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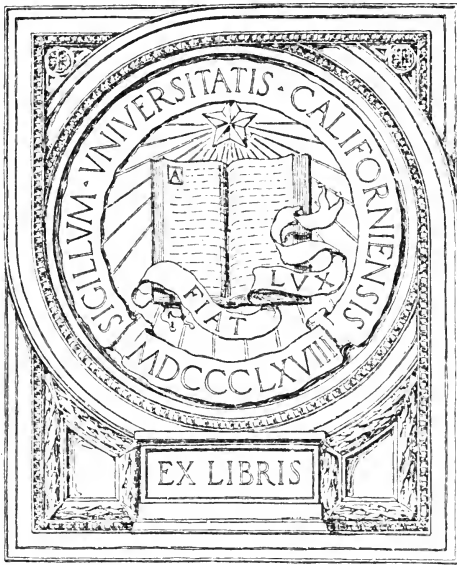


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**ELECTION LAW.**  
**STATE OF LOUISIANA.**

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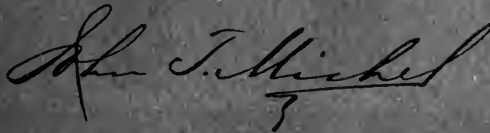
**ACT No. 152 OF 1898,**

**AS AMENDED BY**

**ACT No. 152 OF 1900.**  
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**SECRETARY OF STATE.**

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# ELECTION LAW.

## STATE OF LOUISIANA.

Act No. 152 of 1898, as amended by Act No. 132 of 1900.

### AN ACT

To preserve the purity of the ballot regulating the manner of holding and conducting elections; by providing an official form of ballot; by prescribing the time and method in which nominations shall be made and certified; for providing for the division of parishes, cities and towns into convenient election precincts; by providing for the appointment of officers to conduct such elections and defining their duties; by prescribing the manner in which the votes of electors shall be taken, and the count and returns thereof made; by providing for the punishment of violations of this law, and repealing all laws in conflict with the same.

Section 1. Be it enacted by the General Assembly of the State of Louisiana, That all ballots cast in all elections except as hereinafter provided, and for delegates to any constitutional convention, or upon amendments proposed to the Constitution after the first day of November, in the year eighteen hundred and ninety-six, shall be printed and distributed at public expense as hereinafter provided. The printing of the ballots, tally sheets and cards of instruction to voters and their distribution, shall be paid for by the State.

Ballots to be furnished at the expense of the State.

Provided, That the provisions of this act shall not apply to municipal elections in towns having a population of less than 2,500 inhabitants or to any election for purposes other than the election of public officers, except elections upon propositions to amend the Constitution.

Provisions of this act shall not apply to municipal elections in towns of less than 2,500 inhabitants.

Provided further, That in elections not hereinabove provided for the ballots and other election supplies, etc., shall be furnished by the Board of Supervisors of Election, at the expense of the Parish within which the Election is to be held.

In such elections the ballots, etc., to be furnished by the Board of Supervisors at the expense of the parish.

General election. Sec. 2. Be it further enacted, etc., That the general election for State and parish officers shall be held once every four years, on the first Tuesday next following the third Monday of April.

Elections: manner, time and place of holding same. Sec. 3. Be it further enacted, etc., That all officers, the time and place of whose election is not otherwise provided for by law, shall be elected at the time and places provided by law for the election of Senators and Representatives.

Notice of election. That it shall be the duty of the Governor, at least thirty days before every general election to issue his proclamation giving notice thereof which shall be published in the official journal.

Notice by Board of Supervisors. The Board of Supervisors of election of each parish shall give fifteen days' notice of every general election by advertisement in the official journal of their parish, if there be one, and by posting at four public places in the parish if there be no official journal in said parish. But no default by the Governor or parish board of supervisors of election to issue said proclamation shall deprive the people of their rights to hold an election as fixed by law, or vitiate said election when held.

Vacancies in the General Assembly. Sec. 4. Be it further enacted, etc., That when the seat of any Senator or Representative becomes vacant and there shall be a session of the General Assembly before the next general election, it shall be the duty of the Governor within five days after being officially notified of such vacancy, to issue his writ of election, directed to the proper supervisors of election, whose duty it shall be within three days after its receipt, to give public notice that an election will be held to fill such vacancy on a date to be named by them, which shall not be less than eight nor more than fifteen days after the publication of such notice, such election shall be conducted and the returns thereof made in the manner required by law for general elections.

Election for electors of President and Vice President. Sec. 5. Be it further enacted, etc., In every year in which elections are to be held for electors of President and Vice President, said elections shall be held on the first Tuesday next following the first Monday in November, 1900, and every four years thereafter and are to be conducted and the returns made in the same manner as herein provided for general elections. The Secretary of State, or in case of a vacancy in that office,

the State Auditor, shall ascertain from the returns the persons who receive the greatest number of votes actually cast; and the Governor shall issue a certificate of election to the said persons and they shall be authorized to cast the vote of the State for the President and Vice President.

All general elections for Representatives in Congress shall be held on the first Tuesday next following the first Monday in November, 1898, and every two years thereafter, and shall be conducted in the same manner as elections for Representatives in the General Assembly.

Representatives  
in Congress.

Sec. 6. Be it further enacted, etc., In case of vacancy in said office of Representatives in Congress, between the general election, it shall be the duty of the Governor by proclamation, to cause an election to be held according to law, to fill such vacancy. Elections shall be held in the precincts and at the polling places hereinafter defined, and herein below directed to be established.

Vacancies in office of Representatives in Congress.

Sec. 7. Be it further enacted, etc., That in all elections by the people, the person or persons having the highest number of votes, shall be deemed and declared to be elected; but no person receiving the same number of votes shall be deemed to be elected if thereby, a greater number would be elected than required by law. The election for such officers thus not elected shall be returned to the people, public notice of ten days to be first given in the same manner as for a general election.

Persons having largest vote to be declared elected.

Sec. 8. Be it further enacted, etc., That all elections shall be completed in one day, and the polls shall be kept open at each polling place from the hour of six o'clock in the forenoon until seven o'clock in the afternoon.

Elections to be completed in one day.

Sec. 9. Be it further enacted, etc., That the days upon which a general or local election shall hereafter be held under this Act, shall, for all purposes whatever, be legal holidays in the localities where the elections are held.

Election days to be legal holidays.

Sec. 10. Be it further enacted, etc., That it shall be the duty of the chief executive officers of the police force of each city or town, to detail a sufficient number of police officers who shall be stationed at each polling place on the day of the election, to preserve order and to protect each and all of said election officers from any interference with, or obstructions in the performance of their respective duties, and to aid in enforcing

Manner of preserving order at polling places.

the provisions of law relating to elections, and said police officers so detailed, shall be subject to the orders of the Commissioner of Election.

Board of Supervisors of election; how constituted.

Sec. 11. Be it further enacted, etc., That in all parishes, the parish of Orleans excepted, the Board of Supervisors of election of each parish shall consist of three persons, viz.: the Assessor and Registrar of Voters of each parish, one elected by the Police Jury, and one appointed by the Governor who shall be president of the board. That in the parish of Orleans the Board of Supervisors of election shall consist of three members as follows: one appointed by the Governor who shall be president of the Board, one to be the Registrar of Voters of the parish of Orleans, and the other to be the Civil Sheriff.

Election officers.

The several Boards of Supervisors, the parish of Orleans excepted, shall, at least thirty days before an election, appoint as election officers for each voting precinct, three commissioners of election and one clerk. Such officers shall be qualified voters in the ward of which said precinct forms a part and men of good repute and standing. The commissioners shall be so apportioned as that not more than two of said commissioners shall be of the same political party.

Duty of Board of Supervisors in Orleans; election of officers.

Sec. 12. Be it further enacted, etc., That in the parish of Orleans it shall be the duty of the Board of Supervisors at least thirty days prior to any election to appoint three commissioners and one clerk to preside over the election at each polling precinct. Said commissioners shall be qualified voters in the ward of which such polling precincts form part, and shall be appointed from lists to contain not less than six names, furnished by each of the several political parties and nominating bodies. The commissioners shall be so apportioned as to equally represent all the political parties authorized under this act to make nominations in so far as practicable.

Manner of appointing watchers at each polling precinct and their duties.

Sec. 13. Be it further enacted, etc., That each of the several political parties (or nominating bodies) having candidates (upon the official ballot) shall be entitled to one watcher in each voting precinct, and said watchers shall be appointed for each election by the several political parties (or nominating bodies) and shall be commissioned by the Board of Supervisors. Said watchers shall remain without the (guard rail)



during the polling of the vote, except when casting their individual votes, and shall not be permitted to electioneer, engage in any political discussions, or in any manner interfere with, detain or obstruct any voters. Said watchers shall be allowed to enter (the space within the guard rail) only after the closing of the polls, and there remain thereafter, within (said guard rail) during the canvass and count of the vote. Watchers shall take no part in such canvass and count, nor have any voice in the conduct thereof.

Sec. 14. Be it further enacted, etc., That the Commissioners of Election shall attend at the times and places designated in their respective precincts, at all elections. The commissioners and clerks shall receive three dollars for each day's actual service and the deputy sheriffs attending the election shall receive five dollars and no mileage for each day's actual service not exceeding three days, to be paid by the parish or municipality. Pay of Commissioners.

Sec. 15. Be it further enacted, etc., That commissioners shall possess full authority to maintain regularity and order and to enforce obedience to their lawful commands during an election and during the canvass of the votes after the closing of the polls, and shall have full authority to preserve the peace and good order at and around the polling place, and keep access thereto, open and unobstructed, and may require any police officers constables or other persons present to communicate their orders and directions, and to assist in the performance of the duties in this section enjoined. Power of Commissioners to maintain order.

Sec. 16. Be it further enacted, etc., That the Commissioners of Election shall preserve order and decorum at elections and shall have power to commit to prison any disorderly persons for a time not to extend beyond the hour of closing the polls, provided that said person shall be permitted to vote before being committed to prison. Power to commit to prison disorderly persons.

Sec. 17. Be it further enacted, etc., That the canvass and count of the ballots, as provided in this act, shall be begun immediately upon the closing of the polls, and shall be proceeded with, without interruption or delay, until completed, during all the count, three tally sheets shall be kept thereof, the said tally sheets shall have the tallies marked in red lines from the beginning to the end of the page and the total number Canvass and count of ballots.

of tallies shall be written in figures immediately after the end of the tally, and in letters so as to prevent any alteration thereof. Any commissioner or other person who shall interfere with, delay or attempt to delay the count of the ballots, shall be guilty of a felony, and punished as provided for in Section 44, of this act and any person who shall steal or attempt to steal, or aid or abet in stealing the ballot box, ballots, tally sheets, poll lists or other apparatus or papers of the election, shall be deemed guilty of a felony and punished as provided in Section 44, of this Act.

Commissioners not to make statement of number of ballots, votes, etc., before the public declaration of the result.

Sec. 18. Be it further enacted, etc., That prior to the public declaration of the vote at an election, which shall be made at each precinct as soon as the count has been completed, no statements shall be made by any commissioner, of the number of ballots cast, the number of voters present, the number of votes given for any person or for any officer, the name of any person which has been voted on, or of any other fact tending to show the state of the polls. Any commissioner who violates any of the provisions of this act shall be punished as provided for in Section 44, of this act, but no such violation shall in any way invalidate any returns of the votes cast, duly made by the commissioners, or effect the title of any person who is duly declared to be elected to any office.

Penalty for false canvass of vote.

Any election Commissioner who intentionally makes or attempts to make a false canvass of the ballots cast, or any false return of the result of any election, or any person who induces, or attempts to induce, any such commissioner so to do, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished as provided in Section 44, of this act, and shall be further disqualified from voting at any election or holding any office of honor, trust or profit in this State.

Penalty for destroying or mutilating any election documents.

Sec. 19. Be it further enacted, etc., That every Commissioner of election, or other officer or person having the custody of any record or register of votes or copy thereof, oath, return of votes, certificates, poll list, or any paper, document or evidence of any description in this act directed to be made, filed or preserved, who is guilty of stealing, wilfully destroying, mutilating, defacing, falsifying or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make any extra entry, erasure or alteration therein,

except as allowed and directed by the provisions of this act, or who permits any other person so to do, shall be guilty of a felony, and, upon conviction thereof, be punished in accordance with Section 44 of this act. And every person, not an officer, who is guilty of any of the aforesaid acts, or who advises, procures or abets the commission of the same, or any of them shall upon conviction thereof, be punished in accordance with Section 44, of this act.

Sec. 20. Be it further enacted, etc., That all bar-rooms, cabarets and coffee-houses and places where liquors are kept, within one mile of any ward or precinct where an election is being held, shall be and remain closed during the day of an election until twelve o'clock p. m., and no liquors shall be sold or given away on election day within the above specified limits. Commissioners of election are hereby authorized to enforce this provision and to call upon and direct the police officers to discharge their full duties in every particular.

Bar-rooms with in one mile of polling booth to closed.

Whoever, in a polling place has in his possession any intoxicating liquor, shall be deemed guilty of disorderly conduct, and the Commissioner shall order such person to remove such liquor, or to withdraw himself from such place, and on his refusing or neglecting to obey such order, shall direct any police officer or other person present, to take him from the place and confine him in some convenient place until the election is completed. The person so refusing shall, for every such offense, be punished as provided in Section 44, of this Act.

Penalty for having intoxicating liquor in polling booth.

Sec. 21. Be it further enacted, etc., That it shall be the duty of the commissioners at each polling place to keep duplicate lists of the persons voting at such polling place, which lists shall be numbered from one to the end; and said lists so to be kept and numbered as aforesaid, shall be signed and sworn to as correct by them immediately upon closing the polls and before leaving the place or opening the ballot box. As soon as the votes have been counted and the envelopes sealed, as herein provided, the official tally sheet or sheets shall be signed and sworn to by the commissioners, and the said officers shall make triplicate compiled statements of the number of votes cast for each candidate for National, State parochial or municipal offices, and the offices for which they were voted, the number of ballots contained in the box, the

Duplicate voters.

Tally sheets and compiled statement of voters.

number of ballots rejected, and the reasons therefor. These compiled statements shall also be sworn to by the said commissioners the oath to be administered by the deputy sheriff, or one of the commissioners, or by any qualified voter. One of the aforesaid tally sheets, together with the poll books and one of the said compiled statements shall be delivered to the Board of Supervisors of each parish.

Returns to be forwarded to the Secretary of State by commissioners of election.

The Commissioners of Election shall forward to the Secretary of State one of the compiled statements of the vote at their respective boxes or polling places, with the name or names of the candidates voted for, one tally sheet and one of the duplicate poll-lists, which returns of the Commissioners shall be retained by the Secretary of State for at least six months.

To the Clerk of Court.

The third tally sheet, together with ballots and a poll list of the persons voting, shall be returned to the ballot box, which shall thereupon be sealed by the said Commissioners, and the said ballot box containing the ballots and tally sheets and poll lists, as aforesaid, shall be delivered to the clerk of court to be by him safely preserved for a period of six months.

Compilation by the Board of Supervisors and their return to the Secretary of State.

The Board of Supervisors of each parish shall, within three days after the closing of the polls, repair to the courthouse of the parish and there, in the presence of at least three voters, and as many others as may desire to be present make a true compiled statement as shown by the face of the sworn returns of the Commissioners in triplicate, of the result of said election, and make public proclamation of such result, which compiled statement shall be sworn to before some other officer competent to administer an oath.

One of the said triplicate compiled statements shall be forwarded to the Secretary of State, one to the clerk of the District Court, and the third shall be retained by said Board of Supervisors.

Separate statements, etc., for Governor and Lieutenant Governor.

The Board of Supervisors shall make out a separate compiled statement of the vote for Governor and Lieutenant Governor, which shall be sworn to before some officers competent to administer oath, and this compiled statement, sealed in a separate envelope and properly marked and attested by the Board of Supervisors, shall be transmitted to the Secretary of State, and shall constitute the returns contemplated by Ar-

Article 62, of the Constitution. Any Board of Supervisors or any member thereof who shall fraudulently and intentionally make a false or incorrect compiled statement as above provided of the said vote shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by imprisonment at hard labor for not less than two nor more than five years.

Sec. 22. Be it further enacted, etc., That it shall be the duty of the Commissioners themselves, or at least two of them, to carry returns and ballot boxes to the Board of Supervisors and Clerk of Court, as required by law; and it shall be the duty of the sheriff to have at each polling place one deputy sheriff, whose duty it shall be to obey orders of the said officers of election and attend the transmission of the ballot boxes and returns to the Board of Supervisors and Clerk of Court.

Transmission of returns to Clerk of Court and Board of Supervisors.

Sec. 23. Be it further enacted, etc., That the Clerk of the Court shall receive the boxes containing the ballots cast at any election, and the other papers herein provided for sealed as herein above provided and shall retain them in his care for six months, and as soon as may be thereafter said officer shall cause the ballots to be destroyed without examining them or permitting them to be examined by any person whatsoever, and shall make an entry in the records of his office that they have been so destroyed.

Ballot boxes to be received and kept by Clerk of Court.

Sec. 24. Be it further enacted, etc., That it shall be the duty of the Secretary of State, or in default, the Auditor, not less than ten nor more than twenty days after the day of holding an election to compile the returns transmitted by the Board of Supervisors of each parish and publish in the official journal the names of all the candidates voted for, and the number of votes actually cast for each, as shown by the returns and to declare the person receiving the greatest number of votes cast for the office for which such person was a candidate, to have been duly elected. If the Secretary of State or Auditor, should wilfully neglect or refuse to compile the returns of the election and publish the result as above provided for, or if he should wilfully neglect or refuse to count any votes, as shown by the returns or should erase, alter in any manner or change any return, he shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by a fine not less than one thousand (\$1,000) dollars and by imprison-

Compilation and promulgation of returns by Secretary of State.

ment at hard labor for not less than seven, nor more than ten years.

Commissions to be issued by the Governor to officers elected.

Sec. 25. Be it further enacted, etc., That it shall be the duty of the Governor not less than thirty days after each general election, to issue commissions to all officers shown by the compilations of the returns as above provided for, to have been elected except Governor, Lieutenant Governor, or members of the General Assembly.

Compilation of returns for Representatives in Congress.

Sec. 26. Be it further enacted, etc., That as soon as possible, after the expiration of the time for making the returns of the election for representative in Congress, the Governor, jointly with the Secretary of State and the Attorney General, shall proceed to ascertain the number of votes cast for each candidate for Representative in Congress as shown by the returns received by the Secretary of State in the form of properly attested compiled statements from the Board of Supervisors of each parish in the respective congressional districts, The Secretary of State shall enter on record a certificate showing the persons who received the greatest number of votes actually cast for representative in Congress in each congressional district. This certificate shall be signed by the Governor and one copy thereof, signed as aforesaid, shall be delivered to the person thus ascertained to have been elected, and another copy transmitted to the House of Representatives of the Congress of the United States, directed to the clerk thereof.

Transmission of certificates of election to Clerk of the House of Representatives, and Secretary of the Senate.

Sec. 27. Be it further enacted, etc., That it shall be the duty of the Secretary of State to transmit to the Clerk of the House of Representatives and Secretary of the Senate respectively of the last General Assembly, the list of the names of such persons as according to the returns as shall have been elected to either branch of the General Assembly as shown by the returns.

It shall be the duty of the Secretary of the Senate and Clerk of the House of Representatives, to enter upon the rolls of the Senate and of the House respectively the names of persons duly elected to represent the respective parishes and Senatorial districts. And those Representatives and Senators whose names are placed by the Clerk and Secretary respectively, in accordance with the foregoing provisions, and no

others shall be competent to organize the House of Representatives or Senate.

Sec. 28. Be it further enacted, etc., That the various Boards of Supervisors shall provide and send to the commissioners of each precinct before time fixed herein for the opening of the polls on the day of any election, the ballot boxes and tickets required by law to be used. At the opening of the poll in each precinct, and before any ballots are received, the ballot boxes shall be publicly opened and shown to be empty, and the commissioners shall by personal examination, ascertain that the same is empty, after which the box shall immediately be locked or fastened, and the key delivered to the deputy sheriff attendant. The ballot box shall not be removed from public view after it is so shown to be empty until all ballots have been removed therefrom and the box has been relocked or sealed. No ballot shall be removed from the ballot box in any precinct while the polls are open.

Ballot boxes and tickets to be sent to each voting precinct.

Sec. 29. Be it further enacted, etc., That every ballot box shall be provided with a sufficient lock and key, and with an opening in the lid large enough and not larger than may be necessary to allow a single folded ballot to be easily passed through such opening into the box. Each such box shall be large enough to receive and hold all ballots which may be lawfully deposited therein at any election.

Regulations relative to ballot boxes.

Sec. 30. Be it further enacted, etc., That the Secretary of State shall, at the expense of the State, provide envelopes, blank statements, blank affidavits and all necessary blank forms for use by the commissioners at each polling place, in the conduct of the election count and canvass and return of the vote cast at each election, and upon any proposed amendment to the Constitution or other question submitted to the voters. Said blank forms shall be sent to the Board of Supervisors, and shall be used in ascertaining the result of such election, and such result shall be ascertained in the manner hereinafter provided.

Blanks to be furnished by the Secretary of State form of same.

All tally sheets and forms for compiled statements herein provided for, shall be ruled at the bottom, by at least six lines, and partially blank, and partially printed in, as follows:

Form of tally sheets.

(Blank)                      (Printed in)                      (Blank)                      (Printed in)

John Doe, Commissioner for Democratic party.

..... Commissioner for .....party  
..... Commissioner for .....party  
(Printed in) (Blank) (Printed in).

Sworn to and signed before me, John Doe.

Commissioners by ———majority———of the Commis-  
sioners serving at this——— poll and by me sworn to and  
signed as true and correct this.....day of.....189..  
(Blank) (Printed in).

John Doe, Presiding Commissioner.

So as to require and provide for proper attestations to  
every such tally sheet or compiled statement.

Elections in  
towns and par-  
ishes.

Sec. 31. Be it further enacted, etc., That in parishes and  
in towns of less than fifty thousand inhabitants the officer  
whose duty it is to designate and appoint polling places shall  
erect, in front of each polling place barriers, enclosing a space  
at least thirty feet square. Each such enclosed place shall  
contain a table or shelf of convenient height for writing, and  
shall be furnished with such supplies and conveniences includ-  
ing black ink, blotting paper, and pencils having black lead  
only, as well as enable the voters to conveniently prepare their  
ballots for voting.

Provisions in  
case of inability to  
use State blanks.

Sec. 32. Be it further enacted, etc., That if for any cause  
it shall become impossible at any such election, or in taking  
any such vote, to make use of the State blanks, the canvass of  
the votes shall be made as the Commissioner shall direct, they  
shall make a record of the facts pertaining thereto, and return  
an attested copy thereof to the Board of Supervisors.

Delivery of  
blanks to commis-  
sioners.

Sec. 33. Be it further enacted, etc., That the Boards of  
Supervisors shall send the State blanks to the Commissioners  
of each precinct before the time fixed for the opening of the  
polls on the day of election.

Challenges.

Sec. 34. Be it further enacted, etc., That when in any  
election the right of any person offering to vote, is challenged  
for any cause recognized by law, the Commissioners shall re-  
quire the name, occupation, age and residence of the person  
offering to vote. The Commissioners shall examine such per-  
son offering to vote upon his oath, and if a majority of the  
Commissioners then present are satisfied that such applicant  
is a legal voter of said ward and precinct, they shall permit  
him to vote, but in all cases such persons so offering to vote



must establish his identity and right to vote by the written affidavit of two bona fide residents of the said ward and precinct. Such affidavit to be taken before one of the Commissioners in the same; provided that nothing contained in this section shall be so construed as to permit Commissioners to receive any vote which by law they are required to refuse. Said affidavits shall be placed in the ballot box.

Challengers to the number of not more than one for each political party or nominating body shall be permitted to remain just outside the guard rail of each polling place, and where they can plainly see what is done within such rail outside the voting booths from the opening to the close of the polls.

Sec. 35. Be it further enacted, etc., That it shall be the duty of the Registrar of Voters or other registering officers of each parish to deliver to the Board of Supervisors of each parish, at least twenty-four hours before the day and time fixed for the opening of the polls therein, the list of the voters registered for each precinct and polling place, securely wrapped, sealed and marked; the list shall contain the number of the registration place of residence, age, race and occupation of each voter in the election precinct where the polling place is situated and shall be certified by the Registrar of Voters to be correct, and it shall be the duty of the Commissioners to check the name of each voter who is about to vote, upon said list; any Registrar of Voters or other registering officer who shall neglect, fail or refuse to perform the duty above imposed, of furnishing the list as aforesaid for any precinct, shall be punished by a fine of not less than \$500 nor more than one thousand dollars, and imprisonment not less than three nor more than twelve months. And no person shall vote at any election whose name has not been previously placed on such list, nor until the Commissioners find and check his name thereon; provided, that no legal voter shall be denied the right because his name has been accidentally omitted from said list, or incorrectly written or printed thereon; provided, further, that any voter whose name has been so accidentally omitted therefrom, shall make affidavit in writing to that effect, before said Commissioners, and said affidavit shall be preserved as part of the election returns and be enclosed in the box pro-

List of registered voters.

Affidavit to be made in case name is omitted.

vided for the return of the ballots. It shall be the duty of the board of Supervisors to transmit to the Commissioners of Election at each precinct, and before the time fixed for the opening of the polls, the poll book provided for such precinct.

Information to be given by persons offering to vote.

Sec. 36. Be it further enacted, etc., That whenever any person offers to vote, he shall give his name, residence, occupation and registration paper, if such be required by law, to the Commissioners, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear and audible, and if the same are found upon the poll book by the Commissioner having charge thereof, he shall, in a loud and distinct tone of voice, clear and audible, repeat the same and the same being checked, the voter shall be allowed, his name being entered upon the poll list, to cast his vote.

The Commissioners in charge of the poll list, the box and the poll books respectively shall be of different political parties or factions, so far as practicable.

Election precincts and polling places.

Sec. 37. Be it further enacted, etc., Elections shall be held in the precincts and at the polling places as hereinafter defined and herein below directed to be established.

Sec. 38. Be it further enacted, etc., That each police jury ward in every parish of the State, except the parish of Orleans, and except in the case of the division thereof as hereinafter provided, is fixed as an election precinct and they shall be numbered as such. The police juries of the several parishes shall direct what number of polls shall be established in each ward above constituted as an election precinct; provided, if more than one polling place be established in any one police jury ward, then the Police Jury shall divide the ward geographically as nearly equal as possible, according to the number of polls established, and so arranged as to contain not more than four hundred voters as nearly as practicable as shown in the preceding registration, and shall define the limit within the ward for which each poll is established, and said subdivision of the ward in such case shall be each an election precinct. In the Parish of Orleans each sub-division of each ward thereof to be made as therein provided, shall constitute an election precinct and they shall be numbered consecutively in each ward, commencing at the river and running back to the rear boundary of the ward. (Act 132 of 1900.)

Sec. 39. Be it further enacted, etc., The Police Juries as above provided, shall establish as many precincts and polling places in their respective parishes as may be deemed necessary in order to carry out the provisions of the preceding section, provided, that there shall never be less than one precinct and

polling place in each police jury ward; and provided that when more than one polling place is established in any one police jury ward the ward shall be divided as above stated and such sub-division of said police jury ward shall be an election precinct, and the precinct shall be numbered consecutively from one to the end in each ward. That when said polling places and precincts are established they shall be published in the official proceedings of the police jury. The precincts and polling places, or any one of them, once established under this act, shall not be changed except by a vote of the police jury given in favor of said change, and then not within three months prior to a general election. (Act 132 of 1900.)

Sec. 40. Be it further enacted, etc., That the City Government of New Orleans shall by ordinance within sixty days after the passage of this act divide the said city into election precincts within the different wards and for that purpose, by ordinance to arrange the boundaries of the ward as may be deemed convenient for the purpose of establishing the election precincts, which, when established, shall be the boundaries of the wards; each of said precincts to be composed of contiguous squares and each precinct to be so arranged as to contain not more than 400 voters as nearly as practicable as shown in the next preceding registration; they shall establish one polling place only in each precinct, and shall establish precincts in each ward, and shall cause to be published an accurate description of the ward boundaries and election precincts above referred to within ten days before any election; they shall, by publication in three daily newspapers, give notice of the location of the polling places in each precinct, which polling places shall be as nearly as possible, in the centre of the precinct the boundaries and precincts to be fixed as above, not to be changed within three months prior to any general election.

City government of New Orleans to divide city into election precincts

Sec. 41. Be it further enacted, etc., That if any person shall wilfully disobey any lawful command of the commissioners and shall wilfully and without lawful authority obstruct, hinder or delay any voter on his way to any polling place where an election is to be held, or while he is exercising or attempting to exercise the right of voting, or shall aid or assist in such obstruction or delay, he shall be punished in accordance with Section 44, of this act.

Penalty for obstructing, hindering or delaying voter.

Sec. 42. Be it further enacted, etc., That whoever knowing that he is not qualified at an election wilfully votes, or attempts to vote, or whoever so votes or attempts to vote more

Penalty for casting illegal votes, etc.

than once either in his own name, or in that of any other person, or in an assumed name, or whoever so votes or attempts to vote in more than one voting precinct; or whoever wilfully aids or abets any one not legally qualified in voting or attempting to vote at an election, or whoever shall have in his possession the registration paper of another or whoever with intent to cheat or defraud, alters any ballot at any election and who ever with such intent, removes any ballot from such ballot box; or whoever shall forge, imitate or counterfeit or falsely make or alter, or shall procure to be falsely made, imitated, altered, forged or counterfeited, or shall aid or assist in falsely making, imitating, altering, forging or counterfeiting any ballot or part thereof herein provided for or shall utter or publish as true any such false, altered, forged, imitated or counterfeited ballot, or shall procure same to be altered, or published as true, knowing same to be false, altered, forged, imitated or counterfeited with intent to use same, or to procure same to be used at any election; or whoever being charged with the duty of compiling or making up or of printing the official ballot herein provided for, permit any person not so engaged to have access to or give any information with regard to the said official ballot, or the form thereof except as herein provided, or whoever in an assembly of people met for the purpose of making nominations under this law, votes or attempts to vote under any name other than his own, or whoever aids and abets any person in the commission of the offenses described in this section, or whoever knowingly and wilfully, gives a false answer to any election officer shall be punished for each offense as provided in section 44 of this act.

Penalty for attempting to vote in the name of another.

Penalty for false swearing under the provisions of this act.

Sec. 43. Be it further enacted, etc., Any person who shall be convicted of wilful and corrupt false swearing or offering or taking any oath or affirmation prescribed by this act shall be adjudged guilty of wilful and corrupt perjury, and any person who shall wilfully and corruptly instigate, advise, induce or procure any person to swear or affirm falsely as aforesaid, shall be adjudged guilty of subordination of perjury, and shall upon conviction thereof suffer the punishment directed by law in the case of wilful and corrupt perjury.

Penalty for violations of this act.

Sec. 44. Be it further enacted, etc., Any election officer or other person who violates any of the provisions of this act

shall be punished by a fine of not more than one thousand (\$1,000.00) dollars or imprisonment for not more than one year; provided, that where the offense is declared in this act to be a felony then the punishment shall be imprisonment in the State penitentiary for not less than two nor more than five (5) years.

Ses. 45. Be it further enacted, etc., That the commissioners and clerks, and all other officers charged with the conduct of an election under this Act shall before entering upon the discharge of their duties take the oath prescribed by article 160 of the Constitution, the oath to be administered by any officer qualified by law to administer oaths, and if no such officer be present the Commissioners shall administer the oath to each other.

Oath to be taken  
by commissioners  
and clerks.

Sec. 46. Be it further enacted, etc., That in case no commissioner shall have been appointed or if none of those who have been appointed be present within one hour after the time fixed for the opening of the poll, the persons present shall hold a meeting and elect the commissioners to preside at the election, who shall perform all the duties of the regularly appointed commissioners should any one of the commissioners appointed be present he shall appoint another, and both together shall appoint a third, and the commissioners so appointed shall take the oath and perform all duties of commissioners of election in the same manner as if they had been appointed as above provided, by the Board of Supervisors. No election shall be vitiated by a failure to open the polls by the time prescribed by law, unless it be proven before a court of competent jurisdiction, on a contest, that a sufficient number of electors were thereby deprived of their votes to have changed the result of the election.

Manner of elect-  
ing commission-  
ers in certain  
cases.

Sec. 47. Be it further enacted, etc., That all ballots cast in all elections for national, State, district and parish and municipal officers, or for delegates to any constitutional convention after the first day of November in the year eight hundred and ninety-six, shall be printed and distributed at public expense as hereinafter provided. The printing of the ballots, tally sheets, and cards of instruction to voters and their distribution shall be paid for by the State. The term "State Election" as used in this act, shall apply to any election

held for the choice of a national, State, district or parish officer, whether for a full term or for the filling of a vacancy; and the term "State Officers" shall apply to any person to be chosen by the qualified electors at such election. The term "City Election" shall apply to any election held in the city to fill a municipal office, whether for a full term or a vacancy; and term "City Officer" shall apply to any person to be chosen by the qualified electors at such election.

#### NOMINATION OF CANDIDATES.

Manner of nominating candidates.

Sec. 48. Be it further enacted, etc., That any convention of delegates and any nominating body, and any caucus or meeting of qualified voters as hereinafter defined, and individual voters to the number and in the manner herein specified may nominate candidates for public office whose names shall be placed upon the ballots to be furnished as hereinafter provided.

Sec. 49. Be it further enacted, etc., That any convention of delegates representing a political party or other nominating body which, at the State election next preceding the holding of such convention, polled at least ten per centum of the entire vote cast in the election district for which said convention is held or any convention of delegates who have been selected in caucus called and held in accordance with the provisions of this act and any caucus so called and held in any such electoral district or division may, for the State or for the district or division for which the convention or caucus is held, as the case may be, by causing a certificate of nomination to be duly filed, make therein such nominations, for each office to be filled at the election. Every such certificate of nomination shall state such facts as may be hereinafter required for its acceptance, shall be signed by the presiding officer and by the secretary of the convention or caucus, who shall add thereto their places of residence, and shall add thereto their affidavit that the affiants were such officers and that said certificate is true to the best of their knowledge and belief. (Act 132 of 1900.)

Nomination papers.

Sec. 50. Be it further enacted, etc., That nomination of candidates for electoral districts of State or for municipal or for parish or ward officers may be made by nomination papers, signed for each candidate by qualified voters of such district or division, to the number of at least one thousand for any officers to be voted for by the electors of the State at large; one hundred for parish or municipal officers, member of the Legislature or Congress, and twenty-five for ward officers.

Sec. 51. Be it further enacted, etc., That each voter signing a nomination paper shall add to his signature his place of residence, with the street and number thereof, if any; and each voter may subscribe to one nomination for each office to be filled and no more, and all signatures and addresses shall be made in person. The nomination papers shall, before being filed, be respectively submitted to the Registrar of Voters of the parish in which the signers purport to be qualified voters, and each Registrar to whom the same is submitted shall forthwith certify thereon what number of signatures are names of qualified voters, in the parish for which he is a Registrar and in the division for which the nomination is made; and it shall be the duty of the Registrar of Voters to certify to at least fifty per cent more names of registered voters on applications for nomination papers than are required by law to make a nomination under the provisions of this act; one of the signers to each separate paper shall attach thereto his affidavit that the statements therein are true to the best of his knowledge and belief, and he shall also add his post office address. A signature once affixed to a nomination paper can not be withdrawn after certification by the Registrar. (Act 132 of 1900.)

Sec. 52. Be it further enacted, etc., That all certificates of nomination and nomination papers, shall, besides containing the names of candidates, specify as to each (1), the office for which the candidate is nominated; (2) the party or political principle which he represents, expressed in not more than three words; (3) his place of residence and his place of business, if any; and in case of nomination for a city office, with street and number thereof, if any. In the case of electors of President and Vice President of the United States the names of the candidates for President may be added to the party or political appellation.

Form of nomination certificate.

Sec. 53. Be it further enacted, etc., That candidates nominated otherwise than by political parties which at the preceding State election polled at least ten per centum of the entire vote cast in the district, shall not use the name of any such political party in the political or party designation of their candidates so otherwise nominated; except as describing and preceding some other name or term; and in case a nomination is made by a nomination paper, only the words "nomination paper" only or abbreviated as "nom- paper" shall be added after such designations, which in such cases shall not consist of more than two words.

Candidates other than those nominated by political parties.

Sec. 54. Be it further enacted, etc., That certificates of nomination, made under the provisions of this act shall be filed with the Secretary of State before 5 o'clock p. m., on the fifth Tuesday before the day of election; and nomination papers shall be filed with the Secretary of State before five o'clock p. m., on the fourth Tuesday before the day of election; provided, that in cases where, under the law, it becomes necessary to hold an election to fill a vacancy such certificates of nominations and nomination papers shall be filed not less than fifteen full days before the day of election. (Act 132 of 1900.)

Sec. 55. Be it further enacted, etc., That the certificates of nomination and nominating papers being so filed and being in apparent conformity with the provisions of this act, shall be deemed to be regular, unless objections to their regularity is made in writing within the 72 hours after the last day allowed by law for filing of such papers. Such objections arising in relation thereto shall be considered by a Contest Board composed of the Secretary of State, the Auditor and the Treasurer and two electors to be appointed, by the Governor within 24 hours after the last day and hour for the filing of the objections and the decision of the majority of these officers shall be final. In case such objections is made, the objector shall at the same time notify the party or parties affected thereby, and shall certify under oath to the Secretary of State in what manner he has notified such party. If for any reason no decision shall be arrived at within said time, the certificate shall be considered regular. It shall be proper for the officers above named, in the decision of any question as to the proper political party designation of candidates nominated by certificates of nomination and those nominated by nomination papers. (Act 132 of 1900.)

Sec. 56. Be it further enacted, etc., That whenever under the provisions of this act a greater number of candidates are nominated for any office, through certificates of nomination bearing the same party designation, than there are persons to be elected to such office, it shall be the duty of the aforesaid officers (See Section 55) to determine which of said candidates, if any is entitled to such party designation, and no greater number of candidates for any office shall appear upon the official ballot bearing any one party designation, than there are persons to be elected to such office, and the name of no candidate shall appear on the official ballot in more than one place. (Act 132 of 1900.)

Withdrawal of candidates.

Sec. 57. Be it further enacted, etc., That any person whose name has been presented as a candidate may cause his name to be withdrawn from nomination by request in writing, signed by him and acknowledged before an officer qualified to



administer an oath, and filed with the Secretary of State, within seventy-two hours succeeding the last day fixed for the filing of such certificates and nomination papers, and no name so withdrawn shall be printed upon the ballot. No nomination published as hereinafter provided shall be subsequently omitted as irregular.

Sec. 58. Be it further enacted, etc., That in case a candidate who has been duly nominated under the provisions of this Act shall cause his name to be withdrawn from nomination as provided in Section 57, or shall be found by the officers named in Section 55 to have been irregularly nominated, the vacancy may be supplied by the political party or other person making the original nomination in the same manner in which the original nomination was made, provided, that the new nomination be filed with the Secretary of State before the four or three weeks prior to the day of election as required by Section 54 of this Act. In case of death, and in such case only, this vacancy may be supplied if the nomination was made by a convention or caucus in such manner as the convention or caucus has previously provided for the purpose or in case of no such previous provision, then by regularly chosen general or executive committee representing the political party or persons holding such convention or caucus, provided, such new certificate of nomination or nomination paper shall be filed with the Secretary of State fourteen full days before the day of election. The certificate of nomination made for supplying such vacancy shall state, in addition to the other facts required by this act the name of the original nominee, the date of his death, withdrawal, or the ascertainment of the irregularity of his nomination certificate or paper, and the measures taken in accordance with the requirements for filling the vacancy; and it shall be signed and sworn to by the presiding officer and secretary of the convention or caucus, or by the chairman and secretary of the duly authorized committee, as the case may be. The name so supplied for the vacancy shall, if the ballots for the office are not already printed be placed on the ballots instead of the original nomination; or if the ballots have been printed, new ballots containing the new nomination shall, whenever practicable, be printed.

Manner of filling vacancies caused by withdrawal of nominations.

Sec. 59. Be it further enacted, etc., That the Secretary

Blanks for nominations etc.

of State shall furnish, upon application, blank forms for the nomination of candidates.

All nomination papers open for public inspection.

Sec. 60. Be it further enacted, etc., That all certificates of nomination and nomination papers when filed shall be open under proper regulations to public inspection and the Secretary of State shall preserve the same in his office not less than one year.

Sec. 61. Be it further enacted, etc., That it shall be the duty of the Secretary of State to promulgate within 24 hours of the receipt thereof, in the official journal of the State the names of all persons nominated under the provisions of this act, together with the office for which such nomination is made whenever the said nominations are made for a State, Electoral and Congressional office. Nominations for district, judicial, or senatorial, promulgations shall be made by the Registrar of Voters of the parish where the convention is held or nomination paper certified to, and published in the official journal of, and at the expense of the several parishes of the district. Nominations for parochial, ward and municipal officers by the Registrar of Voters of the parish within which said nominations are made in the official journal of, and at the expense of the parish. (Act 132 of 1900.)

Manner of reckoning days for filing nominations.

Sec. 62. Be it further enacted, etc. That in reckoning the number of days mentioned in this act, Sundays and holidays shall be included; provided, however, that if the final day mentioned shall fall on Sunday or a holiday, the first day previous to such day or days shall be considered the final day if the period of time precedes a certain day, act or event, and the first day following such day or days shall be considered the final day if the period of time follows a certain day, or event.

Sec. 63. Be it further enacted, etc., That any person who shall falsely make or wilfully deface, or destroy, add to, or otherwise alter, or tamper with any certificate of nomination or nomination paper, or any part thereof, or any letter of withdrawal, or sign any such certificate or paper contrary to the provisions of this act or file any certificate of nomination or nomination paper or letter of withdrawal, knowing the same or any part thereof to be falsely made, or suppress any certificate or nomination paper, or any part thereof which has been duly filed, shall be punished in accordance with Sec. 44 of this Act. (Act 122 of 1900.)

Sec. 64. Be it further enacted, etc., That no meeting except such as is called and held on behalf of a political party or other nominating body which polled at least ten per centum of the entire vote cast in the district at the general election

next preceding the holding of such meeting shall constitute a caucus, or shall be authorized to make a nomination or to choose delegates to a nominating convention unless qualified voters of the electoral district or division for which it is called participate therein to the number of twenty-five (25). A nomination for a representative district, if such district or division contains more than one ward of a city, shall not be made by a caucus but every such nomination shall be made either by a convention of delegates or by a nomination paper, as provided in this Act. Any convention of delegates representing a political party or other nominating body which has polled at least ten per centum of the entire vote cast in the district for Governor at the election next preceding may make a nomination for any electoral district. (Act 132 of 1900.)

#### FORM OF BALLOT.

Sec. 65. Be it further enacted, etc., That all elections by the people, except primary elections and municipal elections in towns having a population of less than twenty-five hundred, when such elections are not held at the same time as general State elections, shall be by official ballot, printed and distributed at the expense of the State; and, such ballots shall have printed thereon, and at the head and immediately preceding the list of names of the candidates of each political party or nominating paper, a specific and separate device by which the political party and candidates of such political party or nominating paper may be indicated. By stamping such device at the head of the list of the candidates of each political party, or nominating paper, the voter may indicate that his vote is for the entire or straight ticket of the particular party or nominating paper employing the particular device allotted to such political party or nominating paper. When the voter does not desire to vote an entire straight party ticket he may vote for candidates of any political party or nominating paper by stamping a blank space to be left opposite the name of each candidate on said official ballot.

The State Central Committee of each of the political parties in this State shall select a party device and certify the same to the Secretary of State, provided that, if any two of the State Central Committee representing different parties should select the same device, the one first selecting and certifying the same to the Secretary of State shall be entitled to the said device, which fact the Secretary of State shall make known to the party last selecting the device in order that such

Ballots to be prepared by Secretary of State.

Party device or voting straight ticket.

State Central Committee to select party device.

party may have an opportunity of making another selection. The said device so selected shall be certified to by the Secretary of State prior to and not later than the last day for filing nominations by political parties or nominating bodies.

Constitutional amendments.

Whenever the approval of a constitutional amendment or other question be submitted to the vote of the people, such question shall be printed upon the ballot after the list of candidates under each party device. The ballots shall be so printed as to give to each voter a clear opportunity to designate by mark in a sufficient margin at the right of the name of each candidate his choice of candidates and his answer to questions submitted.

Provisions relative to clerical errors.

Provided, that should any clerical or typographical errors occur in the printing of the official ballot or tally sheets, no candidate or measure shall be prejudiced thereby, but it shall be the duty of the Returning Officers upon such error being called to their attention to obtain from the Secretary of State a certified copy of the certificate of nomination or nomination paper, if such error should occur in the name of the candidate being voted for, or certified copy of the measure voted for, and shall thereupon cause such error to be corrected and the returns to be promulgated as if no such error had occurred.

Form of ballot.

Sec. 66. Be it further enacted, etc., That the ballots furnished by the Secretary of State shall be of plain white paper, in weight not less than the best quality No. 2 book paper, and of such length and width as may be necessary, provided that all ballots furnished for use in any one precinct shall be of the same length. Before distribution, the ballots shall be so folded in marked creases that their width and length will be of convenient size for insertion into the ballot box. On the back and outside, when folded, shall be printed in great primer Roman condensed capitals "Official Ballots" followed by the designations of the polling places and election for which the ballot is prepared, the date of the election, and a fac simile of the signature of the Secretary of State.

Directions for voting.

The following directions shall be conspicuously printed on the face of the ballot and around the device: "To vote for a straight party ticket stamp here."

To the right of the name of each candidate and on the same horizontal line as the name of the candidate, shall be a square hereinafter called a voting space. Voting space on any ballot provided for any one polling place shall be of uniform size and shall be arranged in a vertical column. Voting spaces opposite the names of all candidates for the same office shall be printed as a continuous column. Voting spaces shall be printed solidly in white, one-quarter of an inch square, enclosed in black lines. If in case of any office, no nominations of candidates to fill the same have been made, the title of such office shall be printed upon the ballot, and as many blanks spaces shall be left below such title as there are persons to be elected to the office, and at the right of each such space shall be a voting space.

Voting spaces.

Sec. 67. Be it further enacted, etc., That all of the official ballots prepared for the same polling place shall be of precisely the same size, arrangement, quality and tint of paper and kind of type, and shall be printed with black ink of the same tint, so that it shall be impossible to distinguish any one ballot from the other. If at a general election in any Congressional district one representative in Congress is to be elected for a full term and another to fill a vacancy, the ballots containing the names of the candidates shall as a part of the title of the office designate the term or vacancy for, or to fill which the candidates are severally nominated.

Size of ballot, color of ink, etc. to be uniform.

Sec. 68. Be it further enacted, etc., That all ballots when printed shall be folded as hereinbefore provided, and fastened together with convenient numbers in packages, books or blocks in such manner that each ballot may be detached and removed separately.

How ballots shall be folded when printed.

Sec. 69. Be it further enacted, etc., That the Secretary of State shall prepare full instruction for the guidance of voters, as to obtaining ballots, manner of making them, the method of obtaining assistance, and obtaining new ballots in place of those accidentally spoiled, and shall cause the same, together with copies of Sections 34, 35, 36 and 44 of this Act, to be printed in large clear type, on separate cards, to be called "Cards of Instruction," together with at least three sample ballots, to be nailed up in a prominent place outside of each polling booth in the same manner as hereinafter provided for in Section 71 of this Act, and he shall furnish the same for use at each election. (Act 132 of 1900.)

## DELIVERY OF BALLOTS.

Ballots, etc., to  
be sent Board of  
Supervisors.

Sec. 70. Be it further enacted, etc., That the Secretary of State shall send a sufficient number of ballots, together with a sufficient number of tally sheets and ten of the cards of instruction, to the Board of Supervisors of the several cities or parishes so as to be received by them twenty-four hours, at least, previous to the day of election. The same shall be sent in sealed packages, with marks on the outside clearly designating the polling place for which they are intended and the number of ballots enclosed, and the respective Board of Supervisors, shall on delivery to them of such packages, return receipts therefor to the Secretary of State. The Secretary of State shall keep a record of the time when and the manner in which the several packages are sent and of the number of ballots in each package, and shall preserve the same for the period of one year, together with the receipts of the Board of Supervisors.

Record to be  
kept by Secretary  
of State.

Sec. 71. Be it further enacted, etc., That the several Boards of Supervisors shall send to the commissioners of each voting place, before the opening of the polls on the day of the election, cards of instruction, tally-sheets, blanks, forms and one set of ballots as sealed and marked by the Secretary of State for such voting place; and a receipt of such delivery shall be returned to them from the commissioners present, which receipt shall be kept for the period of one year. At the opening of the polls in each polling place the seal of the package shall be publicly opened and the package shall be opened by the commissioners, and the book or blocks of ballots shall be delivered to the commissioners of election hereinafter provided for. The cards of instructions and sample ballots shall be immediately posted at or in each voting sh If or compartment provided in accordance with this Act and not less than three such cards shall be posted in or about the polling room, outside of the guard rail. (Act 132 of 1900.)

Manner of deliv-  
ering duplicate  
ballots, etc.

Sec. 72. Be it further enacted, etc., That in case the ballots to be furnished to any voting place, in accordance with the provisions of this act shall fail for any reason to be delivered, or in case after delivery they shall be destroyed or stolen, it shall be the duty of the Board of Supervisors to cause other ballots and cards of instruction to be prepared substantially in the form and to the number of the ballots wanting and to be furnished; and, upon receipt of such other ballots from them,

accompanied by a statement under oath that the same have been so prepared and furnished by them and that the original ballots have failed to be received or have been destroyed or stolen, the Commissioners shall cause the ballots so substituted to be used in lieu of the ballots wanting, as above. The written statement under oath, of the Board of Supervisors shall be made part of the returns, and shall be enclosed in the envelope containing the compiled statement of the National, State and parochial offices to the Secretary of State.

Sec. 73. Be it further enacted, etc., That the officers whose duty it is to designate and appoint polling places in cities of more than fifty thousand inhabitants shall cause the same to be provided with voting shelves and compartments, known as polling booths, in which voters may conveniently mark their ballots. There shall be in each polling place, during each election, a sufficient number of voting booths, and not less than one for every one hundred voters in the precinct. Each such booth shall be at least three feet square, shall have four sides enclosed, each at least six feet high, and the one in front shall open and shut as a door swinging outwards and shall extend within two feet of the floor. Each such booth shall contain a shelf which shall be one foot wide, extending across one side of the booth at a convenient height for writing, and shall be furnished with such supplies and conveniences, including black ink, pads, blotting paper and pencils having black lead only as will enable the voters to conveniently prepare their ballots for voting. Each polling booth shall be furnished with stamps or dies for making the voting mark upon the ballots, and shall have inking pads with ink of uniform color and quality. Each booth shall be kept clearly lighted, while the polls are open, by artificial lights if necessary. A guard rail shall be placed at each polling place at least six feet from the ballot boxes and the booths, and no ballot box or booth shall be placed within six feet of such rail and each guard rail shall be provided with a separate entrance and separate exit. The arrangements of the polling place shall be such that the booths can only be reached by passing within the guard rail, and that the booths, ballot boxes, commissioners and every part of the polling places, except the inside of the booth, shall be in plain view of the commissioners

Voting booths  
and shelves for  
cities of more than  
50,000 inhabitants.

and of persons just outside of the guard rail. Such booths shall be so arranged that there shall be no access to intending voters or to the booths through any door, window or opening, except by the door in front of said booth.

#### PREPARATION OF BALLOT AND VOTING.

Preparation of  
ballot.

Sec. 74. Be it further enacted, etc., That any person desiring to vote shall give his name, occupation and registration paper, if such be provided for to the presiding commissioner, who shall thereupon announce the same in a loud and distinct tone of voice, clear and audible, and if such name is found upon the registration list by the commissioner having charge thereof, he shall likewise repeat the same, and the voter shall then be allowed to enter the space enclosed by the guard rail, as above provided. The commissioner shall give him one, and only one ballot, and his name shall be immediately checked on said list, and shall also be entered upon a poll list, which shall be numbered from one to the end, before he deposits his ballot in the box.

List of voters to  
be kept.

The commissioner in charge of the poll list immediately after entering the voter's name thereon, and on the same line with the voter's name shall, by making a cross, indicating that this voter has received one ballot; and should the voter return the first ballot and receive a second ballot, the commissioner in charge of the poll list shall place opposite the voter's name and on the same line on the poll list and next to the first cross a second cross; these crosses shall be the record of the number of ballots obtained by any voter. After three crosses have been placed opposite the name of any voter on the poll list, said voter shall receive no more ballots.

Manner of plac-  
ing ballot in box.

Sec. 75. Be it further enacted, etc., On receiving his ballot the voter shall forthwith forward and without leaving the enclosed space, retire alone to one of the voting booths or to the table or shelf, and without undue delay, unfold and mark his ballot therein as hereafter described.

When the voter has so marked the ballot received by him he shall before leaving the booth or enclosed space re-fold the ballot, immediately cast the same and leave the voting place.

Ballots to be re-  
turned to commis-  
sioner if not voted.

Every voter who does not vote a ballot delivered to him by the ballot commissioner shall, before passing outside the guard rail or enclosed space, return such ballot to such officer,



who shall stamp the same "spoiled" and deposit in the box for spoiled ballots. And the voter shall not again return within the guard rail.

No ballot, either spoiled or otherwise, shall be carried away from the voting place or taken outside the guard rail.

Provisions regulating the order and manner of voting.

No more voters shall be permitted to pass the guard rail than there are unoccupied booths provided for in this act only one voter shall be allowed within the enclosed space.

No voter shall be allowed to occupy a booth already occupied by another, or to occupy a booth or enclosed space more than three minutes or to speak or converse with any one, except as in this act provided, while within the guard rail. It shall be unlawful for a voter to deface or tear any ballot or to mark the same otherwise than as provided in this section.

Every ballot voted which is defaced or torn or which is marked otherwise than as in this section provided, shall be treated as a ballot marked for identification.

If a voter tear, soil or deface a ballot so that it cannot be used, he may successfully obtain others, one at a time, not exceeding in all three, upon returning each ballot so torn, soiled or defaced to the commissioner, which ballot so returned shall be immediately marked or stamped "spoiled" across the official endorsement and placed in the box for spoiled ballots and entry of such fact made on the poll lists as required by this act.

If he desires to vote for a person other than nominees of political parties, he must write the name of such person in the space provided for such purpose, with a pencil having black lead, and obliterate with the official stamp the white square in the voting space at the right of the name so written.

Manner of voting for persons not on printed ballot.

In marking a ballot upon which is printed for submission to the voters any question of the adoption or a constitutional amendment, or any other proposition or question, he shall obliterate with the official stamp the white square in the voting space after the word "yes" printed at the right of the question, for an affirmative vote upon such question; or he shall obliterate with the official stamp the white square after the word "no" similarly printed for negative vote upon such question.

Manner of voting for constitutional amendment.

Sec. 76. Be it further enacted, etc., That no ballot without the official endorsement, shall as herein otherwise provided, be allowed to be deposited in the ballot box, and none

All ballots to have official endorsement.

but ballots provided in accordance with the provisions of this act shall be counted. Any voter who declares to the presiding commissioner that by blindness or other physical disability he is unable to mark his ballot, shall, upon request, receive the assistance of two of the commissioners, who shall be of different political parties, or factions, represented among the commissioners, in the marking thereof, and neither the voter nor the said commissioners shall thereafter give any information regarding the same. The commissioner shall require such declaration of disability to be made by the voter under oath before him, and he is hereby qualified to administer the same.

Relative to secrecy of ballot.

Sec. 77. Be it further enacted, etc., That any voter or commissioner who shall except as hereinbefore provided, allow his ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or place any distinguishing mark upon his ballot, or who shall make a false statement as to his inability to mark his ballot, or any person who shall interfere or attempt to interfere with any voter when inside said inclosed space or when marking his ballot, or who shall endeavor to induce any voter before voting to show how he is about to mark, or has marked his ballot, or otherwise violates any of the provisions of this Act, shall be punished in accordance with Section 44 of this Act.

Sec. 78. Be it further enacted, etc., That any person who shall, prior to or during an election, wilfully deface or destroy any card of instruction or sample ballot printed or posted for the instruction of voters, wilfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot, or shall wilfully hinder the voting of others, shall be punished in accordance with Section 44, of this Act.

Every commissioner of election, or other officer or person having the custody of any record register of votes, or copy thereof, oath, return of votes, certificates, poll lists, or any paper, document or evidence of any description in this Act directed to be made filed or preserved, who is guilty of stealing, wilfully destroying mutilating defacing, falsifying, or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make any entry, erasure or alteration therein, except as allowed and directed by the provisions of this Act or who permits any other person so to do, shall be guilty of a felony and upon conviction thereof, be punished in accordance with Section 44 of this Act. (Act 132 of 1900.)

Sec. 79. Be it further enacted, etc., That any person in the employment of any railway, express, or other transportation company or any other common carrier, or any person, who shall delay, steal, destroy or make way with while in transit from the office of the Secretary of State to the Board of Supervisors of Election of any parish in this State, any box or package containing ballots or other election supplies, shall be guilty of a felony, and upon conviction thereof be punished in accordance with Section 44 of this act.

Penalty for any railway, express or other common carrier, who shall delay, steal or destroy election matter while in transmission, etc.

And every person not an officer who is guilty of any of the aforesaid acts or who advises, procures, or abets the commission of the same, or any of them shall, upon conviction thereof, be punished in accordance with Section 44, of this act.

Sec. 80. Be it further enacted, etc., That as soon as the polls are closed the Commissioners shall at once rule off and sign and swear to the poll list, writing out beneath the said ruling the number of votes contained thereon, and shall seal up and mark on the wrappers with the ward and precinct number all unused ballots, including all ballots that have been spoiled and defaced by voters in attempting to mark the same, and shall endorse thereon the number of ballots therein contained. The officers in charge of the poll books shall in the presence of the other officers and the public, count in a distinct and audible voice the names checked on said list and announce the whole number thereof, and compare the same with the poll list, correcting any discrepancies between them and noting the same at the bottom of the poll list before proceeding with the count. The ballot box, without being removed from the public view, shall be opened by the presiding officer, and the Commissioners shall commence by counting the ballots found therein without unfolding them except so far as to ascertain that each ballot is single, and by comparing the ballots found in the box with the number shown by the poll lists to have been deposited therein. If the ballots found in any box shall be more than the number of ballots so shown to have been deposited therein, such ballots shall all be replaced without being unfolded in the box from which they were taken, and one of the Commissioners shall, without seeing the same and with his back to the box, thoroughly mingle the ballots together, and another commissioner shall, without

Manner of counting ballots.

seeing the same, and with his back to the box, publicly draw out as many ballots as shall be equal to such excess, and without unfolding them, the commissioner shall forthwith mark the same "uncounted in excess of poll list," and attach a signed statement of the number of ballots so uncounted, which statement, and the uncounted ballots, shall be made up into a separate package and deposited in the ballot box prior to its being sealed up in accordance with the provisions of this act. If two or more ballots shall be found in a ballot box, so folded together as to present the appearance of a single ballot, they shall not be counted if the whole number of ballots in such ballot box exceeds the whole number of ballots shown by the poll list to have been deposited therein. No ballot that has not the official endorsement shall be counted, except such as are voted in accordance with the provisions of this act relating to official ballots. All such uncounted ballots shall be endorsed and deposited in the ballot box when it is finally sealed up in accordance with the provisions of this act.

If on any ballot, the voter has not made the voting mark, as required, or if he has not made the voting mark opposite the answer to any question submitted, or has made such mark opposite both the negative and affirmative answers to such questions, or for any reason it is impossible to determine the choice of any voter for any office or his vote upon any question, his vote for such office or upon such questions shall be counted as a blank.

Objections may  
be made to count  
of marked ballot.

Any Commissioner may declare his belief that any particular ballot has been marked for identification and may object to any decision to count or not to count any vote. When a Commissioner shall, during the canvass of the votes or immediately after the completion thereof, declare his belief that any particular ballot has been written upon or marked in any way for the purpose of identification, the Commissioner shall write on the back of each ballot the word objected to because marked for identification, and sign their names thereto. Each such ballot shall be counted by them the same as if not so objected to. All such ballots shall be placed forthwith in a separate pile, and all such piles shall be enclosed in a securely sealed package, which shall be endorsed "ballots objected to

because marked for identification," and with the signatures of the Commissioners, and such package shall be attached to their written statement of the result of the canvass. Every ballot which a voter has defaced or torn or which he has marked in any manner save as provided in Section 75, of this Act, shall likewise be endorsed "objected to because marked for identification," and shall likewise be enclosed in the package so marked.

When any Commissioner shall object to any decision of the Commissioners to count any vote, the Commissioners shall immediately fold the ballot and write in ink upon the back thereof a number to identify the ballot, and the words "objected to by." They shall then endorse below such words a concise statement of the precise decision objected to. The Commissioners concurring in the decision shall thereupon sign their names to such statement, and the Commissioner objecting to the decision shall sign his name and address after the words "objected to by." All such ballots shall be placed forthwith in a separate pile, and shall be enclosed in a securely sealed package, which shall be endorsed "ballots objected to as incorrectly canvassed," and with the signatures of the Commissioners and each such packages shall be attached to their written statements of the results of the canvass.

#### REPEALING CLAUSE.

Sec. 81. Be it further enacted, etc., That all laws or parts of laws contrary to or in conflict with the provisions of this act are hereby repealed.

Repealing clause.



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