and at the close of the count placed in separate packages, together with the seals of the ballot packages, in paper bags securely sealed and delivered to the clerk of the circuit court with notification to him of the number of ballots so placed in such bags, and of the condition of the seals of the

ballot packages. The poll clerk shall also record on the tally sheets memoranda of such ballots and the condition of the seal of the ballot packages, and in any contest of election such ballots and seals may be submitted in evidence. And before said ballots are placed in the bag as aforesaid, one of the poll clerks shall indorse upon the back of each disputed or protested ballot the word "counted" or "not counted," as the case may be, and said indorsement shall be signed officially by both of said poll clerks. The election board shall immediately make a memoranda of the total votes cast for each candidate and deliver a copy thereof to each member of such board. No person, other than the members of the election board, poll clerks, election sheriffs, and the duly authorized watchers representing the various political parties, shall be permitted in the room during the election, or during the canvass of the votes, except for the purpose of voting. Each of the four political parties having cast the largest vote at the election last preceding, and having a place on the official ballot shall be entitled to one watcher at each precinct, who shall be permitted to be present during the canvass of the votes. Each watcher shall be required to present to the election board credentials signed by the township or county chairman of the party which said watcher represents, showing him to be the duly authorized watcher for that party. (R. S. 1914, Sec. 6934.)

[1889, p. 124. Approved March 6, 1889. In force May 10, 1889.]

174. Elections—Ballots Preserved.

1. That as soon as the ballot cast in any primary or general election held in this state, shall have been counted, they, together with all uncast ballots, shall, in the presence of the judges and clerks, be carefully and securely placed by the inspector in a strong and stout paper envelope or bag, which shall then be tightly closed and well sealed with wax by the inspector, and shall be delivered by such inspector to the clerk of the circuit court of the county at the very earliest possible period before or on the Thursday next succeeding said election, and the inspector shall securely keep said envelope containing the ballots and papers therein and permit no one to open said envelope or touch or tamper with said ballots or papers therein. And upon the delivery of such envelope to the clerk, the inspector shall take and subscribe an oath, before said clerk, that he has securely kept said envelope and the ballots and papers therein, and that, after said envelope had been closed and sealed by him in the presence of the judges and clerks, he had not suffered or permitted any person to break the seal or open said envelope, or touch, or tamper with said ballots or papers, and that no person has broken such seal or opened said envelope to his knowledge; which oath shall be filed in said clerk's office with the other election papers. The clerk of the circuit court of the county shall preserve such ballots for at least six (6) months from the date of receiving them, during which time they shall be subject only to the demand of the judge of any circuit or superior court of the state in connection with any litigation arising from the primary or general election at which they were cast, and at the end of six (6) months, he shall destroy them. Any election in-

pector or clerk of the circuit court failing to comply with the provisions of this section shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of one hundred dollars (\$100.00) to one thousand dollars (\$1,000.00) or by imprisonment in the state penitentiary for not less than one (1) year or by both such fine and imprisonment. (Acts 1915 p. 590, Sec. 6955a, Burns R. S. 1918.)

175. Pencils Destroyed—Penalty.

2. Before the ballots cast or uncast in any primary or general election in this state shall have been counted, all the pencils used in marking the ballots used in such primary or general election, shall be destroyed. Any election inspector, poll clerk or judge using or having in his possession any such pencil after the polls are closed and during the counting of said cast and uncast ballots shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of ten dollars (\$10.00) to twenty-five dollars (\$25.00) or by imprisonment in the county jail for at least thirty (30) days, or by both such fine and imprisonment. (Sec. 6955b, Burns R. S. 1918.)

[Acts 1915, p. 590. Approved March 10, 1915.]

176. Penalties for Violating Election Law.

53. Any person who shall (1) falsely mark or fraudulently deface or fraudulently destroy any certificate or petition of nomination, or any part thereof; (2) file any certificate or petition of nomination, knowing the same, or any part thereof, to be falsely made; or (3) suppress any petition or certificate of nomination which has been duly filed, or any part thereof; or (4) forge or falsely make the official indorsement of any ballot; or (5) print or cause to be printed, any imitation ballot, or circulate the same; or (6) conspire with others to do any of said acts, or induce, or attempt to induce, any other person to do any or [of] said acts, whether or not said acts, or any of them, be committed or attempted to be committed, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state penitentiary not less than two nor more than five years, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6935; R. S. 1901, §6249; R. S. 1897, §6548; R. S. 1914, §6249; E. S., §1375.)

177. Penalty for Clerk, Inspector or Messenger.

54. Any clerk, inspector or other messenger entrusted with the custody of the ballots who shall open any of the packages in which the ballots are contained, or permit any of them to be opened, or destroyed; or give or deliver any such packages or ballots to any person not lawfully entitled to receive them, as herein provided; or conspire to procure, or in any way aid, abet or connive at any robbery, loss or destruction of any such ballots or packages, shall be guilty of a felony, and on conviction shall be punished by imprisonment in the state prison for not less than three nor more than ten years, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6936; R. S. 1901, §6250; R. S. 1897, §6549; R. S. 1894, §6250; E. S., §1376.)

178. Entering Election Room—Remaining Close to Polls.

55. If any person not herein authorized so to do shall enter or attempt to enter the election room, or enter or attempt to enter within the railing leading from the challenge window to the entrance of the election room without first having been passed by the challengers, or having been sworn in as hereinbefore provided, or shall remain within fifty feet of the polling place, contrary to the provisions hereinbefore made, he shall be guilty of a misdemeanor, and on conviction thereof be fined not more than five hundred dollars. (R. S. 1908 and 1914, §6937; R. S. 1901, §6251; R. S. 1897, §6550; R. S. 1894, §6251; E. S., §1377.)

179. Inducing Voter to Put Mark on His Ballot.

56. If any person shall induce or attempt to induce any elector to write, paste or otherwise place on his ballot the name of any person or any sign or device of any kind as a distinguishing mark by which to indicate to any other person how such elector has voted, or shall enter into or attempt to form any agreement of conspiracy with any other person to induce or attempt to induce electors, or any elector, to so place any distinguishing name or mark on his ballot, whether or not said act be committed or attempted to be committed, such person so offending shall be guilty of felony, and, on conviction, be imprisoned not more than five nor less than two years in the state's prison. (R. S. 1908 and 1914, §6938; R. S. 1901, §6252; R. S. 1897, §6551; R. S. 1894, §6252; E. S., §1378.)

180. Revealing How Elector Voted.

57. If any person, being a member of an election board or otherwise entitled to [the] inspection of the ballots, shall reveal to any other person how an elector has voted, or what other candidates were voted for on any ballot bearing a name not printed thereon by the board of election commissioners, or give any information concerning the appearance of any ballot voted, such person so offending shall be guilty of a felony, and, on conviction, shall be imprisoned not less than two years nor more than five years in the state's prison, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6939; R. S. 1901, §6253; R. S. 1897, §6552; R. S. 1894, §6253; E. S., §1379.)

181. Inducing Member of Board to Violate This Act.

58. If any person shall induce, or attempt to induce, any member of an election board to violate any of the provisions of section 47 [57], whether or not such member of the election board shall violate or attempt to violate any of the provisions of this act, such person so offending shall be guilty of a felony and on conviction, shall be imprisoned in the state's prison not less than two years nor more than five years, and be disfranchised for any determinate period not less than ten years. It shall be the duty of each inspector to distinctly read this and the preceding section to the election board at the opening of the polls, and each member thereof shall thereupon take an oath that he has not violated and will not violate the provisions of said section. (R.

S. 1908 and 1914, §6940; R. S. 1901, §6254; R. S. 1897, §6553; R. S. 1894, §6254; E. S. §1380.)

182. Removing or Destroying Election Supplies.

59. Any person who shall, during the election, remove or destroy any of the supplies or other conveniences placed in the booths as aforesaid or delivered to the voter for the purpose of enabling the voter to prepare his ballot, or shall, during an election, remove, tear down or deface the cards printed for the instruction of the voters, or shall, during an election, destroy or remove any booth, railing or other convenience provided for such election, or shall induce or attempt to induce any person to commit any of such acts, whether or not any of such acts are committed or attempted to be committed, shall be guilty of a misdemeanor, and on conviction shall be punished by imprisonment for not less than six months nor more than one year and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6941; R. S. 1901, §6255; R. S. 1897, §6554; R. S. 1894, §6255; E. S., §1381.)

183. Electioneering—Revealing Vote.

60. No officer of election shall disclose to any person the name of any candidate for whom any elector has voted. No officer of election shall do any electioneering on election day. No person whatever shall do any electioneering on election day within any polling place, or within fifty feet of any polling place. No person shall apply for or receive any ballot in any polling place other than that in which he is entitled to vote. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof or the name of any candidate or candidates for whom he has marked his vote; nor shall any person examine a ballot which any person has presented for voting or solicit the elector to show the same. No person except the inspector of election, or judge who may be temporarily acting for him, shall receive from any voter a ballot prepared by him for voting. No voter shall receive a ballot from any person other than one of the poll clerks; nor shall any person other than a poll clerk deliver a ballot to an inspector to be voted. No voter shall deliver any ballot to an inspector to be voted, except the one he receives from the poll clerk. No voter shall place any mark upon his ballot or suffer or permit any other person to do so, by which it may be afterward identified as the one voted by him. Whoever shall violate any provision of this section shall be deemed guilty of a felony, and, on conviction, shall be punished by imprisonment for not less than six months nor more than one year, and by fine of not less than one hundred dollars nor more than five hundred dollars, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6942; R. S. 1901, §6256; R. S. 1897, §6555; R. S. 1894, §6256; E. S., §1382.)

184. Officer Violating His Duty.

61. Any public officer, upon whom any duty is imposed by this act, who shall wilfully neglect or omit to perform such duties or do any act prohibited herein, for which punishment is not otherwise herein pro-

vided, shall be deemed guilty of a felony, and, on conviction, shall be punished by imprisonment in the state's prison for not less than six months nor more than three years, or by a fine of not more than three hundred dollars, or by both such fine and imprisonment, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6943; R. S. 1901, §6257; R. S. 1897, §6556; R. S. 1894, §6257; E. S., §1383.)

185. Constitutional Amendments.

62. Whenever any constitutional amendment or other question is required by law to be submitted to popular vote, if all the electors of the state are entitled to vote on such question, the state board of election commissioners shall cause a brief statement of the same to be printed on the state ballots, and the words "yes" and "no" under the same, so that the elector may indicate his preference by stamping [marking] at the place designated in front of either word. If the question is required by law to be voted on by the electors of any district or division of the state the board or boards of of election commissioners of any county or counties, including or included in such division or district, shall cause similar provision to be made on the local ballots. In case any elector shall not indicate his preference by stamping [marking] in front of either word the ballot as to such question shall be void and shall not be counted. (R. S. 1908 and 1914, §6944; R. S. 1901, §6258; R. S. 1897, §6557; R. S. 1894, §6258; E. S., §1384.)

[Acts 1911, p. 534. Approved March 6, 1911. In force April 21, 1911.]

186. Constitutional Amendments—Political Party Action.

1. That whenever any constitutional amendment is to be submitted to a vote of the people, the state convention of any political party assembled for the purpose of nominating candidates for state offices of such political party, having at the last preceding general election polled at least one per cent of the entire vote cast in the state, may take action in favor of or against the adoption of such constitutional amendment to be submitted at the next succeeding general election, and shall certify such action to the secretary of state in the manner provided for certifying nominations of state officers, whereupon said action upon such constitutional amendment shall be printed upon the regular ballot at said election as a part of the party ticket of such political party in the manner hereinafter provided. If more than one proposed amendment to the constitution is submitted at the same time, such political convention shall have the right to declare in favor of or against any or all of them. (R. S. 1914, Sec. 6944a.)

187. Ballots—Form.

2. Such constitutional amendment or amendments shall be stated on such ballots in words sufficient to clearly designate the same, and such statement or statements shall be printed in a separate column on the official ballot. On the lines below such statement shall be printed the word "yes," and on the next line below shall be printed the word "no." Said statement shall also be placed on the official ballot immediately

below the names of the candidates for state offices on the regular ticket of any party or parties certifying action thereon as provided in section 1 of this act, followed by the word "yes" or the word "no," according as affirmative or negative action shall have been certified thereon by said party or parties, and said statement of said amendment or amendments with the action taken thereon by said party, shall thereupon become a part of said party ticket. (R. S. 1914, Sec. 6944b.)

188. Marking of Ballot.

3. The elector shall observe the following rules in marking his ballot:

(a) He may make a cross-mark (X) in the blank space to the left of and before the answer he desires to give to the submission of any constitutional amendment in the separate column devoted to said amendments, in which event if said voter should vote a straight party ticket upon which such constitutional amendment or amendments are placed such vote upon the question of such constitutional amendment or amendments shall be counted as indicated in the separate column containing such constitutional amendment or amendments; or if he votes a mixed ticket he may make a cross-mark (X) in the blank space to the left of and before the statement and answer thereto of any constitutional amendment as the same may be printed and certified on the ticket of any political party; whereupon such mark shall cast his ballot for the answer opposite which it is made.

(b) The voter if he desires to vote a straight party ticket [may] make a cross-mark (X) in the blank circular space at the head of any ticket upon which is printed the statement of any constitutional amendment or question, and the certified answer thereto, which mark shall cast his ballot for the certified answer to the submission of each and every constitutional amendment so printed on said party ticket unless he shall have specifically marked any of said constitutional amendment otherwise elsewhere on the ballot in the manner heretofore stated.

Any mark on a ballot made as prescribed in this section shall not be deemed a distinguishing mark. (R. S. 1914, Sec. 6944c.)

189. Election Laws Applied.

4. Except as provided herein of the provisions of section 62 of an act entitled "an act concerning elections, providing penalties for violation of same," approved March 6, 1889, the same being section 6258 of Burns' revised statutes of 1901, shall apply to the election herein provided for and all the provisions of state law or laws relating to the marking and counting of ballots for candidates not inconsistent herewith shall apply to the marking and counting of votes upon any constitutional amendment in any election held under the provisions of this act. (R. S. 1914, Sec. 6944d.)

190. Voting Machines.

5. In all precincts wherein voting machines are employed the statement or statements mentioned in section 2 of this act shall be so placed upon such voting machine and if such political convention or conventions

shall take the action prescribed in section 1 of this act all such voting machines shall be so arranged as that the voter may cast his ballot for or against any proposed amendment or amendments as a part of the straight party ticket as may be certified by such political convention, and such statement or statements and voting machines shall also be so arranged as that the voter may vote for or against any amendment separately and not as a part of a straight party ticket. (R. S. 1914, Sec. 6944e.)

191. Preservation of Affidavits.

63. All affidavits provided in this act to be used on the day of election at the several polling places shall, at the close of the count, be placed in a strong paper bag, or envelope, by the election board and securely sealed by them, each member indorsing his name on the back of such bag or envelope. Such bag or envelope shall be delivered within three days after the election, by the inspector, to the clerk of the circuit court of the county, whose duty it shall be to carefully preserve the same, and deliver it, with the seal unbroken, to the foreman of the grand jury when next in session. It shall be the duty of such grand jury to inquire into the truth or falsity of such affidavits. (R. S. 1908 and 1914, §6945; R. S. 1901, §6259; R. S. 1897, §6558; R. S. 1894, §6259; E. S., §1385.)

192. Township and County Elections.

64. When any township or county holds an election at a time other than the time of a general election, such election shall be held in conformity with the provisions of this act, and all county and local officers who are required to perform any duties in connection with the general election shall perform the same duties in connection with such special or local election, subject to the same provisions and penalties herein prescribed in case of general elections. (R. S. 1908 and 1914, §6946; R. S. 1901, §6260; R. S. 1897, §6559; R. S. 1894, §6260; E. S., §1386.)

[1891, p. 134. Approved March 6, 1891. In force June 3, 1891.]

193. City and Town Elections.

65. Where any town or city shall hold an election at any time other than a time of general election, such election shall be held in conformity with the provisions of this act, except the duties herein required of the county clerk shall be performed by the Town or City Clerk; the duties herein required by the board of county commissioners shall be performed by the town trustees or city council; the duties of the county sheriff shall be performed by the town marshal or chief of police, and the rights of nomination of election officers by political parties shall be exercised by the chairman of the town or city committees of such parties, if any such there be. Town and city officers are hereby required to perform the various duties herein prescribed by the county officers in whose stead they act, subject to the same penalties and provisions herein prescribed as to such county officers. The town and city boards of election commissioners shall provide the necessary [pencils] stamps and ink pads for such elections, and shall cause as many classes of ballots to be printed as there are wards or districts entitled to separate officers, ballots of

each class having printed uniformly on the back of the same the name or number of the ward or district in which it is to be used and containing the names of all lawfully nominated candidates for all officers that the voters of such ward or district are entitled to vote for at such election. The commissioners of county and trustees of townships in which such towns or cities are situated shall furnish what is necessary for use in such elections of the election furniture in their custody: Provided, That such town or city shall pay the expense of moving such furniture to and from the polling places, and also for any damage to or loss of such furniture. The boards of town or city election commissioners shall perform all the duties in providing and preparing polling places that are required of county commissioners in county elections, subject to the same provisions and penalties. (R. S. 1908 and 1914, §6947; R. S. 1901, §6261; R. S. 1897, §6560; R. S. 1894, §6261.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

194. Holidays.

66. All election days shall be legal holidays throughout the district or municipality in which the election is held. (R. S. 1908 and 1914, §6948; R. S. 1901, §6262; R. S. 1897, §6561; R. S. 1894, §6262; E. S., §1388.)

195. Laws Repealed.

67. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed, pro tanto: Provided, however, That nothing in this act contained shall impair the effect of any such act as to any offense heretofore committed under existing laws: And, provided further, That the provisions of this act shall not apply to any election to be held prior to the first Monday in June, 1890, and all elections to be held prior to said date of the first Monday in June, 1890, shall be held and conducted under the provisions of the law now in force, and all elections to be held after the first Monday in June, 1890, shall be provided for and held under the provisions of this act. (R. S. 1908 and 1914, §6949; R. S. 1901, §6263; R. S. 1897, §6562; R. S. 1894, §6263; E. S., §1389.)

[1881, S., p. 428. Approved April 21, 1881. In force September 19, 1881.]

196. Duty of Board.

29. No inspector, clerk or judge of any election shall vote after commencing to count the votes, nor publish any statement of the result of the counting until such election is closed. (R. S. 1908 and 1914, §6950; R. S. 1901, §6264; R. S. 1897, §6563; R. S. 1894, §6264; R. S. 1881, §4707.)

197. Adjournments Forbidden.

30. After the opening of the polls at any election in this state no adjournment shall be had nor any recess taken until all the votes cast at such election shall have been counted, and the result publicly announced. (R. S. 1908 and 1914, §6951; R. S. 1901, §6565; R. S. 1897, §6564; R. S. 1894, §6265; R. S. 1881, §4708.)

198. Meals for Election Officers.

31. It shall be the duty of the township trustees, in their respective townships, to cause the members of the election board in each township or precinct to be furnished with good, plain and substantial meals, at the regular hours for meals, during the election day and until the count is finished, but no spirituous, vinous, or fermented liquors shall be furnished. Such trustees shall be allowed, and paid, by the county board, the actual cost of such meals, in their next regular account. (R. S. 1908 and 1914, §6952; R. S. 1901, §6266; R. S. 1897, §6565; R. S. 1894, §6266; R. S. 1881, §4709.)

199. Certificate of Judges.

34. When the vote shall be counted, the board of judges shall make out a certificate, under their hands, stating the number of votes each person has received, and designating the office; which number shall be written in words; and such certificate, together with one of the lists of voters and one of the tally papers, shall be deposited with the inspector, or with one of the judges selected by the board of judges. (R. S. 1908 and 1914, §6953; R. S. 1901, §6267; R. S. 1897, §6566; R. S. 1894, §6267; R. S. 1881, §4712.)

200. Care of Ballots and Papers.

35. As soon as the votes are counted, and before the certificate of the judges, as prescribed in the foregoing section, is made out, the ballots, with one of the lists of voters and one of the tally papers, shall, in the presence of the judges and clerks, be carefully and securely placed by the inspector, in the presence of the judges, in a strong and stout paper envelope or bag, which shall then be tightly closed and well sealed with wax by the inspector, and shall be delivered by such inspector to the county clerk at the very earliest possible period before or on the Thursday next succeeding said election; and the inspector shall securely keep said envelope containing the ballots and papers therein, and permit no one to open said envelope or touch or tamper with said ballots or papers therein. And upon the delivery of such envelope to the clerk, the inspector shall take and subscribe an oath, before said clerk, that he has securely kept said envelope and the ballots and papers therein, and that, after said envelope had been closed and sealed by him in the presence of the judges and clerks, he had not suffered or permitted any person to break the seal or open said envelope, or touch or tamper with said ballots or papers, and that no person has broken such seal or opened said envelope to his knowledge; which oath shall be filed in said clerk's office with the other election papers. (R. S. 1908 and 1914, §6268; R. S. 1897, §6567; R. S. 1894, §6268; R. S. 1881, §4713.)

Note.—So much as relates to the preservation of the ballots (R. S. 1901, §6248) and as to when the tally papers, etc., shall be returned (R. S. 1905, §6275d) has been repealed. (R. S. 1908, §§6934, 6965; ante, §83, post §104.)

201. Sealed Receptacle for Voted Ballots.

12. It shall be the duty of each inspector of elections as soon as the certificates required by law to be signed by the precinct election

boards have been signed, to deliver the same with one of the lists of voters, and one of the tally papers containing the vote of the precinct for all national, state, district and county officers voted for and with the bags required by law to be returned by said inspector, to the clerk of the circuit court at the place of meeting of said board of canvassers, for the use of the board of canvassers, and in the city elections to the city clerk, and said clerk shall be in attendance for such purpose. The board of county commissioners in each county shall provide said board of canvassers a proper receptacle or receptacles, in which to place said sealed bags. Said receptacle shall be supplied with two (2) locks having different keys with which said receptacle can be securely locked. Upon their receipt said sealed bags shall be placed in said receptacles and the same shall be securely locked, and one of said keys shall be delivered to said county clerk and the other to the member of said board of canvassers opposite in politics to said clerk. The list of voters and tally sheets used by said board of canvassers in canvassing said vote shall be deposited in the office of such clerk and shall be open to public inspection. Said receptacles when locked shall likewise be lodged in such clerk's office. Said receptacles shall not be opened, or their contents removed therefrom except upon the order of the circuit court of said county or the judge thereof in vacation. If, at the expiration of fourteen (14) months from the date of such election, no proceeding is pending in which such ballots have been ordered held by any courts for use as evidence said sealed bags shall be removed from said receptacles by the officials holding such keys and the same shall be destroyed. (R. S. 1921, Sec. 6881l.)

[Acts 1905, p. 189.]

202. Inspector—County and City Clerk—Duties.

10. It shall be the duty of each inspector of elections as soon as the certificates required by law to be signed by the precinct election boards have been signed, to deliver the same with one of the lists of voters and one of the tally papers containing the vote of the precinct for all state, district and county officers voted for and with the bags required by law to be returned by said inspector to the clerk of the circuit court at the court house for use of the board of canvassers, and in city elections to the city clerk, and that there may be no delay in the canvassing of the vote of any county or city it is declared to be the duty of the clerk to keep the clerk's office open all night upon the night of any election at which county or city officers are voted for. (R. S. 1908 and 1914, §6965; R. S. 1905, §6275d.)

203. Clerk's and Trustees' Duties.

36. The clerk shall securely keep said envelope, so sealed, with the ballots, and papers therein, in the same condition as it was received by him from the inspector, in his office (unless opened by said inspector, in the presence of the board of canvassers, as herein provided), for the period of six months. But when such election is contested, he shall preserve them so long as said contest is undetermined, subject to the order of the court trying such contest: Provided, That said inspector shall,

after sealing said envelopes containing such ballots and one of his poll books and tally papers, plainly mark said envelope upon the outside, in ink, with the name, number and township. And after each election the ballot box herein provided for shall be by said inspector, deposited with the township trustee of the township in which his precinct is situated, for safe keeping. And said officers of election shall, upon receiving the pay for their services as such from said township trustee, deliver to him the keys to the said ballot box in their custody. (R. S. 1908 and 1914, §6955; R. S. 1901, §6269; R. S. 1897, §6568; R. S. 1894, §6269; R. S. 1881, §4714.)

[Acts 1905, p. 189. Approved March 4, 1905.]

204. Board of Canvassers.

1. That in each county in the state the county board of election commissioners shall constitute a county board of canvassers, who shall canvass and estimate the certificates, poll lists and tally papers returned by each inspector of elections in the county, for which purpose the board shall assemble in the circuit court room in the court house, at six o'clock p. m., upon the day of each election; and that in each city in the state, the city board of election commissioners shall constitute a city board of canvassers, who shall canvass and estimate the certificates, poll lists and tally papers returned by each inspector of election at all city elections, for which purpose the board shall assemble in the council chamber of said city at six (6) o'clock p. m. upon the day of said election. (R. S. 1908 and 1914, §6956; R. S. 1905, §6270.)

205. Chairman—Clerk.

2. The members of such county board shall select one of their number as chairman, and the clerk of the circuit court shall act as clerk of the county board; and the members of such city board shall select one of their number as chairman, and the clerk of such city shall act as clerk of the said board. (R. S. 1908 and 1914, §6957; R. S. 1905, §6271.)

206. Clerical Assistants.

3. Each of such board of canvassers shall employ such clerical assistance as in its judgment may be deemed necessary for the proper canvassing and tabulating of the vote: Provided, That not more than one-half of the clerks employed upon such work of canvassing shall be members of the same political party; and such clerks shall be paid for their services a reasonable compensation to be fixed by said board of canvassers, not, however, to exceed the sum of fifty cents per hour to each clerk for the time actually employed upon such canvass, and the order of said county board upon the county treasurer for clerical services rendered said county board shall be sufficient authority to the county treasurer to pay to the holder of the same the amount therein fixed: Provided, there is money in the treasury for that purpose; if there be no funds to pay such order when presented the treasurer shall indorse thereon "Not paid for want of funds," and the day of such presentment over his signature, which shall entitle such order to draw thenceforth

legal interest; and the order of such city board upon the city treasurer for clerical services rendered such city board shall be sufficient authority for the city treasurer to pay to the holder of the same the amount therein fixed: Provided, There is money in the city treasury for that purpose, and if there be no funds to pay such order or orders when presented the treasurer shall indorse thereon "Not paid for want of funds," and the date of such presentment over his signature, which shall entitle such order to draw henceforth legal interest. The members of any such board shall receive for their services as board of canvassers such amount as may be fixed by the board of commissioners or common council, as the case may be. (R. S. 1908 and 1914, §6958; R. S. 1905, §6272.)

207. Pay of Clerks of County Board of Canvassers.

Sec. 13. The clerks employed as assistants by the county board of canvassers shall be paid for their services a reasonable compensation to be fixed by such board not, however, to exceed the sum of one dollar per hour to each clerk for the time actually employed upon such canvass. (R. S. 1921, Sec. 6881m.)

208. Board's Duties.

4. Such county or city board when organized shall carefully compare and examine the papers intrusted to it, and aggregate and tabulate from them the vote of the county, or the vote of the city, as the case may be, a statement of which shall be drawn up by the clerk which shall contain the names of the persons voted for, the office, the number of votes given in each precinct, ward or township in a county election, and in each ward and precinct in a city election to each person; the number of votes given to each in the county or city and also the aggregate number of votes given, which statement shall be signed by each member of such board, and canvass sheets together with such certificates, poll books and tally papers shall be delivered to the clerk, and by him filed in his office; and the same shall be preserved by him open to the inspection of any legal voter. (R. S. 1908 and 1914, §6959; R. S. 1905, §6273.)

209. Certificates.

5. Such county board shall declare the persons having the highest number of votes given for any office to be filled by the voters of a single county duly elected to such office, and certify the same in the statement above required; and such city board shall declare the persons having the highest number of votes given for any office to be filled by the voters at a city election, duly elected to such office, and certify the same in the statement above required. (R. S. 1908 and 1914, §6960; R. S. 1905, §6274.)

210. Tie Vote.

6. If two or more persons shall have the highest and equal number of votes for a single office to be filled by the voters of such county or city, such county or city board shall declare that no person is elected to fill such office, and shall certify the same in the statement above provided and when filed the clerk shall certify the fact to the tribunal whose

duty it is to supply vacancies in such office, or to issue writ of election to fill the same, as the case may require. (R. S. 1908 and 1914, §6961; R. S. 1905, §6275.)

211. Defective Papers—Duty of Board.

7. No tally papers, poll-books or certificates returned from any election by board of judges thereof shall be rejected for want of form, or for lack of being strictly in accordance with the direction contained in the election laws if the same can be satisfactorily understood, and such board of canvassers shall in no case reject the returns from any precinct if the same be certified by the board of election of that precinct as required by law, and returned by the inspector or one of the judges of said board. (R. S. 1908 and 1914, §6962; R. S. 1905, §6275a.)

212. Evidence—When Heard—Witness in Contempt.

8. County or city board of election commissioners and county or city boards of canvassers in matters concerning the sufficiency or validity of any nominating certificate or petition, may examine on oath any person touching any material matter connected with or bearing on the proper discharge of their duties. Any member of the board may administer such oath. Either of said boards is given full power to send for persons and papers, and compel the witnesses to answer under oath touching any questions which may properly come before said board. The sheriff of the county in county elections and city marshal or superintendent or chief of police in city elections shall serve all process, and obey all orders of such board, and shall, during the canvass, provide a deputy, who shall remain in attendance upon such board of canvassers, and shall be paid by the county or city for such services at the rate of two dollars for every eight hours of such attendance. In case of the refusal of any person subpoenaed to attend or testify such fact shall be reported forthwith by such board of election commissioners or said board of canvassers, to any circuit or other court of general jurisdiction of the county, or to a judge thereof, and such court or judge shall order such witnesses to attend and testify, and on failure or refusal to obey such order such witnesses shall be dealt with as for contempt. (R. S. 1908 and 1914, §6963; R. S. 1905, §6275b.)

213. Disputes—Decision by Circuit Judge.

9. In case of a disagreement between the members of county and city board of canvassers as to how the vote of any precinct shall be counted the matter in dispute shall be forthwith reported by said board to the judge of the circuit court in a brief written statement setting forth the grounds of disagreement, together with all papers concerning the matter, and such judge shall summarily determine said dispute, and direct how such vote shall be counted, and such determination shall be final as regards the action of said board of canvassers. (R. S. 1908 and 1914, §6964; R. S. 1905, §6275c.)

214. Certificate of Election.

43. Where any person is elected to an office by the voters of a county not to be commissioned by the governor, the clerk of the circuit court

shall, after ten days from the time the board of canvassers has made its returns, make out and deliver, on demand, to such person, a certificate of his election; and in case where any officer is to be commissioned by the governor, he shall make out a statement under his hand and the seal of his court, specifying the number of votes given to each person for each office, and who has been declared elected, and shall transmit the same, by mail, to the secretary of state within the time aforesaid. (R. S. 1908 and 1914, §6968; R. S. 1901, §6276; R. S. 1897, §6574; R. S. 1894, §6276; R. S. 1881, §4721.)

215. Defective Returns—Commissions.

44. No commission shall be withheld by the governor on account of any defect or informality in the return of any election to the office of secretary of state, if it can, with reasonable certainty, be ascertained from such return what office is intended and who is entitled to such commission. (R. S. 1908 and 1914, §6969; R. S. 1901, §6277; R. S. 1897, §6576; R. S. 1894, §6277; R. S. 1881, §4722.)

216. Certificates of Votes for Legislators.

45. When two or more counties compose a district to elect a senator or representative, the clerks of the circuit courts of such counties, on the day next succeeding the return day of such election, shall make out a certificate of votes received by each individual for senator or representative, and deliver the same to the sheriff. (R. S. 1908 and 1914, §6970; R. S. 1901, §6278; R. S. 1897, §6577; R. S. 1894, §6278; R. S. 1881, §4728.)

217. Certificates of Election of Legislators.

46. Such sheriffs shall meet on the Wednesday next following the return day of such election, between the hours of one and six of the afternoon at the courthouse of the oldest county in such district, where they shall compare the certificates delivered to them by the clerks, and shall jointly make out and transmit to the person having the highest number of votes for senator or representative a certificate of his election. The county first organized (or, if two or more were organized at the same session, then the county having, by the auditor of state's last report, the highest number of taxable polls) shall be deemed the oldest. (R. S. 1908 and 1914, §6971; R. S. 1901, §6279; R. S. 1897, §6578; R. S. 1894, §6279; R. S. 1881, §4724.)

218. Tie Votes for Legislators.

47. If in such case any two or more persons shall have the highest and an equal number of votes for the same office, such sheriffs shall certify the fact to the clerk of the circuit court of the county in which such sheriffs shall have compared such votes, and such clerk shall forthwith certify the same to the governor. (R. S. 1908 and 1914, §6972; R. S. 1901, §6280; R. S. 1897, §6579; R. S. 1894, §6280; R. S. 1881, §4725.)

219. Certificate to Secretary of State.

48. Clerks of the circuit court, on the day succeeding the return day of such election, shall make out in words, certified statements, officially

sealed, of the number of votes given to each person for governor and lieutenant-governor, for representative in congress, judges of the supreme and circuit courts, clerk of the supreme court, reporter of the decisions of the supreme court, prosecuting attorney, superintendent of public instruction, secretary, auditor and treasurer of state, and for senator and representative in the general assembly, and shall deliver the same to some postmaster of the county, to be transmitted by mail to the secretary of state, taking from such postmaster, and filing a certificate setting forth particularly the time when such certified statement was deposited in such postoffice. (R. S. 1908 and 1914, §6973); R. S. 1901, §6281; R. S. 1897, §6580; R. S. 1894, §6281; R. S. 1881, §4726.)

220. Duty of Secretary of State.

49. The secretary of state shall, in the presence of the governor, compare and estimate the number of votes given for judges of the supreme court, reporter of the decisions of the supreme court, clerk of the supreme court, secretary and auditor, and treasurer of state, and superintendent of public instruction, and certify to the governor the persons receiving the highest number of votes for such offices, and also compare and estimate the number of votes given for judges of the circuit court and prosecuting attorney, and certify to the governor the persons having received the highest number of votes in their respective districts; and thereupon the governor shall transmit by mail to such persons their commissions. (R. S. 1908 and 1914, §6974; R. S. 1901, §6282; R. S. 1897, §6581; R. S. 1894, §6282; R. S. 1881, §4727.)

221. Secretary of State and Governor, as to Congressmen.

50. The secretary of state, as soon as he shall receive such certified statements, shall compare and estimate the votes given for representatives in congress, and certify to the governor the persons having the highest number of votes as duly elected; and the governor shall give to each of the persons returned to him, as aforesaid, a certificate of his election, sealed with the seal and attested by the secretary of state: Provided, that no return of any county which has come into his hands, and which has been duly authenticated by the clerk thereof, under seal, as hereinbefore provided, shall be rejected by said secretary of state, but he shall estimate, aggregate and tabulate, and report to the governor the total number of votes cast in each county for each candidate for state office, supreme judge, or other officer to be elected by all the voters of the state, and members of congress, as evidence to him by the face of such return so certified to him. (R. S. 1908 and 1914, §6975; R. S. 1901, §6283; R. S. 1897, §6582; R. S. 1894, §6283; R. S. 1881, §4728.)

222. Clerk's Duty as to Election of Governor.

51. Each clerk of the circuit court shall, on the day following the return day of election for governor and lieutenant-governor, make out at full length, two certified statements, under the seal of his court, the number of votes each candidate received; one of which he shall transmit to the speaker of the house of representatives of the next general assembly, by his senator or representative, who shall deliver the same to such speaker

on or before the second day of the session, and the other certified statement shall be transmitted by mail to Indianapolis, directed to said speaker and to the care of the secretary of state, by whom the same shall be delivered to the speaker on or before the second day of the session. (R. S. 1908 and 1914, §6977; R. S. 1901, §6284; R. S. 1897, §6583; R. S. 1894, §6284; R. S. 1881, §4729.)

223. Pay of Election Officers.

10. Each judge, each clerk and each assistant clerk of any general election shall be allowed and paid the sum of nine dollars (9); and each sheriff of any such election shall be allowed and paid the sum of six dollars (\$6), and each inspector of such election shall be allowed and paid the sum of twelve dollars (\$12) for the performance of all the duties of his office imposed on him by law, whether the same is rendered before, on the day of or after such election. (R. S. 1921, Sec. 6881j.)

ARTICLE II—SPECIAL ELECTIONS.

SEC.
224. When to be held.
225. When governor to order.

SEC.
226. Notice by sheriff.
227. How conducted.

[1881, S., p. 482. Approved April 21, 1881. In force September 19, 1881.]

224. When to Be Held.

53. A special election shall be held in the following cases:

First. Whenever a vacancy shall occur in the office of senator or representative during a session, or when the legislature will be in session after the occurrence of a vacancy and before a general election.

Second. Whenever a vacancy shall occur in the office of representative in congress while in session, or when congress will be in session after such vacancy occurs and before a general election.

Third. Whenever two or more persons receiving votes at any election shall have the highest and an equal number of votes for the same office.

Fourth. Whenever a vacancy occurs in any office required to be filled at a special election. (R. S. 1908 and 1914, §6978; R. S. 1901, §6286; R. S. 1897, §6585; R. S. 1894, §6286; R. S. 1881, §4731.)

225. When Governor to Order.

54. Special elections not otherwise provided for shall be ordered by the governor, who shall issue a writ or writs of election, directed to the sheriff or sheriffs of the proper county or counties; and such writ shall specify the county, district or circuit in which such election is to be held, the cause and object of such election, the name of the person whose office is vacant, and the day on which such election shall be held; which day shall be the same in case such election is held in a district or circuit formed of two or more counties. (R. S. 1908 and 1914, §6979; R. S. 1901, §6872; R. S. 1897, §6586; R. S. 1894, §6287; R. S. 1881, §4732.)

226. Notice by Sheriff.

55. The sheriffs who receive such writs ordering a special election shall give the same notice thereof as is required of general elections:

Provided, such notice may be set up and published ten days only. (R. S. 1908 and 1914, §6980; R. S. 1901, §6288; R. S. 1897, §6587; R. S. 1894, §6288; R. S. 1881, §4733.)

227. How Conducted.

56. All special elections shall be conducted, returned, certified and canvassed, and certificates and commissions shall issue, and shall in all respects be governed by the provisions of this law regulating general elections, so far as applicable. (R. S. 1908 and 1914, §6981; R. S. 1901, §6289; R. S. 1897, §6588; R. S. 1894, §6289; R. S. 1881, §4734.)

ARTICLE III—TOWNSHIP ELECTIONS.

SEC.		SEC.	
228.	When held.	232.	Election governed by general law.
229.	Township trustee—Assessor—Date of election.	233.	Ballots.
230.	Terms of trustees and assessors.	234.	Canvass—Inspector's duties.
231.	Justices of peace and constables.	235.	Tally papers.
		236.	Certificates.

[1893, p. 192. Approved March 2, 1893. In force May 18, 1893.]

228. When Held.

1. The time of holding the election of township trustees, justices of the peace, assessors, constables, road supervisors and such other officers of townships as may be provided for by law, shall be changed from the April election, and all such township officers shall be elected at the general election to be held on the first Tuesday after the first Monday in November, 1894, and every four years thereafter, and which election shall be conducted by the provisions of the law governing said general election. (R. S. 1908 and 1914, §6982; R. S. 1901, §6290; R. S. 1897, §6589; R. S. 1894, §6290.)

[Acts 1911, p. 113. Approved March 2, 1911. In force April 21, 1911.]

229. Township Trustee—Assessor—Date of Election.

1. That section one (1) of the above entitled act, the same being section 6983 of Burns' Annotated Indiana Statutes, revision of 1908, be and the same is hereby amended as follows: Section 1. That the time for holding the election of township trustees and assessors shall be changed from the general election on the first Tuesday after the first Monday in November, 1912, to the general election on the first Tuesday after the first Monday in November, 1914; and at the general election on the first Tuesday after the first Monday in November of every fourth year thereafter. (R. S. 1914, Sec. 6983.)

[1901, p. 415. Approved March 11, 1901. In force May 15, 1901.]

230. Terms of Trustees and Assessors.

3. The terms of all township trustees and township assessors to be elected at the general election in November, 1914, shall begin on the first of January, 1905; and thereafter the terms of office of all township trustees and township assessors shall begin on the first day of January succeeding their election. (R. S. 1908 and 1914, §6989; R. S. 1901, §6293a.)

[1897, p. 64. Approved February 25, 1897. In force April 14, 1897.]

231. Justices of Peace and Constables.

2. The time of holding the election of justices of the peace, constables and such other officers of the township, as may be provided for by law, and the time when they shall enter upon the duties of their respective offices, shall remain as now fixed by law. (R. S. 1908 and 1914, §6984; R. S. 1901, §6290b; R. S. 1897, §6591.)

232. Election Governed by General Law.

3. The election of said township officers shall be conducted under the provisions of the law governing said general election. (R. S. 1908 and 1914, §6985; R. S. 1901, §6290c; R. S. 1897, §6592.)

233. Ballots.

4. The names of the different candidates for said township offices shall be printed on separate ballots of a yellow color and deposited in separate ballot boxes from that of the state and county ballots; said ballot boxes shall be painted yellow and said ballots and ballot boxes shall be prepared in conformity with the law governing said general elections. (R. S. 1908 and 1914, §6986; R. S. 1901, §6291; R. S. 1897, §6593.)

[1881, p. 482. Approved April 21, 1881. In force September 19, 1881.]

234. Canvass—Inspector's Duties.

58. The board of judges shall count the votes given for each person for each office, and certify the result, and the inspector shall file one of the poll books and tally sheets, with ballots on a string, in the clerk's office of the county, within ten days after such election. If two or more have the highest and an equal number of votes for the same office, such judges shall, when the result is certified, determine by lot the person entitled to the office, and the next day, the inspector shall make out and deliver to the person elected, when demanded, a certificate for each person elected to any office in said township, except justice of the peace: Provided, that if there be more than one precinct in said township, then the inspectors of the several precincts shall meet, on the day following the election, at the office of the township trustee, at as near ten o'clock a. m. as is practicable, and compare the poll books and certificates thereto held by them, and having aggregated the vote of the township, declare and certify the result; and if two or more persons have the highest and an equal number of votes for the same office, they shall determine by lot which shall be declared elected, and give a certificate accordingly. (R. S. 1908 and 1914, §6987; R. S. 1901, §6292; R. S. 1897, §6594; R. S. 1894, §6292; R. S. 1881, §4736.)

[Acts 1905, p. 193.]

235. Tally Papers.

The tally papers for township elections shall be kept separate and apart from those upon which are recorded the votes cast for candidates for state, district and county offices, and the vote for township officers shall be canvassed as heretofore provided by law: Provided, however,

that in all townships having more than ten (10) voting precincts the vote thereof for township officers shall be canvassed by the county board of canvassers as herein provided for all county elections. (R. S. 1908 and 1914, §6966; R. S. 1905, §6275e.)

[1889, p. 344. Approved March 9, 1889. In force May 10, 1889.]

236. Certificates.

59. Such certificate shall entitle the holder to qualify and enter upon his discharge of the duties of the office to which he is elected, at the expiration of ten days from the day of such election, except that of township trustee and township assessor, who shall enter upon the duties of their offices on the first Monday of August following such election, and also except that the certificates of election of justices of the peace shall be forwarded by the inspector aforesaid to the clerk of the circuit court, who shall certify the result for that office to the secretary of state. (R. S. 1908 and 1914, §6988; R. S. 1901, §6293; R. S. 1897, §6595; R. S. 1894, §6293.)

ARTICLE IV—RECOUNTING.

SEC.

237. When candidate may have.
 238. Proceeding to obtain.
 239. Order for recounting—How conducted.
 240. Certificate of recount.
 241. Adjournments forbidden—Pay—Ballots, how preserved.

SEC.

242. Elections—Voting machines—Recount.
 243. Contest petition—Order for recount.
 244. Date for hearing.
 245. Hearing—Examination—Assistant.
 246. Correction of totals.

[1881, S., p. 482. Approved April 21, 1881. In force September 19, 1881.]

237. When Candidate May Have.

61. At any time within ten days after the Thursday next succeeding any election, any candidate for office at such election, desiring to contest the same, may petition, in writing, the circuit court, if in session, or the judge thereof in vacation, for a recount of the ballots cast at such election, by three commissioners, appointed by the court or judge, two of whom shall be from different political parties: Provided, that such appointments shall be made from the political parties which cast the highest number of votes at the last preceding general election. (R. S. 1908 and 1914, §6990; R. S. 1901, §6294; R. S. 1897, §6596; R. S. 1894, §6294; R. S. 1881, §4738.)

1. This and the succeeding four sections may be considered as repealed.

238. Proceeding to Obtain.

62. Upon the petition of such candidate, duly verified, showing that he desires to contest such election, and honestly believes that there was a mistake or fraud committed in the official count, and that he desires a recount of the ballots cast at said election for the office for which he was a candidate, and upon proof that he has served a written notice upon the opposing candidate of the time and place of such application, five days before the hearing, and upon his furnishing a written undertaking, with sufficient freehold surety, that he will pay all the costs of such recount, the court or judge shall grant the prayer of said petition and order said

recount to be made. (R. S. 1908 and 1914, §6991; R. S. 1901, §6295; R. S. 1897, §6597; R. S. 1894, §6259; R. S. 1881, §4739.)

239. Order for Re-counting—How Conducted.

63. In appointing such commissioners to make said recount, the court shall fix the time within which the same shall commence, not exceeding thirty days thereafter, and the clerk of the circuit court shall act as clerk of said commissioners. The order shall provide that each of the candidates may be present during said recount; and two qualified voters of the county, selected by each of said candidates, may also be present, and may witness the recount of the vote, and such witnesses shall conduct themselves in a quiet and orderly manner, and shall not interrupt said commissioners while in the discharge of their duties. Such order shall be entered on the order book of the circuit court. (R. S. 1908 and 1914, §6992; R. S. 1901, §6296; R. S. 1897, §6598; R. S. 1894, §6296; R. S. 1881, §4740.)

240. Certificate of Re-count.

64. When said recount is finished, the commissioners, or a majority of them, shall make out a certificate, under their hands, stating the number of votes that each of said candidates has received for said office in each township and precinct, and which of said candidates, as shown by the said recount received the highest number of votes, and what his majority or plurality was; and said certificate shall be filed with the clerk of the circuit court and recorded in the order book of said court. Such certificate, or the record thereof, may be used as evidence of the facts therein recited upon the trial of any contest of said election between said candidates. (R. S. 1897, §6599; R. S. 1894, §6297; R. S. 1881, §4741.)

241. Adjournments Forbidden—Pay—Ballots, How Preserved.

65. No adjournment shall be had until said recount is finished and said certificate is made out and filed. Said commissioners shall each be allowed, and paid by said petitioners, at the rate of three dollars per day, each, for their services. Said clerk shall, as soon as such recount is completed, replace said ballots in the ballot-boxes, securely lock and seal them, and keep them as above provided. For his services in the matter of such recount, said clerk shall receive from such petitioner the sum of five dollars. (R. S. 1908 and 1914, §6994; R. S. 1901, §6298; R. S. 1897, §6600; R. S. 1894, §6298; R. S. 1881, §4742.)

[Acts 1911, p. 67. Approved February 25, 1911. In force April 21, 1911.]

242. Elections—Voting Machines—Re-count.

1. That at any time within ten days after the Thursday next succeeding any election, wherein the votes are cast by means of voting machines, any candidate for office at such election, desiring to contest the same, may petition [petition], in writing, the circuit court, if in session, or the judge thereof in vacation, for a recount of ballots cast within the bounds of the county wherein such court has jurisdiction. (R. S. 1914, Sec. 6994a.)

243. Contest Petition—Order for Re-count.

2. Upon the petition of such candidate, duly verified, showing that he desires to contest such election, and honestly believes that said machine, or machines, was defective, or was tampered with unlawfully, or there was mistake or fraud committed in the official count of the vote recorded by said machine, or machines, in any voting precinct or precincts within said county, and that he desires a recount and correction of the ballots cast on said machine, or machines, at said election for the office for which he was a candidate, and upon his furnishing a written undertaking, with sufficient freehold security, that he will pay all costs of such recount, the court or judge shall grant the prayer of said petition [petition] and order said recount to be made, and set the same for hearing and the clerk of said court will issue process on the petition against the opposing candidate as provided in civil cases. (R. S. 1914, Sec. 6994b.)

244. Date of Hearing.

3. In fixing such date for said recount and correction the court shall fix the time within twenty days thereafter unless the time for granting said petition [petition] to be in vacation and more than twenty days prior to the first day of the next succeeding term of court, in which case he shall fix the said date for hearing on the first day of the following term of said court. (R. S. 1914, Sec. 6994c.)

245. Hearing—Examination—Assistant.

4. Upon the day fixed the court shall proceed to make such recount and correction by hearing evidence as in other cases and the court shall have power to open and examine said machine or machines and to appoint a competent mechanic to assist in such examination and said examination is to be made in open court and such mechanic shall receive the sum of \$5 for his said services in addition to the regular witness fee. (R. S. 1914, Sec. 6994d.)

246. Correction of Totals.

5. When the evidence is heard said court shall decide the number of votes each of said candidates received by said machine or machines in said respective precinct or precincts and said court shall, in case of fault of the machine to properly register from any cause or an incorrect or fraudulent count, correct the same and give to each of said candidates his correct vote in said precinct or precincts, and shall in the case of township, city and county officers correct the total vote of such candidates in said township, city or county in accordance with said finding and declare the one receiving the greatest number of votes elected to said office and in circuit, district and state offices such correction, if any, shall be certified by the clerk of said court to the secretary of state, who shall correct the total vote of such candidate in accordance therewith. (R. S. 1914, Sec. 6994e.)

ARTICLE 5. CONTEST.

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| SEC. | SEC. |
| 247. Who may contest. | 260. Causes for contest. |
| 248. Contest for state office. | 261. Election, when not set aside. |
| 249. Notice. | 262. Contest for local offices. |
| 250. Committee to try—Powers. | 263. Notice by auditor to clerk. |
| 251. Contesting seat of legislator. | 264. Notice to county board and contestee. |
| 252. Depositions. | 265. Subpoenas—Trial of contest. |
| 253. Notice to contestee. | 266. Appeals. |
| 254. Powers of justices. | 267. Duty of court on appeal. |
| 255. Vacancy. | 268. Voters compelled to testify. |
| 256. Meeting of justices—Their duty. | 269. Fees and costs. |
| 257. Clerk's duty. | 270. Commissioner to take testimony. |
| 258. Duties of secretary of state. | 271. Contest for municipal office. |
| 259. Depositions; when read. | 272. Appeal to Supreme Court. |

[1881, S., 482. Approved April 21, 1881. In force September 19, 1881.]

247. Who May Contest.

66. The election of any person declared elected by popular vote to any office, whether state, county, township, or municipal, may be contested by any elector who was entitled to vote for such person. The person contesting such election shall be known as the contestor; the person whose election is contested, as the contestee. (R. S. 1908 and 1914, §6995; R. S. 1901, §6299; R. S. 1897, §6601; R. S. 1894, §6299; R. S. 1881, §4743.)

248. Contest for State Office.

67. When such elector may choose to contest the election of any state officer, elective by the people, he shall, within twenty days after the first day of the next session of the general assembly thereafter, deliver to the presiding officer of the house of representatives specifications of the grounds of such contest; which specifications shall be verified by the affidavit of such electors. (R. S. 1908 and 1914, §6996; R. S. 1901, §6300; R. S. 1897, §6602; R. S. 1894, §6300; R. S. 1881, §4744.)

249. Notice.

68. As soon as such presiding officer receives such specifications, he shall make out a notice of contest, which, together with a copy of the specifications, he shall cause to be directed and delivered to the person whose election is contested; and shall immediately give notice to both houses that such specifications have been received. (R. S. 1908 and 1914, §6997; R. S. 1901, §6301; R. S. 1897, §6603; R. S. 1894, §6301; R. S. 1881, §4745.)

250. Committee to Try—Powers.

69. Each house shall choose, by a viva voce vote, seven members of its own body; and the members thus selected shall constitute a committee to try and determine such contested election; and for that purpose shall hold their meetings publicly, at the capitol, at such time and place as they may designate, and may adjourn from day to day, or to a day certain, until such trial shall be determined. They shall have power to send for persons and papers and to take all necessary means to procure testimony, extending like privileges to the contestor and the contestee; and shall report their judgment in the premises to both branches of the general assembly; which report shall be entered on the journals of

the respective houses, and the judgment of such committee shall be conclusive. If such election be adjudged invalid, such office shall be vacant. (R. S. 1908 and 1914, §6998; R. S. 1901, §6302; R. S. 1897, §6604; R. S. 1894, §6302; R. S. 1881, §4746.)

251. Contesting Seat of Legislator.

70. Any such elector who may choose to contest the election of any person declared elected to a seat in the senate or house of representatives shall, within ten days after such election, file with the clerk of the circuit court of the county in which the alleged cause of contest originated, a statement of the grounds of contest on which he relies, and that he was entitled to vote at such election, verified by his affidavit. (R. S. 1908 and 1914, §6999; R. S. 1901, §6303; R. S. 1897, §6605; R. S. 1894, §6303; R. S. 1881, §4747.)

252. Depositions.

71. When such statement shall be filed, such clerk shall issue a commission directed to two justices of the peace of his county, not of kin to the contestor nor to any person who was a candidate at such election for the office of the election to which is contested, to meet at such time and place as shall be specified in such commission, not less than twenty nor more than thirty days from the time of issuing the same, for the purpose of taking the depositions of witnesses. (R. S. 1908 and 1914, §7000; R. S. 1901, §6304; R. S. 1897, §6606; R. S. 1894, §6304; R. S. 1881, §4748.)

253. Notice to Contestee.

72. Written notice of such contest, specifying the time and place of taking depositions and before whom to be taken, and a copy of such statement, certified by such clerk, shall, within ten days after such statement shall have been filed, be delivered to the contestee, or, if he can not be found, shall be left at his last and usual place of residence by the sheriff of the county, who shall return to such clerk a certified copy of such notice, with the manner and time of service indorsed thereon, for which he shall receive from the contestor the same fees allowed in writs of summons. (R. S. 1908 and 1914, §7001; R. S. 1901, §6305; R. S. 1897, §6607; R. S. 1894, §6305; R. S. 1881, §4749.)

254. Powers of Justice.

73. Either of such justices shall have power to issue subpoenas, to be served by the sheriff; and when met at the time and place appointed to take depositions, shall have the same power to issue attachments and assess fines against witnesses as is given to justices in the trial of suits instituted before him. (R. S. 1908 and 1914, §7002; R. S. 1901, §6306; R. S. 1897, §6608; R. S. 1894, §6306; R. S. 1881, §4750.)

255. Vacancy.

74. If either of the justices first appointed becomes unable to proceed in such examination, such clerk shall file the vacancy with any other justice of the county. (R. S. 1908 and 1914, §7003; R. S. 1901, §6307; R. S. 1897, §6609; R. S. 1894, §6307; R. S. 1881, §4751.)

256. Meeting of Justices—Their Duty.

75. Such justices shall meet at the time and place appointed, take and certify such depositions as in other cases, and may adjourn from time to time, and when the same is closed, shall deliver the depositions, with the commission, to such clerk. (R. S. 1908 and 1914, §7004; R. S. 1901, §6308; R. S. 1897, §6610; R. S. 1894, §6308; R. S. 1881, §4752.)

257. Clerk's Duty.

76. Such clerk shall seal up the depositions, original statement of the grounds of contest, the copy of the notice served on the contestee, and the commission issued to such justices, indorse thereon the names of the contesting parties and the branch of the legislature before which such contest is to be tried, and transmit the same, by mail, to the secretary of state. (R. S. 1908 and 1914, §7005; R. S. 1901, §6309; R. S. 1897, §6611; R. S. 1894, §6309; R. S. 1881, §4753.)

258. Duties of Secretary of State.

77. The secretary of state, on or before the second day of the session of the general assembly held next thereafter, shall deliver such deposition to the presiding officer of the proper house, who shall immediately lay the same before such house. (R. S. 1908 and 1914, §7006; R. S. 1901, §6310; R. S. 1897, §6612; R. S. 1894, §6310; R. S. 1881, §4754.)

259. Depositions. When Read.

78. At any time after notice of contest, and before final determination, either party may take depositions to be read on trial, under the rules regulating the taking of depositions to be read in the circuit court; and such depositions shall be sent by mail to the secretary of state, who shall deliver the same, unopened, to the presiding officer of the proper house. (R. S. 1908 and 1914, §7007; R. S. 1901, §6311; R. S. 1897, §6613; R. S. 1894, §6311; R. S. 1881, §4755.)

260. Causes for Contest.

79. Any election, the contest of which is provided for in this act, may be contested for any of the following causes:

First. For irregularity or malconduct of any member or officer of the proper board of judges or canvassers.

Second. When the contestee was ineligible.

Third. When the contestee, previous to such election, shall have been convicted of an infamous crime, such conviction not having been reversed nor such person pardoned at the time of such election.

Fourth. On account of illegal votes.

(R. S. 1908 and 1914, §7008; R. S. 1901, §6312; R. S. 1897, §6614; R. S. 1894, §6312; R. S. 1881, §4756.)

261. Election, When Not Set Aside.

80. No irregularity or malconduct of any member or officer of a board of judges or canvassers shall set aside the election of any person, unless such irregularity or malconduct was such as to cause the contestee to be declared elected when he had not received the highest number of

legal votes; nor shall any election be set aside for illegal votes, unless the number thereof given to the contestee, if taken from him, would reduce the number of his legal votes below the number of legal votes given to some other person for the same office. (R. S. 1908 and 1914, §7009; R. S. 1901, §6313; R. S. 1897, §6615; R. S. 1894, §6313; R. S. 1881, §4757.)

262. Contest for Local Offices.

81. All contests for county and township officers shall be tried in the proper county; and all contests for district and circuit offices, not otherwise provided for in this act, shall be tried in the county giving the largest vote for such office at such election; and whenever an elector shall choose to contest such election he shall file with the auditor of the proper county, within ten days after such person has been declared elected, a written statement specifying the grounds of contest, verified by the affidavit of such elector. (R. S. 1908 and 1914, §7010; R. S. 1901, §6314; R. S. 1897, §6616; R. S. 1894, §6314; R. S. 1881, §4758.)

263. Notice by Auditor to Clerk.

82. When such statement is filed with the auditor of the proper county he shall immediately give notice, in writing, to the clerk of the circuit court, that the election to such office is contested; and when the office of county auditor is contested, such statement shall be filed with the clerk, who shall do the duties otherwise required by this act of the auditor. The filing of such statement shall be notice to him. (R. S. 1908 and 1914, §7011; R. S. 1901, §6315; R. S. 1897, §6617; R. S. 1894, §6315; R. S. 1881, §4759.)

264. Notice to County Board and Contestee.

83. When such statement is filed with the auditor he shall issue a notice to the board of county commissioners to meet at the court house at a designated time, not less than ten or more than twenty days thereafter, to try such contested election, and shall issue a notice to the contestee to appear at the time and place specified in the notice to the commissioners; which, with a copy of such statement, shall be delivered to the sheriff of the county, who shall, within five days thereafter, serve the same on the contestee, by delivering to him a copy of such notice and statement or leaving a copy thereof at his last usual place of residence. (R. S. 1908 and 1914, §7012; R. S. 1901, §6316; R. S. 1897, §6618; R. S. 1894, §6316; R. S. 1881, §4760.)

265. Subpoenas—Trial of Contest.

84. The auditor, at the request of either party, shall issue subpoenas, which shall be served by the sheriff. Such board of commissioners shall try and determine such contest; and shall have power to compel the attendance of witnesses, to swear and examine the same, to punish contempts as other courts, to adjourn or continue the trial from time to time, not exceeding twenty days altogether; to make the necessary orders for the payment of costs, and to coerce the payment of the same, and shall be governed in such trial by the rules of law obtaining in circuit courts. And if it be proved that any other person than the con-

testee has the highest number of legal votes, such board shall declare such person elected, and certify the same to the proper officer. (R. S. 1908 and 1914, §7013; R. S. 1901, §6317; R. S. 1897, §6619; R. S. 1894, §6317; R. S. 1881, §4761.)

266. Appeals.

85. Appeals may be taken herein, as from other decisions of such board: Provided, That the same be taken within ten days. (R. S. 1908 and 1914, §7014; R. S. 1901, §6318; R. S. 1897, §6620; R. S. 1894, §6318; R. S. 1881, §4762.)

267. Duty of Court on Appeal.

86. If upon such appeal the circuit court confirm such election, a certificate thereof shall issue; if such election be annulled, and no other persons declared elected to the same office, it shall be declared vacant. (R. S. 1908 and 1914, §7015; R. S. 1901, §6319; R. S. 1897, §6621; R. S. 1894, §6319; R. S. 1881, §4763.)

268. Voters Compelled to Testify.

87. Any witness who voted at such election, when called to testify in any such case, shall be required to answer touching his qualifications; and if he was not a qualified elector he shall be required to answer for whom he did vote, and such admission shall not be used against him in any prosecution for illegal voting. (R. S. 1908 and 1914, §7016; R. S. 1901, §6320; R. S. 1897, §6622; R. S. 1894, §6320; R. S. 1881, §4764.)

269. Fees and Costs.

88. The sheriff, auditor, clerk and justices of the peace, for services rendered by them in case of contested elections shall receive from the party at whose instance such services are performed, the fees usually allowed for similar services in other cases; which fees shall be taxed as costs against the losing party, and collected as other costs are taxed and collected. (R. S. 1908 and 1914, §7017; R. S. 1901, §6321; R. S. 1897, §6623; R. S. 1894, §6321; R. S. 1881, §4765.)

270. Commissioner to Take Testimony.

89. The court trying the case, at the request of the contestor and contestee, in writing, or upon the application of either party, supported by affidavit showing that a saving of expenses to the parties, the convenience of the witnesses, and the ends of justice will be promoted thereby, may appoint a commissioner to take testimony of witnesses, in writing, at any time before the final hearing and shall provide, in the order of appointment, that each party shall give reasonable notice to the other of the time and place of such taking. Such commissioner shall have power to subpoena and compel the attendance of witnesses residing in the county; and it shall be his duty to take down, in writing, all the testimony offered by the parties, and to note all objections to the testimony; and he shall report the same to the court trying the cause within the time limited by the order appointing him. (R. S. 1908 and 1914, §7018; R. S. 1901, §6322; R. S. 1897, §6624; R. S. 1894, §6322; R. S. 1881, §4766.)

271. Contest for Municipal Office.

90. All contests for municipal officers shall be tried before the circuit court of the proper county in the manner provided by law for the contest of county and township offices. The clerk of the circuit court shall be the person with whom the notice of the contest shall be filed, and he shall perform all the duties required to be performed by him and the auditor in other cases, and the contest shall be set down for trial at the next term of circuit court. (R. S. 1908 and 1914, §7019; R. S. 1901, §6323; R. S. 1897, §6625; R. S. 1894, §6323; R. S. 1881, §4767.)

272. Election Contests—Appeal—Bond.

91. In all cases of contested elections decided by the circuit court, on appeal from the board of commissioners, the party feeling aggrieved by the judgment of said court may appeal therefrom to the supreme court as in other civil cases. If such appellant be already in possession of the contested office, or be the holder of a certificate of election thereto, issued by the board of canvassers or other proper official, and shall execute an appeal bond in a sum to be fixed by the court, sufficient to cover the emoluments of the office, with sureties to the approval of the court, payable to the other party, within thirty (30) days from the date of such judgment, his rights in and to such office shall not be disturbed pending such appeal; and in case he elects not to execute such bond, but takes a vacation appeal and perfects the same within ninety (90) days from the final judgment in said cause, then the contestor may file a like bond, payable to the other party, with surety to be approved by said court, and thereupon shall be entitled to the possession of such office pending said appeal; but if he shall not file such bond within one hundred (100) days from the date of final judgment in said cause, then the right to the possession of such office shall remain and be in the incumbent, or person holding the official certificate of election thereto, notwithstanding said judgment, until the final determination of said appeal. And upon the final determination of said cause, any party thereby adjudged to be entitled to said office, who has been deprived of the possession thereof, and who has been kept out of the possession thereof pending said appeal shall have a right of action on the bond of the other party, for the amount of the emoluments of such office, during such time. (As amended Acts 1919 p. 116, R. S. 1921, Sec. 7020.)

[Approved March 8, 1921.]

273. Election Contests—Voting Machines and Paper Ballots.

1. That at any time within ten (10) days after the Thursday next succeeding any election, wherein the votes are cast by means of voting machines and paper ballots, any candidates for office at such elections, desiring to contest the same, may petition, in writing, the circuit court, if in session, or the judge thereof in vacation, for a recount of the votes cast within the bounds of the county wherein such court has jurisdiction. (R. S. 1921, Sec. 7020a.)

274. Petition for Recount—Bond.

2. Upon the petition of such candidate, duly verified, showing that he desires to contest such election, and honestly believes that said ma-

chine, or machines, was defective, or was tampered with unlawfully, or there was mistake or fraud committed in the official count of the vote as recorded by said machine, or machines, or in the official count of the paper ballots cast, in any voting precinct or precincts within said county, and that he desires a recount and correction of the votes cast on said machine, or machines, and the paper ballots cast, at said election for the office for which he was a candidate, and upon his furnishing a written undertaking, with sufficient corporate or freehold security, that he will pay all costs of such recount, the court or judge shall grant the prayer of said petition and order said recount to be made, and set the same for hearing and the clerk of said court will issue process on the petition against the opposing candidate or candidates as provided in civil cases. (R. S. 1921, Sec. 7020b.)

275. Time for Recount.

3. In fixing such date for said recount and correction the court shall fix the time within twenty (20) days thereafter unless the time of granting said petition be in vacation and more than twenty (20) days prior to the first day of the next succeeding term of court, in which case he shall fix the said date for hearing on the first day of the following term of said court. (R. S. 1921, Sec. 7020c.)

276. Recount Commission—Compensation.

4. And the court on granting the prayer of such petition shall appoint three (3) recount commissioners[,] one (1) of whom shall be a competent mechanic, and two (2) of whom shall be from different political parties. It shall be the duty of the three (3) recount commissioners so appointed to assist the court in the recount and correction of the votes as cast on the machines or by paper ballot. Such examination, recount and correction of the vote shall be made in open court and each candidate for the office in question shall be entitled to name one (1) watcher to be present at all times during said recount. Each of said three (3) commissioners shall receive as compensation ten dollars (\$10) per day for such days as they are actually engaged in their duties. (R. S. 1921, Sec. 7020d.)

277. Manner of Recount.

5. Upon the day fixed the court shall proceed to make such recount and correction by opening up and examining the machines and paper ballots, by recounting the votes cast in either manner and by correcting the total. (R. S. 1921, Sec. 7020e.)

278. Certificate of Recount.

6. When such examination and recount is finished the commissioners or a majority of them shall make out a certificate under their hands stating the number of votes received by each candidate for the office in question, and such certificate shall be recorded on the order book of said court. Such certificate or record thereof shall be deemed prima [prima] facie proof of the facts therein recited in any contest proceeding but shall be deemed a conclusive determination of the matter for all other purposes unless its effect is suspended or set aside by such contest proceeding. (R. S. 1921, Sec. 7020f.)

279. Machines and Ballots in Custody of Court During Recount.

7. During such recount all of said election machines, ballots, returns and records of all sort shall be preserved in the safe custody of the circuit court and at the conclusion thereof said election machines, ballots, returns and records of all sort shall be returned intact and unaltered to the persons by law charged with the custody of the same. (R. S. 1921, Sec. 7020g.)

280. Costs of Recount.

8. The costs of said recount proceedings shall be paid by the petitioner. (R. S. 1921, Sec. 7020h.)

281. Jurisdiction of Superior Court.

9. Any circuit or superior court on application of any party to a contest of election proceeding pending in such court may for the purpose of expediting such pending contest proceeding resort to the recount and correction proceedings herein provided for and any such circuit or superior court on application made during the pendency of such contest of election proceeding shall have the same jurisdiction and powers as are herein given to the circuit court on an original petition, Provided however, That the expenses of a recount on application of a party pendente lite shall abide the result of the final judgment in such contest proceedings of which such recount is in aid. (R. S. 1921, Sec. 7020i.)

282. Act Supplemental.

10. The provisions of this act shall not be construed as repealing or in conflict with any other laws now in existence upon the subject of recount of votes cast at any election whether cast on machines or by paper ballots but shall be construed as supplemental to any such law. (R. S. 1921, Sec. 7020j.)

ARTICLE 6. CORRUPT PRACTICES ACT.

SEC.		SEC.	
283.	Elections—Corrupt practices—Application of act.	298.	Federal act defining political committee.
284.	Elections—Corrupt practices—Terms defined—Treasurer or agent.	299.	Chairman and treasurer—Duty of treasurer.
285.	Political committee treasurer—Bond—Penalty.	300.	Disbursements in excess of \$10—Requirements.
286.	Soliciting contributions—Voluntary contributions.	301.	Accounts of contributions.
287.	Payment of election expenses.	302.	Publicity of campaign contributions.
288.	Legitimate expenses—Penalty.	303.	What public statements must show.
289.	Treasurer or agent's report—Penalty.	304.	Persons expending over \$50 to influence the election of a congressman must file statements.
290.	Candidates' statements—Exceptions—Penalty.	305.	"Candidate" defined—Duties of candidates for Congress.
291.	False statement—Perjury.	306.	Candidates for Congress may pay all necessary personal expenses out of own private funds.
292.	Statements become public records.	307.	Candidates may pay proper legal expenses.
293.	Corrupt practices—Guilt defined—Penalty.	308.	Penalties for violation of act.
294.	Contributions by corporations unlawful—Penalty.	309.	Federal law prohibiting contributions by corporations.
295.	Contest complaint—Petition—Proceedings.		
296.	Costs—Witnesses and documents.		
297.	Prosecuting attorney—Duties.		

[Acts 1911, p. 288. Approved March 3, 1911. In force March 3, 1911.]

283. Elections—Corrupt Practices—Application of Act.

1. That the provisions of this act shall apply to the election of all officers for whom ballots shall be cast pursuant to the provisions of the

laws relating to elections, to the election of all officers to be voted for by the general assembly, by the common council of any city or the board of trustees of any incorporated town, to the election of county superintendents, to all caucuses and primary elections, preliminary to any such other elections, and to all candidates to be voted for at such elections, caucuses and primary elections. The term "caucus and primary elections" shall include: (a) all meetings and elections held to nominate a candidate for office or to elect delegates to a nominating convention; (b) nominating conventions of such delegates, and (c) caucuses of members of the general assembly, of the common council of any city, and of the board of trustees of any incorporated town. (R. S. 1914, Sec. 7111a.)

284. Elections—Corrupt Practices—Terms Defined—Treasurer or Agent.

2. The term "political committee" as used in this act shall include every committee or combination of two or more persons to aid or promote the success or defeat of any political party or principle in any election, or of any proposition submitted to vote at a public election, or to aid or take part in the nomination or election of any candidate for public office. The term "treasurer" shall include all persons appointed by any political committee to collect, keep, receive or disburse moneys or any other thing of value to aid or promote the success or defeat of any such party, principle or candidate. The term "political agent" shall include all persons appointed by any candidate before any election or primary election to assist him in his candidacy, or to collect, keep, receive or disburse moneys or any other thing of value to aid or promote the success of such candidate. No persons shall act as any such treasurer or political agent until he has been appointed in writing, which written appointment shall be signed by the chairman of the political committee or candidate appointing such treasurer or political agent and until such written appointment has been filed with the clerk of the circuit court of the county within which such treasurer or political agent resides except in the case of the treasurer of the state central committee of any party, when such written appointment shall be filed in the office of the secretary of state, and until such treasurer has given bond as required by section 3 of this act. Every such written appointment shall designate the particular period, election or primary election within which such treasurership or political agency shall continue. Nothing in this act shall prevent a treasurer or the political agent of any candidate from being the treasurer of another political committee or the political agent of any other candidate. Any candidate may, without appointing a political agent, make such disbursements as political agents may make under the provisions of this act; and in such case such candidate shall not be required to file a written appointment, give bond or make a report as a political agent, but shall include in the statement required to be filed by him as a candidate, under the provisions of section eight (8) of this act, a full, true and detailed account and statement of the matters and facts required to be reported by political agents under the provisions of section seven (7) of this act. No person shall be appointed or act as treasurer or political agent in any election or primary election who is not a citizen and resident of the State of Indiana, and no person shall

be appointed or act as any such treasurer or political agent who is the chairman of any political committee. Any political committee shall have the power and right to remove, without assigning any cause therefor, any person appointed by such committee as treasurer and to appoint the successor of such removed treasurer. Upon such removal said treasurer shall immediately account for and turn over to his successor in office the moneys then in his possession as such treasurer and shall within twenty days after such removal file a full, true and detailed account and statement of his receipts and expenditures with the clerk of the circuit court in the county in which he resides in accordance with the provisions of section 7 of this act. Any candidate shall have the power and right to remove, without assigning any cause therefor, any person appointed by him as a political agent and to appoint the successor of such removed political agent. Upon such removal, said political agent shall immediately account for and turn over to the candidate appointing him the moneys then in his possession as such political agent and shall within twenty days after such removal file a full, true and detailed account and statement of his receipts and expenditures with the clerk of the circuit court in the county in which he resides in accordance with the provisions of section 7 of this act. (As amended, Acts 1913, p. 489. R. S. 1914, Sec. 7111b.)

285. Political Committee Treasurer—Bond—Penalty.

3. Every political committee shall appoint and constantly maintain a treasurer to collect, receive, keep and disburse all sums of money or other valuable things which may be collected, received or disbursed by such committee or any of its members for any purposes mentioned in section 1 of this act or for which such committee exists or acts, and unless such treasurer is first so appointed and maintained it shall be unlawful and a violation of this act for a political committee or any of its members to collect, receive, keep or disburse money or other valuable things for any such purposes. The treasurer appointed under this act by the state, district, county or city central committee of any political party, before proceeding to act as such treasurer, shall execute a bond payable to the State of Indiana in such penalty as the committee by whom he shall be appointed shall prescribe, except that in no event shall the minimum penalty of such bond for the treasurer of a state, county or city central committee be less than five hundred dollars, and with surety or sureties to the approval of such committee, which bond shall be conditioned for the faithful performance by such treasurer of the duties of his office without loss or detriment to any person interested in the performance of such duties and the payment by such treasurer of all sums of money in his hands to his successor as such treasurer upon which bond an action may be maintained in the name of the State of Indiana for the use of any persons interested in the faithful performance of his said duties as such treasurer and injured by a breach of the condition of said bond, or in the event of the failure of such treasurer to account to his successor in office the action may be maintained in the name of the State of Indiana for the use of such successor in office. Said bond shall be filed in the office of clerk of the circuit court in the

county where such treasurer resides at the time of his appointment except in the case of the treasurer of the state central committee, whose bond shall be filed in the office of the secretary of state of the State of Indiana. The premium required to be paid for such bonds, if any, may be paid by such treasurer out of the funds that shall come into his hand as such treasurer and shall be allowed to him as a credit in the settlement of his accounts. All moneys or other valuable things collected, received or disbursed by any political committee or by any member or members thereof for any political purpose shall be paid over to and made to pass through the hands of the treasurer of such committee and shall be disbursed by him and not otherwise: Provided, however, That such disbursement may be made by a voucher drawn by the chairman of such political committee on the treasurer and presented to such treasurer for payment, which voucher shall show the specific purpose for which said money is being expended. And it shall be unlawful and a violation of this act for any political committee or for any member or members thereof to disburse or expend money or any other valuable thing so disbursed or expended shall have passed through the hands of the treasurer of said committee, and any person other than a member of such political committee or other than the political agent hereinbefore defined, who shall engage in receiving or disbursing money for any political purpose shall be deemed a treasurer of a political committee within the meaning of this act, and shall be subject to all the requirements, obligations and penalties hereby provided for in the case of such treasurer: Provided, however, That the treasurer appointed under this act by the state, district, county or city central committee of any political party may appoint one sub-treasurer for each voting precinct in said state, county or city, as the place may be, or may appoint a sub-treasurer for several voting precincts within his jurisdiction, which sub-treasurer is authorized to collect money for the treasurer by whom he is appointed and to turn said money over to such treasurer without diminution or to expend such money as may be placed in his hands by the treasurer appointing him for such purpose as are unlawful under the provisions of this act and for no other purpose, or such sub-treasurer may be appointed both for the purpose of collecting and expending money; it shall be the duty of every sub-treasurer within twenty days after every election or primary election to make a report in writing under oath to the clerk of the circuit court of the county in which such sub-treasurer resides, stating in detail the amount of money collected by him and from whom and when collected, or the amount of money placed in his hands by said treasurer and for what purpose the said money was expended by him and to whom paid, or both, if such sub-treasurer has both collected and disbursed money or other things of value, and each sub-treasurer shall file vouchers for all money expended by him, which vouchers shall state the purpose for which said sums are expended; but in no event shall a sub-treasurer who is appointed to collect money, expend or disburse any money so collected by him, but he shall in every case deliver the same and every part thereof without diminution to the treasurer appointing him. Such sub-treasurers shall not be required to give bond, but shall, before serving as such, receive from the treasurer appointing them an

appointment in writing stating for what purpose such sub-treasurer is appointed, the name of such sub-treasurer, the territory in which he shall act, and the time for which he is appointed. Every treasurer appointing a sub-treasurer shall be liable on his official bond for any dereliction in duty or misappropriation or unauthorized expenditure of funds by any sub-treasurer so appointed by him. Any member of a political committee which has appointed and maintains a treasurer in accordance with the provisions of this act may solicit or receive contributions for political purposes provided that the same are immediately turned over without diminution to such treasurer of said committee and by such treasurer disbursed and accounted for as provided by this act, and when money is so received the treasurer in his account and statement in addition to the requirements of section seven (7) of this act, shall show through what members of such committee said sum or sums were received. Any person or persons violating or failing to comply with any of the provisions of this section or the preceding section of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than three hundred dollars, nor more than one thousand dollars, or imprisoned in the county jail for not more than one year, or both fined and imprisoned in the discretion of the court or jury trying said cause. (As amended, Acts 1913, p. 489. R. S. 1914, Sec. 7111c.)

286. Soliciting Contributions—Voluntary Contributions.

4. It shall be unlawful for any political committee or officer thereof to solicit any contribution, payment or favor from any candidate for any office or from any person desiring to become a candidate: Provided, however, That any such political committee may assess against and collect from the candidate before any primary election, convention or mass convention not held pursuant to the laws of this state, the necessary costs and expenses of holding such primary, convention or mass convention. And it shall be unlawful for any person, firm or corporation to solicit from any political committee or member thereof or any treasurer, sub-treasurer, or political agent or candidate any contribution or donation, or to solicit advertising or money or things of value for advertising purposes from any such political committee or member thereof, treasurer, sub-treasurer, political agent or candidate. Any person nominated as a candidate for public office or a candidate for such nomination, except as hereinafter provided, may make a voluntary payment of money to any treasurer or political agent, for any of the purposes permitted by this act: Provided, however, That no person, other than such candidate shall, to aid or promote the success or defeat of any political party or principle or of any candidate for public office, or of any candidate for nomination as such, within six months prior to any such election, make a contribution of money or property or incur any liability or promise any valuable thing to any person other than a treasurer, sub-treasurer or political agent. No contributions, payment or favors of any kind shall be made, extended by or solicited from any private corporation to promote the success or defeat of any candidate for public office or of any political party or principle or for any other political purpose whatever. Nothing contained in this act shall limit or affect

the right of any person to expend money for proper legal expenses in maintaining or contesting for result of any election. It shall be lawful for the state, district, county, township or city central committee of any party to receive contributions from the national committee or the national congressional committee of any such political party to be expended for purposes authorized by this act. It shall be lawful for the district committee of any political party to receive contributions from the state central committee of such party, for the county committee of any party to receive contributions from either the district or state central committee of such party, for the township committee to receive contributions from either the state, district or county committee of such party, and for the city central committee of any political party to receive contributions from the state, district, township or county central committee of such party, all of said contributions to be expended for the purposes authorized by this act. It shall be lawful for the national committee of any political party to receive contributions through a treasurer or agents appointed by such national committee to serve within the State of Indiana and such treasurer or agents so appointed shall not be required to file any bond, but before receiving, soliciting or collecting any money or things of value within this state, such treasurer or agent shall file with the secretary of state of the State of Indiana an appointment in writing signed by the chairman of said national committee, stating the name of such treasurer or agent, the territory within which he shall act and the time for which he is appointed: Provided, That such treasurer or agent shall not receive any contribution or payment of any kind within this state for said national committee from any person or corporation who is prohibited by this act from making a voluntary contribution to a political committee within this state and such treasurer or political agent shall not solicit money or other valuable thing from any person or corporation within this state where by this law a political committee, treasurer or political agent is prohibited from soliciting from such person or corporation. No person shall be appointed or act as such agent or treasurer of said national committee who is not a citizen and resident of the State of Indiana, and it shall be lawful for the treasurer of any political committee or a political agent to act as such agent or treasurer of said national committee, provided that funds received by said national committee are separately kept and accounted for. Within twenty days after the election or primary election for which he is appointed, every such agent or treasurer of said national committee collecting or receiving funds within this state, shall file a full, true and detailed account, which shall be subscribed and sworn to by him before some officer authorized to administer oaths, in the office of the secretary of state of the State of Indiana, which statement shall include a detailed list of all sums of money received or promised to such agent or treasurer the name of the person from whom received or by whom promised and the amount and date of each such promise or contribution. Such agent or treasurer of said national committee shall not expend any money for political purposes within this state, except the actual expenses of collecting said money, but if any of the money so

collected is disbursed within this state for political purposes, it shall be disbursed through the treasurer of a state, district, county or city central committee, who has been appointed and filed a bond as required by this act; and all sums so disbursed shall be accounted for in the account and statement required to be filed by section seven (7) of this act. Any person violating or failing to comply with any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than three hundred dollars, nor more than one thousand, or imprisoned in the county jail for not more than one year, or both fined and imprisoned in the discretion of the court or jury trying said cause. (As amended, Acts 1913, p. 489. R. S. 1914, Sec. 7111d.)

287. Payment of Election Expenses.

5. No person other than a treasurer or political agent shall pay any of the expenses of any election, caucus or primary election, except that a candidate may pay his own expenses for postage, telegrams, telephoning, stationery, letters, circular letters, printing, expressage and traveling; but the provisions of this section shall not apply to non-partisan election and anti-election expenses paid out of the public moneys of the state, or of any town, city, county or other municipality. The payments, expenditures, promises and liabilities, which any candidate for nomination or election, or both may make or incur directly or indirectly under this or the preceding section, shall not exceed in the whole twenty-five dollars for each thousand (or the major portion thereof) up to fifty thousand, ten dollars for each thousand (or the major portion thereof) in excess of fifty thousand and up to one hundred thousand, and five dollars for each thousand (or the major portion thereof) in excess of one hundred thousand of the voters qualified to vote for the office in question at the next preceding election therefor, except that such candidate may expend twenty-five dollars for said purposes, all to be paid, handled and disbursed by a treasurer or political agent and not otherwise; and any payment, contribution, expenditure of, or promise or liability to pay, contribute or expend any money, or valuable thing in excess of said sum shall be unlawful: Provided, however, That a candidate may pay personally, in addition to said sum or valuable thing or things amounting thereto, his own expenses for postage, letters, circular letters, telegrams, telephoning, stationery, printing, advertising, publishing, expressage, traveling and board and the cost of any primary convention or mass convention, not held pursuant to the law of this state, which may be assessed against such candidate by the political committee under whose direction such primary, convention or mass convention is held: and, Provided further, That nothing in this act shall be taken or construed to prohibit the chairman of the state central committee of the state, or the chairman of any county, city or town central committee of any political party from soliciting contributions for campaign purposes, which contributions, however, shall all be expended in accordance with and subject to the provisions and restrictions of this act: and, Provided further, That such contributions shall

not be solicited from any candidate for office, in the State of Indiana or any private corporation. (As amended, Acts 1913, p. 489. R. S. 1914, Sec. 7111e.)

288. Legitimate Expenses—Penalty.

7. It shall be lawful for any treasurer or political agent in connection with any election or primary election and in making provisions therefor to pay the following expenses:

(a) The necessary cost of hiring halls and music for conventions, public meetings and public primaries and for advertising the same, and decorating said halls;

(b) Of printing and circulating political articles, circulars, circular letters, plate and electrotype matter, candidates' cards, pamphlets and books, including the payment of subscriptions to newspapers or periodicals containing political articles to be circulated among voters;

(c) Of printing and distributing sample or specimen ballots and instructions to voters;

(d) Of renting rooms and headquarters to be used by political committees, agents, treasurers or sub-treasurers and of paying for all clerical assistance and labor employed therein;

(e) Of compensating clerks, stenographers, typewriters, and other assistants employed in the committee, rooms, or on the business of the committee outside of said committee rooms, and also of challengers, watchers and messengers employed in the registration rooms, in the voting rooms and at the polls, and the cost and expenses of any primary convention or mass convention not held pursuant to the laws of the State of Indiana.

(f) The traveling and other legitimate expenses of political agents, committees and public speakers, including reasonable compensation for the chairman and secretary of the state, district, county, or city central committees, but no compensation shall be paid to public speakers, political agents, treasurers, sub-treasurers or members of a political committee other than the chairman and secretary for their services; providing that the costs of treasurers' bonds may be paid.

(g) Of making poll books, copies of registration lists and compiling information or data with respect to the qualifications of voters, or their political affiliations, or any other information of a political character.

(h) Of necessary postage, telegrams, telephoning, printing expenses and conveyance charge for carrying sick and infirm persons to and from the polls or to and from the places of registration;

(i) The necessary cost of equipping, furnishing and maintaining committee rooms and headquarters and places of meeting for political committees, agents and treasurers, both during and after political campaigns, if it shall be desired to maintain permanent headquarters.

(j) The cost and expenses of messengers sent by the direction of the chairman of any state, district, county, township or city committee of any political party in connection with party matters or interest, and also the cost and expenses of any person or persons summoned by or at the instance of the chairman of the state central committee, or of

the county central committee, or of the district committee, or of the township committee, or of the city central committee of any political party to the committee headquarters or offices in connection with party matters or interests, and also for the accommodation and entertainment of all such persons;

(k) All expenses incurred by or under the authority of the chairman of the state, district, county, township or city central committee of any political party in providing accommodation or entertainment for members of said respective committees or for the transportation of such members, when assembling for any meeting of said respective committees or visiting the headquarters of said respective committees in connection with party matters or interest.

(l) The cost and expenses of political parades, meetings and demonstrations, including the equipment and compensation of a political band or drum corps, but not including the cost or expense of any meat, drink or entertainment of any person except as hereinbefore specified.

(m) The cost of political buttons, lithographs, banners and other political advertising matter.

No treasurer or political agent shall incur any expense or liability or make any payment for any purpose not authorized by this section, and every liability incurred or payment made shall be made at a rate which is reasonably and fairly commensurate with the service rendered. It shall not be lawful for any political committee, treasurer or political agent to expend any money for the printing or publication of any political matter whatsoever, which shall not purport on its face to be printed or published by the authority of said treasurer or political agent, and which, if published in any newspaper or other periodical, shall not be marked as an advertisement: Provided, however, That when newspaper or periodicals containing articles are subscribed and paid for by such treasurer or political agent and sent to voters, it shall not be necessary to mark the same or any part thereof as an advertisement or to stamp or place on such newspaper a statement that they are published or circulated by the authority of said treasurer or political agent, if the only payment made to said newspaper or newspapers is for the papers actually delivered and at not more than the usual rate of subscription. Nothing in this act shall be construed to prevent any newspaper from publishing any political information as news although such information is furnished by a political committee or some officer thereof either in manuscript form or in plates or electrotypes, and in such case it shall not be necessary to mark such publication as an advertisement, provided, such newspaper or the owner thereof receives no compensation or reward, directly or indirectly, for such publication, and the same is published in good faith as a matter of news. Any person who is entitled to contribute money or things of value to a political committee for political purposes, may contribute to such committee, books, circulars or pamphlets containing political matter and such committee may distribute the same to voters without placing a statement thereon that such books, pamphlets or circulars are circulated by such committee, but this provision shall not relieve the committee from placing a statement on printed matter

which it prints or publishes that the same is circulated by its authority. And every treasurer, sub-treasurer and political agent who receives any such book, pamphlet or circular shall include in the report and statement required to be filed by him a list thereof with the name and residence of the person or persons donating the same. The treasurer appointed and acting for or in connection with the state, district, county or city central committee of any political party shall not expend or disburse any money or other valuable things or incur any liability whatsoever except by the authority and subject to the direction of said respective committees for or in connection with which said treasurer may be appointed or acting. Every person expending money in violation of this section or in violation of section 4 or section 5 of this act and every person violating or failing to comply with any of the provisions of this section or with any of the provisions of section 4 or section 5 of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than three hundred nor more than one thousand dollars or imprisonment for not more than one year in the county jail, or both fined and imprisoned in the discretion of the court or jury trying said cause. (As amended, Acts 1913, p. 489. R. S. 1914, Sec. 7111f.)

289. Treasurer or Agent's Report—Penalty.

7. Within twenty days after every election or primary election, every treasurer and every political agent shall file a full, true and detailed account and statement, subscribed and sworn to by him, before an officer authorized to administer oaths in the office of the clerk of the circuit court of the county in which said treasurer or political agent resides, which statement shall include the amount of money or property in each case received or promised, the name of the person from whom it was received, or by whom it was promised, the amount of every expenditure made or promised or valuable thing given or promised, or liability of any sort incurred, the name of the person to whom such expenditure, gift or promise thereof was made, or to whom such liability was incurred, and shall clearly state the purpose for which such money or property was so expended, given or promised, or for which such liability was incurred, separating expenditures, gifts, and liabilities for elections and primary elections. Such statement shall also set forth in detail all unpaid debts and obligations, if any, of such treasurer or political agent, with the nature and amount of each, for what purpose incurred and to whom owing, and if there are no unpaid debts or obligations of such treasurer or political agent, such statement shall state such fact. Every treasurer and every political agent and every person who shall keep detailed, full and accurate accounts in a proper book or books called "account books," to be provided and preserved by him, of all money or valuable things received by or promised to, and of all expenditures, disbursements, and promises of payment or disbursement of money or valuable things made by any political committee, or any of its officers or members, or by any person acting under its authority, or on its behalf, or by such treasurer or political agent, and setting

forth in such statement and accounts the sum or valuable things so received, or disbursed, or promised, as the case may be, and the date when, the person from whom received or promised, or to whom paid or promised, as the case may be, and the object and purpose for which such sum, or valuable thing, was received or disbursed, or promised, as the case may be. Every treasurer and every political agent, as defined by this act, who shall fail or refuse to make out, verify and file with the clerk of the circuit court the statement required by this section of this act, or who shall fail to provide, keep and preserve the book or books of account and the entries and statements therein as aforesaid, or any of them, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than three hundred dollars nor more than one thousand dollars, to which imprisonment in the county jail may be added not to exceed one year. (R. S. 1914, Sec. 7111g.)

290. Candidates' Statements—Exceptions.

8. Every candidate for public office including candidates for the office of senator of the United States, within thirty days after the election or primary election held to nominate for or fill such office or place, shall make out and file with the clerk of the circuit court for the county in which such candidate resides, a full, true and itemized statement in writing, which statement shall be subscribed and sworn to by such candidate before an officer authorized to administer oaths, setting forth in detail all moneys or other valuable things contributed, expended or promised by him to aid or promote his candidacy, or in any way in connection with his nomination or election, or both, as the case may be, or for other political purposes in connection with the election of any other person at said election and all existing unfilled promises or liabilities in that connection remaining uncanceled and in force at the time such statement is made, whether such expenditure, promises, or liabilities were made or incurred before, during or after such election and showing the dates when, the person to whom, and the purpose for which each and all of said sums or valuable things were paid, expended or promised or said liabilities incurred. Such statement shall also set forth that the same is full, true and correct. No person shall be deemed elected to any elective office, under the laws of this state, or enter upon the duties thereof, or receive any salary or emoluments therefrom, until he shall have filed the statement provided for in this section of this act; and no officer authorized by the laws of this state to issue commissions or certificates of election shall issue a commission or certificate of election to any person claiming to be elected to any office, until such statement as aforesaid shall have been so made, verified and filed by such person with such clerk. Upon the filing of such statement, the clerk shall issue to the candidate a certificate showing the filing of such statement, and the date of such filing, which certificate shall be presented by the candidate to the officer authorized by law to issue his commission and such certificate shall be the only evidence of the filing of such statement, which may be required by the officer authorized to issue such commission. Any person violating or failing to comply with

any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than three hundred dollars nor more than two thousand dollars, or imprisoned for not more than one year; or both fined and imprisoned in the discretion of the court or jury trying said cause. Ten days after the period above fixed for the filing of said original statement shall have expired, the officer with whom the same is, by this section required to be filed, shall notify the proper prosecuting officer of any failure to file such statement on the part of any candidate, and within fifteen days thereafter such prosecuting officer shall proceed to prosecute for such offense: Provided, That the provisions and requirements of this section shall not apply to candidates for county council, township advisory board, road supervisor, constable or candidates for any other officer the emoluments of which are less than one hundred dollars per year. (As amended, Acts 1915, p. 36. R. S. 1921, Sec. 7111h.)

291.—False Statement—Perjury.

9. Any wilfully false statement of entry made by any candidate for any office, treasurer, political agent or any person acting as treasurer or political agent, or by any member or officer of any political committee, in any statement or account under oath required by this act, shall constitute the crime of perjury, and be punished as such according to the laws of this state. (R. S. 1914, Sec. 7111i.)

292. Statements Become Public Records.

10. Every officer with whom a statement of accounts or duplicates thereof are required by any section of this act, to be filed, shall receive and file and preserve such statement or accounts or duplicate thereof, in his office and shall keep the same as part of the records thereof for at least three years after they are filed. And all such statements and accounts shall, during the hours for which the office in which they may be filed is open, be subject and open to inspection of any citizen of this state, and copies of such statement or accounts, certified by the officer in whose office they may be so kept, under the seal of his office, shall be evidence in all the courts to the same extent as the original thereof would be if produced and proved. (R. S. 1914, Sec. 7111j.)

293. Corrupt Practices—Guilt Defined—Penalty.

11. The following persons shall be guilty of corrupt practices and shall be punished in accordance with the provisions of this act: Every person who shall, directly or indirectly, by himself or another, give, or offer or promise to any person any money, gift, advantage, preferment, entertainment, aid, emoluments, or any valuable thing whatever, for the purpose of inducing or procuring any person to vote, or refrain from voting, for or against any person, or for or against any measure or proposition at any election or primary election or political convention or session of the general assembly of the State of Indiana, in either house thereof. Every person who shall, directly or indirectly receive, accept, request or solicit from any person, candidate, committee, association, organization, or corporation, any money, gift, advantage, prefer-

ment, aid, emolument, or any valuable thing whatsoever, for the purpose of inducing or procuring any person to vote, or refrain from voting, for or against any person, or for or against any measure or proposition at any election or primary election or political convention. Every person who, in consideration of any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, paid, received, accepted, or promised to the advantage of himself or any other person, shall vote, or refrain from voting, for or against any person, or for or against any measure at any such election, caucus or primary election or political convention. Every person who shall, directly or indirectly, pay, give, contribute or promise any money or other valuable thing, to defray or towards defraying the costs or expenses of any campaign or election, to any persons, committee, company, club, organization or association, other than a treasurer or political agent; but this sub-section or paragraph shall not apply to dues, regularly paid for membership in any incorporated political club if all money expended by such club for or in connection with the costs of expenses of any campaign or election shall be paid out by it only through a treasurer or political agent as provided in this act, or to any expenses for postage, telegrams, telephoning, stationery, printing, expressage or traveling, and board incurred by any candidate for office or for nomination thereto, so far as they are permitted by this act. Every person who shall, directly or indirectly, by himself or through another person, make a payment, or promise of payment, to a treasurer or political agent in any other name than his own, and every treasurer or political agent who shall, knowingly, receive, a payment or promise of payment, and enter the same or cause the same to be entered in his accounts in any other name than that of the person by whom such payment or promise of payment is made. Every person who being an employer pays his employes the salary or wages due in "pay envelopes" upon which there is printed or in which there is enclosed any political motto, device or argument containing threats, express, or implied, intended or calculated to influence the political opinions or actions of such employes, or within ninety [ninety] days of an election or primary election puts, or otherwise exhibits in the establishment or place where his employes are engaged in labor, any handbill or placard containing any threat, notice or information that if any particular ticket or candidate is elected or defeated, work in his place, or establishment be closed up, or the wages of his employes reduced, or other threats, express or implied, intended or calculated to inflame the political opinions or actions of his employes. Every person who, before, during or after an election or primary election by himself, or by any other person, either directly or indirectly, gives or provides, or pays wholly or in part, the expenses of giving or providing any meat, drink, entertainment or provisions to or for any person for the purpose of influencing that person, or any other person, to give or refrain from giving his vote at the election or primary election or to influence his vote in any other way therein, or on account of his having voted, or refrained from voting, or being about to vote or refrain from voting; and every elector who accepts the same, or any of the same, for any of the purposes aforesaid. Every per-

son who, at any election held pursuant to the laws of this state, applies for a ballot paper in any election room or polling place in the name of any other person than himself whether that name be that of a person living or dead or of a fictitious person, or who, having voted once at any election, applies for a ballot paper at the same election in his own name, or any other name, or who aids, abets, counsels, or procures the commission of any such act or acts. Every person who shall falsely compose, dictate, print, write, or transmit by any means whatever to any publisher of any newspaper, book or serial, any matter, the publication of which in such newspaper, book or serial, would expose any person to hatred, contempt, ridicule or obloquy, or which would cause or tend to cause any person to be shunned or avoided, or which would have a tendency to injure any person in his business, for the purpose of intimidating, influencing, inducing or procuring any person to vote or refrain from voting, for or against any person or for or against any measure or proposition at any election or primary election, or political convention or session of the general assembly of the State of Indiana, or either house thereof. Every proprietor or editor of a book, newspaper or serial, and every partner or member of a partnership, or manager of any incorporated association by which a book, newspaper, or serial is issued or published, or circulated, who shall falsely publish, or cause to be published any writing, typewriting, printing, picture, effigy, symbol, sign, cartoon, or which exposes any person to hatred, contempt, ridicule or obloquy, or which causes or tends to cause any person to be shunned or avoided, or which has a tendency to injure any person or company in his or its business, for the purpose of intimidating, influencing or inducing, or procuring any person to vote or refrain from voting for or against any person, or for or against any measure or proposition at any election, or primary election, or political convention or session of the general assembly of the State of Indiana, or either house thereof. Every person who shall be guilty of any corrupt practice as aforesaid, shall be fined not less than \$300.00 nor more than \$1,000.00 or be imprisoned for not more than one year, or both, and shall be ineligible to any public office, or public employment, for the period of four years from and after the time of the commission of such offense. (As amended, Acts 1913, p. 389. R. S. 1914, Sec. 7111k.)

294. Contributions by Corporations Unlawful—Penalty.

12. It shall be unlawful and shall be deemed a corrupt practice for any corporation incorporated under the laws of the State of Indiana, or of any state or territory of the United States, of the District of Columbia, or of the United States, or of any other country, directly or indirectly, by itself, or through any officer, agent or employe, representative or other person whatsoever, to give, contribute, furnish, lend or promise any money, property, transportation, means or aid to any political party, or any candidate for public office or for nomination thereto, or to any public organization, or to any political committee, or to any treasurer or political agent, as herein defined, either directly or indirectly, to aid, promote or influence the success or defeat of any

political party or principle, or any measure or proposition submitted to a vote at a public election or primary election in this state, or to aid, promote or influence in any manner the election or defeat of a candidate therein, or to be used, applied or expended in any way whatever for political purposes. The president, the several directors and every other officer of any corporation which shall violate any of the provisions of this section, and the president or director, or other officer, or agent of any corporation, who shall personally violate any of the provisions of this section, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than five thousand dollars for each offense, and imprisoned for not more than one year in jail. (R. S. 1914, Sec. 7111l.)

295. Contest Complaint—Petition—Proceedings.

13. At any time within thirty days after any election or primary election, held under the laws of this state, any defeated candidate at such election, or any ten duly qualified voters at such election may present to the circuit court of the county in which the defeated candidate resides or to the circuit court of any county in the district at which he was voted for by the qualified voters of the district, a petition setting forth under oath that corrupt practices, contrary to the provisions of any section of this act, were committed at or preliminary to such election, within the county, district or city aforesaid, naming the successful candidate or candidates as defendant or defendants and praying that the facts alleged may be inquired into. If the court, upon the affidavit or affidavits filed with such petition, or upon and after such preliminary hearing, as it may see fit to institute, including such notice and representation to the party or parties named as the defendant or defendants in said petition, as the ends of justice may require, shall be satisfied that the purpose of this act and the interests of public justice require further proceedings upon such petition, and against the party or parties named as defendant or defendants therein, it shall order such reasonable notice of such petition or of such further proceedings to be given the defendant or defendants, and require him or them to answer, show cause or otherwise defend as the court may deem just and reasonable, upon the petitioners giving security for costs in such sum of money as the court shall deem reasonable. Such petitions shall be tried without a jury, unless any of the parties thereto shall elect to have the same tried by a jury. The case shall, if possible, be tried in and during the term in which such petition may be filed, and when a jury trial is demanded by any of the parties to such petition, the jury for said term shall try it, and if the jury for said term shall have been dismissed, the court shall recall said jury for the purpose of trying said case. If in any case it shall not be possible to try such case during the term in which such petition shall have been filed, it shall be tried during the next succeeding term of the court. In every case in which a jury trial shall be demanded, the judge shall frame and submit to the jury for its decision and verdict all appropriate and necessary issues of fact presented by the pleadings in such case or by the scope of the inquiry or inquiries presented by said case. The court shall bring such cause to

hearing, determination and judgment as speedily as a just regard for the rights of the parties concerned may permit; and shall expeditiously inquire into, or, when a jury is demanded, cause the jury to inquire into all of the facts and circumstances and into such violations or of failure to comply with the provisions of this act, as may be alleged in any such petition, or into such other facts and circumstances relative to any election or to any contributions, expenditures or liability made, or any corrupt practice committed in connection therewith, which at any time the court holding such inquest or presiding in said cause shall deem necessary to secure compliance with the provisions of this act, or to punish for a violation thereof. All persons whom the court shall deem proper or necessary to join or bring in as parties to any such proceeding in order to make its order, judgments or writs effective, may be joined as parties in such manner and upon such notice as the court may direct. In case such petition relates to the election of electors of president and vice-president of the United States, a representative in congress, or any state officer or a senator or representative of the general assembly of the State of Indiana, or a judge of the circuit court, superior, criminal or probate court, or a prosecuting attorney, the trial judge shall have no power to declare any such election to be void, but shall file his finding, or, in a case where a jury shall have been demanded, the finding or verdict of such jury as to whether or not the successful candidate, or any political committee or treasurer, or sub-treasurer, or political agent acting for or on behalf of such candidate, was so guilty of corrupt practices, with the secretary of state, together with the transcript of the evidence and the secretary of state shall thereupon submit the same to the governor of Indiana, when the election is for the president or vice-president of the United States; or when the election is for a representative in congress, shall submit the same, certified under the seal of the state to the speaker of the house of representatives; or when the election is for a member of the state senate, shall submit the same to the president of the senate of the State of Indiana; or when the election is for any state officer or a judge of the circuit court, superior, criminal or probate court, or a prosecuting attorney, or representative to the house of representatives of the general assembly of Indiana. In case such petition relates to any other office than those above referred to, the trial judge shall file with the governor his decision or the finding or verdict of the jury in cases where there has been a jury trial as to whether or not the successful candidate, or a political committee or treasurer or political agent, acting for or in his behalf, was guilty of corrupt practices, and said trial judge shall also file with the governor his decision, and as to whether or not, upon the findings in such case, such election was void as hereinafter provided. In case the decision or finding so to be filed with the governor shall be that any successful candidate so petitioned against, was in person or in the person of a treasurer or sub-treasurer or his political agent, or through any political committee acting for or in his behalf so guilty of corrupt practices, such election shall be void, except as hereinafter provided, and in case of such void election, the governor shall, within five days after the receipt of such decision, issue his proclamation declaring such election void, and the vacancy in the office to

have been filled by said election shall be filled in the same manner as would be required by law in case said vacancy had arisen from the death of the successful candidate after his election. If any candidate shall have been so found or decided to have been so guilty in person of corrupt practices, he shall be ineligible to election or appointment to any public office or employment for a period of four years from the date of said election, but the mere finding or decision that his political agent was so guilty shall not render him ineligible to office; but where the judge shall decide or certify upon his finding in any case that any such successful candidate was guilty of corrupt practices only in the person of his agent, and that (a) no corrupt practice was committed by the candidate personally and the offense was committed contrary to his order and without his sanction or connivance; (b) the offense was a trivial, unimportant and limited character; (c) in all other respects such election was free from corrupt practices on the part of such candidate and of his political agent, then the election of such candidate shall not be void, nor shall the candidate be subject to any ineligibility therefor. An appeal to the supreme court of the State of Indiana may be taken on questions of law from any decision relative to ineligibility to public office or employment of any such candidate. (R. S. 1914, Sec. 7111m.)

296. Costs—Witnesses and Documents.

14. The courts in which such petitions shall be filed shall have authority to tax the costs as in equity cases, and also to subpoena witnesses and require them to testify as in other civil cases, and to compel by subpoena duces tecum the production for examination of any books or papers of any kind, or if any other thing which may be required or desirable in the conduct of such inquiry. In any proceeding held under the provisions of this or the preceding sections no witnesses shall be excused from answering any question or producing any book, paper or other thing on the ground or claim that his answer or the thing produced, or to be produced by him, may tend to incriminate or degrade him, or render him liable to a penalty but his answer, or the thing produced by him shall not be used in any proceeding against him, except in a prosecution for perjury in so testifying. (R. S. 1914, Sec. 7111n.)

297. Prosecuting Attorney—Duties.

15. It shall be the duty of the prosecuting attorney of each county of this state to prosecute, by the regular course of criminal procedure, any person whom he may believe to be guilty of having violated any of the provisions of this act within the county or district for which said prosecuting attorney may be acting as such, or any resident of such county who may have violated any provisions of this act in such county or in any other part of the state. And in any criminal prosecution, under this act, or for violation of any of the provisions thereof, no witness, except the person who is accused and on trial, shall be excused from answering any question or producing any book, paper or other thing on the ground or claim that his answer, or the thing produced or to be produced by him, may tend to incriminate or degrade him, or render him

liable to a penalty, but his answer or the thing produced by him shall not be used in any proceeding against him, except in a prosecution for perjury in so testifying. (R. S. 1914, Sec. 7111o.)

[Public—No. 274.]

[H. R. 2250.]

An act providing for publicity of contributions made for the purpose of influencing elections at which representatives in congress are elected.

298. Federal Act Defining Political Committee.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That the term "political committee" under the provisions of this act shall include the national committees of all political parties and the national congressional campaign committees of all political parties and all committees, associations, or organizations which shall in two or more states influence the result or attempt to influence the result of an election at which representatives in congress are to be elected. (36 Stat. L. 822, Federal Statutes Annotated Supplement 1912, p. 69.)

299. Chairman and Treasurer—Duty of Treasurer.

2. That every political committee as defined in this act shall have a chairman and a treasurer. It shall be the duty of the treasurer to keep a detailed and exact account of all money or its equivalent received by or promised to such committee or any member thereof, or by or to any person acting under its authority or in its behalf, and the name of every person, firm, association, or committee from whom received, and of all expenditures, disbursements, and promises of payment or disbursements made by the committee or any member thereof, or by any person acting under its authority or in its behalf, and to whom paid, distributed, or disbursed. No officer or member of such committee, or other person acting under its authority or in its behalf shall receive any money or its equivalent, or expend or promise to expend any money on behalf of such committee, until after a chairman and treasurer of such committee, shall have been chosen. (36 Stat. L. 823, Federal Statutes Annotated Supp. 1912, p. 69.)

300. Disbursements in Excess of \$10.00—Requirements.

3. That every payment or disbursement made by a political committee exceeding ten dollars in amount be evidenced by a receipted bill stating the particulars of expense, and every such record, voucher, receipt, or account shall be preserved for fifteen months after the election to which it relates. (36 Stat. L. 823, Fed. Stat. Annotated Supplement 1912, p. 70.)

301. Accounts of Contributions.

4. That whoever, acting under the authority or in behalf of such political committee, whether as a member thereof or otherwise, receives any contribution, payment, loan, gift, advance, deposit, or promise of money or its equivalent, shall on demand, and in any event within five

days after the receipt of such contribution, payment, loan, gift, advance deposit or promise, render to the treasurer of such political committee a detailed account of the same, together with the name and address from whom received, and said treasurer shall forthwith enter the same in a ledger or record to be kept by him for that purpose. (36 Stat. L. 823, Fed. Stat. Anno. Supp. 1912, p. 70.)

302. Publicity of Campaign Contributions.

"5. That the treasurer of every such political committee shall, not more than fifteen days and not less than ten days next before an election at which representatives in congress are to be elected in two or more states, file in the office of the clerk of the house of representatives at Washington, District of Columbia, with said clerk, an itemized detailed statement; and on each sixth day thereafter until such election said treasurer shall file with said clerk a supplemental itemized detailed statement. Each of said statements shall conform to the requirements of the following section of this act, except that the supplemental statement herein required need not contain any item of which publicity is given in a previous statement. Each of said statements shall be full and complete, and shall be signed and sworn to by said treasurer.

"It shall also be the duty of said treasurer to file a similar statement with said clerk within thirty days after such election, such final statement also to be signed and sworn to by said treasurer and to conform to the requirements of the following section of this act. The statements so filed with the clerk of the house shall be preserved by him for fifteen months and shall be a part of the public records of his office and shall be open to public inspection. (As amended August 19, 1911. 37 Stat. L. 25, Fed. Stat. Anno. Supp. 1912, p. 71.)

303. What Public Statements Must Show.

"6. That the statement required by the preceding section of this act shall state:

"First. The name and address of each person, firm, association, or committee who or which has contributed, promised, loaned, or advanced to such political committee, or any officer, member, or agent thereof either in one or more items, money or its equivalent of the aggregate amount or value of one hundred dollars or more, and the amount or sum contributed, promised, loaned, or advanced by each.

"Second. The aggregate sum contributed, promised, loaned, or advanced to such political committee, or to any officer, member, or agent thereof, in amounts of less than one hundred dollars.

"Third. The total sum of all contributions, promises, loans, and advances received by such political committee or any officer, member, or agent thereof.

"Fourth. The name and address of each person, firm, association, or committee to whom such political committee, or any officer, member or agent thereof, has distributed, contributed, loaned, advanced, or promised any sum of money or its equivalent of the amount or value of ten dollars or more, stating the amount or sum distributed, disbursed, contributed, loaned, advanced, or promised to each, and the purpose thereof.

"Fifth. The aggregate sum distributed, disbursed, contributed, loaned, advanced, or promised by such political committee, or any officer, member, or agent thereof, where the amount or value of such distribution, disbursement, loan, advance, or promise to any one person, firm, association, or committee in one or more items is less than ten dollars.

"Sixth. The total sum disbursed, contributed, loaned, advanced, or promised by such political committee, or any officer, member, or agent thereof." (As amended August 19, 1911. 37 Stat. L. 25, Fed. Stat. Anno. Supp. 1912, p. 71.)

304. Persons Expending Over \$50.00 to Influence the Election of a Congressman Must File Statements.

7. That every person, firm, association, or committee, except political committees as hereinbefore defined, that shall expend or promise any sum of money or other thing of value amounting to fifty dollars or more for the purpose of influencing or controlling, in two or more states, the result of an election at which representatives to the congress of the United States are elected, unless he or it shall contribute the same to a political committee as hereinbefore defined, shall file the statements of the same under oath, as required by section 6 of this act, in the office of the clerk of the house of representatives, at Washington, District of Columbia, which statements shall be held by said clerk in all respects as required by section five of this act. (36 Stat. L. 823, Fed. Stat. Anno. Supp. 1912, p. 71.)

305. "Candidate" Defined—Duties of Candidates for Congress.

8. The word "candidate" as used in this section shall include all persons whose names are presented for nomination for representative or senator in the congress of the United States at any primary election or nominating convention, or for indorsement or election at any general or special election held in connection with the nomination or election of a person to fill such office, whether or not such persons are actually nominated, indorsed, or elected.

"Every person who shall be a candidate for nomination at any primary election or nominating convention, or for election at any general or special election, as representative in the congress of the United States, shall, not less than ten nor more than fifteen days before the day for holding such primary election or nominating convention, and not less than ten nor more than fifteen days before the day of the general or special election at which candidates for representatives are to be elected, file with the clerk of the house of representatives at Washington, District of Columbia, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts,

contributions, payments, or promises were made, for the purpose of procuring his nomination or election.

“Every person who shall be a candidate for nomination at any primary election or nominating convention, or for indorsement at any general or special election, or election by the legislature of any state, as senator in the congress of the United States, shall, not less than ten nor more than fifteen days before the day for holding such primary election or nominating convention, and not less than ten nor more than fifteen days before the day of the general or special election at which he is seeking indorsement, and not less than five nor more than ten days before the day upon which the first vote is to be taken in the two houses of the legislature before which he is a candidate for election as senator, file with the secretary of the senate at Washington, District of Columbia, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

“Every such candidate for nomination at any primary election or nominating convention, or for indorsement or election at any general or special election, or for election by the legislature of any state, shall, within fifteen days after such primary election or nominating convention, and within thirty days after any such general or special election, and within thirty days after the day upon which the legislature shall have elected a senator, file with the clerk of the house of representatives or with the secretary of the senate, as the case may be, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, up to, on, and after the day of such primary election, nominating convention, general or special election, or election by the legislature, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination, indorsement, or election.

“Every such candidate shall include therein a statement of every promise or pledge made by him, or by anyone for him with his knowledge and consent or to whom he has given authority to make any such promise or pledge, before the completion of any such primary election or nominating convention or general or special election or election by the legis-

lature, relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in the county, state or nation, or in any political sub-division thereof, or in any private or corporate employment, for the purpose of procuring the support of such person or of any person in his candidacy, and if any such promise or pledge shall have been made the names or name, the address or addresses, and the occupation or occupations of the person or persons to whom such promise or pledge shall have been made, shall be stated, together with a description of the position relating to which such promise or pledge has been made. In the event that no such promise or pledge has been made by such candidate, that fact shall be distinctly stated.

“No candidate for representative in congress or for senator of the United States shall promise any office or position to any person, or to use his influence or to give his support to any person for any office or position for the purpose of procuring the support of such person, or of any person, in his candidacy; nor shall any candidate for senator of the United States give, contribute, expend, use, or promise any money or thing of value to assist in procuring the nomination or election of any particular candidate for the legislature of the state in which he resides, but such candidate may, within the limitations and restrictions and subject to the requirements of this act, contribute to political committees having charge of the disbursement of campaign funds.

“No candidate for representative in congress or for senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election, any sum, in the aggregate, in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the state in which he resides: Provided, That no candidate for representative in congress shall give, contribute, expend, use or promise any sum, in the aggregate, exceeding five thousand dollars in any campaign for his nomination and election; and no candidate for senator of the United States shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding ten thousand dollars in any campaign for his nomination and election: Provided further, That money expended by any such candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the state in which he resides, or for his necessary personal expenses, incurred for himself alone, for travel and subsistence, stationery and postage, writing or printing (other than in newspapers), and distributing letters, circulars, and posters, and for telegraph and telephone service, shall not be regarded as an expenditure within the meaning of this section, and shall not be considered any part of the sum herein fixed as the limit of expense and need not be shown in the statements herein required to be filed.

“The statements herein required to be made and filed before the general election, or the election by the legislature at which such candidate seeks election, need not contain items of which publicity is given in a previous statement, but the statement required to be made and filed after said general election by the legislature shall, in addition to

an itemized statement of all expenses not theretofore given publicity, contain a summary of all preceding statements.

"Any person, not then a candidate for senator of the United States, who shall have given, contributed, expended, used, or promised any money or thing of value to aid or assist in the nomination or election of any particular member of the legislature of the state in which he resides, shall, if he thereafter becomes a candidate for such office, or if he shall thereafter be elected to such office without becoming a candidate therefor, comply with all of the provisions of this section relating to candidates for such office, so far as the same may be applicable; and the statement herein required to be made, verified, and filed after such election shall contain a full, true and itemized account of each and every gift, contribution, expenditure, and promise whenever made, in any wise relating to the nomination or election of members of the legislature of said state, or in any wise connected with or pertaining to his nomination and election of which publicity is not given in a previous statement.

"Every statement herein required shall be verified by the oath or affirmation of the candidate, taken before an officer authorized to administer oaths; and the depositing of any such statement in a regular post office, directed to the clerk of the house of representatives, or to the secretary of the state, as the case may be, duly stamped and registered, within the time required herein, shall be deemed a sufficient filing of any such statement under any of the provisions of this act."

Approved August 23, 1912.

"This act shall not be construed to annul or vitiate the laws of any state, not directly in conflict herewith, relating to the nomination or election of candidates for the officers herein named, or to exempt any such candidate from complying with such state laws." (Amended August 19, 1911. 37 Stat. L. 26, Fed. Stat. Anno. 1912. Supp. p. 72, and as amended August 23, 1912.)

306. Candidates for Congress May Pay All Necessary Personal Expenses Out of Own Private Funds.

"9. That any person may in connection with such election incur and pay from his own private funds for the purpose of influencing or controlling in two or more states, the results of an election at which representatives to the congress of the United States are elected, all necessary personal expenses for his traveling, for stationery, and postage, and for telegraph and telephone service without being subject to the provisions of this act." (As amended August 19, 1911. 36 Stat. L. 824, Fed. Stat. Anno. 1912, Supp. p. 71.)

307. Candidates May Pay Proper Legal Expenses.

10. That nothing contained in this act shall limit or affect the right of any person to spend money for proper legal expenses in maintaining or contesting the results of any election. (36 Stat. L. 824.)

308. Penalties for Violation of Act.

11. That every person wilfully violating any of the foregoing provisions of this act shall, upon conviction, be fined not more than one

thousand dollars or imprisoned not more than one year, or both. (Approved, June 25, 1910. 36 Stat. L. 824.)

An act to prohibit corporations from making money contributions in connection with political elections.

309. Federal Law—Prohibiting Contributions by Corporations.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That it shall be unlawful for any national bank, or any corporation organized by authority of any laws of congress to make a money contribution in connection with the election to any political office. It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which presidential and vice-presidential electors or a representative in congress is to be voted for or any election by any state legislature of a United States senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be subject to a fine not exceeding five thousand dollars, and every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall upon conviction be punished by a fine of not exceeding one thousand dollars and not less than two hundred and fifty dollars, or by imprisonment for a term of not more than one year, or both such fine and imprisonment in the discretion of the court.

[Approved, January 26, 1907. 35 Stat. L. 1103. Fed. Stat. Anno. Supp. 1909, p. 427.]

ARTICLE 7. ADDITIONAL PROVISIONS TO SECURE PURITY OF ELECTIONS.

SEC.	SEC.
310. Illegal voter.	330. Using violence, threats or restraint.
311. Voting in wrong precinct.	331. Seizing ballot box.
312. Non-resident voting.	332. Destroying ballot box or ballots.
313. Importing voters.	333. Inducing voters to re-sign petition.
314. Voting more than once.	334. Selling signature to petition.
315. Sale of vote.	335. Fraud at special election.
316. Reward for conviction.	336. Buying vote at special election.
317. Limitation of actions.	337. Bribing to procure election.
318. Bribery to secure nomination.	338. Bribery of election officers.
319. Bribing voter.	339. Betting on elections.
320. Ground of challenge—Affidavit.	340. Inducing minor to bet on elections.
321. False affidavit.	341. Liquor—Selling on election day.
322. Ballot box breaking—Altering returns.	342. Druggist selling liquor on election day.
323. Fraud by officer.	343. Penalty for selling or offering to sell vote.
324. Altering returns.	344. Penalty for buying votes.
325. Refusing to receive vote.	345. Witnesses.
326. Officer persuading voter.	346. Repeal.
327. Officer opening or marking ticket.	347. Holidays—Hours of sale—Cities or towns—Penalties.
328. Deceiving illiterate voter.	
329. Defrauding voter.	

[1881, S., p. 174. Approved April 14, 1881. In force September 19, 1881.]

310. Illegal Voter.

263. Whoever, not having the legal qualifications of a voter at any election authorized by law to be held in this state for any officer whatever, votes or offers to vote at such election, shall be fined not more than

five hundred dollars nor less than ten dollars, imprisoned in the county jail not more than one year nor less than one month, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2561; R. S. 1901, §2322; R. S. 1897, §2362; R. S. 1894, §2322; R. S. 1881, §2179.)

311. Voting in Wrong Precinct.

264. Whoever knowingly votes or offers to vote in any precinct or ward except the one in which he resides, shall be fined not more than five hundred dollars nor less than ten dollars, imprisoned in the county jail not more than one year nor less than one month, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2562; R. S. 1901, §2323; R. S. 1897, §2323; R. S. 1894, §2363; R. S. 1881, §2180.)

312. Nonresident Voting.

265. Whoever passes from any other state into this state, and votes or attempts to vote at any voting precinct or ward of this state, not being at the time a bona fide resident of such voting precinct or ward, shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the state prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2564; R. S. 1901, §2324; R. S. 1897, §2364; R. S. 1894, §2324; R. S. 1881, §2181.)

313. Importing Voters.

266. Whoever hires or solicits any person to come from any state into this state for the purpose of voting at any election therein or to pass from any county to another county, or from any township into another township, or from any voting precinct or ward of the state, for the purpose of voting therein at any election held therein (such person, so solicited, not being a legal voter in such county, township, precinct or ward), shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the state prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2565; R. S. 1901, §2325; R. S. 1897, §2365; R. S. 1894, §2325; R. S. 1881, §2182.)

314. Voting More Than Once.

267. Whoever votes more than once at any election in this state, either at the same precinct or ward or at different precincts or wards, shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the state prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2563; R. S. 1901, §2326; R. S. 1897, §2366; R. S. 1894, §2326; R. S. 1881, §2183.)

315. Sale of Vote.

1. That whosoever sells, barter or offers to sell or barter his vote, or offers to refrain from voting for any candidate or candidates for any office at any general, special or primary elections or convention either for money or property, or thing of value, or for any promise or favor or hope of reward, or who shall accept any money, property or thing of value, with the promise or pretense of voting for, or refraining from voting for any candidate or candidates, shall upon conviction therefor be disfranchised and rendered incapable of holding any office of profit or trust, for a period not less than ten years nor more than twenty years. (Acts 1899, p. 381. R. S. 1914, §2558.)

316. Reward for Conviction.

2. Any person or persons having knowledge or information of the violation of the provisions of this act, who shall procure or furnish or cause to be procured or furnished the testimony necessary to secure a conviction of the person or persons violating the same shall be entitled to a reward of \$100 payable out of the treasury of the county in which such conviction shall be had and the right to such reward shall be a valid claim against such county. (Acts 1899, p. 381. R. S. 1914, §2559.)

317. Limitation of Actions.

4. Prosecution may be brought, under this act, at any time within six months after the commission of the offense. (Acts 1899, p. 381. R. S. 1914, §2560.)

[1889, p. 267. Approved March 9, 1889. In force May 10, 1889.]

318. Bribery to Secure Nomination.

1. Any person being a candidate for nomination to any office of profit or trust under the constitution or laws of this state, or of the United States, before any convention held by any political party, or at any primary election, who loans, pays or gives, or promises to loan, pay or give any money or other thing of value to any delegate or elector, or any other person, for the purpose of securing the vote or influence of such delegate, elector or person for his nomination, and whoever hires or otherwise employs for consideration any person to work for the nomination of any person to any office, or to work for the selection of any delegate to be chosen at any party convention or primary election, shall, upon conviction thereof, be fined in any sum not more than five hundred dollars and disfranchised and rendered incapable of holding any office of profit or trust within this state for any determinate period, and if nominated shall be ineligible to hold such office. (R. S. 1908 and 1914, §2566; R. S. 1901, §2327; R. S. 1897, §2367; R. S. 1894, §2327; E. S., §319.)

319. Bribing Voter.

2. Whoever, being a candidate for an office, loans or gives directly or indirectly, or offers or promises to loan or give money or other thing of value to any elector for the purpose of influencing or retaining the vote of such elector, or to induce such elector to work or labor for the

election of such candidate or to refrain from working or laboring for the election of any other candidate, or to any person, to secure or to retain the influence or vote of such elector in his behalf as such candidate, or to be used by such person in any way to influence the vote of any elector, or of electors generally, for himself or any candidate or ticket, and whoever hires or otherwise employs for consideration any person to work at the polls on election day for the election of any candidate to be voted for at such election, shall be fined in any sum not more than one thousand nor less than three hundred dollars, and shall be disfranchised and rendered incapable of holding any office of profit or trust within this state for any determinate period, and a violation of any provision of this section by any person elected to such office shall render his election void, and if he has taken the office, upon conviction, shall operate as a vacation of the same. (R. S. 1908 and 1914, §2567; R. S. 1901, §2328; R. S. 1897, §2368; R. S. 1894, §2328; E. S., §320.)

320. Ground for Challenge—Affidavit.

5. At any election held under and pursuant to any law of this state, it shall be a ground for challenge that any person offering to vote has used or attempted to use money or other means to buy, hire or induce any elector to vote or refrain from voting for any candidate or candidates, or has advised, counseled or suggested bribery of any elector or electors at any such election, whether the same has been acted on or not; or has sold or offered to sell his vote for any candidate or candidates, at any such election. And when so challenged such elector shall not be permitted to vote until he has taken and subscribed the following:

State of Indiana, }
County, } SS.

I,, do solemnly swear (or affirm) that I have not used nor attempted to use any money or other means to buy, hire or induce any person or persons to vote or refrain from voting, or to remain away from the polls at this election; and that I have not counseled, advised, suggested or procured any person or persons to bribe any elector or electors to vote for any candidate or candidates, or to refrain from voting, or to remain away from the polls at this election, and that I have not sold or offered to sell my vote, either directly or indirectly, at this election.

.....
 Subscribed and sworn to before me this.....day of
, 19...

(R. S. 1908 and 1914, §2568; R. S. 1901, §2331; R. S. 1887, §2371; R. S. 1894, §2331; E. S., §323.)

321. False Affidavit.

6. Whoever shall wilfully or knowingly make a false affidavit under this act shall be guilty of perjury and punished accordingly. All affidavits made under the preceding section shall be filed with the board of election and preserved by such board in the manner as other similar

affidavits and papers are preserved. (R. S. 1908 and 1914; §2569; R. S. 1901, §2332; R. S. 1897, §2372; R. S. 1894, §2332; E. R., §324.)

1. Section 7 repeals sections 1, 2, 3 and 5 of acts of March 17, 1885 (1885, p. 93). The same section repeals 2184 and 2185 of R. S. 1881.

322. Ballot Box Breaking—Altering Returns.

8. Any person not duly authorized by law who shall, during the progress of an election in this state, or after the closing of the polls and before the ballots are counted, and result ascertained, or within six months thereafter, break open or violate the seals or locks of any ballot box, paper envelope or bag in which ballots have been deposited at or after such election, or who shall obtain possession of such ballot box, paper envelope or bag containing such ballots, and cancel, withhold or destroy the same, or who shall fraudulently or forcibly add to or diminish the number of ballots legally deposited therein, or who shall fraudulently make any erasure or alteration of any kind upon any tally sheet, poll book, list of votes or election return deposited therein, shall be fined in any sum not more than one thousand nor less than five hundred dollars, and imprisoned in the state prison not more than ten nor less than two years, and disfranchised and rendered incapable of holding any office of profit or trust in this state for any determinate period. (R. S. 1908 and 1914, §2570; R. S. 1901, §2333; R. S. 1897, §1373; R. S. 1894, §2333; E. S., §236.)

[1881, p. 174. Approved April 14, 1881. In force September 19, 1881.]

323. Fraud by Officer.

270. Whoever, being a township trustee, inspector, judge of election, or clerk of election, takes out of the ballot box any ballot legally deposited therein, for the purpose of destroying the same or substituting another in its place, or after the same has been legally taken out, intentionally destroys or misplaces the same with the intent to substitute another ballot therefor, or with the intent to prevent the same from being counted at such election; or knowingly enters upon the poll books the name of any person who has not legally voted at such election; or intentionally tallies any vote to any candidate not voted for by such ballot; or permits any one of these acts to be done—shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the state prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust for any determinate period. (R. S. 1908 and 1914, §2571; R. S. 1901, §2334; R. S. 1897, §2374; R. S. 1894, §2334; R. S. 1881, §2186.)

324. Altering Returns.

271. Any township trustee, inspector or any person acting for or on behalf of any trustee or inspector while forming a board of canvassers or before the canvassing of any board of canvassers or after the adjournment of any board of canvassers, who shall, with intent to cheat and defraud, alter any election return as made by the election board of any voting precinct, either by increasing the vote of any candidate or

reducing the same; or shall intentionally destroy, misplace, or lose any poll book or tally sheet; or any clerk of court who shall, with intent to cheat and defraud, change or alter in any way the vote of any candidate as returned by the board of canvassers; or any such trustee, inspector, clerk or deputy clerk, or other person, acting for such person who shall consent to the same being done, or who shall permit the same to be done, shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the state prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2572; R. S. 1901, §2335; R. S. 1897, §2375; R. S. 1894, §2335; R. S. 1881, §2187.)

325. Refusing to Receive Vote.

272. Whoever, being an inspector or judge of any election held within this state, knowingly and wilfully, or corruptly, refuses or neglects to receive the vote of any legal voter at any election held within the state, shall be fined not more than five hundred dollars nor less than fifty dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2573; R. S. 1901, §2336; R. S. 1897, §2376; R. S. 1894, §2336; R. S. 1881, §2188.)

326. Officer Persuading Voter.

273. Whoever, being an inspector, judge or clerk of an election, attempts to induce, by persuasion, menace or reward, or promise thereof, any elector to vote for any person, shall be fined not more than one hundred dollars nor less than ten dollars. (R. S. 1908 and 1914, §2574; R. S. 1901, §2337; R. S. 1897, §2377; R. S. 1894, §2337; R. S. 1881, §2189.)

327. Officer Opening or Marking Ticket.

274. Whoever, being a judge, inspector, clerk or other officer of an election, opens or marks, by folding or otherwise, any ticket presented by such elector at such election; or attempts to find out the names thereon; or suffers the same to be done by any person before such ticket is deposited in the ballot box, shall be fined in any sum not more than one hundred dollars nor less than ten dollars, and disfranchised for any determinate period. (R. S. 1908 and 1914, §2575; R. S. 1901, §2338; R. S. 1897, §2378; R. S. 1894, §2338; R. S. 1881, §2190.)

328. Deceiving Illiterate Voter.

275. Whoever furnishes an elector who cannot read the English language, at any election held pursuant to law, with a ticket which such person shall represent to such elector as containing a name different from the one printed or written thereon, shall be fined not more than one hundred dollars nor less than ten dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2576; R. S. 1901, §2339; R. S. 1897, §2379; R. S. 1894, §2339; R. S. 1881, §2191.)

329. Defrauding Voter.

276. Whoever fraudulently causes or attempts to cause any elector, at any election held pursuant to law in this state, to vote for a person different from the one he intended to vote for, shall be fined not more than one hundred dollars nor less than ten dollars. (R. S. 1908 and 1914, §2577; R. S. 1901, §2340; R. S. 1897, §2380; R. S. 1894, §2340; R. S. 1881, §2192.)

330. Using Violence, Threats or Restraint.

277. Whoever, for the purpose of influencing a voter, seeks by violence or threats of violence or threats to enforce the payment of a debt; or to eject or threaten to eject from any house he may occupy; or to begin a criminal prosecution; or to injure the business or trade of an elector; if an employer of laborers or an agent of such employer, threatens to withhold the wages of or to dismiss from service any laborer in his employment; or refuses to allow to any such employe time to attend at the place of election and vote, shall be fined not more than one thousand dollars nor less than twenty dollars, imprisoned in the state prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2578; R. S. 1901, §2341; R. S. 1897, §2381; R. S. 1894, §2341; R. S. 1881, §2193.)

331. Seizing Ballot Box.

278. Whoever, at any election, unlawfully, either by force, fraud, or other improper means, obtains or attempts to obtain possession of any ballot box, or any ballots therein deposited, while the voting of such election is going on or before the ballots are duly taken out of such ballot box and counted by the election board according to law, shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the state prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2579; R. S. 1901, §2342; R. S. 1897, §2382; R. S. 1894, §2342; R. S. 1881, §2194.)

332. Destroying Ballot Box or Ballots.

279. Whoever unlawfully destroys or attempts to destroy any ballot box used, or any ballot or vote deposited, or any poll book kept at any election, shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the state prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2580; R. S. 1901, §2343; R. S. 1897, §2383; R. S. 1894, §2343; R. S. 1881, §2195.)

333. Inducing Voters to Re-sign Petition.

280. Whoever, by persuasion, menace, or reward, or promise thereof, induces or attempts to induce any legal voter of any county to re-sign any written or printed petition for the relocation of the county seat of

any county or any remonstrance against such location, shall be fined not more than five hundred dollars nor less than ten dollars, to which may be added imprisonment in the county jail not more than six months nor less than ten days, and he shall be disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2581; R. S. 1901, §2344; R. S. 1897, §2384; R. S. 1894, §2344; R. S. 1881, §2196.)

334. Selling Signature to Petition.

281. Whoever, being a legal voter of any county, sells or barter or offers to sell or barter for money, property, or thing of value, or for any promise or hope of reward, given or offered by any person, his signature to any written petition for the relocation of any county seat, or to any remonstrance against such relocation, shall be fined not more than five hundred dollars nor less than ten dollars, to which may be added imprisonment in the county jail not more than six months nor less than ten days, and he shall be disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2582; R. S. 1901, §2345; R. S. 1897, §2385; R. S. 1894, §2345; R. S. 1881, §2197.)

335. Fraud at Special Election.

282. Whoever votes more than once at any election for the relocation of any county seat, or for aid to any railroad, either at the same precinct, or at different precincts, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in any sum not more than fifty dollars nor less than ten dollars. (R. S. 1908 and 1914, §2583; R. S. 1901, §2346; R. S. 1897, §2386; R. S. 1894, §2346; R. S. 1881, §2198.)

336. Buying Vote at Special Election.

283. Whoever buys or offers to buy, either by himself or by any other person, or furnishes any money or any other means to be used, or who shall permit his money or other means to be used, to hire, buy, or induce any person to vote for or against the removal of a county seat, or for or against the appropriation of aid to any railroad; or whoever attempts to induce any person to vote for or against such removal or appropriation, by offering any reward or favor—shall be deemed guilty of a misdemeanor. And whoever, being a voter of this state, sells or barter or offers to sell or barter, for any money or property, or anything of value, or any promise or hope of reward given or offered by any person or persons, his vote for the removal or for the relocation of a county seat, or against such removal or relocation, or against such appropriation or in favor of such appropriation for said railroad, shall be deemed guilty of a misdemeanor. And, upon conviction of violating any provisions of this section, the persons so offending shall be fined in any sum not more than one hundred dollars nor less than twenty-five dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period not exceeding five years. (R. S. 1908 and 1914, §2584; R. S. 1901, §2347; R. S. 1897, §2387; R. S. 1894, §2347; R. S. 1881, §2199.)

337. Bribing to Procure Election.

284. Whoever gives or offers a bribe, threat, or reward to procure his election to any office under the constitution or the laws of this state, shall be fined not more than one thousand dollars nor less than fifty dollars, and imprisonment in the state prison not more than five years nor less than one year; and such person so offending, if elected to such office, shall be disqualified from holding office during the term for which he may have been elected, and also disfranchised for any determinate period. (R. S. 1908 and 1914, §2585; R. S. 1901, §2348; R. S. 1897, §2388; R. S. 1894, §2348; R. S. 1881, §2200.)

[Acts 1905, p. 695. Approved March 10, 1905.]

338. Bribery of Election Officers.

478. Whoever, with intent to corrupt a grand or petit juror or a grand or petit jury, referee, master-commissioner, arbitrator, umpire, commissioner to sell lands or to make a partition of lands, appraiser of real estate or personal property, county commissioner, mayor of a city, or member of the common council or other officer of any city, or trustee of any incorporated town, trustee of any civil or school township, school city or town, or any inspector, judge or clerk of election, or influence him or them with respect to the discharge of his or their duty either before or after he or they are summoned, elected, appointed, qualified or sworn, promises or offers him or them any money or valuable thing; and whoever, either before or after he is summoned, elected, appointed, qualified or sworn as a grand or petit juror, referee, master-commissioner, arbitrator, umpire, commissioner to sell lands or to make partition of lands, appraiser of real estate or personal property, county commissioner, mayor of a city, or member of the common council or other officer of any city, trustee of any incorporated town, trustee of any civil or school township, school city or town, or inspector, judge or clerk of election, solicits or accepts any money or other valuable things to influence him with respect to the discharge of his duties as such, shall, on conviction, be imprisoned in the state prison not less than two years nor more than fourteen years, fined not exceeding one thousand dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2379; R. S. 1905, §2123.)

[Acts 1905, p. 717. Approved March 10, 1905.]

339. Betting on Elections.

561. Whoever makes any bet or wager, or sells or purchases any pools on the result of any election held under the laws of this state, or upon the result of any state election, or upon the election of any person to any office, post or situation, or upon the election of president or vice-president of the United States, or of senators or representatives in congress, or of any elector of president or vice-president of the United States, or sells or purchases any pools on the result of any horse race, or trial of speed between men or animals, or of any game, shall, upon conviction, be fined not less than five dollars nor more than one hundred

dollars, to which may be added imprisonment in the county jail not less than ten days nor more than three months. (R. S. 1908 and 1914, §2470; R. S. 1905, §2205.)

[Acts 1905, p. 716. Approved March 10, 1905.]

340. Inducing Minor to Bet on Elections.

559. Whoever, being an adult, by any device or pretense, entices any person under the age of twenty-one years knowing such person to be a minor, to engage in any game whatever for money or property of any value, or plays or bets at or upon any game or wager, or upon the result of any game or election, with a minor, knowing him to be such, shall on conviction, be fined not less than five dollars nor more than one hundred dollars, to which may be added imprisonment in the county jail not less than thirty days nor more than one year. (R. S. 1908 and 1914, §2468; R. S. 1905, §2203.)

[Acts 1905, p. 721. Approved March 10, 1905.]

341. Liquor—Selling on Election Day.

579. Whoever shall sell, barter or give away, to be drunk as a beverage, any spirituous, vinous, malt or other intoxicating liquors, upon Sunday, the Fourth of July, the first day of January, the twenty-fifth day of December, commonly called Christmas, Thanksgiving Day as designated by proclamation of the governor of this state, or the president of the United States, or any legal holiday or upon the day of any state, county, township, primary or municipal election, in township, town or city where the same may be holden, or between the hours of eleven o'clock p. m. and five o'clock a. m., shall, on conviction, be fined not less than ten dollars nor more than fifty dollars, to which may be added imprisonment in the county jail or workhouse not less than ten days nor more than sixty days. (R. S. 1908 and 1914, §2492; R. S. 1905, §2226.)

[Acts 1905, p. 722. Approved March 10, 1905.]

342. Druggist Selling Liquor on Election Day.

580. It shall be unlawful for any druggist or druggist's clerk to sell, barter, or give away any spirituous, vinous, malt or other intoxicating liquor on Sunday, or upon the Fourth of July, the first day of January, the twenty-fifth day of December, commonly called Christmas, Thanksgiving Day, or any legal holiday, or upon the day of any state, county, primary or municipal election in the township, town or city where the same may be holden, or between the hours of eleven o'clock p. m. and five o'clock a. m. of any day, unless the person to whom the same is sold, bartered or given, shall first have procured a written prescription therefor from some regular practicing physician of the county where the same is sold, bartered or given away. And any person so offending shall, on conviction, be fined not less than ten dollars nor more than fifty dollars, to which may be added imprisonment in the county jail or workhouse not less than ten days nor more than sixty days. (R. S. 1908 and 1914, §2493; R. S. 1905, §2227.)

[Acts 1905, p. 481. Approved March 6, 1905.]

343. Penalty for Selling or Offering to Sell Vote.

2. Whoever sells, barter, or offers to sell or barter his vote or offers to refrain from voting for any candidate for any office to be voted for at any election held in this state, either for any money or property or thing of value or for any promise or favor or hope of reward, given or offered by any candidate to be voted for at any election held in this state or by any other person or persons, shall be fined in any sum not more than fifty dollars, and disfranchised and rendered incapable of holding any office of trust or profit for a period of ten years from the date of such conviction. (R. S. 1908 and 1914, §2555; R. S. 1905, §2279.)

[Acts 1905, p. 481. Approved March 6, 1905.]

344. Penalty for Buying Votes.

1. That whoever, directly or indirectly, hires, buys, or offers to hire or buy, or furnish any money or other means to be used, or directs, or permits his money or other means to be used, or handles any money or other means, knowing the same to be used to induce, hire, or buy any person to vote or refrain from voting any ticket or for any candidate for any office, to be voted for at any election held in this state; or whoever attempts to induce any person to vote or to refrain from voting for any candidate for any office to be voted for at any election held pursuant to law or at any primary held in this state, by offering such person any reward or favor, shall be fined in any sum not more than fifty dollars and disfranchised and rendered incapable of holding any office of trust or profit for a period of ten years from the date of such conviction. (R. S. 1908 and 1914, §2554; R. S. 1905, §2278.)

[Acts 1905, p. 482. Approved March 6, 1905.]

345. Witnesses.

3. Any person called as a witness to testify against another for the violation of any of the provisions of sections 1 or 2 of this act, is a competent witness to prove the offense, although he may have been concerned as a party, and he shall be compelled to testify as other witnesses, but such evidence shall not be used against him in any prosecution for such or any other offense growing out of matters about which he testifies, and he shall not be liable to trial by indictment or information or punished for such offense. (R. S. 1908 and 1914, §2556; R. S. 1905, §2280.)

[Acts 1905, p. 482. Approved March 6, 1905.]

346. Repeal.

4. That the act entitled "An act to procure the purity of general, special and primary elections and conventions, prescribing punishment for the violation thereof, and reward for conviction of violations of the provisions thereof, and to repeal sections 3, 4, 5 and 6 of an act entitled 'An act concerning elections and nominating conventions, to maintain political purity and prescribing punishment for any violations thereof,'

approved March 9, 1889, and an act entitled 'An act to secure the purity and freedom of the ballot and to repeal sections 1, 2, 3 and 5 of an act entitled 'An act to protect the ballot box, to procure fair elections, to prevent the purchase or sale of votes, to provide means of proving such offenses, prescribing the penalty therefor and repealing Sections 268 and 269 of an act concerning public offenses and their punishment,' approved April 14, 1881, being sections 2184 and 2185 of the revised statutes of 1881, and repealing all laws and parts of laws in conflict with the provisions of this act, approved March 9, 1889, and an act concerning public offenses and their punishment, approved March 8, 1897, and, all laws, and parts of laws in conflict with the provisions of this act, approved March 4, 1899,' be and the same is hereby repealed. (R. S. 1908 and 1914, §2557; R. S. 1905, §2281.)

347. Holidays—Hours of Sale—Cities or Towns—Penalty.

27. Whoever shall barter, sell or give away, to be drunk as a beverage, any intoxicating liquors upon Sunday, the Fourth of July, the first day of January, the twenty-fifth day of December, commonly called Christmas, Thanksgiving Day, as designated by proclamation of the governor of this state, or the president of the United States, or any legal holiday; or upon the day of any state, county, township primary, or municipal election in the city, town or township where the same may be holden, until the polls are closed, or in the cities of the first and second class, between the hours of 12 o'clock midnight and 5 o'clock a. m. or in any other cities between the hours of 11 o'clock p. m. and 5 o'clock a. m. or in any other place in the state between the hours of 10 o'clock p. m. and 5 o'clock a. m., shall, on conviction thereof, be fined not less than ten dollars nor more than fifty dollars, to which may be added imprisonment in the county jail or workhouse not more than sixty days. (Acts 1911, p. 244. R. S. 1914, §8323.)

PRESIDENTIAL ELECTORS
AND
ELECTION OF U. S. SENATORS

CHAPTER V.
PRESIDENTIAL ELECTORS.

<p>SEC. 350. When chosen. 351. Notice—How and by whom given. 352. Certificate to marshal. 353. Return—Districts. 354. Duty of governor. 355. Affidavit of marshal. 356. Deputy marshals—Vacancies. 357. Duties of marshal and secretary of state.</p>	<p>SEC. 358. Meeting of electors—Vacancies. 359. Vote of electors. 360. Pay of electors and marshals. 361. Temporary method for nominating and electing United States senators. 362. Method of election now in force. 363. Limitation.</p>
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[1 R. S. 1852, p. 516. Approved May 20, 1852. In force May 6, 1853.]

350. When Chosen.

1. The qualified electors of the state shall, on Tuesday following the first Monday in November, in the year 1852, and on Tuesday following the first Monday in November in every fourth year thereafter, elect electors of president and vice-president of the United States; which election shall, in all respects, be governed by the law regulating general elections. (R. S. 1908 and 1914, §7112; R. S. 1901, §6340; R. S. 1897, §6642; R. S. 1894, §6340; R. S. 1881, §4769.)

351. Notice—How and by Whom Given.

2. The sheriff of each county shall give notice of the time of holding such elections, together with the number of electors to be elected, by publishing such notice in some newspaper within the county or by written or printed notices to be set up at the usual places of holding elections in the respective townships, at least twenty days preceding the time of holding such elections. (R. S. 1908 and 1914, §7113; R. S. 1901, §6341; R. S. 1897, §6643; R. S. 1894, §6341; R. S. 1881, §4770.)

352. Certificate to Marshal.

3. Boards of elections in the several townships or precincts shall make out certificates, under their hands, certifying in words, the number of votes that each person received for elector; and the same shall be attested by the clerks of said election; sealed in the presence of such judges, and put in the hands of the selected judges, who shall, on the ensuing Thursday, deliver the same to the clerk of the circuit court, or in his absence, to his deputy, or in their absence, to the sheriff, who shall, in the presence of such judges in attendance, between the hours of twelve and six, of said day, compare the different returns, and make out, in words, a certificate of the number of votes each candidate for elector received in the county; which certificate shall be signed by the clerk, deputy, or sheriff officiating, and be sealed with the seal of the circuit court of the city, and delivered by such clerk, deputy, or sheriff to the marshal appointed to convey the same to the seat of government. (R. S. 1908 and 1914, §7114; R. S. 1901, §6342; R. S. 1897, §6644; R. S. 1894, §6342; R. S. 1881, §4771.)

353. Return-Districts.

4. Each congressional district shall compose one return district, and shall be numbered as the districts are numbered when the votes are taken. (R. S. 1908 and 1914, §7115; R. S. 1901, §6343; R. S. 1897, §6645; R. S. 1894, §6343; R. S. 1881, §4772.)

354. Duty of Governor.

5. The governor shall, before the first day of October in each year in which such election is to be held, appoint some citizen in each district as marshal, who shall hold his office until the duties required of him by this act are performed. (R. S. 1908 and 1914, §7116; R. S. 1901, §6344; R. S. 1897, §6646; R. S. 1894, §6344; R. S. 1881, §4773.)

355. Affidavit of Marshal.

6. Each marshal, before the first Monday in November following, shall make an affidavit on the back of his appointment that he will, without fraud or delay, perform the duties required of him by this act. (R. S. 1908 and 1914, §7117; R. S. 1901, §6345; R. S. 1897, §6647; R. S. 1894, §6345; R. S. 1881, §4774.)

356. Deputy Marshals—Vacancies.

7. Such marshals may appoint deputies, who shall make the same affidavit on the back of their appointments as is required of marshals; and vacancies occurring in the office of marshal, by removal from the state or otherwise, shall be filled by the judge of the circuit court of the county in which such marshal resided. (R. S. 1908 and 1914, §7118; R. S. 1901, §6346; R. S. 1897, §6648; R. S. 1894, §6346; R. S. 1881, §4775.)

357. Duties of Marshal and Secretary of State.

8. Each marshal or his deputy shall visit the county seat of the counties in his district, receive the returns thereof from the clerks, deputies, or sheriffs officiating, and deliver the same, on the fourth Monday in November following, between the hours of nine and eleven of said day, to the secretary of state, who, in the presence of the governor and all the marshals in attendance, between the hours of twelve and six o'clock on said day, shall compare such certificates and read aloud the number of votes each person has received, and make out an abstract of the persons voted for, and the number, in words, of votes given to each; and the governor shall forthwith make out and transmit, by mail, to the persons having the highest number of votes, certificates of their election. But, if more than the number of persons to be elected have the greatest and an equal number of votes, then the election of those having an equal number of votes shall be declared by lot, drawn by the secretary of state in the presence of the governor and marshals. (R. S. 1908 and 1914, §7119; R. S. 1901, §6347; R. S. 1897, §6649; R. S. 1894, §6347; R. S. 1881, §4776.)

358. Meeting of Electors—Vacancies.

9. Such electors shall assemble in the chamber of the house of representatives, on the first Monday in December, or such other day as

may be fixed by congress to elect such president and vice-president, at the hour of ten o'clock a. m., and the governor shall then and there deliver to the electors present a certificate of the names of all the electors; and if any elector fail to appear before eleven in the morning of said day, the electors present shall by ballot, by a majority of all present, fill such vacancy; which election shall be forthwith certified by a majority of the electors to the governor, who shall immediately notify such person of his election. (R. S. 1908 and 1914, §7120; R. S. 1901, §6348; R. S. 1897, §6650; R. S. 1894, §6348; R. S. 1881, §4777.)

1. By an act of congress the electors meet now on the second Monday in January next following their appointment (or election) at the place where the legislature meets. 2 R. S. U. S., p. 527; 24 U. S. at Large 373.

359. Vote of Electors.

10. Such electors, when so assembled, and such vacancies are so filled, shall then and there proceed to vote, by ballot, for president and vice-president of the United States, and perform the duties required by the constitution and laws of the United States. (R. S. 1908 and 1914, §7121; R. S. 1901, §6349; R. S. 1897, §6651; R. S. 1894, §6349; R. S. 1881, §4778.)

360. Pay of Electors and Marshals.

11. The compensation of such electors and marshals shall be audited by the auditor of state, and paid by the state treasurer out of any moneys not otherwise appropriated, as follows, to-wit: Such electors as attend shall receive the same per diem and mileage as members of the general assembly; each marshal shall be allowed ten cents for every mile he shall travel in collecting said returns, and in going to and from the seat of government, to be computed by the nearest and most usual route from county seat to county seat, and to the seat of government to and from the county seat of the county in which he resides. (R. S. 1908 and 1914, §7122; R. S. 1901, §6350; R. S. 1897, §6652; R. S. 1894, §6350; R. S. 1881, §4779.)

[Public—No. III—63d Congress.]

[S. 2860.]

An act providing a temporary method of conducting the nomination and election of United States senators.

361. Temporary Nomination and Election of United States Senators.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That at the regular election held in any state next preceding the expiration of the term for which any senator was elected to represent such state in congress, at which election a representative to congress is regularly by law to be chosen, a United States senator from said state shall be elected by the people thereof for the term commencing on the fourth day of March next thereafter. (Sec. 15 Barnes Federal Code.)

362. Method of Election Not Now in Force.

2. That in any state wherein a United States senator is hereafter to be elected either at a general election or at any special election called by the executive authority thereof to fill a vacancy, until or unless otherwise specially provided by the legislature thereof, the nomination of candidates for such office not heretofore made shall be made, the election to fill the same conducted, and the result thereof determined, as near as may be in accordance with the laws of such state regulating the nomination of candidates for and election of members at large of the national house of representatives: Provided, That in case no provision is made in any state for the nomination or election of representatives at large, the procedure shall be in accordance with the laws of such state respecting the ordinary executive and administrative officers thereof who are elected by the vote of the people of the entire state: And provided further, That in any case the candidate for senator receiving the highest number of votes shall be deemed elected. (Sec. 16 Barnes Federal Code.)

Note: This section now expired by limitation, see Sec. 363 ante — 6 pp.

363. Limitation.

3. That section two of this act shall expire by limitation at the end of three years from the date of its approval. (Approved June 4, 1914, Sec. 17, Barnes Federal Code.)

CHAPTER VI.**ELECTION OF UNITED STATES SENATORS AND APPOINTMENT FOR UNEXPIRED TERM.**

SEC.	SEC.
364. United States senators—Election.	368. Governor—Certificate of election.
365. Election laws to govern.	369. Vacancy—How filled.
366. Clerk circuit court—Duties.	370. Election notice.
367. Secretary of state—Duties.	

[Approved February 9, 1915.]

364. United States Senators—Election.

1. That on the first Tuesday after the first Monday in November, 1916, and every six years thereafter, and on the first Tuesday after the first Monday in November, 1920, and every six years thereafter, there shall be elected by the qualified electors of the state a senator of the United States, for the term beginning on the fourth day of March next succeeding such election. (Sec. 6874a, R. S. 1921.)

365. Election Laws to Govern.

2. The election of senators of the United States and the nomination of candidates therefor shall in every respect, except as herein otherwise provided, be governed by the laws governing the election and nomination of state officers. Sec. 6874b, R. S. 1921.)

366. Clerk Circuit Court—Duties.

3. Whenever there shall have been at any election an election of senator of the United States, the clerk of the circuit court, in each of the several counties shall make out, certify, seal and transmit to the secretary of state, in like time and manner as is provided by law in the case of representatives in congress, a statement of the number of votes given to each person for senator. (Sec. 6874c, R. S. 1921.)

367. Secretary of State—Duties.

4. The secretary of state shall compare and estimate the votes given for senator of the United States, and shall in like manner as are now prescribed by law in case of elections of representatives in congress, certify to the governor the name of the person having the highest number of votes as duly elected senator of the United States. (Sec. 6874d, R. S. 1921.)

368. Governor—Certificate of Election.

5. The governor shall, upon receipt of the certificate from the secretary of state as hereinbefore provided, give to the person whose name is so certified as having been duly elected senator of the United States, a certificate of election sealed with the seal and attested by the secretary of state. (Sec. 6874e, R. S. 1921.)

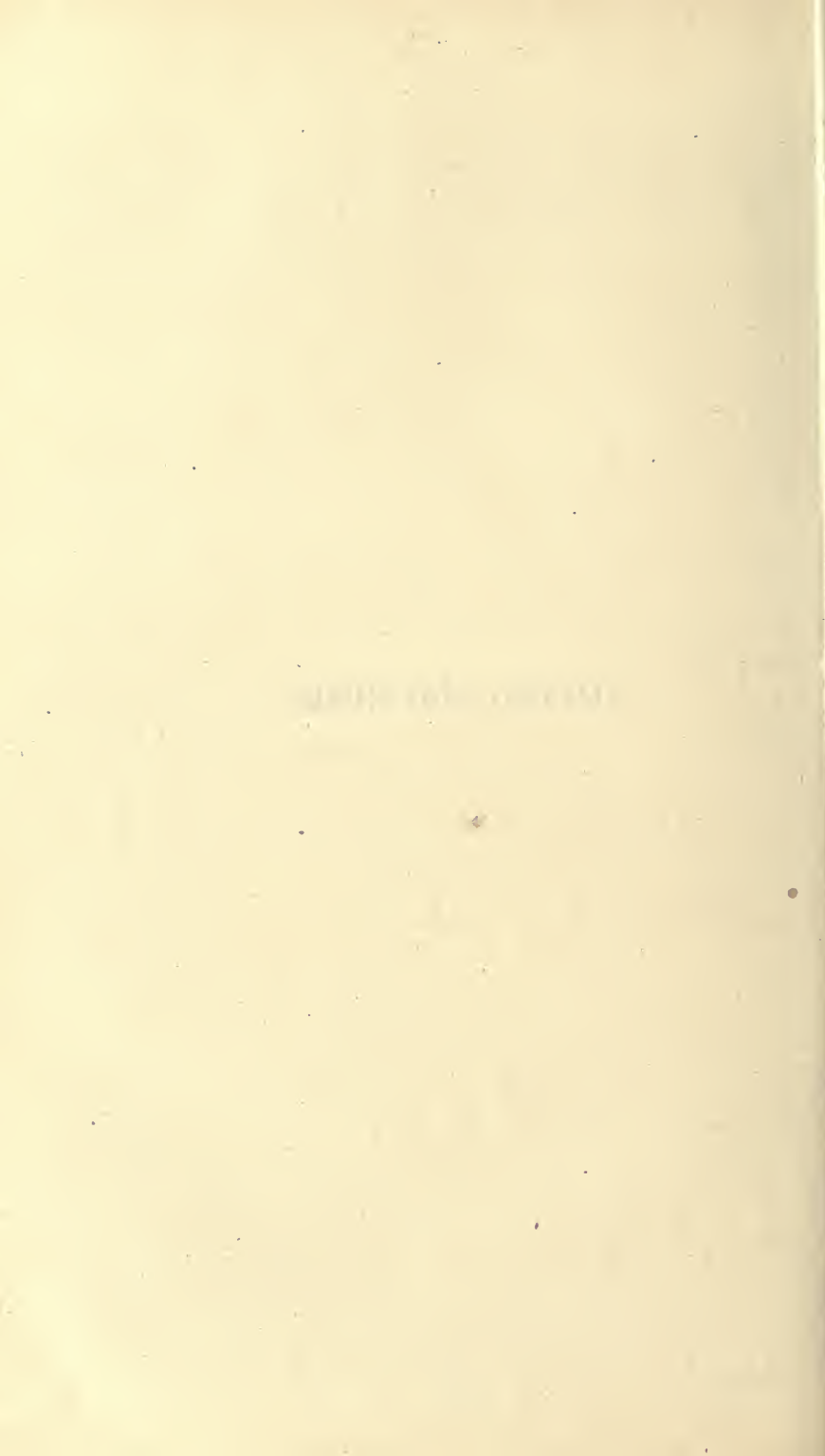
369. Vacancy—How Filled.

6. When, for any cause whatsoever, a vacancy occurs in the representation of the State of Indiana in the senate of the United States, the same shall be filled forthwith by the governor who shall have power to appoint to fill such vacancy, some suitable person possessing the qualification necessary for senator. The person so appointed shall hold office until the next regular election of state officers when such vacancy shall be filled by the election of a senator who shall hold office for the unexpired term. (Sec. 6874f, R. S. 1921.)

370. Election Notice.

7. Whenever there is to be elected at a regular state election, a person to fill an unexpired term of senator of the United States, the governor shall, not less than thirty days preceding said election, issue his writs to the sheriff of the several counties in manner as prescribed by law for special elections not otherwise provided for, and the sheriffs who receive such writs shall give notice of such election in like manner as in the case of regular elections. Such elections of senators shall be conducted, returned, certified and canvassed and certificates shall issue under the provisions of the election laws of the state so far as the same are applicable. (Sec. 6874g, R. S. 1921.)

VOTING MACHINES



CHAPTER VII.

VOTING WITH MACHINES.

SEC.	SEC.
371. Commission.	386. Locking of machine.
372. Examine machines—Report.	387. Recording roll.
373. Construction and arrangement of machine.	388. Custody of keys.
374. Purchasing machines.	389. Laws applicable.
375. Paying for machines.	390. Officers—Neglect of duty—Penalties.
376. Penalty for bribe.	391. Injuring machine or ballots.
377. School commissioners.	392. False affidavit.
378. Election rooms.	393. Using distinguishing marks—Penalties.
379. Illiterate voter.	394. Officers tampering with machine—Penalty.
380. Ballot label.	395. False returns—Penalty.
381. Sample ballots.	396. Cities and towns may use machines.
382. Duties of inspectors.	397. Experimental use.
383. Irregular ballots.	398. Printing ballots, when.
384. Conduct of voter.	
385. Announcement of result.	

[Acts 1901, p. 591. Approved and in force March 15, 1901.]

371. Commission.

1. There is hereby constituted a body to be known as the Indiana voting machine commission. It shall consist of three members, competent and responsible persons, one of whom shall be a mechanical expert, not more than two of whom shall be members of the same political party, and none of whom shall have any pecuniary interest in any voting machine. Their term of office shall be four years from date of appointment. They and their successors shall be appointed by the governor, who shall have power to remove a commissioner at any time and to fill all vacancies. The first commissioner shall be appointed within thirty days after the taking effect of this act. The commissioners shall qualify by taking an oath in writing to support the constitution of the United States and of the State of Indiana, and to faithfully and honestly discharge their duties and filing same in the office of the auditor of state, and all such examinations shall be public. (R. S. 1908 and 1914, §7021; R. S. 1901, §6326.)

372. Examine Machines—Report.

2. Any person or corporation owning or being interested in any voting machine may apply to said commissioner to examine such machine and report on its accuracy, efficiency and capacity. The commissioners shall examine the machine and make and file a report thereon in the office of the secretary of state. They shall state in the report whether the kind of machine so examined complies with the requirements of this act and can be safely used by voters at elections under the conditions prescribed in this act. If the report be in the affirmative upon said question, the machine shall be deemed approved by the commission, and machines of its kind may be adopted for use at elections as herein provided. When the machine has been so approved, any improvement or change that does not impair its accuracy, efficiency or capacity shall not render necessary a re-examination or re-approval thereof. Any form of voting machine not so approved can not be used at any election. Each

commissioner shall be entitled to fifty dollars (\$50) for his compensation, and expenses, in making such examination and report, to be paid by the person or corporation applying for such examination, which may be demanded in advance of making the examination. The commission may, if it consents to do so, go to any point in the state for the purpose of examining a machine, but it shall not be compelled to make such examination at any place other than the capital of the state. (R. S. 1908 and 1914, §7022; R. S. 1901, §6327.)

373. Construction and Arrangement of Machine.

3. No machine shall be approved by the commissioners unless it be so constructed as that it affords each elector an opportunity to vote in absolute secrecy; to vote a straight party ticket, or part of one party ticket and part of another or other party tickets; to vote for all candidates for whom he is entitled to vote, and prevents him from voting for any candidate more than once; that prevents the elector from voting for more than one person for the same office unless he is lawfully entitled to vote for more than one person therefor, and in that event permits him to vote for as many persons for that office as he is by law entitled, and no more; and that such machine will correctly register by means of mechanical counters every vote cast on the regular tickets thereon; that the machine shall be provided with seven pairs of "yes" or "no" counters with the operating or voting devices therefor, and shall have the capacity to contain the tickets of seven political parties with the names of all candidates thereon, except that it may be so constructed that the names of all candidates for presidential electors will not occur thereon, but in lieu thereof one ballot labeled in each party columns or rows shall contain the words "Presidential Electors" preceded by the party name; and every vote registered for such ballot label shall operate as a vote for all candidates of such party for presidential electors and shall be counted as such; and that all votes cast on the machine on a regular ballot or ballots shall be registered. It shall also be so constructed as that any elector may by means of irregular ballots or otherwise vote for any person for any office, although such person may not have been nominated by any party and his name may not appear on such machine; and that when a person is voted for for any such office, when name does not appear on the machine, the elector can not vote for any name on the machine for the same office. It shall be so constructed as that each elector may readily understand and understandingly and within the period of one minute cast his vote for all candidates of his choice. In case the machine is so constructed as that the candidates for presidential electors of any party can only be voted for by voting for the ballot label containing the words "Presidential Electors," it must be so constructed as that by voting an irregular ticket as hereinafter defined, the elector may vote for any person or persons he may choose for presidential electors. The machine must be provided with a lock or locks, by the use of which any movement of the voting or registering mechanism is absolutely prevented, and so that it can not be tampered with or manipulated for any fraudulent purpose; and the machine must be susceptible of being so closed during the progress of the voting as that no person

can see or know the number of votes registered for any candidate. (R. S. 1908 and 1914, §7023; R. S. 1901, §6328.)

374. Purchasing Machines.

4. The board of commissioners of every county in this state in which is located a city having a population of thirty-six thousand or more, according to the last preceding United States census, shall and the board of commissioners of all other counties in this state may, adopt and purchase or procure for use in the various precincts of the county, any voting machine approved in the manner above set forth in this act by the voting machine commission, and none others: Provided, That the board of commissioners shall purchase or procure no voting machine unless the party or parties selling it shall guarantee, in writing, to keep the machine in working order for not less than five (5) years without additional cost to the county, and give a bond conditional to that effect; but it shall be the duty of such board of commissioners to adopt and purchase or procure no such machine unless they are themselves satisfied that it complies with the requirements of section 3 of this act; and that it is thoroughly reliable and correct in its operation, readily understood and operated, can not be fraudulently manipulated, and will unquestionably maintain the secrecy of the ballot. If it shall be impossible to supply each and every election district with a voting machine, or voting machines, at any election following the adoption of such machines in a county, as many may be supplied as it is possible to procure, and the same shall be used in such precincts of the county as the board of commissioners shall order. The precincts in which voting machines are used shall contain as near as practical six hundred voters: Provided, That number of voters may be reduced in country precincts at the discretion of the county commissioners. The boundaries of such precincts shall be established by the board of commissioners not later than their regular June session of the year in which a general election occurs in this state, and the order of the board of commissioners for the use of voting machines in such precincts shall be made at the same time that the boundaries are so established; and said boundaries shall not be changed, nor said order rescinded, after such June session of the board of commissioners until after the next ensuing general election: Provided, That if for any reason, it should turn out to be impossible to obtain machines for use in such precincts, then the same may be provided or changed so as to conform to the law with reference to precincts in which machines are not used; and the notice of such division or change shall be given in the manner prescribed by law for notices of change of precinct boundaries; and, Provided further, That if the board of county commissioners shall have on hand, and certainly ready for use at the election, more machines than precincts have been provided for, they may, at any regular or special session not later than the first day of September in any year in which a general election is held, unite two or more precincts into one for the purpose of using therein at such election a voting machine and notice of such uniting shall be given in the manner prescribed by law for notice of change in the precinct boundaries. And the order for use of machines in such united precincts shall

be made by the board of county commissioners at the time such precincts are united. The board of county commissioners shall have the care and custody of all machines while not in use. (R. S. 1908 and 1914, §7024; Acts 1903, p. 278; R. S. 1505, §6329.)

375. Paying for Machines.

5. Payment for voting machines purchased or procured may be provided for in such manner as is deemed best for the interests of the county. Money may be borrowed for the purpose, and bonds or other evidences of indebtedness of the county be issued and sold in the same manner and upon the authority prescribed by law. (R. S. 1908 and 1914, §7025; Acts 1913, p. 278; R. S. 1905, §6330.)

376. Penalty for Bribe.

3. Any member of any board of county commissioners of any county who shall receive or accept, directly or indirectly, any money, property or other thing of value for his influence, vote or action in connection with the purchase of any voting machine or voting machines by such county from any person, firm or corporation shall be fined in a sum not to exceed three thousand (\$3,000) dollars, to which may be added imprisonment in the state's prison for a term of two to four years and shall be disfranchised for a period of ten years. (R. S. 1908 and 1914, §7026; Acts 1903, p. 278; R. S. 1905, §6330a.)

377. School Commissioners.

4. In the election in which there shall be school commissioners to be elected, the proper board of election commissioners shall arrange the names of candidates for school commissioners in order on the several machines in such a way, as far as possible, that the name of each candidate shall appear at the head of the column of this term of office as often as that of any other such candidate shall so appear, and in second, third and fourth place, and each succeeding place, a like number of times. (R. S. 1908 and 1914, §7027; R. S. 1905, §6330b.)

378. Election Rooms.

6. The room in which the election is held shall have a railing separating the part of the room to be occupied by the election board from the part of the room occupied by the voting machine. The exterior of the voting machine and every part of the polling place shall be in plain view of the election board. The machine shall be so placed as that no person on the opposite side of the railing can see or determine how the voter casts his vote. And that no person can see or determine from the outside of the room. After the opening of the polls neither the inspector nor any judge of the election shall allow any person to pass within the railing to the part of the room where the machine is situated, except for the purpose of voting, except as provided in the next succeeding section of this act; and they shall not permit more than one voter at a time to be in such part of the room. They shall not themselves remain or permit any person to remain in any position or near any position that would permit him to see or ascertain how the

voter votes or how he has voted. No voter shall remain within the voting booth or compartment longer than one minute, and if he should refuse to leave it after the lapse of that time, he shall at once be removed by the election board or election sheriff or sheriffs upon order of the board. (R. S. 1908 and 1914, §7028; R. S. 1901, §6331.)

379. Illiterate Voter.

7. If any voter shall in the presence of the election board make affidavit in writing that he is unable to read the English language or that by reason of physical disability; setting out the particulars in which said physical disability exists, he is unable to register his vote upon the machine, he shall be accompanied into the voting booth by both of the election clerks, and there declare his choice of candidate to such clerks, who, in his presence and in the presence of each other, shall register his vote upon the machine for the candidates of his choice.

Any poll clerk or poll clerks who shall deceive any elector in registering his vote under this section, or who shall register his vote in any other way than as requested by such person or who shall give information to any person as to what ticket or for what person or persons such person voted, shall be guilty of a felony, and on conviction shall be imprisoned in the penitentiary not more than five nor less than two years, and disfranchised for any determinate period not less than five years. (R. S. 1908 and 1914, §7029; R. S. 1901, §6332.)

380. Ballot Label.

8. That portion of cardboard, paper, or other material, placed on the front of the machine containing the names of the candidates, or a statement of a proposed constitutional amendment or other question or proposition to be voted on, shall be known in this act as a ballot label. The ballot label shall be caused to be printed and shall be furnished by the county board of election commissioners, and shall be printed in black in ink on clear white material of such size as will fit the machine, and in plain, clear type as the space will reasonably permit. The party device for such political party, which has been adopted in accordance with law, and the party name or other designation shall be prefixed to the list of candidates of such party. (R. S. 1908 and 1914, §7030; R. S. 1901, §6333.)

381. Sample Ballots.

9. The state board of election commissioners shall cause to be printed, for the use of the county board of election commissioners of the several counties of the state five sample ballots, which shall be exact copies of the official ballots which are caused to be printed by them, but on different colored paper from the official ballots; said sample ballots shall be enclosed in a separate wrapper or envelope from that of other papers delivered by the state board of election commissioners to the clerk of the circuit court or his messenger, and shall be directed to the county board of election commissioners; and they shall be delivered to the clerk of the circuit court or other messenger who carries the official ballots from the state board of election commissioners to the county, and shall

be by him carried to the office of the clerk of the circuit court of the county and there deposited and kept until taken into the custody of the county board of election commissioners. The county board of commissioners shall provide at least five sample ballots for each precinct of the county in which a voting machine is to be used, which shall be arranged in the form of a diagram showing the entire front of voting machine as it will appear after the ballot labels are arranged thereon for voting on election day. The party ticket on such sample ballots, the offices to be filled and the names of the candidates thereon, shall be arranged in the same order in which they occur on the official ballots printed under the jurisdiction respectively of the state and county board of election commissioners, except where presidential electors are to be voted for at any election and the machine to be used is not sufficient to carry the names of all the candidates for such electors, then there may be placed as the first ballot label of each party ticket, a ballot containing the words "Presidential Electors," preceded by the name of the political party. The ticket of each political party on such sample ballot shall be arranged in the following order: First, the state ticket or ticket voted for by the whole state; second, the county ticket, and third, the township ticket, if any. In all cases the ticket shall be arranged on the machine for the purpose of voting in exact accordance with the sample ballot so furnished by the county board of election commissioners. At least three of such sample ballots shall be posted by the inspector of the precinct or under his direction near the entrance of the chute at the election precinct, and shall there be open to public inspection during the whole of election day. In addition to said sample ballots the board of election commissioners may furnish in connection with instruction cards, diagrams of the front of the machine with ballot labels pasted thereon, at least two of which shall also be posted up near the voting place if furnished. (R. S. 1908 and 1914, §7031; R. S. 1901, §6334.)

382. Duties of Inspectors.

10. The inspector of each election precinct in which a voting machine is to be used, shall appear at the office of the clerk of the circuit court not more than three nor less than two days before the election, and there receive from the county board of election commissioners the sample ballots, three complete sets of ballot labels, and all poll books, and other supplies of whatever character necessary to conduct the election in his precinct, and make return thereof. The county board of election commissioners shall, before the day of election, cause the proper ballot labels to be put upon each machine corresponding with the sample ballot herein provided for, and the machine in every way to be put in order, set and adjusted, ready for use in voting when delivered at the precinct; and for the purpose of so labeling the machine, putting in order, setting and adjusting the same, they may employ one or more competent persons and cause him or them to be paid out of the county treasury in the same manner that other expenses incurred by said board are paid. And the board of county commissioners shall cause the machine so labeled, in order, set and adjusted, to be delivered at the voting precinct, together with all necessary furniture and appliances that go

with the same in the room where the election is to be held in the precinct, not later than six o'clock p. m. of the day preceding the election. After the delivery of such machine and on the same day the inspector and election judges of the precinct may meet at said room, open the package containing the sample ballots and if necessary the ballot labels, and see that said machine is correctly labeled, set and adjusted, ready for use in voting; and if the same is not so labeled, set and adjusted and in order, they shall immediately label, set and adjust the same and place it in order or cause it to be done. On the morning of the election the election board, including the inspector, judges, poll clerks and sheriffs, if any, shall meet at said room at least one hour before the time for opening the polls. The inspector shall then cause the chute on the outside of the building to be erected, sample ballots and instruction cards to be posted, and everything put in readiness for the commencement of voting at the hour of opening the polls. The election boards, in the presence of the clerks, shall compare the ballot labels on the machine with the sample ballot, see that they are correct, examine and see that all the counters in the machine are set at zero, and that the machine is otherwise in perfect order, and they shall not thereafter permit the counters to be operated or moved except by electors in voting, and they shall also see that all necessary arrangements and adjustments are made for voting irregular ballots on the machine. (R. S. 1908 and 1914, §7032; R. S. 1901, §6335.)

383. Irregular Ballots.

10½. Ballots voted for any person whose name does not appear on the ballot label on the machine as a candidate for office, are herein referred to as irregular ballots. Where two or more candidates are to be elected to the same office the voting devices belonging to all the candidates for said offices shall be included in a group herein referred to as a multicandidate group. Except for presidential electors, and except in multicandidate groups, where the irregular balloting device requires otherwise, no irregular ballot shall be voted for any person for any office whose name appears on the ballot label on the front of the machine as a candidate for that office; any irregular ballot so voted shall not be counted. An irregular ballot must be cast in its appropriate place on the machine, or it shall be void and not counted.

In voting for presidential electors an elector may vote an irregular ticket, made up of the names of persons in nomination by different parties or partially of the names of persons so in nomination and partially of persons not in nomination, or wholly of names of persons not in nomination by any party. Such irregular ballot shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for that purpose. (R. S. 1908 and 1914, §7033; R. S. 1901, §6335a.)

384. Conduct of Voter.

11. When a voter has passed the challengers and entered the election room he shall announce his name to the poll clerks in the presence of the board and each of the poll clerks shall write his name on the

poll book in his possession. If not challenged by any member of the board, the voter shall then be permitted to pass the railing to the side where the machine is and into the voting booth or compartment, and he shall there register his vote in secret. Having done so he shall immediately pass out and announce to the clerks that he has voted, who shall write opposite his name "voted," and he shall leave the room. Not more than one voter at a time shall be permitted on the side of the railing where the machine is, and not more than one other voter shall be permitted in the room while he is in. And not more than one voter besides the election board, clerks and sheriffs, shall be permitted in the room at a time, if any member of the election board objects thereto. (R. S. 1908 and 1914, §7034; R. S. 1901, §6335b.)

385. Announcement of Result.

12. As soon as the polls of the election are closed the inspector in the presence of the judges and poll clerks, shall immediately lock the voting machine against voting and open the counting compartment, giving full view of all the counter numbers to all members of the election board, including clerks and sheriffs. The inspector shall, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counter numbers, and shall then read the votes recorded for each office on the regular ballots. He shall also in the same manner announce the vote on each constitutional amendment, proposition or other question voted on. The vote so announced by the inspector shall be taken down by each of the poll clerks and recorded on books or papers prepared for that purpose. They shall record the number of votes received for each candidate on the regular ticket and also the number received by each person on the irregular ticket. The certificates of the number of votes cast for each person shall be made and signed as required by law in case of other election returns, and all statements of the number of votes required by law in duplicate, triplicate or otherwise, shall be made and signed by the election officers. And such certificates and other papers shall be returned to the office of the clerk of the circuit court, and to the board of canvassers in the same manner, under the same regulations and penalties as are prescribed by law for election returns from precincts in which no voting machine is used. (R. S. 1908 and 1914, §7035; R. S. 1901, §6335c.)

386. Locking Machine.

13. The inspector as soon as the count is complete and fully ascertained as in this act required, shall close and lock the machine against voting or being tampered with, and it shall so remain for a period of at least thirty days. When irregular ballots have been voted the inspector shall return all of such ballots in a properly secured sealed package, endorsed "irregular ballots," and indicating the precinct and county and file such package with the clerk of the circuit court. It shall be preserved for six months after such election, and may be opened and its contents examined only upon an order of a court of competent jurisdiction; at the end of six months, unless ordered otherwise by the

court, such package and its contents may be destroyed. (R. S. 1908 and 1914, §7036; R. S. 1901, §6335d.)

387. Recording Roll.

14. A voting machine which possesses all of the qualities required by this act may be supplied in addition, with a paper recording roll on which all the votes registered on the mechanical counters will be separately recorded on such roll. When a machine is supplied with such roll the same shall not be taken out or examined by the election board who makes the return from the precinct, but such machine shall be locked with such roll therein, and so remain for the period of at least thirty days unless within that time the machine be ordered opened and the roll taken out and examined by some court of competent jurisdiction. At the end of such thirty days such roll may be taken out unless otherwise ordered by a court of competent jurisdiction. (R. S. 1908 and 1914, §7037; R. S. 1901, §6335e.)

388. Custody of Keys.

14½. When the machine is locked at the close of an election in the manner required by this act, the inspector shall place all keys of the machine on a strong and sufficient string of wire, label the same with the make and number of the machine and precinct at which used at such election, and return such keys to the auditor of the county not later than ten o'clock a. m. of the Thursday following the election. The auditor shall securely keep such keys and not permit the same to be taken, or any voting machine unlocked, for a period of thirty days from the election unless ordered otherwise by a court of competent jurisdiction. At the end of such thirty days he shall turn all keys over to the board of commissioners unless otherwise ordered by court. (R. S. 1908 and 1914, §7038; R. S. 1901, §6335f.)

389. Laws Applicable.

15. All laws of this state applicable to elections where voting is done in other manner than by machines and all penalties prescribed for violation of such laws shall apply to elections and precincts where voting machines are used in so far as they are not in conflict with the provisions of this act. (R. S. 1908 and 1914, §7039; R. S. 1901, §6335g.)

390. Officers—Neglect of Duty—Penalties.

16. Any public officer or any election officer upon whom any duty is imposed by this act, or who shall wilfully omit or neglect to perform such duties, or do any act prohibited herein, for which punishment is not otherwise provided herein, shall upon conviction, be imprisoned in the state prison for not less than one year or more than three years, or be fined in any sum not exceeding two thousand (\$2,000) dollars, or may be punished by both such imprisonment and fine. (R. S. 1908 and 1914, §7040; R. S. 1901, §6335h.)

391. Injuring Machine or Ballots.

17. Any person not being an election officer, who, during any election, or before any election, after a voting machine has had placed

upon it the ballot label for such election, who shall tamper with such machine, disarrange, deface, injure or impair the same in any manner, or mutilate, injure or destroy any ballot label placed thereon, or to be placed thereon, or any other appliance used in connection with such machine, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the state prison for a period of not less than two nor more than ten years. (R. S. 1908 and 1914, §7041; R. S. 1901, §6335i.)

392. False Affidavit.

18. Whoever shall knowingly or wilfully make a false affidavit under any of the provisions of this act, shall be deemed guilty of perjury. (R. S. 1908 and 1914, §7042; R. S. 1901, §6335j.)

393. Using Distinguishing Marks—Penalties.

19. Whoever shall induce or attempt to induce any elector to write, paste or otherwise place on an irregular ballot voted on a voting machine at any election, any name, sign or device of any kind as a distinguishing mark by which to indicate to another how such elector has voted; or shall enter into or attempt to form any agreement or conspiracy with any person to induce or attempt to induce electors, or any elector, to so place any distinguishing mark on such ballot; or who shall attempt to induce any elector to do anything with a view to enabling another person to see or know for what ticket or for what persons or any of them such elector votes on such machine; or who shall enter into or attempt to form any agreement or conspiracy to induce any elector to do anything for the purpose of enabling another person or persons to see or know for what ticket, person or persons such elector votes; or who shall attempt to induce any person to place himself in such position, or to do any other thing as will enable him to see or know for what ticket or candidates any elector other than himself votes on such machine; or who himself attempts to get in such position, or do any other thing, so that he will be enabled to see or know how any elector other than himself votes on such machine, shall be guilty of a felony, and on conviction imprisoned in the state prison not less than two nor more than five years. (R. S. 1908 and 1914, §7943; R. S. 1901, §6335k.)

394. Officers Tampering With Machine—Penalty.

20. Whoever, being an inspector, judge or clerk of an election, with intent to cause or permit any voting machine to fail to correctly register all votes cast thereon, tampers with or disarranges such machine in any way, or any part or appliance thereof; or who causes or consents to said machine being used for voting at any election with knowledge of the fact that the same is not in order, or not perfectly set and adjusted so that it will correctly register all votes cast thereon; or who, for the purpose of defrauding or deceiving any voter or of causing it to be doubtful for what ticket or candidate or candidates or proposition any vote is cast, or of causing it to appear upon said machine that votes cast for one ticket, candidate or proposition, were cast for another ticket, candidate or proposition, removes, changes or mutilates any ballot

label on said machine or any part thereof, or does any other thing, shall be deemed guilty of a felony, and upon conviction imprisoned in the state prison not less than two years nor more than ten years, and disfranchised for any determinate period, to which may be added a fine of not exceeding one thousand (\$1,000) dollars. (R. S. 1908 and 1914, §7044; R. S. 1901, §6335l.)

395. False Returns—Penalty.

21. Any inspector, judge or clerk of an election, who shall, at the close of the polls, purposely cause the vote registered on such machine to be incorrectly taken down as to any candidate or proposition voted on, or who shall, knowingly cause to be made or signed any false statement, certificate or return of any kind, of such vote; or who shall, knowingly consent to said things or any of them being done, shall be deemed guilty of a felony, and on conviction shall be imprisoned in the state prison not less than two years nor more than ten years, to which may be added a fine of not more than one thousand (\$1,000) dollars. (R. S. 1908 and 1914, §7045; R. S. 1901, §6335m.)

396. Cities and Towns May Use Machines.

22. The city council and board of aldermen, where there is a board, of any city in this state, and the town trustees of any town in this state, may, after voting machines have been adopted in the county by the board of commissioners, and are on hand, ready for use, by an ordinance duly passed, adopt such machines for use at any election of such city or town, respectively; and if there are not sufficient machines on hand for every precinct of the city or town, they may provide in such ordinance in what precincts voting machines shall be used at such election and fix the boundaries of the precinct. The county commissioners shall furnish to such city or town the requisite number of voting machines, together with all the furniture and appliances that go therewith, to be used in such precincts, but such town or city shall pay the expense of moving such machine and furniture to and from the polling places, and also for any damage or loss to such machines or furniture. The city board of election commissioners shall discharge the duties required by this act to be discharged by the county board of election commissioners. And all of the provisions of this act and penalties prescribed, shall apply, to town and city elections and all officers thereof and connected therewith, and all proceedings and doings in preparing for and holding city or town elections at which such voting machines are used. (R. S. 1908 and 1914, §7046; R. S. 1901, §6335n.)

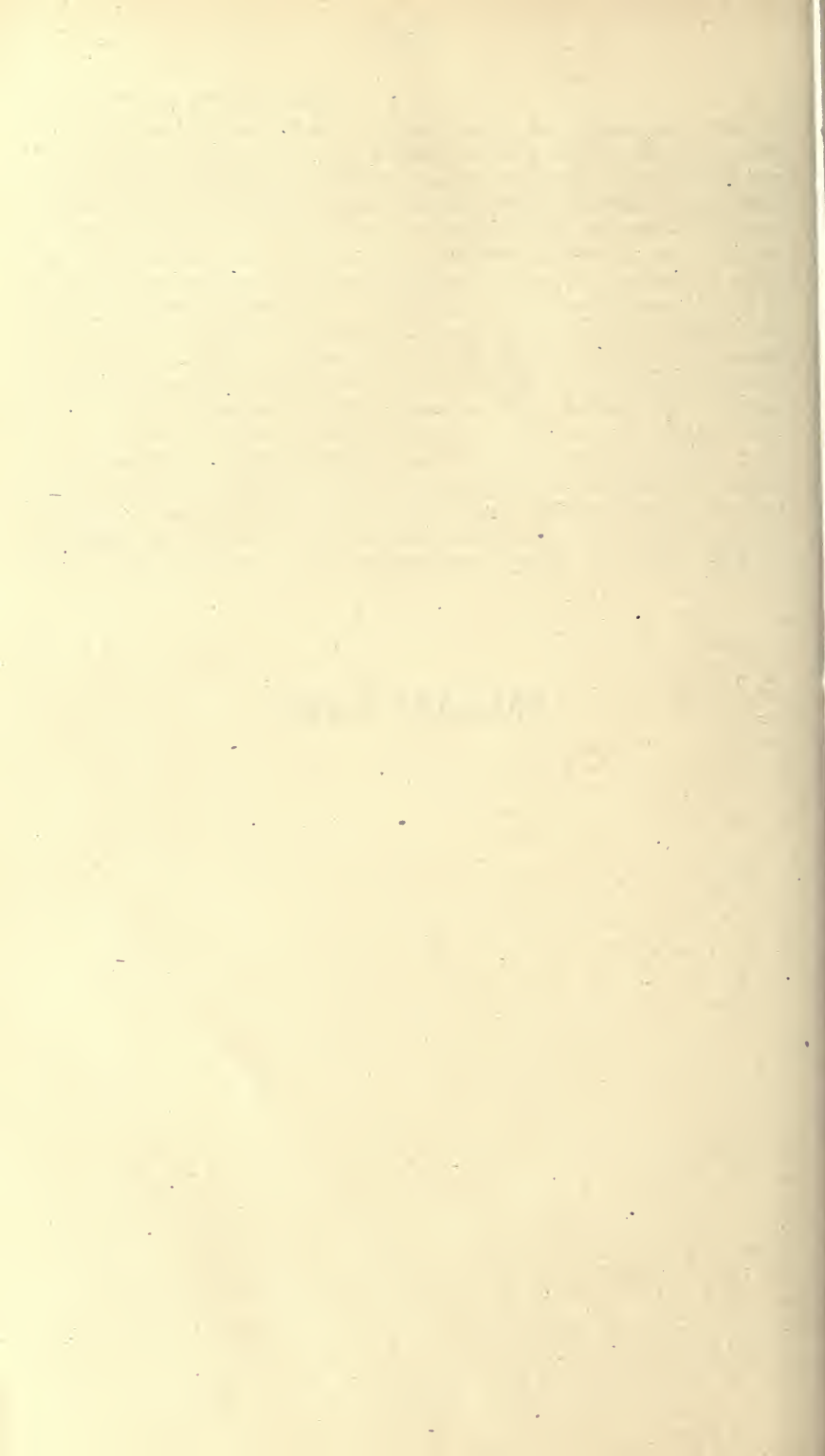
397. Experimental Use.

23. The board of county commissioners, the city council and board of aldermen, when there is such board, and trustees of a town authorized by this act to adopt voting machines, may provide for the experimental use at an election in one or more precincts, of a machine approved by the Indiana voting machine commission without a formal adoption or purchase thereof; and its use at such election shall be valid for all purposes as if formally adopted. (R. S. 1908 and 1914, §7047; R. S. 1901, §6335o.)

398. Printing Ballots, When.

24. The board of election commissioners shall cause to be printed ballots for all elections as now provided by law and to deliver a sufficient number thereof to the clerk of each county, or in case of a city election then to the city clerk, wherein voting machines have been adopted, so that in case any voting machine should get out of order or fail to work, the clerk could furnish necessary ballots to each precinct in which such voting machines so failing to work are located, in order that the election might go on. The clerk of the county, town or city in which such voting machines are adopted, shall be at his office from 5 o'clock a. m. until 6 o'clock p. m. on all election days, and be ready at any time between such hours to deliver to any precincts in his county, town or city, necessary ballots, together with election booths, ballot boxes, and all necessary paraphernalia as now required by law upon notice that any voting machine is out of order or fails to work: Provided, That if the number of voters in any precinct in which any voting machine is placed shall exceed in number three hundred persons, then the clerk shall furnish and send to the voting places in such precinct election booths with six stalls. (R. S. 1908 and 1914, §7048; R. S. 1901, §6335p.)

PRIMARY LAWS



CHAPTER I.

PRIMARY ELECTIONS.

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[Approved March 8, 1915.]

399. Primary Elections.

1. That all political parties in the State which cast at the general election immediately preceding the time of holding a primary, as provided herein, ten per cent or more of the total vote cast at such election, desiring to nominate candidates for State, congressional, county, city and township officers, including all nominations for judicial and legislative offices, prosecuting attorneys, representatives and senators in congress, shall make nominations in the manner prescribed by this act, and not otherwise. The selection of all precinct committeemen of such parties, and the election of all delegates to conventions for the nomination of candidates for State offices, including candidates for Presidential electors and United States Senators by all such parties shall be made in the manner provided in this act, and not otherwise. The name of no person as a candidate of a political party coming under the provisions of this act, shall be placed upon the official ballot as a candidate for any office when provision is made herein for nominating candidates for such office, unless such person shall have been nominated for such office under the provisions of this act. In determining whether a political party is subject to the provisions of this act, the vote received

for its candidate for Secretary of State at the preceding general election shall be taken as its vote at such election. The total vote cast at such election shall be the aggregate vote cast for all candidates for Secretary of state at such election. (Sec. 7054a, Burns R. S. 1921.)

[Approved March 8, 1917.]

400. Committee—Authority to Enforce Rules.

2. Every political party subject to the provisions of this act shall have the following committees and none other, a State Central Committee, a Congressional District Committee, a County Committee, a City Committee and a Precinct Committee, but any of the above named committees may elect or appoint such sub-committees as may be provided for their own rules or the rules of the State Central Committee. The State Central Committee of each party subject to the provisions of this act shall be composed of the district chairman from the several congressional districts to be elected as hereinafter provided. The Congressional District Committee shall be composed of the county chairman of the several counties in the congressional district. Provided, however, That in congressional districts having no more than one county, the County Committee shall constitute the Congressional District Committee and such committee in addition to the county chairman, shall elect a district chairman, who shall represent such district in the Congressional District Committee. The County Committee shall be composed of the precinct committeemen to be elected from the several precincts of each county, as hereinafter provided. The City Committee shall be composed of the members of the County Committee representing precincts in whole or in part in such city. The Precinct Committee shall be composed of the precinct committeemen, and such other persons as may be designated and appointed by the county chairman. The State Central Committee of each party coming under the provisions of this law is hereby declared to be the highest party authority and may, by proper rules, regulations or resolutions, provide for all matters of party government which are not controlled by this act or by other statutes of the State of Indiana, such rules, regulations or resolutions not to be in conflict with any law of this State. Upon the refusal of any member or officer of any political committee of such party to obey or conform to any such rule, regulation or resolution so adopted, such member or officer may be removed by said State Central Committee after hearing upon reasonable notice. Said State Central Committee shall also have power in its own name to maintain suits in Mandamus to enforce obedience to its rules, regulations or resolutions, said suits to be commenced, prosecuted and tried in the Circuit Court of the county wherein the defendant resides. Said proceedings in mandamus shall be tried by the court without the intervention of a jury. Any case so brought shall have precedence over all other cases pending in such courts except trials for capital offenses and no change of venue from the county shall be allowed in any such case. Process shall be served and the proceedings had as in other civil actions except that process shall be returnable three (3) days from the date of service. From the judgment

entered in any such case an appeal may be prosecuted as in other civil actions by either party but such appeal shall be taken directly to the Supreme Court of Indiana. (Sec. 7054b, Burns R. S. 1921.)

[Approved March 8, 1915.]

401. Organization of Committees.

3. The various committees provided for herein shall organize by electing a chairman, a secretary and a treasurer, and such other officers or sub-committees as they may deem necessary to perfect their organization. Each of such committees is hereby authorized to fill any vacancy that may occur from time to time by electing a qualified elector of such district or precinct to fill such unexpired term; such qualified elector to be a member of such party. (Sec. 7054c, Burns R. S. 1921.)

[Approved March 8, 1917.]

402. Primary Election Commissioners—Duties—Compensation.

4. There is hereby created in each county a Board of Primary Election Commissioners to be composed of a Clerk of the Circuit Court and two others to be appointed by him, one of whom shall be taken from each of the two political parties casting the highest number of votes in such county at the last preceding general election, who shall be nominated in writing by the respective chairmen of said two parties. Such Election Commissioners shall also serve as Election Commissioners at the election for which nominations by such primary are made. Said Primary Election Commissioners may employ all necessary clerical assistants, who shall be paid for their services in the same manner and amount as now provided for by law. The compensation of the appointive members of said Board of Primary Election Commissioners for their services as such and as Election Commissioners shall be fixed by the Board of Commissioners of such county, and shall be paid out of the county treasury. It shall be the duty of such Board to prepare and distribute separate primary ballots for each political party participating in such primary, equal to one and one-half times the number of votes cast by such political party in each precinct at the last preceding general election. The ballots of each party shall be of uniform size, and of the same quality of paper as is used in ballots at the general election. The ballots so furnished shall be of different color for each political party holding such primary election, and no two political parties shall be furnished, or use, ballots of the same color. All the nominees of candidates representing one political party shall be placed on one ticket, and the name of such political party shall be placed at the top thereof. All the nominees of candidates for each office who have qualified as provided in this act shall be grouped together under the name of such office and printed in type of uniform capital letters, with uniform space between each name. There shall be printed at the head of each group where only one candidate for such group is to be voted for the words, "vote for one only." Where more than one candidate in any group is to be voted for, the number to be voted for shall be specified at the head of such group. (Sec. 7054d, Burns R. S. 1921.)

[Approved March 8, 1915.]

403. Election Officials.

5. The board and officers for the primaries held under the provisions of this act shall consist of one Inspector, two Judges, two Clerks, two Sheriffs, and a poll book holder for each political party participating in such primary. Inspectors, Judges and Clerks at such primary shall be appointed as follows: The party casting the highest vote in such county at the preceding general election for the office of Secretary of State shall be entitled to name the Inspectors at such election in said county. The party participating in such primary and casting the next highest vote in such county for such office shall be permitted to name one of the Judges in each precinct of said county, and so on in rotation with all the parties participating in such primary until such officers are all appointed. (Sec. 7054e, Burns R. S. 1921.)

[Approved March 8, 1917.]

404. Precinct Committeemen—Organization—Rules.

6. At one o'clock p. m. on the Saturday following their election the precinct committeemen of each party coming under the provisions of this act shall meet at some place at the county seat, to be fixed by the retiring chairman, and shall organize the County Committee by electing the officers required by this act. The State Central Committee of each political party coming under the provisions of this act shall provide by proper rules, regulations or resolutions, for the organization of other committees herein provided for, which organization shall take place within thirty days after such primary, except the City Committees of such parties, which shall be organized at any time not later than sixty days before the city primary, the time of such organization to be fixed by such State Central Committees, and to be uniform as to each party throughout the State and said State Central Committees shall adopt proper and efficient rules for the government of each and all of such committees. (Sec. 7054f, Burns R. S. 1921.)

405. Election Officials—Appointment—Duties.

7. The chairman of each political party participating in such primary shall nominate the election officers entitled to be selected by such party, and such nomination shall be made in writing and delivered to the Election Commissioners at least five days before the date of holding such primary. Any vacancy occurring in such election officers prior to the day of the primary shall be filled by the chairman of the political party originally nominating such election officer. Any vacancy occurring in the officers of such primary on the day of election shall be filled by the voters assembled at the precinct belonging to the political party which nominated the officer, whose place has so become vacant. Sheriffs, and poll book holders for such primary shall be appointed in the manner and under the conditions as Sheriffs and poll book holders are appointed at regular elections. The said members of said primary boards and the officers thereof, as herein provided, shall perform the same duties, the same qualifications, and take the same oath as are required of the same officers at any general election,

and the members of said board and the other primary officers provided for herein shall receive such compensation as is received by the same officers at general elections, except as otherwise provided for in section 20 of this act. (Sec. 7054g, Burns R. S. 1921.)

406. Time for Holding Primary.

8. That beginning with the year 1918 the primary elections provided for in this act shall be held in the various precincts of the State on the first Tuesday after the first Monday in May of each year preceding each state, congressional, county, city and township election: Provided, that nothing in this act contained shall prevent any political party not coming under the provisions of this act from nominating candidates as now provided by law: And, provided, further, that nothing in this act contained shall prevent any individual voter at any general election from using the paster ballot as now provided by law. (Sec. 7054h, Burns R. S. 1921.)

[Approved March 8, 1915.]

407. Committeemen Elected by Ballot.

9. All elections for Committeemen, Delegates and all nominations of candidates mentioned in this act by a political party coming under the provisions of this act shall be by ballot, upon which shall be printed the names of all such candidates to be voted for in any particular precinct. (Sec. 7054i, Burns R. S. 1921.)

[Approved March 8, 1917.]

408. Qualifications for Voters.

10. Each qualified voter of the precinct who at the last preceding general election voted for a majority of the regularly nominated candidates of the party holding such election, or if he did not vote at the last preceding general election, intends to vote at the next general election for a majority of the regularly nominated candidates of the party holding such election, shall be entitled to vote at such election: Provided, Such elector was registered as a voter at such previous general election: and Provided, further, That if such elector was so registered, he shall make the affidavit hereinafter provided for. It shall be the duty of the County Auditor to furnish to the Inspector of elections in each of such precincts for use on the day of holding the primary the last regularly prepared registration book. If the name of such person offering to vote at such primary shall be found on such registration book, it shall be sufficient evidence of his right to vote, unless he is challenged as hereinafter provided for. Any person who will be a qualified elector at the election for which such primary is being held, whose name does not appear on such book of registration, shall be entitled to vote if he shall make affidavit that he is a qualified voter of such precinct. Any qualified legal voter in such precinct may challenge any voter or person who shall offer to vote at such election, and when so challenged, such person shall not be entitled to vote unless he shall make an affidavit that he is a qualified legal voter of the precinct; that at the last preceding general election he affiliated with the party for whose

candidate he proposes to vote in such primary and that he voted for a majority of the regular nominees of such party; and that he intends to support and vote for the regular nominees of such party at the coming election, or if he did not vote at the last preceding general election, intends to vote at the next general election for a majority of the regularly nominated candidates of the party holding such election: Provided, That any qualified legal voter who was under twenty-one years of age at the last preceding election, and who will have attained the age of twenty-one years prior to the ensuing election, shall be entitled to vote at the primary of the party with which he intends to affiliate, and whose candidates he intends to vote for at the approaching election, and whenever any such person last named is challenged, it shall be sufficient if he shall make affidavit that he will be a qualified voter of the precinct at the next general election, and that he intends to support and vote for the regular nominees of the party for whose candidate he proposes to vote for in such primary and, Provided, That no challenge on the ground of party affiliation can be made by anyone except a member of the party for whose candidates the voter is offering to vote at such primary. (Sec. 7054j, Burns R. S. 1921.)

409. Officials to Be Nominated—City Primary.

11. On the first Tuesday after the first Monday in May of each year in which a general election is held, at which State, county or township officers are to be elected, a primary election shall be held under the provisions of this act in each and every precinct in the State of Indiana. At such primary election there shall be nominated the candidates of all the political parties coming under the provisions of this act, which are to be voted for at such general election, other than candidates for Presidential Electors, and other than officers to be voted for by all of the electors of the State. There shall also be elected at such primary a Precinct Committeeman from each of said political parties coming under the provisions of this act. There shall be likewise elected at such primary, Delegates from each county to the state convention of such of the political parties coming under the provisions of this act. On the first Tuesday after the first Monday in May of each year in which a city election is held, a primary election under the provisions of this act shall be held in the several precincts of the cities of this State for the nomination of candidates for all elective city officers of all political parties coming under the provisions of this act: Provided, however, That no Precinct Committeeman shall be elected at any such city primary. Primary election officials shall be chosen in the same manner as officials for county primaries, that is to say: The party casting the highest vote in the county in which such city is situated at the preceding general election for the office of Secretary of State shall be entitled to name the inspectors at such election in said city. The party participating in such primary and casting the next highest vote in such county for such office shall be permitted to name one of the Judges in each precinct in said city, and so on in rotation with all the parties participating in such primary until such officers are all appointed. And the duties required of the Clerk of

the Circuit Court at a general election shall be performed by the City Clerk; the duties required of the Board of County Commissioners at a general election shall be performed by the City Council, the duties of the County Sheriff shall be performed by the Chief of Police, and the rights of nominating election officers by political parties shall be exercised by the chairman of the City Committees of such parties, if any such there be, such nominations to be filed in writing with the City Board of Election Commissioners. City officers are required to perform the various duties prescribed in the general election law for county officers in whose place they act, subject to the same penalties and provisions prescribed in the general election law as to such county officers. City Boards of Election Commissioners shall provide the necessary equipment for holding such primaries and the County Commissioners and Township Trustees in which such cities are situated shall furnish what is necessary for use in such primaries of the election furniture in their custody. Election commissioners, in holding such city primaries, shall be governed so far as possible by the law herein prescribed for county primaries. The compensation of the appointative members of the City Board of Election Commissioners shall be fixed by the City Council of such city and shall be paid out of the city treasury. Declarations of candidacy for city offices shall follow substantially the form prescribed by Section thirteen (13) of this act and shall be filed with the City Clerk not less than thirty (30) days prior to such primary. Such City Boards of Election Commissioners shall be appointed in the same manner the County Boards of Election Commissioners are appointed: Provided, however, That whenever, in any county, township, city, district, circuit or other political subdivision, there is no contest in any party for the nomination of candidates for any office to be elected therein, no primary for the selection of such candidates shall be held, and the Election Commissioners shall certify the names of candidates for which there is no contest the same as though a primary election had in fact been held. Whereas, an emergency exists for the immediate taking effect of this provision the same shall be in full force and effect from and after its passage. (Sec. 7054k, Burns R. S. 1921.)

410. Officials Not Eligible to Serve on Board.

12. No person holding an appointive or elective office under the Federal, State, county or city government, shall be eligible to serve on any primary election board. (Sec. 7054l, Burns R. S. 1921.)

411. Declaration of Candidates—Filing.

13. The name of no candidate shall be printed upon an official ballot used at any primary election, unless at least thirty (30) days and not more than sixty (60) days prior to such primary election, a declaration shall have been filed with the Secretary of State in the case of a candidate for member of the National House of Representatives, member of the General Assembly, Judicial office; with the Clerk of the Circuit Court in the case of county office, township office, member of a county committee, or with the City Clerk in case of a city office,

including Judge of the City Court, or member of the City Committee, by the candidate in substantially the following form:

State of Indiana
County of.....} ss:

....., the undersigned, do hereby certify that I am a qualified voter of precinct of the township of..... of the ward of the city or town of..... County of State of Indiana, and that I am a member of the party and reside at No. on Street, and request that you place my name on the official primary ballot to be voted on for the office of..... at the primary election to be held on the..... day of..... 19...., as representing the principles of the party.

Filed in the office of..... this..... day of , 19.....

(Sec. 7054m, Burns R. S. 1921.)

[Approved March 8, 1915.]

412. President—United States Senator—Governor—Preferential Vote.

14. For the purpose of enabling every voter to express his choice for the nomination of candidates for President, Vice-President, United States Senator and Governor, the names of such candidates, as personally or through their representative at least sixty days before the primary file a written request with the Secretary of State that their names be printed on the ballot, shall be placed upon the primary ballot of the party whose nomination the candidate is seeking. Before any such name is printed on the ballot a petition therefor signed by at least five hundred voters of the State, asking that such name shall be so printed on the ballot, and that they desire to vote for such candidate shall accompany such request, and a receipt of the Treasurer of State for the fee by the preceding section required to be paid. (Sec. 7054n, Burns R. S. 1921.)

[Approved March 8, 1917.]

413. Ballots—Form of.

15. At all the primaries there shall be an Australian ballot made up of the several party tickets herein provided for. Provided, There shall be as many separate tickets as there are parties entitled to participate in the primary. The name of each candidate shall be printed on the official ballot under a designation of the office for which he is a candidate. The name of no other candidate shall be printed or written thereon. The ticket of each party shall be printed on a different colored ballot. The official ballot for the primary shall be prepared by the Election Commissioners, and shall state the number of candidates for each office for which an elector is entitled to vote. Such bal-

lot shall contain the names of all candidates for the respective offices for whom nomination papers have been filed. At such primary election such elector may vote for each office designated as there shall be persons to be elected to that office at the ensuing election. The official ballot shall be printed in substantially the form following:

"A"

Official Primary Ballot.

..... Party.

To vote for a person make a cross (X) after his name in the proper column as follows:

Vote for one only.	Vote for one only.
Representative in Congress	State Senators.
(12) A. B.....(51)	A. B.....
(13) C. D.....(52)	C. D.....
(14) E. F.....(53)	E. F.....
(15) G. H.....(54)	G. H.....
Judge Circuit Court.	Clerk Circuit Court.
(16) A. B.....(55)	A. B.....
(17) C. D.....(56)	C. D.....
(18) E. F.....(57)	E. F.....
(19) G. H.....(58)	G. H.....

And so on in like manner for all the officers, for whom nomination papers have been filed. (Sec. 7054o, Burns R. S. 1921.)

[Approved March 8, 1915.]

414. Names on Ballot—Election Commissioners.

16. The Election Commissioners shall arrange the names of all candidates for each office for whom nomination papers have been filed under the designation of the office, in alphabetical order according to surnames. On the left margin of the ballot for each political party the name of uppermost candidate for nomination as printed shall be number 12, and the next 13, and the next 14, and so on consecutively, to the end of the ballot: Provided, In every case where four (4) or more persons are candidates for nomination for the same office except a precinct office at a direct primary election, the number of ballot forms required shall be divided into sets equal to the greatest number of candidates for any one office on said ballot and the names of said candidates with their respective numbers for each office when the number of said candidates is equal to four (4) or more shall, beginning with a form arranged in alphabetical order as heretofore provided in this section be rotated by removing one name with its number from the top of the list for each office and by placing said name with its number at the bottom of said list for each successive set of ballot forms. As nearly as possible an equal number of ballots of each set shall be delivered to each election precinct. Sample ballots shall be printed

from the first or official form of ballot only. (Sec. 7054p, Burns R. S. 1921.)

415. List of Candidates Certified to Clerk Circuit Court.

17. At least twenty (20) days before any county primary preceding a general election, the Secretary of State shall transmit to the Clerk of the Circuit Court of each county a certified list containing the names and postoffice addresses of each person for whom declarations of candidacy have been filed in his office, and entitled to be voted for at such primary, together with designation of the office for which he is a candidate, and the party he represents. The Clerk of the Circuit Court shall forthwith [forthwith] upon receipt thereof publish under the proper party designation the title of each office, the names and addresses of all persons for whom nomination papers have been filed, or all offices, giving the names and addresses of each, the date of the primary, and the hours during which the polls will be open. It shall be the duty of the Clerk of the Circuit Court to publish such notice for two (2) consecutive weeks prior to said primary in two papers each of the two leading political parties of the county, if there be such papers, and if no such papers then the chairman of each of such parties shall designate a paper in which such notice shall be printed. The Clerk of the Circuit Court shall immediately mail copies of the notice to each Township Trustee of his county, who shall immediately post copies of same in at least three (3) public places in each precinct in his township, designating therein the location of the polling booth in each election precinct. In the case of a city election the duties imposed by this section shall be performed by the city clerk. (Sec. 7054q, Burns R. S. 1921.)

416. Withdrawals, by Candidates.

18. Any person who shall file notice of his candidacy as hereinbefore provided for any office for which nominations are to be made at a primary, may at any time, not less than twenty-five (25) days before the day set for holding the primary, notify in writing, the officer with whom his name has been filed, that he is not a candidate and does not wish his name to appear on the official primary ballot as a candidate. Upon receipt of the notice by such officer, he shall withdraw the former declaration from the files and shall not certify the name of the person as a candidate to be voted for at the primary. If a withdrawal shall leave no candidate for office, then the officer shall notify the chairman of the party affected by such resignation, who shall call a meeting of the proper committee, which shall proceed to nominate a candidate to fill such vacancy. Said chairman shall certify the actions of his committee to the proper officer with whom such nominations shall be filed, and such name or names shall be placed upon the official ballot to be voted for at the primary. (Sec. 7054r, Burns R. S. 1921.)

417. Election Precincts—Regular.

19. Election precincts shall be the same for county primary elections under this act as for general elections, and for city primaries the same as for municipal elections. The County Commissioners or

City Council, as the case may be, shall give ten (10) days' notice of the place of voting in the several primary precincts, by two publications in one paper of each of the two leading political parties of the county or city and if it should be necessary to change any of the places of voting at said primary election after the giving of such notice, then notice shall be given by like publication, of such change, but no change shall be made within two (2) days before the holding of such primary. Voting booths in sufficient numbers to accommodate voters of each precinct shall be furnished and used in the same manner as now provided under the general election laws of this State. Separate ballot boxes of colors corresponding with the color of the ballot shall be furnished for each political party participating in such primary. No primary election shall be held in a room or adjoining any room in which spirituous, vinous, malt, or other intoxicating liquors are sold or kept for sale. The provisions of the general election laws now or hereafter in force relating to the right of any employe to have sufficient time to attend the polls and vote shall apply to all primary elections held under this act. (Sec. 7054s, Burns R. S. 1921.)

418. Per Diem of Election Officials.

20. Each Inspector, Judge, Clerk, and Sheriff of any primary election shall be allowed and paid three dollars (\$3.00) for each day's service while attending to such election and performing the duties of his office. (Sec. 7054t, Burns R. S. 1921.)

419. Voting Hours.

21. The polls in all precincts at primary elections shall be open from six (6) o'clock a. m. to six o'clock p. m. Before receiving the ballot of any elector the inspector of the precinct shall cause it to be proclaimed, to the people outside in a loud tone of voice that such polls are open; and when the polls are closed, such facts shall be proclaimed by the inspectors to the people outside in a loud tone of voice, and no more voters shall be received thereafter. (Sec. 7054u, Burns R. S. 1921.)

420. Registration of Voter's Name.

22. Any person desiring to vote shall give his name and political party to the Clerks, who shall write in the poll books the name and party of the elector, and shall then deliver to the elector one of the voter's party ballots provided for under this act, and a blue pencil. The voter shall then take his ballot and blue pencil into one of the election booths and mark his ballot in the manner provided by section twenty-three (23) of this act. He shall then fold his ballot in such manner that its face will be concealed and the initials of the Poll Clerk seen, and deliver said ballot to the Inspector and the pencil to the Poll Clerk and the Inspector shall then deposit said ballot in the ballot box, and the Clerk shall then write the word "voted" opposite the voter's name on the poll book. The voter shall then leave the election room. (Sec. 7054v, Burns R. S. 1921.)

[Section 23 Acts 1915 Repealed.]

421. Election Inspectors—Administer Oath.

24. Inspectors of primary elections are hereby authorized and empowered to administer all oaths required in carrying out the provisions of this act except as herein otherwise provided for. (Sec. 7054x, Burns R. S. 1921.)

422. Marking Ballot—Assistance to Voter.

25. Any voter who is unable to mark his ballot because of physical disability may declare such fact to the Inspector, whereupon the two (2) Clerks shall go with such voter into the election booth and aid him in marking his ballot. Sec. 7054y, Burns R. S. 1921.)

[Approved March 8, 1917.]

423. Tally Sheets.

26. The Election Commissioners shall cause to be printed and distributed with the ballots, tally sheets for each political party having candidates to be voted for at said primary. Said tally sheets shall contain the names of all officers and candidates. (Sec. 7054z, Burns R. S. 1921.)

424. Canvass of Votes—Returns—Certificate of Nomination.

27. Canvass of votes cast shall, except as herein otherwise provided, be made in the same manner, as far as applicable, and by the same officers as the canvass at a general election. Such official tally sheet upon which the count has been so entered shall be included in the returns of such election. The election boards of the various precincts shall on blanks, to be provided for that purpose, make full and accurate returns of the votes cast for each candidate. The return shall set forth opposite the name of each candidate, the number of votes cast for such candidate. Such tabular statement shall be substantially in the following form, the name of candidates to be arranged thereon in the order in which they appear upon the official ballot:

.....precinct,township,
 county, State of Indiana,..... party for rep-
 resentative in Congress.

The county canvass of the returns of the primary shall be made by the same officers and in the manner provided for the canvassing of the returns of the general election except as herein otherwise provided. At the close of the polls and before counting the votes all mutilated and unvoted ballots of each party shall be counted, placed in separate bags and sealed. The number of unvoted ballots marked on the outside of said bags, which shall be delivered to the Clerk of the Circuit Court or the City Clerk, as the case may be, by the Inspector when he makes his returns. It shall be the duty of the Election Board at the close of the count to place all voted ballots of each party in separate bags, sealed and properly labeled showing the number of ballots they contain and the number voted but not counted. It shall be the duty of the Inspector to deliver the said bag, as above provided

for, in good condition to the Clerk of the Circuit Court or the City Clerk as the case may be, when making his returns. It shall be the duty of the Clerk of the Circuit Court or City Clerk, as the case may be, to preserve the same carefully and keep all seals intact for six (6) months, after which they may be destroyed.

Their return shall contain the whole number of votes cast for each candidate of each political party.

The canvassers shall also make an additional duplicate showing the votes cast for each candidate not voted for wholly within the limits of the country [county]. The Clerk of the Circuit Court shall, not later than the Tuesday succeeding the day upon which the primary is held, send to the Secretary of State by registered mail one complete copy of all returns as to such candidates.

The Secretary of State, State Treasurer and Attorney-General shall constitute the State Board of Canvassers.

Said board shall meet at the office of the Secretary of State at ten (10) o'clock a. m. on the second Friday following said primary and make a canvass of the votes cast for candidates for United States Senator, Governor, Representatives in Congress and Judicial Officers, Prosecuting Attorney and members of the State Senate and General Assembly in districts not wholly within one county and tabulate the result in the manner set out in this and the following sections.

When said results have been tabulated, said State Board of Canvassers through the Secretary of State shall certify the same to the Clerks of the Circuit Court of each county in which such candidates are to be voted for at the succeeding general elections and no other form of certificates for nomination for such officers shall be necessary and the County Boards of Election Commissioners shall place upon the proper ballots at the general election all the candidates so certified.

When any person has been nominated at a primary election held under this act, within a county or any municipal subdivision thereof it shall be unnecessary to certify his name as such candidate to any Board of Election Commissioners but it shall be the duty of such Board of Election Commissioners to place his name on the ballot.

It shall be the duty of the Clerk of the Circuit Court within twenty (20) days after such primary to furnish to the Secretary of State a complete list of all candidates nominated at such primary other than Precinct Committeeman, but including the names of all delegates to the State Convention of any political party, together with the postoffice address of each such candidate. The Secretary of State shall within ten (10) days after the receipt thereof furnish to the chairman of each State Central Committee of each party coming under the provisions of this law, a complete list certified to under his hand and seal of all candidates so nominated and certified by said Clerks of the Circuit Courts together with their postoffice addresses and a complete list of all conditions [candidates] shown to be nominated by the canvass of the State Board of Canvassers together with their postoffice addresses which shall be ascertained by said State Board of Canvassers. Such certificate shall be made on blanks to be prepared for such purpose and furnished by the board of public printing. (Sec. 7054a1, Burns R. S. 1921.)

[Section 28, Acts 1915, Repealed.]

[Approved March 8, 1915.]

425. **Nominees—How Determined.**

29. The person receiving the highest vote at such primary as a candidate of any party for any office, determined under the rules herein provided, shall be the nominee of that party for such office, and his name as such nominee shall be placed on the official ballot at the following election. (Sec. 7054c1, Burns R. S. 1921.)

426. **Watchers.**

30. Every political party which participates in the nomination of candidates at any primary election may each appoint one watcher for each precinct to witness the count of votes. (Sec. 7054d1, Burns R. S. 1921.)

427. **State Central Committee—Fix Date for State Convention.**

31. The State Central Committee of each political committee coming under the provisions of this act shall within six months after the time this act takes effect meet and adopt appropriate and adequate rules for the government and regulation of such party, which rules shall not be inconsistent with the provisions of this act. Said rules shall provide for the time and manner of the organization of all the other committees provided for in this act for such parties when provisions therefor is not made herein. Each of said Central Committees shall before the day of such March [May] primary fix a date for holding a State Convention, which date shall be within one hundred and fifty days after the date of such March [May] primary, and such convention shall be held at the city of Indianapolis. (Sec. 7054e1, Burns R. S. 1921.)

[Approved March 10, 1921.]

428. **Delegates—Basis—Elected.**

32. Such State Convention of each of such parties, shall consist of delegates upon the basis of one delegate for each 400 votes and one delegate for each fraction of 200 or more votes in every county in the state, to be apportioned among the precincts, wards and townships of such county by the board of primary election commissioners of such county as equitable as possible, and so as to give the voters of each precinct of such county representation.

Delegates to such state conventions shall be elected at such May primary as heretofore provided in this act. (Sec. 7054f1, Burns R. S. 1921, Acts 1921, page 413.)

429. **Preferential Votes for President, Etc.—Certified.**

33. The Secretary of State shall certify to the chairman of each of such parties, the result of the preferential vote of the candidates of such party authorized by section fourteen (14) hereof, which result shall be reported to such convention by such chairman.

In case there has been a preferential vote for a candidate for President or Vice-President and any candidate for either of said offices

has received a majority of the votes of such party cast in such primary for such office, the delegates of such party to its National convention shall be instructed and it shall be its [their] duty to cast their votes as a unit for such candidate or candidates as long as his or their names shall be before such convention.

In case there has been a preferential vote for a candidate for Governor or United States Senator, and any candidate for either of such offices has received a majority of the vote of such party cast in such primary for such office, such candidate shall be declared by such convention to be the nominee of such party for such office. In case of a preferential vote for candidates for any of such offices and no candidate for such office receives such majority such preferential vote shall be disregarded. To determine whether any such candidate has a majority the method of considering first and second choice votes as provided in sections 27 and 28 hereof shall obtain. (Sec. 7054g1, Burns R. S. 1921.)

430. State Convention—Officials to Be Nominated.

34. Such convention shall nominate candidates of such party for all State offices to be voted for at the next general election, except only in the case of Governor and United States Senator, when a nomination has been made as provided in the last section hereof.

Such convention shall also nominate candidates for Presidential Electors, Alternate Electors, and it shall elect the delegates and alternate delegates of such party to its National Convention: Provided, Such party by appropriate rules may permit the delegates from the several congressional districts to select their own candidates from such district for Elector and Alternate Elector, and their own delegate and alternate delegate.

Such convention shall also formulate its party platform. (Sec. 7054h1 Burns R. S. 1921.)

431. Nominations for Delegates.

35. All nominations for delegates to such State convention shall be made by petition as hereinafter provided, which petition or petitions shall be filed not less than twenty days before the March primary with the Clerk of the Circuit Court. Any ten legal voters of any one party in any county affected by this act, may file such nominating petition, and the names of the petitioners shall be signed in ink and the residence of each petitioner shall be set opposite his name.

Said petition shall state the party, territorial unit and convention for which said delegates are nominated, and some one of said petitioners shall make and subscribe to an oath, to be attached to said petition, before some officer authorized to administer oath in the State of Indiana that he supported a majority of the candidates of said party at the last preceding election, and that he intends to support a majority of said party's candidates at the next general election; that he believes to the best of his knowledge and belief that each person signing said petition supported a majority of the candidates of said party at the last preceding election and that each intends to support a majority of said

party's candidates at the next general election. Said petition shall be dated and shall be substantially in the following form:

....., Indiana,, 19..

To the Clerk of the Circuit Court:

We, the undersigned residents and legal voters of..... party, in..... County, Indiana, hereby nominate the following named persons as candidates for delegates from..... ward, in.....city (or.....township) incounty to be voted for in said ward or township at a primary election to be held by precincts in said county on the second Tuesday in the month of May, 19.., to attend the..... (here insert name of convention) convention of.....party.

As Delegates.

For.....ward in the city or town of.....

Name.	Residence.
.....
.....
.....

For.....township outside of.....city or town.

Name.	Residence.
.....
.....
.....

For.....township.

Name.	Residence.
.....
.....
.....

Petitioners.

Name.	Residence.
.....
.....
.....

State of Indiana, }
County of..... } ss:

.....being first duly sworn on his oath deposes and says that he is one of the signers of the above and foregoing petition nominating delegates; and affiant says that he is over the age of 21 years and is a bona fide resident of.....

County, and a legal and qualified voter in said county; affiant further says that he supported a majority of the candidates of..... party at the last preceding election and that he intends to support a majority of said party's candidates at the next general election; affiant further says that each signer to said petition, to the best of his information and belief, is a bona fide resident of said county and over the age of 21 years, and that each signer is a qualified and legal voter in said county; and that each of said petitioners, to the best of his information and belief, supported a majority of the candidates of..... party at the last preceding election, and that each said petitioner intends to support a majority of said party's candidates at the next general election. Affiant further says that the signatures of said petitioners are genuine, and to the best of his knowledge and belief the persons so signing were, at the time of signing said petition, qualified voters of the county in which said candidates for delegates reside.

.....

Subscribed and sworn to before me this....day of....., 19....

.....

Notary Public.

My commission expires.....

(Sec. 7054i1, Burns R. S. 1921.)

432. Candidate for Delegate—May Withdraw.

36. Any person who shall be nominated as a candidate for a delegate to such State convention may, not less than ten days before a primary, notify in writing the Board of Primary Election Commissioners that he is not a candidate for delegate and does not wish his name to appear on the official primary ballots as a candidate. Upon receipt of such notice in writing by such officers they shall withdraw the name of such person from the nominating petition, and shall not certify the name of such person as candidate for delegate at such primary election, and the name of such person shall not be permitted to appear on the official primary ballot as a candidate: Provided, however, That in the event any person shall notify the board of Primary Election Commissioners to withdraw his name as candidate for delegate, said board shall at once notify the signer of said petition, who subscribed to same, by registered mail, and any time, not less than six days prior to said primary, said signer of said petition shall have the right to substitute the name of some legal voter in the place of the person withdrawing: Provided, however, That no person shall be selected to fill a vacancy on a nominating petition unless such person shall reside in the same ward or township as the person who withdrew, and any person so selected by the said signer of the petition shall be a member of the party named in the body of the petition. (Sec. 7054j1, Burns R. S. 1921.)

433. County Furnishes Supplies.

37. All ballots, blanks and other supplies to be used at such primary and all expenses necessarily incurred in the preparation for or conducting such primary shall be paid out of the county treasury, in the same manner, with like effect, and by the same officers, as in case of general election. (Sec. 7054k1, Burns R. S. 1921.)

434. Publications Required.

37½. Every publication required in this act shall be made in two newspapers of general circulation in such county. One of such newspapers shall represent the political party that cast the largest vote in such county or city at the preceding general election, and one of such papers shall represent the political party that cast the next largest vote in such county or city at the preceding election and if no such paper, then in a paper designated by the chairman of such party. In any case where the publication of a notice can not be made as hereinbefore required, it may be made in any paper having a general circulation in the county in which the notice is required to be published. (Sec. 7054l1, Burns R. S. 1921.)

435. Penalty for Fraudulent Voting.

38. Whoever, not having the legal qualifications of a voter at any primary election authorized by law to be held in the State, votes, or offers to vote, at such primary election, shall be fined not more than one hundred dollars nor less than ten dollars, or imprisoned in the county jail not more than one year nor less than one month, or both, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period.

Whoever knowingly votes or offers to vote at primary election in any precinct except the one in which he resides shall be fined not more than one hundred dollars nor less than ten dollars, or imprisoned in the county jail not more than one year nor less than one month, or both, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (Sec. 7054m1, Burns R. S. 1921.)

436. Repeating—Penalty.

39. Whoever votes more than once at a primary election in this State either at the same precinct or at different precincts, shall be fined not more than five hundred dollars nor less than ten dollars, imprisoned in the State prison not more than two years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (Sec. 7054n1, Burns R. S. 1921.)

437. Printer Secretly Giving Ballots—Penalty.

40. If the printer of ballots for any election, or any person employed in printing the same, shall give or deliver, or knowingly permit to be taken any of said ballots, by any person other than a member of the Board of Primary Election Commissioners or cause or permit to be printed any ballot in any other form than the one prescribed by

this act, or with other names thereon or with the name spelled or the names thereon arranged any other way than that authorized by the said Board of Primary Election Commissioners, he shall be guilty of a felony, and on conviction thereof shall be imprisoned in the State penitentiary not less than three nor more than ten years, and be disfranchised for any determinate period not less than ten years. (Sec. 7054o1, Burns R. S. 1921.)

438. Officials Furnishing Ballots Fraudulently.

41. If any member of the Board of Primary Election Commissioners shall give or deliver to any person any of the ballots therefor, or shall permit any of them to be taken away except as herein provided, he or they shall be guilty of a felony, and on conviction shall be punished by imprisonment in the State penitentiary for not less than one nor more than five years and be disfranchised for any determinate period not less than ten years. (Sec. 7054p1, Burns R. S. 1921.)

439. Removal of Election Supplies—Penalty.

42. If any person shall take or remove in any manner feloniously or with the consent or permission of the custodian for the time, from any place where they may lawfully be under this act, any of such ballots or pencils to be used in the primary (except as an official or custodian under this act, or while within the polling place for the purpose of voting); or if any such custodian or official shall consent to, or permit any of such ballots or pencils to be removed or carried away from the place where they may lawfully be, by any person, except an official or custodian under this act, whose duty it is to receive the same, such persons, custodian or official shall be deemed guilty of a felony, and on conviction shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years, and may be disfranchised for any determinate period not less than ten years. (Sec. 7054q1, Burns R. S. 1921.)

440. Inspector—Failure to Appear.

43. Any inspector who shall wilfully or negligently fail to appear at the proper clerk's office in [person] or by representative, not less than one day nor more than three as herein provided, shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and shall thereafter be incompetent to serve as an inspector. (Sec. 7054r1, Burns R. S. 1921.)

441. Affidavit as to Illegal Voting.

44. If at any time during a primary election any qualified elector shall make affidavit before the Inspector that any person who has voted is an illegal voter in such precinct, the person accused shall at once be arrested by the Election Sheriff or other peace officers and by them delivered to the civil authorities. Immediately after the close of the election the Inspector shall deliver such affidavit to some justice of the peace in the township, who shall proceed thereon as if the affidavit had been made before him. (Sec. 7054s1, Burns R. S. 1921.)

442. Perjury—What Constitutes.

45. Whoever shall knowingly or wilfully make a false affidavit under any of the provisions of this act, shall be deemed guilty of perjury. If any Inspector, Clerk or other person intrusted with the custody or control of any ballot or ballots, either before or after they have been voted, shall in any way mark, mutilate or deface any ballot or place any distinguishing mark thereon either for the purpose of identifying the same (except by numbering protested ballots for future reference as herein provided for), or for the purpose of vitiating the same, he shall be guilty of a felony, and on conviction shall be imprisoned in the State's prison not more than five nor less than one year and fined in any sum not exceeding one thousand dollars (\$1,000.00). Sec. 7054t1, Burns R. S. 1921.)

443. Destruction of Supplies—Penalty.

46. Any Clerk, Inspector or other person intrusted with the custody of the ballots for use at the primary who shall open any of the packages in which the said ballots are contained, or permit them to be destroyed, or give or deliver any such packages of ballots to any person not lawfully entitled to receive them, as herein provided; or conspire to procure, or in any way aid, abet or connive at any robbery, loss or destruction of any such ballots or packages, shall be guilty of a felony, and on conviction shall be punished by imprisonment in the State prison for not less than three nor more than ten (10) years, and be disfranchised for any determinate period not less than ten (10) years. (Sec. 7054u1, Burns R. S. 1921.)

444. Distinguishing Mark.

47. If any person shall induce or attempt to induce any voter at a primary election to write, paste or otherwise place on his ballot any sign or device of any kind as a distinguishing mark on the ballot whether or not said act be committed or attempted to be committed, such person so offending shall be guilty of a felony, and, on conviction, be imprisoned not more than five (5) nor less than one (1) year in the State's prison. (Sec. 7054v1, Burns R. S. 1921.)

445. Influencing Voters.

48. If any person shall, directly or indirectly, give, offer or promise to give, to any elector, any money, property or other thing of value, for the purpose of preventing, influencing, inducing or procuring such elector to refrain from voting or to remain away from the polls at any primary election, such person so offending shall be guilty of felony, and, on conviction, be imprisoned not more than five (5) years nor less than six months and be disfranchised for any determinate period not less than ten (10) years. (Sec. 7054w1, Burns R. S. 1921.)

446. Bribery—Penalty.

49. If any person shall give or offer to give, directly or indirectly, any money, property, or other thing of value to any elector to influence his vote at a primary election; or if any person shall, at such election,

solicit, furnish or receive any money or other means for such purpose, or shall aid, advise, counsel or suggest to any person, or to persons generally, to use or procure any money, or other means to be used to induce, hire or buy any person or persons to vote or refrain from voting for any candidate or candidates or to remain away from the polls at any primary election, whether or not any such person shall act upon any such counsel, advice or suggestion, such person so offending shall be guilty of felony, and on conviction be imprisoned for not more than five (5) years nor less than six months and be disfranchised for any determinate period not less than ten (10) years. (Sec. 7054x1, Burns R. S. 1921.)

447. Informers—Not to Be Prosecuted.

50. If any person who has been guilty of giving money or other thing of value to another or others for the purpose of influencing his or their vote at a primary election, or use in influencing the vote of another shall inform upon and testify against the person or persons receiving the money in a prosecution therefor, the person so informing and testifying shall not be thereafter prosecuted for his guilt or connection with the transaction: and if any person who has received money or other thing of value from another or others for the purpose of influencing his vote at any primary election, or for the purpose of being used to influence the vote of others, shall inform upon or testify, against the person or persons from whom he received the same, in a prosecution for such giving, such person so informing and testifying shall not be thereafter prosecuted for his guilt in connection with the transaction. (Sec. 7054y1, Burns R. S. 1921.)

448. Furnishing Information as to Voters.

51. If any person, being a member of a primary election board or otherwise entitled to the inspection of the ballots, shall reveal to any other person how any elector has voted, or give any information concerning the appearance of any ballot voted, such person so offending shall be guilty of a felony, and, on conviction, shall be imprisoned not less than six (6) months nor more than five (5) years in the state prison, and be disfranchised for any determinate period not less than ten (10) years. (Sec. 7054z1, Burns R. S. 1921.)

449. Tampering with Election Officials.

52. If any person shall induce, or attempt to induce, any member of a Primary Election Board to violate any of the provisions of the preceding section or sections, whether or not such member of the Election Board shall violate or attempt to violate any of the provisions of this act, such person so offending shall be guilty of felony, and on conviction shall be imprisoned in the State prison not less than one (1) year nor more than five (5) years, and be disfranchised for any determinate period not less than ten (10) years. (Sec. 7054a2, Burns R. S. 1921.)

450. Destruction of Property.

53. Any person who shall, during the primary election, remove or destroy any of the supplies or other conveniences placed in the booths

as aforesaid, or shall during the primary election destroy or remove any booth, railing or other convenience provided for such election, or shall induce or attempt to induce any person to commit any of such acts, whether or not any of such acts are committed, shall be guilty of a misdemeanor, and on conviction shall be punished by imprisonment for not less than six (6) months nor more than one (1) year and be disfranchised for any determinate period not less than ten (10) years. No officer of a primary election shall disclose to any person the name of any candidate for whom an elector has voted. No officer of a primary election shall do any electioneering on primary election day. No person whatever shall do any electioneering on primary election day within any polling place. No person shall apply for or receive any ballot for the primary in any polling place other than in which he is entitled to vote. No person shall show his ballot after it is marked, to any person in such a way as to reveal the contents thereof or the name of any candidate or candidates for whom he has marked his vote; nor shall any person examine the ballot which any person has presented for voting or solicit the voter to show the same. No person, excepting the Inspector of a primary election or the member of the board who may be temporarily acting for him shall receive from any voter a ballot prepared by him for voting. No voter shall receive a ballot to be used in the primary from any person other than one of the Poll Clerks; nor shall any person other than the Poll Clerk deliver a ballot to be used in the primary to an elector to be voted. No voter shall deliver any ballot to be voted at the March or June primary to an Inspector to be voted except the one he received from the Poll Clerk. No voter shall place any mark upon his ballot or suffer or permit any other person to do so by which it may afterwards be identified as the one voted by him. Whoever shall violate any provisions of this section shall be deemed guilty of a felony, and, on conviction, shall be punished by imprisonment for not less than six (6) months nor more than one (1) year, or by fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or both, and be disfranchised for any determinate period of not less than ten (10) years. (Sec. 7054b2, Burns R. S. 1921.)

451. Public Officials—Neglect of Duty.

54. Any public officer, upon whom duty is imposed by this act, who shall wilfully neglect or omit to perform such duties, or do any act prohibited thereon, for which punishment is not otherwise herein provided, shall be deemed guilty of a felony, and, upon conviction, shall be punished by imprisonment in the State prison for not less than three (3) months nor more than three (3) years, or by a fine of not more than one thousand dollars (\$1,000.00), or by both fine and imprisonment, and be disfranchised for any determinate period not less than five (5) years. (Sec. 7054c2, Burns R. S. 1921.)

452. Election Affidavits—Preserved.

55. All affidavits provided in this act to be used on the day of primary elections at the several polling places shall, at the close of the count, be placed in a strong paper bag, or envelope, by the Primary

Election Board, and securely sealed by them, each member endorsing his name on the back of such back [bag] or envelope. Such bag or envelope shall be delivered within three (3) days after the election by the Inspector to the Clerk of the Circuit Court of the county, whose duty it shall be to carefully preserve the same, and deliver it, with the seal unbroken, to the foreman of the grand jury when next in session. It shall be the duty of such grand jury to inquire into the truth or falsity of such affidavits. (Sec. 7054d2, Burns R. S. 1921.)

453. Voting Machines.

56. If in any county or city voting machines shall have been adopted under the laws of this State, and shall be on hand for use at the general or city election, such machines may, by order of County Commissioners, or ordinance of the City Council, be adopted whenever practicable for use at the primary election in such county or city and used. When so adopted all provisions of the laws of this State providing for or applying to their use at elections not inconsistent with the provisions of this act, and all provisions of this act, as far as applicable, shall apply to the use of such voting machines at such primary elections. (Sec. 7054e2, Burns R. S. 1921.)

454. Adjusting Machine.

57. In any county or city where voting machines are used in any precinct at any primary election, the Inspector of such election in such precinct, before permitting any voter to register his vote upon such machine and after ascertaining with which party such voter affiliates shall set or cause the voting machine to be set so that the voter can only vote for the candidates of the party with which he has announced his affiliation and no other, and after the machine is so set the voter shall be permitted to register his vote upon the machine. (Sec. 7054f2, Burns R. S. 1921.)

455. General Laws in Force.

58. The provisions of the statutes now in force in regard to the holding of elections shall apply to all primaries in so far as they are consistent with this act and especially an act entitled "An act concerning corrupt practices at elections, caucuses and primaries, and the collection and disbursement of campaign funds," approved March 3d, 1911, and all acts amendatory thereof, the intent of this act being to place the primary under the regulation and protection of the laws now in force as to elections. (Sec. 7054g2, Burns R. S. 1921.)

456. Repeal.

59. An act entitled "An act concerning primary elections, officers for the nomination of candidates for county, city and township; providing for the election of Precinct Committeemen of political parties; providing for the nominations of candidates of parties which at the last preceding election cast ten per cent or more of the total vote for county, judicial, legislative, township and city officers at such primary elections and matters connected therewith; providing the duties of Election Commissioners in such primary elections; providing for the payment of the

expenses of such primary elections, providing penalties for violations of the provisions thereof; repealing all laws in conflict therewith," approved March 12, 1907, and all acts amendatory thereof and all other acts in conflict with this act are hereby repealed. (Sec. 7054h2, Burns R. S. 1921.)

457. Public Offense.

60. Any act declared an offense of the general laws of this State concerning elections shall also, in like cases, be an offense to all primaries, and shall be punished in the same form and manner as therein provided, and all the penalties and provisions of the law as to such elections, except as herein otherwise provided, shall apply in such cases with equal force, and to the extent as though fully set forth in this act. (Sec. 7054i2, Burns R. S. 1921.)

458. Election Laws in Force.

61. The provisions of the statutes now in force in relation to the holding of elections, corrupt practices at elections and primaries, the solicitation of voters at the polls, the challenging of voters, the manner of conducting elections, of counting the ballots and making the return thereof, and all other kindred subjects shall apply to all primaries in so far as they are consistent with this act, the intent of this act being to place the primary under the regulation and protection of the laws now in force as to elections. And in all cases not herein specified, it is the purpose of this act so far as possible, to follow the provisions of the general election laws. (Sec. 7054j2, Burns R. S. 1921.)

459. Votes Canvassed.

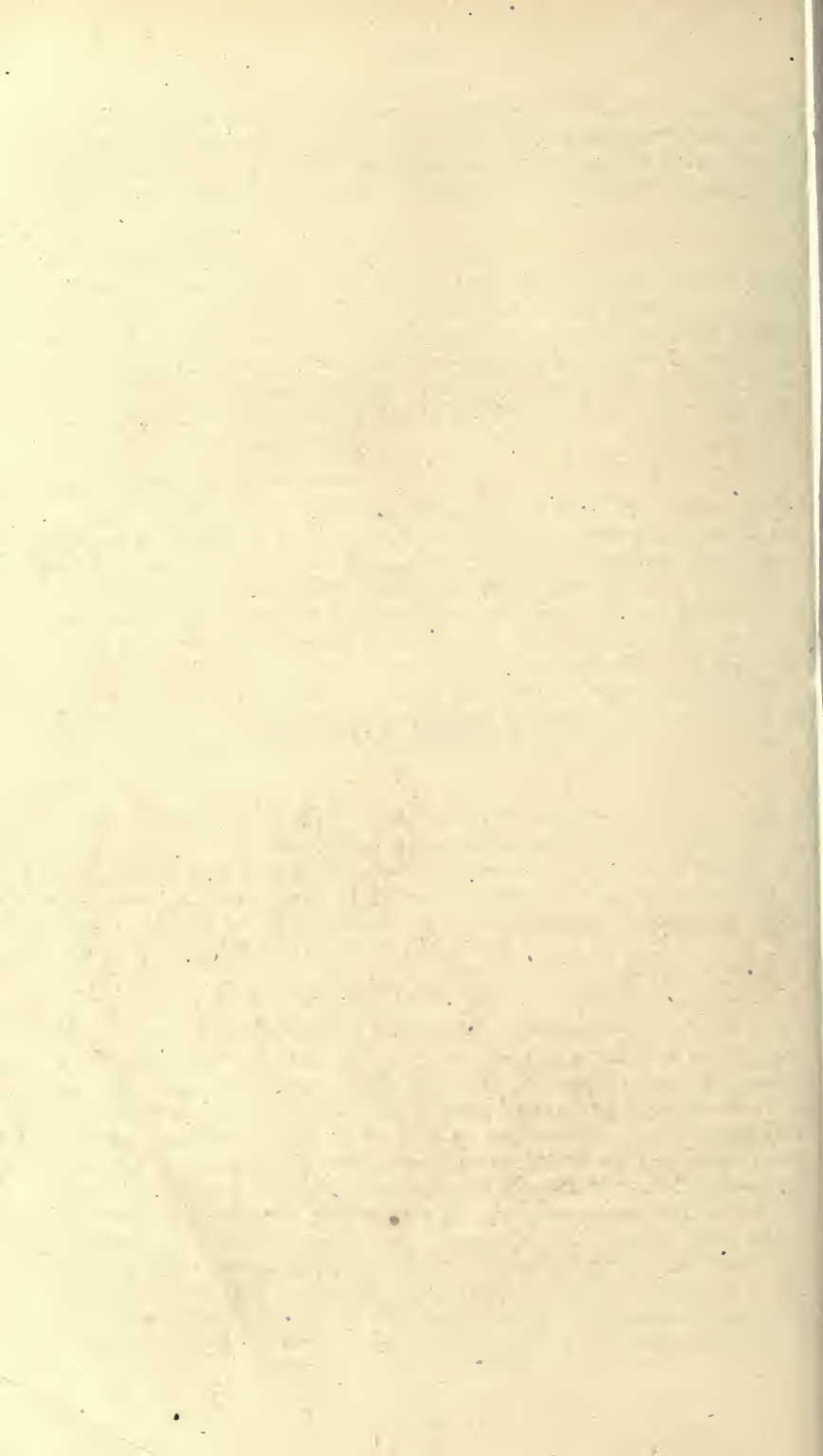
62. The canvass of the votes cast and certification of the results shall be made in the same manner and by the same officer as the canvass of a general election. Notice shall be given by the Clerks of the Circuit Court and the Secretary of State to the chairman of the party committee of the results as to candidates in their respective districts. (Sec. 7054k2, Burns R. S. 1921.)

[H. 450. Approved March 10, 1921.]

460. Filing of Declaration of Independent Candidates.

Section 1. The name of no independent candidate or of any person who does not intend to affiliate with or support the duly chosen candidates of any existing and regular party organization shall be printed upon any official ballot used at any general or municipal election in this State unless such person or candidate shall, at least thirty (30) days prior to the date of the primary election, file a declaration with the Secretary of State in the case of a candidate for member of the national house of representatives, member of the general assembly or judicial office; with the Clerk of the Circuit Court in the case of a county or township office; and with the City Clerk in case of a city office, including judge of the city court, in the same manner and form as now provided by law. (Acts 1921, p. 514. Sec. 6900a, Burns R. S. 1921.)

CITY AND TOWNS



CHAPTER IX.
CITY AND TOWN ELECTIONS.

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[Acts 1905, p. 219. Approved March 6, 1905.]

461. Survey and Map.

1. That persons intending to make application for the incorporation of a town, as hereinafter provided, shall cause an accurate survey and map to be made of the territory proposed to be embraced within the limits of such town. Such survey shall be made by a practical surveyor, and shall show the courses and distances of the boundaries of such territory, and the quantity of land contained therein; and the accuracy of the survey and map shall be verified by the affidavit of the surveyor, written thereon or attached thereto. (R. S. 1908 and 1914, Sec. 8975; R. S. 1905, 3767.)

462. Census.

2. Such persons shall also cause an accurate census to be taken of the resident population of such territory, as it may be on some day not more than thirty days previous to the time of presenting such application to the board of commissioners, as hereinafter provided; which census shall exhibit the name of every head of a family residing within such territory on such day, and the number of persons then belonging to such family; and the name of each real estate owner residing within such territory and owning real estate therein; and the census shall be verified by the affidavit of the persons taking the same. (R. S. 1908 and 1914, Sec. 8976; R. S. 1905, Sec. 3768. As amended, Acts 1913, p. 260.)

463. Survey, Map and Census Made Public.

3. Such survey, map and census, when completed and verified, shall be left at some convenient place within such territory, for examination by those having an interest in the organization of such town, for a period of not less than twenty days before the presentation of the application to the board of commissioners of the county. Notice of the intention to present such application and of the place where the same is left for

examination, shall be given by publication once in some newspaper published within such territory, if any there be, if not, by posting in three public places therein, which notice by publication or posting shall be given not less than twenty days before the first day of the regular session of the board of commissioners at which such application is to be presented. (R. S. 1908 and 1914, Sec. 8977; R. S. 1905, Sec. 3769.)

464. Application to County Commissioners.

4. Such application shall be by petition to the board of commissioners of the county in which such territory or the greater part thereof is situated, which petition shall be subscribed by not less than one-third of the whole number of the qualified voters residing within such territory, as shown by such census, also by one-third of the whole number of real estate owners residing within such territory and owning real estate therein as shown by such census. The petition shall set forth the boundaries of the territory, the quantity of land embraced therein and the resident population and the names of the resident real estate owners, owning real estate within such territory, and shall be verified by one or more of the petitioners. Such petition together with the survey map and census, shall be filed with the county auditor at or before the time indicated in the notice of the application, and shall by such auditor be presented to such board, and be acted upon by the board as soon thereafter as the same can be considered. (As amended, Acts 1913, p. 261. R. S. 1914, Sec. 8978.)

465. Hearing and Order.

5. The board of commissioners, in hearing such application, shall first require proof that the survey, map and census were subject to examination in the manner and for the time required by section 3 of this act, and that the notice in said section prescribed was duly given; and if such board be satisfied that the requirements of this act have been fully complied with, it shall make an order declaring that such territory shall, with the assent of the qualified voters thereof, as hereinafter provided, be an incorporated town, by the name specified in such application, provided such name differ from that of every other town in the state; and the board shall include in such order a requirement for notice of a meeting of the qualified voters resident in the territory, at a convenient place therein, to be named by the board, and on a day within one month after such order, to determine whether such territory shall be an incorporated town. (R. S. 1908 and 1914, Sec. 8979; R. S. 1905, Sec. 3771.)

466. Notice to Voters—County Auditor.

6. The county auditor, in pursuance of such order of the board, shall give ten days' notice of such meeting of the electors, by publication in a newspaper, if one be printed in such territory; and, if not, by posting copies of such notice in not less than ten public places in such proposed incorporated town, at least ten days before such meeting. (R. S. 1908 and 1914, Sec. 8980; R. S. 1905, Sec. 3772.)

467. Polls—How Long Open.

7. At the meeting of the qualified voters, as herein provided, polls shall be opened at 9 o'clock in the forenoon of such day, and shall be kept open until 4 o'clock in the afternoon, when they shall be closed. (R. S. 1908 and 1914, Sec. 8981; R. S. 1905, Sec. 3773.)

468. Election Board.

8. The voters at such meeting shall first proceed to the election of three of their number as inspectors. Such inspectors, after being duly chosen and qualified, and after having selected one of their number as clerk, shall, without delay, proclaim to the meeting that the polls are open, and that they are ready to receive the ballots of the voters. (R. S. 1908 and 1914, Sec. 8982; R. S. 1905, Sec. 3774.)

469. Election—Effect—Expenses.

9. The qualified voters of such territory shall vote by ballots having thereon the word "Yes" and the word "No." The inspectors shall make a statement showing the vote as in case of other elections, and shall return the same to the county auditor, to be laid before the board of commissioners at its next regular or adjourned session, or at any other session called for that purpose. If the board be satisfied of the legality of the election, and that a majority of the ballots are in favor of incorporation, it shall make an order declaring that such town has been incorporated by the name adopted, which order shall embrace a copy of the inspector's return and be conclusive of such incorporation in all suits by or against such corporation; and the existence of such town, by the name and style aforesaid, shall thereafter be judicially taken notice of in all courts and places in this state, without specially pleading or proving the same. If the commissioners find that a majority of the ballots are against incorporation they shall so declare, and no further proceedings shall be had in relation to such matter. An appeal may be taken to the circuit court from the action declaring or refusing to declare that such town has been incorporated. In case the town is not incorporated, all costs and expenses, including the expenses of election and appeal, if any be had, shall be paid by the petitioners, who on filing their application shall also file a bond, payable to the State of Indiana for the use and benefit of the board of commissioners of the county, and to the approval of such board, conditioned for the payment of all such costs and expenses. In case the town is incorporated, all such costs and expenses shall be paid by the town. In case a majority of the votes cast at such election are against incorporation of said town then the board of commissioners shall not order another election for the incorporation of such town until after the expiration of two (2) years from date of such election. (As amended, Acts 1913, p. 261. R. S. 1908 and 1914, Sec. 8983.)

470. Ward Boundaries.

10. Such inspectors, when such town has been by the county board declared incorporated, shall at once proceed to divide the town into not less than three, nor more than seven wards, having due regard to the

equitable apportionment of population among the same, and the convenience and contiguity of the wards. Thereafter the trustees of any town incorporated under this act, may at any time, sixty days or more preceding the election for town officers, redistrict the town in like manner. (R. S. 1908 and 1914, Sec. 8984.)

471. Corporation Election—Notice.

11. After such town has been divided into wards, the inspectors shall immediately give ten days' notice, by publication in a newspaper, if one be printed within such town, or if there be no newspaper, by posting such notice in one public place in each ward, of an election to be held in such town, for the purpose of electing officers thereof, naming in such notice the place where and the day when such election shall be had. Such place shall be at some convenient location in the town and such day shall be within twenty days from the publication or posting of such notice. Every subsequent notice of election shall be given in like manner by the clerk of the town. (R. S. 1908 and 1914, Sec. 8985.)

472. Election Inspectors.

12. Such inspectors shall preside at such first election, and be inspectors thereof. They shall receive and canvass the votes, and shall immediately thereafter, and before adjournment, declare the election of the officers so chosen, deliver to such officers certificates of thir election, and make out and file with the clerk of the circuit court of the county in which such town is situated the certified statement of election provided for in section 15 of this act. At all subsequent town elections one inspector for each voting precinct shall be appointed by the board of town trustees, and the judges and other officers of each election board shall be selected as provided by law for the selection of the officers of township election boards. (R. S. 1908 and 1914, Sec. 8986; R. S. 1905, Sec. 3778.)

473. Election Precincts.

13. In town elections, after the first election, the election precincts shall, so far as practicable, be the same as those fixed for general elections; and the opening and closing of the polls and all other matters relating to such town elections shall be conducted in conformity with the provisions of the general election laws applicable thereto. (R. S. 1908 and 1914, Sec. 8987; R. S. 1905, Sec. 3779.)

474. Town Officers—Election—Term of Office.

1. The elective officers of every town shall be one (1) trustee from each ward and also a clerk and a treasurer for the town at large: Provided, That each trustee shall be voted for by all the electors of the town, but shall be a resident of the ward for which he is elected: And Provided, further, That nothing herein contained shall prevent the respective offices of clerk and treasurer from being held by the same person. The term of trustee shall be four (4) years and the term of clerk and treasurer shall be two (2) years. The officers chosen at the first election, hereinbefore provided for, shall hold their offices until

the first Monday of January following the next regular town election, and until their successors are elected and qualified. On the first Tuesday after the first Monday in November in the year 1917, and on the same day every two years thereafter, there shall be held an election in each town in this state for the election of the elective officers of such town; and there shall be no election in any town prior to that date, save only the first town election provided for on the organization of towns. That in any town where no election of trustees and other officers was held in November, 1915, the term of the present incumbent shall expire at 12 o'clock noon on the first Monday in January, 1918. That in any town where an election for trustees and other officers was held in November, 1915; said election, and the acts of such trustees and other officers are hereby legalized and made valid. The clerk and treasurer elected on the first Tuesday after the first Monday in November, 1917, shall hold their respective offices from the termination of the terms of their respective predecessors until noon the first Monday in January, 1920. In towns having an even number of Trustees, one-half of the persons of any such town receiving the highest number of votes for the office of trustee at the regular election held in November, 1917, shall be regarded as elected thereto for a period of four (4) years from the first Monday in January, 1918, and the other half for a period of two (2) years from said day, and in towns having an uneven number of trustees, the majority of the persons of any such town receiving the highest number of votes for the office of trustee at the regular election held in November, 1917, shall serve for four years from the first Monday in January, 1918, and the remainder for a period of two years from said day. Thereafter the term of office of all trustees shall be for four (4) years. Provided, however, That where any town held an election in November, 1915, and certain trustees were considered elected for the term of four (4) years from the first Monday in January, 1916, said trustees shall hold their office for the term for which they were elected, and no election shall be held for their successors in November, 1917. Thereafter the term of all trustees and other officers elected at any regular election shall begin on the first Monday in January following their election. The board of trustees of every town shall appoint a marshal who shall serve during the pleasure of the board, and whose salary shall be fixed by the board. (As amended Acts 1917, p. 100. R. S. 1921, Sec. 8988.)

475. When Elected—Tie Vote—Certificates.

15. The persons in each ward receiving the greater number of votes as trustees of such wards; respectively, shall be declared elected a such trustees, and the persons receiving the greatest number of votes, respectively, for clerk, treasurer and marshal, as designated by the ballot for such office, shall be declared so elected. And if two or more persons shall have an equal and the highest number of votes for any such offices, the inspectors of such election shall forthwith determine, by lot which of them shall be declared elected. And it shall be the further duty of such inspectors to make a certified statement, over their own signatures, of the persons elected to fill the several offices in such

town, and to file the same with the clerk of the circuit court of the county, within ten days from the day of such election. And no act or ordinance of any board of trustees chosen at any such election shall be valid until the provisions of this section are substantially complied with. (As amended, Acts 1909, p. 360. R. S. 1914, Sec. 8989.)

476. Clerk Circuit Court—Record—Fee.

16. It shall be the duty of the clerk of the circuit court of the proper county forthwith to make a record of such certified statement of election; for which service there shall be paid the same fee as allowed for similar services of such clerks in other cases. (R. S. 1908 and 1914, Sec. 8990; R. S. 1905, Sec. 3782.)

477. Vacancy in Board of Trustees.

17. A vacancy occurring in the board of town trustees, or in any other elective office of such corporation shall be filled by appointment by said board at a special meeting of the trustees, called for that purpose, of which meeting not less than five days' notice in writing shall be given, to each member of said board of trustees by the town clerk of said town; but such appointments if to fill a vacancy in the office of trustee, shall be made from the ward in which the vacancy occurred, and no appointment shall extend beyond the first Monday of January following the regular election provided for in this act. (As amended, Acts 1911, p. 5. R. S. 1914, Sec. 8991.)

478. Dissolution Proceedings.

22. Whenever a petition, signed by not less than two-thirds of all the legal voters of any incorporated town, is presented to the board of trustees of such town, duly sworn to by one or more of such petitioners, asking for the dissolution of the corporation, or for the change of its name, and in such petition setting forth the reasons therefor, the trustees shall, if they deem the reasons stated sufficient, cause an election by the legal voters of the town to be held, to determine whether the prayer of the petition shall be granted. Such petition shall be filed with the town clerk, and the petitioners shall also file therewith a census of all the legal voters of the town, which shall be taken within ten days prior to the filing of the same and shall embrace only the names of such legal voters as may reside therein at the time the census is taken. The person taking such census shall attach thereto his affidavit that the same is correct. On the filing of such petition and census, the clerk shall give notice of such filing and of the day of hearing the same; which notice shall be by publication twice in a newspaper of general circulation printed in such town, the last of which publications shall not be less than ten days before such hearing; and if there be no newspaper printed in the town, then in a newspaper published at the county seat of the county in which such town is located, and by posting copies thereof in at least one public place in each of the wards in such town. The board of trustees shall, at the time named in such notice, hear and consider such petition and census, and shall also consider all statements, oral and written, that may be presented at such meeting both in favor

of and in opposition to the granting of such petition. Thereupon the board shall determine whether the reasons advanced by such petitioners are sufficient to justify the submission of the question of dissolution or change of name to the voters of the town for their decision. Any voters who signed the petition may, before such determination by the board withdraw their names therefrom, and no names so withdrawn shall be counted by the trustees in ascertaining whether the petition has been signed by the number of voters required by this section. If the board finally determine to submit the question as to the dissolution or change of name of such corporation to the voters of the town for their decision, it shall fix the time of holding an election for that purpose, of which election the clerk shall give at least twenty days' notice, which notice as to publication and posting shall be given in the manner hereinbefore provided for notice of the filing and hearing of such petition. Such election shall be held in the several precincts of such town and return thereof made to the board of trustees as in case of other elections. The voters shall vote by ballot on the question so submitted to them, "yes" or "no." If two-thirds of all the votes so cast shall be in the affirmative, and four-fifths of all the legal voters of the town, as shown by the census taken, shall have voted, the question so submitted shall be regarded as determined in the affirmative; and, within four days after the canvass of the vote by the trustees, a statement of all the votes cast at the election, affirmative and negative, shall be prepared by the town clerk, signed by the trustees and attested by the clerk, and filed in the office of the clerk of the circuit court of the county in which such town is situated. If the vote be in favor of a change of name, the name of the town shall be changed, accordingly, from and after the expiration of thirty days from the date of filing such report in the office of the clerk of the circuit court. If the vote be in favor of a dissolution of the corporation, such town shall, at the expiration of six months from the filing of such report in the office of the clerk of the circuit court, cease to be a corporation, and the property owned by the corporation, after payment of debts and liabilities, shall be disposed of in such manner as a majority of the voters of the town, at any special election therefor may direct; but no such dissolution shall affect the right of any person in any contract to which such corporation is a party. In case the prayer of the petition shall not be granted, all costs and expenses incurred thereby, including the expenses of such election, if held, shall be paid by the petitioners, who, on filing their petition and census, shall give a bond, payable to the board of trustees, to the approval of the board, and such sum as the board may direct, for the payment of all such costs and expenses. Any person aggrieved by the action of the board of trustees on such petition and census, or the result of such election, may appeal to the circuit court of the county in which such town is situated, within thirty days therefrom, by giving to the board written notice of such appeal and by filing with the town clerk a bond, with surety to the approval of the board, in the sum of five hundred dollars conditioned that such appeal will be duly prosecuted and all costs thereof be paid if the appeal be decided against such appellants. The clerk shall thereupon file in the office of the clerk of the circuit court a transcript

of all proceedings, together with all papers in the case, and no further action shall be taken by the board until such appeal be heard and determined. Such appeal shall be heard by the circuit court without a jury. There may be a change of venue from the judge, but not from the county. (R. S. 1908 and 1914, Sec. 8996.)

479. Union of Adjoining Cities or Towns—Procedure.

241. Where a city and a town, or two cities, or two towns, adjoin each other, they may be united provided a majority of the qualified voters voting on such question of union, in each of such adjoining corporations, shall vote in favor of such union. The common council of such city and the board of trustees of such town, or the common councils of such cities, or the boards of trustees of such towns, as the case may be, shall, by resolution, passed by each council or board, first agree on the terms upon which such union shall take place, including the name by which the united corporation shall be known and the day upon which an election for the purpose shall be held in each of the adjoining municipalities. Notices of such agreement shall be given at least twenty days before the time fixed for such election, by publication of the same for two weeks, successively, once each week, in each newspaper published in each of such corporations, and by posting printed copies thereof in one or more public places in each ward of each of such corporations. Such election shall be held in the voting precincts of each of such corporations, as other city and town elections are held. The ballots for such election shall have thereon the words "yes" and "no," and those electors favoring such agreement shall vote "yes," and those opposed, "no;" and the election boards shall report to their respective common councils or boards of trustees the result of such election. A certified copy of the result of the election in each corporation shall be filed with the common council or board of trustees of the other corporation; and if a majority of the electors, voting on such question in each of such corporations, vote in favor of such union, then the two corporations shall be united in accordance with the terms of the agreement theretofore entered into; and a duly certified copy of such agreement, and of the result of such election, shall be filed in the office of the recorder of the county or counties in which such united corporation is situated, signed by the mayor or presiding officer and attested by the clerk and sealed with the seal of each of such constituent corporation; and copies of such record shall be received in all courts and places as conclusive of such union of such corporations under the name so agreed upon. In case of such union, the new corporation shall be liable for all the debts, contracts and liabilities of the constituent corporations, and shall be entitled to all the rights, credits, moneys, effects and properties theretofore had, held or owned by them or either of them, and may sue and be sued in relation to such debts, contracts, liabilities, rights, credits and properties by the name adopted on such union. But all actions pending at the time of such union shall be prosecuted to final judgment and execution, and all judgments theretofore rendered may be executed and enforced against the new corporation, without any change of the name of the plaintiff or defendant. (R. S. 1908 and 1914, Sec. 8895.)

480. Eligible to Office.

229. No property qualifications shall be necessary to render any citizen eligible to hold any office of any municipal corporation in this state. (R. S. 1908 and 1914, Sec. 8883.)

481. Eligible to Vote.

230. In all municipal elections, no other qualifications shall be required of any voter than such as are made necessary in general elections under the constitution and laws of the state. (R. S. 1908 and 1914, Sec. 8884.)

482. Voting Precincts.

231. In city and town elections, except as provided in sections 10, 11 and 12 for the first town election, the voting precincts shall, so far as practicable, be those established by the county commissioners, and the elections shall be conducted under the laws in force for general elections. (R. S. 1908 and 1914, Sec. 8885.)

483. Petition—Census.

38. Whenever one-third of the voters of any incorporated town, so far as the number can be estimated, shall petition the board of trustees thereof to be incorporated as a city under this act, such board of trustees, by an order or resolution to that effect entered on its record, shall furnish the marshal or other proper officer with the necessary form for taking and direct him to take, a census of all persons who are residents within the corporate limits of such town at least forty days previous to the date of such order or resolution: Provided, however, That if it shall appear to such board of trustees by the last census of this state or of the United States, or by any enumeration made by the order of such board of trustees, within two years after the filing of such petition, that such town then has two thousand five hundred inhabitants, such board of trustees shall be at liberty to proceed in all respects as if such census had been taken in the manner provided by this act. Such marshal or other officer, with the concurrence of such board may appoint assistants, and shall, within thirty days from the time of receiving such order, make full return under oath, to such board of the resident population of such town. If the return show a population of two thousand persons or more, the trustees, within ten days thereafter, shall publish a notice to the voters, as in case of other town elections, stating that, on a day named, an election will be held in the several precincts of the town, to determine whether the same shall be incorporated as a city. In towns which are governed by a common council, instead of a board of trustees, the duties in this act required to be done by the board of town trustees shall be performed by such common council. (R. S. 1908 and 1914, Sec. 8639.)

484. Election Board—Duties—Ballots—Returns.

39. The board of trustees shall appoint three reputable voters in each precinct, one to act as inspector and two as judges of election provided for in the preceding section; and the persons thus appointed

shall choose a clerk of such election. Such election shall be conducted in the same manner and be governed by the same rules as other town elections. The ballots of the voters shall have thereon the word "yes" and the word "no." The inspector and judges of each precinct shall make a statement showing the number of affirmative votes given and the number of negative votes given; and, on the day succeeding such election at the hour of ten o'clock in the forenoon, the inspectors shall meet and canvass the vote, as in other cases. If a majority of the ballots be in the negative the inspectors shall so report to the board of trustees, and the voters of such town or city shall be deemed not to have consented to its incorporation as a city, and no further proceedings shall be had in relation thereto. But if a majority of such ballots shall be in the affirmative, the inspector shall, within five days, certify that fact to the clerk of the circuit court of the county in which such town is located, showing also in their return the number of votes in the affirmative and the number in the negative. The clerk of such court shall make a record of such return of such election in the civil order book of such court; and such town shall thereafter be deemed an incorporated city; with the powers and franchises appertaining thereto; and the record in the office of such clerk of the circuit court shall be held in all courts and places as conclusive evidence of such incorporation. But nothing herein shall prevent any person interested from contesting the validity of such election, and of the result thereof, as in other cases of contested elections. (R. S. 1908 and 1914, Sec. 8640.)

485. Town Becomes City—Wards—Terms of Officers.

40. Within five days after the filing in the office of the clerk of the circuit court of the statement showing that any town has been incorporated as a city, the trustees of such town shall divide such city into not less than three wards, none of which shall contain less than three hundred inhabitants; and, shall within the same time, cause to be given to the voters of such city ten days' notice, by publication in one or more newspapers printed in such city, if any there be, and if not, in a paper published in the county in which such city is situated, and by posting copies of such notice in three public places in each ward of such city, that an election will be held in each of such wards on a day and at the places in such notices stated for the election of the city officers therein named. The officers elected at such election shall serve until twelve o'clock noon, of the first Monday in January following the next regular city election thereafter. The common council of any city of this state shall have power to redistrict such city into three or more wards, whenever in the judgment of such council it is expedient to do so, such wards to contain, as near as possible, an equal number of inhabitants and to be composed of compact and contiguous territory: Provided, That the wards of each city shall remain in number and boundaries the same as now existing until the year 1907; and thereafter no readjustment or fixing of the boundaries of the wards of any city shall occur oftener than once in a period of six years unless the same be made necessary by the annexation of new territory, in which case such readjustment of wards and boundaries, whenever made, shall be done by ordinance, passed by a

two-thirds vote of all the members of the common council and no such ordinance for change in wards shall be passed before notice first given by publication for three successive weeks, once each week, the last of which publications shall be at least thirty days before any city election, in a newspaper of general circulation printed in such city, in which notice the proposed numbers and boundaries of the wards shall be plainly stated and described. (R. S. 1908 and 1914, Sec. 8641; R. S. 1905, Sec. 3464.)

486. Officers—Terms—Jurisdiction—Successors.

43. The elective officers of the cities of this state shall consist of a mayor, city judge, city clerk, city treasurer, and councilmen as hereinbefore provided, except in cities of the third class, no city judge shall be elected unless such office is established by the common council of such city as provided by law: and Provided, That in cities of the fifth class no city judge shall be elected, but the powers and duties of city judge shall devolve wholly upon the mayor, except, however, first, that in every city of the first, second, third, fourth and fifth classes which is the county seat of the county in which such city is located, the county treasurer of such county shall perform all duties of city treasurer: Provided, In cities of the fourth class which are county seats and which own water or lighting public utilities, having either or both an annual income of one hundred thousand dollars or upwards from private consumers, and in cities of the fifth class which are county seats, and which own water or lighting public utilities, there shall be elected a city treasurer, the salary of which officer shall be fixed by ordinance of the common council of such city; and except, second, that is in cities of the fourth class, the powers and duties of city judge may be imposed upon the mayor pursuant to an ordinance duly passed by the common council of such city at least ninety days prior to any city election and to take effect upon the expiration of the term of office of the city judge then in office. Any ordinance passed under this section may be repealed at any time except within ninety days prior to the time of holding the city election and such repeal shall not affect the terms of office or the duties of any officer elected prior to such repeal of such ordinance. In cities of the fourth class, which shall have a city judge, he shall receive a salary to be fixed by ordinance not to exceed twelve hundred dollars per annum, payable quarterly as other city officers are paid. On the first Tuesday after the first Monday in November in the year 1913, and on the same day every four years thereafter there shall be held a city election in every city in this state for the election of the elective officers of such city and there shall be no election in any city prior to that date except the first city election in case of the organization of the city as provided in section forty (40) of this act. At such general election there shall be elected in every city a mayor and a city clerk. In cities of the first, second, third, and fourth classes there shall likewise be elected a city judge except in cities in which the duties of city judge shall devolve upon the mayor no city judge shall be elected, and in every city of the first, second, third, fourth and fifth classes which is not a county seat, and in every city of the fourth and fifth classes which are county

seats and own water or light, public utilities, as hereinbefore provided, there shall be elected a city treasurer. At such election there shall be elected in each ward one councilman and the whole city shall elect at large half as many additional councilmen, not counting fractions, as there are wards in the city: Provided, That in no case shall the number of councilmen at large in any city be more than six or less than two. The officers elected on the first Tuesday after the first Monday in November, 1909, shall hold their respective offices from the termination of the terms of their respective predecessors until the hour of 12 o'clock noon of the first Monday in January, 1914. Thereafter all elective city officers shall serve for four years from the hour of 12 o'clock at noon on the first Monday in January following their election and shall continue to serve until their successors are elected and qualified except where the office is abolished by statute or ordinance. No person shall be eligible to any city office unless he shall have been a resident of such city for at least one year immediately preceding his election nor shall any person be eligible to the office of councilman to represent any ward unless for the last six months of his residence in such city he shall have been a resident of such ward. And should any city officer cease to be a resident of such city or any councilman representing any ward, cease to be a resident of such ward, during his term of office, such office shall thereby at once become vacant. No person shall be eligible to hold the same elective office more than four years in any period of eight years in cities of the first class. Present incumbents in offices in cities of the second and third classes, shall be eligible to election to the office which they now hold in the election to be held on the first Tuesday after the first Monday in November, 1913, and at every city election thereafter. All city elections shall be held and returns made thereof, certificates issued and contests had in conformity with the general election laws of this state. The respective officers of all cities of this state elected or appointed under the laws heretofore in force, shall continue to serve as such officers under the provisions of this act until 12 o'clock noon of the first Monday in January, 1914. All laws now in force for the government of such cities where the same are not in conflict with the provisions of this act shall continue in force and all ordinances, rules and regulations of any such city duly passed and adopted under such former laws, except as herein provided and if not in conflict with the provisions of this act, shall continue in full force and effect until repealed or abolished.

In case any city prior to the election and qualification of the officers of such cities under the terms of this act shall have commenced any proceedings or undertakings of a public nature which shall have been lawfully commenced or undertaken, the same shall not be interrupted by the passage of this act, but shall be taken up and carried forward by the proper officers or department as prescribed in this act, except that in case of public improvement of any kind whatever of sewers, streets, alleys, levees, parks and public buildings or any other matter of an executive nature in which a contract has not prior to the taking effect of this act been actually let and entered into, the executive department having charge of such matter shall not be bound unless it so

elects by the previous proceedings but may review the whole subject and modify, change, rescind all orders previously made in that behalf: Provided, That any city of the fourth class having a population of more than twenty thousand after the census of 1910 shall continue to be a city of the fourth class until the expiration of the term of office of the officers elected on the first Tuesday after the first Monday in November, 1909: Provided further, That any city of the fourth class having a city judge, a city controller and a board of public works, or any of them, and becoming a city of the third class at the expiration of the term of office of the officers elected on the first Tuesday after the first Monday in November, 1909, shall, upon becoming a city of the third class, continue to have such city judge, city controller and board of public works, unless abolished by ordinance of the common council enacted, in case of the city judge, at least thirty days before the city election: Provided further, That no city marshal shall be appointed or elected in any city of the fifth class having a board of metropolitan police commissioners and a metropolitan police force. In cities of the fourth class where the county treasurer shall act as city treasurer, his salary as such shall be six hundred dollars per year, which may be increased by ordinance to any sum not exceeding one thousand (\$1,000.00) dollars per year, and in cities of the fifth class where the county treasurer acts as city treasurer, his salary as such shall be three hundred (\$300.00) dollars per year, which may be increased by ordinance to any sum not exceeding eight hundred dollars (\$800.00) per year. In addition to such salary, the county treasurer shall receive five per cent of the amount of all delinquent city taxes collected by him for such city. In cities of the fourth and fifth classes, in which the county treasurer acts as city treasurer, the common council shall allow the auditor of such county for his services rendered such city, an annual compensation not to exceed three hundred dollars (\$300.00) per year, and all salaries for the fiscal year relating to the county treasurers and county auditors, shall be adopted by the common council of cities of the fourth and fifth classes on or before the first meeting in September of each year. Whenever the county treasurer acts as city treasurer of any city, such treasurer shall, as soon as collected, credit to the account of such city all moneys collected by such treasurer for any purpose for such city and thereafter such funds shall be available for use by such city: and Provided, further, That the salaries of such city officers shall be fixed during the month of September preceding the election each four years and shall not be increased or lowered during the term for which any officer may have been elected or appointed, and the amount of salaries of such officers shall be fixed under the provisions of the law now in force governing the salaries of such officers in cities of the third class. Nothing in this act shall be so construed as to affect the election or number of councilmen in cities having a population of one hundred thousand and upwards according to the last preceding census of the United States, but such elections and the number of councilmen for such cities shall be in conformity to an act in relation to cities having a population of one hundred thousand and upwards, according to the last preceding census of the United States: Provided, however, That in cities of the fourth class the mayor shall appoint the board of

public works; the salary of each member of such board of public works shall not be less than twelve hundred dollars per year, which may be increased by ordinance to fifteen hundred dollars per year; and in such cities as own and operate both an electric light plant and water works plant as public utilities, the salary of the mayor of such city shall be two thousand dollars per year, five hundred dollars of which shall be paid out of the funds arising from such public utilities, in such proportions as the board of works may order and direct: and Provided, further, That in cities of the fourth class the city attorney may, only by and with the consent of the board of public works and mayor of such city, compromise litigation affecting such city when it is for the best interest of such city, and to that end, upon direction of the mayor and board of public works may confess judgment in any of the courts of competent jurisdiction for such sum as may be agreed upon by said mayor and board of public works. (As amended, Acts 1913, p. 933. R. S. 1914, Sec. 8644.) (This section amends Section 1 of the Acts of 1909, p. 455, which amended Section 43 of the Acts of 1905, p. 236. There seems to be confusion in the titles of these acts.)

487. City Judge—Election, Term, Etc.—Jurisdiction.

“Section 216. The city judge shall be elected by the legal voters of such city, at the time and in the same manner as the other city officers are elected, for the term of four years and until his successor is elected and qualified. His term of office shall begin at twelve o'clock noon, on the first Monday of January following his election; except that any city judge elected at the election to be held in November, 1905, shall, as in the case of other officers then elected, hold only from the expiration of the term of his predecessor and until the first Monday in January, 1910. Before entering upon the discharge of his duties he shall execute a bond payable to such city in the penal sum of five thousand dollars, with good and sufficient surety, to be approved by the mayor and filed in the office of the city controller, conditioned for the faithful discharge of the duties of his office. He shall hold daily sessions of the city court, Sundays excepted, at a place to be provided and designated by the common council. He shall have and exercise within the county in which such city is located the powers and jurisdiction now or hereafter conferred upon justices of the peace in all cases of crimes and misdemeanors, except as otherwise herein provided. He shall have exclusive jurisdiction of all violations of the ordinances of such city. In all cities of the first and second and third class he shall have exclusive jurisdiction of the trial of all misdemeanors constituting violation of highway traffic ordinances of such city, and of violations of the highway traffic laws of the State of Indiana; but this act shall not abridge the right of appeal from the judgments of said court to either the circuit or criminal courts of the state, as such right of appeal now exists in law. He shall also have original concurrent jurisdiction with the circuit court or criminal court in all cases of petit larceny and all other violations of the laws of the state where the penalty provided therefor can not exceed a fine of five hundred dollars and imprisonment in the jail or workhouse not exceeding six months, or either or both: Provided, That such city

judge, in any case brought before him charging any person with a crime or misdemeanor, if, in the opinion of such judge, the punishment which he is authorized to assess is not adequate to the offense, may so find, and in such case he shall hold such prisoner to bail for his appearance before the proper court, or commit him to jail in default of such bail. (As amended, Acts 1921, p. 153. R. S. 1908 and 1914, Sec. 8842; R. S. 1905, Sec. 3641.)

488. Waterworks—Gas Works—Bonds—Election.

249. Any city or town may erect or construct waterworks, gas works, electric light works, heating, steam and power plants, or combination of such utilities, together with all buildings, lines and accessories necessary thereto, and may purchase any such works and utilities already constructed, or in course of construction and owned by any other person; and may also purchase, condemn or lease other lands for said purposes; and may also extend, change and improve such works and utilities when so acquired; all for the purpose of furnishing the inhabitants of such city or town and vicinity thereof with the use and convenience of any or all such utilities: Provided, That before any city or town shall enter upon the policy of erecting and constructing any such new works and utilities, or the purchase of the same from other persons, the common council of such city or the board of trustees of such town, as the case may be, shall adopt a resolution, designated by number, declaring the necessity for entering upon the policy of such erection and construction, or purchase. In case of the proposed erection and construction of new works, said declaratory resolution shall fix the general character and the probable maximum cost thereof; and in case of the purchase of such works from other persons, such common council or board of trustees shall first procure an option from the owners of such work agreeing to sell the same upon the terms of a definite proposed contract of sale upon approval thereof by popular vote, and a full copy of said proposed contract of sale shall be incorporated in, and made a part of, said declaratory resolution. Before such declaratory resolution is confirmed and the policy thereof entered upon, said common council or board of trustees shall submit the same to the qualified voters of such city or town, at a special or general election, of which election previous notice shall be given by publication once each week for two weeks in some newspaper printed and of general circulation in such city or town, and if there be no such newspaper, then in some newspaper printed and of general circulation in the county in which such city or town is situated, the first of such publications to be at least twenty days prior to the day fixed for such election. The tickets for such election shall have printed thereon, in separate lines, the following phrases, "For Declaratory Resolution No. ," and "Against Declaratory Resolution No. ," designating the number of resolution submitted, or other similar phrases by which the voter may effectually express his choice upon the question submitted; and each phrase shall have printed to the left thereof a voting square, by marking in which square the voter shall express his choice; and such elections shall otherwise be governed by the general election laws of the State of Indiana, so far as applicable. If such reso-

lution be submitted at a general election of such city or town, the tickets therefor shall be printed upon and at the bottom of the general tickets containing the names of candidates at such election. If a majority of the votes cast at such election be in favor of such resolution, such common council or board of trustees may, by ordinance, confirm such resolution and proceed to execute the policy thereof; but if a majority of such votes be opposed to such resolution, then such common council or board of trustees shall have no power to confirm the same or to execute the policy thereof. Such city or town is hereby authorized, for the purpose of procuring the means to acquire the aforesaid works and utilities, or to improve the same when acquired, as hereinbefore authorized, to issue and sell the bonds of such city or town pursuant to and in conformity with the provisions of section fifty-five (55) of this act. (As amended, Acts 1915, p. 689. R. S. 1921, Sec. 8921.)

CHAPTER X.

COUNCILMEN IN FIRST-CLASS CITIES.

SEC.
489. Number and salary.
490. Councilmanic districts.

SEC.
491. Nominations—Manner and number.

[Acts 1909, p. 341. Approved and in force March 6, 1909.]

489. Number and Salary.

1. The number of councilmen in cities having a population of one hundred thousand or over, according to the last preceding United States census, shall be nine (9), and no more, and that such councilmen shall be known as councilmen-at-large, and shall be elected by the electors of the entire city, and such councilmen shall not be elected by wards, but nothing herein shall have the effect to displace any councilmen now in office, but such councilmen now in office shall so continue until the term[s] for which they were elected shall be completed. The salary of each of such councilmen shall be six hundred dollars per year. (R. S. 1914, Sec. 8644a.)

1. This statute applies only to the city of Indianapolis.

490. Councilmanic Districts.

2. Any city or cities coming within the provisions of this act for the purpose of carrying out the same shall, by the common council of said city or cities, be divided into six districts, to be known as councilmanic districts, each district to contain as nearly as possible, an equal number of electors, and that not more than one candidate of any political party or organization shall be named or nominated from either or any of said districts. (R. S. 1914, Sec. 8644b.)

491. Nominations—Manner and Number.

3. Any persons, political party or organization nominating candidates for city officers, to be voted for at any election in cities having a population of 100,000 or more according to the last preceding United States census, by means of choosing persons as such candidates at a

convention, or at a primary election, or by petition or otherwise, pursuant to law, shall have the right to nominate and cause to be placed on the ballot to be voted at such city election, the names of six candidates, one from each councilmanic district, for the office of city councilman and no more, and the names of any six candidates for said office, nominated and duly certified to the board of election commissioners according to law, shall be placed on the official ballot to be voted at such election under such party name and device as the political party or organization making such nomination shall have lawfully chosen. And each and every legal voter casting his ballot for city officers shall have the right to vote for any nine candidates for the office of councilman, and the nine who shall receive the largest number of votes of those cast for candidates for the office of councilman shall be declared elected. (R. S. 1914, Sec. 8644c.)

CHAPTER XI.

UNION OF CITIES AND TOWNS.

SEC.		SEC.	
492.	Union of cities or towns—Petition—Election—Form of ballot.	497.	Terms of new officers—Records and funds—Rules and ordinances.
493.	Petition for determination of name—Order on ballot.	498.	Consolidation of school cities or towns—Reorganization of school boards.
494.	Time union effective—Election of new officers.	499.	Reorganization of departments of public works and public parks.
495.	First election of officers.	500.	Supplementary act.
496.	Determination of ward boundaries.		

[Approved March 10, 1921.]

492. Union of Cities or Towns—Petition—Election—Form of Ballot.

1. That where a city and a town, or two cities, or two towns, adjoin each other, they may be united into a single city or town, provided a majority of the qualified voters voting on such a question of union, in each of said adjoining corporations, shall vote in favor of such union. Whenever ten per cent (10%) of the qualified voters of each of such adjoining cities, or adjoining towns, or adjoining cities and town, as determined by the vote cast for secretary of state in each of said adjoining cities or towns at the last preceding general election, shall file with the city or town clerk of their respective city or town, a petition in writing, requesting that a special election be called to determine whether such cities, or such city and town, or such towns, as the case may be, shall be united into one municipal corporation, which petition shall also state the name by which the proposed united corporations shall be known, it shall be the duty of the respective common councils, or boards of trustees of each and both of such cities, or city and town, or towns, to call an election in each of said cities and towns, at which election the question of the union of said cities, or city and town, or towns, as the case may be, and the name by which the united corporation shall be known, shall be submitted to the voters thereof. Attached to each petition shall be the affidavit of one or more freeholders of such city or town, stating that the persons who sign such petition are legal voters of such city or town, which affidavit shall be

conclusive evidence of the truth of the facts therein stated. Immediately upon the filing of such petition, the city or town clerk shall certify and deliver a copy thereof, to the city or town clerk of the other municipality. The common council or board of trustees of each of said municipalities shall thereupon meet in regular or special session, and by resolution fix a day for such election, which day shall not be more than three months from the date of the filing of such petitions: Provided, That no such election shall be called in either municipality unless a like petition is filed with the city or town clerk of the other municipality proposed to be consolidated, and both municipalities shall fix the election therein for the same day. Notice of such election shall be given by publication, once each week, for three (3) successive weeks, in each newspaper published in each of said corporations, the last publication to be twenty (20) days before the day fixed for said election, and by posting printed copies thereof twenty (20) days before said election, in one or more public places in each ward of each of such corporations. Such election shall be held in the voting precincts of each of said corporations, as other city and town elections are held, and such election shall be held in the manner provided by the general election laws of the state, insofar as the same are applicable. Each corporation shall bear the expense of such election within its own corporate limits. The ballots for such election shall have printed thereon the words "Yes" and "No," and those voters desiring to vote in favor of said proposed union, shall vote "Yes" and those opposed to such union, "No." The ballots shall also have thereon the name by which the united corporation shall be known as proposed in the petitions, and such other names as shall be proposed as hereinafter provided. Those voters favoring any particular name so proposed, as the name of such united corporation, shall vote in favor of such name, by making a cross in the square opposite such proposed name, on the ballot. The election boards shall file in the office of the city or town clerk of each city or town, the returns of said election, in each voting precinct, within the time and in the manner now provided under the general election law. A copy of the result of the election, duly certified by the election commissioners in each municipality, shall, within ten (10) days after said election, be filed with the common council or board of trustees of the other corporations, and within said time shall also be filed in the office of the auditor of the county, and by him entered upon the records of the board of county commissioners. If a majority of the voters voting on the question of the union of such corporations, in each of such corporations, vote in favor of such union, the two corporations shall be united as hereinafter provided, and the name by which the united corporation shall be known, shall be that name receiving the highest number of votes at the election, in both corporations, as the same is determined from the final returns of said election. (R. S. 1921, Sec. 8895a.)

493. Petition for Determination of Name—Order on Ballot.

2. If at least one hundred (100) qualified voters of each of said corporations shall file with the city or town clerk of each and both of said corporations, a petition in writing proposing a name by

which said united corporation shall be known, which petition shall be so filed not less than fifteen (15) days prior to the date fixed for such election, it shall be the duty of the election commissioners in each and both of said corporations to place said name so proposed, upon the official ballot for such election. Such names shall be placed upon the ballot in the order in point of time, in which such petitions are filed, except that the name proposed in the petition for election on the question of union, as provided in section 1 of this act, shall be first in the list of all such proposed names. (R. S. 1921, Sec. 8895b.)

494. Time Union is Effective—Election of New Officers.

3. If such cities and towns vote to unite as herein provided, such union shall become effective after the next ensuing general city election following such election on such proposed union, and when the officers to be elected at such general election, take office as now provided by law. At the next ensuing general city election following an election upon such question of union, as herein provided, there shall be elected in the district included within limits of such cities or towns so voting to unite, one set of officers for such consolidated city or town as now provided by law, for a city or town of the class which the combined population of such uniting cities or towns, as determined by the last preceding United States census, would create: Provided, That there shall be elected at such general election in said district, one councilman for each ward of such district, as such wards are fixed and defined by joint action of the common councils or board of trustees of such uniting cities and towns, as provided in section 5 of this act: And Provided further, That at such election there shall be elected for said entire district, the number of councilmen-at-large now provided by law, for a city of the class to which such united city would belong. The term of office of all elective and appointive officers of such cities and towns so uniting, shall not be terminated or shortened by such union, but such officers shall serve out the respective terms of office to which they have been elected or appointed at the time of such election on such proposed union: Provided further, That no election on the question of the union of cities and towns under this act shall be held in any calendar year which by law is fixed as a year in which a general city and towns election is to be held. (R. S. 1921, Sec. 8895c.)

495.—First Election of Officers—Joint Board of Election Commissioners.

4. The election of officers for such united city or town shall be held under and governed by the primary and general election law, and all other laws applicable to general elections, then in force, except, that at the general election at which the officers of such united city are first elected, as herein provided, there shall be a joint board of election commissioners for said entire district in place of separate boards for each of such uniting cities and towns, which joint board shall consist of the city or town clerks of both of such uniting cities and towns, and three (3) additional members, two (2) to be resident voters of one of such uniting cities or towns, and one to be a resident voter of the other uniting city or town, and all to be appointed by the judge of the circuit

court of the county in which said cities and towns are located. Such joint board of election commissioners shall meet and organize as now provided by law, and shall have all the powers and be subject to all the duties with reference to said first election of officers for said uniting cities and towns, as are now conferred and imposed upon election commissioners in cities and towns by the general primary and election laws now in effect. All elections subsequent to that at which the first officers of said united corporation, are elected as herein provided, shall be held in all respects under the provisions of the general primary and election laws, and all the laws then in force, relating to elections in cities and towns. (R. S. 1921, Sec. 8895d.)

496. Determination of Ward Boundaries.

5. In the event any two cities or a city and a town, or two towns, vote to unite as provided in this act, the common councils or boards of trustees of the cities or towns so uniting shall meet in joint session at the city or town hall of that city or town having the largest population as determined by the last preceding United States census, at eight o'clock p. m., on the second Monday of January of the year in which the next general city election is to be held, following a vote in favor of such union; such joint meeting shall organize by selecting its own presiding officer and clerk. At said meeting such common councils or board of trustees shall proceed to fix and define the ward limits of said united corporation. Such ward limits of such united corporation shall be fixed and defined by joint resolution of said common councils or board of trustees, and the same shall be fixed in the manner now provided by law, except that in said united corporation, there shall not be more than one ward for each five thousand (5,000) in population of said uniting cities and towns, as determined by the last preceding United States census, and said ward limits or boundaries shall be so fixed and defined as to give all parts of said uniting cities and towns, as nearly as practicable, equal representation in the common council of said united corporation. A copy of the joint resolution of said common councils or boards of trustees, duly certified by the presiding officer and attested by the clerk of said joint meeting, shall be filed with the common council or board of trustees of each of said uniting cities and towns, and the ward boundaries as so fixed at such joint meeting, shall be the ward boundaries of the wards in said united corporation, until altered or changed by the common council of such united corporation. (R. S. 1921, Sec. 8895e.)

497. Beginning of Terms of New Officers—Transfers of Records and Funds—Continuation of Rules and Ordinances.

6. The officers of such united corporation so elected at the next general city election following an election upon the question of said proposed union as herein provided, shall qualify and take office at twelve o'clock noon on the first Monday of January following such general election as now provided by law. At such time, said cities and towns so uniting, shall cease to exist and shall be deemed consolidated and united into a single city or town, of the class created by the com-

bined populations of such uniting cities and towns, as determined by the last preceding United States census. Said officers so elected and qualified shall be deemed the respective successors in office of the respective officers of said cities and towns so uniting, and it shall be the duty of all officers of said old corporations at the time said officers of said united corporation take office as herein provided, to deliver to said new officers, all property, money, effects, books and records of every description pertaining to the office to which said newly elected officers of said united corporation have respectively succeeded. The new corporation from the time such union becomes effective as herein provided, shall thenceforward be known by the name chosen by the voters at the election on the question of such proposed union, as provided in section 1 of this act, and such new corporation shall be liable for all the debts, contracts, and liabilities of said old corporations so uniting, and shall be entitled to all the rights, credits, moneys, effects and properties theretofore had, held or owned by them or either of them, and may sue and be sued in relation to such debts, contracts, liabilities, rights, credits and properties, by the name adopted on such union. But all actions pending at the time of such union, shall be prosecuted to final judgment and execution, and all judgments theretofore rendered may be executed and enforced against the new corporation, without any change of the name of the plaintiff or defendant. All ordinances, rules, resolutions, by-laws and regulations in force in each of such uniting corporations, shall be and remain in force in said new corporation within the territory to which such ordinances, rules, resolutions, by-laws and regulations applied prior to such union, and shall continue in force and effect until altered, amended or repealed by the common council or board of trustees, or the board of park commissioners or other administrative board, as the case may be, of such new corporations. Such new corporation, from the time such union or consolidation becomes effective, shall have all the rights, powers, privileges and immunities, and shall be subject to all the obligations existing in or imposed upon each and both of said uniting corporations, and shall in all respects thenceforward be governed by all the laws of the state with respect to cities and towns and all other laws of the state insofar as the same are applicable. (R. S. 1921, Sec. 8895f.)

498. Consolidation of School Cities or Towns—Reorganization of School Boards.

7. The school city or cities and school town or towns of said uniting corporations shall, by virtue of, and at the time of, such union as herein provided, be and become a united school city or town, by the name and style of such new corporation, and such united school city or town, as the case may be, shall be liable for all the debts, contracts and liabilities of the school cities or towns so uniting, and shall be entitled to all of the rights, credits, moneys, effects, franchises and properties of every nature whatsoever theretofore had, held or owned by either and both of said uniting school corporations, and may sue and be sued in relation to all such debts, contracts, rights, credits and prop-

erties of such uniting school corporations, by the name of such united school corporation. The boards of school trustees of said uniting cities or towns at the time such union becomes effective, shall be merged into, and thereafter constitute, one single board of school trustees for said united city or town. Said trustees shall meet within five (5) days after the first Monday in January of the year in which said union becomes effective, and shall organize said new board by electing one of their number president, one secretary and one treasurer. Said officers shall qualify and give bond as now required by law, and said new board shall be deemed the successor of each and both of the school boards of said uniting cities or towns, and shall have and exercise all the duties and powers now conferred by law upon boards of school trustees in cities having less than one hundred thousand (100,000) inhabitants, according to the last preceding United States census. The school trustees of said uniting school corporations, shall serve out the respective terms of office to which they have been elected at the time of such union, and the common council of such united corporation shall, at a regular meeting in the month of June of the year in which said union becomes effective, elect one school trustee to succeed in office those school trustees of the uniting corporations, whose terms of office expire on the first day of August of such year, as now provided by law. The common council of said united corporation shall, at a regular meeting in June each year thereafter elect an additional school trustee to succeed in office the school trustees of such uniting corporations whose respective terms of office expire in such year, until said board of school trustees of said united corporation is reduced to three (3) in number, as now provided by law. Said school trustees so elected by the common council in June of each of said years, shall take office on the first day of August, next succeeding their election, and shall hold office for a period of three (3) years thereafter and until their respective successors are elected and qualified. (R. S. 1921, Sec. 8895g.)

499. Reorganization of Departments of Public Works and Public Parks.

8. The departments of public parks of any cities uniting under this act, shall, by virtue of, and at the time of such union, as herein provided, be and become a single department of public parks, with jurisdiction over the entire territory of said united corporation, which department of public parks for said united corporation shall be liable for all the debts, contracts and liabilities of the departments of public parks of such uniting cities, and shall be entitled to all the rights, credits, moneys, effects, franchises and properties of every nature whatsoever, theretofore had, held or owned by either and both of the departments of public parks of said uniting corporations. The commissioners of public parks of each and both of said uniting cities shall meet within five (5) days after the first Monday in January of the year in which said union becomes effective and shall organize into a new board of park commissioners for said united corporation, as now provided by law, for the organization of park boards in cities of the class to which such united city belongs. The park commissioners of such uniting cities shall serve

out the respective terms of office to which they have been appointed at the time of such union. The mayor of such united corporation shall, on or before the first day of February of the year in which said union becomes effective, appoint one park commissioner to succeed in office those commissioners of the uniting cities whose terms of office expire on the first day of January of such year; and annually thereafter on the expiration of the respective terms of office of the park commissioners of said uniting cities, on or before the first day of February each year, the mayor shall appoint one park commissioner to succeed in office the park commissioner or commissioners whose term of office expires on the first day of January of such year, as now provided by law. Such park commissioners so appointed by the mayor shall hold office for a term of four (4) years, beginning on the first day of January of the year of the appointment, and if any vacancy occur in such board of [by] resignation or otherwise, the mayor shall appoint one or more commissioners for the residue of the term or terms, and he may also remove any commissioner, but only upon his filing in writing with the city clerk, his reasons for such removal. The board of park commissioners of such united corporation shall have and exercise all the powers and duties prescribed for boards of park commissioners in cities of the class in which said united city belongs. (R. S. 1921, Sec. 8895h.)

500. Act Supplementary.

9. This act is supplementary in its nature, and repeals only such laws as may be in conflict herewith. (R. S. 1921, Sec. 8895i.)

CHAPTER XII.

COMMISSION FORM OF GOVERNMENT.

SEC.	SEC.
501. City government—Application.	519. Filling vacancies on commission.
502. Form of petition.	520. Meetings of commission.
503. Filing of petition.	521. Powers and duties.
504. Special election—Officers.	522. Chairman of commission is mayor.
505. Form of ballots.	523. City clerk.
506. Canvass of vote.	524. Ordinances and resolutions.
507. General election laws apply.	525. Signing and publication of ordinances.
508. Certificate of results.	526. Taking effect of ordinances.
509. Election of commission.	527. Director of finance.
510. Terms of commissioners.	528. Appointive officers, removal of.
511. Time of holding elections.	529. Assessment and subscription to political parties prohibited.
512. Petition for nomination.	530. Political activities prohibited.
513. Form of nominating petition.	531. Penalty.
514. Filing of petitions.	532. Ineligibility of officers as candidates.
515. Certification of nominees.	533. Provisions for reverting to former form of government.
516. Form of ballot.	
517. Order of printing names.	
518. Writing names of additional candidates on ballots.	

[Approved March 10, 1921.]

501. City Government—Application of Act.

1. That this act shall apply to and become operative in any city which, in accordance with the procedure hereinafter described, adopts one of the plans of government provided herein. The words "any city" and "every city" when used in this act shall be construed to mean any city and every city adopting either of the plans of government pro-

vided for herein and in which the section containing such words become operative. (R. S. 1921, Sec. 8638a.)

502. Form of Petition.

2. At any time, not less than thirty (30) days after the passage of this act, a petition addressed to the legislative body of any city may be filed with the city clerk asking that the question of the adoption of either of the plans of government provided for herein be submitted to the electors of the city. The signatures to any such petition need not all be appended to one paper, but to each such petition paper there shall be attached an affidavit of the circulator thereof stating that each signature thereto was made in his presence and is the genuine signature of the person whose name it purports to be. The signatures to all such petition papers shall be made in ink or indelible pencil and, after his name, each signer shall state his residence by street and number, or other descriptions sufficient to identify the place, and the date when the signature was made. All such petition papers shall be in substantially the following form:

To the Council (or other legislative body) of the city
of:
We, the undersigned voters of the city of
....., respectfully petition that the
following question be submitted to the voters of the
city: "Shall the city of
adopt the (name of plan) plan of government as pro-
vided in the laws of....., Chapter....."

Name	Address	Date

State of Indiana, }
.....County, } ss:

....., being duly sworn, deposes and says that he is the circulator of this petition paper and that the signatures appended thereto were made in his presence and are the genuine signatures of the persons whose names they purport to be.

Signed.....

Subscribed and sworn to before me this
day of, 19....

.....

Notary Public.

503. Filing of Petition.

3. All petition papers requesting any such election shall be assembled and filed with the city clerk as one instrument, and the petition shall be deemed sufficient if signed by electors of the city equal in number to at least twenty per cent (20%) of those who voted at the last preceding general municipal election. Within five (5) days after any such petition is filed the clerk shall complete an examination thereof to determine whether it is signed by a sufficient number of qualified electors and he shall certify the result of his examination to the legislative authority of the city at its first regular meeting held after the completion of such examination. (R. S. 1921, Sec. 8638c.)

504. Special Election—Election Commissioners and Officers.

4. Whenever the city clerk shall certify to the legislative authority of any city that a sufficient petition has been filed requesting that the question of adopting one of the plans of government provided in this act be submitted to the electors of the city, such legislative authority shall order a special election for that purpose to be held not less than thirty (30) days, or more than sixty (60) days after the next succeeding 1st day of May. The board of election commissioners for any such election shall consist of the city clerk and two (2) resident freeholders of the city, one of them known to be in favor of the adoption of the proposed plan and one known to be opposed to its adoption, both to be appointed by the chairman or president of the legislative body of the city at the time of calling the special election. The election commissioners shall prepare and distribute the ballots and shall appoint, when possible, on the election board of each precinct one judge and one clerk in favor of and one judge and one clerk opposed to the adoption of the plan. The commissioners shall also appoint an inspector and sheriff for each precinct. If such special election is ordered to be held in a year when such city would hold its nominating primary election for city officials, as now fixed by law, then such city primary election shall not be held until after the date fixed for the special election, and in the event that said city shall adopt one of the plans of government herein outlined, then no primary election as heretofore provided by law, shall be held in such city. In the event said city at such special election fails to adopt the proposed plan of government as voted on, then within five days of said election the legislative body of such city shall meet on call of the mayor and fix a date for holding a city primary election, which shall be conducted in all things, as by law now provided, and the date of such primary election shall be so fixed that all provisions of law governing city primaries may be observed. (R. S. 1921, Sec. 8638d.)

505. Form of Ballots.

5. The ballots used in voting on the adoption of either of the plans of government provided in this act shall have printed thereon the question: "Shall the city of adopt the (name of plan) plan of government as provided in the laws of, Chapter?" Immediately below the question shall appear the words "yes" and "no," one above the other

and in the order named. At the left of each of these words shall be a square in which by making a (X) mark the voter can indicate his choice for or against the proposed plan of government. Such ballots shall be in form substantially as follows:

Shall the city of
adopt the (name of plan) plan of government as
provided in the laws of, Chapter.....

		YES	
		NO	

(R. S. 1921, Sec. 8638e.)

506. Canvass of Vote.

6. If when submitted to the electors of any city the adoption of either of the plans of government provided in this act is approved by a majority of those voting thereon, the plan of government so approved shall become effective in such city as hereinafter provided. At ten o'clock in the forenoon of the day succeeding such election the board of election commissioners shall meet in the office of the city clerk and canvass the returns thereof. (R. S. 1921, Sec. 8638f.)

507. Application of General Election Laws.

7. In all elections held under this act, whether for the choice of candidates or the submission of questions to the electors, and in all matters and proceedings relating thereto, except as herein otherwise provided, all provisions, including penalties, of the general election laws of the state shall apply as far as applicable. All expenses of any election held in any city under the provisions of sections 2 to 7, inclusive, of this act shall be paid by such city. The city clerk shall file with the city treasurer an itemized statement of the expenses of such election setting forth the names of the persons to whom the same are payable, and such expenses shall be paid out of the general fund of the city without any specific appropriation being made therefor. (R. S. 1921, Sec. 8638g.)

508. Certification of Results of Election—Continuation of Present Officers.

8. The election commissioners provided for in this act shall certify to the legislative authority of the city the results of the election on the question of adopting either of the plans of government provided for herein, and a duplicate certificate shall be filed in the office of the city clerk. Upon the filing of a certification in the office of the city clerk that the result of the election is favorable to the adoption of either of such plans it shall be the duty of the clerk at once to make publication of the fact in a newspaper of general circulation in the city. A plan of government adopted under this act shall take effect upon publication in so far as it applies to the nomination and election of officers

provided for herein, and in all other respects it shall take effect the first Monday in January next succeeding the first election of officers held hereunder. Each officer of the city at the time of first election under any plan provided for in this act shall continue in office and in the performance of his duties until his successor under the plan adopted shall have been chosen and qualified or provision shall have been made by the city commission for the performance of his duties. (R. S. 1921, Sec. 8638h.)

509. Election of Commission—Transfer of Powers and Authority.

9. In cities adopting either of the plans of government provided by this act there shall be a commission elected from the city at large. Except as otherwise provided herein, all of the legislative, executive and judicial powers of the city shall be vested in the commission so elected and shall be exercised by themselves or through their duly appointed subordinates in the manner hereinafter provided. All the rights, powers and duties conferred by law on the common council, mayor, city judge, any executive department, officer, board or commission in cities of this state, are continued in full force and are, in cities adopting the provisions of this act, hereby transferred to the commission hereinbefore created, and shall be held and exercised thereby as hereinafter provided. The common council, mayor, city judge, executive departments, officers, boards and commissions [commissioners] heretofore existing in such cities are hereby abolished. The commission shall also have all further powers relating to strictly municipal affairs not inconsistent with the constitution and general laws of this state. (R. S. 1921, Sec. 8638i.)

510. Terms of Commissioners.

10. At the first election of commissioners held in any city after the adoption of a plan of government provided by this act, the entire commission shall be chosen. Immediately after assuming office the commissioners first elected shall be divided by lot into two groups as nearly equal in number as may be. The terms of the larger group shall expire at the end of two (2) years and the terms of the smaller group at the end of four (4) years. Thereafter members of the commission shall be elected to serve for a term of four (4) years and until their successors have been elected and have qualified, unless chosen to fill out an unexpired term. Any qualified elector of the city shall be eligible to the office of commissioner. (R. S. 1921, Sec. 8638j.)

511. Time of Holding Elections.

11. In cities adopting the provisions of this act, a municipal election for the choice of the members of the commission shall be held on the first Tuesday after the first Monday in November of each odd numbered year. At such election, the candidates equal in number to the places to be filled who received the highest votes cast shall be declared elected. Hereafter in this act this election is referred to as the November election and shall be deemed a regular municipal election. A tie between two or more candidates shall be decided by lot in the presence of such candidates, and under the direction of the board of city election commissioners. (R. S. 1921, Sec. 8638k.)

512. Petition for Nomination.

12. A person eligible to the commission may be placed in nomination by a petition in his behalf filed with the city clerk and signed by electors equal in number to at least one per cent (1%) of those who voted at the last preceding regular municipal election. The signatures to a nominating petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof stating that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. Each signer of a petition shall sign his name in ink or indelible pencil, and shall place after his name the date when his signature was made and his place of residence by street and number. No elector shall sign petitions for more candidates than the number of places to be filled at the forthcoming election. (R. S. 1921, Sec. 8638l.)

513. Form of Nominating Petition.

13. The form of nominating petition papers shall be substantially as follows:

We the undersigned, hereby present.....
 whose residence is Indiana, for
 office of commissioner, to be voted for at the election to be held on the
 day of November,, and we individually certify
 that we are qualified to vote for candidates for the above office, and that
 we have not signed more nominating petitions than there are places to
 be filled at the said election.

Name	Street and Number	Date

State of Indiana }
County } ss:

..... being duly sworn, deposes
 and says that he is the circulator of this petition paper and that the
 signatures appended thereto were made in his presence and are the genu-
 ine signatures of the persons whose names they purport to be.

Signed.....

Subscribed and sworn to before me this day of.....
 19.....

.....
 Notary Public.

(R. S. 1921, Sec. 8638m.)

514. Filing of Nominating Petitions—Notice—Acceptance.

14. All separate papers comprising a nominating petition shall be assembled and filed with the city clerk as one instrument at least thirty days prior to the date of holding the election with respect to which such petition is filed. Within five days after the filing of a nominating petition the clerk shall notify the person named therein as a candidate whether such petition is found to be signed by the required number of qualified electors. Any person eligible to the commission who is placed in nomination as hereinbefore provided shall have his name printed on the ballots if, within five days after such notification by the city clerk, he shall have filed therewith an acceptance of the nomination. (R. S. 1921, Sec. 8638n.)

515. Certification of Nominees—Publication of Notice.

15. Not less than fifteen days nor more than thirty days before the November election the city clerk shall certify to the board of city election commissioners a list of the candidates, nominated in the manner hereinbefore provided, whose names are entitled to be printed on the ballots. The clerk shall also file in his office a copy of such certified list and forthwith cause to be published for two (2) successive days in a daily newspaper published in the city, or if there be none such, then in one weekly newspaper of general circulation therein, notice of such election containing the certified list of candidates, the offices to be filled and the time and places of holding the election. (R. S. 1921, Sec. 8638o.)

516. Form of Ballot.

16. The city board of election commissioners shall cause ballots to be printed for the election commissioners which shall be without party mark or designation. Each elector may vote for as many candidates as there are places to be filled; but any ballot marked for more candidates than there are places to be filled shall not be counted for any of such candidates. Except that the names of candidates shall appear in the spaces indicated therefor, and that the spaces left for the date of the election and the number of candidates to be voted for shall be filled with such date and number respectively, and the ballot shall be in form substantially as follows:

Municipal Election.

(Month and day of month) 19.....

For Commissioners

Do not vote for more than

(R. S. 1921, Sec. 8638p.)

517. Order of Printing Names on Ballots.

17. The names of candidates shall be printed on the ballots in rotation as follows:

The ballots shall be printed in as many series as there are candidates for the commission. The whole number of ballots to be printed shall be divided by the number of candidates and the quotient so obtained shall be the number of ballots to be printed in each series. In printing the first series of ballots the names of candidates shall be arranged in the alphabetical order of their surnames. After printing the first series the first name in the list shall be placed last and the next series printed, and this process shall be repeated until each name shall have been printed first in one series. The ballots so printed shall then be combined in tablets to be supplied to the various polling places. Each tablet shall contain substantially the same number of ballots from each series and, so far as practicable, the ballots shall be combined in such a manner that two or more from the same series shall not be together in a tablet. (R. S. 1921, Sec. 8638q.)

518. Writing Names of Additional Candidates on Ballots.

18. The ballots used in every election for choosing commissioners shall have as many blank spaces below the names of candidates printed thereon as there are places to be filled at such election. In any such space an elector may write the name of any person eligible to the commission for whom he may desire to vote; and votes cast for such person shall be counted as though for a candidate whose name is printed on the ballot. (R. S. 1921, Sec. 8638r.)

519. Filling of Vacancies on Commission.

19. If a vacancy occurs in the commission, some eligible person shall be chosen to fill the place by a majority vote of the remaining members. Any person chosen by the commission to fill a vacancy therein

shall continue in office only until the November municipal election next following the occurrence of such vacancy, at which time some person shall be elected to fill out the unexpired term of the office in which the vacancy occurred. A place in the commission held, or which might be held, by a person chosen by the commission shall be regarded as a place to be filled at such election. When, at any such election, a person is to be chosen to fill out an unexpired term, the candidate among those elected who receives the smallest number of votes, shall be deemed to have been chosen for such unexpired term and shall assume office within two days after the result of the election is determined. If more than one of the places to be filled at an election is for an unexpired term, and such terms differ in length, then the elected candidate receiving the lowest vote shall serve for the shortest unexpired term, the elected candidate with the next lowest vote shall serve for the term next in length, and so on. If, in any such case, two or more candidates have the same number of votes a decision between them shall be made by lot in the presence of such candidates and under the direction of the city election commissioners. (R. S. 1921, Sec. 8638s.)

520. Meetings of Commission.

20. At two o'clock p. m. on the first Monday in January, next following a regular municipal election the commission shall meet at the regular place for holding such meetings, and the newly elected commissioners shall assume the duties of their office. Thereafter the commission shall meet at such time and place as may be prescribed by ordinance, but not less frequently than once each week. All meetings of the commission and of committees thereof shall be open to the public, and the commission shall provide by its rules that citizens shall have an opportunity to be heard at any such meeting in regard to any matter considered, or to be considered thereat. (R. S. 1921, Sec. 8638t.)

521. Powers and Duties of Commission.

21. The commission shall be judge of the election and qualifications of its members, subject to review by the courts in case of conflict; shall determine the rules of its procedure; shall keep a journal of its proceedings; may punish its members for disorderly behavior, and compel the attendance of absent members. A majority of the members of the commission shall constitute a quorum to do business but a smaller number may adjourn from time to time. (R. S. 1921, Sec. 8638u.)

522. Chairman of Commission to Have Title of Mayor.

22. The commission shall elect one of its members as chairman who shall have the title of mayor. The mayor, in addition to his duties as a member of the commission, shall preside at meetings of the commission, perform the other duties required of him by this act, and such duties, not inconsistent with his office, as may be imposed by the commission. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process and by the governor for military purposes. In case of his absence, disability or removal the commission shall select another of its

members who shall have all the powers and perform all the duties of mayor. (R. S. 1921, Sec. 8638v.)

523. City Clerk.

23. The commission shall choose a city clerk who shall also be clerk of the commission and shall continue in office during the pleasure thereof. The city clerk shall perform the duties imposed upon him by this act and such other duties, not inconsistent therewith, as may be imposed by the commission; and, except as otherwise provided in this act, he shall have the powers and perform the duties now or hereafter provided for the city clerk under the general laws of the state relating to municipal corporations. (R. S. 1921, Sec. 8638w.)

524. Ordinances and Resolutions.

24. The commission shall act only by ordinance or resolution, which shall be introduced in writing; and all ordinances and resolutions, except ordinances making appropriations shall be confined to one subject which shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. No ordinance shall be passed until it has been read on three separate days. The final reading shall be in full unless the measure shall have been printed and a copy thereof furnished to each member prior to such reading. The ayes and noes shall be taken on the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the commission, and every ordinance and resolution shall require on final passage the affirmative vote of a majority of all the members. No member shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial interests are involved. (R. S. 1921, Sec. 8638x.)

525. Signing and Publication of Ordinances.

25. Upon final passage every ordinance shall be signed by the mayor, countersigned by the clerk and recorded in a book kept by the clerk for that purpose. Provision shall be made for the printing and publication in full of every ordinance within ten days after its final passage. No tax shall be levied; appropriation made; bond issue authorized; franchise or right in any street, alley or place granted, renewed or extended; any sale, grant, or abandonment of any real estate or any easement or right therein authorized; or any rule of general application prescribed, except by ordinance. (R. S. 1921, Sec. 8638y.)

526. Taking Effect of Ordinances.

26. No ordinance shall go into effect until thirty (30) days after its passage unless it be declared an emergency measure on the ground of urgent public need for the preservation of peace, health, safety, or property, the facts showing such urgency and the need being specifically stated in the ordinance itself and the ordinance being passed by a vote of not less than five-sixths of the members of the commission. (R. S. 1921, Sec. 8638z.)

527. Director of Finance—Powers and Duties.

27. The director of finance shall have direct supervision over the department of finance and the administration of the financial affairs of the city, including the keeping of accounts and financial records, the levy and assessment of taxes and other revenues, the custody and disbursement of city funds and moneys, the control over expenditures, and such other duties as the commission may by ordinance provide. Except as otherwise provided in this act, he shall have all the powers and perform all the duties now or hereafter vested in a city controller and in a city clerk acting as controller, under the general laws of the state relating to municipal corporations. (R. S. 1921, Sec. 8638a1.)

528. Removal or Suspension of Appointive Officers.

38. Any appointive officer or employe of the city may be removed, suspended, laid off, or reduced in grade by the officer or body responsible for his appointment, for any reason which, in the opinion of such officer or body, will promote the efficiency of the service. Any officer or employe, so removed, suspended, laid off, or reduced in grade shall, if he so request, be furnished with a written statement of the reasons therefor, be allowed a reasonable time for answering such reasons in writing and be given a public hearing by the officer or body making such removal, suspension, lay-off or reduction in grade, before the order therefor be made final. No trial or examination of witnesses shall be required in any such case except in the discretion of the officer or body making such removal, suspension, lay-off or reduction in grade, and the action of such officer or body shall be final. The written statement of reasons and the reply to the officer or employe thereto, as provided for in this section, shall be filed as a public record in the office of the city clerk. (R. S. 1921, Sec. 8638l1.)

529. Assessment and Subscriptions to Political Parties Prohibited.

39. No person in the administrative service of the city shall directly or indirectly give, solicit or receive, or be in any manner concerned in giving, soliciting or receiving any assessment, subscription or contribution for any political party or purpose whatever. No person shall orally or by letter solicit or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any political party or purpose from any person holding a position in the administrative service. No person shall use or promise to use his influence or official authority to secure any appointment, or prospective appointment, to any city position as a reward or return for personal or partisan political service. No person shall take part in preparing any political assessment, subscription or contribution with the intent that it shall be sent or presented to or collected from any person in the service of the city; and no person shall knowingly send or present, directly or indirectly, in person or otherwise, any political assessment, subscription or contribution to, or request its payment by any person in such service. (R. S. 1921, Sec. 8638m1.)

530. Political Activities Prohibited.

40. No person about to be appointed to any position in the service of the city shall sign or execute a resignation dated or undated in advance of such appointment. No person in the service of the city shall discharge, suspend, lay off, degrade or in any manner change the official rank or compensation of any person in such service, or promise or threaten to do so for withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose. No person in the service of the city shall use his official authority or influence to coerce the political action of any person or body, or to interfere with any nomination or election to public office.

No person holding an appointive office or place under the provisions of this act, shall act as an officer of a political organization or take any active part in a political campaign, or serve as a member of a committee of any such organization, or circulate or seek signatures to any petition provided for by primary or election laws, or act as a worker at the polls in favor of or opposed to any candidate to election or nomination to a public office, whether federal, state, county or municipal. (R. S. 1921, Sec. 8638n1.)

531. Penalty for Violating Provisions of Sections 39 and 40.

41. Any person who shall wilfully or through culpable negligence violate any of the provisions of sections 39 and 40 of this act shall be guilty of a misdemeanor, and shall on conviction, be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment. No such person shall be appointed to any position in the service of the city and if he be an officer or employe of the city he shall immediately forfeit his office or employment. (R. S. 1921, Sec. 8638o1.)

532. Commissioners and Officers Not Permitted to Become Candidates for Other Offices.

42. No member of the commission shall during the term for which he is elected be appointed to any city, county or state office or employment. If a member of the commission shall become a candidate for nomination or election to any office other than that of commissioner he shall immediately forfeit his place in the commission; and any appointive officer or employe of the city who shall become a candidate for election to any office shall forfeit the office or employment held under the city. (R. S. 1921, Sec. 8638p1.)

533. Provisions for Reverting to Former Form of City Government.

69. If any city shall have adopted either of the alternative forms of government provided for in this act, and if the citizens of such city shall at any time thereafter desire to change the form of government from the form so adopted to the form now provided by law, a petition may be addressed to the commission, asking that the question of reverting to the form of government now provided by law and under which such city was formerly governed, be submitted to the electors of such

city. The procedure in submitting such petition and holding an election and any and all other matters whatsoever which may be necessary to revert to such form of government now provided by law, shall be governed by the provisions of this act providing for the adoption of the alternative forms of government herein provided. (R. S. 1921, Sec. 8638q2.)

CHAPTER XIV.

SCHOOL COMMISSIONERS.

SEC.	SEC.
533. Board of school commissioners.	534. Qualifications of members.
533a. Board of school commissioners in cities over 100,000.	535. Term of office—Nominations.
	536. Organization of first board.

[1899, p. 434. Approved and in force March 4, 1899.]

533. Board of School Commissioners.

1. The government of common schools in cities of one hundred thousand or more inhabitants, according to the last United States census, shall be vested in a board of school commissioners, which shall consist of five school commissioners. The said board of school commissioners shall have and exercise all the powers now conferred by an act of the general assembly of this state, approved March 3, 1871, entitled "An Act providing for a general system of common schools in all cities of thirty thousand or more inhabitants, and for the election of a board of school commissioners for such cities and defining their duties and prescribing their powers, and providing for common school libraries within such cities," and all acts amendatory thereof and supplemental thereto; and also all powers now conferred by law on boards of school commissioners in cities of thirty thousand or more inhabitants, according to the United States census of 1870, as well as the powers now conferred by law on boards of school commissioners in cities of one hundred thousand or more inhabitants, except as otherwise herein provided. And said board of school commissioners provided for by this act shall assume, pay and be liable for all the indebtedness and liabilities of boards of school commissioners heretofore elected under the above described acts. (R. S. 1908 and 1914, Sec. 6515; R. S. 1901, Sec. 3904x.)

533a. Board of School Commissioners in Cities Over 100,000—Salary—Powers.

1. The members of the board of school commissioners of the common school corporation of each city of this state having a population of more than 100,000, according to the last preceding United States census, shall serve as such commissioners without salary or compensation; that the board in electing its school superintendent, business director, secretary, librarian, and superintendent of buildings and grounds, and in selecting such other agents and employes as the business of a school corporation may require, shall choose persons who, in the judgment of the board, possess qualifications peculiarly fitting them respectively for the positions they are to occupy; and that the board shall, from time to time, and as in its judgment, the best interests of the school corporation

may require, contract for and establish the amount of salary or compensation, to be paid to each such officer elected by the board, and to each such other agent and employe of the board. (Acts of 1917, p. 331. R. S. 1921, Sec. 6515a.)

534. Qualifications of Members.

2. The members of such board of school commissioners shall be at least twenty-five years of age, resident of the city, and shall have been such residents for at least three years immediately preceding their election. They shall be ineligible to any elective or appointive office under such board of school commissioners and under the government of such city while holding membership in said board. They shall not be interested in any contract with or claim against the school city in which they are elected, either directly or indirectly. If at any time after the election of any member of said board he shall become interested in any such contract with or claim against said school city, he shall thereupon be disqualified to continue as a member of said board, and a vacancy shall thereby be created. Every member of said board shall, before assuming the duties of his office, take an oath before some one qualified to administer oaths that he possesses all of the qualifications required by this act, that he will honestly and faithfully discharge the duties of his office, that he will not, while serving as a member of such board, become interested, directly or indirectly, in any contract with or claim against said school city, and that he will not be influenced during his term of office by any consideration of politics or religion or anything except that of merit and fitness in the appointment of officers and the engagement of employes. No compensation shall be received by members of the board, but they shall be exempt from jury duty during their term of office. (R. S. 1908 and 1914, Sec. 6516; R. S. 1901, Sec. 3904y.)

[Acts 1903, p. 5. Approved January 29, 1903.]

535. Term of Office—Nominations.

3. The said board of school commissioners shall be elected, except as specified in section 3 of this act, on a general ticket for the term of four years, by the voters of such city qualified to vote at its city elections. The members of such board shall be elected at the regular city election of such civil city, and shall be taken from the city at large without reference to districts, and such elections shall be held under the provisions of the general laws governing such city elections, so far as they are not inconsistent with the provisions of this act. The expense of such election, except that of printing the ballots, shall be borne by the civil city. Not later than forty days before any election for members of the board of school commissioners, provided for in this act, householders of said city may present names of candidates for election as members of said board of school commissioners by filing the nominations in the office of the comptroller of said city in the manner following: Each candidate shall be proposed in writing by not fewer than three hundred householders of said city. No more than one candidate may be named in any one petition and no person may sign more than one petition

for any one election. Upon the filing of such petition in the office of the comptroller, as aforesaid, the comptroller shall place the same in the public files of his office and for five days, the last of which shall be not less than thirty days before the election, he shall publish the names proposed in two daily newspapers of the city, and at the time required by law shall certify such nominations to the regular board of election commissioners for said city election. Any one thus nominated may withdraw his nomination by a written declination filed with the comptroller before the certification of the same as aforesaid. The comptroller shall not certify or publish the name of any candidate who shall appear to be ineligible under the provisions of section 2 of this act. The election commissioners shall prepare ballots the color and quality of whose paper shall be the same as that of the regular city ballots. The ballots so prepared shall contain the names of all such candidates arranged in alphabetical order in columns according to the following method: The names of candidates for each term shall be printed in a separate column, those for the regular term in the first column and those to fill vacancies in the second column, and such names shall be printed upon the ballots in rotation in such manner, as nearly as possible, that the name of each candidate shall appear at the head of the column for his term, whether the regular or the vacancy term, as often as that of any other such candidate shall so appear, and in the second place a like number of times, and so on. In printing the ballots the positions of the several names shall be changed as many times as there are candidates to be voted for. In changing the position, the printer shall take the name at the head of the column and put it at the foot, raising the remainder of the column so that the name that was second before the change shall be first after the change. After the ballots are printed they shall be kept in separate piles, one pile for each change of position, and then gathered by taking one from each pile and placing it upon the pile to be blocked in such a way that every block of one hundred ballots (and all ballots shall be sent out in blocks of one hundred each) shall have as nearly as possible an equal number of ballots of each kind, and the name of each candidate thereon shall appear severally in first, second, third and fourth place, and so on, upon the several ballots an equal number of times with each of the other candidates for the said term. There shall be nothing on the face of said ballots except as otherwise provided herein and except the names of the candidates and the respective terms for which they are candidates, together with a square in front of each name and a statement at the head of each column of the number of candidates for that term for whom the elector may vote, and that the elector shall indicate his choice by marking a cross in the square opposite the name of each candidate for whom he votes, and not elsewhere. Such ballots shall be voted at the regular city election and deposited in a separate ballot box to be provided for the purpose. Each elector may vote for as many candidates as there are members to be elected by marking a cross in the square opposite the name of each candidate for whom he votes. No election officer, challenger, or poll-book holder shall indicate to any elector offering himself to vote what he believes or understands to be the political affiliation of any candidate for school commissioner. The

candidates, in number equal to the number of members to be chosen, for the respective terms for which they shall have been nominated, who have the highest number of votes of those cast for such term, shall be declared elected. If at any election a member is to be chosen to fill a vacancy and to serve out an unexpired term, candidates may be chosen as above provided, but they shall in all cases be nominated or proposed for such vacancy and designated in the petition and on the ballot as candidates to fill such vacancy, and the date of the expiration of the unexpired term shall be stated. The vacancies in said board of school commissioners shall be filled temporarily by the board as soon as practicable after such vacancy occurs. Such member so chosen shall hold office until his successor be elected and qualified. His successor shall be elected at the next regular city election, when the vacancy shall be filled for the remainder of the term. Any person violating any of the provisions of this section shall be fined, upon conviction, in any sum not exceeding two hundred dollars. (R. S. 1908 and 1914, Sec. 6517; R. S. 1905, Sec. 3656.)

536. Organization of First Board.

4. At the city election occurring on the second Tuesday of October, 1899, five members of the board of school commissioners shall be elected to serve as herein provided. They shall assume office on the first day of January, 1900, and shall meet at the office of the present board of school commissioners of such city at 12 o'clock noon, and shall proceed to organize. Within one week after the organization of said elected board they shall meet to divide themselves by lot, in such manner as they shall determine, into two classes, as follows: The first class, consisting of three members, shall hold office through the 31st day of December, 1901. The second class, consisting of two members, shall hold office through the 31st day of December, 1903. Thereafter, regular elections of members of the board of school commissioners shall occur at the regular city election, held on the second Tuesday of October of each alternate year. In the year 1901, and every fourth year thereafter, three members shall be elected. In the year 1903, and every fourth year thereafter, two members shall be elected. (R. S. 1908 and 1914, Sec. 6518; R. S. 1901, Sec. 3901a1.)

Note.—The remainder of this act has nothing to do with the election of school commissioners or their qualifications.

SPECIAL ELECTIONS

WAR MEMORIALS
COUNTY HOSPITALS

CHAPTER XV.

WAR MEMORIALS AND COUNTY HOSPITALS.

SEC. 537. Rights of cities in acquiring real estate and construction war memorials.	SEC. 538. Proceedings required to carry out the provisions—Declaratory resolution—Election.
	539. Public hospitals—Petition—Election.

[Approved March 10, 1921.]

537. Rights of Cities in Acquiring Real Estate and Constructing War Memorials.

1. That any city in the state is hereby given power and authority, acting by and through its department of public works, with the approval of its mayor, when money and funds have been appropriated therefor by ordinance duly passed by the common council, by at least a majority vote thereof and approved by the mayor, to acquire by purchase, donation or condemnation, suitable grounds, real estate and interest therein in such city and to erect and maintain upon such grounds and real estate so acquired, suitable structures to commemorate the bravery, courage, valor and sacrifice of the soldiers, sailors and marines of the United States and of all others who rendered faithful, loyal, heroic and self-sacrificing service at home and overseas in the great world war, and to provide a place or places of meeting and headquarters for organizations of such soldiers, sailors and marines or any other patriotic societies or associations and for the keeping of records, archives, documents, flags mementos and relics and for other public meetings, and for other public purposes, and in order to inculcate a true understanding and appreciation of the duties, benefits and privileges of American citizenship, and to inspire patriotism and respect for the law to the end that peace may prevail, good will be promoted, justice be administered and established, public order maintained, and liberty and freedom under the law be perpetuated.

And for world war memorial and other public purposes, any city shall, in addition to the power hereinbefore conferred, have the right and is hereby given the power:

First. To acquire by purchase, donation or condemnation, grounds, real estate and interest therein, to be dedicated, set apart by such city and added to any real estate that may have been or may be hereafter designated for use, dedicated or set apart by the State of Indiana for world war memorial and other public purposes, by proper contract, deed or grant, by which such real estate so acquired shall be dedicated, set apart and conveyed by such city to the State of Indiana for world war memorial and other public purposes, as provided therein.

Second. To join with the county in which it is located to acquire by purchase, donation or condemnation, grounds, real estate and interest therein, to be dedicated and set apart by such city and such county jointly and added to any real estate that may have been or may be hereafter designated for use, dedicated or set apart by the State of Indiana,

for world war memorial and other public purposes, by proper contract, deed or grant, by which such real estate so acquired shall be dedicated, set apart and conveyed by such city and such county jointly to the State of Indiana, for world war memorial and other public purposes, as provided therein.

Third. To join with the county in which it is located in the acquisition, by purchase, donation or condemnation of grounds, real estate and interest therein, and the erection, construction and maintenance thereon of a joint city and county world war memorial, and for other public purposes, all as provided in this act. (R. S. 1921, Sec. 10096t.)

**539. Proceedings Required to Carry Out the Provisions of this Act—
Declaratory Resolution—Election.**

24. Whenever any city by and through its common council desires to carry out any or all of the purposes of this act, such common council shall adopt a declaratory resolution which resolution shall be in substance as follows:

Be it resolved, by the common council of the city of that said city should proceed alone or jointly with..... county in which it is located to carry out the purposes of this act referring to this act by title, which resolution shall be submitted to the mayor of such city for his approval. If such resolution is approved by the mayor, notice of the adoption of such declaratory resolution shall be given by the city clerk of such city by the publication of such declaratory resolution in full in at least three newspapers printed and of general circulation in such city by two insertions published at least a week apart. Within thirty days after the date of the second publication of said declaratory resolution any qualified voter of said city shall have a right to file with the city clerk of said city a written remonstrance against said declaratory resolution duly signed in ink by said voter in person which remonstrance shall give the residence, sex and state that the signer is a qualified voter of such city. Any person signing any such remonstrance who is not a qualified voter of said city shall be guilty of the same offense as casting an illegal vote and shall be punished accordingly. More than one voter may sign the same remonstrance. If within thirty days after the second publication of said declaratory resolution remonstrances shall have been filed, signed by at least five (5) per cent of the qualified voters of such county against such declaratory resolution, then the common council of such city by ordinance duly passed and approved by the mayor, shall cause said declaratory resolution to be submitted to the qualified voters of such city at a general city election, or at a special city election, to be held for that purpose, of which election previous notice shall be given by publication once each week for two consecutive weeks in not less than two newspapers printed and of general circulation in such city. The second of which publications shall be at least thirty days prior to the date fixed for such election. The ballots for such election shall have printed thereon in separate lines the following phrases: "For Declaratory Memorial Resolution No....." and "Against Declaratory Resolutions No." designating the number of the resolution

submitted, or other similar phrases by which the voter may effectually express his or her choice upon the question submitted, and each phrase shall have printed to the left thereof of a voting square by marking in which square a cross, thus X, the voter may express his or her choice.

Any such election shall be governed otherwise by the general election laws of the State of Indiana so far as applicable. If a majority of the votes cast at such election by [be] opposed to such declaratory resolution then such city shall have no authority to proceed under said declaratory resolution as contemplated in this act. If, however, a majority of the votes cast at such election be in favor of such declaratory resolution, such city shall have the right to appropriate money, issue bonds, levy taxes, all as provided in this act, and do everything that may be necessary to carry out the purpose of this act. Provided, however, That in determining the majority of votes cast for or against said declaratory resolution only the votes actually cast for or against such declaratory resolution shall be counted. In the event remonstrances duly signed by at least five (5) per cent of the qualified voters of such city are not filed with the city clerk of such city within thirty days after the second publication of said declaratory resolution as herein provided, then and in that event, said city shall have the right to carry out the purposes of this act without submitting such resolution to the qualified voters of such city at an election as provided in this act. In the event such city desires to join with the county in which it is located for all or any of the purposes authorized by this act, and an election shall have been called by the county in which city is located for the purpose of submitting to the qualified voters of such county a declaratory memorial resolution of such county and such city jointly, then the common council of such city may provide if a city election is required, as provided in this act, that it shall be held on the same day as the county election and that the county election officials for such election shall act as city election officials for such election, without additional compensation. Such city shall pay to such county a sum equal to one-half of the cost of such election in such city other than the printing of ballots and supplies: Provided, That any precinct which is partly within such city and partly without such city the voter who does not live within such city shall not be entitled to receive or vote a city ballot. The election officers shall make separate county election returns and separate city election returns as now provided by law.

Provided further, That if any bonds are issued under this act by any city and the same have to be refunded as provided in this act, then, and in that event, it shall not be necessary for the common council of such city to adopt a declaratory resolution and submit the same to the qualified voters of such city. (R. S. 1921, Sec. 10096q1.)

540. Public Hospitals—Petition—Election.

[Approved March 10, 1921.]

1. Any county in this state may establish a public hospital in the following manner: Whenever the board of county commissioners of any county shall be presented with a petition signed by two hundred

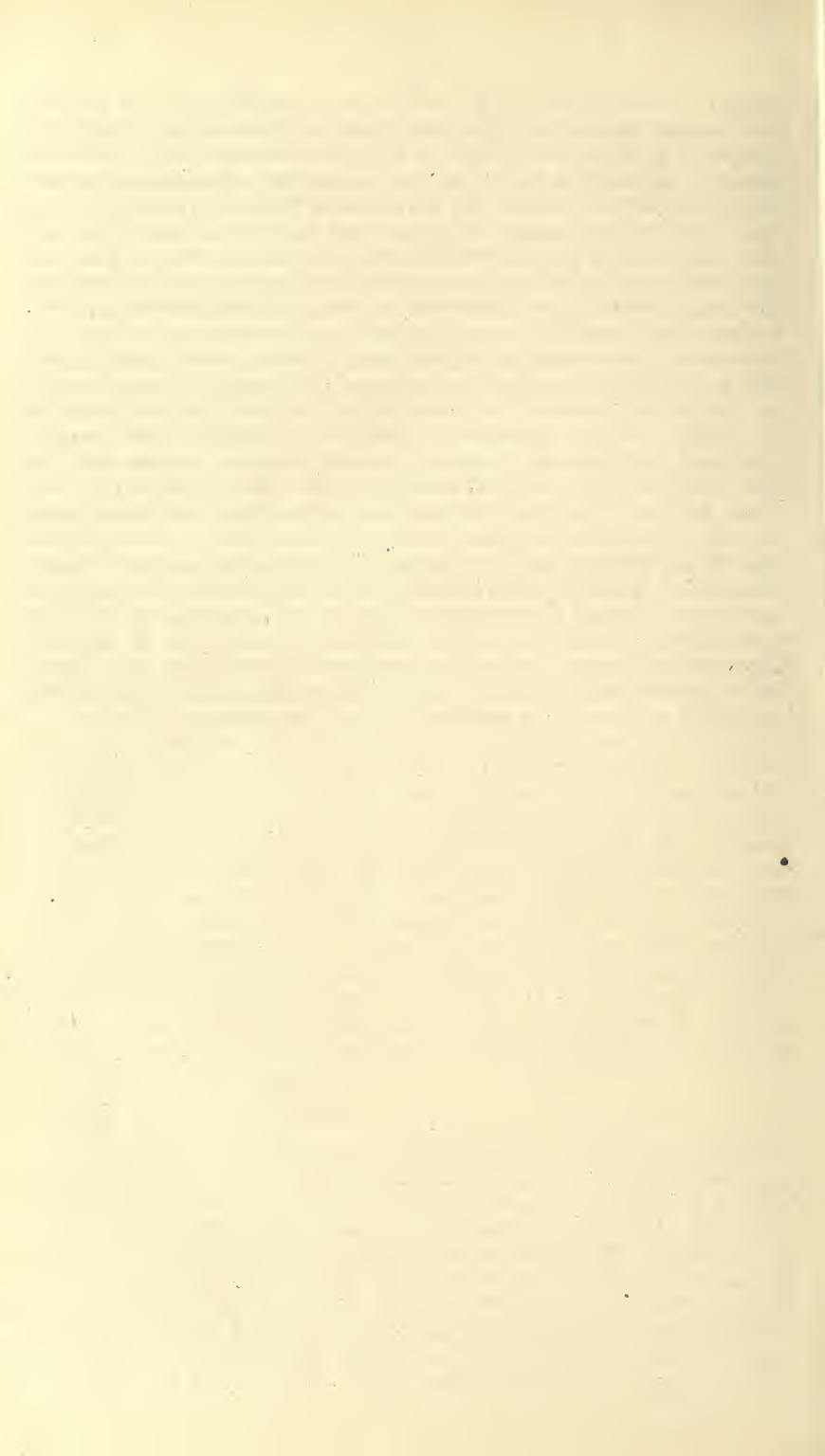
(200) resident freeholders of such county, one hundred and fifty (150) of whom shall not be residents of the city or town in which it is proposed to locate such public hospital, and with a bond in sufficient sum, payable to said county, conditioned that if the election hereinafter provided for shall fail to receive a majority of the votes cast one-half of the expense of such election shall be paid by the petitioners, asking that an annual tax levy may be levied for the establishment and maintenance of a public hospital at a place in the county named therein, and shall specify in their petition the maximum amount of money proposed to be expended in the purchasing or building of such hospital, such board of county commissioners shall make an order requiring the county auditor to give notice by publication for three (3) consecutive weeks in a weekly or daily newspaper of general circulation printed and published in said county, that on a day to be named by the board at a date not earlier than thirty (30) days nor later than sixty (60) days from the date of the first publication the polls will be opened at the several voting places in said county for the purpose of taking the vote of the legal voters thereof upon the question whether the proposed hospital named in the petition shall be established and the auditor shall publish such notice, as required by the order. On the day named in said notice, such polls shall be opened and the votes of the legal voters shall be taken upon the matters named therein, and such election shall be governed in all respects by the general laws of this state concerning elections in so far as the same are applicable, except that when the election is held as a special election, the election board in each precinct shall consist of two (2) members only, a clerk and an inspector, who shall be appointed by the board of county commissioners, not less than one (1) week before such election is held. The board of election commissioners for such election shall consist of the auditor and two (2) commissioners to be appointed by the board of county commissioners, and they shall prepare and cause to be printed the ballots therefor and distribute the same in the manner required by law. The ballots shall set forth the city, town or place where it is proposed to locate such public hospital; the amount of money proposed to be expended in the purchasing or building of said hospital; the amount proposed to be levied by taxation annually for the maintenance of such hospital; and following such description there shall be printed two (2) squares and words as follows:

YES. For the hospital.

NO. Against the hospital.

Each voter desiring to vote for the establishment of such hospital shall mark a cross with a blue pencil in the square containing the word "Yes," and each voter desiring to vote against such proposed hospital shall mark a cross in the square containing the word "No." The votes cast at such election shall be canvassed at the office of such auditor on the Thursday following the election, and a certificate of the votes cast for and against such hospital, signed by the inspector, shall be filed with such auditor and by him submitted to the board of commissioners at their next session. If a majority of the votes cast at any such election be found to be in favor of the establishment of such hospital, such

board of commissioners shall enter an order establishing such hospital and authorizing the purchase or building of such hospital, fixing the amount to be paid therefor and also fixing the amount of tax to be levied upon the assessed property of said county for maintenance thereof, which tax shall not exceed two (2) mills on the dollar for a period of time not exceeding twenty (20) years; and may provide for the issuing of county bonds to provide funds for the purchase of a site or sites and the erection thereon of a public hospital and hospital buildings and for the support of the same. Whenever a board of commissioners has entered an order fixing the amount of tax to be levied upon the assessed property of said county for maintenance of such hospital and it shall afterward be shown to the satisfaction of such board of commissioners by the trustees provided for by section 2 of this act that the funds derived from such tax will not be sufficient to maintain such hospital, then upon such showing the board of commissioners may increase the tax to be levied for such maintenance to the extent necessary: Provided, however, That the combined tax for purchase and maintenance of such hospital shall not exceed two (2) mills on the dollar: Provided, That in any county where an election has heretofore been held for the erection of a hospital, and a majority of the votes cast on the matter of the erection of said hospital, have been in favor thereof, the board of commissioners may enter an order fixing the amount of tax to be levied upon the assessed property of said county for maintenance, such amount not to exceed ten per cent annually of the amount set out in the petition and ballot for erection of said hospital. (R. S. 1921, Sec. 3776e1.)



NATURALIZATION

CHAPTER XIII.

CITIZENSHIP AND NATURALIZATION LAWS.

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541. Citizenship by Birth.

1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. (Constitution U. S., Art. XIV.)

542. Citizenship of Children Born Abroad of Citizens.

1993. All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States. (R. S. 1878, p. 350. 1 Comp. Stat. 1901, p. 1268.)

543. Citizenship of Women by Marriage.

1994. Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen. (R. S. 1878, p. 350. 1 Comp. Stat. 1901, p. 1268.)

544. Children of Persons Naturalized Under Certain Laws to Be Citizens.

2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject by the government of the United States, may have become citizens of any one of the states, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens

thereof; but no person heretofore proscribed by any state, or who has been legally convicted of having joined the army of Great Britain during the revolutionary war, shall be admitted to become a citizen without the consent of the legislature of the state in which such person was proscribed. (R. S. 1878, p. 380. 1 Comp. Stat. 1901, p. 1334.)

545. Expatriation of Citizens and Their Protection Abroad.

(Act of March 2, 1907.)

1. (Repealed by Sec. 5, Public Act, No. 238, 66th Cong.)

2. That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state.

When any naturalized citizen shall have resided for two years in the foreign state from which he came, or for five years in any other foreign state, it shall be presumed that he has ceased to be an American citizen, and the place of his general abode shall be deemed his place of residence during said years: Provided, however, That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the department of state may prescribe: And Provided also, That no American citizen shall be allowed to expatriate himself when this country is at war.

3. That any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of the marital relation, by continuing to reside therein.

4. That any foreign woman who acquires American citizenship by marriage to an American shall be assumed to retain the same after the termination of the marital relation if she continue to reside in the United States, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens, or if she resides abroad she may retain her citizenship by registering as such before a United States consul within one year after the termination of such marital relation.

5. That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the parent: Provided, That such naturalization or resumption takes place during the minority of such child: And Provided further, That the citizenship of such minor child shall begin at the time such minor child begins to reside permanently in the United States.

6. That all children born outside the limits of the United States who are citizens thereof in accordance with the provisions of section 1993 of the revised statutes of the United States and who continue to reside outside the United States shall, in order to receive the protection of this government, be required upon reaching the age of eighteen years

to record at an American consulate their intention to become residents and remain citizens of the United States and shall be further required to take the oath of allegiance to the United States upon attaining their majority.

7. That duplicates of any evidence, registration, or other acts required by this act shall be filed with the department of state for record. (34 Stat. L., Pt. 1, p. 1228.)

546. Porto Rican Citizenship.

7. That all inhabitants continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in Porto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Porto Rico, and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the crown of Spain on or before the 11th day of April, 1900, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the 11th day of April, 1899; . . . (31 Stat. L., 79.)

547. Porto Rico: Citizenship, Naturalization, and Residence.

(Act of March 2, 1917.)

5. That all citizens of Porto Rico, as defined by section 7 of the act of April 12, 1900, "temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," and all natives of Porto Rico, who were temporarily absent from that island on April 11, 1899, and have since returned and are permanently residing in that island, and are not citizens of any foreign country, are hereby declared, and shall be deemed and held to be, citizens of the United States: Provided, That any person hereinbefore described may retain his present political status by making a declaration, under oath, of his decision to do so within six months of the taking effect of this act before the district court in the district in which he resides, the declaration to be in form as follows:

"I,, being duly sworn, hereby declare my intention not to become a citizen of the United States as provided in the act of congress conferring United States citizenship upon citizens of Porto Rico and certain natives permanently residing in said island."

In the case of any such person who may be absent from the island during said six months the term of this proviso may be availed of by transmitting a declaration, under oath, in the form herein provided within six months of the taking effect of this act to the executive secretary of Porto Rico: And Provided further, That any person who is born in Porto Rico of an alien parent and is permanently residing in that island may, if of full age, within six months of the taking effect of this act, or if a minor, upon reaching his majority or within one year thereafter, make a sworn declaration of allegiance to the United States before the United States district court for Porto Rico, setting forth therein all the facts connected with his or her birth and residence in Porto

Rico and accompanying due proof thereof, and from and after the making of such declaration shall be considered to be a citizen of the United States.

41. That Porto Rico shall constitute a judicial district to be called "the district of Porto Rico." . . . The district court for said district shall be called "the district court of the United States for Porto Rico," . . . said district court shall have jurisdiction for the naturalization of aliens and Porto Ricans, and for this purpose residence in Porto Rico shall be counted in the same manner as residence elsewhere in the United States. . . (39 Stat. L., 965.)

548. Granting Citizenship to Certain Indians.

(Received by the President, October 25, 1919; has become a law without his approval.)

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That every American Indian who served in the military or naval establishments of the United States during the war against the imperial German government and who has received or who shall hereafter receive an honorable discharge, if not now a citizen, and if he so desires, shall, on proof of such discharge and after proper identification before a court of competent jurisdiction, and without other examination except as prescribed by said court, be granted full citizenship with all the privileges pertaining thereto, without in any manner impairing or otherwise affecting the property rights, individual or tribal, of any such Indian or his interest in tribal or other Indian property. (Public Laws, No. 75, 66th Cong.)

549. Alien Soldiers and Sailors.

2166. Any alien, of the age of twenty-one years, and upward, who has enlisted, or may enlist, in the armies of the United States, either the regular or the volunteer forces, and has been or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such persons having been honorably discharged from the service of the United States. (R. S. U. S., Sec. 2166.)

Any alien of the age of twenty-one years and upward who has enlisted or may enlist in the United States navy or marine corps, and has served or may hereafter serve five consecutive years in the United States navy or one enlistment in the United States marine corps, and has been or may hereafter be honorably discharged, shall be admitted to become a citizen of the United States upon his petition, without any previous declaration of his intention to become such; and the court admitting such alien shall, in addition of good moral character, be satisfied by competent proof of such person's service in an honorable discharge from

the United States navy or marine corps. (R. S. 1908 and 1914, Sec. 9051; 28 U. S. Stat. L. 124. Barnes Federal Code, Sec. 3740.)

[Modified and in part repealed by Sec. 488.]

550. Chinese Not Admitted.

14. That hereafter no state court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed. (R. S. 1908 and 1914, Sec. 9055a; 22 U. S. Stat. L. 58. Barnes Federal Code, Sec. 3741.)

551. Whites and Africans Included.

2169. (As amended, 1875.)—The provisions of this title shall apply to aliens being free white persons, and to aliens of African nativity and to persons of African descent. (R. S. 1908 and 1914, Sec. 9055b; R. S. U. S., Sec. 2169. Barnes Federal Code, Sec. 3742.)

552. Residence of Five Years in United States.

2170. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States. (R. S. 1878, p. 380, Sec. 2170; Act March 3, 1813, c. 42, Sec. 12, 2 Stat. 811; Sec. 3743, Barnes Federal Code. 1 Comp. Stat. 1901, p. 1333.)

553. Residence in Hawaii.

For the purpose of naturalization under the laws of the United States, residence in the Hawaiian Islands prior to the taking effect of this act shall be deemed equivalent to residence in the United States and in the territory of Hawaii, and the requirement of a previous declaration of intention to become a citizen of the United States, and to renounce former allegiance shall not apply to persons who have resided in said islands at least five years prior to the taking effect of this act; but all other provisions of the laws of the United States relating to naturalization shall, so far as applicable, apply to persons in the said islands. (Acts April 30, 1900, c. 339, Sec. 100; 31 Stat. 161; May 27, 1910, c. 258; Sec. 9, 36 Stat. 448; Sec. 3744, Barnes Federal Code.)

554. Prior Proceedings in Hawaii.

All records relating to naturalization, all declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to the taking effect of the naturalization act of June 29, 1906, in or from any circuit court of the territory of Hawaii, shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this act further validated or legalized. (Acts April 30, 1900, c. 339, Sec. 100; 31 Stat. 161; May 27, 1910, c. 258; Sec. 9, 36 Stat. 448; Sec. 3745, Barnes Federal Code.)

555. Colonials.

30. All the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to

citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any state or organized territory of the United States, with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least two years prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law. (R. S. 1908 and 1914, Sec. 9053; 34 U. S. Stat. L. 606. Barnes Federal Code, Sec. 3746.)

556. Children of Citizens.

2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject by the government of the United States, may have become citizens of any one of the states, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered citizens thereof. (R. S. 1908 and 1914, Sec. 9055; R. S. U. S., Sec. 2172. Barnes Federal Code, Sec. 3747.)

557. Wife Making Homestead Entry—Children of Insane Aliens.

When any alien, who has declared his intention to become a citizen of the United States, becomes insane before he is actually naturalized, and his wife shall thereafter make a homestead entry under the land laws of the United States, she and their minor children may, by complying with the other provisions of the naturalization laws, be naturalized without making any declaration of intention. (Act February 24, 1911, c. 151; 36 Stat. 929; Sec. 3748, Barnes Federal Code.)

558. Alien Enemies Debarred.

2171. No alien who is a native citizen or subject, or a denizen of any country, state, or sovereignty with which the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States. (R. S. 1908 and 1914, Sec. 9050; R. S. U. S., Sec. 2171.)

[Repealed. See Sec. 561, eleventh clause.]

559. Merchant Seamen.

2174. Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the

United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant vessel of the United States, anything to the contrary in any act of congress notwithstanding, but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen. (R. S. 1908 and 1914, Sec. 9052; R. S. U. S., Sec. 2174.)

[Modified and part repealed by Sec. 561.]

560. Jurisdiction of Courts.

3. Exclusive jurisdiction to naturalize aliens as citizens of the United States is hereby conferred upon the following specified courts:

United States circuit and district courts now existing, or which may hereafter be established by congress in any state, United States district courts for the territories of Arizona, New Mexico, Oklahoma, Hawaii and Alaska, the supreme court of the District of Columbia, and the United States courts for the Indian territory; also all courts of record in any state or territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.

That the naturalization jurisdiction of all courts herein specified, state, territorial, and federal, shall extend only to aliens resident within the respective judicial districts of such courts.

The courts herein specified shall, upon the requisition of the clerks of such courts, be furnished from time to time by the bureau of immigration and naturalization with such blank forms as may be required in the naturalization of aliens, and all certificates of naturalization shall be consecutively numbered and printed on safety paper furnished by said bureau. (R. S. 1908 and 1914, Sec. 9047. Barnes Federal Code, Sec. 3749.)

561. Naturalization Procedure—Alien Enemies, Merchant Seamen, Persons in Military or Naval Service.

4. An alien may be admitted to become a citizen of the United States in the following manner and not otherwise:

First. He shall declare on oath before the clerk of any court authorized by this act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of eighteen years, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly by name, to the prince, potentate, state or sovereignty of which the alien may be at the time a citizen or subject. And such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel, if any, in which he came to the United States, and the present place of residence in the

United States of said alien: Provided, however, That no alien who, in conformity with the law in force at the date of this declaration, has declared his intention to become a citizen of the United States shall be required to renew such declaration.

Second. Not less than two years nor more than seven years after he has made such declaration of intention he shall make and file, in duplicate, a petition in writing, signed by the applicant in his own handwriting and duly verified, in which petition such applicant shall state his full name, his place of residence (by street and number, if possible), his occupation, and, if possible, the date and place of his birth; the place from which he emigrated, and the date and place of his arrival in the United States, and, if he entered through a port, the name of the vessel on which he arrived; the time when and the place and name of the court where he declared his intention to become a citizen of the United States; if he is married he shall state the name of his wife, and, if possible, the country of her nativity and her place of residence at the time of filing of his petition; and if he has children the name, date and place of birth and place of residence of each child living at the time of the filing of his petition: Provided, That if he has filed his declaration before the passage of this act he shall not be required to sign the petition in his own handwriting.

The petition shall set forth that he is not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government, a polygamist or believer in the practice of polygamy, and that it is his intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly by name to the prince, potentate, state or sovereignty of which he at the time of filing of his petition may be a citizen or subject, and that it is his intention to reside permanently within the United States, and whether or not he has been denied admission as a citizen of the United States, and, if denied, the ground or grounds of such denial, the court or courts in which such decision was rendered, and that the cause for such denial has since been cured or removed, and every fact material to his naturalization and required to be proved upon the final hearing of his application.

The petition shall also be verified by the affidavits of at least two credible witnesses, who are citizens of the United States, and who shall state in their affidavits that they have personally known the applicant to be a resident of the United States for a period of at least five years continuously, and of the state, territory, or district in which the application is made for a period of at least one year immediately preceding the date of the filing of his petition, and that they each have personal knowledge that the petitioner is a person of good moral character, and that he is in every way qualified, in their opinion, to be admitted as a citizen of the United States.

At the time of filing his petition there shall be filed with the clerk of the court a certificate from the department of commerce and labor, if the petitioner arrives in the United States after the passage of this act, stating the date, place and manner of his arrival in the United

States, and the declaration of intention of such petitioner, which certificate and declaration shall be attached to and made a part of said petition.

Third. He shall, before he is admitted to citizenship, declare on oath in open court that he will support the constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state or sovereignty of which he was before a citizen or subject; that he will support and defend the constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.

Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the state or territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the constitution shall be required and the name, place of residence, and occupation of each witness shall be set forth in the record.

Fifth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Sixth. When any alien who has declared his intention to become a citizen of the United States dies before he is actually naturalized the widow and minor children of such alien may, by complying with the other provisions of this act, be naturalized without making any declaration of intention. (R. S. 1908 and 1914, Sec. 9055c; 34 U. S. Stat. L. 596.)

“Seventh. Any native-born Filipino of the age of twenty-one years and upward who has declared his intention to become a citizen of the United States and who has enlisted or may hereafter enlist in the United States navy or marine corps or the naval auxiliary service, and who, after service of not less than three years, may be honorably discharged therefrom, or who may receive an ordinary discharge with recommendation for re-enlistment; or any alien, or any Porto Rican not a citizen of the United States, of the age of twenty-one years and upward, who has enlisted or entered or may hereafter enlist in or enter the armies of the United States, either the regular or the volunteer forces, or the national army, the national guard or naval militia of any state, territory, or the District of Columbia, or the state militia in federal service, or in the United States navy or marine corps, or in the United States coast guard, or who has served for three years on board of any vessel

of the United States government, or for three years on board of merchant or fishing vessels of the United States of more than twenty tons burden, and while still in the service on a re-enlistment or reappointment, or within six months after an honorable discharge or separation therefrom, or while on furlough to the army reserve or regular army reserve after honorable service, may, on presentation of the required declaration of intention petition for naturalization without proof of the required five years' residence within the United States if upon examination by the representative of the bureau of naturalization, in accordance with the requirements of this subdivision it is shown that such residence can not be established; any alien serving in the military or naval service of the United States during the time this country is engaged in the present war may file his petition for naturalization without making the preliminary declaration of intention and without proof of the required five years' residence within the United States; any alien declarant who has served in the United States army or navy, or the Philippine constabulary, and has been honorably discharged therefrom, and has been accepted for service in either the military or naval service of the United States on the condition that he becomes a citizen of the United States, may file his petition for naturalization upon proof of continuous residence within the United States for the three years immediately preceding his petition, by two witnesses, citizens of the United States, and in these cases only residence in the Philippine Islands and the Panama Canal Zone by aliens may be considered residence within the United States, and the place of such military service shall be construed as the place of residence required to be established for purposes of naturalization; and any alien, or any person owing permanent allegiance to the United States embraced within this subdivision, may file his petition for naturalization in the most convenient court without proof of residence within its jurisdiction, notwithstanding the limitation upon the jurisdiction of the courts specified in section three of the act of June 29, 1906, provided he appears with his two witnesses before the appropriate representative of the bureau of naturalization and passes the preliminary examination hereby required before filing his petition for naturalization in the office of the clerk of the court, and in each case the record of this examination shall be offered in evidence by the representative of the government from the bureau of naturalization and made a part of the record at the original and any subsequent hearings; and, except as otherwise herein provided, the honorable discharge certificate of such alien, or person owing permanent allegiance to the United States, or the certificate of service showing good conduct, signed by a duly authorized officer, or by the masters of said vessels, shall be deemed prima facie evidence to satisfy all of the requirements of residence within the United States and within the state, territory, or the District of Columbia, and good moral character required by law, when supported by the affidavits of two witnesses, citizens of the United States, identifying the applicant as the person named in the certificate or honorable discharge, and in those cases only where the alien is actually in the military or naval service of the United States, the certificate of arrival

shall not be filed with the petition for naturalization in the manner prescribed; and any petition for naturalization filed under the provisions of this subdivision may be heard immediately, notwithstanding the law prohibits the hearing of a petition for naturalization during thirty days preceding any election in the jurisdiction of the court. Any alien, who, at the time of the passage of this act, is in the military service of the United States, who may not be within the jurisdiction of any court authorized to naturalize aliens, may file his petition for naturalization without appearing in person in the office of the clerk of the court and shall not be required to take the prescribed oath of allegiance in open court. The petition shall be verified by the affidavits of at least two credible witnesses who are citizens of the United States, and who shall prove in their affidavits the portion of the residence that they have personally known the applicant to have resided within the United States. The time of military service may be established by the affidavits of at least two other citizens of the United States, which, together with the oath of allegiance, may be taken in accordance with the terms of section 1750 of the revised statutes of the United States after notice from and under regulations of the bureau of naturalization. Such affidavits and oath of allegiance shall be admitted in evidence in any original or appellate naturalization proceeding without proof of the genuineness of the seal or signature or of the official character of the officer before whom the affidavits and oath of allegiance were taken, and shall be filed by the representative of the government from the bureau of naturalization at the hearing as provided by section 11 of the act of June 29, 1906. Members of the naturalization bureau and service may be designated by the secretary of labor to administer oaths relating to the administration of the naturalization law; and the requirement of section 10 of notice to take depositions to the United States attorneys is repealed, and the duty they perform under section 15 of the act of June 29, 1906 (Thirty-fourth Statutes at Large, part one, page 596), may also be performed by the commissioner or deputy commissioner of naturalization: Provided, That it shall not be lawful to make a declaration of intention before the clerk of any court on election day or during the period of thirty days preceding the day of holding any election in the jurisdiction of the court: Provided further, That service by aliens upon vessels other than of American registry, whether continuous or broken, shall not be considered as residence for naturalization purposes within the jurisdiction of the United States, and such aliens can not secure residence for naturalization purposes during service upon vessels of foreign registry.

During the time when the United States is at war no clerk of a United States court shall charge or collect a naturalization fee from an alien in the military service of the United States for filing his petition or issuing the certificate of naturalization upon admission to citizenship, and no clerk of any state court shall charge or collect any fee for this service unless the laws of the state require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the state shall be charged or collected. A full

accounting for all these transactions shall be made to the bureau of naturalization in the manner provided by section 13 of the act of June 29, 1906.

"Eighth. That every seaman, being an alien, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served three years upon such merchant or fishing vessels of the United States, be deemed a citizen of the United States for the purpose of serving on board any such merchant or fishing vessel of the United States, anything to the contrary in any act of congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such after the filing of his declaration of intention to become such citizen: Provided, That nothing contained in this act shall be taken or construed to repeal or modify any portion of the act approved March 4, 1915 (Thirty-eighth Statutes at Large, part 1, page 1164, chapter 153), being an act to promote the welfare of American seamen.

"Ninth. That for the purpose of carrying on the work of the bureau of naturalization of sending the names of the candidates for citizenship to the public schools and otherwise promoting instruction and training in citizenship responsibilities of applicants for naturalization, as provided in this subdivision, authority is hereby given for the reimbursement of the printing and binding appropriation of the department of labor upon the records of the treasury department from the naturalization fees deposited in the treasury through the bureau of naturalization for the cost of publishing the citizenship text-book prepared and to be distributed by the board of naturalization to those candidates for citizenship only who are in attendance upon the public schools, such reimbursement to be made upon statements by the commissioner of naturalization of books actually delivered to such student candidates for citizenship, and a monthly naturalization bulletin, and in this duty to secure the aid of and co-operate with the official state and national organizations, including those concerned with vocational education and including personal services in the District of Columbia, and to aid the local army exemption boards and co-operate with the war department in locating declarants subject to the army draft and expense incidental thereto.

"Tenth. That any person not an alien enemy, who resided uninterruptedly within the United States during the period of five years next preceding July 1, 1914, and was on that date otherwise qualified to become a citizen of the United States, except that he had not made the declaration of intention required by law and who during or prior to that time, because of misinformation regarding his citizenship status erroneously exercised the rights and performed the duties of a citizen of the United States in good faith, may file the petition for naturalization prescribed by law without making the preliminary declaration of intention required of other aliens, and upon satisfactory proof to the court that he has so acted may be admitted as a citizen of the United States upon complying in all respects with the other requirements of the naturalization law.

"Eleventh. No alien who is a native, citizen, subject, or denizen of any county, state, or sovereignty with which the United States is at war shall be admitted to become a citizen of the United States unless he made his declaration of intention not less than two nor more than seven years prior to the existence of the state of war, or was at that time entitled to become a citizen of the United States, without making a declaration of intention, or unless his petition for naturalization shall then be pending and is otherwise entitled to admission, notwithstanding he shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject: Provided, That no alien embraced within this subdivision shall have his petition for naturalization called for a hearing, or heard, except after ninety days' notice given by the clerk of the court to the commissioner or deputy commissioner of naturalization to be present, and the petition shall be given no final hearing except in open court and after such notice to the representative of the government from the bureau of naturalization, whose objection shall cause the petition to be continued from time to time for so long as the government may require: Provided, however, That nothing herein contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien; and section 2171 of the revised statutes of the United States is hereby repealed: Provided further, That the president of the United States may, in his discretion, upon investigation and report by the department of justice fully establishing the loyalty of any alien enemy not included in the foregoing exemption, except such alien enemy from the classification of alien enemy, and thereupon he shall have the privilege of applying for naturalization; and for the purpose of carrying into effect the provisions of this section, including personal service in the District of Columbia, the sum of \$400,000 is hereby appropriated, to be available until June 30, 1919, including travel expenses for members of the bureau of naturalization and its field service only, and the provisions of section 3679 of the revised statutes shall not be applicable in any way to this appropriation.

"Twelfth. That any person who, while a citizen of the United States and during the existing war in Europe, entered the military or naval service of any country at war with a country with which the United States is now at war, who shall be deemed to have lost his citizenship by reason of any oath or obligation taken by him for the purpose of entering such service, may resume his citizenship by taking the oath of allegiance to the United States prescribed by the naturalization law and regulations, and such oath may be taken before any court of the United States or of any state authorized by law to naturalize aliens or before any consul of the United States, and certified copies thereof shall be sent by such court or consul to the department of state and the bureau of naturalization, and the act (public fifty-five, sixty-fifth congress, approved October 5, 1917), is hereby repealed.

"Thirteenth. That any person who is serving in the military or naval forces of the United States at the termination of the existing

war, and any person who before the termination of the existing war may have been honorably discharged from the military or naval services of the United States on account of disability incurred in line of duty, shall, if he applies to the proper court for admission as a citizen of the United States, be relieved from the necessity of proving that immediately preceding the date of his application he has resided continuously within the United States the time required by law of other aliens, or within the state, territory, or the District of Columbia for the year immediately preceding the date of his petition for naturalization, but his petition for naturalization shall be supported by the affidavits of two credible witnesses, citizens of the United States, identifying the petitioner as the person named in the certificate of honorable discharge, which said certificate may be accepted as evidence of good moral character required by law, and he shall comply with the other requirements of the naturalization law."

2. That the following provisions of law be, and they are hereby, repealed: Sections 2166 and 2174 of the revised statutes of the United States of America and so much of an act approved July 26, 1894, entitled "An Act making provisions for the naval service for the fiscal year ending June 30, 1895, and for other purposes," being chapter 165 of the laws of 1894 (Twenty-eighth Statutes at Large, page 124), reading as follows: "Any alien of the age of twenty-one years and upward who has enlisted or may enlist in the United States navy or marine corps and has served or may hereafter serve five consecutive years in the United States navy or one enlistment in the United States marine corps and has been or may hereafter be honorably discharged, shall be admitted to become a citizen of the United States upon his petition without any previous declaration of his intention to become such; and the court admitting such alien, in addition to proof of good moral character, be satisfied by competent proof of such person's service in and honorable discharge from the United States navy or marine corps;" and so much of an act approved June 30, 1914, entitled "An Act making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes," being chapter 130 of the laws of 1914 (Thirty-eighth Statutes at Large, part 1, page 392), reading as follows: "Any alien of the age of twenty-one years and upward who may under existing law become a citizen of the United States, who has served or may hereafter serve for one enlistment of not less than four years in the United States navy or marine corps and who has received therefrom an honorable discharge or an ordinary discharge, with recommendation for re-enlistment, or who has completed or more years in the revenue-cutter service and received therefrom a ship stale discharge or an ordinary discharge with recommendation for a citizen, or who has completed four years of honorable service in for natural auxiliary service, shall be admitted to become a citizen of the United States upon his petition without any previous declaration or proof to the court admitting such alien shall, in addition to proof of the United States court admitting such alien shall, in addition to proof requirements of character, be satisfied by competent proof from naval or other sources of such service: Provided, That an honor

able discharge from the navy, marine corps, revenue-cutter service, or the naval auxiliary service, or an ordinary discharge with recommendation for re-enlistment, shall be accepted as proof of good moral character: Provided, further That any court which now has or may hereafter be given jurisdiction to naturalize aliens as citizens of the United States may immediately naturalize any alien applying under and furnishing the proof prescribed by the foregoing provisions"; and so much of section 3 of an act approved June 25, 1910 (Thirty-fourth Statutes at Large, part 1, page 630), reading as follows: "That paragraph two of section 4 of an act entitled, 'An Act to establish a bureau of immigration and naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States,' approved June 29, 1906, be amended by adding, after the proviso in paragraph two of section 4 of said act, the following: Provided further, That any person belonging to the class of persons authorized and qualified under existing law to become a citizen of the United States, who has resided constantly in the United States during a period of five years next preceding May 1, 1910, who, because of misinformation in regard to his citizenship or the requirements of the law governing the naturalization of citizens has labored and acted under the impression that he was or could become a citizen of the United States and has in good faith exercised the rights or duties of a citizen or intended citizen of the United States because of such wrongful information and belief may, upon making a showing of such facts satisfactory to a court having jurisdiction to issue papers of naturalization to an alien, and the court in its judgment believes that such person has been for a period of more than five years entitled upon proper proceedings to be naturalized as a citizen of the United States, receive from the said court a final certificate of naturalization, and said court may issue such certificate without requiring proof of former declaration by or on part of such person of their intention to become a citizen of the United States, but such application for naturalization shall comply in all other respects with the law relative to the issuance of final papers of naturalization to aliens." Barnes Federal Code, Sec. 3750.

That all acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed; but nothing in this act shall repeal or in any way enlarge section 2169 of the revised statutes, except as specified in the seventh subdivision of this act and under the limitation therein defined: Provided, That for the purpose of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to this act the statutes and laws hereby repealed shall remain in full force and effect: Provided further, That as to all aliens who, prior to January 1, 1900, served in the armies of the United States and were honorably discharged therefrom, section 2166 of the revised statutes of the United States shall be and remain in full force and effect, anything in this act to the contrary notwithstanding. Barnes Federal Code, Sec. 3751.

3. That all certificates of naturalization granted by courts of competent jurisdiction prior to December 31, 1918, upon petitions for naturalization filed prior to January 31, 1918, upon declarations of intention

filed prior to September 27, 1906, are hereby declared to be valid in so far as the declaration of intention is concerned, but shall not be by this act further validated or legalized.

The word "district" in sections 4, 10, and 27 of the act which this act amends is hereby amended to read "the District of Columbia."

(Approved, May 9, 1918. Barnes Federal Code, Sec. 3753.)

562. Notice of Petition—Subpoenas for Witnesses.

5. The clerk of the court shall, immediately after filing the petition, give notice thereof by posting in a public and conspicuous place in his office, or in the building in which his office is situated, under an appropriate heading, the name, nativity, and residence of the alien, the date and place of his arrival in the United States, and the date, as nearly as may be, for the final hearing of his petition, and the names of the witnesses whom the applicant expects to summon in his behalf; and the clerk shall, if the applicant requests it, issue a subpoena for the witnesses so named by the said applicant to appear upon the day set for the final hearing, but in case such witnesses can not be produced upon the final hearing other witnesses may be summoned. (R. S. 1908 and 1914, Sec. 9055d; 34 U. S. Stat. L. 598. Barnes Federal Code, Sec. 3753.)

563. Docketing and Hearing of Petition—Change of Name.

6. Petitions for naturalization may be made and filed during term time or vacation of the court and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court, and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing and posting the notice of such petition: Provided, That no person shall be naturalized nor shall any certificate of naturalization be issued by any court within thirty days preceding the holding of any general election within its territorial jurisdiction. It shall be lawful, at the time and as a part of the naturalization of any alien, for the court, in its discretion, upon the petition of such alien, to make a decree changing the name of said alien, and his certificate of naturalization shall be issued to him in accordance therewith. (R. S. 1908 and 1914, Sec. 9055e; 34 U. S. Stat. L. 598. Barnes Federal Code, Sec. 3754.)

564. Anarchists and Polygamists Debarred.

7. No person who disbelieves in or who is opposed to organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the government of the United States, or of any other organized government, because of his or their official character, or who is a polygamist, shall be naturalized or be made a citizen of the United States. (R. S. 1908 and 1914, Sec. 9048; 34 U. S. Stat. L. 598. Barnes Federal Code, Sec. 3755.)

565. Persons Not Speaking English Language.

8. No alien shall hereafter be naturalized or admitted as a citizen of the United States who can not speak the English language: Provided, That this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States: And provided further, That the requirement of this section shall not apply to any alien who has prior to the passage of this act declared his intention to become a citizen of the United States in conformity with the law in force at the date of making such declaration: Provided further, That the requirements of section 8 shall not apply to aliens who shall hereafter declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands. (R. S. 1908 and 1914, Sec. 9040; 34 U. S. Stat. L. 599. Barnes Federal Code, Sec. 3756.)

566. Hearing and Order of Court.

9. Every final hearing upon such petition shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant and witnesses shall be examined under oath before the court and in the presence of the court. (R. S. 1908 and 1914, Sec. 9055f; 34 U. S. Stat. L. 599. Barnes Federal Code, Sec. 3757.)

567. Evidence of Residence.

10. In case the petitioner has not resided in the state, territory, or district for a period of five years continuously and immediately preceding the filing of his petition he may establish by two witnesses, both in his petition and at the hearing, the time of his residence within the state, provided that it has been for more than one year, and the remaining portion of his five years' residence within the United States required by law to be established may be proved by the depositions of two or more witnesses who are citizens of the United States, upon notice to the bureau of immigration and naturalization and the United States attorney for the district in which said witnesses may reside. (R. S. 1908 and 1914, Sec. 9055g; U. S. Stat. L. 599. Barnes Federal Code, Sec. 3758.)

568. Appearance and Defense by United States.

11. The United States shall have the right to appear before any court or courts exercising jurisdiction in naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of his petition concerning any matter touching or in way affecting his right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings. (R. S. 1908 and 1914, Sec. 9055h; 34. U. S. Stat. L. 599. Barnes Federal Code, Sec. 3759.)

569. Clerk's Duties—Duplicates.

12. It is hereby made the duty of the clerk of each and every court exercising jurisdiction in naturalization matters under the provisions of this act to keep and file a duplicate of each declaration of intention made before him and to send to the bureau of immigration and naturalization at Washington, within thirty days after the issuance of a certificate of citizenship, a duplicate of such certificate, and to make and keep on file in his office a stub for each certificate so issued by him, whereon shall be entered a memorandum of all the essential facts set forth in such certificate. It shall also be the duty of the clerk of each of said courts to report to the said bureau, within thirty days after the final hearing and decision of the court, the name of each and every alien who shall be denied naturalization, and to furnish said bureau duplicates of all petitions within thirty days after the filing of the same, and certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of aliens as may be required from time to time by the said bureau.

In case any such clerk or officer acting under his direction shall refuse or neglect to comply with any of the foregoing provision he shall forfeit and pay to the United States the sum of twenty-five dollars in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such clerk.

Clerks of courts having and exercising jurisdiction in naturalization matters shall be responsible for all blank certificates of citizenships received by them from time to time from the bureau of immigration and naturalization, and shall account for the same to the said bureau whenever required so to do by such bureau. No certificate of citizenship received by any such clerk which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the said bureau; and in case any such clerk shall fail to return or properly account for any certificate furnished by the said bureau, as herein provided, he shall be liable to the United States in the sum of fifty dollars, to be recovered in an action of debt, for each and every certificate not properly accounted for or returned. (R. S. 1908 and 1914, Sec. 9055i; 34 U. S. Stat. L. 599. Barnes Federal Code, Sec. 3760.)

570. Fees of Clerks—Clerical Assistance.

13. The clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding:

For receiving and filing a declaration of intention and issuing a duplicate thereof, one dollar.

For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, two dollars; and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, two dollars.

The clerk of any court collecting such fees is hereby authorized to

retain one-half of the fees collected by him in such naturalization proceeding; the remaining one-half of the naturalization fees in each case collected by such clerks, respectively, shall be accounted for in their quarterly accounts, which they are hereby required to render the bureau of immigration and naturalization, and paid over to such bureau within thirty days from the close of each quarter in each and every fiscal year, and the money so received shall be paid over to the disbursing clerk of the department of commerce and labor, who shall thereupon deposit them in the treasury of the United States, rendering an account therefor quarterly to the auditor for the state and other departments, and the said disbursing clerk shall be held responsible under his bond for said fees so received.

In addition to the fees herein required, the petitioner shall, upon the filing of his petition to become a citizen of the United States, deposit with and pay to the clerk of the court a sum of money sufficient to cover the expenses of subpoenaing and paying the legal fees of any witnesses for whom may request a subpoena and upon the final discharge of such witnesses they shall receive if they demand the same from the clerk, the customary and usual witness fee from the moneys which the petitioner shall have paid to such clerk for such purpose, and the residue, if any, shall be returned by the clerk to the petitioner: Provided, That the clerks of courts exercising jurisdiction in naturalization proceedings shall be permitted to retain one-half of the fees in any fiscal year up to the sum of three thousand dollars, and that all fees received by such clerks in naturalization proceedings in excess of such amount shall be accounted for and paid over to said bureau as in case of other fees to which the United States may be entitled under the provisions of this act. The clerks of the various courts exercising jurisdiction in naturalization proceedings shall pay all additional clerical force that may be required in performing the duties imposed by this act upon the clerk of courts from fees received by such clerks in naturalization proceedings. And in case the clerk of any court collects fees in excess of the sum of six thousand dollars in any one year, the secretary of commerce and labor may allow to such clerk from the money which the United States shall receive additional compensation for the employment of additional clerical assistance, but for no other purpose, if in the opinion of the said secretary the business of such clerk warrants such allowance. (R. S. 1908 and 1914, Sec. 9055k; 34 U. S. Stat. L. 600. Barnes Federal Code, Sec. 3761.)

571. Binding and Indexing Papers.

14. That the declarations of intention and the petitions for naturalization shall be bound in chronological order in separate volumes, indexed, consecutively numbered, and made part of the records of the court. Each certificate of naturalization issued shall bear upon its face, in a place prepared therefor, the volume number and page number of the petition whereon such certificate was issued, and the volume number and page number of the stub of such certificate. (R. S. 1908 and 1914, Sec. 9055j; 34 U. S. Stat. 600. Barnes Federal Code, Sec. 3763.)

572. Cancellation of Certificates.

15. That it shall be the duty of the United States district attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any court having jurisdiction to naturalize aliens in the judicial district in which the naturalized citizen may reside at the time of bringing the suit, for the purpose of setting aside and canceling the certificate of citizenship on the ground of fraud or on the ground that such certificate of citizenship was illegally procured. In any such proceedings the party holding the certificate of citizenship alleged to have been fraudulently or illegally procured shall have sixty days' personal notice in which to make answer to the petition of the United States; and if the holder of such certificate be absent from the United States or from the district in which he last had his residence, such notice shall be given by publication in the manner provided for the service of summons by publication upon absentees by the laws of the state or the place where such suit is brought.

If any alien who shall have secured a certificate of citizenship under the provisions of this act shall, within five years after the issuance of such certificate, return to the country of his nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered prima facie evidence of a lack of intention on the part of such alien to become a permanent citizen of the United States at the time of filing his application for citizenship, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the cancellation of his certificate of citizenship as fraudulent, and the diplomatic and consular officers of the United States in foreign countries shall from time to time, through the department of state, furnish the department of justice with the names of those within their respective jurisdictions who have such certificates of citizenship and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to cancel certificates of citizenship.

Whenever any certificate of citizenship shall be set aside or canceled, as herein provided, the court in which such judgment or decree is rendered shall make an order canceling such certificate of citizenship and shall send a certified copy of such order to the bureau of immigration and naturalization; and in case such certificate was not originally issued by the court making such order it shall direct the clerk of the court to transmit a copy of such order and judgment to the court of which such certificate of citizenship shall have been originally issued. And it shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of citizenship upon the records and to notify the bureau of immigration and naturalization of such cancellation.

The provisions of this section shall apply not only to certificates of citizenship issued under the provisions of this act, but to all certificates of citizenship which may have been issued heretofore by any court ex-

exercising jurisdiction in naturalization proceedings under prior laws. (R. S. 1908 and 1914, Sec. 90551; U. S. Stat. L. 601. Barnes Federal Code, Sec. 3764.)

573. Forms.

27. That substantially the following forms shall be used in the proceedings to which they relate:

DECLARATION OF INTENTION.

(Invalid for all purposes seven years after the date hereof.)

....., ss:

I,, aged years, occupation, do declare on oath (affirm) that my personal description is: Color, complexion....., height, weight, color of hair, color of eyes....., other visible distinctive marks; I was born in on the day of, Anno Domini; I now reside at; I emigrated to the United States of America from on the vessel; my last foreign residence was It is my bona fide intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to....., of which I am now a citizen (subject); I arrived at the port of in the state (territory or district) of on or about the day of, Anno Domini; I am not an anarchist; I am not a polygamist nor a believer in the practice of polygamy; and it is my intention in good faith to become a citizen of the United States of America and to permanently reside therein. So help me God.

(Original signature of declarant)

Subscribed and sworn to (affirmed) before me this.....day of, Anno Domini

[L. S.]

.....
(Official character of attestor.)

PETITION FOR NATURALIZATION.

.....Court of.....

In the matter of the petition of to be admitted as a citizen of the United States of America:

To the Court:

The petition of respectfully shows:

First. My full name is

Second. My place of residence is No.

street, city of, state (territory or district) of

Third. My occupation is

Fourth. I was born on the day of....., at.....

Fifth. I emigrated to the United States from..... on or about the day of, Anno Domini....., and arrived at the port of....., in the United States, on the vessel.....

Sixth. I declared my intention to become a citizen of the United States on the day of, at in the Court of.....

Seventh. I am married. My wife's name is She was born in and now resides at..... I have children, and the name, date, and place of birth and place of residence of each of said children is as follows:;;

Eighth. I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the constitution of the United States, and it is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to, of which at this time I am a citizen (or subject), and it is my intention to reside permanently in the United States.

Ninth. I am able to speak the English language.

Tenth. I have resided continuously in the United States of America for a term of five years at least immediately preceding the date of this petition, to-wit: since....., Anno Domini, and in the state (territory or district) of, for one year at least next preceding the date of this petition, to-wit: since day of, Anno Domini.....

Eleventh. I have not heretofore made petition for citizenship to any court. (I made petition for citizenship to the court of, at, and the said petition was denied by the said court for the following reasons and causes, to-wit:, and the cause of such denial has since been cured or removed.)

Attached hereto and made a part of this petition are my declaration of intention to become a citizen of the United States and the certificate from the department of commerce and labor required by law. Wherefore your petitioner prays that he may be admitted a citizen of the United States of America.

Dated

(Signature of petitioner)

....., ss:

....., being duly sworn, deposes and says that he is the petitioner in the above-entitled proceeding; that

he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this day of.....
....., Anno Domini.....

[L. S.]

.....
Clerk of the Court.

AFFIDAVIT OF WITNESSES.

.....Court of.....

In the matter of the petition of, to be admitted a citizen of the United States of America:

....., ss:

....., occupation, residing at, and, occupation, residing at, each being severally, duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known, the petitioner above mentioned, to be a resident of the United States for a period of at least five years continuously immediately preceding the date of filing his petition, and of the state (territory or district) in which the above-entitled application is made for a period of years immediately preceding the date of filing his petition; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the constitution of the United States, and that he is in every way qualified, in his opinion, to be admitted as a citizen of the United States.

.....
.....
Subscribed and sworn to before me this day of, 19.....

[L. S.]

.....
.....
(Official character of attester.)

CERTIFICATE OF NATURALIZATION.

Number.....

Petition, volume....., page.....

Stub, volume....., page.....

(Signature of holder).....

Description of holder: Age.....; height.....; color.....; complexion.....; color of hair.....; color of eyes.....; visible distinguishing marks.....
..... Name, age and place of residence of wife.....
Names, ages, and places of residence of minor children.....

.....;;
;;
;

Be it remembered, that at a term of the
 court of, held at, on
 the day of, in the year of our Lord,
 19....., who previous to his (her) naturalization was a citizen or sub-
 ject of, at present residing at number.....
street, city (town),
 state (territory or district), having applied to be admitted a citizen of
 the United States of America pursuant to law, and the court having
 found that petitioner had resided continuously within the United States
 for at least five years and in this state for one year immediately pre-
 ceding the date of the hearing of his (her) petition, and that said peti-
 tioner intends to reside permanently in the United States, had in all
 respects complied with the law in relation thereto, and that he
 was entitled to be so admitted; it was thereupon ordered by the said
 court that he be admitted as a citizen of the United States of
 America.

In testimony whereof the seal of said court is hereunto affixed on
 the day of, in the year of our Lord,
 19....., and of our independence the
 [L. S.]

.....
 (Official character of attestor.)

STUB OF CERTIFICATE OF NATURALIZATION.

No. certificate.....
 Name.....; age.....
 Declaration of intention, volume....., page.....
 Petition, volume....., page.....
 Name, age, and place of residence of wife.....
 Names, ages, and places of residence
 of minor children.....;
;;
;;
;
 Date of order, volume....., page.....
 (Signature of holder).....

(R. S. 1908 and 1914, Sec. 9055r; 34 U. S. Stat. L. 603. Barnes Federal Code, Sec. 3772.)

574. Power to Enforce Act—Certified Copies from Records

28. That the secretary of commerce and labor shall have power to
 make such rules and regulations as may be necessary for properly car-
 rying into execution the various provisions of this act. Certified copies
 of all papers, documents, certificates, and records required to be used,
 filed, recorded, or kept under any and all of the provisions of this act
 shall be admitted in evidence equally with the originals in any and all

proceedings under this act, and in all cases in which the originals thereof might be admissible as evidence. (R. S. 1908 and 1914, Sec. 9055s; 34 U. S. Stat. L. 606. Barnes Federal Code, Sec. 3773.)

CHAPTER XII.

SOLICITING NATURALIZATION.

SEC. 575. Election—Alien citizen—Soliciting dec- laration.	SEC. 576. Declaration fee—Illegal payment, etc. 577. Penalty.
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[Acts 1911, p. 672. Approved March 6, 1911. In force April 21, 1911.]

575. Election—Alien Citizen—Soliciting Declaration.

1. That it shall be unlawful for any person, corporation, political organization, political party or committee of any political party, to pay or offer to pay for any person of foreign birth or alien, the fee charged by the clerk of the circuit or superior court of any county, or clerk of the federal court when an alien declares his intention to become a citizen of the United States, or to pay or offer to pay to any such alien for his loss of time or traveling expenses or any other expenses when such alien declares his intention to become a citizen of the United States, or in any other way or manner to lend any pecuniary aid or make any promise of anything of value of any kind whatever, directly or indirectly, to any alien in declaring his intention to become a citizen of the United States, to lend any pecuniary aid or to make any promise of value of any kind whatever, directly or indirectly, to any alien in declaring his intention to become a citizen of the United States. (R. S. 1914, Sec. 2585a.)

576. Declaration Fee—Illegal Payment, Etc.

2. The paying of any fee either to the clerk of the United States court or the clerk of the circuit or supreme court of the county where any alien may have declared his intention to become a citizen of the United States by any person or persons or any combination or association of persons or by any political organization or member of any organization of men for political purposes, for the purpose of procuring a certificate for said alien showing him to have declared his intention to become a citizen of the United States shall be grounds for a contest of election for the office of any candidate or candidates who may have received the vote of any such alien, and where any petition for contest has been filed, evidence may be introduced upon the hearing of such contest for the purpose of establishing the fact that the fee necessary to be paid at the time of the declaration of his intention by any alien was paid by some other person than himself and for whom said alien voted, and if it appears that any such votes were cast for the contestee in any such contest, such votes shall not be counted for such contestee and if cast with his knowledge or consent, his election shall be declared invalid, and the contestor, if he received the next highest number of legal votes for said office shall be entitled to said office, and it shall in like manner vitiate and invalidate the election of any contestee in any proceeding for the contest of an election when it is shown upon the hear-

ing thereof that any inducement, solicitation or offer of reward or gain shall have been made to any such alien by such contestant or with his knowledge or consent for the purpose of inducing him to declare his intention to become a citizen of the United States for the purpose of voting at any election either general or special. (R. S. 1914, Sec. 2585b.)

577. Penalty.

3. Any person or persons or corporations violating any of the provisions of this act, shall, on conviction be fined not less than one hundred dollars nor more than five hundred dollars and be imprisoned not less than one year nor more than fourteen years. (R. S. 1914, Sec. 2585c.)

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