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Meetings and
organization of
council.

Sec. 22. Regular meetings of the Council shall be held on the first Monday after the election of Councilmen, and thereafter at least once each month. The Council shall provide by ordinance for the time for holding regular meetings, and special meetings may be called from time to time by the Mayor or two Councilmen. All meetings of the Council, whether regular or special, at which any person not a city officer is admitted, shall be open to the public.

The Mayor shall be president of the Council and shall preside at all its meetings and shall supervise all departments of the city and report and recommend to the Council for its action all matters requiring attention in any department. The Council shall, at its first regular meeting, select one of its members for vice president of the Council, and in case of a vacancy in the office of Mayor, or the absence or inability of the Mayor, he shall perform the duties of the Mayor.

Ordinances,
franchises, etc.

Sec. 23. Every ordinance or resolution appropriating money or ordering any street improvement or sewer, or making or authorizing the making of any contract, or granting any franchise or right to occupy or use the streets, highways, bridges or public places in the city for any purpose, shall be complete in the form in which it is finally passed, and remain on file with the City Clerk for public inspection at least one week before the final passage or adoption thereof. No franchise or right to occupy or use the streets, highways, bridges or public places in any such city shall be granted, renewed or extended, except by ordinance, and every franchise or grant for interurban or street railways, gas, or water works, electric light, or power plant, heating plant, telegraph or telephone systems, or other public service utilities, or renewal or extension of any such franchise or grant within such city, must be authorized or approved by a majority of the electors voting thereon at a general or special election, as provided in Sections 3291, 3292 and 3293, Revised Codes of Montana, 1907.

Officers and
employees not to be
interested in
contracts.

Sec. 24. No officer or employe elected or appointed in any such city shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits

thereof, or materials, supplies or services to be furnished or performed for the city; and no such officer or employe shall be interested, directly or indirectly, in any contract or job for work or materials or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, telephone exchange or other public utility within the territorial limits of said city. No such officer or employes shall accept or receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city, any interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, or telephone exchange or other business using or operating under a public franchise, any frank, free pass, free ticket, or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any other service upon terms more favorable than is granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and every such contract and agreement shall be void.

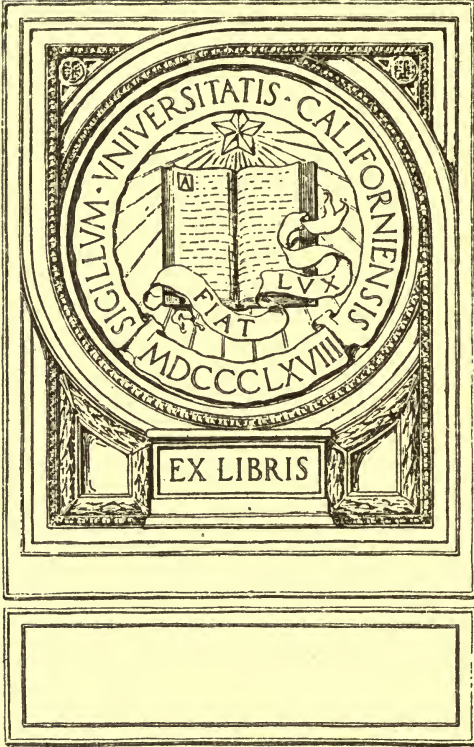
Certain officers not to accept franks, free passes, etc.

Such prohibition of free transportation shall not apply to policemen or firemen in uniform; nor shall any free service to the city officials heretofore provided by any franchise or ordinance be affected by this section. Any officer or employe of such city who, by solicitation or otherwise, shall exert his influence, directly or indirectly, to influence other officers or employes of such city to adopt his political views or to favor any particular person or candidate for office, or who shall in any manner contribute money, labor, or other valuable thing to any person for election purposes, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding three hundred dollars or by imprisonment in the county jail not exceeding thirty days.

Electioneering by officers and employes prohibited.

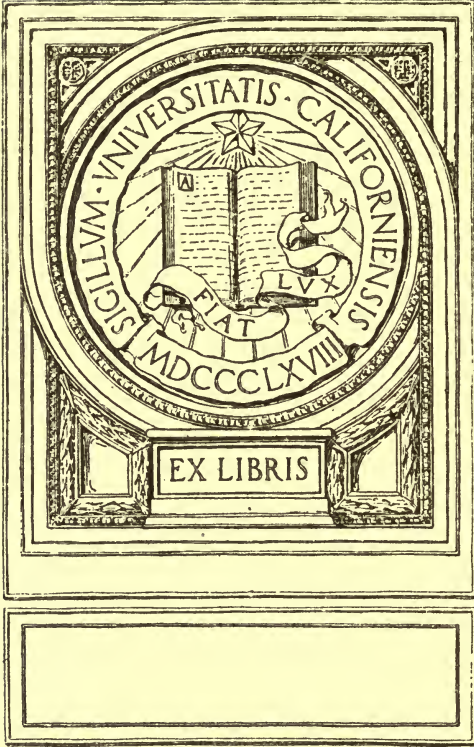
Sec. 25. Immediately after organizing, the Council shall by ordinance appoint three Civil Service Commissioners, who shall hold office, one until the first Monday in April in the second year, one until the first Monday in April of the fourth year, and one until the first Monday in

Civil service commissioners, appointment and term of office.





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ELECTION LAWS

OF THE

State of Montana

WITH

ANNOTATIONS

1914



UNIV OF
CALIFORNIA

*Arranged and Compiled from Revised Codes of Montana and
Session Laws of 1909, 1911 and 1913.*

Published by Authority

INDEPENDENT PUBLISHING CO
HELENA, MONTANA



JK 1963
.M9A3
1914

To the Electors of the State of Montana:

Under Section 607, Revised Codes of the State of Montana, "it is the duty of the Secretary of State to cause to be published, in pamphlet form, a sufficient number of copies of this Title [Title II, Part III, relating to Elections], and such other provisions of law as bear upon the subject of elections, and to transmit the proper number to each County Clerk, whose duty it is to furnish each election officer in his county with one of such copies." In obedience to the above command, I have caused to be prepared what is believed to be a complete compilation of all laws dealing with state, county, city and school district elections found in the Revised Codes of 1907, and amendments thereto as contained in the Session Laws of 1909, 1911 and 1913.

A. M. ALDERSON,
Secretary of State.

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THE UNIVERSITY OF CHICAGO

1900

1901

1902

1903

1904

1905

1906

GENERAL PROVISIONS OF THE CONSTITUTION
OF MONTANA RELATIVE TO RIGHT OF
SUFFRAGE AND QUALIFICATIONS
TO HOLD OFFICE.

ARTICLE IX.

Sec. 1. All elections by the people shall be by ballot.

Sec. 2. Every male person of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all general elections and for all officers that now are, or hereafter may be, elective by the people and upon all questions which may be submitted to the vote of the people: First, he shall be a citizen of the United States; second, he shall have resided in this State one year immediately preceding the election at which he offers to vote, and in the town, county or precinct such time as may be prescribed by law; **Provided**, first, that no person convicted of felony shall have the right to vote unless he has been pardoned; **Provided**, second, that nothing herein contained shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this constitution; **Provided**, that after the expiration of five years from the time of the adoption of this constitution no person except citizens of the United States shall have the right to vote. (See Proposed Amendment, p. —.)

Sec. 3. For the purpose of voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the State, or of the United States, nor while engaged in the navigation of the waters of the State, or of the United States, nor while a student at any institution of learning, nor while kept at any alms-house or other asylum at the public expense, nor while confined in any public prison.

Sec. 4. Electors shall in all cases, except treason, felony or breach of peace, be privileged from arrest during their attendance at elections and in going to and returning therefrom.

Sec. 5. No elector shall be obliged to perform military duty on the days of election, except in time of war or public danger.

Sec. 6. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed at any military or naval place within the same.

Sec. 7. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State at least one year next before his election or appointment.

Sec. 8. No idiot or insane person shall be entitled to vote at any election in this State.

Sec. 9. The Legislative Assembly shall have the power to pass a registration and such other laws as may be necessary to secure the purity of elections and guard against abuses of the elective franchise.

Sec. 10. Women shall be eligible to hold the office of county superintendent of schools or any school district office and shall have the right to vote at any school district election.

Sec. 11. Any person qualified to vote at general elections and for State officers in this State shall be eligible to any office therein except as otherwise provided in this constitution, and subject to such additional qualifications as may be prescribed by the Legislative Assembly for city offices and offices hereafter created.

Sec. 12. Upon all questions submitted to the vote of the tax-payers of the State, or any political division thereof, women who are tax-payers and possessed of the qualifications for the right of suffrage required of men by this constitution shall equally, with men, have the right to vote.

Sec. 13. In all elections held by the people under this constitution, the person or persons who shall receive the highest number of legal votes shall be declared elected.

WOMAN'S SUFFRAGE.

(Amendment to Constitution.)

A Bill for an Act entitled: "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 2 of Article IX of the Constitution of the State of Montana relating to rights of suffrage and qualifications to hold office."

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1. That Section 2 of Article IX of the Constitution of the State of Montana be amended and that the question of such amendment be submitted to the qualified electors of the State of Montana at the next general election.

Sec. 2. That Section 2 of Article IX of the Constitution of the State of Montana be and the same is hereby amended to read as follows:

Sec. 2. Every person of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all general elections and for all officers that now are, or hereafter may be, elective by the people and upon all questions which may be submitted to the vote of the people: First, he shall be a citizen of the United States; second, he shall have resided in this State one year immediately preceding the election at which he offers to vote, and in the town, county or precinct such time as may be prescribed by law; **Provided**, first, that no person convicted of felony shall have the right to vote unless he has been pardoned; **Provided**, second, that nothing herein contained shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this constitution; **Provided**, that after the expiration of five years from the time of the adoption of this constitution, no person except citizens of the United States shall have the right to vote.

Qualifications of electors under amended section.

Sec. 3. Separate official ballots shall be used at the general election to be held in November, 1914, which shall have printed thereon the words: "For the Amendment to the Constitution relating to Rights of Suffrage and Qualifications to hold Office," and the words: "Against the Amendment to the Constitution relating to

Ballots on this amendment to be separate.

Form of ballots.

ELECTION LAWS

Rights of Suffrage and Qualifications to hold Office," and the elector shall designate his preference for either of the propositions by making an X before the proposition desired.

Sec. 4. All acts and parts of acts in conflict herewith are hereby repealed.

Sec. 5. This act shall take effect and be in full force after its passage and approval.

(Approved January 25, 1913; Laws 1913, Chapter 1.)

REGISTRATION OF ELECTORS.

(Act Approved March 12, 1913; Laws 1913,

Chapter 74, 6. 170.)

- Section
1. County Clerk to be Registrar.
 2. Establishment of Election Precincts.
 3. Changes in Precincts.
 4. Changing Ward Boundaries.
 5. Duty of County Surveyor.
 6. Map of City to be Prepared.
 7. Mode of Registration.
 8. Registration Books to be Furnished.
 9. Form of Books.
 10. Nature of Entries.
 11. Oath Subscribed by Elector.
 12. Person Not Qualified on Day of Registration.
 13. Registration Affidavits to be Preserved.
 14. Arrangement of names in Register.
 15. Where to Register.
 16. Notaries Public May Register.
 17. Elector Changing Residence.
 18. Closing Registration Books.
 19. Cancellation of Entries.
 20. Challenges—Duty of Judges.
 21. Residence—How Determined.
 22. Naturalization Papers—Production—Loss.
 23. Precinct Books—Preparation.
 24. Printing List—Copies.
 25. Precinct Book—Duty of County Clerk.
 26. Judges of Election—Duties.
 27. County Clerk to Mark Electors as "Voted."
 28. Further Duties of County Clerk.
 29. Registry Books—Copies—How Paid For.
 30. Copies of Lists—Payment.
 31. Refusal of City or School District to Pay—Procedure
 32. Compelling Registry of Name.
 33. Special Elections—Books Used.
 34. Same—Duty of County Clerk.
 35. Registration Necessary to Voting.
 36. Power of Deputy Clerk.
 37. Neglect of Official Duty—Penalty.
 38. Challenges—Procedure.
 39. Violations of Act—Penalty.
 40. Clerical Assistance to County Clerk.
 41. Registration of Women.
 42. Bond Elections.
 43. Re-registration Unnecessary.
 44. Repealing Clause.
 45. Act Takes Effect—When.

An Act to amend Chapter 113 of the Laws of 1911 relating to the Registration of Electors in Counties, Cities, Towns and School Districts.

Sec. 1. The County Clerk of each county of the State of Montana is hereby declared to be ex-Officio County Registrar of each county and shall perform all acts and duties in this act provided, without extra pay or compensation therefor. He shall have the custody of all registration books and papers herein provided for.

Sec. 2. The Board of County Commissioners of each county shall establish a convenient number of election precincts therein, and in the order establishing such precincts, the boundaries thereof must be defined with as much accuracy as practicable. The Board of County Commissioners in establishing election precincts, as herein provided, shall, in all incorporated cities or towns, establish such precincts in conformity with the boundaries of the ward lines of the wards of the city or town as established by the City Council thereof; **Provided**, that the Board of County Commissioners may establish two or more precincts within the boundaries of any one ward.

Sec. 3. The Board of County Commissioners or Board of School Trustees may, at any meeting of said Board of County Commissioners or School Trustees, change the boundaries, create new or consolidate established precincts; but no precinct must be changed, altered, located or established between the first day of January and the first day of December in and during the year in which a general election is or may be held within the State of Montana, such changes, alterations, or modifications of precinct boundaries must be certified to the County Clerk within three days after such order shall have been made. All election precincts shall be numbered in numerical order, but may be designated by a name in addition to such number.

Sec. 4. The City Council of all incorporated cities and towns within the State of Montana shall certify to the County Clerk and Ex-Officio Registrar of the county within which such city or town is situated, a description by metes and bounds of the ward lines in such city or town. The City Council of any city or town may change

County Clerk to be Registrar.

Election precincts to be established, how and where.

Changes in precincts; procedure.

Cities and towns. Changing Ward boundaries.

or alter the ward boundaries of any ward, but any ordinance changing or altering the ward boundaries of any ward must be finally passed in the period between the 20th day of November and the 31st day of December of the same year. The City Clerk of any city or town shall within ten days after any city or town may have changed or altered the boundaries of any ward therein certify to the County Clerk of the county a full and complete description of the changes and locations in said boundaries of said wards.

Sec. 5. The County Surveyor of each county within the State of Montana must, within ten days after the Board of County Commissioners or Board of School Trustees shall have established, changed, altered or modified the boundaries of any election precinct within the county or any school district thereof, make, prepare and deliver to the County Clerk of the county a map correctly designating and showing the boundaries of every election precinct or school district within the county.

Maps to be prepared by county surveyor.

Sec. 6. The City Council of any city or town within any county of the State of Montana shall, within ten days after the ward lines of any city or town have been established, changed, altered or modified, cause to be prepared and delivered to the County Clerk of the county in which the city or town is situated a map showing and designating correctly the boundaries of the wards within such city or town; such map shall also have designated thereon the street, avenue or alley numbers of all streets, avenues or alleys showing such numbers, at the beginning of the ward boundaries and at the ending thereof.

Maps to be prepared by city council.

Sec. 7. The County Clerk and Ex-Officio Registrar of each county shall keep and enter in registers, to be designated as precinct registers, the names of the qualified electors in the respective precincts of said county. The County Clerk shall register the names of all qualified electors at his office and not elsewhere between the hours of nine a. m. and five p. m. on all legal days, in the manner as hereinafter provided. Such general registration of all voters shall be required but once, and any person once registered shall thereafter, so long as he

Registration, during what hours.

ELECTION LAWS

remains a qualified elector of the precinct from which he registers, shall be entitled to vote; **Provided**, the names of any qualified elector who shall fail to vote at any general election, shall, by the County Clerk, in the manner hereinafter provided, be removed from the precinct register, and he may not thereafter vote until he has again registered. During the period of thirty days immediately preceding any general or special election and during a period of thirty days immediately preceding any primary nominating, municipal or school election, in school districts of the first class, such registration shall be closed and no person during the period herein specified immediately preceding any general or special, primary nominating, municipal or school election in school districts of the first class shall be permitted to register for such election. The County Clerk as Ex-Officio Registrar, must write in red ink on the line below the last entry on each page of the precinct registers the words, "Closed on account of election to be held on" The County Clerk, upon the issuance of the certificate herein provided for, shall make note thereof on the precinct register of the precinct in which the elector registered, at the time of the issuance of the certificate by legibly stamping opposite elector's name as it appears on said precinct register the words, "Must present certificate." The said certificate shall be in the following form:

State of Montana, }
 County of } ss.

This is to certify that, whose name appears on the register books of County, under date of in Precinct No., is entitled to vote in any precinct in County, upon presentation and surrender of this certificate to the Judges of Election, at the precinct in which the above named elector desires to vote.

Witness my hand and seal of County, State of Montana, this day of....., 19...

County Clerk and Ex-Officio Registrar.

Name to be removed, when.

Form of certificate.

Sec. 8. The Board of County Commissioners, School Trustees in school districts of the first and second class, and the City Council who have charge and control of the election in the several counties, cities and towns, or school districts of the first class, shall provide and furnish to the County Clerk not later than the first day of January, 1915, and biennially thereafter for each election precinct of the county, city or school district of the first class, registration books which shall be of sufficient strength and durability for the temporary registration provided for. Such books shall be of convenient size, and shall be arranged for the registration of the names in alphabetical divisions, each alphabetical division to be composed of ruled columns, with appropriate headings, under which the information obtained by the registry officer concerning the proper statements, answers and statements made by each elector to be registered in compliance with this act, shall be recorded. Such registration book shall be in substantially the same form as hereafter provided. Such registration books shall be so arranged that the precincts created by the Board of County Commissioners shall show and be arranged in numerical order.

Registration books to be furnished.

Size, arrangement and form of books.

Sec. 9. Said precinct registers and all registry books furnished for precinct or ward registers shall be in substantially the following form:

Official Register of Electors of Precinct,
 County, Montana.

NUMBER	DATE	VOTED	NAME IN FULL

Form of Registry Books.

OCCUPATION	AGE	HEIGHT	NATIVITY

Naturalized, when and where Residence,

ELECTION LAWS

giving street No. or Sec. and Twp.

 Postoffice Address Length of Time in
 School District State, County or City

 City Ward Physical Disabilities
 Number If Any

 Remarks

Sec. 10. The County Clerk as Ex-Officio County Registrar must enter, on the precinct registers hereinbefore provided for, under the proper heading, the number and date of the registration, the name in full, the occupation, the age, height and nativity of the elector and when the person so registered is of foreign birth, the fact of the exhibition of, or failure to exhibit, his certificate of naturalization or a certified copy thereof must be noted in the column provided for that purpose, a particular description of the house, building or room in which he resides, such as will enable a person of common intelligence to find the same without difficulty, the postoffice address of the elector, the length of time the elector has resided within the state, county, city or school district within which the elector resides, the number of the ward of the city within which the elector resides, any physical disabilities that the elector may have must be noted in the column provided for that purpose, which lists properly entered as in this section provided, is to be known as the "precinct registers" of the electors of the respective election precincts. If any person fails or refuses to give answer in any particular, as may be required by question of the county clerk, he must not be registered.

Sec. 11. Every person applying to be registered must, before he is entitled to have his name registered, take and subscribe the following oath or affirmation, if able

Nature of entries.

to do so, and if not, the Clerk or deputy shall write the applicant's name and note the fact of his inability to subscribe same, which must be administered by the County Clerk as Ex-Officio County Registrar, except as herein otherwise provided:

Person registered must subscribe oath.

Oath of Elector.

State of Montana, }
County of } ss.

..... No.

I, the undersigned elector, do solemnly swear (or affirm) that my name and signature as signed below is my true name and signature; that my full name is; occupation; my age is years; that my height is feet inches; that I was born in; that I was naturalized (when) at; that my residence is No. street, or upon Section, Township, N. R. West; my postoffice address is; length of time in State years; that I reside in School District No., City Ward No., Precinct No., and that I am able to mark my ballot (or I am unable to mark my ballot by reason of being physically disabled in the following particulars); that I am a citizen of the United States; that I have resided within the State of Montana for a period of at least one year last past and in the County of more than thirty days last past, and in the City of for a period of at least six months last past immediately preceding this election; that I am not registered elsewhere within the State of Montana, so help me God, under the pains and penalties of perjury.

Form of oath.

Subscribed and sworn to before me this day of, 19...

.....
County Clerk and Ex-Officio County Registrar.

By

Sec. 12. If any applicant for registration applies to be registered who has not resided within the State of Montana, or the county or city in [for] the required length of time, and who shall be entitled to and is qualified to register on or before the day of election, provided he answers the questions of the County Clerk in a satisfactory manner and it is made to appear to the County Clerk that he will be entitled to become a qualified elector by the time upon which the election is to be held, the County Clerk shall accept such registration and enter the elector's name in the precinct registers. If any person applies to be registered who is not a citizen of the United States but states that he will be qualified to be registered as a citizen of the United States before the time upon which the election is to be held, the County Clerk shall accept such registration, but shall write opposite the name of such person the words, "To be challenged for want of naturalization papers," and such person shall not be entitled to vote unless he exhibits to the judges of election his final naturalization papers.

Person not qualified on day of registration—procedure.

Sec. 13. The County Clerk of each county shall keep and preserve, in the manner hereinafter provided, all affidavits as provided for in Section 11 of this act, and shall number them in numerical order, according to the time in which the person is registered. He shall have all affidavits signed by any elector who has registered, bound together in book form in volumes containing affidavit of electors to the number of two hundred, and bound volumes of affidavits shall be kept and preserved by the County Clerk as public records, and the affidavits contained therein shall be accepted by all courts of the State of Montana as conclusive proof that the electors signing such affidavits made the statements in said affidavits.

Registration affidavits to be preserved.

Sec. 14. When electors make the affidavits provided for in this act, the County Clerk shall arrange in the precinct registers, the school district registers in school districts of the first class, and the registers for the precincts of any city or town the names alphabetically according to surnames in the separate precinct registers for county, city, town or school precincts in school dis-

Arrangement of names.

tricts of the first class, but the same number given the elector in the precinct registers shall be given him in each of the several separate registry books.

Sec. 15. Every elector residing within the county may be registered by personally appearing at the Clerk's office and complying with the provisions of this act, but if any elector entitled to register, and who resides more than ten miles distant from the court house of said county, or if said elector is unable, for any reason, to conveniently register as aforesaid, he may register, without charge, before a Notary Public or a Justice of the Peace of the county in which he resides, by making out, or having made out in his presence, one of the affidavits provided for in Section 11 of this act.

Where elector may
be registered.

Sec. 16. The County Clerk shall, upon application supply any Justice of the Peace or Notary Public with a sufficient number of blank affidavits as provided for in this act, free of charge; each Justice of the Peace or Notary Public who shall register electors shall, at the time he administers oath to the elector, enter their names in the record book kept by him for that purpose, in alphabetical order, according to surname and the date of application for registration. He shall not charge the elector anything, but he shall be entitled to receive from the county the sum of twenty-five cents for each elector so registered by him, whose affidavit has been duly filed with the county clerk. After each general and special election, the County Commissioners shall audit such bills and order payment in accordance therewith. The County Clerk upon receipt of the affidavit of any elector, made out in proper form and in the manner required by this act, from any Justice of the Peace or Notary Public, shall forthwith enter upon the proper precinct register the facts contained in such affidavit. The County Clerk shall file such affidavit of registration and give it the proper numerical number to which it is entitled, and such affidavit shall be kept and preserved by the County Clerk in the same manner as all other affidavits of electors who may have made application to register. The Justice of the Peace or Notary Public who registers an elector as hereinbefore provided must

Duties and com-
pensation of Jus-
tices of the Peace.

cause the affidavit of the elector to be delivered, or mailed, postage prepaid, to the County Clerk within five days after the elector makes the affidavit, and if any Notary Public or Justice of the Peace shall fail so to deliver or mail the said affidavit to the County Clerk as herein required, he shall be liable upon his official bond to the said elector in a penal sum of one hundred dollars to be recovered by the elector in an action in the district court.

Sec. 17. Every elector on changing his residence after registering may, within the time for registering, cause his former registration to be cancelled by a request in writing to the County Clerk where he is registered, which request in writing shall be accompanied by an affidavit of the elector in the following form:

Elector changing residence—procedure.

State of Montana, }
 County of } ss.

Affidavit.

I, the undersigned elector, do solemnly swear (or affirm) that my name and signature, as signed below, is my true name and signature. If I have not personally signed, it is for the following reason:
 and it was signed by request by the attesting officer. That while a resident of Precinct, in County, Montana, I registered, but on day of, 19.., I moved my residence to Section, Township, Range, County, Montana, or if in a city or town to No. street, in the City of; I occupy room No. of the floor; that at the time of making my original registration I was at the age of years and stated the fact to be that I was born in, and that I was naturalized and became a citizen of the United States by; that my height was feet and inches I therefore request the cancellation of my registration in said precinct, in County, Montana, and that I be registered to conform to my present address.

.....
 Elector.

Subscribed and sworn to before me this day of
, 19.., Justice of the Peace in and for
 the County of, or Notary Public
 for the State of Montana, residing at
 My commission expires

Such affidavit shall be filed with the County Clerk where
 the elector was registered. The County Clerk shall com-
 pare the signature of the elector with the signature upon
 the affidavit for the registration which the elector seeks
 to have cancelled, and if the County Clerk is satisfied
 of the genuineness of the affidavit for cancellation, he
 shall file the said affidavit and request, and page the same
 with the precinct registers of the county, city or school
 districts of the first class in red ink, drawing a line
 through the elector's name and writing "cancelled" and
 the number of the page where the affidavit and the re-
 quest is found, and attest the cancellation by signing his
 own signature. Thereupon the elector may be re-regis-
 tered in the same manner as if he were making an original
 registration. If any elector who, having previously been
 registered as provided in this act, remove from said
 county to another county in the State of Montana, he
 shall file with the County Clerk of the county to which
 he has moved and wherein he then resides two affidavits,
 made in duplicate and in the form provided in this sec-
 tion. Upon the filing by the elector of such affidavits in
 duplicate, together with the affidavit required by Section
 11 of this act, the registration of such elector in the
 county wherein he has previously been registered shall
 be deemed cancelled and such elector shall thereafter be
 entitled to be registered in the county where he then
 resides. Upon filing the duplicate affidavits, as required
 in Section 17 of this act, with the County Clerk of the
 county wherein such elector then resides, the said County
 Clerk shall forthwith, and not more than two days there-
 after, transmit to the County Clerk of the county wherein
 such elector was previously registered, one of the dupli-
 cate affidavits for cancellation of the previous registration
 of said elector. Upon the receipt of such duplicate affi-
 davit of the elector as in this section provided, the County
 Clerk shall thereupon cancel the registration of the elector

Duty of clerk in
 cancelling regis-
 tration.

Elector may be
 re-registered.

Cancellation of old
 registration.

in the proper precinct registers of said county, in the manner and as provided for the cancellation of electors in this act.

Electors must appear personally.

Sec. 18. All electors residing in the town or incorporated cities which is the county seat, or who reside within ten miles of the court house of said county and where the County Clerk has his office, shall personally appear in the Clerk's office and comply with the provisions of this section in order to be registered. The County Clerk shall close all books of registration for the full period of thirty days prior to and before any general election, and for the full period of thirty days immediately preceding any primary nominating election and for the full period of thirty days immediately preceding any city, town or municipal election, or municipal election, or municipal primary election, or school district election, and in red ink write on the line below where the last elector registered, "Closed on account of election to be held on" He shall then, immediately, in the index pages in the precinct registers, opposite the name of each precinct, in writing certify the number of electors registered in each precinct and sign his name and title, and fix the seal of the county thereto, and he shall immediately transmit to the Secretary of State a certificate showing the number of voters registered in each precinct in said county; he shall likewise close the books of the precinct registers of each precinct, or the precinct books for each municipal corporation, or the precinct books of each school district, and certify in each of the precinct registers the total number of electors registered in each precinct, and not cancelled, and sign the same with his official title and affix the seal of the county thereto. Whenever the period during which said book is to remain closed preceding any primary, municipal or school election, shall occur during the same period within which any elector would be entitled to register, to vote at a general or special election, said books shall be closed only insofar as the registration of electors for the particular election to be held. Any elector offering to register who will not be entitled to vote at the particular election for which said books of

Registration books to be closed when.

registration are closed shall not be entitled to register. The County Clerk of each county must cause to be published in each newspaper publication within his county for thirty (30) days before which time when such registry books shall be closed for any general or special election, primary or nominating election, city, town or municipal election, or municipal primary election, or school election, a notice signed by him to the effect that such registry book shall be closed on the day provided by law, and which day shall be specified in such notice; and must also state that electors may register for the ensuing election by appearing before the County Clerk at his office, or by appearing before a Justice of the Peace, or Notary Public in the manner provided by law. The publication of such notice must continue for the full period of thirty days.

Publication of notice of closing registration books.

Posting notice.

The County Clerk must at least thirty (30) days before the time when such registration books shall be closed for any general or special election, primary nominating election, city, town or municipal election, or municipal primary election, or school election, cause to be posted in not less than three (3) conspicuous places of such precinct in his county, notice of such publication, notice of which shall be kept posted until the registration book shall be closed for the ensuing election.

Cancellations to be made, when.

Sec. 19. The County Clerk of each county must cancel the entry made in the precinct registers in all precinct registers in the following cases:

1. At the request of the party registered.
2. When he knows of the death or removal of the person registered from the county or when at any time it shall be made to appear, by the affidavits of two creditable and responsible, duly registered and qualified electors of the county, that any registered person is dead or permanently removed from the county, which said affidavits shall be placed on file by the County Clerk.
3. When the insanity of the person registered is legally established.
4. Upon the production of a certified copy of the judgment of conviction of any elector of any felony, in full force against the person registered, or upon information

of such conviction obtained as hereinafter provided.

5. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

6. In all other cases in the manner provided by the provisions of this act.

Manner of cancellation.

All cancellation on precinct registers, made in accordance with and under the provisions of this act, by the County Clerk and Ex-Officio Registrar, shall be made by drawing a line through and across the entry of registration to be cancelled and the County Clerk shall enter the date and cause, upon the precinct registers and such cancelled name shall not appear in the printed list of registered voters, or in the certified copy of the list of registered voters to be furnished to the judges of election.

Challenges, filed where and when.

Sec. 20. At any time not later than the fifth day prior to any general or special city or town, school district or primary nominating election, a challenge may be filed with the County Clerk, signed by a qualified elector, in writing, and duly verified by the affidavit of the elector, that the elector designated therein is not entitled to register. Such affidavit shall state the grounds of challenge, objection and disqualification. The County Clerk shall file the affidavit of challenge in his office as a record thereof. The County Clerk must deliver a true and correct copy of any and all of such affidavits so filed, challenging the right of any elector to vote who has been so registered at the same time, and together with the copy of the precinct registers and check lists, and other papers required by this act to be delivered to the judges of election, as in this act provided, and he must write distinctly opposite to the name of any person to whose qualification as an elector objections may be thus made, the words "To be challenged." It shall be the duty of the judges of election, if on election day, such person who has been objected and challenged applies to vote, to test, under oath, his qualifications. Notwithstanding the elector is registered, his right to vote may be challenged on the day of election by any qualified registered elector, orally stating, to the judges of election, the grounds of such objection or challenge to the right of any registered elector to vote.

Duty of judges of election.

It is the duty of the judges of election when it appears that any elector offers to vote and is either challenged by a duly qualified registered elector, on election day, or if an affidavit of objection to the right of such elector to vote has been filed with the County Clerk and the copy of the precinct registers furnished to the judges of election have endorsed thereon, opposite to the name of such elector: "To be challenged," to test the qualifications of the elector and ask any questions that such judges may deem proper, and shall compare the answers of the elector to such questions with the entries in the precinct register books, and if it be found that said elector is disqualified, or that the answers given by such elector, to the questions propounded by the judges, do not correspond to the entry in the precinct registers, or that said elector is disqualified from any cause under the law, or if he refuses to take an oath as to his qualifications, he shall not be permitted to vote. The judges of election, in their discretion, may require such elector to produce before them one or more freeholders of the county, and they may deem necessary, and have them examined under oath, as to the qualifications of the elector.

When person shall
not be permitted
to vote.

Sec. 21. For the purpose of registration or voting, the place of residence of any person must be governed by the following rules as far as they are applicable:

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

Residence, how
determined.

2. A person must not be held to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, or of this State, nor while a student at any institution of learning, nor while kept at any alms house or other asylum at the public expense, nor while confined in any public prison, nor while residing on any Indian or military reservation.

3. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed at any military or naval place within the same.

Soldiers, Seamen,
etc.

4. A person must not be considered to have lost his residence who leaves his home to go into another state, or other district of this state, for temporary purposes merely with the intention of returning, provided he has not exercised the right of the election franchise in said state or district.

5. A person must not be considered to have gained a residence in any county into which he comes for temporary purposes merely without the intention of making such county his home.

6. If a person removes to another State with the intention of making it his residence, he loses his residence in this State.

7. If a person removes to another state with the intention of remaining there for an indefinite time, and as a place of present residence, he loses his residence in this State, notwithstanding he entertains an intention of returning at some future period.

8. The place where a man's family resides is presumed his place of residence, but any man who takes up or continues his abode with the intention of remaining, or a place other than where his family resides, must be regarded as a resident of the place where he so abides.

9. A change of residence can only be made by the act of removal jointed with the intent to remain in another place. There can only be one residence. A residence cannot be lost until another is gained.

10. The term of residence must be computed, by including the day on which the person's residence commences and by excluding the day of the election.

11. Any person living upon an Indian or military reservation shall not be deemed to be a resident of Montana, within the meaning of this chapter, unless such person has acquired a residence in some county in Montana prior to taking up his residence upon such Indian or military reservation. **Provided**, that if such person shall not be in the employ of the government while residing upon such Indian or military reservation, such person shall not be considered a resident of the State of Montana.

Indian or military
reservations.

Sec. 22. When a naturalized citizen applies for registration his certificate of naturalization or a certified copy thereof must be produced and stamped, or written in ink by the registry agent with such registry agent's name and the year and day and county where presented, but if it satisfactorily appears to the registry agent, by the affidavit of the applicant (and the affidavit of one or more creditable electors as to the credibility of such applicant when deemed necessary), that his certificate of naturalization or a certified copy thereof is lost or destroyed or beyond the reach of the applicant for the time being, said registry agent must register the name of said applicant, unless he is by law otherwise disqualified; but in case of failure to produce the certificate of naturalization or a certified copy thereof, the registry agent must propound the following questions:

Naturalization papers, production, loss, etc.

1. In what year did you come to the United States.
2. In what State or Territory, county, court and year were you finally admitted to citizenship?
3. Where did you last see your certificate of naturalization, or a certified copy thereof?

The said affidavit must be retained by the registry agent and returned with the register to the County Clerk. No person shall be required to exhibit his naturalization papers or make said affidavit a second time, where he has been a continuous resident of the district and where his name is upon the official register in the possession of the registry agent.

Sec. 23. During the time intervening between the closing of any registration of electors and the day of the next ensuing election, each County Clerk must carefully copy from the official register into suitable books, two for each election precinct within his district, the names of the electors registered for such election precinct alphabetically arranged, entering opposite each name the number it bears on the official register, together with the words requiring challenges and all other entries therein found opposite the name.

Preparation of precinct books.

Sec. 24. The County Clerk shall at least ten days preceding any general or special city or town election, or school district election in districts of the first class, or

Printing a list of
electors, copies.

primary nominating election, cause to be printed a list of all electors entitled to be registered and who are on the precinct registers as entitled to vote in the several precincts of such county, city or town, or school district of the first class. Such printed list of registered electors shall contain the name of the elector in full, together with his residence and the registry number. The expense of printing said list shall be paid by the said county, city, town or school district in which the election is to be held. The County Clerk shall cause to be posted, not less than eight days before any such election as in this act provided for, at least five copies of such printed registry lists in at least five conspicuous places within the said precinct, a copy of the list of registered voters, and shall retain a sufficient number of said printed lists of registered voters in his office as may be necessary. He shall furnish to any qualified elector of the city, town, school district or county, applying therefor, a copy of the same.

Precinct registration lists to be furnished by clerk.

Sec. 25. The County Clerk shall not less than five days preceding any said town or city election, transmit to the City or Town Clerk two certified copies of the precinct register for each precinct contained in any city or town, which certified copies of said precinct registration shall be the official register for such city or town election, and not less than five days preceding any school district election, in school districts of the first class, the County Clerk shall transmit to the clerk of the school board of such school district of the first class one copy of the precinct register, for each precinct contained in the said school district. The City or Town Clerk, or clerk of the school board of any school district of the first class, shall deliver to the judges of election of each precinct the certified copies of such registration for such precinct as herein provided for, and as certified to them by the County Clerk. The County Clerk at least two days before any general, special or primary nominating election, shall deliver to one of the judges of election of the precinct within which such general or special, or primary nominating election is to be held, two certified copies of the electors registered and entitled to vote in such precincts.

Sec. 26. The judges of election in each precinct, at every general or special election, shall, in the precinct register book, which shall be certified to them by the County Clerk, mark a cross (X) upon the line opposite to the name of the elector. Before any elector is permitted to vote the judges of election shall require the elector to sign his name upon one of the precinct register books, designated by the County Clerk for that purpose, and in a column reserved in the said precinct books for the signature of electors. If the elector is not able to sign his name he shall be required by the judges to produce two freeholders who shall make an affidavit before the judges of election, or one of them, in substantially the following form:

Duties of judges of election.

State of Montana, }
 County of } ss.

We, the undersigned witnesses, do swear that our names and signatures are genuine, and that we are each personally acquainted with (the name of the elector) and that we know that he is residing at....., and that we believe that he is entitled to vote at this election, and that we are each freeholders in the county, which affidavit shall be filed by the judges, and returned by them to the County Clerk, with the return of the election; one of the judges shall thereupon write the elector's name, and note the fact of his inability to sign, and the names of the two freeholders who made the affidavit herein provided for. If the elector fails or refuses to sign his name, and if unable to write fails to procure two freeholders who will take the oath herein provided, he shall not be allowed to vote. The judges of election shall immediately after the election and canvass of returns of said election, deliver to the County Clerk one copy of the official precinct register, and the other copy of said official precinct register to the County Clerk, sealed, with the election returns and poll books, which have been used at said general or special election, and said judges of election shall deliver to the County Clerk said official precinct register not later than seven

days after any general or special election held within the State of Montana.

County clerk to mark names of persons as "voted."

Sec. 27. The County Clerk, as soon as practicable after every general or special election, and not later than the 31st day of December thereafter, shall mark in the precinct register, opposite to the name of each elector registered therein, in the proper precinct, with a cross (X) in the column under the word "Voted," opposite to the name of such elector, as such electors may be shown to have voted by the official precinct register, delivered by and returned to the County Clerk, by the judges of election for each precinct within the county.

Further duties of clerk as to precinct registers.

Sec. 28. The County Clerk of each county shall, between the 1st and 20th day of January, 1915, and biennially thereafter, copy into the precinct register for the preceding two years, which are upon such precinct register for the preceding two years, and which said names of electors shall have voted at the general election in November, 1914, and biennially thereafter. The County Clerk shall not enter upon the precinct register the name of any elector which may have been entered upon the precinct register for the preceding two years which shall have been cancelled for any cause, or which does not show that the elector voted and exercised the privilege of franchise in the general or special November election preceding it. The County Clerk shall, at the same time, make and enter into the precinct registers for the several precincts in the county, school district and cities or towns, situate within said county, the names of the electors as shown by the official register, as residing within such precincts. The precinct register shall be closed and no person shall be entitled to register between the first day of January, 1915, and the 20th day of January, 1915, inclusive, but said precinct register shall be closed for all purposes except for the purpose of transferring the names to the precinct registers of the several precincts. The precinct registers herein provided for, in the year 1915, and biennially thereafter, shall constitute and be the official register for the ensuing two years. The County Clerk shall enter into the precinct registers the names of all electors entitled thereto, in addition to the names

entered into the said precinct register, and taken from the precinct register of the preceding two years.

Sec. 29. The County Clerk of the county shall receive, for the use and benefit of the county, from every city or town, and from every school district, for making and preparing the copies of the precinct registers, the sum of two cents for each and every name entered therein. The cost of furnishing lists and cost of publications announcing of the closing of the precinct registers for city and school elections shall be paid by the city and school districts. The City or Town Council or Board of School Trustees shall order a warrant drawn for such sum as may be due for such copies of the official precinct register, to be used in city or school election within thirty days after the presentation to them of a bill or account showing the amount due from the County Clerk.

Precinct registers,
how paid for.

Sec. 30. The County Clerk shall furnish to any person or persons who in writing may request a copy of the official precinct registers of any county, city or school district precinct, and upon delivery thereof shall charge and collect for the use and benefit of the county the sum of two cents for each and every name entered in such official precinct register.

Copies of lists,
clerk to furnish,
when.

Sec. 31. The County Clerk shall, if the city or Council or Board of School Trustees fail, neglect or refuse to furnish the proper number of precinct registers for precincts within the city or town or school district, procure precinct registers therefor, and the cost thereof shall be a charge against the city or school district and shall be paid for by the City Council or Board of School Trustees, in the same manner as is provided for copies of the official precinct registers.

Clerk to procure
registry books,
how paid for.

Sec. 32. In any action or proceeding instituted in a District Court to compel the County Clerk to make and enter the name of any elector in the precinct register, as many persons may be joined as plaintiffs for cause of action and as many persons as there are causes of action against, may be joined as defendants.

Compelling clerk
to register name,
procedure.

Sec. 33. At any special election held for any purpose in any county, copy of the official register and check list which were printed or written before and used at the

Special elections,
books used.

last preceding general election must be used and no new registration need be made. (Held inoperative in the case of State ex rel. Kehoe v. Stromme, decided by the Supreme Court on February 16, 1914.)

Special elections,
duty of county
clerk.

Sec. 34. Before the day on which such special election is appointed to be held, the County Clerk must furnish one of the judges in each election precinct, at a time not later than one day next preceding the day of election, a copy of the official register and check list for his precinct, but no copies need be posted.

Persons not reg-
istered cannot
vote.

Sec. 35. No person shall be entitled to vote at any election mentioned in this act unless his name shall, on the day of election, appear in the copy of the official precinct register or check list, furnished by the County Clerk to the judges of election, at the precinct at which he offers to vote; and the fact that his name so appears in the check list and in the copy of the official precinct register, in the possession of the judges of election, shall be prima facie evidence of his right to vote; **Provided**, that when the judges shall have good reason to believe, or when they shall be informed by a qualified elector that the person offering to vote is not the person who was so registered in that name, the vote of such person shall not be received until he shall have proved his identity as the person who was registered in that name.

Proving identity.

“An Act to amend Section 35 of Chapter 113 of the Session Laws of 1911 of the State of Montana, relating to the Registration of Electors and providing that Electors otherwise qualified shall not be required to register in order to vote at School Elections in School Districts of the Third Class.

Be it enacted by the Legislative Assembly of the State of Montana:

Persons not regis-
tered cannot vote.

Section 1. No person shall be entitled to vote at any election mentioned in this act, except as hereinafter provided, unless his name shall, on the day of election, appear in the copy of the official register or check list, furnished by the County Clerk to the judges of election, at the precinct at which he offers to vote; and the fact that his name so appears in the check list and in the copy of the

official register, in the possession of the judges of election, shall be prima facie evidence of his right to vote. **Provided**, that when the judges shall have good reason to believe, or when they shall be informed by a qualified elector that the person offering to vote is not the person who was so registered in that name, the vote of such person shall not be received until he shall have proved his identity as the person who was registered in that name, and it being expressly provided that any elector otherwise qualified shall not be required to register in order to vote at a school election, general or special, in a school district of the third class; and that no copy of the official register or check list shall be furnished by the County Clerk to the judges of election of any school election that may hereafter be held in this State in any school district of the third class. (Approved February 14, 1913; Laws 1913, Chapter 19, p. 19.)]

Registration not required to vote at school elections in school districts of third class.

Sec. 36.—Wherever in this act the word "County Clerk" appears, it shall be construed as extending and giving authority to any regularly appointed Deputy County Clerk.

Power of deputy clerk.

Sec. 37. Any person or persons or any officer of any county, city or town or school district, who, under the provisions of this act, are required to perform any duty, who shall wilfully or knowingly fail, refuse or neglect to perform such duty, or to comply with the provisions of this act, shall, upon conviction, be fined in a sum of not less than three hundred dollars (\$300.00), nor more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not less than three months and no more than one year. Upon the conviction of any officer of the violation of the provisions of this act, the Judge of the District Court hearing such proceeding shall, at the time of rendering judgment of conviction, include in such order of conviction, an order of the court that such officer be removed from office.

Neglect of official duty, penalty.

Sec. 38. If any person offering to vote at any primary election be challenged by a judge or any qualified elector at said election, as to his right to vote thereat, an oath shall be administered to him by one of the judges that he will truly answer all questions touching his right to

Challenges, procedure, rejection.

Offering to vote at another polling place, misdemeanor.

vote at such election, and if he refuse to answer any question which may be put to him touching his right to vote at such election, or if it appear that he is not a qualified voter under the provisions of this act, his vote shall be rejected; and if any person whose vote shall be so rejected shall offer to vote at the same election, at any of the polling places, he shall be deemed guilty of a misdemeanor.

Violations of act, penalties.

Sec. 39. Any person who shall make false answer, either for himself or another, or shall violate or attempt to violate any of the provisions of this act, or knowingly encourage another to violate the same, or any public officer or officers or other persons upon whom any duty is imposed by this act, or any of its provisions, who shall wilfully neglect such duty, or shall wilfully perform it in such way as to hinder the objects and purposes of this act, shall, excepting where some penalty is provided by the terms of this act, be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State prison for a period of not less than one year or more than fourteen years, and if such person be a public officer, shall also forfeit his office.

Assistance to clerks.

Sec. 40. It shall be the duty of the Board of County Commissioners of each county to provide the County Clerk thereof with sufficient help to enable him to properly perform the duties imposed upon him by this act.

Registration of women.

Sec. 41. The names of women shall not be registered in any precinct register which is to be used at an election at which women are not entitled to vote, and the names of women who have been regularly registered shall be carried forward into the new registration books, unless the said women fail to vote at an election at which women are entitled to vote.

Bond elections.

Sec. 42. The provisions of this act shall apply to bond elections in school districts of the first and second class. **Provided**, that any elector of the district who has already registered as provided for in this act for any general or municipal election shall not be required to re-register for said bond election.

Sec. 43. Nothing herein contained shall be construed as requiring any person who has heretofore registered

in any county under the provisions of Section 7, Chapter 113, Laws of Montana of 1911, to re-register.

Sec. 44. All acts or parts of acts and all amendments thereto in conflict herewith are hereby repealed.

Sec. 45. This act shall be in full force and effect from and after its passage and approval by the Governor.

DIRECT PRIMARIES.

A Bill to Propose by Initiative Petition a Law to Provide for Party Nominations by Direct Vote.

- Section
1. Construction of Law.
 2. Time for Holding Primaries.
 3. Election Notice.
 4. Law Applicable to Cities and Towns.
 5. Counting Ballots.
 6. Canvass of Votes.
 7. Ballot Boxes to be Locked and Sealed.
 8. Party Nominations—How Made.
 9. Filing of Petitions for Nominations.
 10. Form of Petition.
 11. Signatures Required on Petition.
 12. Qualifications of Signers.
 13. Time for Filing Petitions.
 14. "Register of Candidates" to be Kept.
 15. Papers, etc., Open to Inspection.
 16. Death or Withdrawal of Candidate.
 17. Duty of Secretary of State.
 18. Duty of County and City Clerks.
 19. Printing of Ballots.
 20. Form of Ballots.
 21. Sample Ballots.
 22. United States Senators.
 23. Canvass of Returns.
 24. Duty of County Clerk After Canvass.
 25. Correction of Errors.
 26. Late Returns—Duty of Secretary.
 27. Official Misconduct—Penalty.
 28. Notice of Contest.
 29. Contest—How Heard.
 30. Same—Statutes Applicable.
 31. Same—How Tried.
 32. Powers of Central Committees.
 33. Violation of Act—Penalty.
 34. Party Platforms.
 35. Penalty for Bribery.
 36. Penalties.
 37. Penalties.
 38. General Election Laws—Applicable.
 39. Repealing Clause.

Be It Enacted by the People of the State of Montana:

Sec. 1. Whenever the provisions of this law in operation prove to be of doubtful or uncertain meaning, or not sufficiently explicit in directions and details, the general

laws of Montana, and especially the election and registration laws, and the customs, practice, usage and forms thereunder, in the same circumstances or under like conditions, shall be followed in the construction and operation of this law, to the end that the protection of the spirit and intention of said laws shall be extended so far as possible to all primary elections, and especially to all primary nominating elections provided for by this law. If this proposed law shall be approved and enacted by the people of Montana, the title of this bill shall stand as the title of the law.

Construction of law.

Sec. 2. On the seventieth (70) day preceding any general election (not including special elections to fill vacancies, municipal elections in towns and cities, irrigation district and school elections) at which public officers in this state and in any district or county are to be elected, a primary nominating election shall be held in accordance with this law in the several election precincts comprised within the territory for which such officers are to be elected at the ensuing election, which shall be known as the primary nominating election, for the purpose of choosing candidates by the political parties, subject to the provisions of this law, for Senator in Congress, and all other elective state, district and county officers, and delegates to any constitutional convention or conventions that may hereafter be called, who are to be chosen at the ensuing election wholly by electors within this State, or any subdivision of this State, and also for choosing and electing county central committeemen by the several parties subject to the provisions of this law.

Time for holding primaries.

Sec. 3. It shall be the duty of the County Clerk, thirty days before any primary nominating election, to prepare printed notices of such election, and mail two of said notices to each judge and clerk of election in each precinct; and it shall be the duty of the several judges and clerks immediately to post said notice in public places in their respective precincts. Said notices shall be substantially in the following form:

Duty of county clerk.

Primary Nominating Election Notice.

Notice is hereby given that on, the day of, 19.., at the, in the Precinct of

Notice of primary elections.

ELECTION LAWS

....., in the County of, Montana, a primary nominating election will be held at which the (insert names of political parties subject to this law) will choose their candidates for state, district, county, precinct and other offices, namely (here name the offices to be filled, including a Senator in Congress when the next Legislative Assembly is to elect a Senator, delegates to any constitutional convention then called, and candidates for county central committeemen to be elected); which election will be held at 12 o'clock, noon, and will continue until 7 o'clock in the afternoon of said day.

Dated this day of, 19....
, County Clerk.

Sec. 4. The nomination of candidates for municipal offices by the political parties subject to the provisions of this law shall be governed by this law in all incorporated towns and cities of this State having a population of two thousand and upward as shown by the last preceding national or state census. All petitions by the members of such political parties for placing the names of candidates for nomination for such municipal offices on the primary nominating ballots of the several political parties shall be filed with the City Clerk of said several towns and cities, and it shall be the duty of such officers to prepare and issue notices of election for such primary nominating elections in like manner as the several county clerks perform similar duties for nominations by such political parties for county offices at primary nominating elections. The duties imposed by this law on the County Clerk at primary nominating elections are hereby, as to said towns and cities, designated to be the duties of the City Clerk of said towns and cities as to primary nominating elections of the political parties subject to the provisions of this law. **Provided**, that in cities and towns the primary nominating election shall be held on the fourteenth day preceding their municipal elections. Under the provisions of this law the lawfully constituted legislative and executive authorities of cities and towns within the provisions of this section shall have such power and authority over the establishment of municipal voting precincts and wards, municipal boards of judges and clerks

Law applicable to
cities and towns.

Duties of city
clerks.

of election and other officers of their said municipal elections, and other matters pertaining to municipal primary nominating elections required for such cities and towns by this law, that such legislative and executive authorities have over the same matters at their municipal elections for choosing the public officers of said cities and towns.

Sec. 5. Immediately after the closing of the polls at a primary nominating election, the clerks and judges of election shall open the ballot boxes at each polling place and proceed to take therefrom the ballots. Said officers shall count the number of ballots cast by each political party, at the same time bunching the tickets cast for each political party together in separate piles, and shall then fasten each pile separately by means of a brass clip, or may use any means which shall effectually fasten each pile together at the top of each ticket. As soon as the clerks and judges have sorted and fastened together the ballots separately for each political party, then they shall take the tally sheets provided by the County Clerk and shall count all the ballots for each political party separately until the count is completed, and shall certify to the number of votes for each candidate for nomination for each office upon the ticket of each party. They shall then place the counted ballots in the box. After all have been counted and certified to by the clerks and judges they shall seal the returns for each of said political parties in separate envelopes, to be returned to the County Clerk.

Counting ballots.

Sec. 6. Tally sheets for each political party having candidates to be voted for at said primary nominating election shall be furnished for each voting precinct by the County Clerk, at the same time and in the same manner that the ballots are furnished and shall be substantially as follows:

Form of tally sheets.

“Tally sheet of the primary nominating election for (name of political party) held at Precinct, in the County of, on the day of, 19...”

The names of the candidates shall be placed on the tally sheets and numbered in the order in which they appear on the official and sample ballots, and in each

columns headed "Total vote," and shall prepare the certificate thereto above indicated; and immediately upon the completion of the count, all the clerks shall sign the tally sheets, and each of them shall certify which sheets were kept by him; and the chairman and the judges, being satisfied of the correctness of the same, shall then sign all of said tally sheets. The clerks shall then prepare a statement of that portion of the tally sheets showing the number and name and political party of each candidate for nomination and the office and total votes received by each in the precinct, and shall prepare the certificate thereto, which statement shall be signed by the judges and clerks who complete the count, and shall be immediately posted in a conspicuous place on the outside of said polls, there to remain for ten days.

Sec. 7. Immediately after canvassing the votes in the manner aforesaid, the judges and clerks who complete the count, before they separate or adjourn, shall inclose the poll books in separate covers and securely seal the same. They shall also inclose the tally sheets in separate envelopes and seal the same securely. They shall also envelope all the ballots fastened together, as aforesaid, and seal the same securely; and they shall be in writing, with pen and ink, specify the contents, and address each of said packages upon the outside thereof to the County Clerk of the county in which the election precinct is situated. These sealed packages of counted ballots shall be marked on the outside, showing what numbers are contained therein, but once sealed they are not to be opened by any one until so ordered by the proper court. When the count is completed, the ballots counted and sealed, and enveloped and marked for identification as aforesaid, shall be packed in the two ballot boxes, and nothing else shall be put into the boxes. The boxes shall then be locked, and the official seal of the board shall be pasted over the keyhole and over the rim of the lid of the box, so that the box cannot be opened without breaking the seal. Thereafter neither the County Clerk nor the canvassers making the abstracts of the votes shall break the said seals upon the ballot boxes, nor shall any one break the seals on the boxes or the ballots, except upon the order of the proper court in case of contest,

Poll books and
tally sheets, how
disposed of.

or upon the order of the county board when the boxes are needed for the ensuing election.

Sec. 8. Every political party shall nominate all its candidates for public office under the provisions of this law, and not in any other manner; and it shall not be allowed to nominate any candidate in the maner provided by Section 521 of the Revised Codes of Montana, 1907. Every political party and its regularly nominated candidates, members and officers, shall have the sole and exclusive right to the use of the party name and the whole thereof, and no candidate for office shall be permitted to use any word of the name of any other political party or organization than that by which he is nominated. No independent or non-parisan candidate shall be permitted to use any word of the name of any existing political party or organization in his candidacy. The names of candidates for public office nominated under the provisions of this law shall be printed on the official ballots for the ensuing election as the only candidates of the respective political parties for such public office in like manner as the names of the candidates nominated by other methods are required to be printed on such official ballots.

Party nominations,
how made.

Sec. 9. Before or at the time of beginning to circulate any petition for nomination to any office under this law, the person who is to be a candidate for such nomination shall send by registered mail or otherwise, to the Secretary of State, or the County Clerk or City Clerk a copy of his petition for nomination, signed by himself, and such copy shall be filed and shall be conclusive evidence for the purpose of this law that said elector has been a candidate for nomination by his party. All nominating petitions and notices pertaining to State or district offices to be voted for in more than one county, and for Judges of the District Court, shall be filed in the office of the Secretary of State; for county offices and district offices to be voted for in one county only, shall be filed with the County Clerk; and for all city offices, in the office of the City Clerk.

Filing of petitions
for nomination.

Sec. 10. Any qualified elector who has filed his petition shall have his name printed on the official nominating

ballot of his party as a candidate for nomination for any office at any primary nominating election held under the provisions of this act, if there shall be filed in his behalf a petition signed as herein required, and substantially in the following form:

Form of petition for nomination.

To (address of the officer with whom the petition is to be filed, and to the members of the party and the electors of (State), Counties of, comprising the District, (County), (city), (as the case may be), in the State of Montana—

I,, reside at, and my postoffice address is If I am nominated for the office of at the primary nominating election to be held in the (State of Montana), (district), (county), city), the day of, 19.., I will accept the nomination and will not withdraw, and if I am elected I will qualify as such officer.

If I am nominated and elected I will, during my term of office (here the candidate, in not exceeding one hundred words, may state any measures or principles he especially advocates, and the form in which he wishes it printed after his name on the nominating ballot, in not exceeding twelve words).

In case of an elector seeking nomination for the office of Senator or Representative in the Legislative Assembly, he may include one of the following two statements in his petition; but if he does not do so, the Secretary of State or County Clerk, as the case may be, shall not on that account refuse to file his petition:

Statement No. 1.

I further state to the people of Montana, as well as to the people of my legislative district, that during my term of office I will always vote for that candidate for United States Senator in Congress who has received the highest number of the people's votes for that position at the general election next preceding the election of a Senator in Congress, without regard to my individual preference.

.....
(Signature of the candidate for nomination.)

ELECTION LAWS

If the candidate shall be unwilling to sign the above statement, then he may sign the following statement as a part of his petition:

Statement No. 2.

During my term of office I shall consider the vote of the people for United States Senator in Congress as nothing more than a recommendation, which I shall be at liberty to wholly disregard, if the reason for doing so seems to me to be sufficient.

.....
(Signature of the candidate for nomination.)

Every such petition shall be signed as above by the elector seeking such nomination. There shall be a separate leaf or sheet signed as above on every such petition for each precinct in which it is circulated. After the above, and on separate sheet or sheets, shall be the following petition:

To, (Secretary of State for Montana),
or to, the County Clerk for the County
of, Montana, (or to
City Clerk of), (as the case may be).

We, the undersigned members of the party
and qualified electors and residents of precinct,
in the County of, State of Montana,
respectfully request that you will cause to be printed
on the official nominating ballot for the
party, at the aforesaid primary nominating election, the
name of the above signed (name of
applicant) as a candidate for nomination to the office
of (title of office) by said party.

Form.

Name Postoffice Address
Street and Number, if any Precinct.....

Name	Postoffice Address	Street and number, if any	Precinct
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Each and every leaf or sheet of said petition containing signatures shall be verified in substantially the following form by one or more of the signers of said petition:

State of Montana, County of, ss.

I,, being first duly sworn, say:

I am personally acquainted with all the persons who have signed this sheet of the foregoing petition, and I personally know that their signatures thereon are genuine; and I believe that their postoffice address and residence are correctly stated and that they are qualified electors and members of the party.

.....

(Signature of affiant.)

Subscribed and sworn to before me this day of, 19...

.....

(Signature and title of officer before whom oath is made.)

Sec. 11. The vote cast by a political party in each voting precinct for Representative in Congress at the last preceding general election shall be the basis on which the percentage for petitions shall be counted. In the case of any political party not represented by any candidates for any office on the ballot at the last preceding general election, nomination papers must be signed by as many voters as are required in the case of the candidates of the party requiring the least numbers of signatures entitled, as herein provided, to a place on the ballot at such primary. If the nomination is for a municipal office, or for an office to be voted for in only one county, the necessary number of signers shall include electors residing in at least one-fifth of the voting precincts of the county, municipality or district; if it be a State or district office, and the district comprises more than one county, the necessary number of signers shall include electors residing in each of at least one-eighth of the precincts in each of at least two counties in the district; if it be an office to be voted for in the State at large, the necessary number of signers shall include electors residing in each of at least one-tenth of the precincts in each of at least seven counties of the State; if it be an office to be voted for in a congressional district, the necessary number of signers shall include electors residing in at least one-tenth of the precincts in each of at least one-fourth of the counties in such district. The number of signers required on every such petition shall be at least two per cent of the party vote in the electoral district as

Percentage of electors required on petition.

above stated: **Provided**, that the whole number of signers required on a nominating petition under the provisions of this law for any office to be voted for in the State at large, or in a congressional district, shall not exceed one thousand, nor in any other case shall the whole number required exceed five hundred signers. All the leaves or sheets making one petition shall be fastened together before they are forwarded to the proper officers for filing. There shall not be in any petition the name of more than one candidate for nomination. Any elector may sign more than one nominating petition required by this law for the same office. It shall be unlawful for any person to sign another person's name to any petition required by this law. It shall be unlawful for any person to sign any nominating petition required by this law unless he is a qualified elector. Any names or signatures placed on any petition in violation of the provisions of this law shall not be counted in computing the number of signers necessary to make the same a valid and effective petition.

Electors may sign more than one petition.

Sec. 12. No person who is not a qualified elector shall be qualified to join in signing any petition for nomination, or to vote at said primary nominating election. But this shall not be construed to prevent any member of any party from signing a petition for the nomination of any independent or non-partisan candidate after the primary nominating election, nor shall it be construed to prevent any qualified elector from signing petitions for more than one candidate for the same office on one party ticket.

Qualifications of signers.

Sec. 13. All petitions for nomination under this act for offices to be filled by the State at large, or by any district consisting of more than one county, and nominating petitions for Judges of District Courts in districts consisting of a single county shall be filed in the office of the Secretary of State not less than twenty days before the date of the primary nominating election; and for other offices to be voted for in only one county, or district or city, every such petition shall be filed with the County Clerk or City Clerk, as the case may be, not less than fifteen days before the date of the primary nominating election.

Time for Filing petitions for nominations.

Sec. 14. The County Clerk, Secretary of State, and the City Clerk of towns and cities having two thousand inhabitants or more shall keep a book entitled "Register of Candidates for Nomination at the Primary Nominating Election," and he shall enter therein, on different pages of the book for the different political parties subject to the provisions of this law, the title of the office sought and the name and residence of each candidate for nomination at the primary nominating election; the name of his political party; the date of receiving the first copy of his petition signed by the candidate; the words he wishes printed after his name on the nominating ballot, if any; the date of receiving his petition; the number of signatures thereon, and the number of signatures required to make a valid and sufficient petition for nomination to said office by his political party, and such other information as may aid him in arranging his official ballot for said primary nominating election. Immediately after the canvass of votes at a primary nominating election is completed, the County Clerk, Secretary of State, or City Clerk, as the case may be, shall enter in his book marked "Register of Nominations," the date of such entry, the name of each candidate nominated, the office for which he is nominated, and the name of the party making the nomination.

Register of candidates.

Sec. 15. Such registers of candidates for nomination, and of nominations and petitions, letters and notices, and other writings required by law, as soon as filed, shall be public records, and shall be open to public inspection under proper regulations; and when, a copy of any such writing is presented at the time the original is filed, or at any time thereafter, and a request is made to have such copy compared and certified, the officers with whom such writing was filed shall forthwith compare such copy with the original on file, and, if necessary, correct the copy and certify and deliver the copy to the person who presented it on payment of his lawful fees therefor. All such writings, poll books, tally sheets, ballots, and ballot stubs pertaining to primary nominating elections under the provisions of this act shall be preserved as other records are for two years after the election to which they

Papers open to inspection.

Disposition of poll books, etc.

pertain, at which time, unless otherwise ordered or restrained by some court, the County Clerk shall destroy the ballots and ballot stubs, by fire, without any one inspecting the same.

Sec. 16. The provisions of Sections 529 and 530, Revised Codes of Montana, 1907, shall apply to nominations, or petitions for nominations, made under the provisions of this law, in case of the death of the candidate or his removal from the State or his county or electoral district before the date of the ensuing election, but in no other case. In case of any such vacancy by death or removal from the State, or from the county or electoral district, such vacancy may be filled by the committee which has been given power by the political party or this law to fill such vacancies substantially in the manner provided by Section 529 and 530, Revised Codes of Montana, 1907.

Notice of death
or withdrawal.

Sec. 17. Not more than twenty days and not less than seventeen days before the day fixed by law for the primary nominating election the Secretary of State shall arrange, in the manner provided by this law, for the arrangement of the names and other information upon the ballots, all the names of and information concerning all the candidates for nomination contained in the valid petitions for nomination which have been filed with him in accordance with the provisions of this law, and he shall forthwith certify the same under the seal of the State, and file the same in his office, and make and transmit a duplicate thereof by registered letter to the County Clerk of each county in the State, and he shall also post a duplicate thereof in a conspicuous place in his office, and keep the same posted until after said primary nominating election has taken place. In case of emergency the Secretary of State may transmit such duplicate by telegraph.

Duty of secretary
of state.

Sec. 18. Not more than fifteen days and not less than twelve days before the day fixed by law for the primary nominating election, the County Clerk of each county, or the City Clerk of each city, as the case may be, subject to the provisions of this law, shall arrange in the manner provided by this law for the arrangement of the names and other information concerning all the candi-

Duty of county
and city clerks.

dates and parties named in the valid petitions for nomination which have been filed with him and those which have been certified to him by the Secretary of State, in accordance with the provisions of this law; and he shall forthwith certify the same under the official seal of his office, and file the same in his office, and make and post a duplicate thereof in a conspicuous place in his office, and keep the same posted until after the primary nominating election has taken place; and he shall forthwith proceed and cause to be printed, according to law, the colored sample ballots and the official voting ballots required by this law.

Sec. 19. All blanks, ballots, poll books and other supplies to be used at any primaries shall be provided, and all expenses necessarily incurred in the preparation for, or conducting such primaries shall be paid out of the treasury of the county in the same manner and by the same officers as in the case of elections. Not later than one day next preceding any primary the County Clerk must furnish one of the judges of the primaries in each precinct with a copy of the official register and a check list for the precinct.

Printing of ballots.

Sec. 20. At all primaries there shall be a ballot made up of the several party tickets herein provided for, each of which shall be printed on a separate sheet of white paper, all of which shall be of the same size, and all shall be securely fastened together at the top and folded, provided that there shall be as many separate tickets as there are parties entitled to participate in said primary election.

Form of ballot.

The names of all candidates shall be arranged alphabetically according to surnames, under the appropriate title of the respective officers, and under the proper party designation upon the party ticket. If any elector write upon his ticket the name of any person who is a candidate for the same office upon some other ticket than that upon which his name is so written, this ballot shall be counted for such person only as a candidate of the party upon whose ticket his name is written, and shall in no case be counted for such person as a candidate upon any other ticket. In case any person is nominated, as pro-

vided in this act, upon more than one ticket, he shall forthwith file with the Secretary of State or County Clerk a written declaration indicating the party designation under which his name is to be printed on the official ballot, for the primary election, failing in which his name shall be printed upon the party ticket for which the greater number of nominating signatures have been filed for such candidate and no candidate shall have his name printed on more than one ticket. The ballots with the endorsements shall be printed on white paper in substantially the form of the Australian ballot used in general elections, except that the candidates of each party shall be printed on a separate sheet. After preparing his ballot, the elector shall detach the same from the remaining tickets and fold it so that its face will be concealed and the official stamp thereon seen. The remaining tickets attached together shall be folded in like manner by the elector, who shall thereupon, without leaving the polling place, vote the marked ballot forthwith, and deposit the remaining tickets in the separate ballot box to be marked and designated as the blank ballot box. Immediately after the canvass the judges of election shall, without examination, destroy the tickets deposited in the blank ballot box.

Manner of voting.

Sample ballots.

Sec. 21. There shall be provided and furnished at each primary nominating election for each election precinct for each voter at least two official ballots intended to be voted, and a like number of the colored sample ballots. The sample ballots shall be duplicate impressions of the official ballots to be voted, but in no case shall they be white, nor shall the sample ballots have perforated stubs, nor shall they have the same margin either at the top or sides or bottom, as the official voting ballots have, or nearer thereto than twelve points. These colored sample ballots shall be furnished as soon as printed, at any time before the primary nominating election by the respective County or City Clerks in reasonable quantities, to all electors applying for the same; and on the day of said election, under the direction and control of the judges at each polling place, said colored sample ballots shall be given in proper quantities to all electors applying for them.

Sec. 22. At all general primary nominating elections next preceding the election of a Senator in Congress by the Legislature of Montana there shall be placed upon the official primary nominating election ballots, by each of the County Clerks and clerks of the county board, the names of all candidates for the office of Senator in Congress, for whose nominations petitions have been duly made and filed under the provisions of this law, the votes for which candidates shall be counted and certified to by the election judges and clerks in the same manner as the votes for other candidates; and records of the vote for such candidates shall be made out and sworn to by the board of canvassers of each county of the State and returned to the Secretary of State at the time and in like manner as they shall transmit other records and returns required by this law.

United States senators.

Sec. 23. On the third day after the close of any primary nominating election, or sooner if all the returns be received, the County Clerk, taking to his assistance two Justices of the Peace of the county of different political parties, if practicable, shall proceed to open said returns and make abstracts of the votes. Such abstracts of votes for nominations for Governor and for Senator in Congress shall be on one separate sheet for each political party, and shall be immediately transmitted to the Secretary of State in like manner as other election returns are transmitted to him. Such abstract of votes for nomination of each party for Lieutenant Governor, Secretary of State, Attorney General, State Auditor, Superintendent of Public Instruction, Railroad Commissioners, Clerk of the Supreme Court, State Treasurer, Justices of the Supreme Court, members of Congress, Judges of the District Court, and members of the Legislative Assembly, who are to be nominated from a district composed of more than one county, shall be on one sheet, separately for each political party, and shall be forthwith transmitted to the Secretary of State, as required by Section 24 of this act. The abstract of votes for county and precinct offices shall be on another sheet separately for each political party; and it shall be the duty of said clerk immediately to certify the nomination for each

Canvas of returns.

Duty of county clerks.

party and enter upon his register of nominations the name of each of the persons having the highest number of votes for nomination as candidates for members of the Legislative Assembly, county, and precinct offices, respectively, and to notify by mail each person who is so nominated; **Provided**, that when a tie shall exist between two or more persons for the same nomination by reason of said two or more persons having an equal and the highest number of votes for nomination by one party to one and the same office, the County Clerk shall give notice to the several persons so having the highest and equal number of votes to attend at his office at a time to be appointed by said clerk, who shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be declared nominated by his party; and said clerk shall forthwith enter upon his register of nominations the name of the persons thus duly nominated, in like manner as though he had received the highest number of the votes of his party for that nomination; and it shall be the duty of the County Clerk of every county, on receipt of the returns of any general primary nominating election, to make out his certificate stating therein the compensation to which the judges and clerks of election may be entitled for their services, and lay the same before the county Board of County Commissioners at its next term, and the said board shall order the compensation aforesaid to be paid out of the county treasury. In all primary nominating elections in this State, under the provisions of this law, the person having the highest number of votes for nomination to any office shall be deemed to have been nominated by his political party for that office.

Sec. 24. The County Clerk, immediately after making the abstracts of votes given in his county, shall make a copy of each of said abstracts and transmit it by mail to the Secretary of State, at the seat of government; and it shall be the duty of the Secretary of State, in the presence of the Governor and the State Treasurer, to proceed within fifteen days after the primary nominating election, and sooner, if all returns be received, to canvass the votes given for nomination for Governor, Senator in Congress, Lieutenant Governor, Attorney General, Superin-

Tie vote, proceed-
ure.

Duties of county
clerk after canvass
of vote.

tendent of Public Instruction, Railroad Commissioners, Secretary of State, State Treasurer, State Auditor, Justices of the Supreme Court, Clerk of the Supreme Court, members of Congress, Judges of the District Court, Senators and Representatives, and all other officers to be voted for by the people of the State, or of any district comprising more than one county; and the Governor shall grant a certificate of nomination to the person having the highest number of votes for each office, and shall issue a proclamation declaring the nomination of each person by his party. In case there shall be no choice for nomination for any office by reason of any two or more persons having an equal and the highest number of votes of his party for nomination for either of said offices, the Secretary of State shall immediately give notice to the several persons so having the highest and equal number of votes to attend at his office, either in person or by attorney, at a time to be appointed by said Secretary, who shall then and there proceed to publicly decide by lot which of said persons so having an equal number of votes shall be declared duly nominated by his party; and the Governor shall issue his proclamation declaring the nomination of such person or persons, as above provided.

Sec. 25. Whenever it shall appear by affidavit to the District Court or Judge thereof, or to the Supreme Court or Judge thereof, that an error or omission has occurred or is about to occur in the printing of the name of any candidate or other matter on the official primary nominating election ballots, or that any error has been or is about to be committed in the printing of the ballots, or that the name of any person or any other matter has been or is about to be wrongfully placed upon such ballots, or that any wrongful act has been performed by any judge or clerk of the primary election, County Clerk, canvassing board or member thereof, or by any person charged with a duty under this act, or that any neglect of duty by any of the persons aforesaid has occurred or is about to occur, such court or judge shall by order require the officer or person or persons charged with the error, wrongful act, or neglect, to forthwith correct the

Correction of error
or wrong, pro-
cedure.

error, desist from the wrongful act, or perform the duty and do as the court shall order, or show cause forthwith why such error should not be corrected, wrongful act desisted from, or such duty or order performed. Failure to obey the order of any such court or judge shall be contempt. Any person in interest or aggrieved by the refusal or failure of any person to perform any duty or act required by this law shall, without derogation to any other right or remedy, be entitled to pray for a mandamus in the District Court of appropriate jurisdiction, and any proceedings under the provisions of this law shall be immediately heard and decided.

Sec. 26. If the returns and abstracts of the primary nominating election of any county in the State shall not be received at the office of the Secretary of State within twelve days after said election, the Secretary of State shall forthwith send a messenger to the county board of such county, whose duty it shall be to furnish said messenger with a copy of said returns, and the said messenger shall be paid out of the county treasury of such county the sum of twenty cents for each mile he shall necessarily travel in going to and returning from said county. The County Clerk, whenever it shall be necessary for him to do so in order to send said returns and abstracts within the time above limited, may send the same by telegraph, the message to be repeated, and the county shall pay the expense of such telegram.

Sec. 27. If any judge or clerk of a primary nominating election, or other officers or persons on whom any duty is enjoined by this law, shall be guilty of any wilful neglect of such duty, or of any corrupt conduct in the discharge of the same, such judge, clerk, officer or other person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than five years, or by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than one hundred dollars nor more than five hundred dollars.

Sec. 28. Any person wishing to contest the nomination of any other person to any state, county, district, township, precinct, or municipal office may give notice in

Late returns, duty
of secretary of
state.

Official miscon-
duct, penalty.

Notice of con-
test.

writing to the person whose nomination he intends to contest that his nomination will be contested, stating the cause of such contest briefly, within five days from the time said person shall claim to have been nominated.

Sec. 29. Said notice shall be served in the same manner as a summons issued out of the District Court three days before any hearing upon such contest as herein provided shall take place, and shall state the time and place that such hearing shall be had. Upon the return of said notice served to the Clerk of the Court he shall thereupon enter the same upon his issue docket as an appeal case, and the same shall be heard forthwith by the District Court; **Provided**, that if the case can not be determined by the District Court in term time, within fifteen days after the termination of such primary nominating election, the Judge of the District Court may hear and determine the same at chambers forthwith, and shall make all necessary orders for the trial of the case and carrying his judgment into effect; **Provided**, that the District Court provision of this section shall not apply to township or precinct officers. In case of contest between any persons claiming to be nominated to any township or precinct office, said notice shall be served in the manner aforesaid, and shall be returned to the District Court of the county.

Service of notice
Contest, how
heard.

Sec. 30. The provisions of Section 7234 and 7249, Revised Codes of Montana, 1907, so far as the same do not conflict with the provisions of this law, shall apply to and are hereby made applicable to primary nominating elections held under the provisions of this law.

Contests, statutes
applicable.

Sec. 31. Each party to such contest shall be entitled to subpoenas, and subpoenas duces tecum, as in ordinary cases of law; and the court shall hear and determine the same without the intervention of a jury, in such manner as shall carry into effect the expressed will of a majority of the legal voters of the political party, as indicated by their votes for such nominations, not regarding technicalities or errors in spelling the name of any candidate for such nomination; and the County Clerk shall issue a certificate to the person declared to be duly nominated by said court, which shall be conclusive evidence of the

Contest, how tried.

right of said person to hold said nomination; **Provided**, that the judgment or decision of the District Court in term time, or a decision of the Judge thereof in vacation, as the case may be, may be removed to the Supreme Court in such manner as may be provided for removing such causes from the District Court to the Supreme Court.

County and city
central committee-
men, selection.

Sec. 32. There shall be elected by each political party, subject to the provisions of this law, at said primary nominating election, a committeeman for each election precinct, who shall be a resident of such precinct. Any elector, being a member of their party, may be placed in nomination for committeeman of any precinct by a writing so stating, signed by any five members of any political party being qualified electors of such precinct, and filed in the office of the County Clerk within the time required in this act for the filing of petitions naming individuals as candidates for nomination at the regular biennial primary election; but no such nomination paper shall be filed unless verified by the affidavit of the signers to the effect that they are bona fide members of the political party named in the same. The names of the various candidates for precinct committeemen of each political party shall be printed on the ticket of the same in the same manner as other candidates and the voter shall express his choice among them in like manner as for such other candidates. The committeeman thus elected shall be the representative of his political party in and for such precinct in all ward or subdivision committees that may be formed. The committeemen elected in each precinct in each county shall constitute the county central committee of each of said respective political parties. Those committeemen who reside within the limits of any incorporated city or town shall constitute ex-officio the city central committee of each of said respective political parties, and shall have the same power and jurisdiction as to the business of their several parties in such city matters that the county committee has in county matters, save only the power to fill vacancies in said committee, which power is vested in the county central committee. Each committeeman shall hold such position for the term of two years from the date of the first meeting of said committee immediately following their elec-

Powers.

Vacancies, how
filled.

tion. In case of a vacancy happening on account of death, resignation, removal from the precinct, or otherwise, the remaining members of said county committee may select a committeeman to fill the vacancy and he shall be a resident of the precinct in which the vacancy occurred. Said county and city central committees shall have the power to make rules and regulations for the government of their respective political parties in each county and city, not inconsistent with any of the provisions of this law, and to elect the county member of the State central committee, and of the members of the congressional committee, and said committees shall have the same power to fill all vacancies and make rules in their jurisdiction that the county committee has to fill county vacancies and make rules. Said county and city central committees shall have the power to make nominations to fill vacancies occurring among the candidates of their respective parties nominated for city or county offices by the primary nominating election, where such vacancy is caused by death or removal from the electoral district, but not otherwise. Said committees shall meet and organize by electing a chairman and secretary within five days after the candidates of their respective political parties shall have been nominated. They may select managing or executive committees and authorize such sub-committees to exercise any and all powers conferred upon the county, city, state and congressional central committees respectively by this law.

Powers.

Sec. 33. If any candidate for nomination shall be guilty of any wrongful or unlawful act or acts at a primary nominating election which would be sufficient, if such wrongful or unlawful act or acts had been done by such candidate at the regular general election, to cause his removal from office, he shall, upon conviction thereof, be removed from office in like manner as though such wrongful or unlawful act or acts had been committed at a regular general election, notwithstanding that he may have been regularly elected and shall not have been guilty of any wrongful or unlawful act at the election at which he shall have been elected to his office.

Violation of law,
penalty.

Sec. 34. The candidates for the various State offices,

Party platforms.

and for the United States Senate, Representatives in Congress and the Legislative Assembly nominated by each political party at such primary, and Senators of such political party, whose term of office extends beyond the first Monday in January of the year next ensuing, and the members of the State central committee of such political party, shall meet at the call of the chairman of the State central committee not later than September 15th next preceding any general election. They shall forthwith formulate the State platform of their party. They shall thereupon proceed to elect a chairman of the State central committee and perform such other business as may properly be brought before such meeting.

Penalty for bribery, etc.

Sec. 35. Any person who shall offer, or with knowledge of the same permit any person to offer for his benefit, any bribe to a voter to induce him to sign any nomination paper, and any person who shall accept any such bribe or promise of gain of any kind in the nature of a bribe as consideration for signing the same, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after such signing, shall be guilty of a misdemeanor, and upon trial and conviction thereof be punished by a fine of not less than twenty-five nor more than one thousand dollars, and by imprisonment in the county jail of not less than ten days nor more than six months.

Violations of act, penalties.

Sec. 36. Any act declared an offense by the general laws of this State concerning caucuses, primaries and elections shall also, in like case, be an offense in and as to all primaries as herein defined, 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 caucuses, primaries and elections, except as herein otherwise provided, shall apply in such case with equal force and to the same extent as though fully set forth in this act.

Penalties.

Sec. 37. Any person who shall forge any name of a signer or a witness to a nomination paper shall be guilty of forgery, and on conviction punished accordingly. Any person who, being in possession of nomination papers entitled to be filed under this act, or any act of the Legis-

lature, shall wrongfully either suppress, neglect or fail to cause the same to be filed at the proper time in the proper office, shall on conviction be punished by imprisonment in the county jail not to exceed six months, or by a fine not to exceed one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

Sec. 38. The provisions of the laws of this state now in force in relation to the holding of elections, the solicitation of voters at the polls, the challenging of voters, the manner of conducting elections, of counting the ballots and making return thereof, the appointment and compensation of officers of election, and all other kindred subjects, shall apply to all primaries, insofar 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.

General election
laws applicable.

Sec. 39. All acts or parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.

(Act initiated by the people and passed at general election of 1912.)



PRIMARY ELECTIONS.

(Sections refer to Revised Codes of 1907; Sections in brackets refer to Codes of 1895.)

Section 533. Qualification of Voter at Primary Election.

- 534. Who Entitled to Vote.
- 535. Judges.
- 536. Clerk.
- 537. Challenges—Oath—Penalty.
- 538. Fraudulent Voting or Counting.
- 539. Unlawful Interference.
- 540. Penalties.

Sec. 533. (Sec. 1330.) **Qualification of Voters at Primary Election.**—No person shall be entitled to vote at any caucus, primary meeting or election, held by any political party, except he be an elector of the state and county within which such caucus, primary meeting or election is held, and a legal resident of the precinct or district within which such caucus, primary meeting or election is held, and the limits of which said precinct or district are fixed and prescribed by the regularly chosen and recognized representatives of the party issuing the call for such caucus, primary meeting or election.

Sec. 534. (Sec. 1331.) **Who Entitled to Vote.**—No person shall be entitled to vote at any caucus, primary meeting or election who is not identified with the political party holding such caucus, primary meeting or election, or who does not intend to act with such political party at the ensuing election, whose candidates are to be nominated at such caucus or primary meeting. And no person having voted at any primary meeting or election of any political party whose candidates are to be or have been nominated, shall be permitted to vote at the primary meeting or election of any other political party whose candidates are to be or have been nominated and to be voted for at the same general or special election.

Sec. 535. (Sec. 1332.) **Judges.**—Three judges, who shall be legal voters in the precinct where such caucus or primary meeting is held, shall be chosen by the qualified voters of said precinct or district, who are present at the opening of such caucus or primary meeting, and said judges shall be empowered to administer oaths and

affirmations, and they shall decide all questions relating to the qualifications of those voting or offering to vote at such caucus or primary meeting, and they shall correctly count all votes cast and certify the results of the same.

Sec. 536. (Sec. 1333.) **Clerk.**—The judges shall select one of their number who shall act as clerk, and the clerk must keep a true record of each and every person voting, with their residence, giving the street and number and postoffice address.

Sec. 537. (Sec. 1334.) **Challenges—Oath—Penalty.**—Any qualified voter may challenge the right of any person offering to vote at such caucus or primary meeting, and in the event of such challenge, the person challenged shall swear to and subscribe an oath administered by one of the judges, which oath shall be substantially as follows:

“I do solemnly swear that I am a citizen of the United States and am an elector of this county and of this precinct where this primary is now being held; that I have been and now am identified with the party, or that it is my intention bona fide to act with the party, and identify myself with the same at the ensuing election, and that I have not voted at any primary meeting or election of any other political party whose candidates are to be voted for at the next general or special election.”

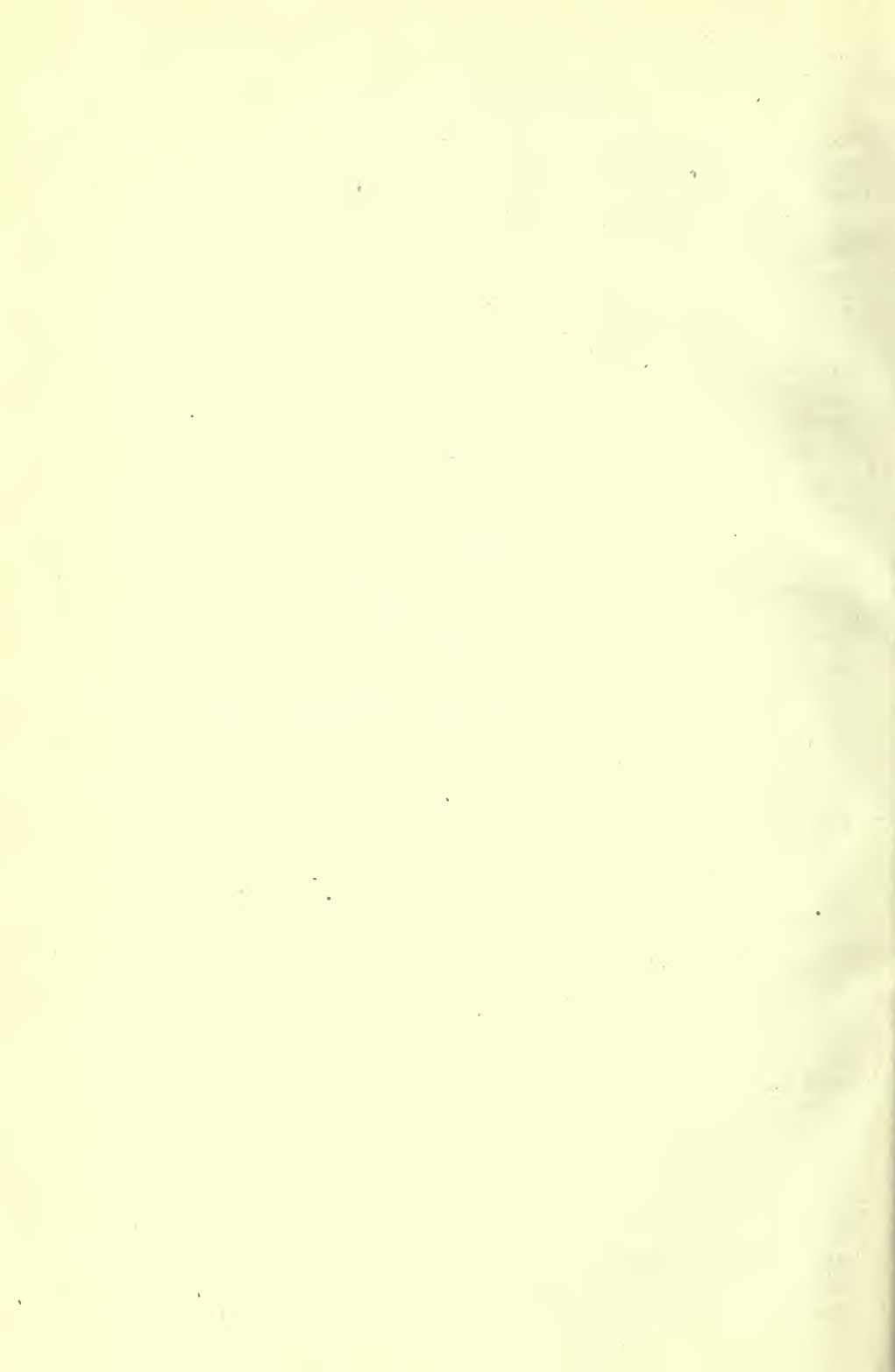
If the challenged party takes the oath above prescribed he is entitled to vote; **Provided**, in case a person taking the oath as aforesaid shall intentionally make false answers to any question put to him by any one of the judges concerning his right to vote at such caucus or primary meeting or election, he shall, upon conviction, be deemed guilty of perjury and shall be punished by imprisonment in the penitentiary for a term of not less than one year nor more than three years.

Sec. 538. (Sec. 1335.) **Fraudulent Voting or Counting.**—It shall be unlawful for any judge of any caucus or primary meeting or primary election to knowingly receive the vote of any person who he knows is not entitled to vote, or to fraudulently or wrongfully deposit any ballot or ballots in the ballot box or take any ballot or ballots from the ballot box of said caucus or primary elec-

tion, or fraudulently or wrongfully mix any ballots with those cast at such caucus or primary election, or knowingly make any false count, canvass, statement or return of the ballots cast or vote taken at such caucus or primary election.

Sec. 539. (Sec. 1336.) **Unlawful Interference.**—No person shall, by bribery or other improper means or device, directly or indirectly, attempt to influence any elector in the casting of any ballot at such caucus or primary meeting, or deter him in the deposit of his ballot, or interfere or hinder any voter at such caucus or primary meeting in the full and free exercise of his right of suffrage at such caucus or primary meeting.

Sec. 540. (Sec. 1337.) **Penalties.**—Any person or persons violating any of the provisions of this act, except as provided in Sec. 537 (1334), shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than two hundred and fifty dollars, or by imprisonment in the county jail not less than three months nor more than twelve months, or by both such fine and imprisonment in the discretion of the court.



PREFERENTIAL PRIMARIES FOR PRESIDENT AND VICE PRESIDENT.

A Bill to Propose by Initiative Petition a Law to Provide for the Expression by the People of the State of Montana of Their Preference for Party Candidates for President and Vice President of the United States, the Election of Delegates to Presidential Conventions and the Nomination of Presidential Electors by Direct Vote.

- Section
1. When to be Held.
 2. Manner of Voting.
 3. Party Delegates—Number to be Elected.
 4. Expenses of Delegates—Payment.
 5. Campaign Books—Contents.
 6. Same—Charge Per Page.
 7. Repealing Clause.

Be It Enacted by the People of State of Montana:

Sec. 1. In the years when a President and Vice President of the United States are to be elected, the primary nominating election shall be held on the forty-fifth day before the first Monday in June of said year; and all laws pertaining to the nomination of candidates, registration of voters and all other things incident and pertaining to the holding of the regular biennial nominating election, shall be enforced and affected.

When held.

Sec. 2. When candidates for the offices of President and Vice President of the United States are to be nominated, every qualified elector of a political party subject to this law shall have opportunity to vote his preference, on his party nominating ballot, for his choice for one person to be the candidate of his political party for President, and one person to be the candidate of his political party for Vice President of the United States, either by writing the names of such persons in blank spaces to be left on said ballot for that purpose or by marking with a cross before the printed names of the persons of his choice, as in the case of other nominations. The names of any persons shall be so printed on said ballots solely on the petition of their personal supporters in Montana without said persons themselves signing any petition or acceptance. The names of persons in such political party who shall be presented by petition of their supporters for nomination to be party candidates for the office of

Manner of voting.

Form of ballot.

President or Vice President of the United States, shall be printed on the nominating official ballot, and the ballots shall be marked, and the votes shall be counted, canvassed and returned in like manner and under the same conditions as to names, petitions and other matters, as far as the same are applicable, as the names and petitions of aspirants for the party nominations for the office of Governor and for United States Senator in Congress are or may be by law required to be marked, filed, counted, canvassed and returned.

Party delegates.

Sec. 3. The members of the political parties subject to this law shall elect their party delegates to their national conventions for the nomination of their party candidates for President and Vice President of the United States, and shall nominate candidates for their party Presidential Electors at such nominating election. The governor shall grant a certificate of election to each of the delegates so elected, which certificates shall show the number of votes received in the State by each person of such delegate's political party for nomination as its candidate for President and Vice President. Nominating petitions for the office of delegate to the respective party national conventions, to be chosen and elected at said nominating election, shall be sufficient if they contain a number of signatures of the members of the party equal to one per cent of the party vote in the State at the last preceding election for Representative in Congress; **Provided**, that not more than five hundred signatures shall be required on any such petition. Every qualified voter shall have the right at such nominating election to vote for the election of one person, and no more, to the office of national delegate for his party, and to vote for the nomination of one aspirant, and no more, for the office of Presidential Elector as the candidate of his party. A number of such candidates equal to the number of delegates to be elected by each party which is subject to the provisions of this law, receiving, respectively, each for himself, the highest number of votes for **such office**, shall be thereby elected. Every political party subject to the provisions of this law shall be entitled to nominate, at said nominating election, as many candidates for the office of Presidential Elector as there are such officers to be

Number to be elected.

elected; that number of aspirants in every such party who shall receive, respectively, each for himself, the highest number of votes of his party for that nomination, shall be thereby nominated as a candidate of his political party for the office of Presidential Elector.

Sec. 4. Every delegate to a national convention of a political party recognized as such organization by the laws of Montana, shall receive from the State treasury the amount of his traveling expenses necessarily spent in actual attendance upon said convention, as his account may be audited and allowed by the Secretary of State, but in no case to exceed two hundred dollars for each delegate; **Provided**, that such expenses shall never be paid to any greater number of delegates of any political party than would be allowed such party under the plan by which the number of delegates to the Republican national convention was fixed by the Republican party of Montana in the year 1912. The election of such national delegates for political parties not subject to the Direct Primary Nominating Elections Law shall be certified in like manner as nominations of candidates of such political parties for elective public offices. Every such delegate to a national convention to nominate candidates for President and Vice President shall subscribe to an oath of office that he will uphold the Constitution and the laws of the United States and of the State of Montana, and that he will, as such officer and delegate, to the best of his judgment and ability, faithfully carry out the wishes of his political party as expressed by its voters at the time of his election.

Traveling expense
of delegates.

Oath of office.

Sec. 5. The committee or organization which shall file a petition to place the name of any person on the nominating ballot of their political party to be voted for by its members for expression of their choice for nomination as the candidate of such party for President or Vice President of the United States, shall have the right, upon payment thereof, to four pages of printed space in the campaign books of such political party provided for by law. In this space said committee shall set forth their statement of the reasons why such person should be voted for and chosen by the members of their party in Montana

Campaign books.

and in the Nation as its candidate. Any qualified elector of any such political party who favors or opposes the nomination of any person by his own political party as its candidate for President or Vice President of the United States, may have not exceeding four pages of space in his aforesaid party nominating campaign book, at a cost of one hundred dollars per printed page, to set forth his reasons therefor.

Sec. 6. Every person regularly nominated by a political party, recognized as such by the laws of Montana, for President or Vice President of the United States, or for any office to be voted for by the electors of the State at large, or for Senator or Representative in Congress, shall be entitled to use four pages of printed space in the State campaign book provided for by law. In this space the candidate, or his supporters with his written permission filed with the Secretary of State, may set forth the reasons why he should be elected. No charge shall be made against candidates for President and Vice President of the United States for this printed space. The other candidates above named shall pay at the rate of one hundred dollars per printed page for said space, and said payment shall not be counted as a part of the ten per cent of one year's salary that each candidate is allowed to spend for campaign purposes.

Sec. 7. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

(Act initiated by the people and passed at the general election of 1912.)

Campaign books.

Charge per page.

Repealing clause.

TIME OF HOLDING ELECTIONS.

(Sections refer to Revised Codes of 1907; those in brackets refer to Codes of 1895.)

Section 450. General Elections—When to be Held.

451. Special Elections—Call.

Sec. 450. (Sec. 1150.) **General Elections, When to Be Held.**—There must be held throughout the State, on the first Tuesday after the first Monday of November, in the year eighteen hundred and ninety-four, and in every second year thereafter, an election to be known as the general election.

Sec. 451. (Sec. 1151.) **Special Elections, Call.**—Special elections are such as are held to supply vacancies in any office, and are held at such times as may be designated by the proper officer or authority. The Board of County Commissioners shall be authorized to call a special election at any time for the purpose of submitting to the qualified electors of the county a proposition to raise money for any public improvement desired to be made in the county.

ELECTION PROCLAMATIONS.

Section 452. Election Proclamations by the Governor.

453. Governor's Proclamation—What to Contain.

454. Publication and Posting by County Commissioners.

455. Election Proclamation by County Commissioners.

Sec. 452. (Sec. 1160.) **Election Proclamations by the Governor.**—At least sixty days before a general election, and whenever he orders a special election to fill a vacancy in the office of State Senator or member of the House of Representatives at least ten days before such special election, the Governor must issue an election proclamation, under his hand and the great seal of the State, and transmit copies thereof to the Boards of Commissioners of the counties in which such elections are to be held.

When to issue.

Sec. 453. (Sec. 1161.) **Governor's Proclamation—What to Contain.**—Such proclamation must contain:

I. A statement of the time of election, and the offices to be filled.

2. An offer of rewards in the following form: "And I do hereby offer a reward of one hundred dollars for the arrest and conviction of any person violating any of the provisions of Title IV, Part I of the Penal Code. Such rewards to be paid until the total amount hereafter expended for the purpose reaches the sum of five thousand dollars." (See Section 2 of Chapter 60, Laws of 191, as to further contents.)

Sec. 454. (Sec. 1162.) **Publication and Posting by County Commissioners.**—The Board of County Commissioners upon the receipt of such proclamation, may, in the case of general or special elections, cause a copy of the same to be published in some newspaper printed in the county, if any, and to be posted at each place of election at least ten days before the election; and in case of special elections to fill a vacancy in the office of State Senator or member of the House of Representatives, the Board of County Commissioners, upon receipt of such proclamation, may, in their discretion, cause a copy of the same to be published or posted as hereinbefore provided, except that such publication or posting need not be made for a longer period than five days before such election.

Sec. 455. (Sec. 1163.) **Election Proclamation by County Commissioners.**—Whenever a special election is ordered by the Board of County Commissioners, they must issue an election proclamation, containing the statement provided for in Subdivision I, of Sec. 453 (1161), and must publish and post it in the same manner as proclamations issued by the Governor.

Time within which
to publish.

Special elections.

MISCELLANEOUS PROVISIONS.

Section 456. Plurality to Elect.

457. Proceedings on Tie Vote.

458. No Fees for Certificate of Registration.

459. Compensation of Officers of Election.

460. County Commissioners to Have Blanks Prepared.

Sec. 456. (Sec. 1170.) **Plurality to Elect.**—The person receiving at any election the highest number of votes for any office to be filled at such election, is elected thereto.

Sec. 457. (Sec. 1171.) **Proceedings on Tie Vote.**—In case any two or more persons have an equal and highest number of votes for either Governor, Lieutenant Governor, Secretary of State, Attorney General, State Auditor, State Treasurer, Clerk of the Supreme Court, Superintendent of Public Instruction, or any other state executive officer, the Legislative Assembly, at its next regular session must, forthwith, by joint ballot of the two houses, elect one of such persons to fill such office; and in case of a tie vote for Clerk of the District Court, County Attorney, or for any county officer except County Commissioner, and for any township officer, the Board of County Commissioners must appoint some eligible person, as in case of other vacancies in such offices; and in case of a tie vote for County Commissioner, the District Judge of the county must appoint an eligible person to fill the office, as in other cases of vacancy.

Sec. 458. (Sec. 1172.) **No Fees for Certificate of Registration.**—No fees must be charged for registration or certificate thereof.

Sec. 459. (Sec. 1173.) **Compensation of Officers of Election.**—The compensation of members of boards of election, including judges and clerks, is three dollars per day, and must be audited by the Board of County Commissioners, and paid out of the county treasury.

Sec. 460. (Sec. 1174.) **County Commissioners to Have Blanks Prepared.**—The necessary printed blanks for poll lists, tally lists, lists of electors, tickets and returns, together with envelopes in which to enclose the returns, must be furnished by the Boards of County Commissioners to the officers of each election precinct at the expense of the county.

QUALIFICATIONS AND DISABILITIES OF ELECTORS.

- Section 461. Election to be by Ballot.
 462. Qualifications of Voter.
 463. Residence.
 464. Privilege From Arrest.
 465. Exempt From Military Duty on Election Day.
 466. Idiot or Insane.
 467. Women at School Election.
 468. Women Tax Payers.
 469. Who Are Tax Payers.

Sec. 461. (Sec. 1180.) **Elections to Be by Ballot.**—All elections by the people shall be by ballot.

Who may not
vote.

Sec. 462. (Sec. 1181.) **Qualifications of Voter.**—Every male person of the age of twenty-one years or over, possessing the following qualifications, if his name is registered as required by law, is entitled to vote at all general and special elections and for all officers that now are, or hereafter may be, elective by the people and upon all questions which may be submitted to the vote of the people: First, he must be a citizen of the United States; second, he must have resided in the State one year and in the county thirty days immediately preceding the election at which he offers to vote. No person convicted of felony has the right to vote unless he has been pardoned. Nothing in this section contained shall be construed to deprive any person of the right to vote who had such right at the time of the adoption of the State constitution. After the expiration of five years from the time of the adoption of the State constitution no person except citizens of the United States have a right to vote.

Sec. 463. (Sec. 1182.) **Residence.**—For the purpose of voting no person gains or loses a residence by reason of his absence while employed in the service of the State or of the United States, nor while engaged in the navigation of waters of the State or of the United States, nor while a student at any institution of learning, nor while kept at any alms house or other asylum at the public expense, nor while confined in any public prison.

(Note:—The above section amended by Section 21 of the law respecting registration of electors.)

Sec. 464. (Sec. 1183.) **Privilege From Arrest.**—Electors must in all cases, except treason, felony, or breach

of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

Sec. 465. (Sec. 1184.) **Exempt From Military Duty on Election Day.**—No elector is required to perform military duty on the days of election, except in times of war or public danger.

Sec. 466. (Sec. 1185.) **Idiot or Insane.**—No idiot or insane person is entitled to vote at any election in this state.

Sec. 467. (Sec. 1186.) **Women at School Election.**—Women have the right to vote at any school district election.

Sec. 468. (Sec. 1187.) **Women Tax Payers.**—Upon all questions submitted to the vote of the tax payers of the State, or any political division thereof, women who are tax payers and possessed of the qualification for the right of suffrage required of men by the State constitution, equally with men have the right to vote.

Sec. 469. (Sec. 1188.) **Who Are Tax Payers.**—The payment of a tax upon property by any person assessed therefor on a county or city assessment roll next preceding the election at which a question is to be submitted to the vote of the tax payers of the State, or to the vote of the tax payers of such county or city or any subdivision thereof, constitutes such person a tax payer at such election within the meaning of the last preceding section.

ELECTION LAWS

ELECTION PRECINCTS.

Section 497. Board to Designate Place in Precincts for Holding Election.

498. Proceedings Where Place Not Designated, etc.

499. No Precinct to be Established in the Indian Country.

(Secs. 494-496 repealed by Secs. 2, 3, 4, 5, 6, of law relating to Registration of Electors.)

Sec. 497. (Sec. 1243.) **Board to Designate Place in Precinct for Holding Election.**—The board must, at the session at which judges of election are appointed, make an order designating the house or place within the precinct where the election must be held.

Sec. 498. (Sec. 1244.) **Proceedings Where Place Not Designated, Etc.**—If the board fail to designate the house or place for holding the election, or if it cannot be held at the house or place designated, the judges of election, or a majority of those acting as such in the precinct must, two days before the election and by an order, under their hand (copies of which they must at once post in three public places in the precinct), designate the house or place.

Sec. 499. (Sec. 1245.) **No Precinct to Be Established in the Indian Country.**—No officer of this State, nor of any county, must establish a precinct within the limits of any county not fully organized, or at any Indian agency, or at any trading post in the Indian country, or on any Indian reservation.

JUDGES OF ELECTION.

- Section 500. Judges of Election—How Appointed.
501. Number of Judges to be Appointed.
502. Number Appointed in New Precincts.
503. Not More Than a Majority to be from Any One Political Party.
504. Clerk to Give Notice to Judges of Appointment.
Electors to Elect Judges in Case of Vacancies.
505. Judges to Choose Clerks and Serve Until Others Appointed.
506. Clerks to Mail to Judges Notices of Election.
Form of Notice.
507. Notices to be Posted by the Judges.
508. Oath of Judges and Clerks.
509. Judges and Clerks May Administer Oaths.
510. Ballot Boxes.
511. Size of Opening of Ballot Box.
512. Ballot Box to be Exhibited.
513. County Clerk to Have Printed Instructions to the Electors.

Sec. 500. (Sec. 1260.) **Judges of Election, How Appointed.**—The Board of County Commissioners of the several counties, at the regular session next preceding a general or special election, must appoint five judges of election for each precinct in which the voters therein, by the last registration, were one hundred or more, and three judges of election for each precinct in which such registration was less than one hundred.

Sec. 501. (Sec. 1261.) **Number of Judges to Be Appointed.**—The Board of County Commissioners, notwithstanding the registration, may appoint five judges of election for each precinct in which, upon information obtained by them, they have reason to believe contains one hundred voters or more, and three judges of election in precincts which upon information obtained by them, they have reason to believe contains less than one hundred voters.

Sec. 502. (Sec. 1262.) **Number Appointed in New Precincts.**—In any new precinct established, the Board of County Commissioners must, in like manner, appoint five or three judges of election, according to the estimated number of voters therein, as required by the two next preceding sections.

Sec. 503. (Sec. 1263.) **Not More Than a Majority to**

Be From Any One Political Party.—In making the appointment of judges of election not more than a majority of such judges must be appointed from any one political party for each precinct.

Sec. 504. (Sec. 1264.) **Clerk to Give Notice to Judges of Appointment.**—Electors to Elect Judges in Case of Vacancy.—The clerk of the board must make out and forward by mail, immediately after the appointment of the judges, a notice thereof in writing, directed to each of them. In case there is no postoffice in any one or more of the precincts in any county, the clerk must forward notices of such appointment by registered mail to the postoffice nearest such precinct, directed to the judges aforesaid. If in any of the precincts any of the judges refuse or neglect to serve, the electors of such precinct may elect a judge or judges to fill vacancies on the morning of the election, to serve at such election.

Sec. 505. (Sec. 1265.) **Judges to Choose Clerks and to Serve Until Others Appointed.**—The judges must elect two persons having the same qualifications as themselves to act as clerks of the election. The judges continue judges of all elections to be held in their respective precincts until other judges are appointed; and the clerks of election continue to act as such during the pleasure of the judges of election, and the Board of County Commissioners must from time to time fill vacancies which may occur in the offices of judges of election in any precinct within their respective counties.

Sec. 506. (Sec. 1266.) **Clerks to Mail to Judges Notices of Election—Form of Notice.**—The clerks of the several Boards of County Commissioners must, at least thirty days before any general election, make and forward by mail to such judge or judges as are designated by the County Commissioners, three written notices for each precinct, said notices to be substantially as follows:

“Notice is hereby given that on the first Tuesday after the first Monday of November 18.., at the house, in the County of, an election will be held for (naming the offices to be filled, including Electors of President and Vice President, a Representative in Congress, State, county and township officers), and

Vacancies, how filled.

for the determination of the following questions (naming them), the polls of which election will be open at eight o'clock in the morning and continue open until six o'clock in the afternoon of the same day. Dated this day of, A. D. 18...

"Signed A. B., Clerk of the Board of County Commissioners."

Sec. 507. (Sec. 1267.) Notices to Be Posted by the Judges.—The judges to whom such notice is directed, as provided in the next preceding section, must cause to be put up in three of the most public places in each precinct, the notices of election in such precinct, at least ten days previous to the time of holding any general election, which notices must be posted as follows: One at the house where the election is authorized to be held, and the others at the two most public and suitable places in the precinct.

Posted, where.

Sec. 508. (Sec. 1268.) Oath of Judges and Clerk.—Previous to votes being taken, the judges and clerks of election must take and subscribe the official oath prescribed by the constitution. It is lawful for the judges of election, and they are hereby empowered, to administer the oath to each other, and to the clerks of the election.

How constructed and may consist of what.

Sec. 509. (Sec. 1269.) Judges and Clerks May Administer Oaths.—Any member of the board, or either clerk thereof, may administer and certify oaths required to be administered during the progress of an election.

Sec. 510. Ballot Boxes.—There shall be provided at the expense of the county, for each polling precinct, a substantial ballot box or canvas pouch with a secure lock and key for the ballots and detached stubs as hereinafter provided for. There shall be one opening and no more in such box or canvas pouch, of sufficient size to admit a single folded ballot. The adoption of the canvas pouch to be used instead of the ballot box, in any precinct, shall be optional with the Commissioners of each county, but in such precincts where pouches are so adopted, the pouches shall be returned to the County Clerk together with the other election returns, as by law provided. (Act March 5, 1907, Sec. 1, Laws 1907, Chap. 88.)

Sec. 511. (Sec. 1271.) Size of the Opening of the Ballot

Box.—There must be an opening in the lid of such box of no larger size than shall be sufficient to admit a single folded ballot.

Sec. 512. (Sec. 1272.) **Ballot Box to Be Exhibited.**—Before receiving any ballots, the judges must, in the presence of any persons assembled at the polling place, open and exhibit the ballot box and remove any contents therefrom, and then close and lock the same, delivering the key to one of their members, and thereafter the ballot box must not be removed from the polling place or presence of the bystanders until all the ballots are counted, nor must it be opened until after the polls are finally closed.

Sec. 513. (Sec. 1273.) **County Clerk to Have Printed Instructions to the Electors.**—The County Clerk of each county must cause to be printed in large type on cards, in the English language, instructions for the guidance of electors in preparing their ballots. He must furnish six cards to the judges of election in each election precinct, and one additional card for each fifty registered electors, or fractional part thereof, in the precinct, at the same time and in the same manner as the printed ballots. The judges of election must post not less than one of such cards in each place or compartment provided for the preparation of ballots, and not less than three of such cards elsewhere in and about polling places upon the day of election. Said cards must be printed in large, clear type, and must contain full instructions to the voters as to what should be done, viz:

1. To obtain ballots for voting.
2. To prepare the ballots for deposit in the ballot boxes.
3. To obtain a new ballot in the place of one spoiled by accident or mistake. Said card must also contain a copy of Sections 8130 (66), 8134 (70), 8135 (71), 8136 (72), and 8137 (73), and 8138 (74), of the Penal Code. There must also be posted in each of the compartments, or booths, one of the official tickets, as provided in Chapter IX, of this title, without the official stamp, and not less than three such tickets posted elsewhere in and about the polling places, upon the day of election.

Number of cards
of instruction re-
quired.

OPENING AND CLOSING OF POLLS.

Section 514. Time of Opening and Closing of Polls.

515. Proclamation at Opening and Thirty Minutes Before Closing Polls.

516. Proclamation at Closing Polls.

Sec. 514. (Sec. 1290.) **Time of Opening and Closing of Polls.**—The polls must be opened at eight o'clock on the morning of election day and must be kept open continuously until six o'clock in the afternoon of said day, when the same must be closed.

Sec. 515. (Sec. 1291.) **Proclamation at Opening and Thirty Minutes Before Closing Polls.**—Before the judges receive any ballots they must cause it to be proclaimed aloud at the place of election that the polls are open, and thirty minutes before the closing of the polls proclamation must be made that the polls will close in one-half hour.

Sec. 516. (Sec. 1292.) **Proclamation at Closing Polls.**—When the polls are closed that fact must be proclaimed aloud at the place of election; and after such proclamation no ballots must be received.

POLL BOOKS.

Section 517. County Commissioners to Furnish Poll Books.

518. Clerk to Forward Poll Books to Judges.

519. Form of Poll Book.

520. Want of Form Not to Vitate.

Sec. 517. (Sec. 1300.) **County Commissioners to Furnish Poll Books.**—The Board of County Commissioners of each county must furnish for the several election precincts in each county poll books after the forms hereinafter prescribed.

Sec. 518. (Sec. 1301.) **Clerk to Forward Poll Books to Judges.**—The clerk of the board must forward by mail, as a registered package, to one of the judges of election so appointed, in each precinct, at least ten days prior to any general election and five days prior to any special election, two of such blank poll books for the use of the judges of such precinct.

Sec. 519. (Sec. 1302.) **Form of Poll Book.**—The following is the form of poll books to be kept in duplicate by the judges and clerks of election:

ELECTION LAWS

Poll Book of Precinct No.

Number and names of electors voting.

No.	Name.	No.	Name.	No.	Name.
-----	-------	-----	-------	-----	-------

Total number of votes cast at Precinct No.

We, the undersigned, judges and clerks of an election held at Precinct No., in the County of, in the State of Montana, on the day of, 19.., having first been severally sworn according to law, hereby certify that the foregoing is a true statement of the number and names of the persons voting at said precinct at said election, and that the following named persons received the number of votes annexed to their respective names for the following described offices, to-wit:

Governor	Members of Legislative Assembly		
A. B., _____Votes	Senate	_____Votes	House of Representatives
C. D., _____Votes	E. E., _____Votes	G. H., _____Votes	_____Votes

Certified and signed by us.

 _____ } Clerks.

 _____ } Judges.

Sec. 520. (Sec. 1303.) **Want of Form Not to Vitate.**—No poll book or certificate returned from any election precinct must be set aside or rejected for want of form nor on account of its not being strictly in accordance with the directions of this title, if it can be satisfactorily understood.

CANDIDATES AND QUESTIONS FOR THE ELECTION.

- Section 521. Convention or Primary Meeting Defined.
 522. Certificate of Nomination—What to Contain.
 523. Certificate—Where Filed.
 524. Certificates of Nomination Otherwise Made.
 525. Certificate Not to Contain Certain Things. One
 Person Not to be Nominated for More Than
 One Office.
 526. Certificates to be Preserved One Year.
 527. When Certificate to be Filed.
 528. Secretary of State to Certify to County Clerk
 Names of Persons Nominated.
 529. Candidate May Decline Ten Days Before Election.
 In Municipal Election Two Days.
 530. Vacancies May be Filled by Further Certificates.
 531. How Question Submitted to Electors May be Cer-
 tified.
 532. Erroors—How Corrected.

Sec. 521. (Sec. 1310.) **Convention or Primary Meeting Defined.**—Any convention or primary meeting held for the purpose of making nominations to public office, or the number of electors required in this chapter, may nominate candidates for public office to be filled by election in the State. A convention or primary meeting within the meaning of this chapter is an organized assemblage of electors or delegates representing a political party or principle. Definitions.

Sec. 522. (Sec. 1311.) **Certificates of Nomination, What to Contain.**—All nominations made by such convention or primary meeting must be certified as follows: The certificate of nomination, which must be in writing, must contain the name of each person nominated, his residence, his business, his business address, and the office for which he is named, and must designate in not more than five words, the party or principle which such convention or primary meeting represents, and it must be signed by the presiding officer and secretary of such convention or primary meeting, who must add to their signatures, their respective places of residence, their business and business addresses. Such certificates must be delivered by the secretary or the president of such convention or primary meeting to the Secretary of the State or to the County Clerk, as in this chapter required. Certificate to be delivered to whom.

Sec. 523. (Sec. 1312.) **Certificate, Where Filed.**—Certificates of nomination of candidates for offices to be filled by the electors of the entire State, or of any division or district greater than a county, must be filed with the Secretary of State. Certificates of nomination for county, township and precinct officers must be filed with the clerks of the respective counties wherein the officers are to be elected. Certificates of nomination for municipal officers must be filed with the clerks of the respective municipal corporations wherein the officers are to be elected. The certificate of nomination of joint member of the House of Representatives must be filed in the offices of the County Clerks of the counties to be represented by such joint member.

Sec. 524. (Sec. 1313.) **Certificates of Nomination Otherwise Made.**—Candidates for public office may be nominated otherwise than by convention or primary meeting in the manner following:

A certificate of nomination, containing the name of a candidate for the office to be filled, with such information as is required to be given in certificates provided for in Sec. 522 (1311) of this chapter, must be signed by electors residing within the State and district, or political division in and for which the officer or officers are to be elected, in the following required numbers:

The number of signatures must not be less in number than five per cent of the number of votes cast for the successful candidate for the same office at the next preceding election, whether the said candidate be State, county, township, municipal or any other political division or subdivision of State or county; but the signatures need not all be appended to one paper. Each elector signing a certificate shall add to his signature his place of residence, his business and his business address. Any such certificate may be filed as provided for in the next preceding section of this chapter, in the manner and with the same effect as a certificate of nomination made by a party convention or primary meeting.

Sec. 525. (Sec. 1314.) **Certificate Not to Contain Certain Things—One Person Not to Be Nominated for More Than One Office.**—No certificate of nomination must con-

Number of signatures required on petitions.

tain the name of more than one candidate for each office to be filled. No person must join in nominating more than one person for each office to be filled, and no person must accept a nomination to more than one office.

Sec. 526. (Sec. 1315.) Certificates to Be Preserved One Year.—The Secretary of State and the Clerks of the several counties and of the several municipal corporations must cause to be preserved in their respective offices for one year all certificates of nomination filed under the provisions of this chapter. All such certificates must be open to public inspection under proper regulations to be made by the officers with whom the same are filed.

Sec. 527. (Sec. 1316.) When Certificate to Be Filed.—Certificates of nomination to be filed with the Secretary of State must be filed not more than sixty days and less than thirty days before the day fixed by law for the election. Certificates of nomination herein directed to be filed with the County Clerk must be filed not more than sixty days and not less than twenty days before the election; certificates of the nomination of candidates for municipal offices must be filed with the clerks of the respective municipal corporations not more than thirty days and not less than three days previous to the day of election; but the provisions of this section shall not be held to apply to nominations for special elections to fill vacancies.

Sec. 528. (Sec. 1317.) Secretary of State to Certify to County Clerk Names of Persons Nominated.—Not less than twenty nor more than thirty days before an election to fill any public office, the Secretary of State must certify to the County Clerk of each county within which any of the electors may by law vote for candidates for such office, the name and description of each person nominated, as specified in the certificates of nomination filed with the Secretary of State.

Sec. 529. (Sec. 1319.) Candidates May Decline Ten Days Before Election.—In Municipal Election Two Days.—Whenever any person nominated for public office, as in this chapter provided, shall at least ten days before election, except in the case of municipal elections, in writing, signed by him, notify the officer with whom

the certificate nominating him is by this chapter to be filed, that he declines such nomination, such nomination shall be void. In municipal elections, such declination must be made at least two days before the election.

Sec. 530. (Sec. 1320.) **Vacancies May Be Filled by Further Certificates.**—If any person so nominated dies before the printing of the tickets, or declines the nomination as in this chapter provided, or if any certificate of nomination is or becomes insufficient or inoperative from any cause, the vacancy or vacancies thus occasioned may be filled in the manner required for original nomination. If the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, such committee may, upon the occurring of such vacancies, proceed to fill the same. The chairman and secretary of such committee must thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an original certificate of nomination. The certificate so made must be executed in the manner prescribed for the original certificate of nomination, and has the same force and effect as an original certificate of nomination. When such certificate is filed with the Secretary of State, he must, in certifying the nominations to the various County Clerks, insert the name of the person who has thus been nominated to fill the vacancy in place of the name of the original nominee. And in the event he has already transmitted his certificate, he must forthwith certify to the Clerks of the proper counties the name and description of the person so nominated to fill a vacancy, the office he is nominated for, the party or political principle he represents, and the name of the person for whom such nominee is substituted.

Sec. 531. (Sec. 1321.) **How Questions Submitted to Electors May Be Certified.**—Whenever a proposed constitution or constitutional amendment, or other question, is to be submitted to the people of the State for popular

Procedure.

Duty of secretary
of state.

Constitutional
amendments.

vote, the Secretary of State must 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 must include the same in the publication provided for in Sec. 1318 of this chapter. Questions to be submitted to the people of a county or municipality must be advertised as provided for nominees for office by said Sec. 1318.

Sec. 532. (Sec. 1322.) **Errors, How Corrected.**—Whenever it appears by affidavit that an error or omission has occurred in the publication of the name or description of a candidate nominated for office, or in the printing of the ballots, the District Court of the county may, upon application of any elector, by order require the County or Municipal Clerk to correct such error, or to show cause why such error should not be corrected.

PRIMARY ELECTIONS.

- Section 533. Qualification of Voters at Primary Election.
 534. Who Entitled to Vote.
 535. Judges.
 536. Clerk.
 537. Challenges—Oaths—Penalty.
 538. Fraudulent Voting or Counting.
 539. Unlawful Interference.
 540. Penalties.

Sec. 533. (Sec. 1330.) **Qualification of Voters at Primary Election.**—No person shall be entitled to vote at any caucus, primary meeting or election held by any political party except he be an elector of the State and county within which such caucus, primary meeting or election is held, and a legal resident of the precinct or district within which such caucus primary meeting or election is held, and the limits of which said precinct or district of any other political party whose candidates are to be or have been nominated, and to be voted for at the same general or special election.

Sec. 534. **Who Not Entitled to Vote.**—No person shall be entitled to vote at any caucus primary meeting or election who is not identified with the political party holding such caucus, primary meeting or election, or who does not intend to act with such political party at the ensuing

election, whose candidates are to be nominated at such caucus or primary meeting. And no person having voted at any primary meeting or election of any political party whose candidates are to be or have been nominated, shall be permitted to vote at the primary meeting or election of any political party whose candidates are to be or have been nominated, shall be permitted to vote at the primary meeting or election of any other political party whose candidates are to be or have been nominated and to be voted for at the same general or special election.

Powers.

Sec. 535. **Judges.**—Three judges, who shall be legal voters in the precinct where such caucus or primary meeting is held, shall be chosen by the qualified voters of said precinct or district, who are present at the opening of such caucus or primary meeting, and said judges shall be empowered to administer oaths and affirmations, and they shall decide all questions relating to the qualifications of those voting or offering to vote at such caucus or primary meeting, and they shall correctly count all votes cast and certify the results of the same.

Sec. 536. (Sec. 1333.) **Clerk.**—The judges shall select one of their number who shall act as clerk, and the clerk must keep a true record of each and every person voting, with their residence, giving the street and number and postoffice address.

Sec. 537. **Challenges—Oath—Penalty.**—Any qualified voter may challenge the right of any person offering to vote at such caucus or primary meeting, and in the event of such challenge, the person challenged shall swear to and subscribe an oath administered by one of the judges, which oath shall be substantially as follows:

“I do solemnly swear that I am a citizen of the United States and am an elector of this county and of this precinct where this primary is now being held; that I have been and now am identified with the party, or that it is my intention bona fide to act with the party and identify myself with the same at the ensuing election, and that I have not voted at any primary meeting or election of any other political party whose candidates are to be voted for at the next general or special election.”

If the challenged party takes the oath above prescribed he is entitled to vote; **Provided**, in case a person taking the oath as aforesaid shall intentionally make false answers to any questions put to him by any of the judges concerning his right to vote at such caucus or primary meeting or election, he shall upon conviction be deemed guilty of perjury and shall be punished by imprisonment in the penitentiary for a term of not less than one year nor more than three years. Perjury

Sec. 538. (Sec. 1335.) **Fraudulent Voting or Counting.**—It shall be unlawful for any judge of any caucus or primary meeting or primary election to knowingly receive the vote of any person who he knows is not entitled to vote, or to fraudulently or wrongfully deposit any ballot or ballots in the ballot box or take any ballot or ballots from the ballot box of said caucus or primary election, or fraudulently or wrongfully mix any ballots with those cast at such caucus or primary election, or knowingly make any false count, canvass, statement or return of the ballots cast or vote taken at such caucus or primary election.

Sec. 539. (Sec. 1336.) **Unlawful Interference.**—No person shall, by bribery or other improper means or device, directly or indirectly, attempt to influence any elector in the casting of any ballot at such caucus or primary meeting, or deter him in the deposit of his ballot, or interfere or hinder any voter at such caucus or primary meeting in the full and free exercise of his right of suffrage at such caucus or primary meeting.

Sec. 540. **Penalties.**—Any person or persons violating any of the provisions of this act, except as provided in Sec. 537 (1334) shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred and fifty dollars, or by imprisonment in the county jail not less than three months nor more than twelve months, or by both such fine and imprisonment in the discretion of the court. Misdemeanors.

(See also Direct Primaries.)

ELECTION LAWS

BALLOTS AND VOTING.

(Sections refer to Revised Codes of 1907; Sections in brackets refer to Codes of 1895.)

- Section 541. Ballots—How Printed and Distributed.
542. County Clerk to Print Ballots—Electors May Vote for Any Person.
543. Municipal Clerk to Act in Municipal Elections.
544. Pastors to be Printed and Distributed Where Vacancy Has Been Filled.
545. Form of Ballots.
546. Number of Ballots to be Provided in Each District.
547. Clerk to Deliver Ballots and Stamps to Judges of Election—Stamps—What to Contain.
548. Sufficient Booths or Compartments Must be Furnished.
549. Elector to Cast His Ballot Without Interference.
550. Expenses of Providing Places for Election.
551. Delivery of Official Ballots to Elector.
552. Method of Voting.
553. Only One Person to Occupy Booth—and no Longer Than Five Minutes.
554. Spoiled Ballot
555. Judges May Aid Disabled Elector.
556. Voting—When to Commence and Continue.
557. Manner of Voting.
558. Announcement of Voter's Name.
559. Putting Ballot in Box.
560. Record That Person Has Voted—How Kept.
561. List of Voters.
562. Grounds of Challenge.
563. Proceedings on Challenges for Want of Identity.
564. Same on Challenges for Having Voted Before.
565. Same on Ground of Conviction of Crime.
566. Challenges—How Determined.
567. Trial of Challenges.
568. If Person Refuses to be Sworn—Vote to be Rejected.
569. Proceedings Upon Determination of Challenges.
570. List of Challenges to be Kept.
571. Persons Not Entitled to Vote.

Sec. 541. (Sec. 1350.) **Ballots, How Printed and Distributed.**—All ballots cast in elections for public officers within the State (except school district officers), must be printed and distributed at public expense as provided in this chapter. The printing of ballots and cards of instruction for the elections in each county, and the de-

Expenses, how paid.

livery of the same to the election officers is a county charge, and the expense thereof must be paid in the same manner as the payment of other county expenses, but the expense of printing and delivering the ballots must, in the case of municipal elections, be a charge upon the city or town in which such election is held.

Sec. 542. (Sec. 1351.) **County Clerk to Print Ballots—Elector May Vote for Any Person.**—Except as in this chapter otherwise provided, it is the duty of the County Clerk of each county to provide printed ballots for every election for public officers in which electors or any of the electors within the county participate, and to cause to be printed in the ballot the name of every candidate whose name has been certified to or filed with the County Clerk in the manner provided for in this chapter. Ballots other than those printed by the respective County Clerks according to the provisions of this chapter must not be cast or counted in any election. Any elector may write or paste on his ballot the name of any person for whom he desires to vote for any office, and must mark the same as provided in Section 552 (1361), and such vote must be counted the same as if printed upon the ballot and marked by the voter, and any voter may take with him into the polling place any printed or written memorandum or paper to assist him in marking or preparing his ballot, except as otherwise provided in this title.

Elector may write or paste name on ballot.

Sec. 543. (Sec. 1352.) **Municipal Clerks to Act in Municipal Elections.**—In all municipal elections the City Clerk must perform all the duties prescribed for County Clerks in this title.

Cities and Towns.

Sec. 544. (Sec. 1353.) **Pasters to Be Printed and Distributed Where Vacancy Has Been Filled.**—When any vacancy occurs before election day and after the printing of the ballots, and any person is nominated according to the provisions of this title to fill such vacancy, the officer whose duty it is to have the ballots printed and distributed must thereupon have printed a requisite number of pasters containing the name of the new nominee and must mail them by registered letter to the judges of election in the various precincts interested in such election, and the judges of election whose duty it is made

Duty of Election Judges.

ELECTION LAWS

by the provisions of this title to distribute the ballots must affix such pasters over the name for which substitution is made, in the proper place on each ballot before it is given out to the elector.

Placing names of candidates.

Sec. 545. (Sec. 1354.) **Form of Ballots.**—Ballots prepared under the provisions of this chapter must be white in color and of a good quality of paper, and the names must be printed thereon in black ink. The ballots used in any one county must be uniform in size, and every ballot must contain the names of every candidate whose nomination for any special office specified in the ballot has been certified or filed according to the provisions of this title, and no other names. The list of candidates of the several parties shall be placed in separate columns of the ballot, in such order as the authorities charged with the printing of the ballots shall decide. As near as possible the ballot shall be in the following form: (Stub hereinafter provided for in this section.)

..... Perforated line

DEMOCRATIC	REPUBLICAN	LABOR PARTY
For Governor	For Governor	For Governor
<input style="width: 40px; height: 30px;" type="checkbox"/> Joseph K. Toole <input style="width: 40px; height: 30px;" type="checkbox"/>	<input style="width: 40px; height: 30px;" type="checkbox"/> John E. Richards <input style="width: 40px; height: 30px;" type="checkbox"/>	<input style="width: 40px; height: 30px;" type="checkbox"/> Fred Whiteside <input style="width: 40px; height: 30px;" type="checkbox"/>
For Lieut. Governor	For Lieut. Governor	For Lieut. Governor
<input style="width: 40px; height: 30px;" type="checkbox"/> Frank C. Higgins <input style="width: 40px; height: 30px;" type="checkbox"/>	<input style="width: 40px; height: 30px;" type="checkbox"/> Alex Botkin <input style="width: 40px; height: 30px;" type="checkbox"/>	<input style="width: 40px; height: 30px;" type="checkbox"/> <input style="width: 40px; height: 30px;" type="checkbox"/>
For Sec. of State	For Sec. of State	For Sec. of State
<input style="width: 40px; height: 30px;" type="checkbox"/> Geo. M. Hays	<input style="width: 40px; height: 30px;" type="checkbox"/> Louis Rotwitt	<input style="width: 40px; height: 30px;" type="checkbox"/> W. R. Allen

And continuing in like manner as to all candidates to be voted for at such election.

Every ballot must also contain the name of the party, or principle which the candidate in the respective columns represent, as contained in the certificates of nomination; **Provided**, however, that where any person is nominated for the same office by more than one party or convention his name shall be placed upon the ticket under the designation of the party which first nominated him, unless he declines, in writing one or more of such nominations, or by written election indicates the party designation under which he desires his name to be printed, or if he was nominated by more than one party or convention at the same time shall, within the time fixed by law for filing certificates of nomination, file with the officer with whom his certificate of nomination is required to be filed a written election indicating the party designation under which he desires his name to be printed on the ballot, and it shall be so printed. If he shall fail or neglect to so file such an election, the officer with whom the certificate of nomination is required to be filed shall place his name under the designation of either of the parties by which he was nominated, but under no other designation whatever, and no person who has been nominated by petition or otherwise shall have his name printed upon the ticket if the same already appears under a party designation. Below the names of candidates for each office there must be left a blank space large enough to contain as many written names of candidates as there are persons to be elected. There must be a margin on each side of at least half an inch in width, and a reasonable space between the names printed thereon, so that the voter may clearly indicate, in the way hereinafter provided, the candidate or candidates for whom he wishes to cast his ballot. The ballot shall be printed on the same leaf with a stub, and separated therefrom by a perforated line. The part above the perforated line, designated as the stub, shall extend the entire width of the ballot and shall be of sufficient depth to allow the following instructions to voters to be printed thereon, such depth to be not less than two inches from the perforated line

Candidate's name
to appear under
but one party
designation.

to the top thereof, upon the face of which stub shall be printed, in type known as brevier capitals, the following: "This ballot should be marked with an "X" in the square before the name of each person or candidate for whom the elector intends to vote. In cases of a ballot containing a constitutional amendment, or other question to be submitted to a vote of the people by marking an "X" in the square before the answer of the question or amendment submitted. The elector may write in the blank spaces, or paste over another name, the name of any person for whom he wishes to vote, and vote for such person by marking an "X" in the square before such name. On the back of the stub shall be printed or stamped by the County Clerk, or other officer whose duty it is to provide the ballots, the consecutive number of the ballot, beginning with number "1," and increasing in regular numerical order to the total number of ballots required for the precinct. All of the official ballots of the same sort prepared by any officer or board for the same balloting place, shall be of precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed in black ink of the same tint, so that when the stubs, numbered as aforesaid, shall be detached therefrom it shall be impossible to distinguish any one of the ballots from the other ballots of the same sort, and the names of all candidates printed upon the ballots shall be in type of the same size and character. Whenever the Secretary of State has duly certified to the County Clerk any question to be submitted to the vote of the people, the County Clerk must print the ballot in such form as will enable the electors to vote upon the question so presented in the manner in this title provided. The County Clerk must also prepare the necessary ballots whenever any question is required by law to be submitted to the electors of any locality, and any of the electors of the State generally, except that as to all questions submitted to the electors of a municipal corporation alone, the City Clerk must prepare the necessary ballots. (Act March 5, 1907, Sec. 2, Laws 1907, Chap. 88.)

Ballots to be uniform.

County or city clerks to prepare ballots.

Sec. 546. (Sec. 1355.) Number of Ballots to Be Provided for Each Precinct.—The County Clerk must provide for each election precinct in the county one and one-half times as many ballots as there are electors registered in the precinct. If there is no registry in the precinct the County Clerk must provide ballots to the number of one and one-half times the number of electors who voted at the last preceding election in the precinct. He must keep a record in his office, showing the exact number of ballots, with numbered stubs attached, that are delivered to the judges of each precinct. In municipal elections it is the duty of the City Clerk to provide ballots as specified in this section. (Act March 5, 1907, Sec. 3, Laws 1907, Chap. 88.)

Record of ballots delivered.

Sec. 547. (Sec. 1356.) Clerk to Deliver Ballots and Stamps to Judges of Election—Stamp, What to Contain.—Before the opening of the polls, the County Clerk, or the City Clerk in the case of municipal elections, must deliver to the judges of each election precinct which is within the county (or within the municipality in case of municipal election) and in which the election is to be held, at the polling place of the precinct, the proper number of ballots as provided for in Sec. 546 (1355) of this chapter. He must also deliver to said judges a rubber or other stamp with ink pad for the purpose of stamping or designating the official ballots, as hereinafter provided. Said stamp must contain the words "Official Ballot," the name or number of the election precinct, the name of the county, the date of the election, and name and official designation of the clerk who furnishes the ballots. The judge of election to whom the stamps and ballots are given pursuant to this section must be the same person who may be designated by the Commissioners to post the notices required by Section 506 (1266) of this code. But in case it be impracticable to deliver such stamps and ballots to such judge, then they may be delivered to some other one of the judges of election.

To whom ballots and stamps to be delivered.

Sec. 548. Sufficient Booths or Compartments Must Be Furnished.—All officers upon whom is imposed by law the duty of designating the polling places, must provide in each polling place designated by them, a sufficient num-

Screened
Booths. **voting**

ber of places, booths or compartments, each booth or compartment to be furnished with a door or curtain sufficient in character to screen the voter from observation, and must be furnished with such supplies and conveniences as shall enable the elector to prepare his ballot for voting, and in which electors must mark their ballots, screened from observation, and a guard rail so constructed that only persons within such rail can approach within ten feet of the ballot boxes, or the places, booths or compartments herein provided for. The number of such places, booths or compartments must not be less than one for every fifty electors, or fraction thereof, registered in the precinct. In precincts containing less than twenty-five registered voters, the election may be conducted under the provisions of this chapter without the preparation of such booths or compartments, as required by this section.

Secrecy of ballot.

Sec. 549. Elector to Cast His Ballot Without Interference.—No person other than electors engaged in receiving, preparing or depositing their ballots, or a person present for the purpose of challenging the vote of an elector about to cast his ballot, is permitted to be within said rail; and in cases of small precincts where places, booths or compartments are not required, no person engaged in preparing his ballot shall, in any way, be interfered with by any person, unless it be someone authorized by the provisions of this chapter to assist him in preparing his ballot; nor shall any officer of election do any electioneering on election day. No person whatsoever shall do any electioneering on election day, within any polling place, or any building in which an election is being held, or within twenty-five feet thereof; said space of twenty-five feet to be protected by ropes and kept free of trespassers; nor shall any person obstruct the doors or entries thereto, or prevent free ingress to and egress from said building. Any election officer, Sheriff, Constable or other peace officer is hereby authorized and empowered, and it is hereby made his duty, to clear the passageway and prevent such obstruction, and to arrest any person so doing. No person shall remove any ballot from the polling place before the clos-

ing of the polls. 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 the candidate or candidates for whom he has marked his vote; nor shall any person solicit the elector to show the same; nor shall any person, except the judge of election, receive from any elector a ballot prepared for voting. No elector shall receive a ballot from any other person than one of the judges of election having charge of the ballots; nor shall any person other than such judge of election deliver a ballot to such elector. No elector shall vote, or offer to vote, any ballot except such as he has received from the judges of election having charge of the ballots. No elector shall place any mark upon his ballot by which it may afterwards be identified as the one voted by him. Every elector who does not vote a ballot delivered to him by the judges of election having charge of the ballots, shall, before leaving the polling place, return such ballot to such judges.

Sec. 550. Expenses of Providing Places for Election.—The expense of providing such places or compartments, ropes and guard rails is a public charge, and must be provided for in the same manner as the other election expenses.

Sec. 551. Delivery of Official Ballots to Elector.—At any election the judges of election must designate two of their number whose duty it is to deliver ballots to the qualified electors. Before delivering any ballot to an elector, the said judges must print on the back, and near the top of the ballot, with the rubber or other stamp provided for the purpose, the designation "official ballot" and the other words on same, as provided for in Section 547 (1356) of this chapter; and the clerks must enter on the poll list the name of such elector and the number of the stub attached to the ballot given him. Each qualified elector must be entitled to receive from the judges one ballot. (Act March 5, 1907, Sec. 4, Laws 1907, Chap. 88.)

Directions to
Judges.

Sec. 552. Method of Voting.—On receipt of his ballot the elector must forthwith, without leaving the polling place and within the guard rail provided, and alone, re-

How to vote.

tire to one of the places, booths or compartments, if such are provided, and prepare his ballot. He shall prepare his ballot by marking an "X" in the square before the name of the person or persons for whom he intends to vote. In case of a ballot containing a constitutional amendment, or other question to be submitted to the vote of the people, by marking an "X" in the square before the answer of the question, or amendment submitted. The elector may write in the blank spaces, or paste over any other name, the name of any person for whom he wishes to vote, and vote for such person by marking an "X" before such name. No elector is at liberty to use or bring into the polling place any unofficial sample ballot. After preparing his ballot, the elector must fold it so the face of the ballot will be concealed and so that the endorsement stamped thereon may be seen, and hand the same to the judges in charge of the ballot box, who shall announce the name of the elector and the printed or stamped number on the stub of the official ballot so delivered to him, in a loud and distinct tone of voice. If such elector be entitled then and there to vote, and if such printed or stamped number is the same as that entered on the poll list as the number on the stub of the official ballot last delivered to him by the ballot judge, such judge shall receive such ballot, and, after removing the stub therefrom in plain sight of the elector and without removing any other part of the ballot, or in any way exposing any part of the face thereof below the stub, shall deposit each ballot in the proper ballot box for the reception of voted ballots, and the stubs in a box for detached ballot stubs. Upon voting, the elector shall forthwith pass outside the guard rail, unless he be one of the persons authorized to remain within the guard rail for other purposes than voting. (Act. March 5, 1907, Sec. 5; Laws 1907, Chap. 88.)

Sec. 553. (Sec. 1362.) **Only One Person to Occupy Booth, and no Longer Than Five Minutes.**—No more than one person must be allowed to occupy any one booth at one time, and no person must remain in or occupy a booth longer than may be necessary to prepare his ballot, and in no event longer than five minutes, if

the other booths or compartments are occupied.

Sec. 554. (Sec. 1363.) **Spoiled Ballot.**—Any elector who by accident or mistake spoils his ballot, may, on returning said spoiled ballot, receive another in place thereof.

Sec. 555. **Judges May Aid Disabled Elector.**—Any elector who declares to the judges of election, or when it appears to the judges of election that he cannot read or write, or that because of blindness or other physical disability he is unable to mark his ballot, but for no other cause, must upon request receive the assistance of two of the judges, who shall represent different parties, in the marking thereof, and such judges must certify on the outside thereof that it was so marked with their assistance, and must thereafter give no information regarding the same. The judges must require such declaration of disability to be made by the elector under oath before them, and they are hereby authorized to administer the same. No elector other than the one who may, because of his inability to read or write or of his blindness or physical disability, be unable to mark his ballot, must divulge to anyone within the polling place the name of any candidate for whom he intends to vote, or ask or receive any assistance of any person within the polling place in the preparation of his ballot.

Electors unable to read, procedure.

Sec. 556. (Sec. 1365.) **Voting, When to Commence and Continue.**—Voting may commence as soon as the polls are open, and may be continued during all the time the polls remain open.

Sec. 557. (Sec. 1366.) **Manner of Voting.**—The person offering to vote must hand his ballot to the judges and announce his name, and in incorporated cities and towns any such person must also give the name of the street, avenue or location of his residence, and the number thereof, if it be numbered, or such clear and definite description of the place of such residence as shall definitely fix the same.

Sec. 558. (Sec. 1367.) **Announcement of Voter's Name.**—The judges must receive the ballot, and before depositing it in the ballot box must, in an audible tone of voice, announce the name, and in incorporated towns

and cities the judges must also announce the residence of the person voting, and the same must be recorded on each poll book.

Sec. 559. (Sec. 1368.) **Putting Ballot in Box.**—If the name be found on the official register in use at the precinct where the vote is offered, or that the person offering to vote produce and surrender a proper registry certificate, and the vote is not rejected upon a challenge taken, the judges must immediately and publicly, in the presence of all the judges, place the ballot, without opening or examining the same, in the ballot box.

Sec. 560. (Sec. 1369.) **Record That Person Has Voted, How Kept.**—When the ballot has been placed in the box, one of the judges must write the word "Voted" opposite the number of the person on the check list for the precinct.

Sec. 561. (Sec. 1370.) **List of Voters.**—Each clerk must keep a list of persons voting, and the name of each person who votes must be entered thereon and numbered in the order voting. Such list is known as the poll list and forms a part of the poll book of the precinct.

Poll list.

Sec. 562. (Sec. 1371.) **Grounds of Challenge.**—Any person offering to vote may be orally challenged by any elector of the county upon either or all of the following grounds:

1. That he is not the person whose name appears on the register or check list.
2. That he is an idiot or insane person.
3. That he has voted before that day.
4. That he has been convicted of a felony and not pardoned.

Sec. 563. (Sec. 1372.) **Proceedings on Challenges for Want of Identity.**—If the challenge is on the ground that he is not the person whose name appears on the official register, the judges must tender him the following oath:

"You do swear (or affirm) that you are the person whose name is entered on the official register and check list."

Sec. 564. (Sec. 1373.) **Same on Challenges for Having Voted Before.**—If the challenge is on the ground that the person challenged has voted before that day, the

judges must tender to the person challenged this oath:

"You do swear (or affirm) that you have not before voted this day."

Sec. 565. (Sec. 1374.) **Same on Ground for Conviction of Crime.**—If the challenge is on the ground that the person challenged has been convicted of a felony, the judges must tender him the following oath:

"You do swear (or affirm) that you have not been convicted of a felony."

Sec. 566. (Sec. 1375.) **Challenge, How Determined.**—Challenges upon the grounds either:

Ex-convicts.

1. That the person challenged is not the person whose name appears on the official register; or

That the person has before voted that day, are determined in favor of the person challenged by his taking the oath tendered.

2. A challenge upon the ground that the person challenged has been convicted of a felony and not pardoned must be determined in favor of the person challenged on his taking the oath tendered, unless the fact of conviction be proved by the production of an authenticated copy of the record; or by the oral testimony of two witnesses. If the person challenged asserts that he has been convicted of a felony and pardoned therefor, he must exhibit his pardon or a proper certified copy thereof to the judges, and if the pardon be found sufficient, the judges must tender to him the following oath. "You do swear that you have not been convicted of any felony other than that for which a pardon is now exhibited." Upon taking this oath the person challenged must be permitted to vote if otherwise qualified, unless a conviction of some other felony be proved, as in this section provided for the proof of a conviction.

Sec. 567. (Sec. 1376.) **Trial of Challenges.**—Challenges for causes other than those specified in the preceding section must be tried and determined by the judges of election at the time of the challenge.

Sec. 568. (Sec. 1377.) **If a Person Refuses to Be Sworn, Vote to Be Rejected.**—If any person challenged refuses to take the oaths tendered, or refuses to

be sworn and to answer the question touching the matter of residence, he must not be allowed to vote.

Sec. 569. (Sec. 1378.) **Proceedings Upon Determination of Challenges.**—If the challenge is determined against the person offering to vote, the ballot must, without examination, be destroyed by the judges in the presence of the person offering the same; if determined in his favor, the ballot must be deposited in the ballot box.

Sec. 570. (Sec. 1379.) **List of Challenges to Be Kept.**—The judges must cause each of the clerks to keep a list showing:

1. The names of all persons challenged.
2. The grounds of such challenges.
3. The determination of the judges upon the challenge.

Sec. 571. (Sec. 1380.) **Persons Not Entitled to Vote.**—No person is entitled to vote at an election mentioned in this title, except as otherwise provided in this title, unless his name on the day of election appear in the “check lists,” on the copy of the official register furnished by the registry agents to the judges of election at the election precinct at which he offers to vote, or unless he produces and surrenders a county registry certificate or a state registry certificate, as provided in Sections 474 (1204) and 486 (1217) of this code, and the fact that his name so appears in the “check lists” and in the copy of the official register in the possession of the judges of election is prima facie evidence of his right to vote.

Registration necessary.

VOTING MACHINES.

(Sections refer to Revised Codes of 1907, as amended by Chapter 99, Laws of 1909.)

- Section 609. State Board of Voting Machine Commissioners.
610. Specifications of Machine Required.
 611. Counties and Cities to Use Machines.
 612. Payment for Machines—How Provided for.
 613. Method of Conducting Elections.
 614. Assistance to Elector Unable to Record Vote.
 615. Ballots and Instructions to Voters.
 616. City and County Clerks to Set up Machines for Use.
 617. Irregular Ballots.
 618. Counting the Votes.
 619. Election Returns.
 620. Election Laws Applicable.
 621. Penalty for Neglect of Duty by Election Officer.
 622. Penalty for Tampering With or injuring Machines.
 623. Penalty for Violation of Duty of Judge of Election.
 624. Penalty for Fraudulent Returns or Certificates.
 625. Defective Machines.

Sec. 609. State Board of Voting Machine Commissioners.—The Governor, Secretary of State and State Auditor and their successors in office are hereby created and constituted the State Board of Voting Machine Commissioners. It shall be the duty of said board to examine all voting or ballot machines in order to determine whether such machines comply with the requirements of this act, and can safely be used by voters at elections under the provisions of this act, and no machine or machines shall be provided or used at any election in this State unless the said machine or machines shall have received the approval of a majority of said board as herein provided. Said board may employ two qualified mechanics, who shall be qualified electors of the State of Montana, to examine said machines and assist said board in the discharge of its duties under this act, the compensation to be paid such qualified mechanics not to exceed the sum of ten dollars each for each day actually employed. Any machine or machines which shall have the approval of the majority of said board may be provided for in this act. The report of said board on each and every kind of voting machine shall be filed with the

Duties and powers.

ELECTION LAWS

Secretary of State within thirty days after examining the machine, and the Secretary of State shall within five days after the filing of any report approving any machine or machines, transmit to the Board of County Commissioners, City Council or other board of officers having charge and control of election in each of the counties and cities of this State, a list of the machines so approved. No machine or machines shall be used unless they shall have received the approval of the State board at least sixty days prior to any election at which such machine or machines are to be used. The compensation of the mechanics and all other expenses connected with the examination of any machine shall be paid, or caused to be paid, by the person or company submitting a machine for examination before the filing of the report thereon. The amount of such expenses shall be certified by the State Auditor and paid to the State Treasurer. (Act approved March 8, 1907; Laws 1907, Chap. 168.)

Sec. 610. **Specifications of Machines Required.**—No machine or machine system shall be approved by the Commissioners unless it be so constructed as to afford every elector a reasonable opportunity to vote for any person for any office or for or against any proposition for whom, or for or against which he is by law entitled to vote and enable him to do this in secrecy; and it must be so constructed as to preclude an elector from voting for any candidate for the same office or upon any question more than once, and from voting for any person for any office for whom he is not by law entitled to vote. The machine or machine system must admit of his voting a split ticket as he may desire. It must also be so constructed as to register or record each and every vote cast. For Presidential Electors one device may be provided for voting for all the candidates of one party at one time by the use of such device, opposite or adjacent to which shall be a ballot on the machine containing the names of all of the candidates for all Presidential Electors of that party, and a vote registered or recorded by the use of such device shall be counted for each of such candidates on said ballot. The machine must be con-

structed so that it cannot be tampered with or manipulated for any fraudulent purpose; and the machine must be so locked, arranged or constructed that during the progress of the voting no person can see or know the number of votes registered or recorded for any candidate. (Act approved March 8, 1907, Sec. 2, Laws 1907, Chap. 168.)

Sec. 611. **Voting Machines.**—The Boards of County Commissioners of counties of the first class shall, and the Boards of County Commissioners of other counties and City Councils of all cities and towns, may, at their option, adopt and purchase for use in the various precincts, any voting machine approved in the manner above set forth in this act, by the Voting Machine Commission and none other. If it shall be impracticable 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 city, village or town, as many may be supplied as it is practicable to procure, and the same shall be used in such precinct of the municipality as the proper officers may order. The proper officers of any city, village or town may, not later than the tenth 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 the notice of such uniting shall be given in the manner prescribed by law for the change of election districts. (Act approved February 5, 1909; Laws 1909, Chap. 6.)

Kind that may be adopted.

Consolidation of precincts.

Sec 612. **Payment for Machines; How Provided for.**—Payment for voting machines purchase may be provided by the issuance of interest bearing bonds, certificates of indebtedness, or other obligations, which will be a charge upon such county, city or town, such bonds, certificates, or other obligations may be made payable at such time or times, not exceeding ten years from the date of issue, as may be determined, but shall not be issued or sold at less than par. (Act approved March 8, 1907, Sec. 4; Laws 1907, Chap. 168.)

Sec. 613. **Method of Conducting Elections.**—The room in which the election is held shall have a railing separating that part of the room to be occupied by the election officers from that 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 judges. The machine shall be so placed 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 so see or determine from the outside of the room. After the opening of the polls the judges shall not allow any person to pass within the railing to that part of the room where the machine is situated except for the purpose of voting and 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 that would permit him or them to see or ascertain how the voter votes or how he has voted. No voter shall remain within the voting machine booth or compartment longer than one minute and if he should refuse to leave it after that lapse of time he shall at once be removed by the judges. The election board of each election precinct in which a voting machine is used shall consist of three judges of election. Where more than one machine is to be used in an election precinct, one additional judge shall be appointed for each additional machine. Before each election at which voting machines are to be used, the custodian shall instruct all judges of election that are to serve thereat, in the use of the machine, and their duties in connection therewith; and he shall give to each judge that has received such instruction and is fully qualified to conduct the election with the machine a certificate to that effect. For the purpose of giving such instruction, the custodian shall call such meeting or meetings of the judges of election as shall be necessary. Each judge of election shall attend such meeting or meetings and receive such instructions as shall be necessary for the proper conduct of the election with the machine; and, as compensation for the time spent in receiving such instruction, each judge that shall qualify for and serve in the election shall receive the sum of one dollar, to

Time within which
to vote.

Instruction to
Judges in use of
machines.

be paid to him at the same time and in the same manner as compensation is paid to him for his services on election day. No such judge of election shall serve in any election at which a voting machine is used, unless he shall have received such instruction and is fully qualified to perform his duties in connection with the machine, and has received a certificate to that effect from the custodian of the machine; provided, however, that this shall not prevent the appointment of a judge of election to fill a vacancy in an emergency. (Act approved March 6, 1909; Laws 1909, Chap. 99.)

Sec. 614. Assistance to Elector Unable to Record Vote.

—If any voter shall, in the presence of the judges of election, declare that he is unable to read or write the English language or that by reason of physical disability or total blindness he is unable to register or record his vote upon the machine, he shall be assisted as provided by section of the statutes of Any person who shall deceive any elector in registering or recording his vote under this section, or who shall register or record 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 punished as provided in Sec. 8130 (66) of the Penal Code. (Act approved March 8, 1907, Sec. 6; Laws 1907, Chap. 168.)

Deceiving Judges.

Sec. 615. Instructions to Voters.—Not more than ten or less than three days before each election at which voting machines are to be used, the board or officials charged with the duty of providing ballots shall publish in newspapers representing at least two political parties, a diagram of reduced size showing the face of the voting machine after the official ballot labels are arranged thereon, together with illustrated instructions how to vote, and a statement of the locations of such voting machines as shall be on public exhibition; or in lieu of such publication said board or officials may send by mail or otherwise at least three days before the election a printed copy of said reduced diagram to each registered voter. Not later than forty days before each election at which voting machines are to be used, the Secretary of State shall prepare samples of

Duty of Secretary of State.

the printed matter and supplies named in this section, and shall furnish one of each thereof to the board or officials having charge of election in each County, City, or village in which the machines are to be used; such samples to meet the requirements of the election to be held, and to suit the construction of the machine to be used. The board or officials charged with the duty of providing ballots shall provide for each voting machine for each election the following printed matter and supplies: Suitable printed or written directions to the Custodian for testing and preparing the voting machine for the election: One certificate on which the custodian can certify that he has properly tested and prepared the voting machine for the election; one certificate on which some person other than the custodian preparing the machine can certify that the voting machine has been examined and found to have been properly prepared for the election; one certificate on which the party representatives can certify that they have witnessed the testing and preparation of the machines; one certificate on which the deliverer of the machines can certify that he has delivered the machines to the polling places in good order; one card stating the penalty for tampering with or injuring a voting machine; two seals for sealing the voting machine; one envelope in which the keys to the voting machine can be sealed and delivered to the election officers, said envelope to have printed or written thereon the designation and location of the election district in which the machine is to be used, the number of machine, the number shown on the protective counter thereof after the machine has been prepared for the election, and the number or other designation on such seal as the machine is sealed with; said envelope to have attached to it a detachable receipt for the delivery of the keys of the voting machine to the judge of election; one envelope in which keys to the voting machine can be returned by the election officers after the election; one card stating the name and telephone address of the custodian on the day of the election; two statements of canvass on which the election officers can report the canvass of the votes as shown on the voting machine, together with other necessary information relating to the election, said statements of canvass to take

Directions as to
supplies, etc.

the place of all tally papers, statements and returns as provided heretofore; three complete sets of ballot labels; two diagrams of the face of the machine with the ballot labels thereon, each diagram to have printed above it the proper instructions to voters for voting on the machine; six suitable printed instructions to judges of election; six notices to judges of election to attend the instruction meeting; six certificates that the judges of election have attended the instruction meeting, have received the necessary instruction, and are qualified to conduct the election with the machine. The ballot labels shall be printed in black ink on clear white material of such size and arrangement as shall suit the construction of the machine; **Provided**, however, that the ballot labels for the questions may contain a condensed statement of each question to be voted on, followed by the words, "Yes" and "No"; and, **Provided further**, that the titles of the officers thereon shall be printed in type as large as the space for each office will reasonably permit, and wherever more than one candidate will be voted for for an office, there shall be printed below the office title thereof the words "Vote for any two," or such number as the voter is lawfully entitled to vote for such office. When any person is nominated for an office by more than one political party, his name shall be placed upon the ticket under the designation of the party which first nominated him; or, if nominated by more than one party at the same time, he shall, within the time fixed by law for filing certificates of nomination, file with the officer with whom his certificate of nomination is required to be filed, a written statement indicating the party designation under which he desires his name to appear upon the ballot, and it shall be so printed. If he shall refuse or neglect to so file such a statement, the officer with whom the certificate of nomination is required to be filed shall place his name under the designation of either of the parties nominating him, but under no other designation whatsoever. If the election be one at which all the candidates for the office of Presidential Electors are to be voted for with one device, the County Commissioners shall furnish for each machine twenty-five ballots for each

Ballot labels, how printed.

political party, each ballot containing the names of the candidates for the office of Presidential Electors of such party, and a suitable space for writing in names, so that the voter can vote thereon for part of the candidates for the office of Presidential Electors of one party and part of the candidates therefor of one or more other parties or for persons for that office not nominated by any party. For election precincts in which voting machines are to be used no paper ballots shall be furnished for any officer to be voted for on the machine. For election precincts in which voting machines are to be used no books or blanks for making poll lists shall be provided, but in lieu thereof the registry lists shall contain a column in which can be entered the number of each voter's ballot as indicated by the number registered on the public counter as he emerges from the voting machine. (Act approved March 6, 1909; Laws 1909, Chap. 99.)

Sec. 616. City and County Clerks to Set Up Machines for Use.—The City or County Clerk of each city or county in which a voting machine is to be used shall cause the proper ballots to be put upon each machine corresponding with the sample ballots herein provided for, and the machines in every way put in order, set and adjusted, ready for use in voting when delivered at the precinct, and for the purpose of labeling the machines, putting in order, setting and adjusting the same, they may employ one or more competent persons, and they shall cause the machine so labeled, in order and 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, in time for the opening of the polls on election day. The judges shall compare the ballots on the machine with the sample ballot, see that they are correct, examine and see that all the counters, if any, in the machine are set at zero, and that the machine is otherwise in perfect order, and they shall not thereafter permit the machine 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, if such machine be so

designed. (Act approved March 8, 1907, Sec. 8; Laws 1907, Chap. 168.)

Sec. 617. Irregular Ballots.—In case a voting machine be adopted which provides for the registry or recording of votes for candidates whose names are not on the official ballot, such ballots shall be denominated irregular ballots. A person whose name appears on a ballot or in a machine or machine system, shall not be voted for for the same office or on or in any irregular device for casting an irregular ticket, and any such vote shall not be counted, except for the office of Presidential Electors, and an elector may vote in or on such irregular device for one or more persons nominated by one party with one or more persons nominated by any or all other parties, or for one or more persons nominated by one or more parties with one or more persons not in nomination, or he may vote in such irregular device a Presidential Electoral ticket composed entirely of names of persons not in nomination. (Act. approved March 8, 1907, Sec. 9; Laws 1907, Chap. 168.)

Shall not be counted, exception.

Sec. 618. Counting the Votes.—As soon as the polls of the election are closed, the judges shall immediately lock the machine, or remove the recording device so as to provide against voting, and open the registering or recording compartments in the presence of any person desiring to attend the same, and shall proceed to ascertain the number of votes cast for each person voted for at the election, and to canvass, record, announce and return the same as provided by law. (Act approved March 8, 1907, Sec. 10; Laws 1907, Chap. 168.)

Procedure.

Sec. 619. Election Returns.—The judges as soon as the count is completed and fully ascertained, shall seal, close, lock the machine, or remove the record so as to provide against voting or being tampered with, and in case of a machine so sealed or locked, it shall so remain for a period of at least thirty days, unless opened by order of a court of competent jurisdiction. When irregular ballots have been voted, the judges shall return them in a properly sealed package endorsed "Irregular ballots," and indicating the precinct and county, and file such

Directions to Judges.

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package with the City or County Clerk. 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 such six months, unless ordered otherwise by the court, such package and its contents shall be destroyed by the City or County Clerk. All tally sheets taken from such machine, if any, shall be returned in the same manner. The officers heretofore charged with the duty of furnishing tally sheets and return blanks shall furnish suitable return blanks and certificates to the officers of election. Such return sheets shall have each candidate's name designated by the same reference character that said candidate's name bears on the ballot labels and counters, and shall make provision for writing in of the vote for such candidate in figures, and shall also provide for the writing in of the vote in words. Such return sheet shall also provide for the return of the vote on questions. It shall also have a blank thereon on which can be marked the precinct, ward, etc., of which said return sheet bears the returns and the number and make of the machine used. Said return sheet shall also have a certificate thereon, to be executed before the polls open by the judges of election, stating that all counters except the protective counter, if any, and except as otherwise noted thereon stood at "000" at the beginning of the election, and that all of said counters had been carefully examined before the beginning of the election; that the ballot labels were correctly placed on the machine and correspond to the sample ballot; and such other statements as the particular machine may require; and shall provide for the signature of the election officers. Said return sheet shall also have thereon a second certificate stating the manner of closing the polls, the manner of verifying the returns, that the foregoing returns are correct, giving the indication of the public counter, and poll list, and protective counter, if any, at the close of the election. Such certificate shall properly specify the procedure of canvassing the vote and locking the machine, etc., for the particular type of machine used, and such certificate shall be such that the election officers can properly subscribe to it as

having been followed and shall have provision for the signature of the election officers. The election officers shall conform their procedure to that specified in the certificate, to which they must certify. The certificate and attest of the election officers shall appear on each return sheet. (Act approved March 8, 1907; Sec. 11, Laws 1907, Chap. 168.)

Sec. 620. Election Laws Applicable.—All laws of this State applicable to elections where voting is done in another manner than by machine, 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. (Act approved March 8, 1907, Sec. 12; Laws 1907, Chap. 168.)

Sec. 621. Penalty for Neglect of Duty by Election Officer.—Any public officer or any election officer upon whom any duty is imposed by this act or who shall wilfully neglect or omit to perform any 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 one thousand dollars, or may be punished by both such imprisonment and fine. (Act approved March 8, 1907, Sec. 13; Laws 1907, Chap. 168.)

Felony.

Sec. 622. Penalty for Tampering With or Injuring Machines.—Any person not being an election officer who, during any election or before any election, after a voting machine has been (had?) placed upon it the ballots 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 placed thereon or to be placed thereon, or any other appliance used in connection with such machine, shall be imprisoned in the State prison for a period of not more than ten years or be fined not more than one thousand dollars, or be punished by both such fine and imprisonment. (Act approved March 8, 1907, Sec. 14; Laws 1907, Chap. 168.)

Felony.

Felony.

Sec. 623. **Penalty for Violation of Duty by Judges of Election.**—Whoever, being a judge of election, with intent to permit or cause any voting machine to fail to correctly register or record any vote 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 or record 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 on said machine, or any part thereof, or does any other like thing, shall be imprisoned in the State prison not more than ten years or fined not exceeding one thousand dollars, or punished by both such fine and imprisonment. (Act approved March 8, 1907, Sec. 15; Laws 1907, Chap. 168.)

Felony.

Sec. 624. **Penalty for Fraudulent Returns or Certificates.**—Any judge or clerk of an election who shall purposely cause the vote registered or recorded on or in 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 such things, or any of them being done, shall be imprisoned in the State prison not more than ten years, or fined not more than one thousand dollars, or punished by both such fine and imprisonment. (Act approved March 8, 1907, Sec. 16; Laws 1907, Chap. 168.)

Injury to machines,
repairs.

Sec. 625. **Defective Machines — Procedure.**—In case any voting machine used in any election shall during or before the time the polls are open, become injured so as to render it inoperative in whole or in part, it shall be the duty of the judges of election immediately to give notice thereof to the County Commissioners, and it shall be the duty of said Com-

missioners, if possible, to repair the machine at once or to substitute another machine for the injured machine; and, at the close of the polls, if a machine has been so substituted, the records of both machines shall be taken and the votes shown on their corresponding counters shall be added together in ascertaining and determining the result of the election. If no other machine can be procured for use at such election, and the injured machine cannot be repaired in time for further use at such election, the judges of said election may permit the use of unofficial ballots by the voters, which ballots may be received by the judges of election and placed by them in a receptacle to be provided therefor by them and counted with the votes registered on the voting machine, and the result declared the same as if there had been no accident to the voting machine; any marking of such official ballots by the voters which shall clearly indicate their intentions shall be deemed a proper and sufficient manner of voting; for this purpose the printed diagram of reduced size referred to in Section 615 may be used if the same can be procured, or ballots may be made from such suitable paper or other material as the precinct election board can procure. The unofficial ballots thus voted shall be preserved and returned to the County Commissioners with a statement setting forth how and why the same were used. (Act approved March 6, 1909; Laws 1909, Chap. 99.)

Machines not susceptible of repairs, procedure.

CANVASSING AND RETURNING THE VOTE.

(Sections refer to Revised Codes of 1907; sections in brackets refer to Codes of 1895.)

Section 572. Canvass to be Public and Without Adjournment.

573. Mode of Canvassing.

574. Where Ballots are in Excess of Names on Check List.

575. What Ballots Must be Counted.

576. Ascertaining the Number of Votes Cast and Persons Voted for.

577. Tickets to be Strung and Enclosed in Sealed Envelopes.

578. Rejected Ballots.

579. Return List.

580. Election Returns by Judges—How Made.

581. One of the Judges to Keep Certain Papers and the Ballot Box.

582. Custody of Election Returns.

583. Delivery to County Clerk.

584. Filing of Ballots and Stubs by County Clerk.

585. Keeping Returns Pending Contest.

586. Disposition of Returns Prior to Canvass of Vote.

587. Clerk to File in His Office Books—Papers, etc.

Sec. 572. (Sec. 1400.) **Canvass to Be Public and Without Adjournment.**—As soon as the polls are closed the judges must immediately proceed to canvass the votes given at such election. The canvass must be public in the presence of bystanders, and must be continued without adjournment until completed and the result thereof is publicly declared.

Sec. 573. (Sec. 1401.) **Mode of Canvassing.**—The canvass must commence by a comparison of the poll lists from the commencement, and the correction of any mistakes that may be found therein, until they are found to agree. The judges must then take out of the box the ballots unopened except to ascertain whether each ballot is single, and count the same to determine whether the number of ballots correspond with the number of names on the poll lists. If two or more ballots are found so folded together as to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed, and if on comparing the count with the poll lists and further considering the appearance of

Judges, how to proceed.

such ballots, a majority of the judges are of the opinion that the ballots thus folded together were voted by one elector, they must be rejected, otherwise they must be counted.

Duty of Judges.

Sec. 574. (Sec. 1402.) **Where Ballots Are in Excess of Names on Check Lists.**—If the ballots are found to exceed in number the whole number of names on the poll list, they must be placed in the box (after being purged in the manner above stated), and one of the judges must, publicly and without looking into the box, draw therefrom singly and destroy unopened so many ballots as are equal to such excess. And the judges must make a record on the poll list of the number of ballots so destroyed.

Intention of elector.

Sec. 575. (Sec. 1403.) **What Ballots Must Be Counted.**—In the canvass of the votes any ballot which is not endorsed, as provided in this title, by the official stamp, is void and must not be counted, and any ballot or parts of a ballot from which it is impossible to determine the elector's choice is void and must not be counted; if part of a ballot is sufficiently plain to gather therefrom the elector's intention, it is the duty of the judges of election to count such part.

Judges and Clerks, how to proceed.

Sec. 576. (Sec. 1404.) **Ascertaining the Number of Votes Cast and Persons Voted For.**—The ballots and poll lists agreeing or being made to agree, the judges must then proceed to count and ascertain the number of votes cast for each person voted for. In making such count the ballots must be opened singly by one of the judges, and the contents thereof, while exposed to the view of the other judges, must be distinctly read aloud by the judge who opens the ballot. As the ballots are read each clerk must write at full length on a sheet to be known as a tally sheet, the name of every person voted for and of the office for which he received votes, and keep by tallies on such sheet the number of votes for each person. The tally sheets must then be compared and their correctness ascertained, and the clerks must, under the supervision of the judges, immediately thereafter set down, at length and in their proper places in

the poll books, the names of all persons voted for, the offices for which they respectively received votes, and the total number of votes received by each person, as shown by the tally sheets. No ballot or vote rejected by the judges must be included in the count provided for in this section.

Sec. 577. (Sec. 1405.) **Tickets to Be Strung and Enclosed in Sealed Envelopes.**—The ballots, as soon as read, or rejected for illegality, must be strung upon a string by one of the judges, and must not thereafter be examined by any person, must, as soon as all legal ballots are counted, be carefully sealed in a strong envelope, each member of the judges writing his name across the seal.

Sec. 578. (Sec. 1406.) **Rejected Ballots.**—Any ballot rejected for illegality must be marked by the judges, by writing across the face thereof: "Rejected on the ground of," filling the blank with a brief statement of the reasons for the rejection, which statement must be dated and signed by a majority of the judges.

Sec. 579. (Sec. 1407.) **Return List.**—As soon as all the votes are counted and the ballots sealed up, the poll books must be signed and certified to by the judges and clerks of election substantially as in the form in Section 519 (1302) of this code.

Sec. 580. **Election Returns by Judges; How Made.**—The judges must, before they adjourn, enclose in a strong envelope, securely sealed up and directed to the County Clerk, the check lists, all certificates of registration received by them, one of the lists of the persons challenged, one of the poll books, one of the tally sheets and the official oaths taken by the judges and clerks of election; and must enclose in a separate package or envelope securely sealed up and directed to the County Clerk, all detached stubs from ballots voted, and all unused ballots with the numbered stubs attached; and must also enclose in a separate package or envelope, securely sealed up and directed to the County Clerk, all ballots voted, including all voted ballots which, for any reason, were not counted or allowed, and endorse on the outside thereof "Ballots voted." Each of the judges must write his name

Procedure.

across the seal of each of said envelopes or packages. (Act. March 5, 1907, Sec. 6; Laws 1907, Chap. 88.)

Sec. 581. (Sec. 1409.) **One of the Judges to Keep Certain Papers and the Ballot Box**—The judges must select one of their number to retain, open to the inspection of all electors, for at least six months, the other list of persons challenged, the other tally sheet and poll book. The judge so selected must also retain the ballot box.

Sec. 582. **Custody of Election Returns**.—The sealed envelope containing the check lists, certificates of registration, poll book, tally sheets, oaths of election officers; also the package or envelope containing the detached stubs and unused ballots, must, before the judges adjourn, be delivered to one of their number, to be determined by lot, unless otherwise agreed upon. (Act. March 5, 1907, Sec. 7; Laws 1907, Chap. 88.)

Sec. 583. (Sec. 1411.) **Delivery to County Clerk**.—The judges to whom such packages are delivered must, within twenty-four hours, deliver them without their having been opened to the County Clerk, or convey the same unopened to the postoffice nearest the house in which the election for such precinct was held and register and mail the same, duly directed to the said clerk.

Sec. 584. **Filing of Ballots and Stubs by County Clerk**.—Upon the receipt of the packages by the County Clerk, he must file the one containing the ballots voted and the one containing the detached stubs and unused ballots, and must keep them unopened and unaltered for twelve months, after which time, if there is no contest commenced in some tribunal having jurisdiction about such election, he must burn such packages, or envelopes, without opening or examining their contents. (Act March 5, 1907, Sec. 8; Laws 1907, Chap. 88.)

Ballots and stubs
to be kept how
long.

Sec. 585. **Keeping Returns Pending Contest**.—If, within twelve months, there is such a contest commenced, he must keep the packages or envelopes unopened and unaltered until it is finally determined, when he must, as provided in the preceding section, destroy them, unless the same are, by virtue of an order of the tribunal in which the contest is pending, brought and opened before

it, to the end that evidence may be had of their contents, in which event the packages or envelopes and their contents are in the custody of such tribunal. (Act March 5, 1907, Sec. 9; Laws 1907, Chap. 88.)

Sec. 586. Disposition of Returns Prior to Canvass of Vote.—The envelopes containing the check lists, certificates of registration, poll book, tally sheets and oaths of election officers must be filed by the County Clerk and be kept by him, unopened and unaltered, until the Board of County Commissioners meet for the purpose of canvassing the returns, when he must produce them before such board, where the same shall be opened. (Act March 5, 1907, Sec. 10; Laws 1907, Chap. 88.)

Sec. 587. (Sec. 1415.) Clerk to File in His Office Books, Papers, Etc.—As soon as the returns are canvassed, the clerk must file in his office the poll book, lists and the papers produced before the board from the packages mentioned in the next preceding section.

CANVASS OF RETURNS—DECLARATION OF RESULT—COMMISSIONS AND CER- TIFICATES OF ELECTION.

(Sections refer to Revised Codes of 1907; sections in brackets refer to Codes of 1895.)

Section 588. Meeting of County Commissioners to Canvass Returns.

- 589. In Case of Absence Certain County Officers to Act.
- 590. Canvass to be Postponed—When.
- 591. Canvass to be Public.
- 592. Statement of the Results to be Entered of Record.
- 593. Duties of Canvassing Boards—Tie Vote for State Senator or Representative.
- 594. Certificate Issued by the Clerk.
- 595. Returns for Joint Members of House of Representatives.
- 596. How Transmitted.
- 597. Duty of Clerk receiving Such Returns.
- 598. State Returns—How Made.
- 599. How Transmitted.
- 600. State Canvassers—Who Comprise—When to Meet.
- 601. Messenger May be Sent for Returns—His Duty and Compensation.
- 602. Governor to Issue Commission.
- 603. Tie Vote on State Officers.
- 604. Tie Vote on Judicial Officers.
- 605. Tie Vote on Representatives in Congress.
- 606. Defects in Form of Returns to be Disregarded.
- 607. Duty of Secretary of State to Print Election Laws.
- 608. Penalties.

Sec. 588. (Sec. 1430.) **Meeting of County Commissioners to Canvass Returns.**—The Board of County Commissioners of each county is ex-officio a board of county canvassers for the county, and must meet as a board of county canvassers at the usual place of meeting of the County Commissioners within ten days after each election at twelve o'clock noon, to canvass the returns.

Sec. 589. (Sec. 1431.) **In Case of Absence, Certain County Officers to Act.**—If at the time and place appointed for such meeting, one or more of the County Commissioners should not attend, the place of the absentees must be supplied by one or more of the following

county officers, whose duty it is to act in the order named, to-wit: The Treasurer, the Assessor, the Sheriff, so that the board of county canvassers shall always consist of three acting members. The clerk of the board of County Commissioners is the clerk of the board of county canvassers.

Related returns.

Sec. 590. (Sec. 1432.) **Canvass to Be Postponed.**—If at the time of meeting the returns from each precinct in the county in which polls were opened have been received, the board of county canvassers must then and there proceed to canvass the returns; but if all the returns have not been received the canvass must be postponed from day to day until all of the returns are received, or until seven postponements have been had. If the returns from any election precinct have not been received by the County Clerk within seven days after any election, it is his duty forthwith to send a messenger to the judges for the missing returns, who must procure such returns from the judges, or any of them, and return the same to the County Clerk. Such messenger must be paid out of the county treasury, fifteen cents per mile in going and coming. If it appears to the board, by evidence, that the polls were not opened in any precinct, and no returns have been received therefrom, the board must certify to the same, and file such certificate with the County Clerk, with the evidence, if any, who must enter the same in the minutes and in the statements mentioned in Section 592 (1434).

Immaterial Irregularities.

Sec. 591. (Sec. 1433.) **Canvass to Be Public.**—The canvass must be made in public by opening the returns and determining therefrom the vote of such county or precinct for each person voted for, and for and against each proposition voted upon at such election, and declaring the result thereof. In canvassing, no returns must be rejected if it can be ascertained therefrom the number of votes cast for each person. The fact that the returns do not show who administered the oath to the judges or clerks of election, or a failure to fill out all the certificates in the poll books, or to do or perform any other act in making up the returns, that is not essential to de-

termine for whom the votes were cast, is not such an irregularity as to entitle the board to reject the same, but they must be canvassed as other returns are.

Sec. 592. (Sec. 1434.) **Statement of the Results to Be Entered of Record.**—The clerk of the board must, as soon as the result is declared, enter on the records of such board a statement of such result, which statement must show:

1. The whole number of votes cast in the county.
2. The names of the persons voted for, and the propositions voted upon.
3. The office to fill which each person was voted for.
4. The number of votes given at each precinct to each of such persons, and for and against each of such propositions.
5. The number of votes given in the county to each of such persons, and for and against each of such propositions.

Sec. 593. (Sec. 1435.) **Duties of Canvassing Boards—Tie Vote for State Senator or Representative.**—The board must declare elected the person having the highest number of votes given for each office to be filled by the votes of a single county or a subdivision thereof, and in the event of two or more persons receiving an equal and sufficient number of votes to elect to the office of State Senator, or member of the House of Representatives, it shall be the duty of the board, under the direction of and in the presence of the district court, or Judge thereof, to recount the ballots cast for such persons, and the board shall declare elected the person or persons shown by the recount to have the highest number of votes if such recount shall show that two or more such persons receive an equal and sufficient number of votes to elect to the same office, then, and in that event, the board shall certify such facts to the Governor. (Approved March 4, 1909; Laws 1909, Chap. 84.)

Sec. 594. (Sec. 1436.) **Certificates Issued by the Clerk.**—The clerk of the Board of County Commissioners must immediately make out and deliver to such person (except to the person elected District Judge) a certificate

of election signed by him and authenticated with the seal of the Board of County Commissioners.

Duty of County Clerks.

Sec. 595. (Sec. 1437.) **Returns for Joint Members of House of Representatives.**—When there are members of the House of Representatives voted for, by the electors of a district composed of two or more counties, each of the clerks of the counties composing such district, immediately after making out the statement specified in Section 592 (1434), must make a certified abstract of so much thereof as relates to the election of such officers.

Sec. 596. (Sec. 1438.) **How Transmitted.**—The clerk must seal up such abstract, indorse it "Election returns," and without delay transmit the same by mail to the clerk of the Board of Commissioners of the county which stands first in alphabetical arrangement in the list of counties composing such district.

Sec. 597. (Sec. 1439.) **Duty of Clerk Receiving Such Returns.**—The clerk to whom the returns of a district are made, must on the twentieth day after such election, or sooner, if the returns from all the counties in the district have been received, open in public such returns, and from them and the statement of the vote for such officers in his own county:

1. Make a statement of the vote of the district for such officers, and file the same, together with the returns, in his office.

2. Transmit a certified copy of such statement to the Secretary of State.

3. Make out and deliver or transmit by mail to the person elected a certificate of election (unless it is by law otherwise provided).

Duty of Clerk of County Commissioners.

Sec. 598. (Sec. 1440.) **State Returns, How Made.**—When there has been a general or special election for officers voted for by the electors of the State at large or for judicial officers (except justices of the peace), each clerk of the board of county canvassers, so soon as the statement of the vote of his county is made out and entered upon the records of the Board of County Commissioners, must make a certified abstract of so much thereof as relates to the votes given for persons for said offices to be filled at such election.

Sec. 599. (Sec. 1441.) **How Transmitted.**—The clerk must seal up such abstract, indorse it "Election returns," and without delay transmit it by mail, registered, to the Secretary of State.

Sec. 600. (Sec. 1442.) **State Canvassers, Who Comprise, When to Meet.**—On the first Monday of December after the day of election, at twelve o'clock noon, the State Auditor, State Treasurer, and Attorney General, who constitute a board of State canvassers, must meet in the office of the Secretary of State and compute and determine the vote, and the Secretary of State, who is secretary of said board, must make out and file in his office a statement thereof and transmit a copy of such statement to the Governor.

State Board of
Canvassers.

Sec. 601. (Sec. 1443.) **Messenger May Be Sent for Returns—His Duty and Compensation.**—If the returns from all the counties have not been received on the fifth day before the day designated for the meeting of the board of State canvassers, the Secretary of State must forthwith send a messenger to the clerk of the board of county canvassers of the delinquent county, and such clerk must furnish the messenger with a certified copy of the statement mentioned in Section 592 (1434). The person appointed is entitled to receive as compensation five dollars per day for the time necessarily consumed in such service and the traveling expenses necessarily incurred. His account therefor, certified by the Secretary of State, after being allowed by the board of examiners, must be paid out of the general fund of the State treasury.

Related returns.

Sec. 602. (Sec. 1444.) **Governor to Issue Commission.**—Upon receipt of such copy mentioned in Section 600 (1442) the governor must issue commissions to the persons who from it appear to have received the highest number of votes for offices to be filled at such election. In case a Governor has been elected to succeed himself, the Secretary of State must issue the commission.

Sec. 603. (Sec. 1445.) **Tie Vote on State Officers.**—In case of a tie vote for State officers, as specified in Section 457 (1171) of this code, it is the duty of the Secretary of State to transmit to the Legislative Assembly,

Procedure.

at its next regular session, a certified copy of the statement showing the vote cast for the two or more persons having an equal and the highest number of votes for any State office.

Procedure.

Sec. 604. (Sec. 1446.) **Tie Vote on Judicial Officers.**—In case any two or more persons have an equal and highest number of votes for Justices of the Supreme Court, or Judge of a District Court, the Secretary of State must transmit to the Governor a certified statement showing the vote cast for such person and thereupon the Governor must appoint an eligible person to hold office, as in case of other vacancies in such offices.

Procedure.

Sec. 605. (Sec. 1447.) **Tie Vote on Representatives in Congress.**—In case of a failure by reason of a tie vote or otherwise, to elect a Representative in Congress, the Secretary of State must transmit to the Governor a certified statement showing the vote cast for such persons voted for, and in case of a failure to elect, by reason of a tie vote, or otherwise, the Governor must order a special election.

Sec. 606. (Sec. 1448.) **Defect in Form of Returns to Be Disregarded.**—No declaration of the result, commission or certificate must be withheld on account of any defect or informality in the return of any election, if it can, with reasonable certainty, be ascertained from such return what office is intended and who is elected thereto.

Distribution of copies.

Sec. 607. (Sec. 1449.) **Duty of Secretary of State to Print Election Laws.**—It is the duty of the Secretary of State to cause to be published, in pamphlet form, a sufficient number of copies of this title, and such other provisions of law as bear upon the subject of elections, and to transmit the proper number to each County Clerk, whose duty it is to furnish each election officer in his county with one of such copies.

Sec. 608. (Sec. 1450.) **Penalties.**—The penalties for the violation of this title are prescribed in Title IV, Part I, of the Penal Code. (See Crimes Against Elective Franchise, at end of Pamphlet.)

ELECTION FOR ELECTORS OF PRESIDENT AND VICE PRESIDENT.

(Sections refer to Revised Codes of 1907; the Sections in brackets refer to Codes of 1895.)

Section 626. Electors, When Chosen.

627. Returns, How Made.

628. Duty of Governor.

629. Meeting of Electors.

630. Vacancies—How Supplied.

631. Voting of Electors and Return.

632. Separate Ballots for President and Vice-President.

633. Must Make Lists of Persons Voted for.

634. Results to be Transmitted as Provided by Law of the United States.

635. Compensation of Electors.

636. How Audited and Paid.

Sec. 626. ((Sec. 1460.) **Electors, When Chosen.**—At the general election in November preceding the time fixed by the law of the United States for the choice of President and Vice President of the United States, there must be elected as many Electors of President and Vice President as this State is entitled to appoint.

Sec. 627. (Sec. 1461.) **Returns, How Made.**—The votes for Electors of President and Vice President must be canvassed, certified to and returned in the same manner as the votes for State officers.

Sec. 628. (Sec. 1462.) **Duty of Governor.**—The Governor must transmit to each of the Electors a certificate of election, and on or before the day of their meeting deliver to each of the Electors a list of the names of Electors, and must do all other things required by him in the premises by any act of Congress in force at the time.

Sec. 629. (Sec. 1463.) **Meeting of Electors.**—The Electors chosen must assemble at the seat of government on the second Monday in January next after their election, at two o'clock in the afternoon.

Sec. 630. (Sec. 1464.) **Vacancies, How Supplied.**—In case of the death or absence of any Elector chosen, or in case the number of Electors from any cause be deficient,

the Electors then present must elect, from the citizens of the State, so many persons as will supply such deficiency.

Sec. 631. (Sec. 1465.) **Voting by Electors and Returns.**—The Electors when convened must vote by ballot for one person for President and one for Vice President of the United States, one of whom at least is not an inhabitant of this State.

Sec. 632. (Sec. 1466.) **Separate Ballots for President and Vice President.**—They must name in their ballots the persons voted for as President, and in distinct ballots the persons voted for as Vice President.

Sec. 633. (Sec. 1467.) **Must Make Lists of Persons Voted For.**—They must 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 given for each.

Sec. 634. (Sec. 1468.) **Results to Be Transmitted as Provided by Law of the United States.**—They must certify, seal up, and transmit such lists in the manner prescribed by the constitution and laws of the United States.

Sec. 635. (Sec. 1469.) **Compensation of Electors.**—Electors receive the same pay and mileage as is allowed to members of the Legislative Assembly.

Sec. 636. (Sec. 1470.) **How Audited and Paid.**—Their accounts therefor, certified by the Secretary of State, must be audited by the State Auditor, who must draw his warrants for the same on the Treasurer, payable out of the general fund.

(Note:—See Preferential Primaries for President and Vice President.)

ELECTIONS FOR MEMBERS OF CONGRESS.**Election for Senators.**

Section 637. Election for Full Term.

638. Election to Fill Vacancy.

Sec. 537. (Sec. 1480.) **Election for Full Term.**—Elections for Senators in Congress for full terms must be held at the regular session of the Legislative Assembly next preceding the commencement of the term to be filled.

Sec. 638. (Sec. 1481.) **Election to Fill Vacancy.**—Elections to fill a vacancy in the term of a United States Senator must be held at the session of the Legislative Assembly next preceding the occurrence of such vacancy, or if the Legislative Assembly be in session at the time of the occurrence of the vacancy, then at such session.

(Note:—See Nomination of Candidates for Office of United States Senator.)



NOMINATION OF CANDIDATES FOR OFFICE OF UNITED STATES SENATOR.

(Laws of 1911, Chapter 60, approved March 1, 1911.)

- Section 1. United States Senators—Political State Conventions Shall Nominate When—To Certify Nomination.
2. Election Proclamation of the Governor.
 3. Electors May Vote for Senators—How.
 4. Ballots Shall Contain the Names of Candidates for United States Senator—Term Shall be Designated.
 5. Canvassing—Transmitting and Certifying Vote.
 6. Nomination by Petition—Basis for Computing Required Number of Names on Petition—How Placed Upon Official Ballot.
 7. Governor Shall Certify to the Legislature the Number of Votes Received by Each Candidate—Candidates May File Statement.
 8. Candidates for State Senator or the House of Representatives May File a Statement in the Office of the County Recorder—When.
 9. Certificate to be Prepared by County Clerk and Recorder—Publication of Certificates.

Sec. 1. It shall be the duty of the State convention of any political party within the State of Montana, held next preceding any session of the Legislative Assembly at which is to be elected a United States Senator, to nominate in the same manner as candidates for State officers are nominated, a candidate of such political party for the office of Senator in the Congress of the United States and to certify such nomination to the Secretary of State in the same manner as is now provided for certifying nominations of candidates for State officers, and it shall be the duty of the Secretary of State to treat such nominations for Senator in the Congress of the United States in the same manner as candidates and nominations for State officers, "and to certify to the County Clerk of each county the nominations for United States Senator, so made as shown by and specified in such certificates of nomination at the same time and in the same manner as is now provided by law for the certification by him to the various county clerks of nominations made of candidates for State offices."

Political state conventions shall nominate, when.

To certify nomination.

Duty of secretary of state.

Shall certify nominations to the County Clerk of each county.

Election proclama-
tion of the
governor.

Sec. 2. The election proclamation of the Governor provided for in Section 452 and 453; Revised Codes, State of Montana, 1907, shall contain, in case of a general election immediately preceding the session of the Legislative Assembly at which is to be elected a United States Senator, a statement to the effect that at such election the electors may express their choice for the office of United States Senator.

Electors may vote
for senators, how.

Sec. 3. At the general election held next preceding any session of the Legislative Assembly at which is to be elected a United States Senator, the electors of the State shall have the right to express their choice for such United States Senator, in the same manner as for the candidates for the various offices to be filled at such election, and shall have the right to vote in the same manner as they vote for other candidates for office, for one or the other of such persons so nominated for the office of Senator in the Congress of the United States and certified and appearing upon the official ballot, as aforesaid.

Ballots shall con-
tain the names of
candidates for.

Sec. 4. All ballots prepared for use at any such election as provided by Section 545 of the Revised Codes of Montana of 1907, shall contain in each list of candidates of the several parties, the candidates of each political party for the office of United States Senator, or the candidates of such party, in case two are to be elected at the same time, the candidate or candidates, as the case may be, of each political party for the office of United States Senator being placed first in the list after words, "For United States Senator." In case two Senators are to be elected, the length of the term to fill which each candidate is nominated shall be designated by appropriate reference on the ballot immediately before his name.

When names are
to be placed on
ballots,

Term shall be
designated.

Canvassing, trans-
mitting and certi-
fying vote.

Sec. 5. The vote for United States Senator must be canvassed, certified to and transmitted in the same manner as the vote for State officers.

Nomination by
petition.

Sec. 6. Candidates for the office of Senator in Congress of the United States may be nominated otherwise than by political party conventions or primary meetings, in

the same manner as other candidates for office may now be nominated otherwise than by convention or primary meeting, as provided for in Section 524 of the Revised Codes, State of Montana, 1907. Provided, that in the case of the first election held under the provisions of this act, the vote for Governor shall be used as a basis of computation and when so nominated their names shall be placed upon the official ballot to be used at such general election, in the same manner as is now provided by law for State officers not nominated by convention or primary meeting, and may be voted upon by the electors of the State as herein provided in relation to candidates for Senator in the Congress of the United States nominated by political conventions or primary meetings.

Basis for computing required number of names on petition.

How placed upon official ballot.

Sec. 7. The Governor shall, upon the convening of any session of the Legislative Assembly at which a United States Senator is to be elected, transmit to each house a certificate showing the number of votes received by each candidate for United States Senator, so nominated as aforesaid, as returned to him by the State board of canvassers, for their information and guidance.

Governor shall certify to the legislature the number of votes received by each candidate.

Sec. 8. Any candidate for the office of Senator or Representative in the Legislative Assembly who has been nominated by a party convention for such office, or who has been nominated by a party convention for such office as provided for in Section 524 of the Revised Codes, State of Montana, 1907, may not more than thirty days nor less than twenty days, before the day upon which the general election is to be held, file with the County Clerk and Recorder of the county wherein such person is a candidate, one or the other of the following statements:

Candidates may file statement.

Statement No. 1.

I state to the people of Montana, as well as to the people of my county, that during my term of office I will always vote for that candidate for United States Senator in Congress who has received the highest number of the people's votes for that position at the general election next preceding the election of a Senator in Con-

Statement No. 1.

ELECTION LAWS

gress without regard to my individual preference..

.....
(Signature of Candidate.)

Statement No. 2.

Statement No. 2.

During my term of office I shall consider the vote of the people for the United States Senator in Congress as nothing more than a recommendation which I shall be at liberty to wholly disregard, if the reason for doing so seems to me to be sufficient.

.....
(Signature of Candidate.)

Certificate to be prepared by county clerk and recorder.

Sec. 9. Each County Clerk and Recorder within the State of Montana shall prepare a certificate under his hand and the seal of his office, showing what candidates for the office of Senator or Representative in the Legislative Assembly have duly signed and filed Statement No. 1, and also showing what candidates for such offices have duly signed and filed Statement No. 2, and also showing what candidates for office have failed to file either of said statements, and shall cause such certificate to be published in some newspaper, either weekly or daily, within his said county, and if there be a daily newspaper published in said county, said certificate shall be published in said daily newspaper for fourteen successive days next preceding the day upon which such general election is to be held, and if there be no daily newspaper published in said county, then said certificate shall be published in some weekly newspaper published in said county once each week during the two weeks next preceding the day of such general election.

Publication of certificates.

Repealing clause.

Sec. 10. All acts and parts of acts in conflict with this act are hereby repealed.

Sec. 11. This act shall be in full force and effect from and after its passage and approval.

A Bill to Propose by Initiative a Law to Instruct the Members of the Legislative Assembly to Vote for and Elect the Candidates Selected by the People for United States Senator From Montana.

(Initiated by the people and passed at general election of November, 1912.)

Be It Enacted by the People of the State of Montana:

Sec. 1. That we, the people of the State of Montana, hereby instruct our Representatives and Senators in our Legislative Assembly, as such officers, to vote for and elect the candidates for United States Senator from this State who receive the highest number of votes at our general elections.

**ELECTIONS FOR REPRESENTATIVES IN
CONGRESS.**

Section 639. When Held.

640. Returns—How Made.

641. Certificates Issued by Governor.

Sec. 639. (Sec. 1490.) **When Held.**—At the general election to be held in the year eighteen hundred and ninety-two and at the general election every two years thereafter, there must be elected for each congressional district one Representative to the Congress of the United States.

(Note:—Montana is now entitled to two Representatives in Congress.)

Sec. 640. (Sec. 1491.) **Returns, How Made.**—The vote for Representative in Congress must be canvassed, certified to and transmitted in the same manner as the vote for State officers.

Sec. 641. (Sec. 1492.) **Certificates Issued by Governor.**—The Governor must, upon the receipt of the statement mentioned in Section 600 (1442), transmit to the person elected a certificate of his election, sealed with the great seal and attested by the Secretary of State.



APPORTIONMENT AND REPRESENTATION.

(Constitutional Provisions.)

ARTICLE VI.

Sec. 1. One Representative in the Congress of the United States shall be elected from the State at large, the first Tuesday in October, 1889, and thereafter at such times and places, and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress the Legislative Assembly shall divide the State into congressional districts accordingly.

Sec. 2. The Legislative Assembly shall provide by law for an enumeration of the inhabitants of the State in the year 1895 and every tenth year thereafter; and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for Representatives on the basis of such enumeration according to ratios to be fixed by law.

Sec. 3. Representative districts may be altered from time to time as public convenience may require. When a representative district shall be composed of two or more counties, they shall be contiguous, and the districts as compact as may be. No county shall be divided in the formation of representative districts.

Sec. 4. Whenever new counties are created, each of said counties shall be entitled to one Senator, but in no case shall a senatorial district consist of more than one county. (See also Section 42, Revised Codes, 1907.)

ARTICLE V.**Legislative Department.**

Sec. 2. Senators shall be elected for the term of four years, and Representatives for the term of two years, except as otherwise provided in this constitution.

Sec. 3. No person shall be a Representative who shall not have attained the age of twenty-one years, or a Senator who shall not have attained the age of twenty-four years, and who shall not be a citizen of the United States,

JUDICIAL DISTRICTS.

As at Present Constituted, With Number of Judges in Each.

First District: County of Lewis and Clark—Two Judges.

Second District: County of Silver Bow—Three Judges.

Third District: Counties of Deer Lodge, Powell and Granite—One Judge.

Fourth District: Counties of Missoula, Ravalli and Sanders—Two Judges.

Fifth District: Counties of Beaverhead, Jefferson and Madison—Two Judges.

Sixth District: Counties of Park, Stillwater and Sweet Grass—One Judge.

Seventh District: Counties of Custer, Dawson and Fallon—One Judge.

Eighth District: Counties of Cascade and Teton—Two Judges.

Ninth District: County of Gallatin—One Judge.

Tenth District: County of Fergus—One Judge.

Eleventh District: Counties of Flathead and Lincoln—One Judge.

Twelfth District: Counties of Blaine, Chouteau, Hill, Sheridan and Valley—Two Judges.

Thirteenth District: Counties of Carbon, Musselshell, Rosebud, Yellowstone and Big Horn—Two Judges.

Fourteenth District: Counties of Meagher and Broadwater—One Judge.

(Note:—The above includes all counties created up to date of publication of this pamphlet.)

JUDICIAL OFFICERS.

JUSTICES OF THE SUPREME COURT.

Constitutional Provisions—Article VIII.

Sec. 6. The Justices of the Supreme Court shall be elected by electors of the State at large, as hereinafter provided.

Sec. 7. The term of office of the Justices of the Supreme Court, except as in this constitution otherwise provided, shall be six years.

Sec. 8. There shall be elected at the first general election, provided for by this constitution, one Chief Justice and two Associate Justices of the Supreme Court. At said first election the Chief Justice shall be elected to hold his office until the general election in the year one thousand eight hundred ninety-two (1892), and one of the Associate Justices to hold his office until the general election in the year one thousand eight hundred ninety-four (1894), and the other Associate Justice to hold his office until the general election in the year one thousand eight hundred ninety-six (1896), and each shall hold until his successor is elected and qualified. The terms of office of said Justices, and which one shall be Chief Justice, shall at the first and all subsequent elections be designated by ballot. After said first election one Chief Justice or one Associate Justice shall be elected at the general election every two years, commencing in the year one thousand eight hundred ninety-two (1892), and if the Legislative Assembly shall increase the number of Justices to five, the first terms of office of such additional Justices shall be fixed by law in such manner that at least one of the five Justices shall be elected every two years.

* * * * *

Sec. 10. No person shall be eligible to the office of Justice of the Supreme Court, unless he shall have been admitted to practice law in the Supreme Court of the Territory or State of Montana, be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in said Territory or State at least two years next preceding his election.

Code Provisions.

(Sections refer to Revised Codes of 1907; Sections in brackets refer to Codes of 1895.)

Section 6244. Justices—Election—Terms of Office.

6245. Computation of Years of Office.

6246. Vacancies.

Sec. 6244. (Sec. 12.) **Justices—Election and Terms of Office.**—The Supreme Court consists of a Chief Justice and two Associate Justices, who shall be elected by the

qualified electors of the State at large, at the general State elections next preceding the expiration of the terms of office of their predecessors respectively, and hold their offices for the term of six years from and after the first Mondays of January next succeeding their election; **Provided**, that of the Justices elected at the general State election of 1889, the Chief Justice shall go out of office on the first Monday of January, 1893, and the two Associate Justices shall go out of office on the first Mondays of January, 1895 and 1897, respectively.

Sec. 6245. (Sec. 13.) **Computation of Years of Office.**—The years during which a Justice of the Supreme Court is to hold office are to be computed respectively from and including the first Monday of January of any one year to and excluding the first Monday of January of the next succeeding year.

Sec. 6246. (Sec. 14.) **Vacancies.**—If a vacancy occur in the office of a Justice of the Supreme Court, the Governor must appoint an eligible person to hold the office until the election and qualification of a Justice to fill the vacancy, which election must take place at the next succeeding general election; and the Justice so elected holds the office for the remainder of the unexpired term of his predecessor.

JUDGES OF THE DISTRICT COURTS.

Constitutional Provisions—Article VIII.

Sec. 16. No person shall be eligible to the office of Judge of the District Court unless he be at least twenty-five years of age and a citizen of the United States, and shall have been admitted to practice law in the Supreme Court of the Territory or State of Montana, nor unless he shall have resided in this State or Territory at least one year next preceding his election. He need not be a resident of the district for which he is elected at the time of his election, but after his election he shall reside in the district for which he is elected during his term of office.

Code Provisions.

- Section 6264. Number of Judges in Districts
 6267. Term of Office.
 6268. Computation of Years of Office.
 6269. Vacancies.

Sec. 6264. **Number of Judges in District Court.**—In each judicial district there must be a Judge of the District Court, who must be elected by the qualified voters of the district, and whose term of office is four years.

Sec. 6267. (Sec. 33.) **Term of Office.**—The term of office of Judges of the District Court begins on the first Monday of January next succeeding their election.

Sec. 6268. (Sec. 34.) **Computation of Years of Office.**—The years during which a Judge of a District Court is to hold office are to be computed, respectively, from and including the first Monday of January of any one year to and excluding the first Monday of January, of the next succeeding year.

Sec. 6269. (Sec. 35.) **Vacancy.**—If a vacancy occur in the office of a Judge of a District Court, the Governor must appoint an eligible person to hold the office until the election and qualification of a Judge to fill the vacancy, which election must take place at the next succeeding general election, and the Judge so elected holds office for the remainder of the unexpired term.

JUSTICES OF THE PEACE.**Constitutional Provision—Article VIII.**

Sec. 20. There shall be elected in each organized township of each county by the electors of such township at least two Justices of the Peace, who shall hold their offices, except as otherwise provided in this constitution, for the term of two years.

* * * * *

Code Provisions.

- Section 6279. Justices' Courts and Justices.
 6283. Terms of Office.
 6284. Vacancies.

Sec. 6279. (Sec. 60.) **Justices' Courts and Justices.**—

ELECTION LAWS

There must be at least two Justices' Courts in each of the organized townships of the State, for which two Justices of the Peace must be elected by the qualified electors of the township at the general State election next preceding the expiration of the term of office of his predecessor.

Sec. 6283. (Sec. 64.) **Terms of Office.**—The term of office of Justices of the Peace is two years from the first Monday in January next succeeding their election.

Sec. 6284. (Sec. 65.) **Vacancies.**—If a vacancy occurs in the office of a Justice of the Peace, the County Commissioners of the county must appoint an eligible person to hold the office for the remainder of the unexpired term.

(Note:—Act of 1909 (Chapter 113), providing for non-partisan nomination of judicial officers, held unconstitutional in *State ex rel. Holliday v. O'Leary*, 43 Mont. 157, decided March 29, 1911.)

GOVERNMENT OF COUNTIES.

Constitutional Provisions—Article XVI.

Sec. 4. In each county there shall be elected three County Commissioners whose term of office shall be for six years; **Provided**, that the term of office of those elected on November 6, 1900, shall expire on the first Monday in January, 1907; **Provided further**, that at the general election to be held in November, 1902 (in counties where Commissioners are to be elected) three Commissioners are to be elected whose terms shall expire on the first Monday in January, 1907; **Provided further**, that at the general election to be held in November, 1900, one Commissioner shall be elected for a term of two years, one Commissioner shall be elected for a term of four years, and one Commissioner shall be elected for a term of six years, whose term of office shall commence on the said first Monday in January, 1907; and, **Provided further**, that at each general election thereafter, commencing with the general election to be held in November, 1908, one Commissioner shall be elected for a term of six years. A vacancy in the Board of County Commissioners shall be filled by the Judge of the judicial district in which the vacancy occurs. (Adopted November 4, 1902.)

Sec. 5. There shall be elected in each county the following officers: One County Clerk, who shall be clerk of the Board of the County Commissioners and ex-officio Recorder; one Sheriff; one Treasurer, who shall be collector of taxes; **Provided**, That no person shall hold the office of County Treasurer for more than two consecutive terms; one County Superintendent of Schools; one County Surveyor; one Assessor; one Coroner; one Public Administrator. Persons elected to the different offices named in this section shall hold their respective offices for the term of two years, and until their successors are elected and qualified. Vacancies in all county, township and precinct offices, except that of County Commissioners, shall be filled by appointment by the Board of County Commissioners, and the appointee shall hold his office until the next general election.

ELECTION LAWS

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ELECTION LAWS

Sec. 6. The Legislative Assembly may provide for the election or appointment of such other county, township, precinct and municipal officers as public convenience may require, and their terms of office shall be as prescribed by law, not in any case to exceed two years, except as in this constitution otherwise provided.

Code Provisions.

(Sections refer to Revised Codes of 1907; Sections in brackets refer to Codes of 1895.)

Section 2955. General Qualification for County Office.

2956. Same for District and Township Offices.

2957. County Officers Enumerated.

2958. Township Officers.

2960. County and Other Officers—When Elected and Term of Office.

2961. Election and Terms of County Commissioners.

2962. District Judges and Justices of the Peace—Election and Term of Office.

Sec. 2955. (Sec. 4310.) **General Qualifications for County Office.**—No person is eligible to a county office who at the time of his election is not of the age of twenty-one years, a citizen of the State, and an elector of the county in which the duties of the office are to be exercised or for which he is elected.

Sec. 2956. (Sec. 4311.) **Same for District and Township Office.**—No person is eligible to a district or township office who is not of the age of twenty-one years, a citizen of the State and an elector of the district or township in which the duties of the office are to be exercised or for which he is elected.

Sec. 2957. (Sec. 4312.) **County Officers Enumerated.**—The officers of a county are:

A Treasurer.

A County Clerk.

A Clerk of the District Court.

A Sheriff.

A County Auditor; except in the fourth, fifth, sixth, seventh and eighth class counties.

A County Attorney.

A Surveyor.

A Coroner.

A Public Administrator.

An Assessor.

A County Superintendent of Common Schools.

A Board of County Commissioners.

Sec. 2958. (Sec. 4313.) **Township Officers.**—The officers of townships are: Two Justices of the Peace, two Constables, and such other inferior and subordinate officers as are provided for elsewhere in this code, or by the Board of County Commissioners.

Sec. 2960. (Sec. 4315.) **County and Other Officers, When Elected and Term of Office.**—All elective county and township officers, except County Commissioners, must be elected at the general election to be held in the year eighteen hundred and ninety-four, and at the general election to be held every second year thereafter, and must take office on the first Monday of January next succeeding their election, except County Treasurer, whose term begins on the first Monday of March next succeeding his election, and hold office for two years.

Sec. 2961. (Sec. 4316.) **Election and Terms of County Commissioners.**—The election and terms of office of County Commissioners are provided for in the constitution.

Sec. 2962. (Sec. 4317.) **District Judges and Justices of the Peace; Election and Term of Office.**—The election and terms of office of District Judges and Justices of the Peace are provided for in Title I of the Code of Civil Procedure.

NEW COUNTIES — CREATION, ORGANIZATION, CLASSIFICATION, ETC.

(Thirteenth Session, Chapter 133, P. 484.)

- Section
1. Valuation of Property in Old and New Counties.
 2. Presentation of Petition—Procedure.
 3. Creation of Proposed New County .
 4. Resolution by County Commissioners.
 5. Officers Elect—Qualifications.
 6. Adjustment of Indebtedness.
 7. Same—Procedure.
 8. Same—Commissioners—Compensation.
 9. Assessment and Collection of Taxes.
 10. Road and School Funds—Distribution.
 11. Books and County Records.
 12. Actions Pending in District Courts.
 13. Publication of Notice.
 14. State Senator and Representative of New County.
 15. Violation of Official Duty—Misdemeanor.
 16. Repealing Clause.
 17. Act to Take Effect—When.

CHAPTER 133.

An Act to Amend Sections 1, 2, 3 and 4 and re-enacting Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of Chapter 112, of the Session Laws of the Twelfth Legislative Assembly of 1911, Entitled, "An Act to Provide for the Creation, Organization and Classification of New Counties, for Locating the County Seats, for the Election and Appointment of Officers, for the Adjustment and Fulfillment of the Rights and Obligations Arising Between Such New Counties and Other Counties, and Providing Penalties for the Violation Thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Sec. 1. New counties may, from time to time, be formed and created in this State from portions of one or more counties already in existence, in the manner set forth in this act; **Provided**, however, that no new counties shall be established which shall reduce any county to an assessed valuation of less than five million of dollars; nor shall any new county be formed which contains an assessed valuation of property less than three million dollars, as shown by the last preceding assessment of

Valuation of property in new and old counties.

Boundary lines.

the county or counties from which such new county is to be established; nor shall any line thereof pass within eighteen miles of the county seat of any county proposed to be divided, and in every case where the county seat of the county sought to be divided is situated at or within the boundaries of any incorporated town or city, such county seat shall, for the purpose of this act, be held to include and to be coterminous with the territory included within the boundaries of the incorporated town or city whereat or wherein the county seat of the county sought to be divided is situated, as such boundaries are legally fixed and determined at the date of the filing of the petition or petitions referred to in Section 2 of this act, nor shall any new county be formed which shall reduce to less than eight hundred square miles of surveyed land the area of any existing county from which territory is taken to form such new county. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a pro rata proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken and shall be entitled to a pro rata porportion of the assets of the county or counties from which such territory is taken to be determined as hereinafter provided:

Liability for indebtedness.

Presentation of petition, to whom.

Sec. 2. Whenever it is desired to divide any county or counties and form a new county out of a portion of the territory of such then existing county or counties, a petition shall be presented to the Board of County Commissioners of the county from which said new county is to be formed, in case said county is to be formed from but one county, or to the Board of County Commissioners of the county from which the largest area of territory is proposed to be taken for the formation of such new county, in case said new county is to be formed from portions of two or more existing counties, and such Board of County Commissioners shall be empowered and have the jurisdiction to do and perform all acts provided for to be done or performed in this act, for each of the several counties from which any proposed territory is to be taken, and shall direct that a certified

copy of all orders and proceedings had before such Board of County Commissioners shall be certified by the County Clerk to the Board of County Commissioners of each of the several counties from which any territory is taken by the proposed new county, and all officers of any such county from which any territory is taken by the proposed new county shall comply with the orders of the Board of County Commissioners in the same manner as if said order had been duly made by the Board of County Commissioners of each respective county from which territory is proposed to be taken. Such petition shall be signed by at least one-half of the qualified electors of the proposed new county, whose names appear on the official registration books used at the general election held therein last preceding the presentation of said petition to the Board of County Commissioners as herein provided; **Provided**, that in cases where the proposed new county is to be formed from portions of two or more existing counties, separate petitions shall be presented from the territory taken from each county; and each of said separate petitions shall be signed by at least one-half of the qualified electors of each of said proposed portions. Such signatures need not all be appended to one paper, but may be signed to several petitions which must be similar in form, and when so signed the several petitions may be fastened together and shall be treated and presented as one petition. Such petition or petitions shall contain:

Duty of county officers of the several counties.

Contents of petitions.

A particular description of the boundaries of the proposed new county to be formed; and a statement that no line thereof passes within eighteen miles of the county seat of any county proposed to be divided;

A statement of the assessed valuation of such proposed county, as shown by the last preceding assessment of the county or counties from which such new county is to be established, provided that the statement of assessed valuation of such proposed county and such statement shall show the number of miles of railroads or railroad therein, together with the total assessed valuation thereof, as fixed by the State board of equalization;

A statement of the area in square miles which will

remain in the county or counties from which territory is taken to form such new county, after such new county is formed;

The name of the proposed new county;

A prayer that such proposed new county be organized into a new county under the provisions of this act.

Verification of petitions.

There shall be attached to and filed with said petition or petitions the affidavit of three qualified electors and tax payers within each county sought to be divided, to the effect that they have read said petition and examined the signatures affixed thereto, and they believed that the statements therein are true, and that it is signed by at least one-half of the qualified electors of the proposed new county, or of the proposed portion thereof taken from each existing county, where the proposed new county is to be formed from portions of two or more existing counties; that the signatures affixed thereto are genuine, and that each of such persons so signing was a qualified elector of such county therein sought to be divided, at the date of such signing.

Such petition or petitions, so verified, and the verification thereof shall be accepted in all proceedings permitted or provided for in this act, as prima facie evidence of the truth of the matters and facts therein set forth.

Time for hearing petition to be fixed.

Upon the filing of such petition or petitions and affidavit with the clerk of the said Board of County Commissioners, said board shall forthwith fix a date to hear the proof of the said petitions and of any opponents thereto, which date must not be more than thirty days subsequent to the filing of such petition with the clerk of said board.

Publication of notice.

Said Board of County Commissioners shall also at the same time designate a newspaper of general circulation published in the old counties, but not within the proposed new county, and also a newspaper of general circulation published within the boundaries of the proposed new county, if there be such, in which the said board shall order and cause to be published at least once a week for two weeks next preceding the date fixed for such hearing, a notice in substantially the following form:

Notice.

Notice is hereby given that a petition has been presented to the Board of County Commissioners of County (naming the county represented by the Board of County Commissioners with which said petition was filed) praying for the formation of a new county out of a portion of the said County and County (naming the county or counties out of which it is proposed to form the new county), and that said petition will be heard by the said Board of County Commissioners at its place of meeting (designating the city or town and the day and hour of the meeting so to be held), when and where all persons interested may appear and oppose the granting of said petition and make any objection thereto.

Dated

Form and contents of notice.

By order of the Board of County Commissioners of County.

By Chairman.

Attest:, County Clerk.

Said petitioners shall on or before the date fixed for said hearing, or on or before the date to which said hearing may have been adjourned, file with said Board of County Commissioners a bond to be approved by said board, in such amount as the said board shall designate, but not exceeding five thousand dollars, payable to the county in which said petition is filed, conditioned that the obligators named in said bond will pay to said county all expenses incurred in the proceedings and election provided for in this act, not exceeding the amount specified in said bond, in the event that at the election herein provided for more than thirty-five per cent of the votes cast at said election are "For the new county of (naming proposed new county) No."

Bond to be given.

At the time so fixed for said hearing the Board of County Commissioners shall proceed to hear the petitioners and any opponents upon the petition or protests filed, on or before the time fixed for the hearing, no petition or protests shall be considered unless the same is filed on or before the time fixed for the hearing, and

Hearing, procedure.

may adjourn such hearing from time to time, not exceeding fourteen days in all, and shall receive the proofs offered to establish or controvert the facts set forth in said petition or petitions and on the final hearing of such petition or petitions said board shall by resolution entered on its minutes determine:

First—The boundaries of the proposed new county, and the boundaries so determined by said Board of County Commissioners shall be the boundaries of such proposed new county if it be created as herein provided.

Second—Whether the said petition contains the genuine signatures of at least one-half of the qualified electors of the proposed new county, as herein required, or, in cases where separate petitions are presented from portions of two or more existing counties, as herein required, whether each petition is signed by at least one-half of the qualified electors of that portion of each of such existing counties, which it is proposed to take into the proposed new county.

Third—Whether any line of the proposed new county passes within eighteen miles of the county seat of any county proposed to be divided.

Fourth—Whether the proposed new county will contain property according to the last preceding assessment which will equal in amount at least three million dollars, and the assessed valuation of all railroad or railroads within the proposed county shall be added to the assessment of property contained in said proposed county, in estimating and determining the amount of the assessed valuation of property thereof.

Fifth—Whether the area of any existing county from which territory is taken to form such new county will be reduced to less than eight hundred square miles of surveyed land by taking the territory proposed to be taken therefrom to form such new county.

Sixth—The class to which said proposed new county after its creation shall belong, and the name of said proposed new county as stated in such petition.

On the final hearing said Board of County Commis-

sioners must, upon petition of not less than fifty per cent of the qualified electors of any territory lying within said proposed new county and contiguous to the boundary line of the said proposed new county and of the old county from which such territory is proposed to be taken, and lying entirely within a single old county, and described in said petition, asking that said territory be not included within the proposed new county, make such changes in the proposed boundaries as will exclude such territory from such new county, and shall establish and define such boundaries; **Provided**, that if any change or changes so made shall result in reducing the valuation of the proposed new county to less than an assessed valuation of three million dollars, then such new county shall not be created or organized; and, **Provided further**, that no change shall be made which shall leave the territory so excluded separate and apart from and without the county of which it was formerly a part; petitions for exclusion shall be disposed of in the order in point of time in which they are filed with the clerk of the Board of County Commissioners, and on final determination of boundaries no changes in the boundaries originally proposed shall be made except as prayed for in said petition or petitions or to correct clerical errors or uncertainties.

Commissioners may change proposed boundaries.

New county shall not be created, when.

Sec. 3. If the said Board of County Commissioners determines that the formation of said proposed new county will not reduce any county from which any territory is taken to an assessed valuation of less than five million dollars, nor the area thereof to less than eight hundred (800) square miles of surveyed land, and that the proposed new county contains property of an assessed valuation of at least three million dollars, and that no line of said proposed new county passes within eighteen miles of the county seat of any county proposed to be divided, and that said petition contains the genuine signatures of at least one-half of the qualified electors of the proposed new county or in cases where separate petitions are presented from portions of two or more existing counties, as herein required, that each of said petitions contain the genuine signatures of at least one-half of the qualified electors of that portion of the pro-

Creation of proposed new county, procedure.

posed new county from which it is taken, then said Board of County Commissioners shall divide the proposed new county into a convenient number of townships, road and school districts, and define their boundaries and designate the names of such districts, and each of them; they shall also, if necessary for the purpose of the election hereinafter provided for, change the boundaries of the election precincts in said old county or counties to make the same conform to the boundaries of the proposed new county; **Provided**, that the boundary lines of no such precinct shall extend beyond the boundary lines of the existing county in which it is located and from which the territory is proposed to be taken; and said board shall appoint the election officers to act at said election and to be paid by said board. Within two weeks after its determination of the truth of the allegations of said petition as aforesaid, the said Board of County Commissioners shall order, and give proclamation and notice of, an election to be held on a specified day in the territory which is proposed to be taken for the new county, not less than ninety nor more than one hundred and twenty days thereafter, for the purpose of determining whether such territory shall be established and organized into a new county, and for the election of officers and locating of a county seat therefor in case the vote at such election shall be in favor of the establishment and organization of such new county.

Order and proclamation of election.

All qualified electors resident within the proposed new county who are qualified electors of the county or counties from which territory is taken to form such proposed new county, and who have resided within the limits of the proposed county for a period of more than six months next preceding the day of election, and who were on the official registration list at the last general election, or who are entitled to be registered for said special election under the provisions of this act, shall be entitled to vote at said election. Registration and transfers of registration shall be made and shall close in the manner and at a time provided by law for registration and transfers of registration for a general election in the State of Montana.

Registration of electors.

Such proclamation and notice of election shall be published at least once a week for three weeks before holding of such election, in some newspaper of general circulation published in the territory which is proposed to be taken for the new county, and a copy thereof shall be mailed immediately by the County Clerk of the county in which the petition is filed to the County Clerk of each county from which territory is taken for the proposed new county. Such proclamation and notice shall require the voters to cast ballots which shall contain the words, "For the new County of (giving the name of proposed new county), Yes," and, "For the new County of (giving the name of proposed new county), No," and each voter desiring to vote for the establishment and organization of said new county shall mark a cross (X) opposite the words, "For the new County of, Yes," in the manner now required by law in other elections, and each voter desiring to vote against the establishment and organization of said new county shall mark a cross (X) opposite the words, "For the new County of, No," in the manner now required by law in other elections; and shall also contain the names of persons to be voted for to fill the various elective offices designated in said proclamation for counties of the class to which said proposed new county will belong, as determined by the Board of County Commissioners as herein directed and in the manner provided by law, except as herein otherwise provided. There shall also be printed upon said ballots the words, "For the county seat," and the names of all cities or towns which may have filed with the County Clerk a petition signed by at least twenty-five qualified electors, nominating any city or town within the proposed new county for the county seat, and the voter shall designate his choice for county seat by marking a cross (X) opposite the name of the city or town for which he desires to cast his ballot at a special election to be held, as provided in this act, the question of the election of the county seat is hereby provided to be submitted to the qualified electors of the proposed new county, and the majority of all the votes cast therefor shall determine the election thereon. In

Publication of
proclamation of
election.

Ballots, manner of
voting.

Choice for county
seat.

case any city or town fails to receive a majority of all the votes cast, then the city or town receiving the highest number of all votes cast, shall be designated as the temporary county seat, and in case any city or town is not the choice of the election for the county seat by a majority of all votes cast, the question of choice between the two places for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors at the next general election thereafter. When the county seat shall have been selected as herein provided, it shall not thereafter be changed.

Duty of County Clerk.

The proclamation calling the election and the notice thereof provided for in this act shall be made and given exclusively by the Board of County Commissioners with which is filed the said petition for the formation and establishment of such new county, and such board shall cause the Clerk of said county to furnish to the officers of each precinct in such proposed new county all ballots, poll lists, tally lists, registers for voters' signatures, ballot boxes and other election supplies and equipment necessary to conduct such election and which are not hereinafter specifically directed to be furnished by the Clerk of another county or counties.

Duty of county officers.

Such election shall be governed and controlled by the general election laws of the State so far as the same shall be applicable, except as herein otherwise provided. The returns of all elections for officers and for location of the county seat, as provided for in this act, shall be made to and canvassed by the Board of County Commissioners of the county from which the largest area is taken by the proposed county. The County Clerk of each county from which territory is taken for the proposed new county shall, not less than five days before the date of such election, furnish to each board of election within said proposed new county, the book of affidavits of registration for the precincts of such proposed new county as are within their respective counties, and the copies of indexes thereof required by law, containing the names of all persons who were qualified electors at the last general election before the date of such election. All returns of election herein provided for shall be made to

the Board of County Commissioners calling such election.

All nomination of candidates for the offices required to be filled at said election shall be made in the manner provided by law for the nomination of candidates for all general State elections.

The provision of the election laws relating to preparation, printing and distribution of sample ballots and the provisions of said laws relating to primary elections in this State shall have application to any election provided for in this act.

Election laws applicable.

Sec. 4. If upon the canvass of the votes cast at such election it appears that fifty-one per cent of the votes cast where the proposed new county is formed from one existing county, or that fifty-one per cent of the votes cast in the territory taken from each county, where the proposed new county is formed from two or more existing counties are, "For the new County of (naming it), Yes," the Board of County Commissioners shall by a resolution entered upon its minutes declare such territory duly formed and created as a county of this State, of the class to which the same shall belong, under the name of County (naming it), and that the place (naming it) receiving the highest number of votes cast at said election for county seat shall be the county seat of said county until removed in the manner provided by law, and designating and declaring the persons receiving respectively the highest number of votes for the several offices to be filled at said election, to be duly elected to such offices. Said board shall forthwith cause a copy of its said resolution, duly certified, to be filed in the office of the Secretary of State, and from and after the date of such filing said new county shall be deemed to be fully created, and the organization thereof shall be deemed completed and such officers shall be entitled to enter immediately upon the duties of their respective offices upon qualifying in accordance with law and giving bonds for the faithful performance of their duties, as required by the laws of the State. The clerk of the Board of County Commissioners with which said petition was filed, as herein provided, must immediately make out and deliver to each of said persons so declared and designated

Resolution by county commissioners.

Certificates of election.

Terms of office.

to be elected, a certificate of election authenticated by his signature and the seal of said Board of County Commissioners. All the officers elected at said election, or appointed under this act, shall hold their offices until the time provided by general law for the election and qualification of such officers in this State and until their successors are elected and qualified, and for the purpose of determining the term of office of such officers, the years said officers are to hold office are to be computed respectively from and including the first Monday after the first day of January following the last preceding general election.

Defeat of proposition, effect

If, however, upon such canvass it appears that more than forty-nine per cent of the votes cast at said election where the proposed new county is formed from one existing county, or that more than forty-nine per cent of the votes in the territory taken from any county, where the proposed new county is formed from two or more existing counties, are "For the new County of (naming it), No," the Board of County Commissioners canvassing said vote as provided herein shall pass a resolution in accordance therewith and thereupon the proceedings relating to the division of such county or counties shall cease and determine, and no other proceedings in relation to the division of said county or counties shall be instituted for at least two years after such determination.

Sec. 5. At the election provided for in Section 3 of this act there shall be chosen such county, township and district officers as are now or may hereafter by general law be provided for in counties of the class to which the said new county is determined to belong, as herein provided.

Officers elect, qualification, etc.

Provided also, that all duly elected, qualified and acting Justices of the Peace and Constables residing within the proposed new county at the time of the division of such county into townships as hereinbefore in Section 3 hereof provided, shall hold office as such Justices of the Peace or Constables in said county for the remainder of the term for which they were elected on qualifying as Justices of the Peace or Constables for the respective townships

in which they reside; when said townships are organized as provided in this act; **Also Provided**, that all duly elected, qualified and acting school trustees residing within the proposed new county at the time of the division of such county into school districts, as hereinbefore in Section 3 hereof provided, shall hold office as School Trustees in said new county for the remainder of the term for which they were elected on qualifying as School Trustees for the respective districts in which they reside as said districts are organized, as provided by this act. Each person elected or appointed to fill an office of such new county under the provisions of this act shall qualify in the manner provided by law for such officers, except as herein otherwise provided, and shall enter upon the discharge of the duties of his office within twenty days after the receipt of the certificate of his election. Each of such officers may take the oath of office before any officers authorized by the law of the State of Montana to administer oaths, and the bond of any officer from whom a bond is required shall be approved by any Judge of the District Court of the district to which such new county is attached for judicial purposes. The officers elected or appointed under the provision of this act shall each perform the duties and receive the compensation now provided by general law for the office to which he has been appointed or elected in counties of the class to which such new county shall have been determined to belong, as herein provided under the general classification of counties in this State. Said new county when created and organized in pursuance of the provisions of this act shall be attached to such judicial district as may be designated by the Governor of the State of Montana in a proclamation to be issued by him designating such new county as attached to the particular judicial district for judicial purposes.

New county to be
part of what
judicial district.

Sec. 6. It shall be the duty of the persons elected to or continuing to hold the office of County Commissioners of said new county to meet at the county seat thereof within five days after all of them shall have qualified, and upon organization of said Board of County Commissioners, it shall notify the Governor of the State of the

Board of county
commissioners,
duties.

organization of said county, and thereupon it shall be the duty of the Governor to appoint three persons, one of whom shall be resident and taxpayer within the new county and no two of whom shall be from any one county; the three persons so appointed shall form and be a Board of Commissioners. Such Commissioners shall within ten days after the notice of the appointment meet at the county seat of the new county and organize by electing from their number a chairman, and also elect a secretary, who must not be a member of said commission. Thereafter such commission may meet at such place or places as it may select. A majority of said Commissioners shall constitute a quorum for the transaction of business. Said commission shall have power to compel by citation or subpoena, signed by their president and secretary, the attendance of such persons and the production of such books and papers before said commission as may be required in the performance of the duties imposed by this act, except that the official records of any county or counties from which said new county was formed shall in no case be taken from the county seat of said county. It shall be the duty of the Sheriff of any county to execute in his county all lawful orders and citations of the said commission; and for any services so performed, the Sheriff shall be allowed the same fees as are allowed to him for services in civil actions, and all witnesses attending before said commission shall be entitled to the same compensation and mileage as is allowed to witnesses in civil actions in courts of record; **Provided**, that no witness shall be excused from attendance at the time and place mentioned in said order or citation by reason of the failure of the officer making such service to tender to such witness his fees and mileage in advance.

Sec. 7. Said Board of Commissioners shall immediately after its organization ascertain the costs of the election held hereunder and apportion the same pro rata between each of the counties from which territory was taken to form such new county, and said new county, and shall also ascertain the indebtedness of each county from which territory was taken to form the new county, as the same existed at the time when the result of the election was

Adjustment of indebtedness.

Adjustment of indebtedness, procedure.

declared by the Board of County Commissioners as hereinbefore provided, and also the total value of all property at the time belonging to each of said counties from which territory was taken, and situate within the limits of said old counties respectively. It shall also ascertain the assessed value of all property in each of the original old counties from which territory was so taken, according to the last completed assessment made for said county, and also the assessed value, under the same assessment, of all property within the territory of the new county which shall have been taken from the old county or counties from which said new county was formed. They shall then find the difference between the amount of the indebtedness of the old county and the value of the property belonging to the old county at the date of the declaration of the result of said election, as hereinbefore provided, and if such indebtedness exceeds the value of such property belonging to the old county, the new county shall pay to the old county a due proportion thereof to be determined as follows: As said assessed value of the property in the old county is to the said assessed value of the property in the territory provided by this act to be incorporated within the new county from said old county, so is the amount of said excess to the amount to be paid by said new county to said old county. Said Board of Commissioners shall certify forthwith to the Board of County Commissioners of the new county and the old counties thereby affected, the amount constituting the due proportion of said excess payable by such new county or each of them; also the value of any property belonging to each old county at the time when said division took effect, as hereinbefore provided, which is situated in the new county. The sum of said ascertained value of said last mentioned property, added to the ascertained proportion of said excess which the new county is to pay to the old county, and its proportion of the expense of said election as aforesaid, shall be an indebtedness from the new county to the old county, and the said property, situated as aforesaid in the new county, shall upon settlement therefor, as provided in this act, become the property of the new county, and the old county shall pay the entire indebtedness against it, and

ELECTION LAWS

the expense of said election shall be paid by the county calling such election, and any other county affected thereby shall pay its proportion thereof as hereinbefore provided.

Indebtedness, how paid.

The proceedings in this section required to be taken in the ascertainment and adjustment of property rights and debts shall be had and taken as between said new county and each of the counties from which territory is taken to form said new county in the manner and at the ratio in said section provided. If upon the settlement between the old and new county as herein provided for, the new county shall be found to be indebted to the old county or either of the old counties, the money necessary to pay said indebtedness shall be raised by a tax levied upon the property contained in said new county, and said new county shall pay the same; **Provided**, however, that such payment by said new county may be made in not more than three equal annual payments, or by funds to be derived from the sale of bonds of said new county, as may be determined by a resolution of the Board of County Commissioners of said new county adopted within one year after the receipt of the statement from the Board of Commissioners as aforesaid of the amount or amounts due from it.

Compensation of board of commissioners adjusting indebtedness.

Sec. 8. Members of the Board of Commissioners provided for under this act shall receive a compensation of not to exceed \$8.00 per day for every day they are actually employed under the provisions of this act, together with their actual expenses incurred in the performance of their duties, and the clerk of said board shall receive as compensation for his services not to exceed \$5.00 per day for every day that he is actually employed under the provisions of this act, all of which expenses, together with the reasonable expenses of stationery, postage and incidental expenses shall be borne in equal proportions by the counties affected by such division, including said new county, and the amounts payable by each county shall be paid by the Treasurers of the respective counties, after the same shall have been presented to and allowed by the Board of County Commissioners as is provided by law for claims against any county.

Sec. 9. After the creation of a new county, as herein provided, its officers shall proceed to complete all proceedings necessary for the assessment or collection of the State and county taxes for the then current year, and all acts and steps theretofore taken by the officers of the old county or counties prior to the creation of the new county shall be deemed and taken as having been performed by the officers of the new county for the benefit of the new county; and upon the creation of the new county it shall be the duty of the officers of the old county or counties to immediately execute and deliver to the Board of County Commissioners of such new county copies of all assessments or other proceedings relative to the assessment and collection of the current State and county taxes of property in such new county. Such copies shall be filed with the respective officers of the new county who would have the custody of the same if the proceeding had been originally had in the new county, and such certified copies shall be taken and deemed as originals, and original proceedings in the new county, and all proceedings therein recited shall be taken and deemed as original proceedings in the new county, and shall have the same effect as if the proceedings therein stated had been had at the proper time and in the proper manner by the respective officials of the new county, and the officials of the new county are hereby authorized and directed to proceed thenceforth with the assessment and collection of said taxes as if the proceedings originally had in the old county or counties had been originally had in the new county.

Assessment and
collection of taxes.

Sec. 10. The Superintendent of Public Schools of the old county, or each of the old counties respectively, shall furnish the Superintendent of the Public Schools of the new county with a certified copy of the last school census of the different school districts in the territory set apart to form the new county, and shall certify to the Board of County Commissioners the amount due, and said board shall order a warrant drawn on the Treasurer of his county in favor of the Treasurer of the new county for all the money that is or may be due by any apportionment or otherwise to the different school districts

County Superin-
tendent of Schools,
duties.

Road and school
funds, distribution.

embraced in the new county from his county, and the County Treasurer shall certify to the County Commissioners the amount due in the different road funds, and the County Commissioners shall order a warrant drawn on the Treasurer of his county in favor of the Treasurer of the new county for all money that is or may be due by apportionment or otherwise to the different road and district funds in the territory set apart to form the new county from his county, which said amounts shall be properly credited in both counties. And whenever in the formation of a new county a road or school district has been divided the Board of County Commissioners shall by resolution direct the Treasurer to transfer the proper proportionate amount of the money remaining in the fund of such district to the Treasurer of the new county.

Books and county
records.

Sec. 11. The Board of County Commissioners of any new county formed as aforesaid must provide suitable books and have transcribed from the records of the old county or counties all such parts thereof as relate to or affect property or the title thereof situate in the new county, and said records when so transcribed and certified as herein provided shall have the same force and effect as such original records; the said County Commissioners shall have full power and authority to contract for transcribing of records as now provided by law.

Status of actions
pending in district
court.

Sec. 12. All actions pending in the District Court of the old county or counties for the recovery of the possession of, quieting the title to or for the enforcement of liens upon, or any other actions affecting real estate lying in the new county shall on motion of any party thereto be transferred to the District Court to which the new county may be attached for judicial purposes, and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of the new county. All other actions or special proceedings pending in the District Court or Courts of said old county or counties, if said new county had been in existence at the date in which it is pending and on motion of any party interested therein be transferred to the District Court of such new county.

Sec. 13. Whenever in this act publication of any notice is provided for and no newspaper of general circulation is published within the territory in which said notice is required to be published, notice shall be given by posting copies of such notice in at least ten public places in such territory for the same length of time said notice was required to be published.

Publication of notice.

Sec. 14. The territory within the limits of any new county until otherwise provided by law shall be entitled to representation in the State Senate by one State Senator and to representation in the House of Representatives by one member of the House of Representatives.

State senator and representative of new county.

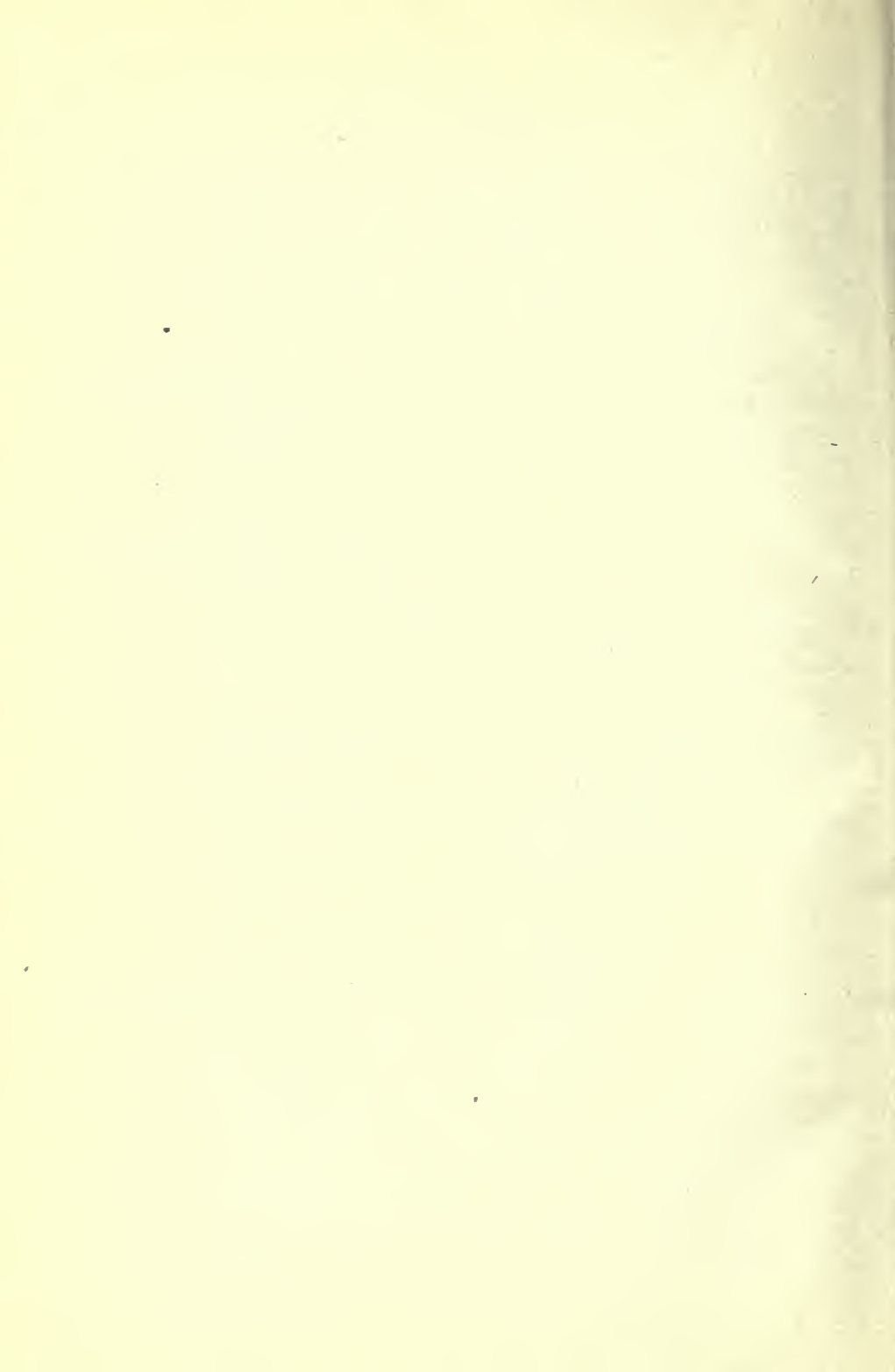
Sec. 15. Any member of any Board of County Commissioners or any other officer who unlawfully and knowingly violates any of the provisions of this act, or fails to perform any duty imposed upon him hereunder, shall be guilty of a misdemeanor and of malfeasance in office and be deprived of his office by a decree of a court of competent jurisdiction after trial and conviction.

Violation of duty by county officers, misdemeanor.

Sec. 16. All acts and parts of acts in conflict herewith are hereby repealed.

Sec. 17. This act shall be in full force and effect from and after its passage and approval.

(Approved March 21, 1913.)



**LOCATION OF TEMPORARY AND PERMANENT
COUNTY SEATS IN NEW COUNTIES OR
IN COUNTIES IN WHICH PERMA-
NENT COUNTY SEATS NOT
ESTABLISHED.**

- Section 1. Duty of County Commissioners in New Counties Created by the Legislature—County Clerk to Meet With Commissioners.
2. Commissioners to Designate by Resolution—Temporary County Seat—To Remain County Seat Until Permanent Seat is Established by Election—When Election to be Held, etc.
 3. Proceedings Upon Filing Petition for County Seat Election.
 4. County Commissioners to Divide County Into Registration Districts and Polling Precincts—Duty of County Clerk.
 5. Time for Holding Registration—Qualification of Electors.
 6. Appointment of Judges of Election.
 7. General Laws of the State Governing Judges Conduct of Election Returns and Other Matters Shall Control.
 8. Prescribing Form of Ballot—When Judges May Write Ballot.
 9. Name Inserted in Blank Space Shall be Deemed a Vote for the Place—Place Selected by Returns as Permanent County Seat.
 10. In Event no Town or Place Receives a Majority of all Votes Cast—Towns to be Voted for at Next General Election—Form of Ballot.
 11. What Laws Shall be Applicable May Govern New County and its Officers.
 12. Selection of Permanent County Seats in Counties Heretofore Created and in Which Such County Seat Has Not Been Fixed.
 13. Act Shall Take Effect.

Sec. 1. Whenever a county is created hereafter in this State by legislative enactment, it shall be the duty of the persons appointed to the office of County Commissioners of such county by the act creating it to meet at some place in the county, to be agreed upon by a majority of said County Commissioners, within fifteen days after the passage of the act creating the county,

County commis-
sioners to meet.

Who to act as clerk.

and then and there organize as a Board of County Commissioners by electing one of their number chairman. The person appointed to the office of County Clerk in the bill creating the county shall be notified in writing by the County Commissioners or some one of them of the time and place of said meeting, and he must attend the meeting and act as the clerk thereof and keep a record of the proceedings. If no person is appointed to the office of County Clerk by the act creating the county, the Commissioners shall at such meeting select some person qualified to hold the office of County Clerk to act as clerk of such meeting.

Temporary county seat, commissioners to designate.

Sec. 2. Immediately after the organization of the Board of County Commissioners, as provided in Section 1 of this act, said board shall by a resolution, spread upon the minutes of its proceedings, designate some place within said county as and to be the temporary county seat until the permanent county seat shall be located as hereinafter in this act provided. The place so designated shall be the temporary county seat of said county until the permanent county seat is located by the electors of said county at the general election to be held on the first Tuesday after the first Monday of November of the next even numbered year after the creation of the county, or at a special election as hereinafter provided. In the event of a majority of the County Commissioners failing to agree upon the location of the temporary county seat, then each County Commissioner shall write the name of the place he favors as the temporary county seat on a slip of paper, and said slips shall be enclosed in envelopes of the same size, color and texture, and shall be deposited in a box or other suitable receptacle and the County Clerk, in the presence of said Commissioners, shall draw out one of the said slips. Thereupon the County Commissioners shall by resolution, spread upon the minutes, declare the place named on the slip so drawn by the County Clerk, to be the temporary county seat of said county.

Disagreement, procedure.

Election, form of ballots.

At said first general election after the creation of the county it shall be the duty of the Board of County Commissioners and County Clerk to have separate official

ballots printed and distributed for the use of the electors at said election, which ballots shall be in the form and contain the same matter as the ballots provided for in Section 8 of this act; and the provisions of Section 9 of this act shall apply to and govern the manner of voting and of canvassing said ballots, and the Board of County Commissioners shall declare the result of such election and the location of the permanent county seat, and said county seat shall be located in the manner and according to the provisions of said Section 9 of this act. **Provided,** however, that at any time within six months after the passage of an act creating a new county a petition or petitions may be filed with the County Clerk of the Board of County Commissioners of such county asking the board to submit the question of the location of the permanent county seat to the electors of the county at a special election to be called and held in the manner hereinafter in this act provided. Said petition or petitions must contain in the aggregate the names of at least one hundred taxpayers, whose names appear upon the assessment books containing the last assessment of the property situated in such new county and whose names also appear as registered electors in some registration district established and existing in the territory embraced in the new county at the last general election held therein. The petition or petitions when filed with the board must also have certificates attached thereto from the County Clerk of the county in which the person or persons signing the petition or petitions appear in the last assessment books of his county, and also in the registration books of his county containing the names of the electors registered in the last general election in the districts now embraced in the new county.

Petition to locate
permanent county
seat.

Sec. 3. Upon filing said petition or petitions duly certified to as provided in Section 2 of this act with the County Clerk of the new county, he must immediately notify the chairman of the Board of County Commissioners, who, upon receipt of such notice, must call a meeting of the board to be held within ten days after the filing of said petition, for the purpose of considering the same. If the board at such meeting finds that said petition con-

forms to the requirements of and is in accordance with the provisions of Section 2 of this act, it shall, at said meeting by a resolution spread upon its minutes, call a special election of the qualified electors of said county for the purpose of voting upon the question of the location of the permanent county seat. Said election shall be held on Tuesday and not less than forty nor more than sixty days after the date of calling the same. The board must issue an election proclamation containing a statement of the time of the election and the question to be submitted. A copy of this proclamation must be published in some newspaper printed in the county, if any, and posted at each place of election at least ten days before the election.

When election shall be held.

Publication of proclamation.

To designate polling places and appoint registration agents.

Sec. 4. At the meeting of the board at which the special election is called for the purpose of locating the permanent county seat, the board shall by resolution spread upon its minutes divide the county into registration districts and establish polling precincts in the manner provided by law. It must also, at such meeting, make an order designating the house or place within each precinct where the election shall be held. It must also at the same session of the board appoint registry agents for the several registration districts established by it who must possess the qualifications required by law for registry agents. The County Clerk must furnish the said registry agents with books, blanks, and other stationery required for the proper performance of their duties.

Duty of County Clerks.

Registration.

Sec. 5. The period for the registration of electors shall be between the hours of 9 a. m. and 9 p. m., on all legal days, from 9 a. m. of the fourth Monday prior to the date of said election to 9 p. m. of the second following Saturday. It shall be the duty of each registry agent to publish and post notices of the time and places of registration in the manner provided by law for the publication of notices of registration for general elections. No person shall be entitled to register and vote at such special election unless he is a qualified voter of the State of Montana of the age of twenty-one years, and will

have been a resident of Montana one year and of the territory embraced within the boundaries of the new county for a period of one hundred and eighty days on the day next preceding the day of such election, and also take and subscribe to the oath provided in Section 479, Revised Codes of Montana. The general election laws of this State governing the registration of electors and defining the duties of the registry agents shall apply to and govern the registration of electors in elections held under this act insofar as the same do not conflict herewith.

Election laws applicable.

Sec. 6. At the same meeting of the Board of County Commissioners at which the special election for the location of the permanent county seat is called, the board shall appoint three judges of election for each precinct in the county who shall act as the judges at said election. It shall be the duty of the County Clerk to have printed and distributed to the judges of election the necessary ballots, the form of which shall be as provided in Sections 2, 8 and 10 hereof, and also supply the judges with the necessary books, records, stationery and ballot boxes required to hold such election in the manner provided by law.

Judges of election, etc.

Sec. 7. The judges appointed for said special election must qualify as required by the general election law, and the polls must be opened and closed, the voting done, the ballots counted, returns made to the Board of County Commissioners, and all other matters connected with said election, carried on and conducted in accordance with and as provided by Part III, Title II, of the Political Code of Montana and amendments thereto governing elections in this State.

Conduct of election.

Sec. 8. The form of the ballot used at such election shall be as follows: There shall be a stub across the top of each ballot and separated therefrom by a perforated line. The part above the perforated line, designated as the stub, shall extend the entire width of the ballot and shall have a depth of not less than two inches. Upon the face of the stub there shall be printed in what is known as brier capitals the following instructions:

Form of ballot.

"To vote this ballot the elector will write in the blank space on the ballot the name of the town or place at which he desires the permanent county seat to be located." The ballot below the perforated line shall be in the following form:

"For the permanent county seat of (here insert name of county) County my choice is"

Elector unable to write, procedure.

Provided, that any person who from any cause is unable to write, he may have one of the judges in the presence of another judge write his choice on the ballot.

Canvas of returns.

Sec. 9. When the name of a town or place in a county shall be so inserted in the blank space on such ballot by an elector and the ballot has been cast as provided by law, the same shall be deemed a vote for the designated town or place as the location of the permanent county seat of said county. The Board of County Commissioners of said county shall canvass the returns of said election in the manner provided by law for the canvassing of election returns, and upon such canvassing of the returns the town or place found to have received a majority of all votes cast on such questions shall be declared by the board the permanent county seat of the county. The order declaring the result of such election shall be entered of record in the minutes of the proceedings of the Board of County Commissioners by the County Clerk and from the date of the declaration of the results of the election the town or place selected shall be and remain until lawfully changed in the manner provided by law, the permanent county seat of such county. Within ten days after the declaration of the result of such election all records and county offices of the county, if elsewhere located, must be moved to and remain at the place declared the permanent county seat.

Result of election.

Procedure in event no town receive majority of all votes.

Sec. 10. If no town or place receives a majority of all votes cast on such question, then the town or place receiving the highest number of votes shall be declared by the board and immediately become the temporary county seat of the county, and at the next general election the two towns or places receiving the greatest number of votes at said first election shall be the candidates

for the permanent county seat. At said next general election the County Clerk shall have separate ballots in the form provided for in Section 8 of this act printed and distributed as provided by law containing the names of said candidates for the permanent county seat. On the stub of such ballots shall be printed the following instructions:

Submission of question at general election.

“To vote this ballot the elector will place an X in the square before the name of the town he intends to vote for.”

The form of such ballots below the perforated line shall be as follows:

for the permanent county seat.	Form of ballot.
for the permanent county seat.	

Of said towns or places the one receiving a majority of all the votes cast on such question shall be declared the permanent county seat and the Board of County Commissioners must canvass the returns and declare the result, and the county seat must be located in accordance with the provisions of this act.

Sec. 11. All laws of general nature applicable to the several counties of the State of Montana and to the officers thereof and to their powers and duties shall be applicable to a new county and the officers thereof from and after the creation of the county, except as otherwise provided in this act or the act creating the county.

Laws applicable to new county.

Sec. 12. Any county heretofore created, in which the permanent county seat has not been located by valid election held for the purpose of locating the permanent county seat of said county, may have a special election for the purpose of voting on such question, called and held under the provisions of this act, or if no special election is held for such purpose, then said question shall be submitted by the County Commissioners at the next general election after the passage of this act and in the manner provided herein for the submission of such question at general elections; **Provided**, however, that no spe-

Selection of county seat where not fixed.

Petition for special election.

cial election shall be called for the purpose of submitting such question unless a petition or petitions containing in the aggregate the names of one hundred tax-paying electors of such county whose names appear upon the last assessment book and also on the last registration books of said county are filed with the clerk of the Board of County Commissioners within six months after the passage and approval of this act. Upon the filing of such petition or petitions within said time, containing the requisite number of tax-paying electors, which must be ascertained by the board from the records of said county, said board must immediately call such special election, as herein provided. If registration districts and polling precincts have already been established in said county, they shall remain the same for such special election, but a new registration shall be had and said special election conducted and the result determined as in this act provided. The provisions of this section shall not apply in any case where there has been a permanent county seat located and maintained for a period of three (3) years from the date immediately subsequent to the date of the approval of this act, whether the same was located by a legal election or otherwise.

Duty of county commissioners.

Sec. 13. This act shall be in full force and effect from and after its passage and approval by the Governor.

(Act approved March 9, 1911; Laws 1911, Chap. 135, p 378.)

**REMOVAL OF COUNTY SEAT.
Constitutional Provision—Article XVI.**

Sec. 2. The Legislative Assembly shall have no power to remove the county seat of any county, but the same shall be provided for by general law; and no county seat shall be removed unless a majority of the qualified electors of the county, at a general election on a proposition to remove the county seat, shall vote therefor; but no such proposition shall be submitted oftener than once in four years.

Code Provisions.

(Sections refer to Revised Codes of 1907; Sections in brackets refer to Codes of 1895.)

- Section 2851. Removal of County Seat—Petition.
 2852. Submission to Electors—Who Are Taxpayers.
 2853. Election—Notice of—How Held and Conducted.
 2854. Voter to Vote for Place He Prefers.
 2855. Publication of Result.
 2856. Place Chosen to be County Seat.
 2857. Statement of Result and Notice Transmitted.
 2858. No Second Election to be Held Within Four Years.
 2859. County Seat May be Removed From Time to Time.

Sec. 2851. (Sec. 4157.) **Removal of County Seat—Petition.**—Whenever the inhabitants of any county of this State desire to remove the county seat of the county from the place where it is fixed by law or otherwise to another place they may present a petition to the Board of County Commissioners of their county praying such removal, such place to be named in the petition, and that an election be held to determine whether or not such removal must be made.

Sec. 2852. (Sec. 4158.) **Submission to Electors—Who Are Taxpayers.**—If the petition is signed by a majority of the taxpayers of such county the board must at the next general election submit the question of removal to the electors of the county; **Provided**, that the term "taxpayers" used in this section shall be deemed to mean "ad valorem taxpayers," and that for the purpose of testing the sufficiency of any petition which may be presented to the County Commissioners as provided in this section,

Petition to be subscribed by majority of taxpayers.

the County Commissioners shall compare such petition with the poll books in the County Clerk's office constituting the returns of the last election held in their county, for the purpose of ascertaining whether such petition bears the names of a majority of the voters listed therein; and they shall make a similar comparison of the names signed to the petition with those appearing upon the listed assessment roll of the county for the purpose of ascertaining whether the petition bears the names of a majority of the ad valorem taxpayers as listed in said assessment roll; and if such petition then shows that it has not been signed by a majority of the legal voters of the county who are ad valorem taxpayers thereof, it shall be deemed insufficient, and the question of removal of the county seat shall not be submitted.

Sec. 2853. (Sec. 4159.) **Election, Notice of, How Held and Conducted.**—Notice of such election, clearly stating the object, must be given, and the election must be held and conducted, and the returns made in all respects in the manner prescribed by law in regard to the submitting of questions to the electors of a locality under the general election law.

Sec. 2854. (Sec. 4160.) **Voter to Vote for Place He Prefers.**—In voting on the question, each elector must vote for the place in the county which he prefers, by placing opposite the name of the place the mark X.

Sec. 2855. (Sec. 4161.) **Publication of Result.**—When the returns have been received and compared and the results ascertained by the board, if two-thirds of all the legal votes cast by those voting on the proposition are in favor of any particular place, the board must give notice of the results by posting notices thereof in all the election precincts of the county, and by publishing a like notice in a newspaper printed in the county at least once a week for four weeks.

Sec. 2856. (Sec. 4162.) **Place Chosen to Be County Seat.**—In the notice provided for in the next preceding section, the place selected to be the county seat of the county must be so declared from a day specified in the notice, not more than ninety days after the election. After

the day named in the notice, the place chosen is the county seat of the county.

Sec. 2857. (Sec. 4163.) **Statement of Result and Notice Transmitted.**—Whenever any election has been held, as provided for in the preceding section of this chapter, the statement made by the Board of County Commissioners showing the result thereof must be deposited in the office of the County Clerk, and whenever the board gives the notice prescribed by Sec. 2856 (Sec 4162), they must transmit a certified copy thereof to the Secretary of State.

Sec. 2858. (Sec. 4164.) **No Second Election to Be Held Within Four Years.**—When an election has been held and a majority of the votes are not cast for some other place than that fixed by law as the former county seat, no second election for the removal thereof must be held within four years thereafter.

Sec. 2859. (Sec. 4165.) **County Seat May Be Removed From Time to Time.**—When the county seat of a county has been once removed by a popular vote of the people of the county, it may be again removed from time to time in the manner provided by this chapter.



COUNTY BOND ELECTIONS.

Indebtedness.

Constitution—Article XIII.

Sec. 5. No county shall be allowed to become indebted in any manner, or for any purpose, to an amount, including existing indebtedness, in the aggregate, exceeding five (5) per centum of the (value of the) taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by, or on behalf of such county shall be void. No county shall incur any indebtedness or liability for any single purpose to an amount exceeding ten thousand dollars (\$10,000) without the approval of a majority of the electors thereof, voting at an election to be provided by law.

Code Provisions.

(Sections refer to Revised Codes of 1907; Sections in brackets refer to Codes of 1895.)

- Section 2933. Commissioners Not to Borrow Money Except as Provided in This Article.
2934. Commissioners to Determine Amount Necessary.
2935. Notice of Election to be Given.
2936. Ballots—What to Contain.
2937. When Loan May be Made.
2938. Form of Ballots—Voting.

Sec. 2933. (Sec. 4270.) **Commissioners Not to Borrow Money Except as Provided in This Article.**—The Board of County Commissioners must not borrow money for any of the purposes mentioned in this title, or for any single purpose to an amount exceeding ten thousand dollars, without the approval of a majority of the electors of the county, and without first having submitted the question of a loan to a vote of such electors.

Sec. 2934. (Sec. 4271.) **Commissioners to Determine Amount Necessary.**—Whenever it is necessary to submit to a vote of the electors of the county the question of making a loan, the board must first determine the amount necessary to be raised.

Sec. 2935. (Sec. 4272.) **Notice of Election to Be Given.**—Notice of the election clearly stating the amount to be raised, and the object of the loan, must be given, and the election held and conducted, and the returns made in all respects in the manner prescribed by law in regard to the submission of questions to the electors of a locality under the general election law.

Sec. 2936. (Sec. 4273.) **Ballots, What to Contain.**—There must be written or printed on the ballots the words "For the loan" and "Against the loan," and in voting the elector must vote for the proposition he prefers by making an X opposite the proposition.

Sec. 2937. (Sec. 4274.) **When Loan May Be Made.**—If a majority of the votes cast are in favor of the loan, then the board may make the loan, issuing bonds or otherwise, as may seem best for the interests of the county.

Sec. 2938. **Form of Ballots—Voting.**—That hereafter whenever, in due course of law, in the manner and form required by law and according to the provisions and requirements of law, any question or proposition of or relating to bonded indebtedness, or of issuing bonds or of refunding, increasing or creating a bonded indebtedness, is submitted, ordered submitted or to be submitted to the electors of any county, at a general or other election, when at the same time candidates for national, State or county office or offices are to be voted upon, or for, by the qualified electors of such county, such question or proposition relating to bonds or bonded indebtedness shall not be placed or printed upon the official ballots furnished electors at such election for the purpose of voting for candidates for any office or offices and containing the names of candidates for office or offices to be voted for at such election; but the County Commissioners shall authorize and the County Clerk shall have printed and furnished to election judges and officials in each voting precinct of such county separate ballots therefor, equal in number to the official ballots so furnished and containing the names of such candidates for office. Said separate ballots shall be white in color and

of convenient size, being only large enough to contain the printing required to be done and placed thereon, and shall have printed thereon in fair sized, legible type and black ink, in one line or more, as required, the words "For" said bonding proposition (stating it and the terms thereof explicitly and at length) and thereunder the words "Against" said bonding proposition (stating it and the terms thereof explicitly and at length, in like manner, as above); and there shall be before the word "For" and before the word "Against," each, a square space of sufficient size to place a plain cross or X therein, and such arrangement shall be in this manner:

For (stating propositions).

Against (stating propositions).

Such separate ballots shall be kept, stamped, given out, received, counted, returned and disposed of by election judges in like manner as other official ballots herein referred to. Each qualified elector offering to vote and permitted to vote shall, at the time he is offered by the election judges an official ballot bearing the names of candidates for office, be handed one of the separate ballots above described and he may then and there, in a booth as provided by law, and not otherwise, vote on such separate ballot for or against said proposition by placing a cross or X before the word "For" or the word "Against" in the vacant square provided therefor; and such separate ballot shall be returned to the election judges by the voter with said other official ballot, if the voter chooses to vote for candidates for office and is entitled to do so. The election judges shall deposit said separate ballot on the bonding proposition separate from the voter's other official ballot, in the ballot box.

Conduct of
election.



LOCAL OPTION.

(Sections refer to Revised Codes of 1907; Sections in brackets refer to Codes of 1895.)

- Section 2041. Election to be Ordered Upon Application of One-Third of the Voters of Any County.
2042. Notice of Election—Regulations—Qualifications of Voters.
2043. Ballots—What to Contain.
2044. Election—How Held.
2045. Dealing in Intoxicating Liquors Prohibited if Majority of Vote Against Sale.
2046. No Election More Than Once in Two Years.
2047. Sale of Liquors Prohibited.
2048. Penalty for Violation.
2049. Election—How Contested.

Sec. 2041. (Sec. 3180.) **Election to Be Ordered Upon Application of One-Third of the Voters of Any County.**—Upon application by petition, signed by one-third of the voters who are qualified to vote for members of the Legislative Assembly in any county in the State, the Board of County Commissioners must order an election to be held at the places of holding elections for county officers, to take place within forty days after the reception of such petition, to determine whether or not any spirituous or malt liquors, wine, or cider, or any intoxicating liquors or drinks may be sold within the limits of the county. No election under this chapter must take place in any month in which general elections are held. The County Commissioners must determine on the sufficiency of the petition presented by the last assessment roll of the county.

Election not to be held at what time.

Sec. 2042. (Sec. 3181.) **Notice of Election—Regulations—Qualifications of Voters.**—The notice of election must be published once a week for four weeks in such newspapers of the county where the election is to be held as the board may think proper.

Sec. 2043. (Sec. 3182.) **Ballots, What to Contain.**—The County Clerk must furnish the ballots to be cast at such election, as provided in the general election law, which ballots must contain the following words: "Sale of intoxicating liquors, Yes"; "Sale of intoxicating liquors:

No"; and the elector in order to vote must mark an X opposite one of the answers.

Sec. 2044. (Sec. 3183.) **Election, How Held.**—The polling places must be established, the judges and other officers to conduct the election must be designated, and the election must be held, canvassed and returned in all respects in conformity to the general election law, as provided in Title II, Part III, of this code. No new registration is required, but the provisions of Sections 491 (1222) and 492 (1223) of this code apply.

Sec. 2045. (Sec. 3184.) **Dealing in Intoxicating Liquors Prohibited If Majority of Votes Against Sale.**—If a majority of the votes cast are "Sale of intoxicating liquors, No," the Board of County Commissioners must publish the result once a week for four weeks in the paper in which the notice of the election was given. The provisions of this chapter take effect at the expiration of the time of the publication of the notice, and no license must be issued pending the publication.

Sec. 2046. (Sec. 3185.) **No Election More Than Once in Two Years.**—No other election must be held in the same county oftener than once in two years thereafter.

Sec. 2047. (Sec. 3186.) **Sale of Liquors Prohibited, When.**—If a majority of the votes cast at the election are "Sale of intoxicating liquors, No," it shall not be lawful for any person within the county in which the vote was taken to sell, either directly or indirectly, or give away, to induce trade at any place of business, or furnish to any person, any alcoholic, spirituous, malt, or intoxicating liquors.

Sec. 2048. (Sec. 3187.) **Penalty for Violation.**—If a majority of the votes at the election are "Sale of intoxicating liquors, No," then any person violating the provisions of this chapter is guilty of a misdemeanor, and is punishable as prescribed in the penal code.

Sec. 2049. (Sec. 3188.) **Election, How Contested.**—Any election held under the provisions of this chapter may be contested in the same manner as prescribed in Title II, Part III, of the Code of Civil Procedure.

Duties of County Commissioners Relative to Elections.

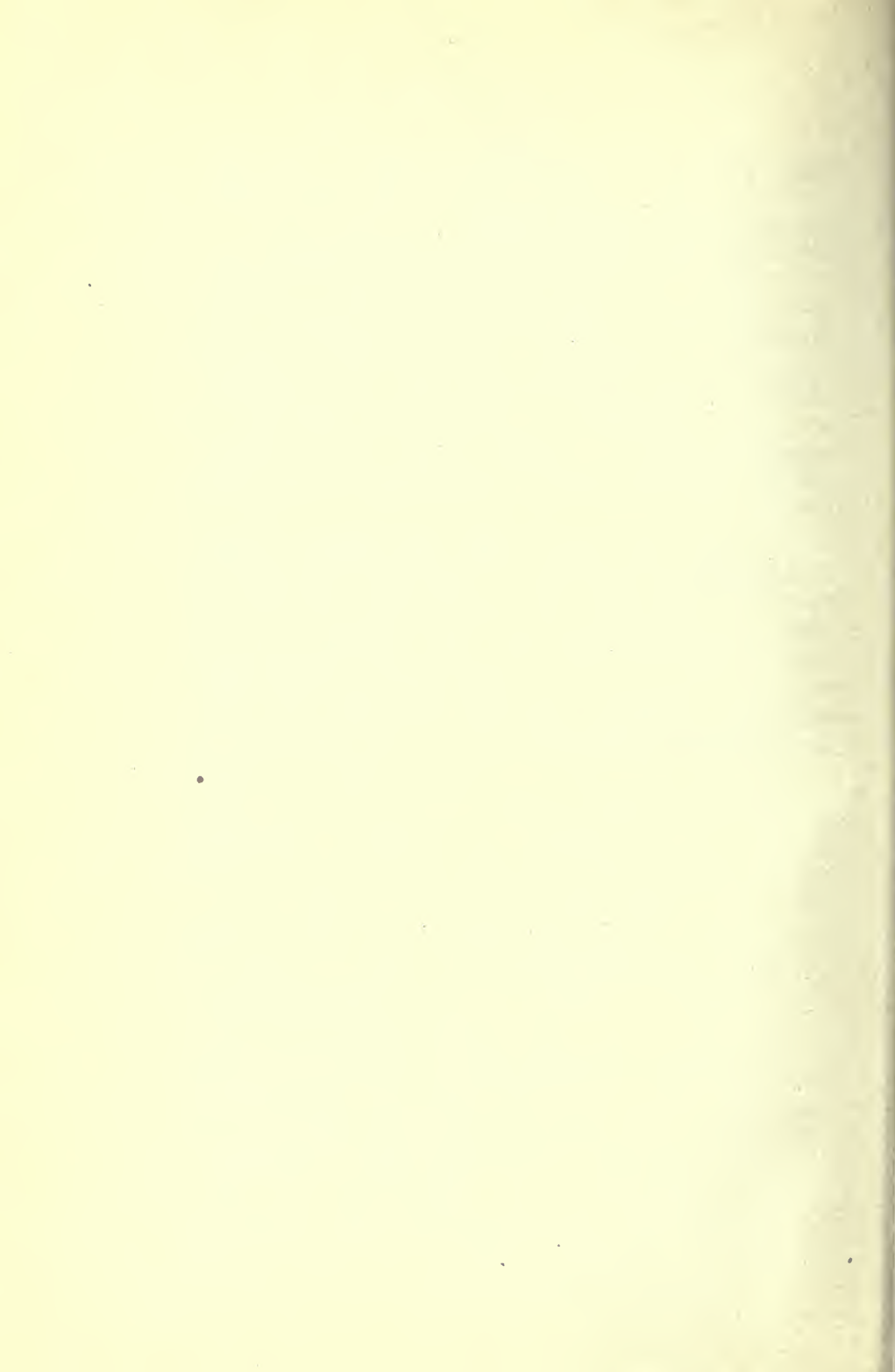
(Sections refer to Revised Codes of 1907; Sections in brackets refer to Codes of 1895.)

Section 2939. To Provide Appliances to Hold Elections.

2940. Certificates Issued as Board of Canvassers.

Sec. 2939. (Sec. 4280.) **Provide Appliances to Hold Elections.**—The Board of County Commissioners must provide all poll lists, poll books, blank returns and certificates, proclamations of elections, and other appropriate and necessary appliances for holding all elections in the county, and allow reasonable charges therefor, and for the transmission and return of the same to the proper officers.

Sec. 2940. (Sec. 4281.) **Certificates Issued as Board of Canvassers.**—Whenever, as canvassers, the Board of County Commissioners declare the result of any election held in the county, certificates must be by the clerk of the board issued to all persons elected to a county office or to a township or district office therein, and such other certificates must be made out and transmitted as required by the title relative to "Elections."



GOVERNMENT OF CITIES.

Proceedings for the Organization of a City or Town
and Adding Contiguous Territory.

(Sections refer to Revised Codes of 1907; Sections in brackets refer to Codes of 1895.)

Section 3208. Steps to be Taken to Incorporate.

3209. Election—How Conducted.

3210. First Election for Officers.

3211. Officers Elected and Conduct of Election.

3215. Election on the Question of Annexation.

Sec. 3208. (Sec. 4720.) **Steps to Be Taken to Incorporate.**—Whenever the inhabitants of any part of a county desire to be organized into a city or town, they may apply by petition in writing, signed by not less than fifty qualified electors, residents of the State and residing within the limits of the proposed incorporation, to the Board of County Commissioners of the county in which the territory is situated, which petition must describe the limits of the proposed city or town, and of the several wards thereof, which must not exceed one square mile for each five hundred inhabitants residents therein. The petitioners must annex to the petition a map of the proposed territory to be incorporated, and state the name of the city or town. The petition and map must be filed in the office of the County Clerk. Upon filing the petition the Board of County Commissioners, at its next regular or special meeting, must appoint some suitable person to take a census of the residents of the territory to be incorporated. After taking the census, the person appointed to take the same must return the list to the Board of County Commissioners, and the same must be filed by them in the County Clerk's office. No municipal corporation must be formed unless the number of inhabitants is three hundred or upwards. (Act approved March 3, 1909; Laws 1909, Chap. 56.)

Petition and
map.

Procedure.

Sec. 3209. (Sec. 4721.) **Election, How Conducted.**—After filing the petition and census, if there be the requisite number of inhabitants for the formation of a municipal corporation, as required in the preceding section, the County Commissioners must call an election of all

Publication of
notice.

ELECTION LAWS

the qualified electors residing in the territory described in the petition. Said election must be held at a convenient place within the territory described in the petition, to be designated by the board, notice of which election must be given by publication in some newspaper published within the limits of the territory to be incorporated, or if none be published therein, by posting notice in three public places within said limits. The notice must be published thirty days prior to the election, and must specify the time and place when and where the same is held, and contain a description of the boundaries of the city or town. The board must appoint judges and clerks of election, who must qualify as required by law, and after the election they must report the result to the board, together with the ballots cast at said election. The ballots used at the election must be "For incorporation" or "Against incorporation," and all elections must be conducted as provided in Title II, Part III, of this code.

Judges and clerks
of election.

Sec. 3210. (Sec. 4722.) **First Election for Officers.**—When the incorporation of a city or town is completed, the Board of County Commissioners must give notice for thirty days in a newspaper published within the limits of the city or town, or if none be published therein, by posting notices in six public places within the limits of the corporation, of the time and place or places of holding the first election for officers of the corporation. At such election all the electors qualified by the general election laws of the State, and who have resided within the limits of the city or town for six months and within the limits of the ward for thirty days preceding the election, are qualified electors and may choose officers for the city or town, to hold office as prescribed in the next succeeding section.

Who may vote.

Sec. 3211. (Sec. 4723.) **Officers to Be Elected and Conduct of Election.**—At such election there must be elected, in a city of the first class, a Mayor, a Police Judge, a City Attorney, a City Treasurer, a City Marshal, and two Aldermen from each ward into which the city may be divided; in a city of the second class, a Mayor, a Police Judge, a City Treasurer, a City Marshal, and two aldermen from each ward; in a town, a Mayor, and two aldermen from each ward, who hold office until the

Terms of office.

first Monday of May after the first annual election, and until their successors are elected and qualified. The persons so elected must qualify in the manner prescribed by law for county officers. The Board of County Commissioners must appoint judges and clerks of election, and canvass and declare the result thereof. The election must be conducted in the manner required by law for the election of county officers.

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Sec. 3215. (Sec. 4727.) **Election on the Question of Annexation.**—When a city or town desires to be annexed to another and contiguous city or town, the Council of each thereof must appoint three commissioners to arrange and report to the municipal authorities respectively the terms and conditions on which the annexation can be made, and if the City or Town Council of the municipal corporation to be annexed approve of the terms thereof, it must by ordinance so declare, and thereupon submit the question of annexation to the electors of the respective cities or towns. If a majority of the electors vote in favor of annexation, the Council must so declare, and a certified copy of the proceedings for annexation and of the ordinances must be filed with the Clerk of the county in which the cities or towns so annexed are situated, and when so filed the annexation is complete, and the city or town to which the annexation is made has power, in addition to other powers conferred by this title, to pass all necessary ordinances to carry into effect the terms of the annexation. Such annexations do not affect or impair any rights, obligations or liabilities then existing for or against either such cities or towns.

Effect of
annexation.

Free Public Libraries.

(Sections refer to Revised Codes of 1907; Sections in brackets refer to Codes of 1895.)

Section 3488. The Council May Establish a Free Public Library.

3489. Question Submitted to Electors—and Election.

3490. Library Established.

Sec. 3488. (Sec. 5039.) **The Council May Establish a Free Public Library.**—The Council has power to establish and maintain a free public library, and for that purpose may provide by ordinance for a tax as follows: In a city or town having assessed valuation of one million dollars or more, a tax not exceeding two mills on the dollar on the property may be levied. In a city or town having an assessed valuation of less than one million dollars and more than seven hundred and fifty thousand dollars, a tax not exceeding two and one-half mills on the dollar on the property may be levied. In a city or town having an assessed valuation of less than seven hundred and fifty thousand dollars, a tax not exceeding three mills on the dollar on the property may be levied. The tax so levied and collected constitutes a fund known as the "library funds," and must be expended only for the purchase of books and other things necessary for a library, and the support and maintenance thereof. **Provided**, that no increase over the present authorized levy shall be made until the question of such increase has first been submitted to a vote of the taxpayers affected thereby.

Limit of tax.

Sec. 3489. (Sec. 5040.) **Question Submitted to Electors, and Election.**—Before any such ordinance is passed the Council must submit to the qualified electors of the city or town at any election the question. At such election the ballots must have printed or written thereon the words, "Public Library, Yes"; "Public Library, No"; and in voting the elector must make a cross thus, "X," opposite the answer for which he intends to vote.

Form of ballot.

Sec. 3490. (Sec. 5041.) **Library Established.**—If the majority of the votes cast at such election is in favor of the establishment of a public library, then such library must be established as above provided. Such question may be submitted at the annual or at any special election held in such city or town, and must be submitted at any such election on the petition of one hundred or more inhabitants of such city or town.

Question, when to be submitted.

Officers and Elections.

(Sections refer to Revised Codes of 1907; Sections in brackets refer to Codes of 1895.)

- Section 3216. Officers of the City of the First Class.
 3217. Officers of City of Second and Third Classes.
 3218. Officers of Towns.
 3222. City or Town to be Divided in Wards.
 3223. How Divided and Change of Boundaries.
 3224. Annual Election of Cities and Towns and Terms of Office.
 3225. Qualification of Mayor.
 3226. Terms of Aldermen—How Decided.
 3227. Terms—When to Begin.
 3228. Who Eligible.
 3229. Qualifications of Aldermen.
 3230. Registration of Electors.
 3231. Qualifications of Electors.
 3232. Judges and Clerks of Elections—Voting Places—Election Precincts.
 3233. Canvass—When and How Made.
 3234. Oath and Bonds—Vacancy.
 3235. When Duties of Office Begin.
 3236. Vacancies—How Filled.

Sec. 3216. (Sec. 4740.) Officers of City of the First

Class.—The officers of a city of the first class consist of one Mayor, two Aldermen from each ward, one Police Judge, one City Treasurer, who may be ex-officio Tax Collector, who must be elected by the qualified electors of the city as hereinafter provided. There may also be appointed by the Mayor, with the advice and consent of the Council, one City Attorney, one City Clerk, one Chief of Police, one Assessor, one Street Commissioner, one City Jailer, one City Surveyor, and whenever a paid fire department is established in such a city, a Chief Engineer and one or more Assistant Engineers, and any other officers necessary to carry out the provisions of this title. The City Council may by ordinance prescribe the duties of all city officers and fix their compensation, subject to the limitations contained in this title.

Officers, elected and appointed.

Sec. 3217. (Sec. 4741.) **Officers of City of Second and Third Classes.**—The officers of a city of the second and third classes consist of one Mayor, two Aldermen from each ward, one Police Judge, one City Treasurer, who

Officers, elected and appointed.

may be ex-officio Tax Collector, who must be elected by the qualified electors of the city as hereinafter provided. There may also be appointed by the Mayor, with the advice and consent of the Council, one City Clerk, who is ex-officio City Assessor, one Chief of Police, one City Attorney, and any other officer necessary to carry out the provisions of this title. The City Council may prescribe the duties of all city officers, and fix their compensation, subject to the limitations contained in this title.

Sec. 3218. (Sec. 4742.) **Officers of Towns.**—The officers of a town consist of one Mayor, and two Aldermen from each ward, who must be elected by the qualified electors of the town as hereinafter provided. There may be appointed by the Mayor, with the advice and consent of the Council, one Clerk, who may be ex-officio Assessor and a member of the Council, and one Treasurer, who may be ex-officio Tax Collector, and one Marshal, who may be ex-officio Street Commissioner, and any other officers necessary to carry out the provisions of this title. The Town Council may prescribe the duties of all town officers, and fix their compensation, subject to the limitations contained in this title.

Officers, elected
and appointed.

Sec. 3222. (Sec. 4746.) **City or Town to Be Divided Into Wards.**—The first City or Town Council elected under the provisions of this title must divide the city or town into wards for election and other purposes, having regard to population so as to make them as nearly equal as possible.

Sec. 3223. (Sec. 4747.) **How Divided, and Change of Boundaries.**—Cities of the first class must be divided into not less than four nor more than ten wards; cities of the second class into not less than three nor more than six, and cities of the third class into not less than two nor more than four wards, and towns into not less than two nor more than three wards. All changes in the number and boundaries of wards must be made by ordinance, and no new ward must be created unless there shall be within its boundaries one hundred and fifty electors, or more. (Approved March 4, 1909; Laws 1909, Chap. 74.)

Sec. 3224. (Sec. 4748.) **Annual Election of Cities and Towns—Terms of Office.**—On the first Monday of April of each year a municipal election must be held, at which the qualified electors of each town or city must elect a Mayor, and one Alderman from each ward, to be voted for by the wards they respectively represent; the Mayor to hold office for two years and until the qualification of this successor; and each Alderman so elected to hold office for a term of two years and until the qualification of his successor, and also in cities of the first, second and third class, a Police Judge and a City Treasurer, who hold office for a term of two years and until the qualification of their successors. Officers elected.

Sec. 3225. (Sec. 4749.) **Qualification of Mayor.**—No person shall be eligible to the office of Mayor unless he shall be at least twenty-five years old and a tax-paying free holder within the limits of the city and a resident of the State for at least three years, and a resident of the city for which he may be elected Mayor two years next preceding his election to said office, and shall reside in the city or town for which he shall be elected Mayor during his term of office.

Sec. 3226. (Sec. 4750.) **Terms of Aldermen, How Decided.**—At the first annual election held after the organization of a city or town under this title, the electors of such city or town must elect two aldermen from each ward, who must, at the first meeting of the Council, decide by lot their terms of office, one from each ward to hold for a term of two years, and one for the term of one year, and until the qualification of their successors.

Sec. 3227. (Sec. 4751.) **Terms, When to Begin.**—The terms of all officers elected at a municipal election are to commence on the first Monday in May after such election.

Sec. 3228. (Sec. 4752.) **Who Eligible.**—No person is eligible to any municipal office, elective or appointive, who is not a citizen of the United States, and who has not resided in the town or city for at least two years immediately preceding his election or appointment, and is not a qualified elector thereof.

Sec. 3229. (Sec. 4753.) **Qualifications of Aldermen.**—No person shall be eligible to the office of Alderman unless he shall be a tax-paying freeholder within the limits of a city and a resident of the ward so electing him, for at least one year preceding such election.

Sec. 3230. (Sec. 4754.) **Registration of Electors.**—The Council must provide by ordinance for the registration of electors in any city or town, and may prohibit any person from voting at any election unless he has been registered; but such ordinance must not be in conflict with the general law providing for the registration of electors and must not change the qualification of electors except as in this title provided.

Sec. 3231. (Sec. 4755.) **Qualification of Electors.**—All qualified electors of the State who have resided in the city or town for six months and in the ward for thirty days next preceding the election are entitled to vote at any municipal election.

Sec. 3232. **Judges and Clerks of Election—Voting Places—Election Precincts.**—The Council must appoint judges and clerk of election and places of voting. There must be at least one place of voting in each ward, and there may be as many more as the Council by ordinance shall fix, and the elector must vote in the ward in which he resides. The election precincts in a city or town must correspond with wards, but a ward may be subdivided into several voting precincts, and when so divided the elector shall vote in the precinct in which he resides, and all elections must be conducted according to the general laws of the State. In all cities where voting machines are used, the City Council must subdivide the wards into such number of voting precincts that there will be no more than six hundred votes in each precinct. (Act approved March 3, 1909; Laws 1909, Chap. 59.)

Sec. 3233. (Sec. 4757.) **Canvass, When and How Made.**—On Monday following any election the council must convene and publicly canvass the result, and issue certificates of election to each person elected by a plurality of votes. When two or more persons have received an equal and highest number of votes for any one of the

offices voted for, the Council must thereafter at its first regular meeting decide by vote between the parties which is elected. If the Council from any cause fails to meet on the day named the Mayor must call a special meeting of the Council within five days thereafter, and, in addition to the notice provided for calling special meetings, must publish the same on two successive days in some newspaper published in such city or town. If the Mayor fails to call said meeting within said five days, any three councilmen may call it. At such special meetings all elections, appointments, or other business may be transacted that could have been on the day first herein named.

Sec. 3234. (Sec. 4758.) **Oath and Bonds—Vacancy.**—Each officer of a city or town must take the oath of office, and such as may be required to give bonds, file the same, duly approved, within ten days after receiving notice of his election or appointment; or, if no notice be received, then on or before the date fixed for the assumption by him of the duties of the office to which he may have been elected or appointed; but if anyone, either elected or appointed to office, fails for ten days to qualify as required by law, or enter upon his duties at the time fixed by law, then such office becomes vacant; or if any officer absents himself from the city or town continuously for ten days without the consent of the Council, or openly neglects or refuses to discharge his duties, such office may be by the Council declared vacant; or if any officer removes from the city or town, or any Alderman from his ward, such office must be by the Council declared vacant.

Sec. 3235. (Sec. 4759.) **When Duties of Office Begin.**—The officers elected enter upon their duties the first Monday of May succeeding their election, and officers appointed by the Mayor, with the advice and consent of the Council, within ten days after receiving notice of their appointment.

Sec. 3236. (Sec. 4760.) **Vacancies, How Filled.**—When any vacancy occurs in any elective office, the Council, by a majority vote of the members, may fill the same for the unexpired term and until the qualification of the successor. A vacancy in the office of Alderman must be

ELECTION LAWS

filled from the ward in which the vacancy exists, but if the Council shall fail to fill such vacancy before the time for the next election the qualified electors of such city or ward may nominate and elect a successor to such office. The Council, upon written charges to be entered upon their journal, after notice to *the party and after trial by the Council, by vote of two-thirds of all the members elect, may remove any officer.

**Indebtedness of Cities or Towns—Bonds.
Constitution—Article XIII.**

Sec. 6. No city, town, township or school district shall be allowed to become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding three per centum of the value of the taxable property therein, to be ascertained by the last assessment for the State and county taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by, or on behalf of, such city, town, township or school district shall be void; **Provided, however,** that the Legislative Assembly may extend the limit mentioned in this section by authorizing municipal corporations to submit the question to a vote of the taxpayers affected thereby, when such increase is necessary to construct a sewerage system or to procure a supply of water for such municipality which shall own and control said water supply and devote the revenues derived therefrom to the payment of the debt.

Code Provisions.

(Sections refer to Revised Codes of 1907.)

Section 3454. **Creation of Indebtedness—Submission to Taxpayers.**

3155. **Notice of Election—Ballots—Registration of Voters.**

Sec. 3454. **Creation of Indebtedness—Submission to Taxpayers.**—Whenever the Council of any city or town, having a corporate existence in this State, or hereafter organized under the provisions of this title, shall deem it necessary to borrow money or contract indebtedness under its powers, as set forth in Subdivision 64 of Section 3259 (4800) of the Political Code, or amendments thereto, the question of issuing bonds or contracting such indebtedness shall first be submitted to the qualified electors of such city or town in the manner hereinafter set forth; **Provided,** that taxpayers only, as defined by Sections 468 (1187) and 469 (1188) of the Political Code, shall be entitled to vote on questions concerning the construction, purchase or securing of a water plant, water system, water supply, or sewerage system.

How to conduct
election.

Sec. 3455. **Notice of Election—Ballots—Registration of Voters.**—Notice of such election must be published for a period of not less than three weeks in some newspaper published in the city or town, if there be one, and if not then in the newspaper published at a point in the State nearest to the city or town, and such notice must be posted in not less than three public places in the city or town. The notice must state the time and place of holding the election, the amount and character of the bonds proposed to be issued and the particular purpose therefor. At such election the ballots must contain the words, "Bonds, Yes"; "Bonds, No"; and in voting the elector must make a cross thus, "X," opposite the answer for which he intends to vote. Such election must be conducted and canvassed and the returns made in the same manner as other city or town elections. The Council may provide by ordinance for the registration of the taxpayers or qualified electors of such city or town, and no person shall be entitled to register or vote at such election who is not a taxpayer or qualified elector as hereinbefore set forth.

(Sections 3456-3464 following, not having any bearing upon proceedings relative to election matters, are omitted.)

BONDING FIRE DISTRICTS IN UNINCORPORATED CITIES AND TOWNS.

(Act approved March 6, 1911; Laws 1911, Chap. 107.)

- Section 1. Fire Districts in Unincorporated Cities and Towns.
2. Manner of Holding Election—Form of Ballot.
 3. Notice of Sale of Bonds and Publication Thereof.
 4. Faith of the District Pledged.
 5. Tax to be Levied—Collection of.
 6. County Commissioners to Levy the Tax—When—Amount of Tax.
 7. Notice to be Given by County Treasurer to Bondholders That he Will Redeem Bonds.
 8. Payment of Interest by County Treasurer.
 9. Printing of Bonds and Coupons.
 10. Felony for Any Fire District to Fail or Refuse to Pay Any Proceeds of Sale of Bonds Into the County Treasury.

Sec. 1. The Board of Directors of any duly organized fire district in unincorporated cities or towns within this state, shall, whenever a majority of the Directors so decide, submit to the electors of the district the question whether the board shall be authorized to issue coupon bonds to a certain amount, not to exceed three per cent of the taxable property in said district, and bearing a certain rate of interest not exceeding six per cent per annum, and payable and redeemable at a certain time, for the purpose of purchasing fire equipment, necessary lands, erecting buildings for fire purposes and establishing pipe lines. No such bonds shall be issued unless a majority of all the votes cast at any such election shall be cast in favor of such issue.

Nature of bonds.

Sec. 2. Such election shall be held in the manner prescribed for the election of fire directors. The ballots shall be in form as follows:

Manner of holding election.

“Shall bonds be issued and sold to the amount of dollars and bearing not to exceed % interest and for a period not to exceed years, for the purpose of purchasing fire equipment, necessary lands, erecting buildings for fire purposes, and establishing pipe line?

Form of ballot.

“Bonds, Yes.

“Bonds, No.”

The elector shall prepare his ballot by crossing out

thereon parts of the ballot in such a manner that the remaining part shall express his vote upon the question submitted. If a majority of the votes cast at such election are "Bonds, Yes," the Board of Directors shall issue such bonds in such form as the board may direct, and they shall bear the signature of the President of the Board of Directors, and shall be signed by the Secretary of the said fire district; and the coupons attached to the bonds shall be signed by the said President and Secretary; **Provided**, a lithographic or engraved facsimile of the signature of the President and Secretary may be affixed to coupons only, when so recited in the bonds, and the corporate seal of the fire district shall be attached to each of the bonds; and each bond so issued shall be registered by the County Treasurer in a book provided for that purpose, which shall show the number and amount of each bond and the person to whom the same is issued or sold; and the said bonds shall be sold by the Fire Directors as hereinafter provided.

Registration of
bonds.

Sec. 3. The Fire Directors shall give notice by advertisement in some newspaper published in this State, for a period of not less than four weeks, to the effect that the said Fire Directors will sell said bonds (briefly describing the same) and stating the time when and place where such sale will take place; **Provided**, that the said bonds shall not be sold for less than their par value, and that the said Directors are authorized to reject any bids, and to sell said bonds at private sale, if they deem it for the best interest of the district; and all moneys arising from the sale of said bonds shall be paid forthwith into the treasury of the county in which such district may be located, to the credit of said district, and the same shall immediately be available for the purpose authorized by this title; **Provided**, that no such bonds shall be delivered by the Board of Directors unless the moneys therefor have been paid into the county treasury.

Sale of bonds.

Sec. 4. The faith of each fire district is solemnly pledged for the payment of the interest and redemption of the principal of the bonds which shall be issued under the provisions of this title. And for the purpose of enforcing the provisions of this title, each fire district shall be a

District a body'
corporate.

body corporate, which may sue and be sued by or in the name of the Board of Fire Directors of such district.

Sec. 5. The Fire Directors of each district shall ascertain and levy annually the tax necessary to pay the interest when it becomes due and a sinking fund to redeem the bonds at their maturity; and said tax shall become a lien upon the property in said fire district, and be collected in the same manner as other taxes for fire purposes.

Tax levy.

Sec. 6. The County Commissioners, at the time of making the levy of taxes for county purposes, must levy a tax for that year upon the taxable property in such district, for the interest and redemption of said bonds, and such tax must not be less than sufficient to pay the interest of said bonds for that year, and such portion of the principal as is to become due during such year, and in any event must be high enough to raise, annually, for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term, high enough to pay such annual interest, and to pay annually a portion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and divide it by the number of years said bonds have to run; and all money so levied when collected must be paid into the county treasury to the credit of such district, kept in a separate fund and be used for the payment of principal and interest on said bonds, and for no other purpose.

Duty of county commissioners.

(a) **Provided**, That the board may with the surplus of such sinking fund, when the same shall be one thousand dollars or more, purchase any of the outstanding bonds issued by the board. Such purchase shall be made at the lowest price such bonds can be purchased at, but at no more than par value of such bonds; and whenever there shall be such a surplus of sinking fund amounting to the sum of one thousand dollars, the board shall purchase therewith like bonds on the same terms and conditions as hereinbefore specified.

Disposition of surplus sinking fund.

(b) If for any reason such bonds cannot be purchased as hereinbefore specified, such sinking fund shall be invested by the Treasurer under the direction of the Board

Investment of sinking fund.

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of Directors, at such times as the board shall direct, in the interest-bearing bonds of the United States or of the State of Montana, which shall be purchased at the lowest market price. Interest accruing upon such bonds shall be invested in the same manner and for the same purpose as sinking fund. Such bonds shall be held by the Treasurer until the principal of any bonds issued by the Board of Directors shall become due, and shall be sold at the highest market price, and the proceeds applied to the payment of bonds; **Provided further**, That if at any time the board shall deem it best, it shall be lawful to sell such bonds for the purpose of purchasing the bonds issued by such board; but all such sales shall be at the highest market price, and the bonds of the board purchased with the proceeds of such sale shall be purchased at the lowest price they can be obtained for, and not above the par value of such bonds; **Provided further**, That the bonds first maturing shall be purchased, if they can be purchased, on terms as favorable to the board as others offered for sale to the said board. All bonds of the said board purchased under the authority hereby given, or paid by the board, shall be forthwith canceled as provided in the next succeeding section.

Redemption of
bonds.

Sec. 7. When the sum in said sinking fund shall equal or exceed the amount of any bond then due, the County Treasurer shall give notice to each bond holder, if known to him, and shall post in his office a notice that he will, within thirty days from the date of such notice, redeem the bonds then payable, giving the numbers thereof, and preference shall be given to the oldest issue; and if at the expiration of the said thirty days the holder or holders of said bonds shall fail or neglect to present the same for payment, interest thereon shall cease; but the treasurer shall at all times thereafter be ready to redeem the same on presentation, and when any bonds shall be so purchased or redeemed, the County Treasurer shall cancel all bonds so purchased and redeemed by writing across the face of such bond or bonds in red ink the word "Redeemed" and the date of such redemption; **Provided**, That whenever in the judgment of the Board of Fire Directors and prior to the redemption of said bonds said board shall

deem it advisable and for the best interests of the fire district to invest said sinking fund or any part thereof, the board may by an order entered upon their minutes direct and require the County Treasurer to invest said sinking fund or any part thereof in State or county bonds or warrants until such redeemable period.

Sec. 8. The County Treasurer shall pay out of any moneys belonging to a fire district the interest upon any bonds issued under this title by such district when the same shall become due, upon the presentation at his office of the proper coupon which shall show the amount due, and the number of the bond to which it belonged; and all coupons so paid shall be reported to the Fire Directors at their first meeting thereafter.

Interest.

Sec. 9. The Fire Directors of any district shall cause to be printed or lithographed, at the lowest rates, suitable bonds, with the coupons attached, when the same shall become necessary, and pay therefor out of any moneys in the county treasury to the credit of said fire district.

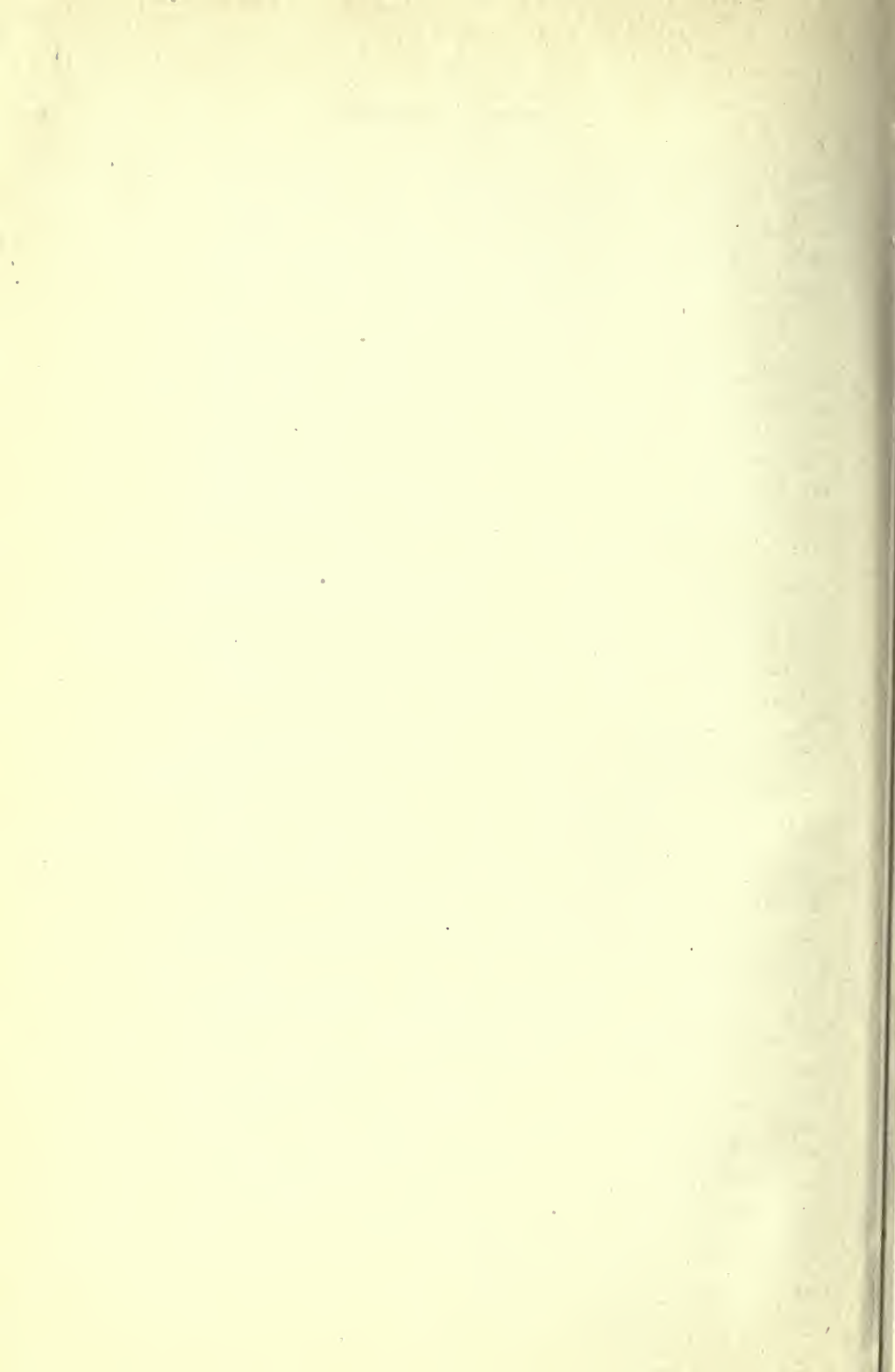
Printing of bonds and coupons.

Sec. 10. If any of the Fire Directors of any district shall fail or refuse to pay into the proper county treasury the money arising from the sale of any bonds provided for by this title, they shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State penitentiary for a term of not less than one year nor more than ten years.

Violation of provisions by directors, felony.

Sec. 11. All acts and parts of acts in conflict herewith are hereby repealed.

Sec. 12. This act shall be in full force and effect from and after its passage and approval.



INITIATIVE AND REFERENDUM IN CITIES AND TOWNS.

(Sections refer to Revised Codes of 1907. Act approved March 8, 1907; Laws 1907, Chapter 167.)

- Section 3266. Ordinances—How Initiated.
 3267. Submission to Electors.
 3268. Ordinance Effective—When.
 3269. Referendum Petition.
 3270. Submission to Electors.
 3271. Special Election May be Called.
 3272. Proclamation of Election.
 3273. Election Procedure.
 3274. Qualifications of Electors.
 3275. Laws Applicable to Election.
 3276. Act Not Applicable to What.

Sec. 3266. Ordinances may be proposed by legal voters of any city or town in this State in the manner provided in this act, eight per cent of the legal voters of any city or town may propose to the City or Town Council an ordinance on any subject within the legislative jurisdiction and powers of such City or Town Council or an ordinance amending or repealing any prior ordinance or ordinances. Such petition shall be filed with the City or Town Clerk. It shall be the duty of the City or Town Clerk to present the same to the Council at their first meeting next following the filing of the petition. The Council may, within sixty days after the presentation of the petition to the Council, pass an ordinance similar to that proposed in the petition, either in exact terms or with such changes, amendments or modifications as the Council may decide upon. If the ordinance proposed by the petition be passed without change it shall not be submitted to the people, unless a petition for referendum demanding such submission shall be filed under the provisions of this act. If the Council shall have made any change in the proposed ordinance, a suit may be brought in the District Court in and for the county in which the city or town is situated, to determine whether or not the change is material. Such suit may be brought in the name of any one or more of the petitioners.

On petition of voters.

Action of council on petition.

Action in District Court, when.

Parties to action.

The city shall be made the party defendant. Any elector of the city or town may appear in such suit in person or by counsel on the hearing thereof, but the court shall have the power to limit the number of counsel who shall be heard on either side and the time to be allowed for arguments. It shall only be necessary to

Complaint.

state in the complaint that a petition for an ordinance was filed in pursuance of this act; that the City Council passed an ordinance on the subject different from that proposed in the petition, and that the plaintiff desires a construction of the ordinance so passed to determine whether or not it differs materially from that proposed. The petition and the ordinance proposed thereby, and the ordinance actually passed, may be set out in the complaint, or copies thereof annexed to the complaint. The names to the petition need not be set out. Such cases shall be advanced and brought to hearing as speedily as possible and have precedence over other cases, except criminal and taxation cases. The court shall have jurisdiction in such cases to determine whether or not the change made by the City Council is material, and also whether the petition was regular in form or substance, and shall also have power to decide, if the fact be put in issue by the defendant, whether or not the petition was signed by a sufficient number of voters and was regular in form. If the court shall decide that the change was material, and that the petition was regular in form and signed by a sufficient number of legal voters, then the ordinance proposed by the petition shall be submitted to the people as provided in this act. If the court shall decide that the ordinance passed by the Council was not materially different from that proposed in the petition, or that the petition was not regular in form, or not signed by a sufficient number of legal voters, the ordinance shall not be submitted to the people. If the court shall decide that the changes made by the Council were material, but that the petition was irregular for some reason or not properly or sufficiently signed, a new petition regular in form may be presented by the required number of legal voters asking the Council to submit such ordinance to the people, and thereupon the same shall be so submitted

Speedy hearing.

Jurisdiction.

Decision, effect.

as provided in this act. If the Council shall not within sixty days pass an ordinance on the subject of the ordinance proposed in the petition, then the ordinance proposed by the petition shall be submitted to the people. Before submitting such ordinance to the people, the Mayor or City or Town Council may direct that a suit be brought in the District Court in and for the county, in the name of the city or town, to determine whether the petition and ordinance are regular in form and whether the ordinance so proposed would be valid and constitutional. The complaint shall name as defendants not less than ten nor more than twenty of the petitioners. In addition to the names of such defendants, in the caption to the body of the complaint, there shall be added the words, "and all petitioners whose names appear on the petition for an ordinance filed on the days of, in the year,," stating the date of the filing. The summons shall be similarly directed and shall be served on the defendants named therein, and in addition thereto shall be published at least once, at the expense of the city, in at least one newspaper published in the city or town. In all suits brought under this section the decision of the District Court shall be final, except in cases where it shall decide that the proposed ordinance would be unconstitutional or invalid as being beyond the powers of the City or Town Council, and in such excepted cases the petitioners, or any of them, may appeal to the Supreme Court as in other cases, but shall not be required to give any bond for costs. The decision of the District Court holding such ordinance valid or constitutional shall not, however, prevent the question to be raised subsequently, if the ordinance shall be passed and go into effect, by anyone affected by the ordinance. No costs shall be allowed to either side in suits or appeals under this section.

Failure of council to act within 60 days.

Action may be brought by city.

Defendants.

Caption.

Summons.

Publication.

Decision final.

Exception.

Appeal without bond.

Costs.

Sec. 3267. Any ordinance proposed by petition as aforesaid, which shall be entitled to be submitted to the people, shall be voted on at the next regular election to be held in the city or town, unless the petition therefor shall ask that the same be submitted at a special election and such petition be signed by not less than fifteen per cent

Shall be voted on at regular elections.

Special election by petition.

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of the electors qualified to vote at the last preceding municipal election.

Sec. 3268. No ordinance or resolution passed by the Council of any city or town shall become effective until thirty days after its passage, except general appropriation ordinances providing for the ordinary and current expenses of the city or town, excepting also emergency measures, and in case of emergency measures the emergency must be expressed in the preamble or in the body of the measure, and the measure must receive a two-thirds vote of all the members elected.

In emergency ordinances the resolution shall include only such measures as are immediately necessary for the preservation of peace, health and safety, and shall not include a franchise or license to a corporation or individual, nor any provisions for the sale of real estate, nor any lease or letting of any property for a period exceeding one year, nor the purchase or sale of personal property exceeding five thousand dollars in value.

Sec. 3269. During the thirty days following the passage of any ordinance or resolution five per cent of the qualified electors of the city or town may, by petition addressed to the Council and filed with the Clerk of the city or town, demand that such ordinance or resolution, or any part or parts thereof, shall be submitted to the electors of the city or town.

Sec. 3270. Any measure on which a referendum is demanded under the provisions of this act shall be submitted to the electors of the city or town at the next municipal election, provided the petition or petitions shall have been filed with the City Clerk at least thirty days before such election. If such petition or petitions be signed by not less than fifteen per cent of the qualified electors of the city or town, the measure shall be submitted at a special election to be held for the purpose.

Sec. 3271. The city or Town Council may in any case order a special election on a measure proposed by the initiative, or when a referendum is demanded, or upon any ordinance passed by the City or Town Council, and

No ordinance shall be effective until 30 days after passage.

Exceptions.

Emergency ordinances.

Referendum petition.

To be voted on at general election.

Special election on petition.

Special election on order of council or may submit at general election.

may likewise submit to the electors at a general election any ordinance passed by the City or Town Council.

Sec. 3272. Whenever a measure is ready for submission to the electors, the Clerk of the city or town shall, in writing, notify the Mayor thereof, who forthwith shall issue a proclamation setting forth the measure and the date of the election or vote to be had thereon. Said proclamation shall be published four days in four consecutive weeks in each daily newspaper in the municipality, if there be such, otherwise in the weekly newspapers published in the city or town. In case there is no weekly newspaper published, the proclamation and the measure shall be posted conspicuously throughout the city or town.

Proclamation
of election by
mayor.

Publication.

Posting.

Sec. 3273. The question to be balloted upon by the electors shall be printed on the initiative or referendum ballot and the form shall be that prescribed by law for questions submitted at State elections. The referendum or initiative ballots shall be counted, canvassed and returned by the regular board of judges, clerks and officers, as votes for candidates for office are counted, canvassed and returned. The returns for the question submitted by the voters of the municipality shall be on separate sheets and returned to the Clerk of the municipality. The return shall be canvassed in the same manner as the returns of regular elections for municipal officers. The Mayor of the municipality shall issue his proclamation as soon as the result of the final canvass is known, giving the whole number of votes cast in the municipality for and against such measure, and it shall be published in like manner as other proclamations herein provided for. A measure accepted by the electors shall take effect five days after the vote is officially announced.

Ballots.

Counting the
votes.

canvassing the
returns.

Measure to take
effect, when.

Sec. 3274. The qualifications for voting on questions submitted to the electors, under the provisions hereof, shall be the same as those required for voting at municipal elections in the city or town at elections for Mayor or Aldermen thereof. And where, by the laws of the State, or by ordinance of the city or town made in pursuance thereof, electors are required to register in order to be qualified to vote at municipal elections, the

Qualifications
of voters.

Registration
book prima facie
evidence of right
to sign petition.

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registration book or books shall be prima facie evidence of the right to sign any petition herein provided for.

Form of petitions and proceedings to conform to state laws as near as may be.

Sec. 3275. The form of petitions and the proceedings under this act shall conform as nearly as possible, with the necessary changes as to details, to the provisions of the laws of the State relating to the initiative and referendum, and be regulated by such laws except as otherwise provided in this act. The City Clerk shall perform the duties which under the State laws devolve upon the County Clerk and Secretary of State, insofar as the provisions relating thereto may be made to apply to the case of the City or Town Clerk; but it shall not be necessary to mail or distribute copies of the petitions or measures to the electors of the city or town.

Duties of city clerk.

Act not applicable, when.

Sec. 3276. The provisions of this act regarding the referendum shall not apply to ordinances which are required by any other law of the State to be submitted to the voters or the electors or taxpayers of any city or town.

COMMISSION FORM OF GOVERNMENT FOR CITIES.

- Section 1. Any City May Adopt Commission Form.
2. Special Election to be Ordered.
 3. Proclamation of Election.
 4. Form of Ballots.
 5. Duty of Mayor.
 6. Officers to be Elected.
 7. Conduct of Election.
 8. Effect of Adoption of Commission Form.
 9. Number of Officers to be Elected.
 10. Terms of Office Begin When.
 11. First Officers Elect—Terms.
 12. Primary Election—Procedure.
 13. Electioneering for Compensation Prohibited.
 14. Bribery—Other Wrongful Acts.
 15. City Government—in Whom.
 16. Council—What Constitutes Quorum.
 17. Duties and Powers of Mayor.
 18. Powers of Council.
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(Twelfth Session Laws, 1911, Chapter 57.)

Chapter 57.

An Act Providing for a Commission Form of Government for Cities, Providing for the Election of Officers Therein, Defining Their Duties and Powers and Providing for Their Compensation.

Be it Enacted by the Legislative Assembly of the State of Montana:

Any city may adopt.

Sec. 1. Any city may abandon its organization and reorganize under the provisions of this act by proceeding as hereinafter provided.

Special election.

Sec. 2. Upon a petition being filed with the City Council, signed by not less than 25 per cent of the qualified electors of such city registered for the last preceding general city election, praying that the question of reorganization under this act be submitted to the qualified electors of such city, said City Council shall thereupon and within thirty days thereafter order a special election to be held, at which election the question of reorganization of such city, under the provisions of this act, shall be submitted to the qualified electors of such city. Such order of the City Council shall specify therein the time when such election shall be held, which must be within sixty days from the date of the filing of such petition.

Order of election.

Sec. 3. Upon the City Council ordering such special election to be held, the Mayor of such city shall issue a proclamation setting forth the purpose for which such special election is called, and the date of holding such special election, which proclamation shall be published for ten consecutive days in each daily newspaper published in said city, if there be such, otherwise once a week for two consecutive weeks in each weekly newspaper published therein, and such proclamation shall also be posted in at least five public places within such city.

Publication of proclamation of election.

Form of ballots.

Sec. 4. At such election the ballots to be used shall be printed upon plain, white paper, and shall be headed, "Special election for the purpose of submitting to the qualified electors of the City of the question of reorganization of the City of under Chapter (name of chapter containing this act) of the Acts of the Twelfth Legislative Assembly," and shall be substantially in the following form:

"For reorganization of the City of under Chapter (name of chapter containing this act) of the Acts of the Twelfth Legislative Assembly.

"Against reorganization of the City of under Chapter (name of chapter containing this act) of the Acts of the Twelfth Legislative Assembly."

Such election shall be conducted and vote canvassed and result declared in the same manner as provided by law in respect to other city elections.

Sec. 5. If such proposition is adopted, the Mayor shall transmit to the Governor, to the Secretary of State and to the County Clerk and Recorder each a certificate stating that such proposition was adopted.

Duty of mayor if proposition carries.

If such proposition shall not be adopted at such special election, such proposition shall not again be submitted to the electors of such city within a period of two (2) years thereafter.

Defeat of proposition, effect.

Sec. 6. If a majority of the votes cast at such election shall be in favor of such proposition, the City Council must, at its first regular meeting held thereafter, order a special election to be held for the purpose of electing a Mayor and the number of Councilmen to which such city shall be entitled, which orders shall specify the time of holding such election, which must be within sixty days after the making of said order, and the Mayor shall thereupon issue a proclamation setting forth the purposes for which such special election is called and the day of holding the same which proclamation shall be published for ten successive days in each daily newspaper published in such city, if there be such, otherwise once a week for two consecutive weeks in each weekly newspaper published therein, and a copy thereof shall also be posted at each voting place within said city; and also in at least ten of the most public places in said city.

Special election of mayor and councilman.

Sec. 7. Such election shall be conducted, the vote canvassed and result declared in the same manner as provided by law in respect to other city elections.

Election, how to be conducted.

Sec. 8. All laws governing cities of the first, second and third classes and not inconsistent with the provisions of this act, shall apply to and govern cities organized under this act. All by-laws, ordinances and resolutions lawfully passed and in force in any such city under its former organization shall remain in force until altered or repealed by the Council elected under the provisions of this act. The territorial limits of such city shall remain the same as under the former organization and all

Effect of election on government, property, etc., of city or town.

rights and property of every description which were vested in any such city under its former organization shall vest in the same under the organization herein contemplated, and no right or liability either in favor of or against it, existing at the time, and no suit or prosecution of any kind shall be affected by such change, unless otherwise provided for in this act.

Number of officers
in cities of
different classes.

Sec. 9. In every city of the third class there shall be a Mayor and two Councilmen; in every city of the second class, a Mayor and two Councilmen; in every city of the first class having a population of less than 25,000, a Mayor and two Councilmen, and in every city of the first class having a population of 25,000 or more, a Mayor and four Councilmen, and the Mayor and all Councilmen shall be elected at large.

Vacancies, how
filled.

If any vacancy shall occur in the office of Mayor or Councilman, the remaining members of the Council shall by a majority vote, elect a person to fill such vacancy until the next general city election, and if, in filling such vacancy, a tie vote should occur, then the person to fill said vacancy shall be determined by lot in such manner as said Council may provide.

Officers, terms
begin when.

Sec. 10. The Mayor and Councilmen elected at such special election shall qualify and their terms of office shall begin on the first Monday after their election, and the terms of office of the Mayor and Councilmen or Aldermen in such city in office at the beginning of the term of office of the Councilmen first elected under the provisions of this act shall then cease and determine, and the terms of office of all their appointed officers in force in such city, except as hereinafter provided, shall cease and determine as soon as the Council shall by resolution declare.

Terms of first set
of officers, expira-
tion.

Sec. 11. The terms of office of the Mayor and all Councilmen elected at such special election shall expire on the first Monday in May of the year following their election. At the first regular city election held in the year in which the terms of office of the Mayor and Councilmen elected at such special election shall expire, a Mayor and two Councilmen shall be elected in cities

having a population of less than 25,000. The Mayor elected at such first general city election shall hold office for two years; one of the Councilmen elected at such first general city election shall hold office for one year, and the other of such Councilmen elected at such first general city election shall hold office for two years, beginning with the first Monday in May of that year; a Mayor and four Councilmen shall be elected in cities having a population of 25,000 or more; and the Mayor elected at such first general city election shall hold office for two years. Two of the Councilmen elected at such first general city election shall hold office for one year and the other two of the Councilmen elected at such first general city election shall hold office for two years, beginning with the first Monday in May of that year; and the terms of office of the Mayor and all Councilmen thereafter elected shall be two years.

The Councilmen elected at the first general city election shall decide by lot in such manner as they may select which thereof shall hold the office of Councilman the term of which expires one year thereafter, and which thereof shall hold the office of Councilman the term of which expires two years thereafter.

Sec. 12. Candidates to be voted for at all general municipal elections at which a Mayor or Councilmen are to be elected under the provisions of this act, shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those selected in the manner hereinafter prescribed. The primary election for such nominations shall be held on the second Monday preceding the municipal election. The judges of election appointed for the municipal election shall be the judges of the primary election, and it shall be held at the same places, as far as possible, and the polls shall be opened and closed at the same hours, with the same clerks as are required for said general municipal election. Any qualified elector of said city who is the owner of any real estate situated therein, desiring to become a candidate for Mayor or Councilman, shall, at least ten days prior to said primary election, file with the City

Nomination of candidates, primary election.

Clerk a statement of such candidacy in substantially the following form:

Statement of candidate.

State of Montana,
County of ss.

I,, being first duly sworn, say that I reside at, street,, City of, County of, State of Montana; that I am a qualified voter therein; that I am a candidate for nomination to the office of (Mayor or Councilman) to be voted upon at the primary election to be held on the Monday of, 19.., and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

Signed

Subscribed and sworn to (or affirmed) before me by on this day of, 19..

Signed

Petition to be filed.

And shall at the same time file therewith the petition of at least twenty-five qualified voters requesting such candidacy. Each petition shall be verified by one or more persons as to qualifications and residence, with street number of each of the persons so signing the said petition, and the said petition shall be in substantially the following form:

Petition Accompanying Nominating Statement.

Form of petition.

The undersigned, duly qualified electors of the City of, and residing at the places set opposite our respective names hereto, do hereby request that the name of (name of candidate) be placed on the ballot as a candidate for nomination for (name of office), at the primary election to be held in such city on the Monday of, 19.. We further state that we know him to be a qualified elector of said city and a man of good moral character, and qualified, in our judgment, for the duties of such office.

Names of Qualifying Electors. No. Street.
.....
.....

Each signer of a nomination paper shall sign but one

such nomination paper for the same office, except where more than one officer is to be elected to the same office, in which case he may sign as many nomination papers as there are officers to be elected, and only one candidate shall be petitioned for or nominated in the same nomination paper.

Number of petitions an elector may sign.

Immediately upon the expiration of the time of filing the statements and petitions for candidates, the said City Clerk shall cause to be published for three consecutive days in all the daily newspapers published in the city, in proper form, the names of the persons as they are to appear upon the primary ballots, and if there be no daily newspaper, then in two issues of any other newspapers that may be published in said city; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a fac-simile of his signature. Upon the said ballots the names of the candidates for Mayor, aranged alphabetically, shall first be placed, with a square at the left of each name, and immediately below the words, "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for Councilmen, with a square at the left of each name, and below the names of such candidates shall appear the words, "Vote for (giving the number of persons to be voted for.)" The ballots shall be printed upon plain, substantial, white paper, and shall be headed:

City clerk to publish names of candidates.

Form and arrangement of ballots.

Candidates for Nomination for Mayor and Councilmen of the City of at the

Primary Election.

But shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

No party designation or mark.

(Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions.)

Official Primary Ballot.

Candidates for Nomination for Mayor and Councilmen of the City of at the Primary Election.

ELECTION LAWS

For Mayor.
 (Name of Candidate.)
 (Vote for One.)

For Councilman.
 (Name of Candidate.)
 (Vote for (giving number to be voted for.)

Official Ballot Attest:

Signature:

City Clerk.

Qualifications of electors.

Canvassing the ballots.

Having caused said ballots to be printed, the said City Clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of such voters registered in such polling place at the last general municipal election. The persons who are qualified to vote at the general election shall be qualified to vote at such primary election, and any person offering to vote may be orally challenged by any elector of the city upon any or all of the grounds set forth and specified in Section 562 of the Revised Codes of Montana of 1907, and the provisions of Sections, 563, 564, 565, 566, 567, 568, 569 and 570 of the Revised Codes of Montana of 1907, shall apply to all challenges made at such election. Judges of election shall immediately upon the closing of the polls count the ballots and ascertain the number of votes cast in such precinct for each of the candidates for Mayor and Councilmen, and make return thereof to the City Clerk upon the proper blanks to be furnished by the City Clerk within six hours of the closing of the polls. On the day following the primary election the City Clerk shall canvass said returns so received from all the polling precincts and shall make and publish in all the newspapers in said city, at least once, the result thereof. Said canvass by the City Clerk shall be publicly made. If a Mayor is to be elected at such municipal election, the two persons receiving the highest number of votes shall be the candidates for Mayor. If one Councilman is to be elected at such municipal election, the two persons receiving the highest number of votes shall be the candidates for councilmen. If two Councilmen are to be elected at such general municipal election, the four persons receiving the highest number of votes shall be the

candidates for Councilmen, and if three Councilmen are to be elected at such municipal election, the six persons receiving the highest number of votes shall be candidates for Councilmen, and if four Councilmen are to be elected at such general municipal election, the eight persons receiving the highest number of votes shall be candidates for Councilmen at such general election, and these shall be the only candidates for Mayor and Councilmen at such general election.

All electors of cities under this act who, by ordinances governing cities incorporated under the general municipal incorporation law, or by charter, would be entitled to vote for the election of officers at any general municipal election in such cities, shall be qualified to vote at all elections under this act; and the ballots to be used at such general municipal election shall be in the same general form as for such primary elections so far as applicable, and in all elections in such cities the election precincts, voting places, method of conducting the elections, canvassing of votes and announcing the results shall be the same as by law provided for the election of officers in such cities so far as the same are applicable and not inconsistent with the provisions of this act.

Qualification of electors at municipal elections.

Form of ballots at general election.

Every person who has been declared elected Mayor or Councilman shall within ten (10) days thereafter take and file with the City Clerk his oath of office in the form and manner provided by law, and shall execute and give sufficient bond to the municipal corporation in the sum of ten thousand (\$10,000.00) dollars, conditioned for the faithful performance of the duties of his office, which bond shall be approved by the Judge of the District Court of the county in which such city is situated and filed with the Clerk and Recorder of the county in which such city is situated.

Oath and bond of officers.

Sec. 13. Any person who shall agree to perform any services in the interest of any candidate for any office provided in this act, in consideration of any money or other valuable thing for such services performed in the interest of any candidate shall be punished by a fine not exceeding three hundred (\$300.00) dollars or be imprisoned in the county jail not exceeding thirty days.

Working for a candidate for consideration forbidden.

Bribery and other
wrongful acts.

Sec. 14. Any person offering to give a bribe, either in money or other consideration, to any elector for the purpose of influencing his vote at any election provided in this act, or any elector entitled to vote at any such election receiving and accepting such bribe or other consideration; any person who agrees, by promise or written statement; that he will do, or will not do, any particular act or acts, for the purpose of influencing the vote of any elector or electors at any election provided in this act; any person making false answer to any of the provisions of this act relative to his qualifications to vote at such election; any person wilfully voting or offering to vote at such election who has not been a resident of this State for one year next preceding said election, or who is not twenty-one years of age, or is not a citizen of the United States, or knowing himself not to be a qualified elector of such precinct where he offers to vote; any person knowingly procuring, aiding or abetting any violation hereof shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars, and be imprisoned in the county jail not less than ten nor more than ninety days.

Penalty.

City government,
in whom.

Sec. 15. Every city shall be governed by a Mayor and Councilmen, as provided in Section 9 of this act, each of whom shall have the right to vote on all questions coming before the Council.

Quorum, what con-
stitutes.

Sec. 16. In cities having a Mayor and two Councilmen, the Mayor and one Councilman, or two Councilmen, shall constitute a quorum; and the affirmative vote of the Mayor and one Councilman or the affirmative vote of two Councilmen shall be necessary to adopt or reject any motion, resolution or ordinance, or pass any measure unless a greater number is provided for in this act.

In cities having a Mayor and four Councilmen, the Mayor and two Councilmen, or three Councilmen, shall constitute a quorum, and the affirmative vote of the Mayor and two Councilmen or the affirmative vote of three Councilmen shall be necessary to adopt or reject any motion, resolution, or ordinances, or pass any measure unless a greater number is provided for in this act.

Upon every vote the ayes and nays shall be called and recorded, and every motion, resolution, or ordinance shall be reduced to writing and read before the vote is taken thereon.

Voting, procedure.

Sec. 17. The Mayor shall preside at all meetings of the Council; he shall have the same power to vote as other members of the Council; he shall have no power to veto any measure, but every resolution or ordinance passed by the Council must be signed by the Mayor, or by two Councilmen, and must be recorded before the same shall be in force.

Duties and powers of mayor.

Sec. 18. The Council shall have and possess and the Council and its members shall exercise all executive, legislative and judicial powers and duties now had, possessed and exercised by the Mayor, City Council, Board of Public Works, Park Commissioners, Board of Police and Fire Commissioners, Board of Water Works Trustees, Board of Library Trustees, Attorney, Assessor, Treasurer, Auditor, City Engineer and other executive and administrative offices in cities organized under the general municipal incorporation laws.

Powers of council.

The executive and administrative powers, authority and duties in such cities shall be distributed into and among departments as follows:

In cities having a mayor and two Councilmen, into three departments:

First—A department of accounts, finance and public property.

Departments of government.

Second—A department of public safety and charity.

Third—A department of streets, public improvements and parks.

In cities having a Mayor and four Councilmen, into five departments:

First—A department of public affairs.

Second—A department of accounts and finance.

Third—A department of public safety and charity.

Fourth—A department of street and public improvements.

Fifth—A department of parks and public property.

The Council shall determine the powers and duties to be performed by each department of the city; shall

Duties of the council.

ELECTION LAWS

prescribe the powers and duties of officers and employes; may assign particular officers and employes to one or more of the departments; may require an officer or employe to perform duties in two or more departments; and may make such rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

Duties of mayor.

Sec. 19. In cities having a Mayor and two Councilmen, the Mayor shall be superintendent of the department of accounts, finance and public property, and in cities having a Mayor and four Aldermen, the Mayor shall be superintendent over the department of public affairs, and the Mayor shall have general supervision over all departments of the city and over all matters connected with said city, and the Council shall, at its first regular meeting after the election of its members, designate by majority vote one Councilman to be superintendent over each department of the city, but such designation may be changed whenever it appears that the public service would be benefited thereby.

Appointment of city officers.

The Council shall at its first regular meeting after the election of its members, or as soon thereafter as practicable, elect by a majority vote the following officers: A City Clerk, a City Treasurer, a City Attorney, a City Auditor, a City Engineer, a City Physician, a Chief of the Fire Department, a Chief of the Police Department, a Commissioner of Weights and Measures, a Street Commissioner, Library Trustees, Cemetery Trustees, and such other officers and assistants as shall be provided for by ordinance, and which may be necessary to the proper and efficient conduct of the affairs of the city; **Provided**, however, that the Council may, by ordinance, consolidate any of the offices the election to which is made by the Council, and may require any officer elected by the Council to perform the duties of any other officer; and shall appoint a Police Judge with the authority now conferred by existing laws. Any officer or assistant, elected or appointed by the Council, may be removed from office at any time by a majority vote of the members of the council, except as otherwise provided in this act.

Sec. 20. The Council shall have power from time to

time to create, fill and discontinue offices and employment other than herein prescribed, according to their judgment of the needs of the city, and by majority vote of all the members, remove any such officer or employe except as otherwise provided for in this act; and may, by resolution or otherwise, prescribe, limit, or change the compensation of such officers or employes.

Power to create
or discontinue
offices.

Sec. 21. The Council shall have their office at the city hall, and their total compensation shall be as follows: In cities of the third class, having a population of less than 3,000, the annual salary of the Mayor shall be \$600.00, and the annual salary of each Councilman shall be \$500.00; in cities of the third class, having a population of 3,000 or more, the annual salary of the Mayor shall be \$1,000.00, and the annual salary of each Councilman shall be \$900.00; in cities of the second class, the annual salary of the Mayor shall be \$1,650.00, and the annual salary of each Councilman shall be \$1,500.00; in cities of the first class, having a population of less than 30,000, the annual salary of the Mayor shall be \$3,000.00, and the annual salary of each Councilmen shall be \$2,500.00; in cities of the first class, having a population of 30,000 and less than 50,000, the annual salary of the Mayor shall be \$4,000.00, and the annual salary of each Councilman shall be \$3,000.00; and in cities of the first class, having a population of 50,000 or more, the annual salary of the Mayor shall be \$4,500.00, and the annual salary of each Councilman shall be \$3,500.00.

Salaries of
officers.

Any increase in salary occasioned by the advance in class or increase in population of any city shall commence with the month next after the official publication of the census showing such advance in class or increase in population.

Every other officer or assistant shall receive such salary or compensation as the Council shall by ordinance from time to time provide, payable in equal monthly installments.

The salary or compensation of all other employes of such city shall be fixed by the Council and shall be payable monthly, or at such shorter periods as the Council shall determine.

ELECTION LAWS

Meetings and organization of council.

Sec. 22. Regular meetings of the Council shall be held on the first Monday after the election of Councilmen, and thereafter at least once each month. The Council shall provide by ordinance for the time for holding regular meetings, and special meetings may be called from time to time by the Mayor or two Councilmen. All meetings of the Council, whether regular or special, at which any person not a city officer is admitted, shall be open to the public.

The Mayor shall be president of the Council and shall preside at all its meetings and shall supervise all departments of the city and report and recommend to the Council for its action all matters requiring attention in any department. The Council shall, at its first regular meeting, select one of its members for vice president of the Council, and in case of a vacancy in the office of Mayor, or the absence or inability of the Mayor, he shall perform the duties of the Mayor.

Ordinances, franchises, etc.

Sec. 23. Every ordinance or resolution appropriating money or ordering any street improvement or sewer, or making or authorizing the making of any contract, or granting any franchise or right to occupy or use the streets, highways, bridges or public places in the city for any purpose, shall be complete in the form in which it is finally passed, and remain on file with the City Clerk for public inspection at least one week before the final passage or adoption thereof. No franchise or right to occupy or use the streets, highways, bridges or public places in any such city shall be granted, renewed or extended, except by ordinance, and every franchise or grant for interurban or street railways, gas, or water works, electric light, or power plant, heating plant, telegraph or telephone systems, or other public service utilities, or renewal or extension of any such franchise or grant within such city, must be authorized or approved by a majority of the electors voting thereon at a general or special election, as provided in Sections 3291, 3292 and 3293, Revised Codes of Montana, 1907.

Officers and employes not to be interested in contracts.

Sec. 24. No officer or employe elected or appointed in any such city shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits

thereof, or materials, supplies or services to be furnished or performed for the city; and no such officer or employe shall be interested, directly or indirectly, in any contract or job for work or materials or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, telephone exchange or other public utility within the territorial limits of said city. No such officer or employes shall accept or receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city, any interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, or telephone exchange or other business using or operating under a public franchise, any frank, free pass, free ticket, or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any other service upon terms more favorable than is granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and every such contract and agreement shall be void.

Certain officers not to accept franks, free passes, etc.

Such prohibition of free transportation shall not apply to policemen or firemen in uniform; nor shall any free service to the city officials heretofore provided by any franchise or ordinance be affected by this section. Any officer or employe of such city who, by solicitation or otherwise, shall exert his influence, directly or indirectly, to influence other officers or employes of such city to adopt his political views or to favor any particular person or candidate for office, or who shall in any manner contribute money, labor, or other valuable thing to any person for election purposes, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding three hundred dollars or by imprisonment in the county jail not exceeding thirty days.

Electioneering by officers and employes prohibited.

Sec. 25. Immediately after organizing, the Council shall by ordinance appoint three Civil Service Commissioners, who shall hold office, one until the first Monday in April in the second year, one until the first Monday in April of the fourth year, and one until the first Monday in

Civil service commissioners, appointment and term of office.

ELECTION LAWS

April of the sixth year after his appointment. Each succeeding Council shall, as soon as practicable after organizing, appoint one Commissioner for six years, who shall take the place of a Commissioner whose term of office expires. The chairman of the Commission for each biennial period shall be the member whose term first expires. No person while on the said Commission shall hold or be a candidate for any office of public trust. Two of said members shall constitute a quorum to transact business. The Commissioners must be citizens of Montana and residents of the city for more than three years next preceding their appointment.

Quorum, vacancies,
etc.

The Council may remove any of said Commissioners during their term of office for cause, a majority of Councilmen voting in favor of such removal, and shall fill any vacancy that shall occur in said Commission for the unexpired term. The City Council shall provide suitable rooms in which the said Civil Service Commission shall hold its meetings; they shall have a clerk, who shall keep a record of all its meetings, such city to supply the said Commission with all necessary equipment to properly attend to such business.

Oath of office.

(A) Before entering upon the duties of their office, each of said Commissioners shall take and subscribe an oath, which shall be filed and kept in the office of the City Clerk, to support the constitution of the United States and of the State of Montana, and to obey the laws, and to aid to secure and maintain an honest and efficient force, free from partisan distinction or control, and to perform the duties of his office to the best of his ability.

Examination of
applicants.

(B) Said Commission shall, on the first Monday of April and October of each year, or oftener if it shall be deemed necessary, under such rules and regulations as may be prescribed by the Council, hold examinations for the purpose of determining the qualifications of applicants for positions, which examination shall be practical and shall fairly test the fitness of the persons examined to discharge the duties of the position to which they seek to be appointed. Such Commission shall, as soon as possible after such examination, certify to the Council double the number of persons necessary to fill vacancies,

who, according to the records, have the highest standing for the position they seek to fill as a result of such examination, and all vacancies which occur that come under the civil service, prior to the date of the next regular examination, shall be filled from said list so certified; **Provided**, however, that should the list for any cause be reduced to less than three for any division, then the Council or the head of the proper department may temporarily fill a vacancy but not to exceed thirty days.

(C) All persons subject to such civil service examination shall be subject to removal from office or employment by the Council for misconduct or failure to perform their duties under such rules and regulations as it may adopt, and the Chief of Police, Chief of the Fire Department or any superintendent, or foremen in charge of municipal work may peremptorily suspend or discharge any subordinate then under his direction for neglect of duty or disobedience of his orders, but shall, within twenty-four hours thereafter, report such suspension or discharge, and the reason therefor, to the superintendent of his department who shall thereupon affirm or revoke such discharge or suspension, according to the facts. Such employe (or the officer discharging or suspending him) may within five days of such ruling, appeal therefrom to the Council, which shall fully hear and determine the matter.

Appeals.

(D) The Council shall have the power to enforce the attendance of witnesses, the production of books and papers, and power to administer oaths in the same manner and with like effect, and under the same penalties, as in the case of magistrates exercising criminal or civil jurisdiction under the statutes of Montana.

Said Commissioners shall make an annual report to the Council, and it may require a special report from said Commissioner, at any time; and said Council may prescribe such rules and regulations for the proper conduct of the business of the said Commission as shall be found expedient and advisable, including restrictions on appointment, promotions, removals for cause, roster of employes, certificates of records to the auditors, and restrictions on payment to persons improperly employed.

Annual report.

Penal ordinances relating to civil service commission.

(E) The Council of such city shall have power to pass ordinances imposing suitable penalties for the punishment of persons violating any of the provisions of this act relating to the Civil Service Commission.

Provisions applicable to whom.

(F) The provisions of this section shall apply to all appointive officers and employes of such city, except those especially named in Section 19 of this act, commissioners of any kind, laborers whose occupation requires no special skill nor fitness, election officials, and Mayor's secretary and assistant attorney, where such officers are appointed.

All officers and employes in any said city shall be elected or appointed with reference to their qualifications and fitness, and for the good of the public service and without reference to their political faith or party affiliations.

Civil service regulations.

It shall be unlawful for any candidate for office in any such city, directly or indirectly, to give or promise any person or persons any office, position employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person or persons.

Every elective officer in any such city shall, within thirty days after qualifying, file with the City Clerk, and publish at least once in a daily newspaper of general circulation, or weekly, if there be no daily newspaper published, his sworn statement of all his election and campaign expenses, and by whom such funds were contributed.

Any violation of the provisions of this section shall be a misdemeanor and give ground for the removal from office.

Monthly financial statement.

Sec. 26. The Council shall each month print in pamphlet form a detailed itemized statement of all receipts and expenses of the city and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the state library, the city library, the daily newspapers of the city, and to the persons who shall apply therefor at the office of the City Clerk. At the end of each year the Council shall cause a full and complete examination of all the books and accounts of

the city to be made by competent accountants, and shall publish the result of such examination in the manner above provided for publication of statements of monthly expenditure.

Sec. 27. If, at the beginning of the term of office of the first Council elected in such city under the provisions of this act, the appropriations for the expenditures of the city government for the current fiscal year have been made, said Council shall have power, by ordinance, to revise, repeal or change said appropriations and to make additional appropriations. Appropriations.

Sec. 28. In the construction of this act the following rules shall be observed, unless such construction would be inconsistent with the manifest intent, or repugnant to the context of the statute: Construction of act, definitions.

First—The words "Councilman" or "Alderman" shall be construed to mean "Councilman" when applied to cities under this act.

Second—When an office or officer is named in any law referred to in this act, it shall, when applied to cities under this act, be construed to mean the office or officer having the same function or duties under the provisions of this act, or under ordinances passed under authority thereof.

Third—The words "franchise" or "right" shall include every special privilege in the streets, highways and public places of the city, whether granted by the State or the city, which does not belong to citizens generally by common right.

Fourth—The word "electors" shall be construed to mean persons qualified to vote for elective offices at regular municipal elections.

Sec. 29. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by twenty-five per cent of all qualified electors registered for the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be Recall of officers.

filed with the City Clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of such paper shall make oath before an officer competent to administer oaths that the statements therein are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing of such petition the City Clerk shall examine, and from the voters' register ascertain whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the Council shall allow him extra help for that purpose; and he shall attach to said petition his certificate showing the result of said examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient the Clerk shall submit the same to the Council without delay. If the petition shall be found to be sufficient the Council shall order and fix a date for holding said election, not less than thirty nor more than forty days from the date of the Clerk's certificate to the Council that a sufficient petition is filed.

Procedure.

Petition.

The Council shall make, or cause to be made, publication of notice and all arrangements for holding such election, and the same shall be conducted, returned and the result thereof declared, in all respects as are other elections.

Election, how
conducted.

So far as applicable, except as otherwise herein provided, nominations hereunder shall be made without the intervention of a primary election by filing with the Clerk at least ten days prior to said special election, a statement of candidacy accompanied by a petition signed

by electors entitled to vote at said special election equal in number to at least ten per cent of the entire number of persons registered to vote at the last preceding general municipal election, which said statement of candidacy and petition shall be substantially in the form set out in Section 12 of this act, so far as the same is applicable, substituting the word "special" for the word "primary" in such statement and petition, and stating therein that such person is a candidate for election instead of nomination. The ballot for such special election shall be in substantially the following form:

Form of ballot.

Official Ballot.

Special election for the balance of the unexpired term of as

For

(Vote for one only.)

(Name of candidates.)

Name of present incumbent.

Official ballot attest:

(Signature):

City Clerk.

The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the Clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes the incumbent shall thereupon be deemed removed from office upon the qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of the election the office shall be deemed vacant. If the incumbent receive the highest number of votes, he shall continue in office. The said method of removal shall be cumulative, and additional to the methods heretofore provided by law.

Effect of election.

Sec. 30. Any proposed ordinance may be submitted to the Council by petition signed by electors of the city

Electors proposing ordinances.

equal in number to the percentage hereinafter required. The signature, verification, inspection, certification, amendment and submission of such petition shall be the same as provided for petition under Section 29 hereof. If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty-five per centum of the entire number of persons registered to vote at the last preceding general election, and contains a request that the said ordinance be submitted to a vote of the people, if not passed by the Council, such Council shall either—

Procedure.

(A) Pass each ordinance without alteration within twenty days after the attachment of the Clerk's certificate to the accompanying petition, or—

(B) Forthwith, after the Clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the Council shall call a special election, unless a general municipal election is fixed by law, within thirty days thereafter, and at such special or general municipal election, if one is so fixed, such ordinance shall be submitted to the vote of the electors of such city.

But if the petition is signed by not less than ten nor more than twenty-five per centum of the electors, as above defined, then the Council shall, within twenty days, pass said ordinance without change, or submit the same at the next general city election occurring after the Clerk's certificate of sufficiency is attached to said petition.

Ballots to be used.

The ballots used when voting upon said ordinance shall contain these words: "For the ordinance" (stating the nature of the proposed ordinance), and "Against the ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by the petition (of) which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; but there shall not be more than

one special election in any period of six months for such purposes.

The Council may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any succeeding general city election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this act to be submitted to the voters of the city at any election, the City Clerk shall cause such ordinance or proposition to be published once in each of the daily newspapers published in such city, and if there be none, then one time in each weekly newspaper published therein; such publication to be not more than twenty nor less than five days before the submission of such proposition or ordinance to be voted on.

Repeal of
ordinances.

Sec. 31. No ordinance passed by the Council, except when otherwise required by the general laws of this State or the provisions of this act, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the Council, shall go into effect before ten days from the time of its final passage; and if during said ten days a petition signed by electors of the city equal in number to at least twenty-five per centum of the entire number of persons registered to vote at the last preceding general municipal election, protesting against the passage of such ordinance, be presented to the Council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Council to reconsider such ordinance; and if the same is not entirely repealed, the Council shall submit the ordinance, as is provided by Subdivision (B) of Section 30 of this act, to the vote of the electors of the city, either at a general election or at a special municipal election to be called for that purpose; and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said

Suspending
ordinance.

Section 30, except as to the percentage of signers, and be examined and certified to by the Clerk in all respects as therein provided.

Sec. 32. Any city which shall have operated for more than one year under the provisions of this act may abandon such organization hereunder and accept the provisions of the general law of the State then applicable to cities of its population.

Abandonment of
commission plan,
procedure.

Upon the petition of not less than 25 per centum of the electors of such city registered for the last preceding general election, a special election shall be called, at which the following proposition only shall be submitted:

“Shall the city of (name the city) abandon its organization under Chapter 57 of the Acts of the Twelfth Legislative Assembly and become a city under the general law governing cities of like population; or if formerly organized under special charter shall resume said special charter?”

If the majority of the votes cast at such special election be in favor of such proposition, the officers elected at the next succeeding biennial election shall be those then prescribed by the general law of the State for cities of like population, and upon the qualification of such officers such city shall become a city under such general law of the State, but such change shall not in any manner or degree effect the property, rights or liabilities of any nature of such city but shall merely extend to each change in its form of government.

The sufficiency of such petition shall be determined, the election ordered and conducted and the results declared generally as provided for by Section 29 of this act, insofar as the provisions thereof are applicable; or if now organized under special charter, may resume said special charter. Whenever the form of government of any city is determined by a vote of the people under the provision of this section, the same question shall not be submitted again for a period of two years, and any ordinance adopted by a vote of the people shall not be repealed or the same question submitted for a period of two years.

(Act approved March 18, 1913; Chapter 128, Laws 1913, p. 480.)

Sec. 33. Petition provided for in this act shall be signed by none but legal voters of the city. Each petition shall contain, in addition to the names of the petitioners, the street and house number in which the petitioner resides, his age and length of residence in the city. It shall also be accompanied by the affidavit of one or more legal voters of the city, stating that the signers thereof were, at the time of signing, legal voters of said city, and the number of signers at the time the affidavit was made.

Petition, form of

Sec. 34. All acts and parts of acts and all laws not inconsistent with any of the provisions of this act, now in force or hereafter enacted, relative to municipal corporations are hereby continued in full force and effect and shall be considered and construed as not repealed by this act, except insofar as the same may be in conflict or inconsistent with the provisions of this act.

Effect of act upon existing laws.

Sec. 35. All laws and parts of laws in conflict herewith are hereby repealed.

Repealing clause.

Sec. 36. This act shall become effective immediately upon its passage and approval.

Act takes effect, when.

(Approved February 28, 1911.)

ELECTIONS RELATING TO SCHOOL MATTERS.

Election of School Trustees.

(Laws of 1913, Chapter 76. Approved March 12, 1913. Act providing for a uniform system of school laws. Pages 224-229.)

Section 500. Qualifications Necessary.

501. Number in Different Districts.

502. Annual Election.

(2) Districts of Second and Third Classes.

(3) Districts of First Class.

(4) Poll and Tally List—Certificate of Judges and Canvass of Votes.

(5) Term of Office.

(6) Vacancy in School Board.

(7) Removal of Trustee.

(8) Clerk—Vacancy in Office.

(9) Terms of Trustees; How to Be Arranged.

(10) Qualifications of Electors.

(11) Challenges.

(12) Expenses of Election.

Sec. 500. **Qualifications.**—Any person, male or female, who is a qualified voter at any election under this act, shall be eligible to the office of School Trustee in such district.

Qualification of trustees.

Sec. 501. **Number.**—In districts of the first class, the number of Trustees shall be seven, in districts of the second class the number of Trustees shall be five, and in districts of the third class the number of Trustees shall be three.

Number of trustees in different class districts.

Sec. 502. 1. **Election**—An annual election of School Trustees shall be held in each school district in the State on the first Saturday in April, in each year; at the district school house, if there be one, and if there be none, at a place designated by the Board of Trustees.

Annual election of trustees shall be held when and where.

2. **Districts of the Second and Third Classes—(a) Nomination.**—In districts of the second and third classes, the names of all candidates for membership on the School Board must be received and filed by the Clerk and posted at each polling place at least five days next preceding the election. Any five qualified electors of the district

Nominations in districts of second and third class.

Who may nominate and how.

may file with the Clerk the nominations of as many persons as are to be elected to the School Board at the ensuing election.

(b) **Conduct of Election.**—In districts of the second and third classes, the election of School Trustees shall be held and conducted under the supervision of the Board of School Trustees. The Clerk of the School District must not less than fifteen days before the election required under this act, post notices in three public places in said district, and in incorporated cities in each ward, which notices must specify the time and place of election, and the hours during which the polls will be open. The Trustees must appoint by an order entered in their records three qualified electors of said district to act as judges at such election, and the Clerk of the district shall notify them by mail of their appointment. If the judges named are not present at the time for opening the polls, the electors present may appoint judges, and the judges so appointed shall designate one of their number to act as clerk. The voting must be by ballot, without reference to the general election laws in regard to nominations, form of ballot or manner of voting, and the polls shall be open for such length of time as the Board of trustees may order; **Provided**, that such polls must be open from two p. m. to six p. m.

In districts of second and third class trustees to supervise elections.

Clerk shall post notice.

Contents of notice.

Judges, appointed by whom.

Appointment when not present at opening of polls.

Clerk of election.

Ballots and voting.

Polls open for what time.

Nominations in districts of first class.

How made.

Electors required at nominating meeting.

Certificate of nomination; contents.

3. **Districts of the First Class—(a) Nomination.**—In districts of the first class no person shall be voted for or elected as Trustee unless he has been nominated therefor by a bona fide public meeting, held in the district at last ten days before the day of election, and at which at least twenty qualified electors were present, and a chairman and secretary were elected, and a certificate of such nomination, setting forth the place where the meeting was held, giving the names of the candidates in full, and if there are different terms to be filled, the term for which such candidate was nominated, duly certified by the chairman and secretary of such meeting, shall be filed with the District Clerk at least eight days before the day of the election. The nomination and election of any person shall be void, unless he was nominated

at a meeting as above provided at which at least twenty qualified electors were present, and his nomination certified and filed as aforesaid, and the Board of Trustees acting as a canvassing board shall not count any votes for any person unless he has been so nominated and a certificate thereof filed as herein required.

(b) 1. **Board of Trustees to Call Election—Conduct of Election.**—The Board of Trustees shall at least thirty days before the annual election of School Trustees, by an order entered upon the minutes of their meeting, designate and establish a suitable number of polling places and create an equal number of election precincts to correspond and define the boundaries thereof.

Board of trustees shall call election when and how.

Polling places and precincts.

2. **Notice.**—The District Clerk shall at least fifteen days before the election in districts of the first class, give notice of the election to be held in all such districts, by posting a notice thereof in three public places in the district, and in incorporated cities and towns in each ward, which notices must specify the time and place of election, the number of Trustees, and the terms for which they are to be elected, and the hours during which the polls will be open. Whenever in the judgment of the Board of Trustees the best interests of the district will be served by the publication of such notices of election in some newspaper in the county, they may, by an order entered on the minutes of their meeting, direct the District Clerk to publish the notice of election required to be given in districts of the first class, in some newspaper in the county.

In districts of first class duty of clerk to give notices of elections.

Posting notices.

When notice to be published.

3. **Hours of Election.**—In districts of the first class the polls must be opened at eight o'clock a. m. and kept open until twelve o'clock m., and from one o'clock p. m. until eight o'clock p. m.

Polls to be open in districts of first class during what hours.

4. **Judges.**—The Board of District Trustees shall, at least ten days before the day of the annual election of Trustees in any district of the first class, appoint three qualified electors of the district for each polling place established to act as judges of election, and the District Clerk shall notify such person by mail of their appointment. Such judges shall designate one of their number

Judges in districts of first class to be appointed by whom, and member.

Clerk to notify judges.

Any judge to be clerk of election.

When judges chosen by electors present.

Ballots to show what.

Form of ballots.

Poll list must be kept.

Duty of judges in case of more ballots cast than there are voters.

How voters names shall be entered.

Tally lists shall be provided.

Ballots to be counted when.

Entries to be made on tally list.

Verified certificate to tally list.

to act as clerk of such election. If the judges appointed, or any of them, are not present at the time for the opening of the polls, the electors present may appoint judges, who must be qualified electors, to act in the place of those who are absent.

5. **Ballots and Method of Voting.**—In districts of the first class, the ballot shall show the name or names of the candidates and the length of time for which they are to be elected. These ballots shall be as near as possible in the following form:

For School Trustees.

For Three (3) Year Term.

Vote for Three:

John Abner.

William Brown.

Adam Smith.

For One (1) Year Term.

George Davis.

4. **Poll and Tally List—Certificate of Judges and Canvass of Votes.**—At every election held under this act a poll list shall be kept by the judges and clerk at each polling place, and immediately after the close of the polls the judges shall count the ballots, and if there be more ballots than votes cast the judges must draw by lot from the ballots without seeing them, sufficient number of ballots to make the ballots remaining correspond with the number of the votes cast. The clerk shall write down in alphabetical order in a poll book provided for that purpose the name of every person voting at the time he deposits his ballot. There shall also be provided a tally list for each polling place; after the ballots have been counted and made to agree with the poll list the judges shall proceed to count them. The clerk shall enter in the tally list the name of every person voted for as trustee, and the term, and tally opposite his name the number of votes cast for him, and at the end thereof set down in a column provided for that purpose the whole number of votes he received. The judges and clerk shall sign a certificate to said tally list setting forth the whole number of votes cast for each person or trustee,

designating the term, and they shall verify the same as being correct to the best of their knowledge before an officer authorized to administer oaths. No informality in such certificate shall vitiate the election, if the number of votes received for each person can reasonably be ascertained from said tally list. Said books and tally lists shall be returned to the Board of Trustees of the district, who shall canvass the vote and cause the Clerk of the district to issue a certificate of election to the person or persons elected, designating their term, a copy of which must be forwarded to the County Superintendent of Schools. School Trustees are hereby authorized to administer oaths to judges of election.

Informality not to vitiate election when.

Return of books and tally lists to board of trustees, and canvass of votes.

Certificates of election.

Oath of office to judges of election.

5. Term of Office — Vacancy — Oath of Trustee. — Trustees elected shall take office immediately after qualifying and shall hold office for the term of three years except as elsewhere expressly provided, and until their successors are elected and qualified, or appointed by the County Superintendent of Schools and qualified. A vacancy in the office of School Trustee must be filled by appointment by the County Superintendent of Schools subject to confirmation by a majority of the remaining members of said board, if those remaining constitute a majority of the total number of the board, which Trustee so appointed shall hold office until the next annual election, at which election there shall be elected a School Trustee for the unexpired term. Every Trustee shall file his oath of office with the County Superintendent of Schools. Any trustee who shall fail to qualify within fifteen days after being elected shall forfeit all rights to office, and the County Superintendent of Schools shall appoint to fill the vacancy in the office of School Trustee.

Term of office, when to commence.

Vacancies in the board to be filled by whom.

Term of office of appointed trustees.

Oath of office to be filed within what time.

Failure to qualify.

6. Vacancy in School Board.—When any vacancy occurs in the office of Trustee of any school district by death, resignation, failure to elect at the proper time, removal from the district, or other cause, the fact of such vacancy shall be immediately certified to the County Superintendent by the Clerk of the school district, and the County Superintendent shall immediately appoint in writing some competent person who shall qualify and serve until the next annual school election. The County

Vacancies in office of trustee to be certified to county superintendent.

Duty to appoint and fill vacancy.

Notice to clerk of appointment.

When absence from school district shall constitute a vacancy.

Removal of trustees by court.

By board of county commissioners may suspend.

Vacancy in office of school clerk filled by whom.

Notice to superintendent.

Expirations of terms of trustees to be arranged how.

When determined by lot.

Residence qualification of electors required.

Women can vote.

Superintendent shall at the same time notify the Clerk of the school district of every such appointment; **Provided**, that absence from the school district for sixty consecutive days shall constitute a vacancy in the office of Trustee.

7. **Trustees—How Removed.**—Any School Trustee may be removed from office by a court of competent jurisdiction by law for removal of elective civil officers; **Provided**, however, that upon charges being preferred and good cause shown, the Board of County Commissioners may suspend a Trustee until such time as such charges can be heard in the court having jurisdiction thereof.

8. **Vacancy in Office of Clerk.**—Should the office of the Clerk of the School District become vacant, the Board of School Trustees shall immediately fill such vacancy by appointment, and the chairman of the Board of School Trustees shall immediately notify the County Superintendent of such appointment.

9. **Rearrangement of Terms to Prevent the Election of a Majority of the Trustees.**—When at any annual school election the terms of a majority of the Trustees regularly expire; in districts of the first class, three trustees, in districts of the second class, two trustees, in districts of the third class, one trustee, shall be elected for three years, and the remaining Trustee or Trustees whose terms shall expire shall hold over for one or two years as may be necessary to prevent the terms of a majority of the Board of Trustees expiring in any one year; **Provided**, that it shall be determined by lot what trustees shall hold over and for what term.

10. **Qualifications of Electors.**—Every citizen of the United States who has resided in the State of Montana for one year, and thirty days in the school district, next preceding the election, may vote thereat. Women of the age of twenty-one years and upwards, who are citizens of the United States and who have resided in the State of Montana one year and in the school district for thirty days next preceding the day of the election, may vote thereat.

11. Challenges—Oath of Voters.—Any person offering to vote may be challenged by any elector of the district, and the judges must thereupon administer to the person challenged an oath or affirmation in substance as follows: “You do solemnly swear (or affirm) that you are a citizen of the United States; that you are twenty-one years of age, and that you have resided in the State one year and in this school district thirty days next preceding this election, and that you have not voted this day, so help you God.” If he takes this oath or affirmation his vote must be received; otherwise rejected. Any person who shall swear falsely before any such judge of election shall be guilty of perjury and shall be punished accordingly.

Challenges of electors.

Oath to be administered in case of challenge.

Vote may be received when.

Perjury.

12. Expenses of Election.—All the expenses necessarily incurred in the matter of holding elections for School Trustees shall be paid out of the school funds of the district. Judges of election of districts of the first and second class shall receive not to exceed three dollars per day each for all services connected with the election.

How expenses of election are to be paid.

Compensation of election judges.

Consolidation of School Districts.

(Laws of 1913, Chapter 76. Approved March 12, 1913. Pages 222, 223.)

Sec. 407. Consolidated District. 1. Two Methods.—That two or more school districts may be consolidated either by the formation of a new district or by the annexation of one or more districts to an existing district, as hereinafter provided.

How districts may be consolidated.

2. Order of Procedure—Petition.—Whenever the County Superintendent of Schools receives a petition signed and acknowledged by a majority of the resident freeholders of each district affected, qualified to vote at school elections, praying for consolidation, he shall within ten days cause a ten days posted notice to be given by the Clerk in each district, such notice to be posted in three public places, in each district, of an election in such district at a time and place specified in each notice, to vote on the question of consolidation. The votes at such election shall be by ballot which shall read “For consolidation”

Procedure to consolidate.

Posting of notice of election.

Ballots at such election.

Duty of election officer.

Duty of superintendent when consolidation carries.

Election of trustees and their terms of office.

or "Against consolidation." The presiding officer at such election shall within ten days thereafter certify the result of the vote to the County Superintendent of the County in which the district mainly lies. If the majority of the votes cast in each district be for consolidation, it carries, and the Superintendent, within ten days thereafter, shall make proper orders to give effect to such vote and shall thereafter transmit a copy thereof to the County Clerk and Recorder of each county in which any part of any district lies, and the Clerk of each district affected. If the order be for the formation of a new district, it shall specify the name and number of such district, and he shall appoint three trustees to serve until the first Saturday in April succeeding. At the regular election succeeding there shall be elected by the regularly qualified electors three Trustees, one of whom shall serve for one year, one for two years and one for three years. The election of Trustee and terms shall be the same as for other districts under the general school laws.

School House Sites.

(Laws of 1913, Chapter 76. Approved March 12, 1913.
Page 265.)

When board of trustees shall call meeting to determine questions of selecting, purchasing, exchanging or selling school house site.

How election to be conducted and votes canvassed.

Posting of notice of meeting for election.

If majority vote in affirmation duty of board of trustees.

Sec. 1600. Whenever, in the judgment of the Board of Trustees of any school district of the third class, it is desirable to select, purchase, exchange or sell a school house site, or whenever petitioned so to do by one-third of the voters of such district, the district board shall without delay call a meeting at some convenient time and place fixed by the board, to vote upon such question of selection, purchase, exchange or sale of school house site. Such election shall be conducted and votes canvassed in the same manner as at the annual election of school officers. Three notices giving the time, place, and purpose of such meeting shall be posted in three public places in the district by the Clerk at least ten days prior to such meeting. If a majority of the voters present at such meeting shall by vote decide to select, purchase, exchange or sell the school house site, the board shall carry out the will of the voters thus expressed; **Provided,**

that it shall require the concurrence of a majority of the voters of the district to order the change of a school house site, and any sites so changed cannot again be changed within three years from the date of such action.

Majority of votes of district necessary.

County High Schools.

- Section 2100. Any County May Establish.
 2101. Petition for Establishment and Location.
 2102. Election—Voting.
 2103. Canvass of Returns.
 2109. Submission of Question of Bond Issue.
 2113. Prior Acts Validated.
 2114. Same.
 2115. Bonds Legalized.

(Laws of 1913, Chapter 76. Approved March 12, 1913. Pages 296-298.)

Sec. 2100. Any County May Establish High School.—

Any county in the State may establish a high school on the conditions and in the manner hereinafter prescribed, for the purpose of affording better educational facilities for pupils more advanced than those attending the elementary schools.

Any county may establish a high school.

Sec. 2101. Petition for Establishment and Location.—

Whenever one hundred freeholders in any county shall petition the Board of County Commissioners, requesting that a high school be established in their county, the County Clerk shall give twenty days notice, by publication in the official paper of the county, that such petition has been filed, and that any village, town or city may become a candidate for the location of said high school upon petition of not less than fifty freeholders of said village, town or city, requesting that said place be named as the candidate for the location of said high school. All nominations of places for the location of said school shall be filed with the Board of County Commissioners within thirty days from the date of the first publication of said notice. Any number of places may be candidates for the location of said school, but no freeholder shall append his name to more than one petition. If such petition is filed at any time when the Board of County Commissioners is not in session, the County Clerk shall notify

When a petition has been filed with county commissioners to establish a high school duty of clerk to give notice.

Contents of notice. Nomination of any place for the location of the high school shall be filed where and within what time.

Any number of places may be candidates.

Shall sign but one petition.

Duty of clerk.

Special meeting shall be called.

the Commissioners thereof, and a special meeting shall be held to call the necessary election herein provided for.

County commissioners shall call an election and appoint precinct judges and clerks, when.

2102. **Election—Voting.**—At the expiration of thirty days from the date of the first publication of said notice, the County Commissioners shall call an election and appoint precinct judges and clerks. Said election shall be conducted in accordance with the general election laws of the State. The County Clerk shall give twenty days notice of such election by publication in the official paper of the county that the question of establishing a high school in said county, and the location thereof, will be submitted to the qualified electors of said county at a designated time. The notice shall distinctly specify the places which are candidates in the forthcoming election. The qualified electors shall vote by ballot, for or against the establishment of a county high school, and on separate ballots with the names of the place or places that are candidates for the location of said school written or printed thereon, vote for not more than one of the places named upon said ballot as a candidate for the location of said school. The ballots shall be substantially in the following form:

How election shall be conducted.

Notice of election.

Contents of notice.

How electors shall vote.

Ballots.

To vote but for one place.

Form of ballots.

Ballot No. 1.

For a County High School.

Against a County High School.

Ballot No. 2.

Helena.

Marysville.

How to mark ballot when voting for establishing school.

An elector desiring to vote for the establishment of a high school shall do so by placing an "X" before the clause, "For a County High School," which shall be a vote in favor of establishing a county high school. An elector desiring to vote against the establishment of a high school shall do so by placing an "X" before the clause, "Against a County High School." An elector desiring to vote for the location of a county high school at a certain place shall do so by placing an "X" before

Marking ballot.

the name of the place desired for the location of such school.

Sec. 2103. **Canvass of Returns.**—After the election the ballots on said question shall be canvassed in the manner provided for general county elections, and if the vote in favor of establishing a county high school shall be a majority of all votes cast upon said proposition, the Board of County Commissioners shall proceed to canvass the vote for the different candidates for the location of said school, and the village, town or city having the largest number of votes for the location of said school, provided said number of votes be a majority of all votes cast in favor of the measure, shall be declared to be the place for the location thereof. If the result is in favor of establishing such high school, and any candidate for its location has a majority, the Board of County Commissioners, by an order duly entered on their minutes, shall so declare this fact, and the board shall immediately thereafter appoint six persons, residents and taxpayers of the county, not less than three nor more than four of whom shall be residents of the village, town or city where the school is located, who shall, with the County Superintendent of Schools, constitute a Board of Trustees for said school.

How vote to be canvassed.

Appointment of board of trustees.

In case of a tie vote between two or more of the candidates having the highest number of votes for the location of said school, the County Commissioners shall immediately call another election in the manner provided by law for general county elections, at which the only question to be submitted shall be the location of said school and only the names of those candidates so tied shall appear upon the ballot.

Tie vote between two or more candidates, procedure.

* * * * *

Sec. 2109. **Submission to Electors of Question of Bond Issue.**—The secretary of the Board of County High School Trustees, whenever a majority of the board shall so decide, shall certify to the Board of County Commissioners that they have decided to submit to the electors of the county the question whether the county bonds shall issue for the purpose of the erection or purchase of a building or buildings for high school purposes and the equipment thereof, or for the erection and equipment of a

Duty of secretary of board.

Procedure.

dormitory or dormitories, or gymnasium, and for a suitable site or sites therefor, and shall include in such certificate the amount of such bonds, which amount shall not exceed the sum of two hundred fifty thousand (\$250,000) dollars, in any one county of the first and second class, and one hundred fifty thousand (\$150,000) dollars, in counties of the third class, and in all other counties shall not exceed the sum of one hundred thousand (\$100,000) dollars in any one county. Such bonds may run for a term of twenty years, or less, but no longer; **Provided**, that any such issue of bonds shall not increase the indebtedness of any county beyond the maximum limit fixed by the State constitution.

That as soon as practicable after receiving such certificate the Board of County Commissioners shall proceed to submit the question of issuing said bonds to the qualified electors of the county in the manner provided by law for the issuance of other county bonds. If such bonds are issued the County Commissioners, at the time of making the levy of taxes for county purposes each year, must levy a tax for that year upon the taxable property in the county for the interest and redemption of said bonds, and such taxes must not be less than sufficient to pay the interest on said bonds for that year and such proportion of the principal as is to become due during the year, and in any event must be high enough to raise annually, for the first half of the term, a sufficient sum to pay the interest thereon and during the balance of the term, high enough to pay said annual interest and to pay annually a portion of the principal of said bond, equal to the sum produced by taking the whole amount of said bonds outstanding, and dividing it by the number of years said bonds have to run, and all moneys so levied, when collected, must be paid into the county treasury to the credit of the county high school, kept in a separate fund and to be used for the payment of principal and interest on said bonds, and for no other purpose; **Provided**, however, that the accumulated money may be invested as is provided for the investment of money collected for the payment of school

Amount of bonds shall not exceed what sum.

Term of bonds.

Submission of question of bond issue.

When bond tax levy shall be made.

Taxes must be sufficient for what purposes.

Tax money collected must be paid into what fund, and used for what purpose.

Investment of accumulated money in such fund.

How taxes to be levied and collected.

district bonds. Said tax shall be levied and collected in the same manner as other county taxes.

In any county wherein there is now maintained a district high school, in which a county high school is hereafter created, the bonds to be issued for the county high school under the provisions of this section shall constitute an indebtedness only against so much of the said county, as is not included in the district maintaining said high school, and the question of the issuance of said bonds shall be submitted to the electors only who reside outside of such district. The limitations on the indebtedness to be created by the issuance of bonds in such cases and the method of levy, assessment and collection of taxes for the payment of bonds so issued, hereinabove set forth, shall apply only to so much of the said county as is not included in the school district maintaining such district high school.

* * * * *

Sec. 2113. **Prior Acts Validated.**—All acts and things of any kind whatever, done by any Board of County Free High School Trustees, or by any Board of County Commissioners of this State prior to the passage of this act, under the provisions of the act of March 3, 1899, for the establishment of county free high schools, or under the act of March 14, 1901, or the act of March 5, 1899, shall be and are hereby ratified and declared to be valid and of full force and effect.

Electors in such district not to vote at county high school bond election.

All things done for establishing county free high schools heretofore under prior laws are hereby ratified.

Sec. 2114. **Same.**—That all acts heretofore done by any Board of County Commissioners in this State in connection with the submission to the electors of their county of the question of establishing and locating a county free high school, and upon which acts such question was in fact submitted to the electors of such county and a majority of all votes cast at such election was in favor of the establishment and location of such high school and so found and declared by the Board of County Commissioners, shall be, and are hereby ratified and declared to be valid and of full force and effect.

All things duly done by board of county commissioners in submitting questions of establishing free county high schools, etc., are hereby ratified and validated.

Sec. 2115. **Bonds Legalized.**—That all bonds issued or authorized to be issued, at any time prior to the passage of this act, by the Board of Trustees of any county free

All high school bonds heretofore issued by boards of trustees of any high schools after

submission to a vote of the electors, etc., are hereby declared valid, etc.

high school in this State, where the question of the issuance of the same was first submitted by said Trustees to the electors of the county and a majority of all votes cast at such election were in favor of said bond issue, and so found and declared by said Board of Trustees, are hereby ratified and declared to be valid and legal obligations and of full force and effect.

Free Text Books.

(Laws of 1913, Chapter 76. Approved March 12, 1913. Pages 275, 276.)

Section 1811. Election to Be Called—When.

1812. Special Levy to Provide Free Books.

Duty of trustees of county board of education.

Sec. 1811. Election Upon Proposition to Supply Free Text-Books.—Upon the petition of five legal voters of any school district other than in incorporated cities, and upon petition of one hundred legal voters in incorporated cities, towns and villages, filed with the Board of Trustees or Board of Education, as the case may be, to notify the voters of such school district that an election “for” or “against” free text-books will be held at the next ensuing election for the members of the Board of Trustees or Board of Education, and the ballots to such effect shall be received and canvassed at such election, and if a majority of all votes cast in the district shall be found to be in favor of free text-books, it shall be the duty of the Board of Trustees or Board of Education, as the case may be, to purchase at the expense of such district all the text-books required for use of all pupils attending school in such school district, and said text-books shall be loaned to the pupils of said public schools, free of charge, subject to such rules and regulations as to care and custody as the Board of Trustees or Board of Education shall prescribe; **Provided**, that the pupils may purchase at cost any of the text-books to be furnished, when desired by them.

How ballots are to be received and canvassed at such election.

When it shall be the duty of board of trustees to purchase books at expense of district.

Books to be loaned to pupils free of charge.

County commissioners shall levy tax to purchase free books, when.

Sec. 1812. Special Levy to Provide Free Text-Books.—That for the purpose of raising money to pay for school books, which may be furnished to the pupils free of charge by any district adopting free text-books, a special levy upon the taxable property of such district shall be

made by the County Commissioners of the district, if the money received from the general fund from the district be insufficient, and said levy shall be made within thirty days from and after the adoption of said free text-books in any district that has by a majority vote adopted the same, and when made the tax levied shall be collected in the same manner as other taxes are collected; **Provided**, further, that any district that shall furnish free text-books shall have the right, through its Board of Trustees, to adopt supplementary books within the meaning of this act, when such adoption has been authorized by a two-thirds vote of the Trustees of said district.

When levy to be made.

How taxes shall be collected.

When district may adopt supplementary books.

School District Bonds.

(Laws of 1913, Chapter 76. Approved March 12, 1913. Pages 285, 286.)

Sec. 2015. **Bonds—How Issued—Election—Limit.**—The Board of School Trustees of any school district within this State shall, whenever a majority of the School Trustees so decide, submit to the electors of the district the question whether the board shall be authorized to issue coupon bonds to a certain amount, not to exceed three per cent of the taxable property in said district, and bearing a certain rate of interest not exceeding six per cent per annum, and payable and redeemable at a certain time, for the purpose of building and furnishing one or more school houses in said district, and purchasing land necessary for the same. Should the Trustees of any school district in which bonds have heretofore been issued to any amount desire to submit to the electors of the district the question as to whether additional bonds shall be issued they may do so, but no such bonds shall be issued unless a majority of all votes cast at any such election shall be cast in favor of such issue of additional bonds; and in no case shall the whole issue of bonds exceed the amount of three per cent of the taxable property within said school district.

Board of school trustees to issue bonds, when.

Limit of amount.

Interest rate.

Due when.

Purposes of bond issue.

May submit question of issuing additional bonds.

Shall not be issued, unless.

Limit of bond indebtedness.

Sec. 2016. **Manner of Holding Election—Ballots—Voting.**—Such election shall be held in the manner prescribed for the election of School Trustees. The ballots

How election held.

Form of ballot.

shall be in the form as follows: "Shall bonds be issued and sold to the amount of dollars, and bearing not to exceed per cent interest and for a period not to exceed years, for the purpose of purchasing a school site and building a school house thereon and for furnishing the same.

"Bonds, Yes.

"Bonds, No."

How elector shall prepare ballot.

The elector shall prepare his ballot by putting a cross before "Bonds, Yes," if he wishes to vote for the bonds, and before "Bonds, No," if he wishes to vote against the bonds. If a majority of the votes cast at such election are "Bonds, Yes," the Board of School Trustees shall issue such bonds in such form as the board may direct, and they shall bear the signature of the Chairman of the Board of Trustees and shall be signed by the Clerk of the said school district; and the coupons attached to the bonds shall be signed by the said Chairman and Clerk; **Provided**, a lithographic or engraved fac simile of the signatures of the Chairman and Clerk may be affixed to coupons only, when so recited in the bonds, and the corporate seal of the school district shall be attached to each of the bonds; and each bond so issued shall be registered by the County Treasurer in a book provided for that purpose, which shall show the number and amount of each bond, and the person to whom the same is issued or sold; and the said bonds shall be sold by the Trustees as hereinafter provided.

When bonds shall be issued and form thereof.

Coupons shall be signed by whom.

Fac simile signatures may be used on coupons only, when.

Corporate seal to be attached.

Bonds to be registered, where and how.

INITIATIVE AND REFERENDUM.

(Amendment to Constitution of Montana, Section 1, Article V, declared in force by Proclamation of Governor, December 7, 1906.)

Section 1, Article V, of the Constitution be, and the same is hereby amended so as to read as follows:

Sec. 1. The legislative authority of the State shall be vested in a Legislative Assembly, consisting of a Senate and House of Representatives; but the people reserve to themselves power to propose laws, and to enact or reject the same at the polls, except as to laws relating to appropriations of money, and except as to laws for the submission of constitutional amendments, and except as to local or special laws, as enumerated in Article V, Section 26, of this constitution, independent of the Legislative Assembly; and also reserve power at their own option, to approve or reject at the polls any act of the Legislative Assembly, except as to laws necessary for the immediate preservation of the public peace, health or safety, and except as to laws relating to appropriations of money, and except as to laws for the submission of constitutional amendments, and except as to local or special laws, as enumerated in Article V, Section 26, of this constitution. The first power reserved by the people is the Initiative, and eight per cent of the legal voters of the State shall be required to propose any measure by petition; **Provided**, that two-fifths of the whole number of the counties of the State must each furnish as signers of said petition eight per cent of the legal voters in such county, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the Secretary of State, not less than four months before the election at which they are to be voted upon.

The second power is the Referendum, and it may be ordered either by petition signed by five per cent of the legal voters of the State; **Provided**, that two-fifths of the whole number of the counties of the State must each furnish as signers of said petition five per cent of

the legal voters in such county, or, by the Legislative Assembly as other bills are enacted.

Referendum petitions shall be filed with the Secretary of State, not later than six months after the final adjournment of the session of the Legislative Assembly which passed the bill on which the Referendum is demanded. The veto power of the Governor shall not extend to measures referred to the people by the Legislative Assembly or by Initiative Referendum petitions.

All elections on measures referred to the people of the State shall be had at the biennial regular general election, except when the Legislative Assembly, by a majority vote, shall order a special election. Any measure referred to the people shall still be in full force and effect unless such petition be signed by fifteen per cent of the legal voters of a majority of the whole number of the counties of the State, in which case the law shall be inoperative until such time as it shall be passed upon at an election, and the result has been determined and declared as provided by law. The whole number of votes cast for Governor at the regular election last preceding the filing of any petition for the Initiative and Referendum, shall be the basis on which the number of the legal petitions and orders for the Initiative and for the Referendum shall be filed with the Secretary of State; and in submitting the same to the people, he, and all other officers, shall be guided by the general laws and the act submitting this amendment, until legislation shall be especially provided therefor. The enacting clause of every law originated by the Initiative shall be as follows:

“Be It Enacted by the People of Montana:”

This section shall not be construed to deprive any member of the Legislative Assembly of the right to introduce any measure.

Code Provisions.

(Sections refer to Revised Codes of 1907.)

- Section 106. Form of Petition for Referendum.
- 107. Form of Petition for Initiative.
- 108. Clerk to Verify Signatures to Petitions.
- 109. Notice to Governor and Proclamation.
- 110. Secretary of State to Certify Measures to Be Voted On—Printing Ballots.
- 111. Manner of Voting.
- 112. Printing and Distribution of Measures to Be Voted On.
- 113. Canvass of Votes.
- 114. Who May Petition—False Signatures—Penalties.
- 115. Referred Bills Not Effective Until Approved.

Sec. 106. **Form of Petition for Referendum.**—The following shall be substantially the form of petition for the referendum to the people on any act passed by the Legislative Assembly of the State of Montana:

Warning.

Any person signing any name other than his own to the petition or signing the same more than once for the same measure at one election, or who is not, at the time of signing the same, a legal voter of this State, is punishable by a fine not exceeding five hundred dollars (\$500) or imprisonment in the penitentiary not exceeding two years, or by both such fine and imprisonment.

Petition for Referendum.

Referendum, form of petition.

To the Hon., Secretary of State for the State of Montana:

We, the undersigned citizens and legal voters of the State of Montana, respectfully order that Senate (House) Bill No., entitled (title of act), passed by the Legislative Assembly of the State of Montana, at the regular (special) session of said Legislative Assembly, shall be referred to the people of the State for their approval or rejection, at the regular, general or special election to be held on the day of, 19.., and each for himself says: I have personally signed this petition; I am a legal voter of the State of Montana; and my residence, postoffice address and voting precinct are correctly written after my name.

Name Residence
 Postoffice Address

If in City, Street and Number
 Voting Precinct
 (Here follow numbered lines for signatures.)
 (Act approved March 2, 1907, Sec. 1; Tenth Session,
 Chap. 62.)

Sec. 107. **Form of Petition for Initiative.**—The following shall be substantially the form of petition for any law of the State of Montana proposed by the initiative:

Warning.

Any person signing any name other than his own to this petition or signing the same more than once for the same measure at one election, or who is not, at the time of signing the same, a legal voter of this State, is punishable by a fine of not exceeding five hundred dollars (\$500) or imprisonment in the penitentiary not exceeding two years, or by both such fine and imprisonment.

Petition for Initiative.

To the Hon., Secretary of State for the State of Montana:

Initiative, form of
 petition.

We, the undersigned legal voters of the State of Montana, respectfully demand that the following proposed law shall be submitted to the legal electors of the State of Montana, for their approval or rejection, at the regular, general or special election to be held on the day of, 1906, and each for himself says:

I have personally signed this petition, and my residence, postoffice address and voting precinct are correctly written after my name.

Name Residence

Postoffice Address

If in City, Street and Number

Voting Precinct

(Numbered lines for names on each sheet.)

Every such sheet for petitioners' signatures shall be attached to a full and correct copy of the title and text of the measure so proposed by initiative petition; but such petition may be filed with the Secretary of State in numbered sections, for convenience in handling, and

referendum petitions may be filed in sections in like manner. (Act approved March 2, 1907, Sec. 2; Tenth Session, Chap. 62.)

Sec. 108. **Clerk to Verify Signatures to Petitions.**—The County Clerk of each county in which any such petitions shall be signed shall compare the signatures of the electors signing the same with their signatures on the registration books and blanks on file in his office, for the preceding general election, and shall thereupon attach to the sheets of said petition containing such signatures, his certificate to the Secretary of State, substantially as follows:

State of Montana, }
County of } ss.

Clerk's certificate.

To the Hon., Secretary of State for Montana:

I,, County Clerk of the County of, hereby certify that I have compared the signatures on (number of sheets) of the referendum (initiative) petition, attached hereto, with the signatures of said electors as they appear on the registration books and blanks in my office; and I believe that the signatures of (names of signers) numbering (number of genuine signatures) are genuine. As to the remainder of the signatures thereon, I believe that they are not genuine, for the reason that, and I further certify that the following names (.....) do not appear on the registration books and blanks in my office.

(Signed:,

(Seal of Office)

County Clerk.

By:,

Deputy.

Every such certificate shall be prima facie evidence of the facts stated therein, and of the qualifications of the electors whose signatures are thus certified to be genuine, and the Secretary of State shall consider and count only such signatures on such petitions as shall be so certified by said County Clerks to be genuine; **Provided**, that the Secretary of State may consider and count such of the

Certificate evidence of what.

remaining signatures as may be proved to be genuine, and that the parties so signing were legally qualified to sign such petitions, and the official certificate of a Notary Public of the county in which the signer resides shall be required as to the fact for each of such last named signatures; and the Secretary of State shall further compare and verify the official signatures and seals of all notaries so certifying with their signatures and seals filed in his office. Such notaries' certificates shall be substantially in the following form:

Notaries' certificate.

State of Montana, }
 County of } ss.

I,, a duly qualified and acting Notary Public in and for the above named county and State, do hereby certify: that I am personally acquainted with each of the following named electors whose signatures are affixed to the annexed petition, and I know of my own knowledge that they are legal voters of the State of Montana and of the county and precincts written after their several names in the annexed petition, and that their residence and postoffice address is correctly stated therein, to-wit: (Names of such electors.)

In Testimony Whereof I have hereunto set my hand and Official Seal this day of, 19....

.....

Notary Public in and for County, State of Montana.

Duty of county clerk.

The County Clerk shall not retain in his possession any such petition, or any part thereof, for a longer period than two days for the first two hundred signatures thereon, and one additional day for each two hundred additional signatures, or fraction thereof, on the sheets presented to him, and at the expiration of such time he shall forward the same to the Secretary of State, with his certificate attached thereto, as above provided. The forms herein given are not mandatory, and if substantially followed in any petition, it shall be sufficient, disregarding clerical and merely technical errors. (Act approved March 2, 1907, Sec. 3; Tenth Session, Chap. 62.)

Sec. 109. **Notice to Governor and Proclamation.**—Immediately upon the filing of any such petition for the referendum or initiative with the Secretary of State, signed by the number of voters and filed within the time required by the constitution, he shall notify the Governor in writing of the filing of such petition, and the Governor shall forthwith issue his proclamation, announcing that such petition has been filed, with a brief statement of its tenor and effect. Said proclamation shall be published four times for four consecutive weeks in one daily or weekly paper in each county of the State of Montana. (Act approved March 2, 1907, Sec. 4; Tenth Session, Chap. 62.)

Proclamation of
governor.

Sec. 110. **Secretary of State to Certify Measures to Be Voted On—Printing Ballots.**—The Secretary of State, at the same time that he furnishes to the County Clerks of the several counties certified copies of the names of the candidates for office, shall also furnish the said County Clerks his certified copy of the titles and numbers of the various measures to be voted upon at the ensuing general or special election, and he shall use for each measure a title designated for that purpose by the Legislative Assembly, committee, or organizations presenting and filing with him the act, or petition for the initiative or the referendum, or in the petition or act; **Provided**, that such title shall in no case exceed one hundred words, and shall not resemble any such title previously filed for any measure to be submitted at that election which shall be descriptive of said measures, and he shall number such measures; and such title shall be printed on a separate official ballot in the order in which the acts referred by the Legislative Assembly and petitioned by the people shall be filed in his office.

Duty of secretary
of state and county
clerks.

The first measure filed after this act shall go into effect shall be numbered No. 6, and the next succeeding measures shall be numbered in numerals consecutively 7, 8, 9 and so on from one election to another, no measure to be numbered with the same number of any other measure.

Numbering of
measures.

The affirmative and negative of each measure shall have the same number.

It shall be the duty of the several County Clerks to print said titles and numbers upon a separate official ballot in the order presented to them by the Secretary of State and the relative position required by law.

Measures proposed by the initiative shall be designated and distinguished from measures proposed by the Legislative Assembly by the heading, "Proposed Petition for Initiative." (Act of March 8, 1913; Chapter 66, p. 129.)

How ballots shall be marked by voter.

Sec. III. **Manner of Voting.**—The manner of voting on measures submitted to the people shall be: By marking the ballot with a cross in or on the diagram opposite and to the left of the proposition for which the voter desires to vote. The following is a sample ballot representing negative votes:

Sample of negative ballot.

For Initiative Measure No. 6,
Relating to Duties of Sheriffs.

Against Said Measure No. 6.

For Referendum Measure No. 7,
Relating to Purchase of Insane Asylum.

Against Said Measure No. 7.

Limit of title on ballot.

And no title on a ballot shall contain more than ten words, which shall be descriptive of the measure proposed. (Act of March 8, 1913; Chap. 66, p. 129.)

Duty of secretary of state.

Sec. II2. **Printing and Distribution of Measures to Be Voted On.**—The Secretary of State shall, not later than the first Monday of the third month next before any general or special election at which any proposed law is to be submitted to the people, cause to be printed a true copy of the title and text of each measure to be submitted, with the number and form in which the question will be printed on a separate official ballot. The paper to be used for the covers of such pamphlets shall be twenty by twenty-five inches, and fifty pounds weight to the ream. The persons, committees, or duly authorized officers of any organization filing any petition for the initiative, but no other person or organization, shall have the right to place with the Secretary of State for dis-

tribution any pamphlets advocating such measure, not later than the first Monday of the fifth month before the regular general or special election at which the measure is to be voted on; any person, committee or organization opposing any measure may place with the Secretary of State for distribution any pamphlets they may desire, not later than the first Monday of the fourth month immediately preceding such election; as to pamphlets advocating or opposing any measure referred to the people by the Legislative Assembly, they shall be governed by the same rules of time,, but they may be placed with the Secretary of State by any person, committee or organization; **Provided**, that all such pamphlets shall be furnished to the Secretary of State in sheets of uniform size, as follows: Size of pamphlet page to be six inches wide by nine inches long; size of type page to be twenty-six ems pica wide, by forty ems pica long, set in long primer of ten-point type, and printed on sized and supercalendered paper, twenty-five by thirty-eight inches, weighing fifty pounds to the ream. All such pamphlets shall be furnished to the Secretary of State at the sole expense of the persons interested, and without cost to the State. In no case shall the Secretary of State be obliged to receive any such pamphlets unless a sufficient number is furnished to supply one to every legal voter in the State, but in such case he shall forthwith notify the persons offering the same of the number required. The Secretary of State shall cause one copy of each of said pamphlets to be bound in with his copy of the measures to be submitted as herein provided. The title page of every such pamphlet, shall show the official numbers for and against, and the ballot title of the measure to which it refers, and whether it is intended to favor or oppose such measure and by whom it is issued. The Secretary of State shall distribute to each County Clerk, before the second Monday in the third month next preceding such regular general election, a sufficient number of said bound pamphlets to furnish one copy to every voter in his county. And each County Clerk shall be required to mail to each registered voter in each of the several counties in the State at least one copy of the

Arrangement of
pamphlets.

same, within thirty days from the date of his receipt of the same from the Secretary of State. The mailing of said bound pamphlets shall be a part of the official duty of the County Clerk of each of the several counties and his official compensation shall be full compensation for this additional service. The Secretary of State shall not be obliged to receive or distribute any pamphlets advocating or opposing any measure unless the same shall be filed with him within the time herein provided. (Act approved March 2, 1907, Sec. 7; Tenth Session, Chap. 62.)

Duty of state
board of canvass-
ers.

Sec. 113. **Canvass of Votes.**—The votes on measures and questions shall be counted, canvassed and returned by the regular boards of judges, clerks and officers as votes for candidates are counted, canvassed and returned, and the abstract made by the several County Clerks of votes on measures shall be returned to the Secretary of State on separate abstract sheets in the manner provided by Sections 598 (1440) and 599 (1441) of the Political Code for abstracts of votes for State officers. It shall be the duty of the State Board of Canvassers to proceed within thirty days after the election, and sooner if the returns be all received, to canvass the votes given for each measure, and the Governor shall forthwith issue his proclamation, which shall be published in two daily newspapers printed at the capital, giving the whole number of votes cast in the State for and against each measure and question, and declaring such measures as are approved by a majority of those voting thereon to be in full force and effect as the law of the State of Montana, from the date of said proclamation designating such measures by their titles. (Act approved March 2, 1907, Sec. 8; Tenth Session, Chap. 62.)

Violation of act,
penalties.

Sec. 114. **Who May Petition — False Signatures — Penalties.**—Every person who is a qualified elector of the State of Montana may sign a petition for the referendum or for the initiative. Any person signing any name other than his own to such petition or signing the same more than once for the same measure at one election, or who is not at the time of signing the same a legal voter of this State, or any officer or any person

wilfully violating any provision of this statute, shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500) or by imprisonment in the penitentiary not exceeding two years, or by both such fine and imprisonment in the discretion of the court before which such conviction shall be had. (Act approved March 2, 1907, Sec. 9; Tenth Session, Chap. 62.)

Sec. 115. Referred Bills Not Effective Until Approved.— A bill passed by the Legislative Assembly and referred to popular vote at the next general election or at a special election, shall not be in effect until it is approved at such general or special election by a majority of those voting for and against it. (Act approved March 2, 1907, Sec. 10; Tenth Session, Chap. 62.)

Approval by legislature.

(Note:—See also title, "Initiative and Referendum in Government of Cities and Towns.")



CORRUPT PRACTICES ACT.

A Bill to Propose by Initiative Petition a Law to Limit Candidates' Election expenses; to Define, Prevent and Punish Corrupt and Illegal Practices in Nominations and Elections; to Secure and Protect the Purity of the Ballot; to Provide for Furnishing Information to the Electors and to Provide the Manner of Conducting Contests for Nominations and Elections in Certain Cases.

- Section 1. Limit of Expenditures.
2. Campaign Literature.
3. Same—Cost Per Page.
4. Same—Duty of State Printer.
5. Duty of Secretary of State and County Clerks.
6. Same—Campaign Books.
7. Campaign Books—Payments to Secretary of State.
8. Limit of Campaign Expenses.
9. City Elections.
10. Definitions of Terms.
11. Filing of Financial Statement.
12. Statement of Accounts.
13. Copies of Act—Duty of Secretary of State.
14. Failure to File Statement—Procedure.
15. Same.
16. Violation of Act—District Courts—Jurisdiction.
17. Publication of Totals.
18. Prohibited Contributions.
19. Promises of Appointment Prohibited.
20. Prohibited Contributions.
21. Delegates—Who Not to Become.
22. Transfer of Credentials Prohibited.
23. What Prohibited.
24. Prohibited Contributions.
25. Same.
26. Treating, Etc., Forbidden.
27. Challenges—Procedure.
28. Coercion—Undue Influence—Punishable.
29. Betting Unlawful.
30. Repeating, Etc.—A Felony.
31. Corrupt Practices—What Constitutes.
32. Paying for Attending Polls Unlawful.
33. Prohibited Publications.
34. Soliciting Votes Prohibited.
35. Political Criminal Libel.
36. Vacancies, How Filled.
37. Becoming Candidate for Venal Purpose.
38. Trivial Offenses.
39. Removal From Office.

ELECTION LAWS

40. Contest—Time for Commencing.
41. Same—Petition.
42. Penalty—Violation of Act.
43. Duty of County Attorney.
44. Decree of Court.
45. Grounds of Contest.
46. Illegal Votes—Decree.
47. Same—Duty of Contestant.
48. Same—Petition—Bond—Costs.
49. Court Procedure.
50. Violation of Act by Corporation.
51. Penalties.
52. Court Proceedings.
53. Complaint—Form of.
54. Statement of Expenses—Form.
55. Perjury

Be It Enacted by the People of the State of Montana:

Limit of expendi-
tures.

Sec. 1. No sums of money shall be paid, and no expenses authorized or incurred by or on behalf of any candidate to be paid by him, except such as he may pay to the State for printing, as herein provided, in his campaign for nomination to any public office or position in this State, in excess of fifteen per cent of one year's compensation or salary of the office for which he is a candidate; **Provided**, that no candidate shall be restricted to less than one hundred dollars in his campaign for such nomination. No sums of money shall be paid, and no expenses authorized or incurred, contrary to the provisions of this act, for or on behalf of any candidate for nomination. For the purposes of this law the contribution, expenditure, or liability of a descendant, ascendant, brother, sister, uncle, aunt, nephew, niece, wife, partner, employer, employe, or fellow official or fellow employe of a corporation shall be deemed to be that of the candidate himself.

Campaign litera-
ture.

Sec. 2. Any candidate, and unless he notifies the Secretary of State that he refuses them permission, the friends of any candidate for nomination to any State or district office, when the district is composed of one or more counties, may file with the Secretary of State, for publication as herein provided, not later than the thirty-third day before the biennial primary nominating election, with his portrait cut if he wishes, a printed or typewritten

Filing, time.

statement or statements, on the conditions hereinafter set forth, over his or their signatures, stating the reasons why he should be nominated; **Provided**, that no candidate, nor his friends, shall be allowed to file any such statements, unless his petition for nomination is duly filed with the Secretary of State, not later than the forty-first day before said nominating election. Any person or persons opposing the nomination of any such candidate may, not later than the thirty-ninth day before said nominating election, file with the Secretary of State their printed or typewritten statements over their signatures of the reasons why such candidate should not be nominated, but every such statement shall be accompanied by proof, by affidavit or Sheriff's return, that they have caused to be served personally and in person upon such candidate a true copy of such statement. Each candidate shall be allowed one page of printed matter and those opposing him shall each be allowed one page of space on equal terms with him as hereinafter provided. Nothing in this law shall be deemed to make any such statement or the authors thereof, free or exempt from any civil or criminal action or penalty, because of any false, slanderous or libelous statements offered for printing or contained in said pamphlet. The person or persons procuring, making, composing or offering such statements for filing, shall be deemed the authors and publishers thereof.

False and libelous statements, liability.

Sec. 3. Candidates for nomination shall pay for one page of space in the publication herein provided for as follows: For the office of United States Senator in Congress, one hundred dollars; for Representative in Congress, one hundred dollars; for Justice of the Supreme Court, seventy-five dollars; for Governor, one hundred dollars; for Secretary of State, one hundred dollars; for State Treasurer, one hundred dollars; for State Auditor, one hundred dollars; for State Superintendent of Public Instruction, seventy-five dollars; for Railroad Commissioner, one hundred dollars; for Attorney General, one hundred dollars; for Clerk of the Supreme Court, seventy-five dollars; for Lieutenant Governor, fifty dollars; for Senator or Representative in the Legislative Assembly, ten dollars; for District Judge, fifty dollars; for candi-

Campaign books, cost per page.

dates for any other office for a district consisting of one or more counties , or State office, fifty dollars. Any candidate may have additional space at the rate of one hundred dollars per page, but no payment shall be received for less than a full page; **Provided**, that not more than three additional pages shall be allowed to any one candidate. All payments required by this section shall be made to the Secretary of State when the statement is offered to him for filing, and be by him paid into the general fund in the State treasury.

Payment to secretary of state.

Arrangement of campaign book.

Sec. 4. Not later than the thirtieth day before the primary nominating election, the Secretary of State shall hand to the official printer all of such statements and portrait cuts properly compiled, edited, prepared and indexed for printing; it shall be the official printer's duty to print and bind the same in pamphlet form, printing the pictures of candidates with and as a part of their several statements, where such portrait cuts are offered; statements of those who directly oppose any candidate shall follow next after his statement. All of the statements filed for and against all the candidates for nomination to each office shall be printed in the order in which candidates' names are grouped under the title to their offices on the official ballot at the nominating election. In preparing said pamphlets for printing, the Secretary of State shall compile the copy for the same in such form as to make it most convenient for the official printer to print and bind under one cover, separately for each political party, the statements only of candidates to be voted for by members of that party for nomination in the same electoral district or division; that is to say, the statements and arguments of all candidates seeking republican votes in Ravalli County for nominations by the republican party to State and district offices, for a district comprising one county or more, shall be printed and bound under one cover, and the same with the democratic and any other party required to nominate its candidates at said nominating election. The same method shall be applied in printing the pamphlets for all other counties and districts, but no picture, statement or argument for or against any candidate for nomination shall be included

Duty of state printer.

in the copy of said pamphlet going to any county where such candidate is not to be voted for. The official printer shall begin the delivery of said pamphlets to the Secretary of State as quickly as possible, and not later than the twentieth day before the nominating election, and complete the same not later than the fifteenth day before said nominating election, printing and delivering first so far as practicable the pamphlets for the counties in the order of their distance from the State capital. At the time of delivering the copy to the official printer the Secretary of State shall order the number of copies he estimates will be necessary for each county.

Sec. 5. The several County Clerks shall obtain the post-office address of each voter who registers and on the seventeenth day preceding the nominating election, said County Clerks shall mail to the Secretary of State the name and postoffice address of every voter registered at that time in their respective counties; immediately on the close of registration for such nominating election, and again at the close of registration for the general election, they shall deliver to the Secretary of State the postoffice address of every voter who registers during the said interval. At least eight days before the regular biennial primary nominating election the Secretary of State shall forward by mail to every voter a copy of each pamphlet containing the names and statements herein provided for. The pages of the pamphlets required by this act shall be six by nine inches in size, and the printed matter therein shall be set in eight point Roman faced type, single leaded, and twenty-five ems pica in width, with proper heads. In the foot margin of every page of the party pamphlets for nominating election shall be shown the authority for the information therein, as "The information furnished by (name of candidate or name of his friends or opponents)," as the case may be. In the foot margin of every page of the pamphlet herein provided for the general election shall be shown the authority for the statements thereof, as "The information furnished by (title of committee or managing agent of the political party or name of the independent candidate)," as the case may be.

Names of electors,
duty of county
clerks.

Duty of secretary
of state.

Form of pamphlet.

Campaign book.

Sec. 6. Not later than the thirtieth day before the regular biennial general election the State executive committee or managing officers of any political party or organization having nominated candidates, but no others except independent candidates, may file with the Secretary of State portrait cuts of its candidates and typewritten statements and arguments for the success of its principles and the election of its candidates, and opposing or attacking the principles and candidates of all other parties. Not later than the twenty-eighth day before said general election the Secretary of State shall deliver to the official printer, properly compiled and prepared for printing, the said portrait cuts, statements and arguments, with an order for the number of pamphlet copies of the same necessary to supply one, at least, complete as to the candidates to be voted for in any county for which the same may be designed, for every registered voter within the State of Montana. The official printer shall begin delivering said pamphlets to the Secretary of State as soon as possible, and shall complete the same within twelve days. The Secretary of State shall begin mailing the pamphlets to the voters of the State as soon as they are delivered to him, and shall complete the mailing on or before the tenth day of said general election.

Duty of secretary.

Delivery by state printer.

Limit of space to each party.

Payments to secretary of state.

Sec. 7. All the portrait cuts, statements and arguments of all the political parties and independent candidates shall be bound together in one pamphlet, and no party shall have more than twenty-four pages, nor an independent candidate more than two pages therein. The political parties and independents shall pay to the Secretary of State for the public treasury for said pamphlet at the time of filing their copy with him, at the rate of fifty dollars for each printed page of space in said pamphlet used by such party or independent candidate. The provisions of the preceding sections requiring estimates of the number of pamphlets for each county, limitations on the candidates' names, statements and pictures to be included in the pamphlets going to each county, and the manner of distribution, shall apply in like manner to the pamphlets herein provided for the general election.

Sec. 8. No sums of money shall be paid and no expenses authorized or incurred by or on behalf of any candidate who has received the nomination to any public office or position in this State, except such as he may contribute towards payment for his political party's or independent statement in the pamphlet herein provided for, to be paid by him in his campaign for election, in excess of ten per cent of one year's salary or compensation of the office for which he is nominated; **Provided**, that no candidate shall be restricted to less than one hundred dollars. No sum of money shall be paid and no expenses authorized or incurred by or on behalf of any political party or organization to promote the success of the principles or candidates of such party or organization, contrary to the provisions of this act. For the purposes of this act the contribution, expenditure or liability of a descendant, ascendant, brother, sister, uncle, aunt, nephew, niece, wife, partner, employer, employee or fellow official or fellow employe of a corporation shall be deemed to be that of the candidate himself.

Limit of campaign expenses.

Contributions.

Sec. 9. In cities of more than ten thousand population, any candidate for nomination or election to any elective municipal office may file with the City Clerk, Auditor or Recorder, not later than the fifteenth day before the municipal primary nominating election, a statement of the reasons why he should be nominated and elected, and portrait cut if he desires, on the conditions hereinafter set forth. Such candidate shall pay for the services herein provided at the rate of twenty dollars for each printed page of space; no payment shall be received for less than a full page. All payments made under this section shall be made to the City Clerk, Auditor or Recorder at the time the statement is offered to him for filing, and shall be by him paid into the general fund in the city treasury. The City Clerk, Auditor or Recorder shall properly compile, edit, prepare and index said statements and arguments for printing, and if there shall be any municipal measures to be voted upon at the ensuing municipal election he may bind in with said pamphlet a copy of each and of the arguments submitted thereon in like manner as the Secretary of State is required to do in State elec-

City elections

Campaign pamphlets.

Duty of city clerk.

tions, and shall cause the same to be printed in the same manner that other city printing is done, and have them all bound under one cover; and he shall, at least eight days before the regular nominating election, forward a copy of said pamphlet, with postage fully prepaid, to each voter in the city whose postoffice address he may have or can obtain from the city directory, registration books or otherwise. The provisions of this section shall not apply to cities of less than ten thousand inhabitants, as shown by the census next preceding such municipal election. The provisions of the preceding sections for statements opposing candidates shall apply also to municipal elections, under this section, subject to the same rules of filing, payments, etc., required of candidates' statements by this section.

What cities included.

Definitions of terms.

Sec. 10. Terms used in this act shall be construed as follows, unless other meaning is clearly apparent from the language or context, or unless such construction is inconsistent with the manifest intent of the law:

"Persons" shall apply to any individual, male or female, and, where consistent with collective capacity, to any committee, firm, partnership, club, organization, association, corporation, or other combination of individuals.

"Candidate" shall apply to any person whose name is printed on an official ballot for public office, or whose name is expected to be or has been presented for public office, with his consent, for nomination or election.

"Political agent" shall apply to any person who, upon request or under agreement, receives or disburses money in behalf of a candidate.

"Political committee" shall apply to every combination of two or more persons who shall aid or promote the success or defeat of a candidate, or a political party or principle, and the provisions of law relating thereto shall apply to any firm or partnership, to any corporation, and to any club, organization, association, or other combination of persons, whether incorporated or not, with similar purposes, whether primary or incidental.

"Public office" shall apply to any national, state, county or city office to which a salary attaches and which is filled by the voters, as well as to the office of Presidential

Elector, United States Senator, or presiding officer of either branch of the Legislature.

"Give," "provide," "expend," "contribute," "receive," "ask," "solicit," and like terms, with their corresponding nouns, shall apply to money, its equivalent, or any other valuable thing; shall include the promise, advance deposit, borrowing, or loan thereof, and shall cover all or any part of a transaction, whether it be made directly or indirectly.

None of the provisions of this act shall be construed as relating to the rendering of services by speakers, writers, publishers, or others, for which no compensation is asked or given; nor to prohibit expenditure by committees of political parties or organizations for public speakers, music, halls, lights, literature, advertising, office rent, printing, postage, clerk hire, challengers or watchers at the polls, traveling expenses, telegraphing or telephoning, or making of poll lists.

What expenditures
excepted.

Sec. II. Every candidate for nomination or election to public office, including candidates for the office of Senator of the United States, shall within fifteen days after the election at which he was a candidate, file with the Secretary of State, if a candidate for Senator of the United States, Representative in Congress, or for any State or district office in a district composed of one or more counties, or for members of the Legislative Assembly from a district composed of more than one county, but with the County Clerk for legislative districts composed of not more than one county, and for county and precinct offices, and with the City Clerk, Auditor or Recorder of the town or city in which he resides if he was a candidate for a town, city or ward office, an itemized sworn statement setting forth in detail all the moneys contributed, expended or promised by him to aid and promote his nomination or election, or both, as the case may be, and for the election of his party candidates, and all existing unfulfilled promises of every character and all liabilities remaining uncanceled and in force at the time such statement is made, whether such expenditures, promises and liabilities were made or incurred before, during or after such election. If no money or other

Filing of financial
statement.

Failure to file,
penalty.

valuable thing was given, paid, expended, contributed, or promised, and no unfulfilled liabilities were incurred by a candidate for public office to aid or promote his nomination or election, or the election of his party candidates, he shall file a statement to that effect within fifteen days after the election at which he was a candidate. Any candidate who shall fail to file such a statement shall be fined twenty-five dollars for every day on which he was in default, unless he shall be excused by the court. Fifteen days after any such election the Secretary of State, or County Clerk, City Clerk, Auditor or Recorder, as the case may be, shall notify the County Attorney of any failure to file such a statement on the part of any candidate, and within ten days thereafter such prosecuting officer shall proceed to prosecute said candidate for such offense.

Statement of
accounts.

Sec. 12. Every political committee shall have a treasurer, who is a voter, and shall cause him to keep detailed accounts of all its receipts, payments and liabilities. Similar accounts shall be kept by every person, who in the aggregate receives or expends money or incurs liabilities to the amount of more than fifty dollars for political purposes and by every political agent and candidate. Such accounts shall cover all transactions in any way affecting or connected with the political canvass, campaign, nomination or election concerned. Every person receiving or expending money or incurring liability by authority or in behalf of or to promote the success or defeat of such committee, agent, candidate or other person or political party or organization, shall, on demand, and in any event within fourteen days after such receipt, expenditure or incurrance of liability, give such treasurer, agent, candidate or other person on whose behalf such expense or liability was incurred detailed account thereof, with proper vouchers. Every payment, except payments less in the aggregate than five dollars to any person, shall be vouched for by a receipted bill stating the particulars of expense. Every voucher, receipt and account hereby required shall be a part of the accounts and files of such treasurer, agent, candidate or other person, and shall be preserved by the public officer with whom it

Vouchers.

shall be filed for six months after the election to which it refers. Any person not a candidate for any office or nomination who expends money or value to an amount greater than fifty dollars in any campaign for nomination or election, to aid in the election or defeat of any candidate or candidates, or party ticket, or measure before the people, shall within ten days after the election in which said money or value was expended, file with the Secretary of State in the case of a measure voted upon by the people, or of State or district offices for districts composed of one or more counties or with the County Clerk for county offices, and with the City Clerk, Auditor or Recorder for municipal offices, an itemized statement of such receipts and expenditures and vouchers for every sum paid in excess of five dollars, and shall at the same time deliver to the candidate or treasurer of the political organization whose success or defeat he has sought to promote, a duplicate of such statement and a copy of such vouchers. The books of account of every treasurer of any political party, committee or organization, during an election campaign, shall be open at all reasonable office hours to the inspection of the treasurer and chairman of any opposing political party or organization for the same electoral district; and his right of inspection may be enforced by writ of mandamus by any court of competent jurisdiction.

Books open to inspection.

Sec. 13. The Secretary of State shall, at the expenses of the State, furnish to the County Clerk, and to the City and Town Clerks, Auditors and Recorders, copies of this act as a part of the election laws. In the filing of a nomination petition or certificate of nomination, the Secretary of State, in the case of State and district offices for districts composed of one or more counties, and County Clerks for county offices, and the City and Town Clerks, Auditors or Recorders for municipal offices, shall transmit to the several candidates, and to the treasurers of political committees, and to political agents, as far as they may be known to such officer, copies of this act, and also to any other person required to file a statement such copies shall be furnished upon application therefor. Upon his own information, or at the written request of

Copies of act.

Duty of secretary of state.

any voter, said Secretary of State shall transmit to any other person believed by him or averred to be a candidate, or who may otherwise be required to make a statement, a copy of this act.

Examination of accounts.

Sec. 14. The several officers with whom statements are required to be filed shall inspect all statements of accounts and expenses relating to nominations and elections filed with them within ten days after the same are filed; and if upon examination of the official ballot it appears that any person has failed to file a statement as required by law, or if it appears to any such officer that the statement filed with him does not conform to law, or upon complaint in writing by a candidate or by a voter that a statement filed does not conform to law or to the truth, or that any person has failed to file a statement which he is by law required to file, said officer shall forthwith in writing notify the delinquent person. Every such complaint filed by a citizen or candidate shall state in detail the grounds of objection, shall be sworn to by the complainant, and shall be filed with the officer within sixty days after the filing of the statement or amended statement. Upon the written request of a candidate or any voter, filed within sixteen days after any convention, primary or nominating election, said Secretary of State, County Clerk, City or Town Clerk, Auditor or Recorder, as the case may be, shall demand from any specified person or candidate a statement of all his receipts, and from whom received, disbursements and liabilities in connection with or in any way relating to the nomination or election concerned, whether it is an office to which a salary or compensation is attached or not, and said person shall thereupon be required to file such statement and to comply with all the provisions relating to statements herein contained. Whoever makes a statement required by this act shall make oath attached thereto that it is in all respects correct, complete, and true, to the best of his knowledge and belief, and said verification shall be substantially the form herein provided.

Failure to file statement, procedure.

Statements to be sworn to.

Failure to file statement, procedure.

Sec. 15. Upon the failure of any person to file a statement within ten days after receiving notice under the

preceding section, or if any statement filed as above discloses any violation of any provision of this act relating to corrupt practices in elections, or in any other provision of the election laws, the Secretary of State, the County Clerk, or the City Clerk, Auditor or Recorder, as the case may be, shall forthwith notify the County Attorney of the county where said violation occurred and shall furnish him with copies of all papers relating thereto, and said County Attorney shall within sixty days thereafter examine every such case, and if the evidence seems to him to be sufficient under the provisions of this act he shall in the name of the State forthwith institute such civil or criminal proceedings as may be appropriate to the facts.

Sec. 16. The District Court of the county in which any statement of accounts and expenses relating to nominations and elections should be filed, unless herein otherwise provided, shall have exclusive original jurisdiction of all violations of this act, and may compel any person who fails to file such a statement as required by this act, or who files a statement which does not conform to the provisions of this act in respect to its truth, sufficiency in detail or otherwise to file a sufficient statement, upon the application of the Attorney General or of the County Attorney, or the petition of a candidate or of any voter. Such petition shall be filed in the District Court within sixty days after such election if the statement was filed within fifteen days required, but such a petition may be filed within thirty days after any payment not included in the statement so filed.

Violation of act.

District courts,
jurisdiction.

Sec. 17. All statements shall be preserved for six months after the election to which they relate, shall be public records subject to public inspection, and it shall be the duty of the officers having custody of the same to give certified copies thereof in like manner as of other public records. The totals of each statement filed with him, with the name of the person or candidate filing it, shall be published in the next annual report of the Secretary of State, the County Clerk or the City Clerk, Auditor or Recorder, as the case may be.

Publication of
totals.

Contributions in another's name prohibited.

Sec. 18. No person shall make a payment of his own money or of another person's money to any other person in connection with a nomination or election in any other name than that of the person who in trust supplies such money; nor shall any person knowingly receive such payment or enter or cause the same to be entered in his accounts or records in another name than that of the person by whom it was actually furnished; **Provided**, if the money be received from the treasurer of any political organization it shall be sufficient to enter the same as received from said treasurer.

Promise of appointment to office prohibited.

Sec. 19. No person shall, in order to aid or promote his nomination or election, directly or indirectly, himself or through any other person, promise to appoint another person, or promise to secure or aid in securing the appointment, nomination or election of another person to any public or private position or employment, or to any position of honor, trust or emolument, except that he may publicly announce or define what is his choice or purpose in relation to any election in which he may be called to take part, if elected, and if he is a candidate for nomination or election as a member of the Legislative Assembly he may pledge himself to vote for the people's choice for United States Senator, or state what his action will be on such vote.

Contributions by office holders prohibited.

Sec. 20. No holder of a public position or office other than an office filled by the voters shall pay or contribute to aid or promote the nomination or election of any other person to public office. No person shall invite, demand or accept payment or contribution from such holder of a public position or office for campaign purposes.

Who not to become delegate to conventions.

Sec. 21. No holder of a public position other than an office filled by the voters shall be a delegate to a convention for the election district that elects the officer or board under whom he directly or indirectly holds such position, nor shall he be a member of a political committee for such district.

Transfer of convention credentials prohibited.

Sec. 22. No person shall invite, offer or effect the transfer of any convention credential in return for any payment of money or other valuable thing.

Sec. 23. No person shall pay, or promise to reward another in any manner or form for the purpose of inducing him to be or refrain from or cease being a candidate, and no person shall solicit any payment, promise or reward from another for such purpose.

Reward for withdrawing candidacy prohibited.

Sec. 24. No person shall demand, solicit, ask or invite any payment or contribution for any religious, political, charitable or other cause or organization supposed to be primarily or principally for the public good, from a person who seeks to be or has been nominated or elected to any office; and no such candidate or elected person shall make any such payment or contribution if it shall be demanded or asked during the time he is a candidate for nomination or election to or an incumbent of any office. No payment or contribution for any purpose shall be made a condition precedent to the putting of a name on any caucus or convention ballot or nomination paper or petition, or to the performance of any duty imposed by law on a political committee. No person shall demand, solicit, ask or invite any candidate to subscribe to the support of any club or organization, to buy tickets to any entertainment or ball, or to subscribe for or pay for space in any book, program, periodical or other publication; if any candidate shall make any such payment or contribution with apparent hope or intent to influence the result of the election, he shall be guilty of a corrupt practice; but this section shall not apply to the soliciting of any business advertisement for insertion in a periodical in which such candidate was regularly advertising prior to his candidacy, nor to ordinary business advertising, nor to his regular payment to any organization, religious, charitable or otherwise, of which he may have been a member, or to which he may have been a contributor for more than six months before his candidacy, nor to ordinary contributions at church services.

Contributions, what prohibited.

Sec. 25. No corporation, and no person, trustee, or trustees owning or holding the majority of the stock of a corporation carrying on the business of a bank, savings bank, co-operative bank, trust, trustee, surety, indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct,

Contributions by corporation prohibited.

Contributions in another's name prohibited.

Sec. 18. No person shall make a payment of his own money or of another person's money to any other person in connection with a nomination or election in any other name than that of the person who in trust supplies such money; nor shall any person knowingly receive such payment or enter or cause the same to be entered in his accounts or records in another name than that of the person by whom it was actually furnished; **Provided**, if the money be received from the treasurer of any political organization it shall be sufficient to enter the same as received from said treasurer.

Promise of appointment to office prohibited.

Sec. 19. No person shall, in order to aid or promote his nomination or election, directly or indirectly, himself or through any other person, promise to appoint another person, or promise to secure or aid in securing the appointment, nomination or election of another person to any public or private position or employment, or to any position of honor, trust or emolument, except that he may publicly announce or define what is his choice or purpose in relation to any election in which he may be called to take part, if elected, and if he is a candidate for nomination or election as a member of the Legislative Assembly he may pledge himself to vote for the people's choice for United States Senator, or state what his action will be on such vote.

Contributions by office holders prohibited.

Sec. 20. No holder of a public position or office other than an office filled by the voters shall pay or contribute to aid or promote the nomination or election of any other person to public office. No person shall invite, demand or accept payment or contribution from such holder of a public position or office for campaign purposes.

Who not to become delegate to conventions.

Sec. 21. No holder of a public position other than an office filled by the voters shall be a delegate to a convention for the election district that elects the officer or board under whom he directly or indirectly holds such position, nor shall he be a member of a political committee for such district.

Transfer of convention credentials prohibited.

Sec. 22. No person shall invite, offer or effect the transfer of any convention credential in return for any payment of money or other valuable thing.

Sec. 23. No person shall pay, or promise to reward another in any manner or form for the purpose of inducing him to be or refrain from or cease being a candidate, and no person shall solicit any payment, promise or reward from another for such purpose.

Reward for withdrawing candidacy prohibited.

Sec. 24. No person shall demand, solicit, ask or invite any payment or contribution for any religious, political, charitable or other cause or organization supposed to be primarily or principally for the public good, from a person who seeks to be or has been nominated or elected to any office; and no such candidate or elected person shall make any such payment or contribution if it shall be demanded or asked during the time he is a candidate for nomination or election to or an incumbent of any office. No payment or contribution for any purpose shall be made a condition precedent to the putting of a name on any caucus or convention ballot or nomination paper or petition, or to the performance of any duty imposed by law on a political committee. No person shall demand, solicit, ask or invite any candidate to subscribe to the support of any club or organization, to buy tickets to any entertainment or ball, or to subscribe for or pay for space in any book, program, periodical or other publication; if any candidate shall make any such payment or contribution with apparent hope or intent to influence the result of the election, he shall be guilty of a corrupt practice; but this section shall not apply to the soliciting of any business advertisement for insertion in a periodical in which such candidate was regularly advertising prior to his candidacy, nor to ordinary business advertising, nor to his regular payment to any organization, religious, charitable or otherwise, of which he may have been a member, or to which he may have been a contributor for more than six months before his candidacy, nor to ordinary contributions at church services.

Contributions, what prohibited.

Sec. 25. No corporation, and no person, trustee, or trustees owning or holding the majority of the stock of a corporation carrying on the business of a bank, savings bank, co-operative bank, trust, trustee, surety, indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct,

Contributions by corporation prohibited.

water, cemetery, or crematory company, or any company having the right to take or condemn land or to exercise franchises in public ways granted by the State or by any county, city or town, shall pay or contribute in order to aid, promote or prevent the nomination or election of any person, or in order to aid or promote the interests, success or defeat of any political party or organization. No person shall solicit or receive such payment or contribution from such corporation or such holders of a majority of such stock.

Treating, making
gifts, etc., forbid-
den.

Sec. 26. Any person or candidate who shall either by himself or by any other person, either before or after an election, or while such person or candidate is seeking a nomination or election, directly or indirectly, give or provide, or pay, wholly or in part, the expenses of giving or providing any meat or drink or other entertainment or provision, clothing, liquors, cigars or tobacco, to or for any person for the purpose of or with intent or hope to influence that person or any other person to give or refrain from giving his vote at such election to or for any candidate or political party ticket, or measure before the people, or on account of such persons or any other person having voted or refrained from voting for any candidate or the candidates of any political party or organization or measure before the people, or being about to vote or refrain from voting at such election shall be guilty of treating. Every elector who accepts or takes any such meat, drink, entertainment, provision, clothing, liquors, cigars or tobacco shall also be guilty of treating; and such acceptance shall be ground of challenge to his vote and of rejecting his vote on a contest.

Challenges, pro-
cedure.

Sec. 27. Whenever any person's right to vote shall be challenged, and he has taken the oath prescribed by the statutes, and if it is at a nominating election, then it shall be the duty of the clerks of election to write in the poll books at the end of such person's name the words "challenged and sworn," with the name of the challenger. Thereupon the chairman of the board of judges shall write upon the back of the ballot offered by such challenged voter the number of his ballot, in order that the same may be identified in any future contest of the re-

sults of the election, and be cast out if it shall appear to the court to have been for any reason wrongfully or illegally voted for any candidate or on any question. And such marking of the name of such challenged voter, nor the testimony of any judge or clerk of election in reference thereto, or in reference to the manner in which said challenged person voted, if said testimony shall be given in the course of any contest, investigation or trial wherein the legality of the vote of such person is questioned for any reason, shall not be deemed a violation of Section 8130, Revised Codes of Montana.

Sec. 28. Every person who shall, directly or indirectly, by himself or any other person in his behalf, make use of or threaten to make use of any force, coercion, violence, restraint, or undue influence, or inflict or threaten to inflict, by himself or any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting for any candidate or the ticket of any political party, or any measure before the people, or any person who, being a minister, preacher or priest, or any officer of any church, religious or other corporation or organization, otherwise than by public speech or print, shall urge, persuade or command any voter to vote or refrain from voting for or against any candidate or political party ticket or measure submitted to the people, for or on account of his religious duty, or the interest of any corporation, church or other organization, or who shall by abduction, duress or any fraudulent contrivance, impede or prevent the free exercise of the franchise by any voter at any election, or shall thereby compel, induce or prevail upon any elector to give or to refrain from giving his vote at any election, shall be guilty of undue influence, and shall be punished as for corrupt practice.

Coercion and undue influence punishable.

Sec. 29. Any candidate who, before or during any election campaign, makes any bet or wager of anything of pecuniary value, or in any manner becomes a party to any such bet or wager on the result of the election in his electoral district or in any part thereof, or on any event or contingency relating to any pending election,

Betting unlawful.

hundred dollars for the first offense, and for the second and each subsequent offense occurring on the same or different election days, he shall be punished by fine as aforesaid, or by imprisonment in the county jail for not less than five nor more than thirty days, or by both such fine and imprisonment.

Circulating anonymous bills prohibited.

Sec. 35. It shall be unlawful to write, print, or circulate through the mails or otherwise any letter, circular, bill, placard or poster relating to any election or to any candidate at any election, unless the same shall bear on its face the name and address of the author, and of the printer and publisher thereof; and any person writing, printing, publishing, circulating, posting, or causing to be written, printed, circulated, posted or published any such letter, bill, placard, circular or poster as aforesaid, which fails to bear on its face the name and address of the author and of the printer or publisher shall be guilty of an illegal practice, and shall, on conviction thereof, be punished by a fine of not less than ten dollars nor more than one thousand dollars. If any letter, circular, poster, bill, publication or placard shall contain any false statement or charges reflecting on any candidate's character, morality or integrity, the author thereof and every person printing or knowingly assisting in the circulation shall be guilty of political criminal libel and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than three years. If the person charged with such crime shall prove on his trial that he had reasonable ground to believe such charge was true and did believe it was true, and that he was not actuated by malice in making such publication, it shall be a sufficient defense to such charge. But in that event, and as a part of such defense, the author and the printer or publisher, or other person charged with such crime, shall also prove that, at least fifteen days before such letter, circular, poster, bill or placard containing such false statement or statements was printed or circulated, he or they caused to be served personally and in person upon the candidate to whom it relates a copy thereof in writing, and calling his attention particularly to the charges contained therein,

Political criminal libel.

and that, before printing, publishing or circulating such charges, he received and read any denial, defense or explanation, if any, made or offered to him in writing by the accused candidate within ten days after the service of such charge upon the accused person.

Sec. 36. The name of a candidate chosen at a primary nominating election or otherwise shall not be printed on the official ballot for the ensuing election unless there has been filed by or on behalf of said candidate the statements of accounts and expenses relating to nominations required by this act, as well as a statement by his political agent and by his political committee or committees in his behalf, if his statement discloses the existence of such agent, committee or committees. The officer or board entrusted by law with the preparation of the official ballots for any election shall, as far as practicable, warn candidates of the danger of the omission of their names by reason of this provision, but delay in making any such statement beyond the time prescribed shall not preclude its acceptance or prevent the insertion of the name on the ballot if there is reasonable time therefor after the receipt of such statements. Any such vacancy on the ballot shall be filled by the proper committee of his political party in the manner authorized by law, but not by the use of the name of the candidate who failed to file such statements. No person shall receive a certificate of election until he shall have filed the statements required by this act.

Statements, duty
of candidate.

Vacancies, how
filled.

Sec. 37. It shall be unlawful for any person to accept, receive or pay money or any valuable consideration for becoming or for refraining from becoming a candidate for nomination or election, or by himself or in combination with any other person or persons to become a candidate for the purpose of defeating the nomination or election of any other person and not with a bona fide intent to obtain the office. Upon complaint made to any District Court, if the Judge shall be convinced that any person has sought the nomination or seeks to have his name presented to the voters as a candidate for nomination by any political party for any mercenary or venal consideration or motive, and that his candidacy for the

Becoming candi-
date for venal
purposes.

nomination is not in good faith, the Judge shall forthwith issue his writ of injunction restraining the officer or officers whose duty it is to prepare the official ballots for such nominating election from placing the name of such person thereon as a candidate for nomination to any office. In addition thereto the court shall direct the County Attorney to institute criminal proceedings against such person or persons for corrupt criminal proceedings against such person or persons for corrupt practice, and upon conviction thereof he and any person or persons combining with him shall be punished by a fine of not more than one thousand dollars, or imprisonment in the county jail for not more than one year.

Trivial offenses,
effect.

Sec. 38. Where, upon the trial of any action or proceeding under the provisions of this act for the contest of the right of any person declared nominated or elected to any office, or to annul or set aside such nomination or election, or to remove a person from his office, it appears from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means for preventing the commission of such offense at such election were taken by and on behalf of the candidate, or that the offense or offenses complained of were trivial, unimportant and limited in character, and that in all other respects his participation in the election was free from such offense or illegal acts, or that any act or omission of the candidate arose from inadvertence or from accidental miscalculation, or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be unjust that the said candidate shall forfeit his nomination or office or be deprived of any office of which he is the incumbent, then the nomination or election of such candidate shall not by reason of such offense or omission complained of be void, nor shall the candidate be removed from or deprived of his office.

Removal from of-
fice.

Sec. 39. If, upon the trial of any action or proceeding under the provisions of this act, for the contesting of the right of any person declared to be nominated to an

office, or elected to an office, or to annul and set aside such election, or to remove any person from his office, it shall appear that such person was guilty of any corrupt practice, illegal act, or undue influence in or about such nomination or election, he shall be punished by being deprived of the nomination or office, as the case may be, and the vacancy therein shall be filled in the manner provided by law. The only exception to this judgment shall be that provided in Section 38 of this act. Such judgment shall not prevent the candidate or officer from being proceeded against by indictment or criminal information for any such act or acts.

Sec. 40. Any action to contest the right of any person declared elected to an office, or to annul and set aside such election, or to remove from or deprive any person of an office of which he is the incumbent, for any offense mentioned in this act, must, unless a different time be stated, be commenced within forty days after the return day of the election at which such offense was committed, unless the ground of the action or proceeding is for the illegal payment of money or other valuable thing subsequent to the filing of the statements prescribed by this act, in which case the action or proceeding may be commenced within forty days after the discovery by the complainant of such illegal payment. A contest of the nomination or office of Governor or Representative or Senator in Congress must be commenced within twenty days after the declaration of the result of the election, but this shall not be construed to apply to any contest before the Legislative Assembly.

Violation of act,
contest, time for
commencing.

Sec. 41. An application for filing a statement, payment of a claim or correction of an error or false recital in a statement filed or an action or proceeding to annul and set aside the election of any person declared elected to an office, or to remove or deprive any person of his office for an offense mentioned in this act, or any petition to excuse any person or candidate in accordance with the power of the court to excuse as provided in Section 38 of this act, must be made or filed in the District Court of the county in which the certificate of his

Contest, petition,
filed where.

nomination as a candidate for the office to which he is declared nominated or elected is filed, or in which the incumbent resides.

Violation of act,
punishment.

Sec. 42. A candidate nominated or elected to an office, and whose nomination or election thereto has been annulled and set aside for any offense mentioned in this act, shall not, during the period fixed by law as the term of such office be elected, or appointed to fill any office or vacancy in any office or position of trust, honor or emolument under the laws of the State of Montana or of any municipality therein. Any appointment or election to any office or position of trust, honor or emolument made in violation of or contrary to the provisions of this act shall be void.

Duty of county at-
torney.

Sec. 43. If any County Attorney shall be notified by any officer or other person of any violation of any of the provisions of this act within his jurisdiction, it shall be his duty forthwith to diligently inquire into the facts of such violation, and if there is reasonable ground for instituting a prosecution it shall be the duty of such County Attorney to file a complaint or information in writing, before a court of competent jurisdiction, charging the accused person with such offense; if any County Attorney shall fail or refuse to faithfully perform any duty imposed upon him by this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit his office. It shall be the duty of the County Attorney, under penalty of forfeiture of his office, to prosecute any and all persons guilty of any violation of the provisions of this act, the penalty of which is fine or imprisonment, or both, or removal from office.

Decree of court.

Sec. 44. If, in any case of a contest on the ground of illegal votes, it appears that another person than the one returned has the highest number of legal votes, after the illegal votes have been eliminated, the court must declare such person nominated or elected, as the case may be.

Grounds of contest.

Sec. 45. Any elector of the State, or of any political or municipal division thereof, may contest the right of any person to any nomination or office for which such

elector has the right to vote, for any of the following causes :

1. On the ground of deliberate, serious and material violation of any of the provisions of this act, or of any other provision of the law relating to nominations or elections.

2. When the person whose right was contested was not, at the time of the election, eligible to such office.

3. On account of illegal votes or an erroneous or fraudulent count or canvass of votes.

Sec. 46. Nothing in the third ground of contest specified in Section 45 is to be so construed as to authorize a nomination or election to be set aside on account of illegal votes, unless it appear, either that the candidate or nominee whose right is contested had knowledge of, or connived at such illegal votes, or that the number of illegal votes given to the person whose right to the nomination or office is contested, if taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same nomination or office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.

Illegal votes, decree.

Sec. 47. When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally that in one or more specified voting precincts illegal votes were given to the person whose nomination or election is contested, which, if taken from him, will reduce the number of his legal votes below the number of legal votes given to some other person for the same office; but no testimony shall be received of any illegal votes unless the party contesting such election deliver to the opposite party, at least three days before such trial, a written list of the number of illegal votes, and by whom given, which he intends to prove on such trial. This provision shall not prevent the contestant from offering evidence of illegal votes not included in such statement, if he did not know and by reasonable diligence was unable to learn of such additional illegal votes and by whom they were given, before delivering such written list.

Illegal votes, duty of contestant.

Contest petition,

bond.

Costs.

Sec. 48. Any petition contesting the right of any person to a nomination or election shall set forth the name of every person whose election is contested, and the grounds of the contest, and shall not thereafter be amended, except by leave of the court. Before any proceeding thereon the petitioner shall give bond in the State in such sum as the court may order, not exceeding two thousand dollars, with not less than two sureties, who shall justify in the manner required of sureties on bail bonds, conditioned to pay all costs, disbursements and attorney's fees that may be awarded against him if he shall not prevail. If the petitioner prevails, he may recover his costs, disbursements and reasonable attorney's fees against the contestee. But costs, disbursements and attorney's fees, in all such cases, shall be in the discretion of the court, and in case judgment is rendered against the petitioner it shall also be rendered against the sureties on the bond. On the filing of any such petition the clerk shall immediately notify the Judge of the court, and issue a citation to the persons whose nomination or office is contested, citing them to appear and answer not less than three nor more than seven days after the date of filing the petition, and the court shall hear said cause, and every such contest shall take precedence over all other business on the court docket and shall be tried and disposed of with all convenient dispatch. The court shall always be deemed in session for the trial of such cases.

Court procedure.

Sec. 49. The petitioner (contestant) and the contestee may appear and produce evidence at the hearing, but no person other than the petitioner and contestee shall be made a party to the proceedings on such petition; and no person other than said parties and their attorneys shall be heard thereon, except by order of the court. If more than one petition is pending, or the election of more than one person is contested, the court may, in its discretion, order the cases to be heard together, and may apportion the costs, disbursements and attorneys' fees between them, and shall finally determine all questions of law and fact, save only that the Judge may in his discretion empanel a jury to decide on questions of

fact. In the case of a contested nomination or election for Senator or Representative in the Legislative Assembly, or for Senator or Representative in Congress, the court shall forthwith certify its findings to the Secretary of State to be by him transmitted to the presiding officer of the body in question. In the case of other nominations or elections, the court shall forthwith certify its decision to the board or official issuing certificates of nomination or election, which board or official shall thereupon issue certificates of nomination or election to the person or persons entitled thereto by such decision. If judgment of ouster against a defendant shall be rendered, said judgment shall award the nomination or office to the person receiving next the highest number of votes, unless it shall be further determined in the action, upon appropriate pleading and proof by defendant, that some act has been done or committed which would have been ground in a similar action against such person, had he received the highest number of votes for such nomination or office, for a judgment of ouster against him; and if it shall be so determined at the trial, the nomination or office shall be by the judgment declared vacant, and shall thereupon be filled by a new election, or by appointment, as may be provided by law regarding vacancies in such nomination or office.

Sec. 50. In like manner as prescribed for the contesting of an election, any corporation organized under the laws of or doing business in the State of Montana may be brought into court on the ground of deliberate, serious and material violation of the provisions of this act. The petition shall be filed in the District Court in the county where said corporation has its principal office, or where the violation of law is averred to have been committed. The court, upon conviction of such corporation, may impose a fine of not more than ten thousand dollars, or may declare a forfeiture of the charter and franchises of the corporation if organized under the laws of this State, or if it be a foreign corporation may enjoin said corporation from further transacting business in this State, or by both such fine and forfeiture, or by both such fine and injunction.

Violation of act by corporation, procedure.

Penalties.

Sec. 51. Whoever violates any provision of this act, the punishment for which is not specifically provided by law, shall on conviction thereof be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than five thousand dollars, or by both such fine and imprisonment.

Court proceedings to have precedence.

Sec. 52. Proceedings under this act shall be advanced on the docket upon request of either party for speedy trial, but the court may postpone or continue such trial if the ends of justice may be thereby more effectually secured, and in case of such continuance or postponement, the court may impose costs in its discretion as a condition thereof. No petition shall be dismissed without the consent of the County Attorney unless the same shall be dismissed by the court. No person shall be excused from testifying or producing papers or documents on the ground that his testimony or the production of papers or documents will tend to criminate him; but no admission, evidence or paper made or advanced or produced by such person shall be offered or used against him in any civil or criminal prosecution, or any evidence that is the direct result of such evidence or information that he may have so given except in a prosecution for perjury committed in such testimony.

Sec. 53. A petition or complaint filed under the provisions of this act shall be sufficient if it is substantially in the following form:

Complaint, form of.

In the District Court of the Judicial District, for the County of, State of Monana.
A. B. (or A. B. and C. D.), Contestants, vs. E. F., Contestee.

The petition of contestant (or contestants) above named alleges:

That an election was held (in the State, District, County or City of), on the day of, A. D. 19.., for the (nomination of a candidate for) (or election of a) (state the office).

That and were candidates at said election, and the board of canvassers has returned the said as being duly nominated (or elected) at said election.

That contestant A. B. voted (or had a right to vote, as the case may be) at said election (or claims to have had a right to be returned as the nominee or officer elected or nominated at said election, or was a candidate at said election, as the case may be), and said contestant C. D. (here state in like manner the right of each contestant).

And said contestant (or contestants) further allege (here state the facts and grounds on which the contestants rely).

Wherefore, your contestants pray that it may be determined by the court that said was not duly nominated (or elected) and that said election was void (or that the said A. B. or C. D., as the case may be) was duly nominated (or elected) and for such other and further relief as to the court may seem just and legal in the premises.

Said complaint shall be verified by the affidavit of one of the petitioners in the manner required by law for the verification of complaints in civil cases.

Sec. 54. The statement of expenses required from candidates and others by this act shall be in substantially the following form:

State of Montana, }
 County of } ss.

Statement of expenses, form of.

I,, having been a candidate (or expended money) at the election for the (State), (District), (County), (City) of on the day of, A. D. 19.., being first duly sworn, on oath do say: That I have carefully examined and read the return of my election expenses and receipts hereto attached, and to the best of my knowledge and belief that return is full, correct and true.

And I further state on oath that, except as appears from this return, I have not, and to the best of my knowledge and belief no person, nor any club, society or association, has on my behalf, whether authorized by me or not, made any payment, or given, promised, or offered any reward, office, employment or position, public or

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private, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said nomination or election.

And I further state on oath that, except as specified in this return, I have not paid any money, security or equivalent for money, nor has any money or equivalent for money to my knowledge or belief been paid, advanced, given or deposited by anyone to or in the hands of myself or any other person for my nomination or election or for the purpose of paying any expenses incurred on my behalf on account or in respect of the conduct or management of the said election.

And I further state on oath that I will not, except so far as I may be permitted by law, at any future time make or be a party to the making or giving of any payment, reward, office, position or employment, or valuable consideration for the purpose of defraying any such expenses or obligations as herein mentioned for or on account of my nomination or election, or provide or be a party to the providing of any money, security or equivalent for money for the purpose of defraying any such expense.

(Signature of Affiant)

Subscribed and sworn to before me by the above named on the day of, A. D., 19...

Attached to said affidavit shall be a full and complete account of the receipts, contributions and expenses of said affiant, and of his supporters of which he has knowledge, with numbered vouchers for all sums and payments for which vouchers are required as to all money expended by affiant. The affidavit and account of the treasurer of any committee or any political party or organization shall be as nearly as may be in the same form, and so also shall be the affidavit of any person who has received or expended money in excess of the sum of fifty dollars to aid in securing the nomination or election or defeat of any candidate, or of any political party or organization, or of any measure before the people.

Sec. 55. Any person who shall knowingly make any false oath or affidavit where an oath or affidavit is required by this law shall be deemed guilty of perjury and punished accordingly. ^{Perjury.}

(Initiated and passed by the people at the general election of November, 1912.)

CRIMES AGAINST ELECTIVE FRANCHISE.

(Sections refer to Revised Codes of 1907; Sections in brackets refer to Codes of 1895.)

- Section 8124. Violation of Election Laws by Certain Officers
a Felony.
8125. Fraudulent Registration a Felony.
8126. Fraudulent Voting.
8127. Attempting to Vote Without Being Qualified.
8128. Procuring Illegal Voting.
8129. Changing Ballots or Altering Returns by Election
Officers.
8130. Judges Unfolding or Marking Tickets.
8131. Forging or Altering Returns.
8132. Adding to or Subtracting From Votes Given.
8133. Persons Aiding and Abetting.
8134. Intimidating, Corrupting, Deceiving or Defrauding
Electors.
8135. Offense Under the Election Laws.
8136. Officers of Election Not to Electioneer, Etc.
8137. Offenses at an Election.
8138. Furnishing Money for Electors.
8139. Unlawful Offer to Appoint to Office.
8140. Communication of Same.
8141. Bribing Members of Legislative Caucuses, Etc.
8142. Preventing Public Meetings of Electors.
8143. Disturbance of Public Meetings of Electors.
8144. Betting on Elections.
8145. Violation of Election Laws.
8146. Not to Sell Liquor on Election Day.
8147. Expenses of Candidate.
8148. Unlawful to Promise Appointments.
8149. What Money May Be Paid to Political Committees.
8150. Lawful Expenses of Candidate.
8151. Limitations of Contributions to Political Com-
mittees.
8152. Political Committees Defined.
8153. Statement of Expenses, by Candidate.
8154. Statement of Disbursements by Treasurer.
8155. Statement of Other Persons.
8156. Indirect Payments Not Allowed.
8157. Solicitation of Money Prohibited.
8158. Statement of Treasurer Filed With County Clerk.
8159. Power of Supreme and District Courts.
8160. Exemption of Witness From Prosecution.
8161. Clerk May Require Correct Statement.
8162. Statement Must Be Under Oath.
8163. Statement Open to Public Inspection.

- 8164. Secretary of State to Provide Blanks.
- 8165. Clerk to Receipt for Statement.
- 8166. Vouchers for Expenses.
- 8167. Scope of Act.
- 8168. Penalties.
- 8169. Bribery.
- 8170. Bets and Wagers.
- 8171. Treating on Election Day.
- 8172. Undue Influence.
- 8173. Unlawful Acts of Employes.
- 8174. Fines Paid Into School Funds.
- 8175. Violation of Act Voids Election.

Official misconduct.

Sec. 8124. (Sec. 60.) **Violation of Election Laws by Certain Officers a Felony.**—Every person charged with the performance of any duty, under the provisions of any law of this State relating to elections, or the registration of the names of electors, or the canvassing of the returns of election, who wilfully neglects or refuses to perform such duty, or who in his official capacity knowingly and fraudulently acts in contravention or violation of any of the provisions of such laws, is, unless a different punishment for such acts or omissions is prescribed by this code, punishable by fine not exceeding one thousand dollars, or by imprisonment in the State prison not exceeding five years, or both.

Fraudulent registration, cancellation.

Sec. 8125. (Sec. 61.) **Fraudulent Registration a Felony.**—Every person who wilfully causes, procures or allows himself to be registered in the official register of any election district of any county, knowing himself not to be entitled to such registration, is punishable by a fine not exceeding one thousand dollars, or by imprisonment in the county jail or State prison not exceeding one year, or both. In all cases where, on the trial of the person charged with any offense under the provisions of this section, it appears in evidence that the accused stands registered in such register of any county, without being qualified for such registration, the court must order such registration to be cancelled.

A felony.

Sec. 8126. (Sec. 62.) **Fraudulent Voting.**—Every person not entitled to vote, who fraudulently votes, and every person who votes more than once at any one election, or changes any ballot after the same has been de-

posited in the ballot box, or adds, or attempts to add, any ballot to those legally polled at any election, either by fraudulently introducing the same into the ballot box before or after the ballots therein have been counted; or adds to, or mixes with, or attempts to add to or mix with, the ballots lawfully polled, other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election; or carries away or destroys, or attempts to carry away or destroy, any poll lists, check lists, or ballots, or ballot box, for the purpose of breaking up or invalidating such election, or wilfully detains, mutilates or destroys any election returns, or in any manner so interferes with the officers holding such election or conducting such canvass, or with the voters lawfully exercising their rights or voting at such election, as to prevent such election or canvass from being fairly held and lawfully conducted, is guilty of a felony.

Sec. 8127. (Sec. 63.) **Attempting to Vote Without Being Qualified.**—Every person not entitled to vote, who fraudulently attempts to vote or register, or who, being entitled to vote, attempts to register or vote more than once at any election, is guilty of a misdemeanor. Misdemeanor.

Sec. 8128. (Sec. 64.) **Procuring Illegal Voting.**—Every person who procures, aids, assists, counsels, or advises another to register or give or offer his vote at any election, knowing that the person is not entitled to vote or register, is guilty of a misdemeanor. Misdemeanor.

Sec. 8129. (Sec. 65.) **Changing Ballots or Altering Returns by Election Officers.**—Every officer or clerk of election who aids in changing or destroying any poll list or check list, or in placing any ballots in the ballot box, or taking any therefrom, or adds, or attempts to add, any ballots to those legally polled at such election, either by fraudulently introducing the same into the ballot box before or after the ballots therein have been counted, or adds to or mixes with, or attempts to add to or mix with the ballots polled any other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election, or allows another to do so, when in his power to prevent it, or Felony.

carries away or destroys, or knowingly allows another to carry away or destroy any poll list, check list, ballot box, or ballots lawfully polled, is guilty of a felony.

Misdemeanor.

Sec. 8130. (Sec. 66.) **Judges Unfolding or Marking Tickets.**—Every judge or clerk of an election who, previous to putting the ballot of an elector in the ballot box, attempts to find out any name on such ballot, or who opens or suffers the folded ballot of any elector which has been handed in, to be opened or examined previous to putting the same into the ballot box, or who makes or places any mark or device on any folded ballot, with the view to ascertain the name of any person for whom the elector has voted, is punishable by imprisonment in the county jail for a period of six months or in the State prison not exceeding two years, or by fine not exceeding five hundred dollars, or by both.

Felony.

Sec. 8131. (Sec. 67.) **Forging or Altering Returns.**—Every person who forges or counterfeits returns of an election purporting to have been held at a precinct, town or ward where no election was in fact held, or wilfully substitutes forged or counterfeit returns of election in the place of the true returns, for a precinct, town or ward where an election was actually held, is punishable by imprisonment in the State prison for a term not less than two nor more than ten years.

Felony.

Sec. 8132. (Sec. 68.) **Adding to or Subtracting From Votes Given.**—Every person who wilfully adds to or subtracts from the votes actually cast at an election, in any returns, or who alters such returns, is punishable by imprisonment in the State prison for not less than one nor more than five years.

Felony.

Sec. 8133. (Sec. 69.) **Persons Aiding and Abetting.**—Every person who aids or abets in the commission of any of the offenses mentioned in the four preceding sections is punishable by imprisonment in the county jail for a period of six months or in the State prison not exceeding two years.

Misdemeanor.

Sec. 8134. (Sec. 70.) **Intimidating, Corrupting, Deceiving or Defrauding Electors.**—Every person who by force, threats, menaces, bribery, or any corrupt means,

either directly or indirectly, attempts to influence any elector in giving his vote, or to deter him from giving the same, or attempts by any means whatever to awe, restrain, hinder, or disturb any elector in the free exercise of the right of suffrage, or defrauds any elector at any such election, by deceiving and causing such elector to vote for a different person for any office than he intended or desired to vote for; or who, being judge or clerk of any election, while acting as such, induces or attempts to induce any elector, either by menaces or reward, or promise thereof, to vote differently from what such elector intended or desired to vote, is guilty of a misdemeanor, and is punishable by a fine not exceeding one thousand dollars or imprisonment not to exceed one year, or both.

Sec. 8135. (Sec. 71.) **Offenses Under the Election Laws.**—Every person who falsely makes, or fraudulently defaces or destroys the certificates of nomination of candidates for office to be filled by the electors at any election, or any part thereof, or files or receives for filing any certificate of nomination, knowing the same, or any part thereof, to be falsely made, or suppresses any certificate of nomination, which has been duly filed, or any part thereof, or forges or falsely makes the official endorsement on any ballot, is guilty of a felony and upon conviction thereof is punishable by imprisonment in the State prison not less than one nor more than five years.

Suppression or destruction of certificates, a felony.

Sec. 8136. (Sec. 72.) **Officers of Election Not to Electioneer, Etc.**—Every officer or clerk of election who deposits in a ballot box a ballot on which the official stamp, as provided by law, does not appear, or does any electioneering on election day, is guilty of a misdemeanor and upon conviction is punishable by imprisonment not to exceed six months, or by a fine not less than fifty nor more than five hundred dollars, or both.

Misdemeanor.

Sec. 8137. (Sec. 73.) **Offenses at an Election.**—Every person who, during an election, removes or destroys any of the supplies or other conveniences, placed in the booths or compartments for the purpose of enabling a voter to prepare his ballot, or prior to or on the day of election wilfully defaces or destroys any list of candidates posted

Offenses at polling places, misdemeanor.

in accordance with the provisions of law, or during an election tears down or defaces the cards printed for the instruction of voters, or does any electioneering on election day within any polling place or any building in which an election is being held, or within twenty-five feet thereof, or obstructs the doors or entries thereof, or removes any ballot from the polling place before the closing of the polls, or shows his ballot to any person after it is marked so as to reveal the contents thereof, or solicits an elector to show his ballot after it is marked, or places a mark on his ballot by which it may afterward be identified, or receives a ballot from any other person than one of the judges of the election having charge of the ballots, or votes or offers to vote any ballot except such as he has received from the judges of election having charge of the ballots, or does not return the ballot before leaving the polling place, delivered to him by such judges and which he has not voted, is guilty of a misdemeanor and is punishable by a fine not exceeding one hundred dollars.

Misdemeanor.

Sec. 8138. (Sec. 74.) **Furnishing Money for Electors.**— Every person who, with the intention to promote the election of himself or any other person, either:

1. Furnishes entertainments, at his expense, to any meeting of electors previous to or during an election;
2. Pays for, procures, or engages to pay for any such entertainment;
3. Furnishes or engages to pay any money or property for the purpose of procuring the attendance of voters at the polls, or for the purpose of compensating any person for procuring the attendance of voters at the polls, except for the conveyance of voters who are sick or infirm;
4. Furnishes or engages to pay or deliver any money or property for any purpose intended to promote the election of any candidate, except for the expense of holding and conducting public meetings for the discussion of public questions, and of printing and circulating ballots, hand bills, and other papers, previous to such election; is guilty of a misdemeanor.

Sec. 8139. (Sec. 75.) **Unlawful Offer to Appoint to Office.**—Every person who, being a candidate at any election, offers or agrees to appoint or procure the appointment of any particular person to office, as an inducement or consideration to any person to vote for, or to procure or aid in procuring the election of such candidate, is guilty of a misdemeanor. Misdemeanor.

Sec. 8140. (Sec. 76.) **Communication of Same.**—Every person, not being a candidate, who communicates any offer, made in violation of the last section, to any person with intent to induce him to vote for, or to procure or to aid in procuring the election of the candidate making the offer, is guilty of a misdemeanor. Misdemeanor.

Sec. 8141. (Sec. 77.) **Bribing Members of Legislative Caucuses, Etc.**—Every person who gives or offers a bribe to any officer or member of any legislative caucus, political convention, or political gathering of any kind, held for the purpose of nominating candidates for offices of honor, trust, or profit in this State, with intent to influence the person to whom such bribe is given or offered to be more favorable to one candidate than another, and every person, member of either of the bodies in this section mentioned, who receives or offers to receive any such bribe, is punishable by imprisonment in the State prison not less than one nor more than fourteen years. Felony.

Sec. 8142. (Sec. 78.) **Preventing Public Meetings of Electors.**—Every person who, by threats, intimidations, or violence, wilfully hinders or prevents electors from assembling in public meeting for the consideration of public questions, is guilty of a misdemeanor. Misdemeanor.

Sec. 8143. (Sec. 79.) **Disturbance of Public Meetings of Electors.**—Every person who wilfully disturbs or breaks up any public meeting of electors or others, lawfully being held for the purpose of considering public questions, any public school or public school meeting is guilty of a misdemeanor. Misdemeanor.

Sec. 8144. (Sec. 80.) **Betting on Elections.**—Every person who makes, offers or accepts any bet or wager upon the result of any election, or upon the success or failure of any person or candidate, or upon the number Misdemeanor.

of votes to be cast, either in the aggregate or for any particular candidate, or upon the vote to be cast by any person, is guilty of a misdemeanor.

Sec. 8145. (Sec. 81.) **Violation of Election Laws.**—Every person who wilfully violates any of the provisions of the laws of this State relating to elections is, unless a different punishment for such violation is prescribed by this code, punishable by fine not exceeding one thousand dollars, or by imprisonment in the State prison not exceeding five years, or both.

Misdemeanor.

Sec. 8146. (Sec. 82.) **Not to Sell Liquor on Election Day.**—Every person who sells, gives away or furnishes spirituous or malt liquors, cider, wine, or any other intoxicating beverages on any part of any day set apart for any general or special or municipal election during the hours when by law the polls are required to be kept open, is guilty of a misdemeanor, and punishable by imprisonment not exceeding six months, or by a fine not less than fifty nor more than five hundred dollars, or both.

Unlawful contributions.

Sec. 8147. (Sec. 83.) **Payment of Expenses of Candidate by Another.**—No person shall, in order to aid or promote his own nomination as a candidate for public office, by a caucus, convention, or nomination paper, directly or indirectly, by himself, or through another person, or by a political committee, give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing, except for personal expenses as hereinafter provided.

Promising appointments.

Sec. 8148. (Sec. 84.) **Unlawful to Promise Appointments.**—No person shall, in order to aid or promote his own nomination or election to a public office, directly or indirectly, by himself or through another person, promise to appoint, or promise to secure or assist to secure the appointment, nomination or election of another person to a public position or to a position of honor, trust or emolument, if he shall himself be elected to the public office for which he is a candidate, except that he may announce or define his own choice or purpose in relation to an election in which he may be called to take part.

Sec. 8149. (Sec. 85.) **What Money May Be Paid to Political Committees.**—No person shall, in order to aid or promote his own election to a public office, directly or indirectly, by himself or through another person, give, pay, expend or contribute any money or other valuable thing, except as hereinafter provided, for personal expense and to a political committee.

Sec. 8150. (Sec. 86.) **Lawful Expenses of Candidate.**—A candidate for nomination or election to a public office, and any other person, may incur and pay, in connection with such nomination or election, his own personal expenses for traveling and purposes properly incidental to traveling; for writing, printing and preparing for transmission, any letter, circular or other publication, which is not issued at regular intervals, whereby he may make known his own position or views upon public or other questions; for stationery and postage, for telegraph, telephone and other public messenger service, and for other petty personal expenses; but all such expenses shall be limited to those which are directly incurred and paid by him, and by him alone; and every person shall be required to include such personal expenses in any statement which may be required of him under this act. And in no other case whatever shall the total sum paid, or agreed to be paid, by any candidate for his own personal expenses, as authorized by this act, exceed the sum of one thousand dollars by any candidate for United States Senator, for Congress or for any State office; nor shall such personal expenses exceed the sum of one hundred dollars by any candidate for a county or other office.

Limit of campaign expenses.

Sec. 8151. (Sec. 87.) **Limitations of Contributions to Political Committees.**—A person who is nominated as a candidate for public office by a caucus, convention or nomination paper, and any person who shall, with his own assent, be voted for public office, may make a voluntary payment of money, or a voluntary or unconditional promise of payment of money, to a political committee as hereinafter defined, for the promotion of the principles of the party which the committee represents and for the general purposes of the committee. But in no case, by direct or indirect voluntary contribution, shall such total

Limitations of contributions.

aggregate voluntary payments exceed the sum of one thousand dollars by any candidate for the United States Senate, for Congress or for State offices; nor shall such total aggregate voluntary payments exceed the sum of fifty dollars by any candidate for member of the State Legislature, or one hundred dollars for any county or other office within the State, nor the sum of one hundred dollars by any candidate for any other office. **Provided**, that nothing in this act contained shall be construed to authorize or permit any candidate to make such payment to more than one committee, or person, acting otherwise than under the authority or in behalf of a political committee, in any county.

Sec. 8152. (Sec. 88.) **Political Committee Defined.**—The term “political committee,” under the provisions of this act, shall apply to every committee or combination of persons who shall aid or promote the success or defeat of any political party or principle in a public election, or shall aid or take part in the nomination, election or defeat of a candidate for public office. Every such committee shall have a treasurer, who is a legal voter of the State, and shall cause to be kept by him detailed accounts of all money and the equivalent of money, which shall be received by or promised to the committee, or any person acting under its authority or in its behalf, and of all such expenditures, disbursements or promises of payment or disbursement, which shall be made by the committee or any person acting under its authority or in its behalf; and no person, acting under the authority or in the behalf of such committee, shall receive any money or equivalent of money, or expend or disburse the same, until the committee has chosen a treasurer to keep its accounts as herein provided.

Sec. 8153. (Sec. 89.) **Statement of Expenses by Candidate.**—A person who, acting under the authority or in behalf of a political committee, shall receive any money or equivalent of money, or promise of the same, or shall expend any money, or its equivalent, or shall incur any liability to pay money or its equivalent, shall at any time thereafter, on demand of the treasurer of such committee, and in any event within fourteen days after such

Duty of treasurer
of committee.

Statement to treasurer
of committee.

receipt, expenditure, promise or liability, give to such treasurer a detailed account of the same, with all vouchers required by this act; and such account shall constitute a part of the accounts and records of such treasurer.

Sec. 8154. (Sec. 90.) **Statement of Disbursements by Treasurer.**—The treasurer of every political committee which shall receive or expend or disburse any money, or equivalent of money, or incur any liability to pay money, in connection with any election, if the aggregate of such receipts or of such expenditures, disbursements and liabilities shall exceed ten dollars, shall, within thirty days after such election, file a statement setting forth all the receipts, expenditures, disbursements and liabilities of the committee, and of every officer and other person acting under its authority or in its behalf. Such statement shall include the amount in each case received, the name of the person or committee from whom it was received, and the date of its receipt, and shall also include the amount of every expenditure or disbursement, the name of the person or committee to whom the expenditure or disbursement was made, and the date of every such expenditure or disbursement, and shall clearly state the purposes for which it was expended or disbursed. The statement shall also give the date and amount of every existing unfulfilled promise or liability, both to and from such committee, remaining uncanceled and in force at the time the statement is made, with the name of the person or committee to or from whom the unfulfilled promise or liability exists, and clearly state the purpose for which the promise or liability was made or incurred.

Contents of statement.

Sec. 8155. (Sec. 91.) **Statement by Other Persons.**—Every person, who, acting otherwise than under the authority or in behalf of a political committee, having a treasurer as hereinbefore provided, receives money or the equivalent of money, or expends or disburses, or promises to expend or disburse money or its equivalent, to an amount exceeding ten dollars, for the purpose of aiding or promoting the success or defeat of a political party candidate or principle in a public election, or of aiding or taking part in the nomination, election or de-

Nature of statement.

feat of a candidate for public office, shall file such statement as is herein required to be filed by a treasurer of a political committee in the county in which he is a legal voter, and shall be subject to all the requirements of this act, the same as a political committee and the treasurer thereof; but no person other than a legal voter of the State shall receive, expend or disburse any money or equivalent of money, or promise to expend or disburse the same, for either of the purposes above named, except for personal expenses as herein provided, or under the authority or in behalf of a political committee.

Sec. 8156. (Sec. 92.) **Indirect Payments Not Allowed.**—No person shall, directly or indirectly, by himself or through another person, make a payment or promise of payment to a political committee, or to an officer or other person acting under its authority or in its behalf, in any other than his own name; nor shall such committee officer or other person, knowingly receive a payment or promise of payment, or enter or cause the same to be entered in the accounts or records of such committee, in any other name than that of the person by whom such payment or promise of payment is made.

Contributions to be
in name of giver.

Sec. 8157. (Sec. 93.) **Solicitation of Money Prohibited.**—No political committee, and no person acting under the authority or in behalf of a political committee, shall demand, solicit, ask or invite a payment of money or promise of payment of money to be used in an election, from a person who has been nominated by a caucus, convention or nominating paper, as a candidate for public office in such election; and no person so nominated shall make any such payment in an election in which he is a candidate for public office, to a political committee, or to any person acting under the authority or in behalf of a political committee, if such committee or any such person has demanded, solicited, asked or invited from him any such payment or promise of payment.

Sec. 8158. (Sec. 94.) **Statement of Treasurer Filed With County Clerk.**—The statement required by this act to be filed by the treasurer of a political committee shall

In what county to
be filed.

be filed with the Clerk of the county in which the treasurer is a legal voter, except that, in case a political committee has its headquarters in some other town or city than that in which the treasurer is a legal voter, the treasurer shall file the statement required of him with the Clerk of the county in which such headquarters are maintained at the time of the election to which such statement relates. A statement relating to any other than a municipal election shall be filed in duplicate, and one copy shall be forthwith forwarded by the County Clerk receiving the same to the Secretary of State, by whom it shall be placed on file.

Sec. 8159. (Sec. 95.) **Power of Supreme and District Courts.**—The Supreme Court and the District Court shall have full equity powers to compel any person who fails to file a statement as required by this act, or who files a statement which does not conform to the provisions of this act in respect to sufficiency in detail, conformity to the truth or otherwise, to comply with the provisions of this act by filing such a statement as is required, and shall compel such compliance upon the petition of any candidate voted for or of any five persons qualified to vote at the election on account of which the expenditures, or a part thereof, were or are alleged to have been made. No such petition shall be brought later than sixty days after such election, against anyone who has filed his account within the thirty days required, excepting that a petition may be brought within thirty days of any payment which was not stated in the statement so filed. Proceedings under this section shall be advanced upon the dockets of said courts, if requested by either party, so that they may be tried and decided with as little delay as possible. No petition brought under this act shall be withdrawn or discontinued without the consent of the Attorney General.

Complaints to be filed, when.

Sec. 8160. (Sec. 96.) **Exemption of Witness From Prosecution.**—No person called to testify in any proceedings under the preceding section shall be liable to criminal prosecution under this act or otherwise, for any matters or causes in respect of which he shall be examined or to

Perjury excepted.

which his testimony shall relate, except to prosecution for perjury committed in such testimony.

Sec. 8161. (Sec. 97.) Clerk May Require Correct Statement.—If any statements which are filed under this act shall apparently fail to be in conformity with the requirements thereof, it shall be the duty of the Clerk with whom any such statement is filed forthwith to notify the person making the same of such failure, and to request him to amend and correct the same.

Duty of clerk.

Sec. 8162. (Sec. 98.) Statement Must Be Under Oath.—Every person making a statement required by this act shall make oath that the same is in all respects correct and true to the best of his knowledge and belief.

Sec. 8163. (Sec. 99.) Statement Open to Public Inspection.—All statements which are filed in accordance with the provisions of this act shall be preserved for not less than fifteen months from the time of the election to which they relate, and shall, during that period, be open to public inspection.

Sec. 8164. (Sec. 100.) Secretary of State to Provide Blanks.—The Secretary of State shall, at the expense of the State, provide every County Clerk with the blank forms suitable for such statements and receipts for statements as are required under this act. Said blank forms shall be approved by the Secretary, Treasurer and Auditor of the State, or by a majority of them.

Sec. 8165. (Sec. 101.) Clerk to Receipt for Statement.—The Clerk of every county shall give a receipt for any statement which may be filed with him in accordance with the provisions of this act, at the request of the persons filing the same.

Sec. 8166. (Sec. 102.) Vouchers for Expenses.—Every payment in respect of any expense incurred, which is to be accounted for under this act, shall be vouched for by a receipted bill stating the particulars of expenses, and every voucher, receipt or account required by this act shall be preserved for at least six months from the election to which it relates.

Vouchers to be preserved.

Sec. 8167. (Sec. 103.) **Scope of Act.**—This act shall apply to all public elections, whether for officers or upon questions to be submitted to the people, except elections of township officers, and shall apply to caucuses and conventions for the nomination of candidates to be voted for at such elections, and to nomination papers for the nomination of candidates to be voted for at such elections; except that Sections 8147 (83), 8149 (85) and 8156 (92) of this act shall not apply to the proprietors and publishers of publications issued at regular intervals in respect to the ordinary and regular conduct of business as such proprietors and publishers. **Exceptions.**

Sec. 8168. (Sec. 104.) **Penalties.**—Whoever shall violate any of the provisions of Sections 8147 (83), 8148 (84), 8149 (85), 8152 (88), 8153 (89), 8157 (93), 8158 (94), 8162 (98), 8163 (99) and 8166 (102) of this act shall be punished by a fine not exceeding one thousand dollars, and by imprisonment in the county jail for not more than three months. **Fine and imprisonment.** Whoever shall violate any of the provisions of Sections 8154 (90), 8155 (91) and 8156 (92) of this act shall be punished by a fine not exceeding one thousand dollars and by imprisonment in the county jail for not more than three months.

Sec. 8169. (Sec. 105.) **Bribery.**—The following persons shall be deemed guilty of bribery, and shall be punished by a fine not exceeding one thousand dollars and imprisonment in the penitentiary not exceeding one year:

1. Every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers or promises any money or valuable consideration, or promise to procure or endeavors to procure, any money or valuable consideration, to or for any election, or to or for any person on behalf of any elector, or to or for any person, in order to induce any elector to vote or refrain from voting, or corruptly does any such act as aforesaid, from voting at any election. **Definitions.**

2. Every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises,

any office, place or employment, to or for any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting, or corruptly does any such act as aforesaid, on account of any elector having voted or refrained from voting at any election.

3. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person in order to induce such person to procure or endeavor to procure the return of any person to serve in the Legislative Assembly or the vote of any elector at any election.

4. Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or promises, or endeavors to procure, the election of any candidate to the Legislative Assembly, or the vote of any elector at any election.

5. Every person who advances or pays, or causes to be paid, any money to, or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery, or in corrupt practices, at any election, or who knowingly pays, or causes to be paid, any money to any person in discharge of repayment of any money wholly or in part expended in bribery or corrupt practices at any election.

6. Every elector who, before or during any election, directly or indirectly, by himself or any other person on his behalf, receives, agrees or contracts for any money, gift, loan, valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refusing or agreeing to refrain from voting at any election.

7. Every person who, after any election, directly or indirectly, by himself or by any other person in his behalf, receives any money, gift, loan, valuable consideration, office, place of employment, for having voted or refrained from voting, or having induced any other person to vote or refrain from voting, at any election.

8. Every person, whether an elector or otherwise, who, before or during any election, directly or indirectly, by himself or by any other person in his behalf, makes approaches to any candidate or agent or any person representing or acting on behalf of any candidate at such election, and asks for, or offers to agree or contract for, any money, gift, loan, valuable consideration, office, place or employment for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at such election.

9. Every person, whether an elector or otherwise, who, after an election, directly or indirectly, by himself or by any other person on his behalf, makes approaches to any candidate, or any agent or person representing or acting on behalf of any candidate, and asks for or offers to receive any money, gift, loan, valuable consideration, office, place or employment, for himself or any other person, for having voted or refrained from voting, or having induced any other person to vote or refrain from voting at such election.

10. Every person who, in order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has so become, gives or lends any money or valuable consideration whatever, or agrees to give or lend, or offers or promises any such money or valuable consideration, or promises to procure or try to procure, or tries to procure, for such person or for any other person, any money or valuable consideration.

11. Every person who, for the purpose and with the intent in the last preceding sub-section mentioned, gives or procures any office, place of employment, or agrees to give or procure or offers or promises such office, place or employment, or endeavors to procure, or promises to procure or to endeavor to procure, such office, place or employment, to or for such person or any other person.

Definitions.

12. Every person who, in consideration of any gift, loan offer, promise or agreement, as mentioned in the two last preceding sub-sections, allows himself to be nominated or refuses to allow himself to be nominated as a candidate at an election, or withdraws if he has been so nominated.

13. Every elector, candidate for nomination, nominee or political committee who shall pay, or offer to pay, the fee for any person who is about to, or has made his declaration of intention, or has taken out, or is about to take out his final papers as a citizen of the United States; and every person who receives any money or other valuable thing to pay such fee, or permits the same to be paid for him.

Misdemeanor.

Sec. 8170. (Sec. 106.) **Bets and Wagers.**—Every person who shall bet or wager any money or property, or other valuable thing, on the result of any election authorized by the constitution or laws of the United States or of this State, or on any vote to be given at such election, or who shall knowingly become stakeholder of such bet or wager, shall be punished by a fine not less than twenty-five dollars nor more than one thousand dollars.

Misdemeanor.

Sec. 8171. (Sec. 107.) **Treating on Election Day.**—The giving or causing to be given to any elector on the day of voting, or at any other time, on account of such elector having voted or being about to vote, or with the intent to influence his vote, any meat, drink or refreshment, or any money or ticket to enable such elector to procure such refreshments, shall be deemed a misdemeanor; and whosoever shall have been guilty of such unlawful act shall for each offense be liable to a penalty of not exceeding ten dollars and to imprisonment for not exceeding one month in the county jail.

Felony.

Sec. 8172. (Sec. 108.) **Undue Influence.**—The following person shall be deemed to be guilty of the offense of “undue influence,” and shall be punishable accordingly by a penalty of not less than two hundred dollars, nor more than five thousand dollars, and by imprisonment for not to exceed two years in the penitentiary:

1. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence or restraint, or inflicts or threatens the infliction by himself or by or through any other person, or any injury, damage, harm or loss of employment, position, trade, influence, or in

any manner practices intimidation upon or against any person, in order to induce or compel such person to register or vote or refrain from registering or voting, or on account of such person having voted or refrained from voting, at any election.

2. Every person who, by abduction, duress, or any fraudulent device or contrivance, impedes or otherwise interferes with the free exercise of the elective franchise, or thereby compels, induces or prevails upon any elector either to give or refrain from giving his vote at any election.

Sec. 8173. (Sec. 109.) **Unlawful Acts of Employers.**— It shall be unlawful for any employer, in paying his employes the salary or wages due them, to enclose their pay in "pay envelopes" upon which there is written or printed the name of any candidate or political mottoes, devices or arguments containing threats or promise, express or implied, calculated or intended to influence the political opinions or actions of such employes. Nor shall it be lawful for an employer, within ninety days of an election, to put up or otherwise exhibit in his factory, workshop or other establishment or place where his workmen or employes may be working, any handbill or placard containing any threat or promise, notice or information that in case any particular ticket or political party or organization or candidate shall be elected, work in his place or establishment will cease, in whole or in part, or shall be continued or increased, or his place or establishment be closed up, or the salaries or wages of his workmen or employes be reduced or increased, or other threats or promises, express or implied, intended or calculated to influence the political opinions or actions of his workmen or employes. This section shall apply to corporations as well as individuals, and any person violating the provisions of this section is guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, and imprisonment not exceeding six months in the county jail, and any corporation violating this section shall be punished by fine not to exceed five thousand dollars, or forfeit its charter, or both such fine and forfeiture.

Coercing employes,
misdemeanor.

Sec. 8174. (Sec. 110.) **Fines Paid Into School Fund.**— All fines imposed and collected under the preceding sections shall be paid into the county treasury for the benefit of the common schools of the county in which the offense was committed.

Sec. 8175. (Sec. 111.) **Violation of Act Voids Election.**— If it be proved before any court for the trial of election contests or petitions that any corrupt practice has been committed by or with the actual knowledge and consent of any candidate at an election, if he has been elected, the election shall be void, and shall be so adjudged.

Note:—Though it is believed that Sections 8147 to 8175, above, have been impliedly repealed by the Corrupt Practices Act, found preceding the title "Crimes Against the Elective Franchise," it was deemed best to insert them, there not being any provision in said act directly repealing them.

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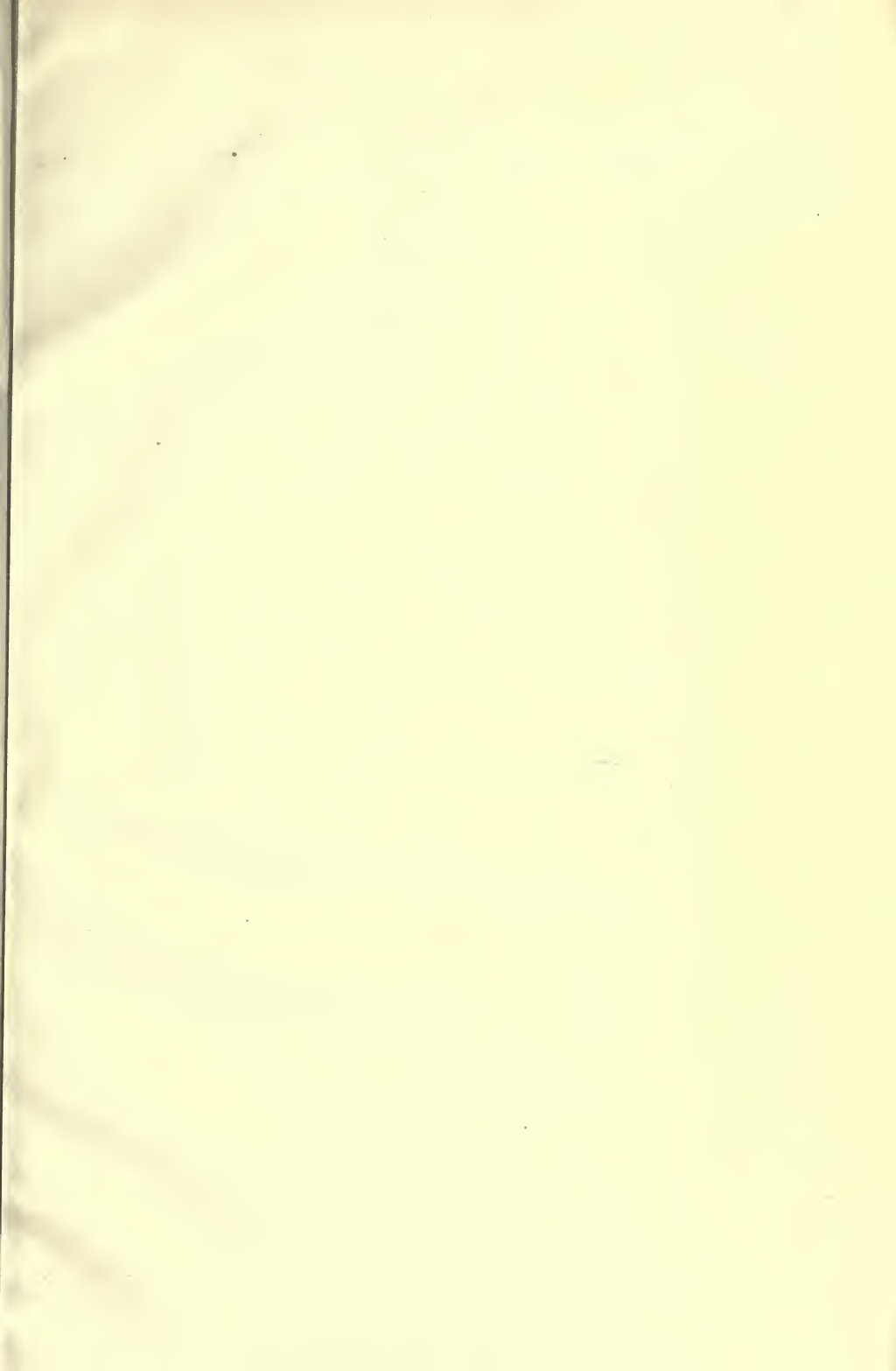
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