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**KENTUCKY**

**Election Laws**

**Primary Law**

AND

**Corrupt Practice Act**

COMPILED BY

**JAMES P. LEWIS**

Secretary of State

WITH THE AID AND ADVICE OF THE

**ATTORNEY GENERAL**

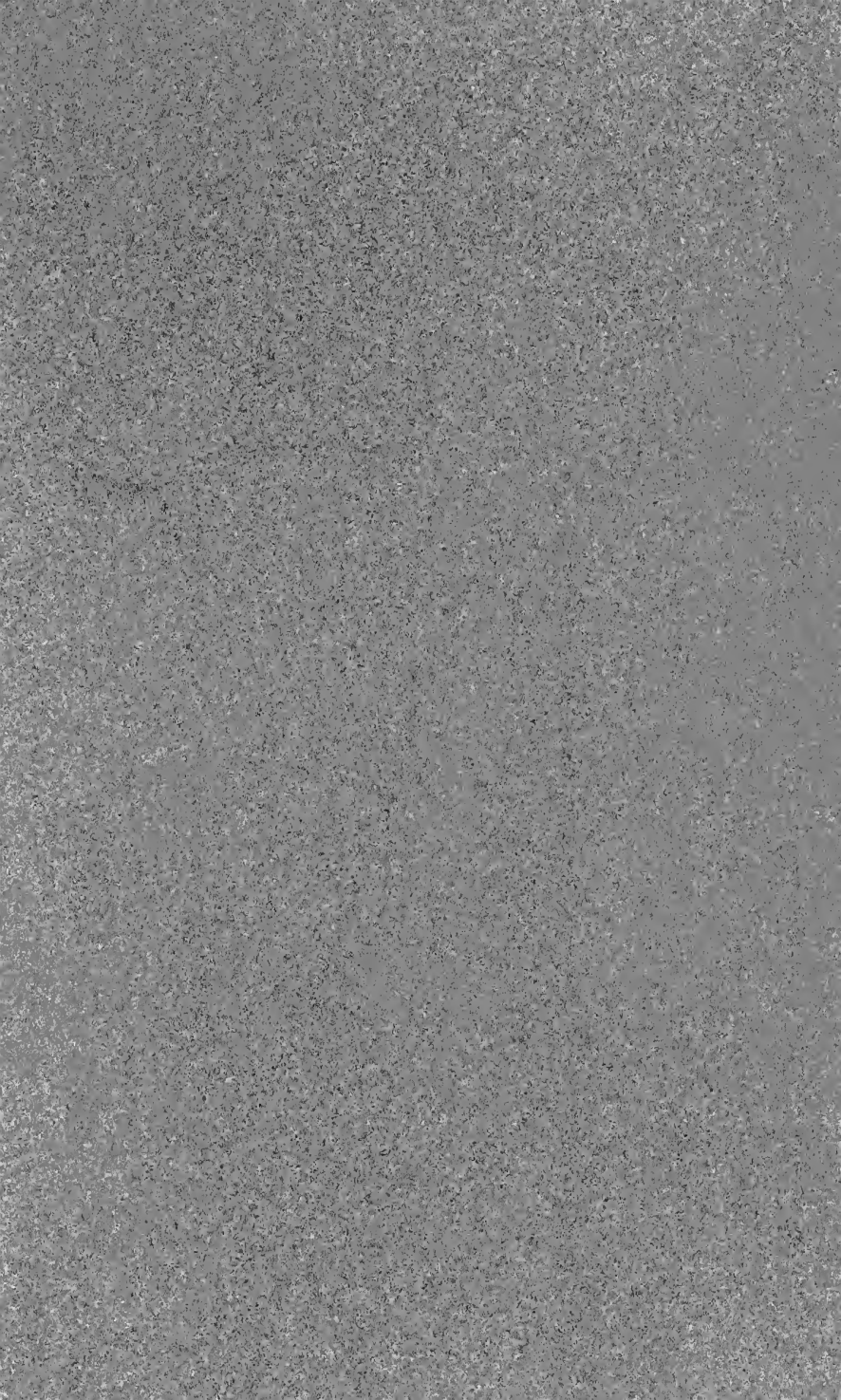
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**January 1, 1919**



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KENTUCKY *laws, rules*  
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**THE STATE JOURNAL COMPANY**  
Printer to the Commonwealth  
Frankfort, Kentucky.

TO THE  
LEGISLATIVE

DEPARTMENT OF SECRETARY OF STATE.

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KENTUCKY STATUTES

GOVERNING

# ELECTIONS

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(Act of June 30, 1892.)

ARTICLE I.

*General Provisions.*

§ 1437. *Meaning of the word election.* Whenever in this chapter the word "election," or an equivalent expression, is used in reference to a State, district, county or municipal election, it shall be deemed to include the decision of questions submitted to the qualified voters as well as the choice of officers by them.

§ 1438. *Powers of sheriff, deputies and acting officers.* Whenever a duty is imposed upon or a power confided to a sheriff in reference to an election, the same shall apply to any other officer or person acting as such concerning an election, and to the deputies of the sheriff, such other officer or person, in the same manner as if the duty were imposed upon or the power confided expressly to such other officer, person or deputies, except that, in canvassing the returns or giving the casting vote in the election of a county judge to fill a vacancy, no deputy shall act without the express written authority of the principal.

§ 1439. *Qualification of voters.* Every male citizen of the United States of the age of twenty-one years, who has resided in the State one year, and in the county six months, and in the precinct in which he offers to vote sixty days next preceding the election, is a voter in said precinct and not elsewhere; but

the following persons are excepted and shall not have the right to vote. (*See Con., sec. 145.*)

1. Persons convicted in any court of competent jurisdiction of treason or felony or bribery in an election, or of such high misdemeanor as the General Assembly may declare, shall operate as an exclusion from the right of suffrage; but persons hereby excluded may be restored to their civil rights by executive pardon. (*Con., sec. 150.*)

2. Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

3. Idiots and insane persons. (*See U. S. naturalization law, page 32.*)

§ 1440. *Soldiers, seamen and marines—not deemed residents.* No person in the military, naval or marine service of the United States shall be deemed a resident of this State by reason of being stationed within the same; nor shall any such soldier, seaman or marine have the right to vote. (*Con., sec. 146.*)

§ 1441. *Municipal elections—payment of poll-tax.* At all municipal elections, where the charter of a municipality requires the payment of a poll-tax as a prerequisite to vote, the payment of said tax shall be a condition precedent to said right.

§ 1442. *Definition of "officers of election."* "Officers of election," as used in this chapter, means a judge, clerk or sheriff, or person acting as sheriff at an election, also a member of the board for canvassing the returns.

## ARTICLE II.

### *Precincts.*

§ 1443. *Election precincts—number of voters in—redivision—change of voting place.* The county court of each county in this State shall, on or before the August term of said courts, divide the justices' districts of each of said counties into election precincts, and establish the name or number and boundaries of same, and place of voting in each precinct. There shall be but one voting place in a precinct. Each precinct shall contain, as nearly as practicable, three hundred voters, based on the number of votes cast at the last election for Pres.

idential electors; but no precinct shall contain more than three hundred and fifty voters. If at any election hereafter more than three hundred and fifty votes shall be cast at any voting place, it shall be the duty of the sheriff of the election in such precinct to report the same to the county court, which shall, at its next regular term, divide such precinct as equally as possible, so that the new precincts formed thereof shall each contain three hundred voters, as nearly as practicable. If for any good cause, an election can not be held at the house appointed as the place of voting, the judges of the election may, on the morning of the election, adjourn it to the most convenient place, after having publicly proclaimed the change and posted notice of the same on said house.

§ 1444. *Power of county court to change boundaries or divide precincts.* The county court of any county may change the boundaries of any precinct within such county or divide any precinct into two or more precincts, or consolidate two or more precincts into one, or change any place of holding elections whenever public convenience or the public good may require it: *Provided*, That no such change, division or consolidation shall be made after the June term of each court next preceding an election: *And provided, further*, That no such change, division or consolidation shall be valid without giving due notice, at least one month before any election, by one publication in the newspaper published in said county having the largest circulation therein or by posters put up in four of the most public places in said precinct: *And provided, further*, That no precinct shall be enlarged so as to contain more than three hundred and fifty voters.

§ 1445. *Towns or cities with corporate limits in several counties—ballots—mode of conducting and certifying election.* In any town or city of the fifth or sixth class, where corporate limits include parts of two or more counties, the clerk of the county court of each of such counties, in addition to the ballots prepared for the State, county, district or precinct elections, shall prepare a ballot book of similar form and requisites for the use of voters who reside in that part of such town or city that lies in his county, at every election at which municipal officers for such town or city are required to be chosen,

or at which any question is to be submitted to the voters of such town or city. Only the names of such persons as are candidates for municipal officers in such town or city, or questions submitted to the voters of such town or city, shall be placed or printed on said ballots, and then only in conformity with, and in pursuance of, the regulations of this chapter, or other laws relating to the preparation of ballots and applicable to the election at which they are to be used. The officers of the election of the county precinct embracing a part of the territory within the corporate limits of such town or city, in addition to the ballots for State, county, district or precinct, shall furnish to each voter residing in such town or city, and entitled to vote at the precinct for municipal officers, or upon a municipal question submitted to the voters of such town or city, a ballot prepared as herein provided for such municipal election, which ballot the voter will mark and fold in the same manner and at the same time, and deliver to the proper officer of the election in the same manner and at the same time as is required in respect to the State, county, district or precinct ballots, and the same shall be deposited by the officer in the ballot box with the other ballots. The officers of the election shall count and dispose of such municipal ballots at the same time, and shall certify and return the result thereof in the same manner as of the other ballots. It shall be the duty of the canvassing board of elections of the respective counties embracing parts of such town or city, to make duplicate written certificates over their signatures of the number of votes given in the county for municipal officers, or upon questions submitted to the voters of such town or city, one copy to be retained in the clerk's office of such county, and the other to be sent immediately by mail by said canvassing board to the canvassing board of the county, embracing a part of such town or city having the largest population, which last named board shall, between the hours of ten and twelve o'clock in the morning of the first Tuesday after the election, meet in the clerk's office of their county, compare the certificates of the canvassing boards of the several counties, and therefrom give triplicate certificates of election, in writing, over their signatures, of the persons who appear to have received the highest number of votes for offi-

cers of such town or city, one copy of the certificate to be retained in the clerk's office, another delivered to the clerk of the board of council of such town or city, and the other forwarded to the Secretary of State. The certificate of the votes on any question submitted to the voters of such town or city shall be delivered as provided by the law or ordinance under which the vote was taken. Such town or city shall pay the expenses of preparing the ballots for such municipal election. (*Section as amended by act of March 15, 1894. See, further, sec. 1596a, sub-sec. 5.*)

### ARTICLE III.

#### *Elections, How Conducted.*

§ 1446. *Secret ballot, except in school elections.* In all elections hereafter held in this State on any subject which may by law be submitted to a vote of the people, and for all or any State, district, county or municipal officers, except school trustees and other common school district elections, the voting shall be by secret official ballots, printed and distributed as hereinafter provided, and no other ballots shall be used. (*Election of School Trustees, sec. 4434; Con., sec. 147.*)

§ 1451. *Vacancy in office of sheriff or disability—who to act.* If the office of sheriff is vacant, or if the sheriff, or his deputy, is a candidate at any election, all his duties pertaining to that election shall be performed by the coroner and such deputies as he may appoint for that purpose. If the coroner is absent, or his office vacant, or he is a candidate, then such duties of the sheriff shall be performed by some person appointed for that purpose by the presiding judge of the county court, and the deputies of such person.

§ 1452. *Ballots, printing and delivery—how paid for.* The printing and delivery of the ballots and cards of instruction to voters hereinafter described shall, in municipal elections, be paid for by the several cities respectively; and in all other elections the printing of the ballots and cards of instructions for the voters in each county, and the delivery of them to the several voting precincts, shall be paid for by the several counties respectively.

§ 1453. *Ballots—how names of candidates placed on—device indicating party—powers and duties of county clerk.* The county clerk of each county shall cause to be printed on the respective ballots the name of the candidates nominated by the convention or primary election of any party that cast two per cent of the total vote of the State at the last preceding general election, as certified to the said clerk by the presiding officer and secretary of said convention, or in the case of a primary election by the secretary and chairman of any district committee; and also the names of any candidates for any office, when petitioned so to do by electors qualified to vote for such candidates, as follows: For a State officer, or any officer for whom all the electors of the State are entitled to vote, one thousand petitioners; for a Representative in Congress from any congressional district, or any other district except as herein provided, four hundred petitioners; for a county officer or member of the General Assembly, one hundred petitioners; for an officer of a precinct, or any other ward, or other division less than a county, twenty petitioners. The signatures of such petition need not be appended to one paper, but no petitioner shall be counted except his residence and postoffice address be designated. Such petition shall state the name and residence of each of such candidates; that he is legally qualified to hold such office; that the subscribers desire, and are legally qualified, to vote for such candidate; and shall designate a brief name or title of the party or principle which said candidates represent, together with any simple figure or device by which they shall be designated on the ballot. The certificate of nomination by a convention or primary election shall be in writing, and shall contain the name of each person nominated, his residence and the office to which he is nominated, and shall designate a title for the party or principle which such convention or primary election represents, together with any simple figure or device by which its list of candidates may be designated on the ballots; said certificate shall be signed by the presiding officer and secretary of such convention, or by the chairman and secretary of the county, city or district committee, who shall add to their signatures their respective place of residence, and acknowledge the same before an officer duly authorized to

administer oaths. If the certificate of nomination of any State convention shall request that the figure or device selected by such convention be used to designate the candidates of such party on the ballots for all elections throughout the State such figure or device shall be used until changed by request of a subsequent State convention of the same party. Such device may be any appropriate symbol; but the coat of arms or seal of the State, or of the United States, the national flag, or any other emblem common to the people at large, shall not be used as such device. A certificate of such acknowledgment shall be appended to such instrument. In case of death, resignation or removal of any candidate subsequent to nomination, unless a supplemental certificate or petition of nomination be filed, the chairman of the State, county or city district committee shall fill such vacancy. Certificates and petitions of nomination of candidates for all offices to be filled by the electors of a county, or a division or district of the county, shall be filed with the county court clerk: *Provided, however,* That if any political party entitled to nominate by convention shall in any case fail to do so, the names of all nominees by petition for any office who shall be designated in their petition as members of, and candidates of, such party, shall be printed under the device and title on the ballots as if nominated by a convention. Certificates and petitions of nomination of candidates for offices to be voted for by the electors of the State, other than members of the General Assembly, or of any division or district of the State exclusively, shall be filed with the Secretary of State. In the event two or more persons who have filed certificates of nomination with the said Secretary of State or county clerk shall claim to be the nominee of the same political party the governing authority of said political party shall designate, in-writing, to said Secretary of State and county clerk which of said candidates shall be entitled to the party emblem; *provided, however,* If there be two or more contending executive committees of the same party in the county or district, then that county or district, executive committee which is recognized by the State governing authority of such party, by the written certificate of the chairman thereof, shall be recognized by the county clerk and Secretary of State. (*This section is*

*sec. 1 of an act of October 16, 1900, and, as it covers every part of the original section, it is inserted as a substitute for it.)*

§ 1454. *Certificate and petition of nomination—candidate's name placed on ballot.* If any certificate or petition of nomination shall contain the name of more than one candidate for any office to be filled, neither name shall be printed as a candidate for such office. If any person shall join in nominating, by petition, more than one nominee for any office to be filled, such person shall not be counted as a petitioner for either nomination. If any person has been nominated as a candidate for any office by convention, and also as a candidate for the same office by petition, his name shall be placed on the ballot but once, to-wit: In the list of candidates nominated by such convention; and the place occupied by his name in such petition shall be left blank: *Provided*, That if such candidate shall, in writing, prior to the last day for filing nominations, request that his name be printed as nominated by petition, it shall be so printed, and shall be omitted from the list nominated by the convention.

§ 1455. *Certificates and petitions preserved.* The Secretary of State and county clerks shall cause to be preserved in their respective offices all certificates and petitions of nomination filed therein under the provisions of this act for six months after the election for which such nominations were made.

§ 1456. *Certificates and petitions to be filed before election.* Certificates and petitions of nomination filed with the Secretary of State shall be filed not more than seventy-five days, and not less than forty-five days, before the day fixed by law for the election of the persons in nomination. Certificates and petitions of nomination herein directed to be filed with the clerk of a county shall be filed not more than seventy-five and not less than forty-five days before election. (Act 1892, as amended 1918.)

§ 1457. *Secretary of State to certify to county clerks names of candidates—vacancy in General Assembly.* Not less than forty days before the election of such officers as are required to file their certificate of nomination with the Secretary of State said Secretary of State shall certify to the respective county court clerks of the various counties which are entitled under the law to participate in the election of the respective candi-



dates, the name and place of residence of each candidate for each respective office, as specified in the certificates and petitions of nomination filed with him, and shall designate therein, subject to the provisions of this act, the device under which the group or list of candidates, or candidate, of each party shall be printed, in the order in which they shall be arranged on the ballot: *Provided, however,* Should a vacancy occur in the General Assembly and a writ of election issued to fill said vacancy, the petition or certificate of nomination may be filed ten days before the day of election, and if filed with the Secretary of State shall be immediately certified to the proper county court clerk. No writ for the election of a member of the General Assembly shall be issued, except so as to enable the sheriff to give notice thereof, as now provided by law at least fifteen days before the day of election. (*This section is sec. 2 of an act of October 16, 1900, as amended 1918.*)

§ 1457A. *Penalty against county clerk for failing to print ballots correctly.* If the county court clerk shall willfully and knowingly refuse or fail to have the name of any candidate printed upon the official ballot in the manner provided for in this act he shall forfeit his office and be guilty of a felony, and, upon conviction, be confined in the penitentiary for not less than one year nor more than three years. (*This section is sec. 3 of an act of October 16, 1900.*)

§ 1458. *Names certified—when not to be printed on ballots.* The Secretary of State shall not certify the name of a candidate whose certificate of nomination shall have been filed in his office who shall have notified him in writing, signed and executed with the formalities prescribed for the execution of an instrument to entitle it to record, that he will not accept the nomination contained in the certificate or petition of nomination. The county clerk shall not cause to be published on the regular ballots, according to section 1460 hereof, the name of any candidate whose certificate or petition of nomination shall have been filed in his office who shall have notified him in like manner that he will not accept the nomination. The names of such candidates shall not be included in the names of the candidates to be printed in the ballots as hereinafter provided.

§ 1459. *Public measure—constitutional amendment—how*

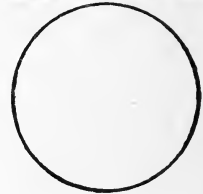
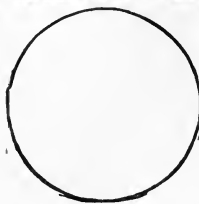
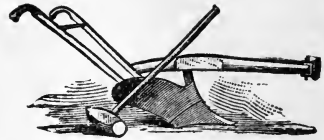
*voted for.* Whenever a constitutional amendment or other public measure is proposed to be voted upon by the people, the substance of such amendment or other public measure shall be clearly indicated upon the ballot, and two spaces shall be left upon the right of the same, one for votes favoring the amendment, or public measure, to be designated by the word "Yes," and one for votes opposing the amendment or measure, to be designated by the word "No." The elector shall designate his vote by a cross-mark thus (X), placed opposite the word "Yes," or the word "No." [Whenever an amendment to the Constitution has been adopted by the General Assembly, the Secretary of State shall cause such proposed amendment to be published at least four times in two papers of general circulation, published in the State, and shall also cause to be published at the same time and in the same manner the fact that said constitutional amendment will be submitted to the voters for their acceptance or their rejection at the next general election at which members of the General Assembly are to be voted for. Such publications shall be made so that the last publications shall be at least ninety days preceding the election at which said amendment is to be voted on, as provided in sections 256 and 257 of the Constitution. It shall be the duty of the Secretary of State to certify not less than forty days before the next general election at which members of the General Assembly are to be chosen, to the county clerk of each county, the substance of any constitutional amendment which is to be voted on, and it shall be the duty of each county clerk to have the substance of such amendment, as certified by the Secretary of State, indicated on the ballot, as provided in this section. The votes cast for and against such constitutional amendments shall be counted and canvassed and certified to the State Canvassing Board in the same manner as the votes cast for any officer elective by the votes of the whole State. If it shall be found that a majority of the votes cast for and against said amendment are in favor thereof, then said amendment shall become a part of the Constitution. The result of such vote shall be published by the Secretary of State in two daily newspapers, of general circulation, published in this Commonwealth. The expenses of the publication herein provided for shall be paid as are the expenses

of other publications which the Secretary of State is required to make in connection with elections.] (*As amended 1918.*)

§ 1460. *Ballots—form of—duty of county clerks—effect of X mark under device and opposite name of candidate.* The county clerks of the several counties shall cause the names of all candidates of their respective jurisdictions, where nominations for any office specified in the ballot have been duly made and not withdrawn, in accordance herewith, to be printed on one ballot all nominations of any party or group of petitioners, as designated by them in their certificate or petition; or if none be designated, under some suitable title and device. If the same device for designating candidates be selected by two parties or group of petitioners it shall be given to the one which first selected it, and the clerk shall select a suitable device for the other. The arrangement of the ballot shall in general conform, as nearly as practicable, to the plan hereinafter given, and the devices named and lists of the candidates of the various parties shall be printed in parallel columns, in such order as the Secretary of State may direct, precedence, however, being given to the party which polled the higher number of votes for the head of the ticket in the last preceding election. The device of each party shall be placed at the head of the list of candidates of the party. The device shall not be enclosed in a square, but immediately under the device shall be placed a circle of one inch in diameter. Immediately under it shall be placed the name or title of the party ticket, and immediately under the name or title the list of candidates of the party, the name of each candidate having immediately on its right a small square large enough to contain the crossmark by which the voter is required to designate his vote. Underneath the name of each candidate shall be left a blank space large enough to contain a written name, and the general arrangement shall conform as nearly as possible to the following:

Name of voter .....Consecutive number.....

Residence .....



DEMOCRATIC PARTY

REPUBLICAN PARTY

PEOPLE'S PARTY

For Governor—

For Governor—

For Governor—

WM. GOBEL.....

W. S. TAYLOR.....

JOHN G. BLAIR....

For Lieut-Governor—

For Lieut-Governor—

For Lieut-Governor—

J. C. W. BECKHAM..

JOHN MARSHALL..

(And continuing in like manner as to all candidates to be voted for at such elections.)

Name of voter.....Consecutive number.....

The secondary stub shall be on the end of the ballot opposite to that of the several party devices.

On the back shall be printed "official ballot," the date of the election and fac simile of the signature of the clerk who has

caused the ballot to be printed. Should any elector desire to vote for each and every candidate of one party he shall make a cross mark (X) in the circle under the device of said party, and the vote shall be counted for all the candidates under said device: *Provided, however,* If a crossmark (X) be made in a circle under a party device and a crossmark (X) be also made after one or more candidates of a different party, or parties, the vote shall be counted for the candidates so marked, and not for the candidates for the same offices of the party so marked, but the vote shall be counted for the other candidates of said party. (*This section is sec. 4 of an act of October 16, 1900, and, as it covers fully the original section, it is inserted in its place.*) (*See, further, sec. 1471.*)

§ 1461. *Ballots to be printed and bound in books—stubs—duties of clerk.* They shall be printed on the same leaf with a double stub, and separated therefrom by a perforated line, and shall be bound, with stubs attached thereto, into books, one for each voting precinct, which book shall contain at least fifty per cent more ballots than the votes cast at such precinct at the preceding election; except in precincts where registration is required, the books shall contain as many ballots as there are registered voters therein, with a reasonable number added to supply ballots that may be spoiled. Upon the covers of such books shall be printed the designation of the precinct for which the ballots have been prepared, and on the inside of one of the covers of the book shall be printed the form hereinafter given for the election return. The main stub shall be printed as follows: Consecutive number, \_\_\_\_\_ (after these words the consecutive numbers shall be printed, beginning with one and increasing in regular numerical order); name of voter, \_\_\_\_\_ (after these words the clerk shall set down the voter's name). In all precincts where registration is required, in addition to the foregoing, there shall be printed on the main stub as follows: Residence, \_\_\_\_\_ (after this word the clerk is to set down the voter's residence or registered number).

§ 1462. *Ballots, how printed—duties of Secretary of State and county clerks—penalties.* All ballots shall be printed on plain white paper, sufficiently thick that the printing cannot be distinguished from the back, which paper shall be of number

one white book paper, and when 26x40 inches shall weigh 80 pounds to the ream, or if double cap 40 pounds to the ream; and, except in elections for a municipal office, shall be furnished to the county court clerk by the Secretary of State, and it shall be the duty of the county clerk to notify the Secretary of State forty-five days before the day of election of the size and the number of ballots which shall be necessary for said county, estimating fifty per cent more to the precinct than there were ballots cast at the last preceding State election, and the Secretary of State shall furnish the paper as herein provided within five days after said notification by the county court clerk. If upon any ticket there be no candidate or candidates for a designated office a blank space equal to the space that would be occupied by such name or names, if they were printed thereon, with the blank spaces herein provided for, shall be left. Should the Secretary of State fail or refuse to so furnish said paper for the ballots he shall be guilty of a misdemeanor, and upon trial and conviction by indictment in the Franklin Circuit Court be fined not less than one thousand (\$1,000) dollars and not more than five thousand (\$5,000) dollars, in the discretion of the jury. *Provided*, That in the year 1900 the notice herein provided for to be given to the Secretary of State by the county court clerk, shall not be given, but immediately after the passage of this act and at least fifteen (15) days before the day of the next ensuing election the Secretary of State shall furnish to the various county court clerks the paper upon which the ballots shall be printed, which shall be of the quality as herein provided, and each county shall be furnished fifty per cent more ballots than were cast in the respective counties at the last preceding State election. *Provided, however*, That the clerks of the various counties of the State shall furnish the paper of the kind and weight as herein provided for the ballots, in the year nineteen hundred if the Secretary of State does not furnish same twelve (12) days before the day of the next ensuing election. Said clerk shall be subject to the same penalties prescribed for failure to print on paper furnished by the Secretary of State, if he fails to have ballots printed on the kind and quality of paper as set out herein. (*This section is sec. 5 of an act of October 16, 1900, as amended 1918.*)

§ 1462a. *Penalty against county clerks for failure of duty*

*respecting ballots.* If any county court clerk shall refuse or fail to have ballots, which are herein required to be printed on paper furnished by the Secretary of State, printed upon paper so-furnished by said Secretary, he shall be fined five hundred dollars, or imprisoned in the county jail for six months, or both so fined and imprisoned. (*This section is sec. 6 of an act of October 16, 1900.*)

§ 1463. *Penalty for violations of law by printer of ballots.* If the printer of such ballots, or any person employed in printing the same, shall give or deliver, or knowingly permit to be taken, any of said ballots, by any person other than the county clerk for whom such ballots are being printed, or shall print or cause or permit to be printed any ballot in any other form than the one prescribed herein, or with any other names thereon, or with the names spelled or the names and devices thereon arranged in any other way than that authorized and directed by the said clerk, he shall be guilty of felony, and, on conviction thereof, shall be imprisoned in the State penitentiary not less than three nor more than ten years.

§ 1464. *Death, removal or withdrawal of candidates—how other names placed on ballot—pasters.* In case of the death, removal or resignation of any candidate after the printing of such ballots, and before such election, it shall be lawful for the chairman of the State, district or county political organization of which such candidate was a member to make a nomination to fill such vacancy, and to provide the election clerk of each precinct in which such candidate is to be voted for with a number of pasters containing only the name of such candidate, at least equal to the number of the ballots provided each precinct; but no pasters shall be given to, or received by, any one except such clerk, and it shall be the duty of said clerk to put one of such pasters, in a careful and proper manner, and in the proper place, on each ballot before he shall sign his name thereon.

§ 1465. *Ballots, stubs and other utensils to be furnished by clerk.* It shall be the duty of the county court clerk to cause to be printed, bound and ready for distribution at least thirty days before any regular primary or regular election and at least two days before any other election, one book of stubs and ballots for each voting precinct in his county, and shall furnish fifty per

cent more ballots for each precinct than there were votes cast in said precinct at the last State or National election. He shall also have made for each voting precinct in his county one metal stamp at least one inch in diameter, which shall be known as the county election seal. It shall have upon it the word "election" straight across the center; the name of his county around the circle inside the rim above the word "election," and the name of the precinct for which it is made around the circle inside the rim below the word "election," together with one stick of best sealing wax, such as is used by the United States Government and by express companies for sealing packages containing money. He shall also have made for each precinct in his county one adjustable linen envelope sufficiently large to hold all the ballots that may be voted at such precinct, with a gummed seal on the back thereof, and a place on the point of the seal for the county election seal. He shall also have made one linen envelope for the purpose of holding the tally sheet, with a gummed seal on the back thereof, and a place on the point of the seal for the county election seal. He shall also have made one adjustable linen envelope sufficiently large to hold all the ballots of which there is any doubt or difference of opinion in the minds of the judges concerning their legality or regularity. He shall deliver said ballot book and ballots, together with the election seal for the different precincts and the two large and one small linen envelopes for holding the ballots and tally sheet, and all necessary black ink stencils, sample ballots and cards of instruction as herein provided, to the clerks of such precincts and take their receipts for the same. One of such ink stencils shall be safely placed in the booth, the other preserved by the clerk, to be used in case any are lost, stolen or destroyed. Should any person steal or wilfully destroy either of said stencils, or any of the election supplies required to be furnished herewith, he shall, upon conviction, be fined not less than fifty dollars nor more than two hundred dollars, and be confined in the county jail not less than one nor more than six months. (*This section is sec. 9 of an act of October 16, 1900, as amended 1918.*)

§ 1466. *Cards of instruction—duty of county clerk and attorney.* The county clerk and county attorney of each county shall cause to be printed in large type on cards, instructions for



the guidance of electors in preparing their ballots. They shall furnish eight of such cards to each of the election clerks at the same time they deliver to him the ballots for his precinct. Each clerk shall cause to be posted one of each of said cards in each place or booth provided for the preparation of ballots, and not less than three of each of such cards and three sample ballots about the polling place, and not nearer thereto than fifty feet, at the opening of the polls on the day of election, which sample ballots shall be printed on different colored paper than the genuine ballots. Said cards shall contain full instructions to the voters as to what must be done:

1. To obtain ballots for voting.
2. To prepare the ballots for voting.
3. To obtain a new ballot in place of one accidentally defaced, mutilated or spoiled, and the method of obtaining assistance; also copies of section 1482, and sections 1566, 1567 and 1568.

§ 1467. *Voting places—booths—duties of sheriff.* It shall be the duty of the sheriff in each county, before each election, to secure in each precinct of the county a suitable room in which to hold the election, and to have placed therein sufficient number of booths or compartments in which electors shall mark their ballots, screened from observation. The number of such booths shall not be less than one to every one hundred voters, and one for every fraction of one hundred voters exceeding fifty who voted at the last preceding election in such precinct. Each booth shall have three sides inclosed, one side in front to open and shut by a door, swinging outward, or to be closed with a curtain; and each booth shall be about six feet high and about three feet square, and shall contain a shelf at least one foot wide at a convenient height for writing, and the door or curtain shall extend to within two feet of the floor, which shall be closed while the voter is preparing his ballot, and such booths shall be well lighted. Booths shall be so arranged that all the officers of election can see whether more than one voter enters any of such booths at one time; and the sheriff of election, in each precinct, shall have the care and custody of said booths, and may direct in whose custody they shall remain after an election. No person, other than the election officers and the chal-

lengers allowed by law, and those admitted for the purpose of voting as hereinafter provided shall be permitted within said room while the vote is being polled, except by authority of the election officers to keep order and enforce the law. The expense of rooms and booths shall be paid in the same manner as other election expenses.

§ 1468. *Ballot boxes—character of—duties of sheriff.* It shall be the duty of the sheriff of each county, or the officer acting for him when, for any cause, the sheriff can not act, to provide for each precinct or voting place in the county, and at the expense of the county, to be paid out of the county funds upon order of the county court and allowed by the fiscal court, a strong and well-made ballot box, sufficiently large to contain all the ballots to be cast at the precinct or voting place to which it is sent; such box to have on it a lid, working on hinges, and provided with two locks of different kinds and combination, so that the key of the one will not unlock the other. An aperture, sufficient only for the insertion of a single ballot, shall be made in each box. Such box shall, not less than three days before the day for holding an election, be, by the sheriff or other officer acting for him, delivered to the officers of the election in each precinct or voting place. The officers of election, before the voting begins, shall see that no ballots are in the box, and shall thereupon securely lock the box and give one key to each of the judges; and the box shall not be again opened until the polls are closed; and the officers are ready to immediately proceed with the counting.

§ 1469. *Hours of election.* The polls shall be opened at six o'clock in the forenoon, and kept open continuously up to and closed at four o'clock in the afternoon of the same day; and before receiving the ballots of any elector, the officers of election shall cause to be proclaimed that such election is opened. (*Section as amended by act of October 18, 1900; Con., sec. 148.*)

§ 1470. *Persons not voting to keep from polls—oath of challenger.* No person, other than the election officers, shall remain within fifty feet of the polls, except when voting: *Provided*, That each political party may appoint one challenger for each precinct, who shall be entitled to stay in the room or at the door thereof. Such challenger shall be appointed in

writing by the chairman of the county or other local committee of their political party, and shall produce written appointments on demand of any of the officers of election. Each challenger shall take the following oath: "You do solemnly swear (or affirm) that you will faithfully and impartially discharge the duties as official challenger, assigned by law; that you will not cause any delay to persons offering to vote, further than is necessary to procure satisfactory information of the qualification of such person as an elector, and that you will use no means to influence any voter, and that you will not disclose or communicate to any person how any elector has voted at such election," (*See, as to inspector, sec. 1481, and as to duty of election officer, sec. 1481a.*)

§ 1471. *Manner of voting—duties of officers—voting for person not on ballot.* Any person desiring to vote and legally entitled to vote at such election shall give his name and residence to the clerk holding the ballots, who shall write the same upon the main stub of the ticket in the blank places provided therefor. Such officer shall then mark upon the secondary stub the elector's registered number in all precincts in which a registration law is in force, and in all other precincts the elector's full name, and the stub-book for this purpose shall take the place of a poll-book. The clerk shall then detach the ballot, with the secondary stub attached, from the main stub, and write his name on the back thereof, and hand it, thus indorsed, to the elector. The clerk shall give him one, and only one, ballot, and on request of voter shall give explanation of the manner of voting. On receipt of his ballot the elector shall forthwith, and without leaving the room, retire alone to one of the voting booths, as provided, and shall prepare his ballot by marking in the appropriate square a crossmark (X) immediately following the name of the candidate of his choice for such office to be filled, and in case of a question submitted to the vote of the people, by marking in the appropriate square a crossmark (X) against the answer which he desires to give. Should any elector desire to vote for each and every candidate for one party, he shall make a crossmark (X) in the large square embracing the device and proceeding the title under which the candidates of said party are printed, and the vote shall

then be counted for all the candidates under that title: *Provided, however,* That if a crossmark (X) be made in the large square including the device of such party, and a crossmark be also marked in the square after the name of one or more candidates of a different party or parties, the vote shall be counted for the candidate so marked, and not for the candidates for the same office of the party so marked; but the vote shall be counted for the other candidates under such party names or designation. If the elector mark more names than there are persons to be elected to an office, or if, for any reason, it is impossible to determine the voter's choice for an office to be filled, his ballot shall not be counted for such office. No ballot shall be rejected for any technical error which does not make it impossible to determine the voter's choice. Nothing in this law contained shall be so construed as to prevent a voter from voting for any qualified person other than those whose names are printed on the ballots for any office to be filled, by writing with black lead pencil, under the designation of the office, the name of such person and placing to the right of such name a (X) mark. All marking upon the ballots shall be made with black ink stencil. There shall be kept in each booth the necessary stencils and pencils, to be securely fastened by a string or cord of sufficient length to enable voters to use the same. (*Parts of this section are repealed by sec. 1460; see and compare.*)

§ 1472. *Delivery of ballot by voter to judge—secondary stub retained.* Before leaving the voting booth the elector shall fold his ballot without displaying the marks thereon, except the indorsements and the *fac simile* of the signature of county clerk and the signature of election clerk must be disclosed. He shall deliver to one of the judges the ballot, who shall detach the secondary stub bearing the elector's registered number or name, and deposit the ballot in the ballot-box. The secondary stubs shall be preserved until the polls are closed, and shall then be destroyed before the ballot-box is opened. He shall mark and vote his ballot without undue delay, and shall leave said room as soon as he has voted. No such elector shall be allowed to occupy a voting booth already occupied by another, or to occupy a voting booth for more than three minutes, in case all such booths are in use and electors

are waiting to occupy the same, or to speak to or converse with any one, except as herein provided, while within such room. No elector, not an officer of elections, shall be allowed to re-enter said room during said election. No more electors shall be allowed to enter within said room at any one time than there are voting booths provided. It shall be the duty of the judges and sheriff of election to secure the observance of the provisions of this section.

§ 1473. *Ballot not voted to be returned—penalty for leaving room with ballot—defaced ballots.* Every elector who does not vote a ballot delivered to him by the clerk shall, before leaving the polling-room, return such ballot to such clerk; and any voter who shall attempt to leave the room with a ballot in his possession shall at once be arrested on demand of either of the judges, and shall be fined therefor not less than twenty-five nor more than one hundred dollars. If any elector spoil or deface a ballot by mistake, so that it can not be used, he may return it, and receive in place thereof one other ballot; and the fact shall be noted by the clerk by writing the word "spoiled" on the stub and spoiled ballot. (*See further, as to penalty, sec. 1566.*)

§ 1474. *Ballot shown not to be deposited—note on stub book—folding ballot.* If any elector shall show his ballot, or any part thereof, to any other person, after the same shall have been marked, so as to disclose any of the candidates voted for, such ballot shall not be deposited in the ballot-box. A minute of such occurrence shall be made on the stub-book, and such persons shall not be allowed to vote thereafter. If a voter shall offer to vote a ballot so folded as not to disclose the indorsement thereon, including the signature of the election clerk, the judges shall direct him to return to the booth and fold his ballot properly.

§ 1475. *Illiterate, blind and disabled persons—penalty for false declaration.* Any elector who declares, on oath, that, by reason of inability to read the English language, he is unable to mark his ballot, may declare his choice of candidates or party ticket to the clerk, in the presence of the judges, sheriff and challengers and the elector, shall, with his pencil, mark a dot in the appropriate place for the cross-mark, to indicate the

choice of the elector. The clerk shall then fold and deliver the ballot to the elector, and instruct him to retire to the booth and there mark his ballot by making a cross-mark either in the squares showing dots or any other squares he may desire. In all other respects he shall vote as is required of other electors. In case any person applying to vote is blind, and shall so declare on oath, the clerk shall be allowed to mark his ballot for him in the presence of the other officers of election, and the challengers allowed by law; or, in case any person shall be so physically disabled as to be unable to mark his ballot and shall so declare on oath, the clerk shall have the right to mark his ballot as in the case of a blind person applying to vote. Any one making a false declaration under this provision of this section shall, upon conviction, be fined in any sum not exceeding fifty dollars, and be disfranchised for a period of two years; and any clerk who shall willfully deceive any elector in marking any ballot, or willfully mark the same in any other way than as requested by said elector, shall be guilty of felony, and, upon conviction, shall be imprisoned in the penitentiary for not less than two nor more than five years.

§ 1476. *Officer shall not deposit ballots—penalty for defacing or marking.* No judge or other officer of election shall deposit any ballot upon which the *fac simile* signature of the county clerk, and the name of the election clerk, as hereinbefore provided, do not appear, or any ballot on which appears externally any distinguishing marks, defacing or mutilation. If any officer of election, or other person entrusted with the custody or control of any ballot or ballots, either before or after they have been voted, shall in any way mark, mutilate or deface any ballot or place any distinguishing mark thereon, either for the purpose of identifying the same (except by numbering protested ballots for future reference) or for the purpose of vitiating the same, he shall be guilty of a felony, and, on conviction, shall be imprisoned in the State penitentiary not more than ten nor less than five years, and fined in any sum not exceeding two thousand dollars. (*See sec. 1573.*)

§ 1477. *Challenges—how qualification of voter determined* If a person offering to vote is not personally known to one of the judges or the sheriff as a qualified voter, he shall be inter-

rogated, under oath administered by one of the judges or the clerk, as to his qualification. If, from the statement so made, he appears to be qualified, he shall be admitted to vote, unless his right is disputed by one of the judges, the sheriff, or one of the challengers. If so disputed, the judges shall hear witnesses, not exceeding two in number on each side, as to his qualifications, and decide as may appear right from the proof and the statements of the party. The word "sworn" shall be written on the stub book under the name of every one so voting, which entry shall be *prima facie* evidence of such swearing in any prosecution under this law. Any voter of the precinct may send a written notification, over his own signature, of challenge to the right of any person or persons to vote, setting forth the reasons thereof to the judges of election, and such person or persons may be challenged as herein provided.

§ 1477a. *Printed oaths—voter may be required to swear—penalties against voter and election officer.* The officer who furnishes the ballots to the election officers of the precincts shall, at the time he delivers said ballots, furnish to the election officers aforesaid a number of copies of the following oath, equal to five per cent of the ballots furnished said precinct, which shall be printed on paper suitable for writing with ink, to-wit:

State of Kentucky,  
 County of..... } ss.

"I do solemnly swear that I am of the age of not less than twenty-one years; that I have resided in the State of Kentucky one year and in the county of .....six months, and in precinct No. .... sixty days next preceding the .....election, A. D. 19..... I reside at No. .... street (if said person claims to reside in a city). My two nearest neighbors are....., and that I have never been convicted in any court of treason or of any felony or bribery and not pardoned therefor, and that I know of no legal disqualification which should prevent my vote from being cast and counted at this election.

“This the.....day of....., A. D., 19.....

.....  
 “Subscribed and sworn to before me this the .....day of  
 ....., A. D., 19.....

.....  
 “Judge of the Election.”

Whenever the officers of election disagree as to the qualification of any one who offers to vote, one of the judges of the election shall administer the oath prescribed in the form set out in this section, and shall correctly fill out with ink the blanks in, and require the person offering to vote to subscribe his name thereto, with pen and ink, and upon his failure or refusal to take said oath and to subscribe his name thereto the person so offering to vote shall not be permitted to vote. If the person offering does take said oath and subscribe his name thereto and no counter affidavit is filed, he shall be permitted to vote, and one of the judges shall certify the same, and the oath so subscribed and certified shall be returned to the county clerk of the county with the poll books, who shall safely keep the same and shall deliver the same to the foreman of the grand jury on the first day of the next term of circuit court held in said county, and for his failure to do so he shall be fined not less than ten nor more than one hundred dollars. It shall be the duty of the Commonwealth's attorney and county attorney to investigate each of these certificates and cause to be summoned before the grand jury such witnesses as they, or either of them, shall determine proper, and it shall be the duty of the grand jury to make a thorough investigation of all votes so cast, and return indictments against all persons so illegally voting.

Any person who shall falsely take the oath prescribed in this section, or shall subscribe his name to the oath therein prescribed, if said oath shall be false and untrue as to any statement therein, shall be deemed guilty of felony, and shall, on conviction, be confined in the penitentiary not less than two nor more than ten years.

It shall be the duty of the foreman of the grand jury to return all the certificates upon which no indictments shall be



found to the county clerk who shall safely keep the same as a part of the records of the office, and shall produce them, or any of them, when required, to any subsequent grand jury.

Any election officer who shall fail or refuse to perform any of the duties imposed by this section shall, upon conviction, be fined not less than fifty nor more than two hundred and fifty dollars, or be confined in the county jail not less than thirty days nor more than six months, or be both fined and imprisoned, in the discretion of the jury. (*This section is sec. 8 of an act of October 16, 1900.*)

§ 1478. *Residence of voter—rules for determining.* The following rules shall be observed in determining the residence of a person offering to vote, so far as may be applicable.

1. That shall be deemed his residence where his habitation is, and to which, when absent, he has the intention of returning.

2. He shall not lose his residence by absence for temporary purposes merely; nor shall he obtain a residence by being in a county or precinct for such temporary purposes, without the intention of making the county or precinct his home.

3. By removal to another State or county, with intention to make his permanent residence there, he loses his former residence.

4. So, also, he loses his residence here by removal to and residence in another State, with intention to reside there an indefinite time, or by voting there, even though he may have had the intention to return here at some future period.

5. The place where the family of a married man resides shall generally be considered his residence, unless the family so resides for a temporary purpose. If his family is permanently in one place, and he transacts his business in another, the former shall be his residence.

§ 1479. *Citizenship—questions by judges.* If a person is objected to as not being a citizen, in addition to any questions the judges may think proper to ask, the following shall be put to him:

1. Have you resided in this State one year and in this county six months immediately preceding this election? And

have you resided in this precinct sixty days next preceding this election?

2. Have you been absent from this State within the year immediately preceding this election? And if so, did you, while absent, consider this State as your home, - or did you, while absent, vote in another State? (*See, further, sec. 1477a.*)

§ 1480. *Residence in county or precinct.* If the person is objected to as not a resident of the county or precinct in which he offers to vote, then, in like manner, the following questions shall be put to him:

1. When did you last come into county (or precinct)?

2. When you came into this county (or precinct), did you come for a temporary purpose merely, or for the purpose of making it your home?

3. Did you come into this county (or precinct) for the purpose of voting in it? (*See, further, sec. 1477a.*)

§ 1481. *Representative of party may be present at count of votes.* The county executive committee of each party having a ticket to be voted at an election may designate a suitable person to be present at, witness and inspect the counting of the vote in each precinct, who shall be admitted to said voting place; but no other person except the election officers shall be admitted to the said polling place before or after the count begins, except as provided by law. (*As to challenge, see sec. 1470.*)

§ 1481a. *Challenger or inspector—penalty for refusing to admit.* If any election officer at any precinct shall refuse to permit any challenger or inspector of any regular political party having a ticket to be voted for at the election, who has been duly appointed and presents a certificate thereof duly attested, to perform his duties as challenger or inspector, as the case may be, he shall be fined not less than fifty nor more than five hundred dollars. (*This section is sec. 7 of an act of October 16, 1900.*)

§ 1482. *Counting votes—duty of officers respecting ballots and boxes and keys—vote to be announced.* As soon as the polls are closed on the day of the election, and without adjournment or separation of the officers, they shall, in the voting room, open the ballot box and immediately count the bal-

lots and make a tally sheet of the count. When the result of the ballot is ascertained it shall be immediately announced by one of the judges in front of the voting room. All the ballots which have been counted, and over which there is no question of regularity, shall consecutively be placed on a string, to be furnished by the county court clerk, as near as possible in the middle of the ballot, and when the count is completed the ballots so strung shall be wrapped twice around each way with the string upon which the ballots are strung, and tied in a hard knot, and the knot shall then be sealed with sealing wax and stamped with the county election seal by the judges of the election, in the presence of the clerk and sheriff, while the wax is hot, so that the impression of the county election seal can be plainly read: *Provided*, That if there are any ballots cast and counted or left uncounted, concerning the legality or regularity of which there is any doubt or difference of opinion in the minds of the judges of the election, said ballots shall be placed in the large linen envelope furnished by the county court clerk for that purpose and sealed up, and across the seal thereof the officers of the election shall plainly write their names, and at the point of the seal indicated for that purpose the judges of the election shall, in the presence of the clerk and sheriff, place the county election seal in hot wax, as above described, so that it can plainly be read, and the same be returned to the clerk of the county court with the returns of the election, for such judicial or other investigation as may be necessary, with a true statement as to whether they have or have not been counted, and if counted what part and for whom. The tally sheet shall be placed in the linen envelope furnished for that purpose and sealed up separately, and across the seal thereof the judges of the election shall plainly write their names, and at the point of the seal indicated for that purpose, the judges of the election shall, in the presence of the clerk and the sheriff, place, with wax, as above required, the county election seal. After the certificates have been prepared and signed, and delivered as required by law, by the officers of election, then the ballots that have been counted and tied and sealed, as above required (and none other), together with the tally sheet, after it has been stamped and sealed, as above required, shall all be

placed in the large adjustable linen envelope prepared and furnished for that purpose, then the said envelope shall be sealed and across the seal thereof the officers of the election shall each write his name in a plain and legible hand and the judges shall, in the presence of the clerk and sheriff, at the point on the seal of said envelope indicated for that purpose, place the county election seal in hot wax, as above described, so that it can be plainly read, and the envelope so sealed shall then be placed in the ballot box and securely locked with the two locks hereinbefore required to be furnished, and the keys to said ballot box and the county election seal shall then be placed in the possession of the judge of the opposite political faith to that of the sheriff of election, and the sheriff of the election shall then take possession of said ballot-box containing the ballots and tally sheet, and also take possession of the stub books containing the certificate of election and the envelopes containing the spoiled and mutilated and uncounted and questioned ballots. And the judge of election holding the keys to the ballot box and county election seal shall go with and accompany the sheriff of election, within two days thereafter, for which he shall receive the same compensation as the sheriff of election now receives by law for delivering the poll books and election returns to the county court clerk's office, and shall, in the presence of each other, deliver to the county court clerk the ballot-box and the poll books, certificates, and the envelopes containing the spoiled, mutilated and questioned ballots, and the keys to the ballot-box, together with the county election seal, and the county court clerk shall then and there, in the presence of the said sheriff and judge, unlock the ballot box and ascertain if the package containing the ballots and tally sheet is properly sealed, according to the requirements herein, and if it is he shall then issue his receipt in duplicate for said ballot box and ballots, one to the sheriff and one to the judge, which shall be in form as follows, or as near as can be to conform to the facts.

#### FORM OF RECEIPT.

Received of....., sheriff of election for.....precinct, the ballot box, and of....., judge of the election of said precinct, the keys to said ballot box and the county elec-

tion seal for said precinct. I hereby certify that I find upon examination, in the presence of said officers, that the package in said box is properly sealed and stamped, according to law; that I have replaced said package in said ballot box and relocked the same, and delivered to each of them a key to said ballot box, and to the judge of the election, the county seal of election, and taken their receipt for same. The clerk, after having satisfied himself as to the condition of said ballots, shall again replace said ballots in the ballot box and relock said box in the presence of the judge and sheriff, and then and there deliver to each of them a key to said box, and the seal of election to the judge who gave it to him, and take their receipt therefor. The form of receipt shall be, as near as can be to conform with the facts, as follows.

Received of....., clerk of ..... county court, one key each to the ballot box that has been delivered to him this day....., by ....., sheriff of election in ..... precinct, ..... county, Kentucky, after having first seen him unlock said ballot box and examine the package therein, and finding it to be sealed and stamped according to law, and that we saw him replace said package in said ballot box and relock the same, and ....., judge of election, hereby acknowledges receipt of the county election seal for his precinct this.....day of....., 19.....

.....  
 Judge of ..... Precinct.

.....  
 Sheriff of ..... Precinct

The judge and sheriff shall retain said keys for the period of six months, at which time, if there has not been a contest filed, then they shall deliver said keys to the county court clerk, together with the county election seal, and it shall be his duty to destroy said ballots: *Provided, however,* If there be a contest filed then the judge and sheriff of the different precincts, who hold the keys to the ballot box of their respective precincts, shall, upon notice of the filing of the contest, deliver the keys to the judge of the court having jurisdiction to try the contest, and the officer so holding the county election seal shall then deliver the same to the county court clerk. (*This section is sec.*

10 of an act of October 16, 1900, and, as it fully covers the original section, it is inserted in its place.)

§ 1482a. *Unused ballots to be destroyed—certificate.* At close of the polls and before the ballot box is open, the officers of election shall count the remaining ballots that have not been used and tear them from the book and destroy them by burning, and in their certificate of the result of the election they shall certify how many ballots were not used and destroyed. (*This section is sec. 11 of act of October 16, 1900.*)

§ 1482b. *Destruction of ballot stubs by county clerk.* The clerk of the county court shall destroy all election ballot stubs after four years from the date of the election at which said ballots were used. (*March, 1918, c. 70, p. 378.*)

§ 1483. *Certificate of officers on stub book—duplicates—duty of officers.* The form of the return to be made on the inside of the cover of the stub book shall be substantially as follows: State of Kentucky, ..... county, election held on the ..... day of ....., eighteen ....., in ..... precinct. Number of ballots counted as valid, .....; number of ballots questioned or rejected, .....; number of ballots marked "spoiled," .....; whole number of ballots cast, .....; number of votes received for Governor, ..... by .....; number of votes received for Lieutenant-Governor, ..... by ..... (and so for other State and county officers); number of votes on question of ....., voted yes, .....; voted no, .....

We, the judges, sheriff and clerk of election, at the precinct above mentioned, certify that the above is a correct return of the election held therein on the day aforesaid.

....., Judge  
....., Judge  
....., Clerk  
....., Sheriff.

Any witness to the count or inspector, as provided in section 1481, may demand from the officers a duplicate, to be signed in like manner, and each judge shall retain another duplicate, which may be used as proof in case of loss or destruction of the original; and for this purpose each precinct clerk shall be furnished with a sufficient number of blank returns by the county

clerk. When the foregoing requirements have been complied with, the judges shall deliver the stub book containing the foregoing returns, together with the undestroyed ballots, inclosed in an envelope, to the sheriff of election before they separate. (*Part of this section is repealed by sec. 1482; see and compare.*)

§ 1484. *Sheriff to preserve order and act as umpire.* In addition to the other duties provided herein, it shall also be the duty of the sheriff of each precinct to preserve order at the polls and enforce the provisions of the election law, under the direction of the judges; and when the judges disagree, the sheriff shall act as umpire between them.

#### ARTICLE IV.

##### *Registration in Certain Cities and Towns.*

§ 1486. *Cities and towns of first, second, third and fourth classes.* In all cities and towns of the first, second, third and fourth classes there shall be a registration of all the qualified voters of the respective cities and towns, which registration shall be held and conducted as herein provided. (*Con., sec. 147.*) (*By an act of February 11, 1904, this section was amended by adding fifth and sixth class towns, but an act of March 17, 1908, repealed the act of 1904.*)

§ 1486a. *Registration to be held in town—if voting place is outside.* Whenever there may exist in this Commonwealth one or more incorporated cities or towns within a voting precinct, and the regular voting place is outside of said city or town, then it shall be the duty of the officers holding the registration for such incorporated city or town to hold same within said city or town. (*This section is an act of March 21, 1906.*)

§ 1487. *Officers of registration—term and oath of office—non-attendance or vacancy supplied.* The officers of election in the several election precincts of the respective cities and towns mentioned in the preceding section shall be the officers of registration in such precincts, and shall serve as such for one year from the time of their appointment as officers of election; and each officer of registration, before entering upon the discharge of his duties, shall take an oath, before some person duly authorized to administer same, to faithfully discharge the

duties of his office. Should the county court fail to appoint such officers of election as provided in section 1447, or should all the officers appointed in any precinct fail to attend at the place of registration for one hour after the time for commencing the registration, or refuse to act, then the county judge, sheriff or county clerk, or either of them that can be found, shall appoint officers to act in their stead for that registration; but should one or two officers be in attendance, he or they may fill vacancies for the purpose of conducting that registration, and may administer the necessary oaths of office.

§ 1488. *Officers to preserve order—challenging right to register—certificate of registration.* Officers of registration shall have the same power to preserve order at the places of registration as is exercised by sheriffs of election at the polls. If the officers of registration entertain any doubt as to whether or not any person offering for registration is entitled to such registration, or if any one's right to register is challenged, citizens may be called in, not exceeding three in number, who shall be examined touching the qualifications of such person or persons who offer to register. The officers of registration shall issue a certificate of registration to each voter registering at the time he registers, showing that he has registered, and the date of his registering, and no person, who is required to register under the provisions of this act, shall have the right to vote at any election held in this Commonwealth until he shall have presented to the election officers his certificate of registration.

Any person who has registered and whose certificate of registration has been lost or otherwise destroyed, after the registration books containing his registration have been filed with the clerk of the county court, may, upon filing his affidavit before the county court clerk, showing that fact, obtain a duplicate certificate of registration, and upon filing such an affidavit before the county court clerk, it is hereby made the duty of the said clerk to issue said certificate, for which he may charge the applicant a fee of fifty cents, and the said certificate shall entitle the person named therein to vote as if issued by the officers of registration, and for the purpose of better enabling the officers of registration to carry out the provisions of this act, it is hereby made the duty of the county court clerk to furnish with the



registration books, as in this act required, a sufficient number of printed certificates of registration to meet the requirements of this act, for which he shall be paid a reasonable compensation out of the county levy of the county. All laws and parts of laws in conflict herewith are hereby repealed. (*Section as amended by act February 11, 1904.*)

§ 1489. *Registration book—duties of county clerk.* It shall be the duty of the county clerk of each county containing any city or town of either of said classes mentioned in section 1486 to prepare the proper forms, and cause to be printed two registration books for each precinct in said city or town. In cities where additional days are required for registration, he shall prepare an additional registration book for each additional day, one of which shall be kept in his office, to be used as provided in section 1494, and the other furnished to the clerks of registration and election before each registration or election day, as hereinafter provided. Said books shall be so arranged as that the names of voters may be registered alphabetically, and shall be ruled and headed as follows: (*See sec. 1555 as to registering party affiliation.*)

NAME	Residence-----	Number of Precinct--	Number of Ward-----	Color-----	November Election---	Special Election-----	REMARKS

§ 1490. *Time of registration—Details—Additional days.* The officers of registration shall attend at the voting places of their respective precincts on the first Tuesday in October, in each year, from the hours of six in the morning until nine in the evening, and on such other days as the city councils of said cities may deem necessary and provide for by ordinance: *Provided, however,* That the last day of registration shall be fixed by said ordinance not later than the third Tuesday in October, and shall record in the registration book, which shall be fur-

nished by the county clerk to each registration clerk, a list of such qualified voters of the precinct and ward as may apply for registration. Said list of voters shall be in alphabetical order (the number of the precinct and the number of the ward, if the city be warded off), the name of the street or alley, and number of house, lodging or tenement in which he lives, and whether he be white or colored, and if said house, lodging or tenement be not numbered, the location thereof shall be described in the registration book as accurately as is practicable, giving the street, and between what streets. No person shall be registered who does not personally appear before the officers of registration; and if he be not personally known to one of the officers, or if any bystanders shall demand it, he shall be sworn by one of the officers and interrogated by him or by such bystanders touching his qualifications as provided by law. Opposite the name of each person so sworn the clerk shall write the word "sworn," which entry shall be *prima facie* evidence of such swearing in any prosecution under this law. Said registration in October shall be known as the general registration, and any person then registered may vote at all elections until the next general registration, unless he becomes disqualified after registering. Every person shall be entitled to be registered who would be entitled to vote at the next succeeding November election, as now provided by law. (*Sec. as amended by act of March 15, 1894.*)

§ 1491. *Additional registration—expense of.* Where any city shall provide for additional registration day or days, said city shall pay all expenses of same, at the same rate as provided for herein by the county.

§ 1492. *Alien may register—rights after registration.* Any alien possessing all the qualifications of a voter named in section 1439 of article one of this chapter, except citizenship, shall be entitled to be registered; but the clerk shall write opposite to his name, in the column headed "Remarks," the words "Not naturalized," and such alien will not be entitled to vote, at any election held under that registration, unless he shall produce to the officers of election his naturalization papers in due form of law.

§ 1493. *Duties of respective officers.* In making the registration, the clerk shall act as the recording officer, and the

judges shall decide all questions relating to the qualifications of persons offering to be registered, except that, in case of a difference of opinion between the judges, the clerk shall have the casting vote. It shall be the duty of the clerk to number, consecutively, the names recorded under each letter of the alphabet as they are taken down; and at the close of the registration each day he shall sign his name as clerk after the last name recorded under each letter, as aforesaid, in such manner as that no more names can be recorded above his, and shall foot up and certify, in the back of the registration book, the whole number of names recorded at that registration on said day, and this certificate shall be signed by all the officers of registration before leaving the place of registration, and in the presence of bystanders, any two of whom may, if they desire, sign their names as witnesses thereto. In addition to the requirements above, the clerk shall sign his name, as such clerk, at the foot of each page.

§ 1494. *Custody of registration books—copies.* On the day following the close of each registration day each clerk shall deliver the registration book into the hands of the clerk of the county court, or one of his deputies, and shall take his receipt therefor. It shall be the duty of such county clerk to keep said books safely in his office; and not to suffer the same to be taken therefrom except as provided herein. When additional registration days are provided in any city, a new registration book shall be furnished by the county clerk for each and every day of such registration, and on return to him he shall copy the same in his blank book as soon as returned, marking distinctly each day's registration. He shall also cause to be made one copy of each registration book in the blank book retained by him, as provided in section 1489 of this article, which shall be kept in his office, and not to be taken therefrom for any purpose. In case of loss of any registration book a copy shall be made by the county clerk from the copy retained in his office, which copy shall be used in registrations and elections with the same effect as the original. The clerk shall permit any citizen at any time to copy any registration book without fee or charge, and he shall also furnish copies at the same rate as provided in section 1506 for copying the book kept in his of-

fee. Copies furnished to citizens under this section shall be paid for in cash by the person ordering them.

§ 1495. *Special registration—election ordered.* When an election or vote is ordered to be held or taken in any county containing any city or town belonging to either of said classes, at any other time than the regular November election, then the county judge, or other officer so ordering said election or vote, shall, at the same time, fix a day for the registration of those persons entitled to vote thereat whose names have not been recorded on the registration books of that year, and shall require the same to be published in like manner as the time and place of said election or vote are required to be published. Registrations under this section shall be known as Special Registrations, and any person so registered shall be entitled to vote at all elections held prior to the next general registration. Registrations prior to special elections shall be held not less than five days prior to the election.

§ 1496. *Special registration—duty of clerk and officers.* On the day prior to each registration provided for in the previous section, the county clerk shall deliver to the registration clerks the registration books for their several precincts; and on the day of such registration, the registration officers shall attend at their several places of registration, and shall register the names of all persons appearing before them who may be entitled to vote at the election for which the registration is held, and whose names are not already on the registry for that year. The names shall be recorded immediately following the names recorded at the previous registration, and the registration shall be conducted and the books returned as provided in sections 1493 and 1494 of this article. Immediately after the books are so returned, the county clerk shall cause the names recorded at that registration to be copied into the book retained in his office, as provided in section 1494 herein.

§ 1496a. *Special registration of State and Federal officials, ministers and commercial travelers—soldiers and sailors included.* (1.) Any otherwise qualified voter being an officer or employe of the United States, or of the Commonwealth of Kentucky, regularly ordained minister of the Gospel and *bona fide* commercial traveler, may appear before the county court clerk of the

county of his residence on the day immediately preceding or day of any primary or general election, and upon making oath or affidavit (either of which the clerk, in his discretion, may require) to the effect that he was absent from his place of residence on all general or special registration days previously held during the current year, and that his absence was due to or by reason of duties pertaining to such officership or employment in or by the United States or this Commonwealth, or his duties as a minister; whereupon the clerk shall register said voter and deliver to him a registration certificate which shall be valid until the next succeeding general registration provided by law.

§ 1496a. (2.) Such special registration shall be made by the clerk without fee or charge, and if the registration be on the day immediately preceding the election, the clerk shall enter the voter's name in the appropriate place on the registration book. If the registration be on the day of election, the clerk of the election shall, upon presentation of the certificate aforesaid, enter the name of the voter in its appropriate place on said registration book.

§ 1496a. (3.) *Soldiers and sailors entitled to these benefits.* The benefits of this law shall be held to extend to all soldiers and sailors who are at the time of an election otherwise qualified voters in the Commonwealth of Kentucky.

§ 1496a. (4.) Any person making false oath or affidavit under this act shall be deemed guilty of and may be punished for false swearing as now provided by law.

§ 1496a. (5.) Chapter 68, Session Acts 1912, now embodied in section 1496a, Kentucky Statutes, 1915, and all laws in conflict herewith are hereby repealed.

§ 1497. *Removal from precinct—certificate and re-registration.* Any person removing from one precinct to another, after having registered for that year, may apply to the clerk of registration of the precinct from which he removes, on a registration day, and have his name canceled off by writing opposite to it the word "Removed," and thereupon said clerk shall give him a certificate in the following form:

This is to certify that ..... has removed from the ..... precinct, ..... ward, to the ..... precinct, ..... ward, and that his registration has been canceled.

(Signed) ..... Clerk.

Upon presenting said certificate to the officers of registration of the precinct to which he has removed, he shall be entitled to be there registered if he possesses the other qualifications named in section 1490 of this article; and no person so removing, after being registered, shall be registered in another precinct without the production of such a certificate.

§ 1498. *Absence or sickness during time for registration—registration by affidavit.* Any person entitled to register who was necessarily absent from the city of his residence during the days allowed for registration herein, or who was ill during said time, or who was unable to attend the place of registration on account of sickness of some named member of his family, may have his name placed upon the registry for the precinct in which he lives, by attending the county clerk's office at the time specified in the next section, and making the affidavit before the clerk showing the facts required to be stated in the registry by section 1489 herein, and showing the absence or sickness referred to above.

§ 1499. *County clerk to register persons—duties of clerk—challenges.* On Monday, Tuesday and Wednesday preceding the November election in each year such county clerk shall receive in a bound book, to be kept by him for that purpose, the affidavits provided in the preceding section, and shall place the names of persons making such affidavits upon the proper registration book, and shall write his name as clerk and date of registry, after the name of the person so registered, in the column headed "Remarks." Any person present in the county clerk's office may challenge the right of any voter to register under this section, and thereupon the county clerk shall examine such voter and any witness who may be offered, under oath, and shall hear and determine the question of his right to register. The duties herein imposed upon the county clerk may be performed by his deputy, and he or his deputy may administer oaths under this law.

§ 1500. *Penalty for false registration by clerk.* Any county clerk, or deputy thereof, who falsely or fraudulently registers the name of any person, knowing that such person is not entitled to be registered, or who registers a name at a time other than that provided in this article, shall, on indictment,

be deemed guilty of a felony, and punished by confinement in the penitentiary not less than one nor more than five years.

§ 1501. *County court may strike name from register—notice—making name “doubtful.”* Any voter may, by giving five days' notice, in writing, to any person whose name has been registered, move the county court to strike his name from the register, and both parties may introduce witnesses, not exceeding two in number, on each side. Said notice must be served personally. If, at the hearing, the court shall be of the opinion that the person registered is not lawfully entitled to register, it shall direct the clerk to strike his name from the register, by inserting opposite to it the words: “Stricken off by order of the county court.” If the person upon whom notice is attempted to be served can not be found, the clerk shall write opposite such name, on the registration book, the word “doubtful,” and when, at an election, such person, whose name is marked “doubtful,” shall offer to vote, he shall be sworn, and his right to vote investigated fully.

§ 1502. *Delivery of registration and stub and ballot books to election officers.* On the day previous to the November election in each year, and on the juridical day previous to every election to be held, or vote of the people to be taken, in any county containing city or town belonging to either of said classes mentioned in section 1486 herein, the county clerks shall deliver to the clerks of election the registration books for their several precincts, together with the book of stubs and ballots, and furnish sample ballots and cards of instruction, all of which shall be produced by said clerks at their several precincts when the polls are opened on the day of election. No vote shall be received by the officers of election in any city or town belonging to either of said classes, unless the name of the person offering the vote is on the registry herein provided. The officers of election shall, when a vote is cast, mark opposite to the name of the person voting, in the column of the registration book provided for that election, the word “Voted,” and at the close of the election, and before closing or leaving the voting place, shall mark opposite the name of each person who has not voted at that election the words “Not voted.” The regis-

tration book shall be returned to the county clerk by the clerk of the election the day next succeeding the election.

§ 1503. *Penalty for illegal or double registration.* Any person who shall cause himself to be registered in more than one election precinct [or give a false number of the ward of his residence], otherwise than is provided in section 1497 of this article, or more than once in the same precinct, or who shall cause himself to be registered, knowing that he is not lawfully entitled to registration, and any person who shall aid or abet in the commission of any of said acts, shall be deemed guilty of a misdemeanor, and shall be imprisoned in the county jail not less than one nor more than twelve months.

§ 1504. *Penalty for altering, secreting or destroying registration books.* Any officer of registration, or other person, who shall unlawfully alter any registration book, or add any name thereto, or who shall willfully secrete, suppress or destroy any such book, or who shall make or aid in making any false or fraudulent registration book, shall be deemed guilty of felony, and shall be confined in the penitentiary not less than one nor more than five years, and shall forfeit any office he then holds, and shall forever be disqualified from holding office.

§ 1505. *Penalty for forcibly interfering with registration.* Any person who, by himself or in aid of others, shall forcibly break or attempt to break up a registration held as provided in this article, or shall forcibly prevent, or attempt to prevent, any person from approaching or entering a place of registration for the purpose of registering, shall be fined not less than one hundred nor more than five hundred dollars, or imprisoned not less than six nor more than twelve months in the county jail, or both.

§ 1506. *Compensation of registration officers and county clerk.* Officers of registration shall receive two dollars per day for each day employed in attending at the place of registration. The county clerk, for his services under this article, shall receive the following fees, and no other: For copying the registry lists required to be kept in his office, or to be used in supplying lost books, the sum of two cents for each voter whose name is so copied; for his services under section 1501, the sum of ten cents for the name of each voter stricken off the lists,



and a like sum for each name registered by him under section 1499. All fees and expenses incurred under this article shall be paid as other election expenses.

## ARTICLE VI.

### *Time of Holding Elections.*

§ 1514. *Presidential electors.* The election of electors of President and Vice President shall be held on the Tuesday next after the first Monday in November, one thousand eight hundred and ninety-two, and on the same day in every fourth year thereafter; but the Governor may, by his proclamation, appoint the same day in any other year, pursuant to the act of Congress, for holding the election, in the event of a vacancy in the offices of President and Vice President. (*Con., sec. 148.*)

§ 1515. *Congressional.* The election of representatives in Congress shall be held on the Tuesday next after the first Monday in November, one thousand eight hundred and ninety-two, and on the same day in every second year thereafter. (*Con., sec. 148.*)

§ 1516. *State officers.* The election for Governor, Lieutenant-Governor, Treasurer, Auditor of Public Accounts, Register of the Land Office, Attorney General, Secretary of State, Superintendent of Public Instruction, and Commissioner of Agriculture, Labor and Statistics shall be held on the first Tuesday after the first Monday in November, one thousand eight hundred and ninety-five, and the same day every four years thereafter. (*Con., sec. 148.*)

§ 1517. *Clerk of Court of Appeals.* At the annual election in the year one thousand eight hundred and ninety-seven there shall be elected by the qualified voters of the State a clerk of the Court of Appeals, who shall take his office the first Monday in September, one thousand eight hundred and ninety-eight, and shall hold his office until the regular election in one thousand nine hundred and three; and on the same day every four years thereafter an election shall be held for the clerk of the Court of Appeals. (*Con., sec. 148.*)

§ 1518. *Circuit judge—Commonwealth's attorney—Circuit court clerk.* At the general election in one thousand eight

hundred and ninety-two, there shall be elected in each circuit court district a judge thereof, and a Commonwealth's attorney, and in each county a clerk of the circuit court, who shall enter upon the discharge of the duties of their respective offices on the first Monday in January after their election, and shall hold their offices five years, and until their successors are elected and qualified. An election shall be held in each county, in each circuit court district, for a circuit court judge, Commonwealth's attorney and circuit court clerk, on the first Tuesday after the first Monday in November, in the year one thousand eight hundred and ninety-seven, and on the same day every six years thereafter. (*Con., sec. 148.*)

§ 1519. *County officers—justices of peace—constables.* An election shall be held in each county on the first Tuesday after the first Monday in November, one thousand eight hundred and ninety-four, for judge of the county court, county court clerk, county attorney, sheriff, county superintendent of common schools, members of the fiscal court, jailer, coroner, surveyor and assessor, and in each justice's district for one justice of the peace and one constable, who shall hold their respective offices for the period of three years, and until the election and qualification of their successors; and in eighteen hundred and ninety-seven, and every four years thereafter, there shall be held an election in each county for the officers herein mentioned. The first election for sheriff shall be held in each county at the regular election in one thousand eight hundred and ninety-two, and the sheriffs elected at this time shall hold their respective offices for the period of two years, and until the election and qualification of their respective successors. (*Con., sec. 148.*)

§ 1520. *Officers not otherwise provided for.* The election of all other officers not otherwise provided for shall be held on the first Tuesday after the first Monday in November, and thereafter on the same day of each year as the terms of office regularly expire. (*Con., sec. 148.*)

## ARTICLE VIa.

*Absent Voters.*

§ 1520a. (1.) *Absent voter—Defined.* For the purpose of this act the term “absent voter” shall mean any qualified elector or voter who is unavoidably, or who is by reason of his employment by the Government of the United States or Commonwealth of Kentucky, or by reason of being a member of the United States army or navy or of the Kentucky State Guards, is absent from the county in which is situate his voting precinct or ward on any general election day: *Provided*, That if such elector or voter comes within the purview of section 1486, Kentucky Statutes (Carroll’s edition, 1915), he shall have registered pursuant to the registration laws of this State now in force, or in accord with the provisions of this act.

§ 1520a (2.) *Registration—“Absent voter.”* Any elector or voter who is required by section 1486, Kentucky Statutes (Carroll’s edition, 1915), to register, and who is unavoidably or who is required by his regular business or occupation or his habitual duties to be and is absent from the county in which is situate his registering precinct or ward on any general registration day, may, at any time not less than ten days before any general election day, register his name with the clerk of the county of his residence, who shall issue him a certificate permitting him to vote in the manner hereinafter provided in any general election held in this State prior to the next general registration day.

The elector or voter shall make a written application for such certificate to the clerk of the county of his residence. Such written application shall show the name, age, residence and voting precinct or ward of the applicant and that he is qualified to vote in such precinct or ward in all general elections that may be legally held therein, the name of the political party with which he affiliates, and that he was unavoidably or that his regular business or occupation or his habitual duties required him to be absent from his registration precinct or ward on the last general registration held in his said precinct or ward. Said application shall be signed by the applicant and sworn to by him before a civil officer authorized by law to administer an

oath, provided that if such elector or voter is in the military or naval service of the Commonwealth of Kentucky or the United States, he may swear to said application before any commissioned military or naval officer of the Commonwealth of Kentucky or the United States who is his superior.

The Secretary of State of Kentucky shall prepare, and within twenty days after this law goes into effect and thereafter upon demand and requisition made by the clerks of the counties of this State, deliver to them a book of registration certificates, prepared in accord with this section, and which shall be duplicated on a stub attached thereto; and the county court clerk, when he makes out a registration certificate for an elector or voter, shall duplicate it on such stub, and the stub book showing that said elector or voter has registered, shall in all cases be taken as a full, complete and sufficient registration for the purpose of voting under the provisions of this act: *Provided, however,* That the right of such elector or voter to register may be inquired into under, and proceedings had thereon, and his right to register decided in pursuance of section 1501, Kentucky Statutes (Carroll's edition, 1915). And the clerk shall, before the registration books are delivered to the precinct or ward election officers of any general election, enter on the registration books of the respective precincts or wards of such electors or voters, the names of such electors or voters to whom he has given such certificates, following each name with the words "absent voter."

The registration applications herein provided for shall be preserved by the clerk until the next general registration day when they shall be burned by him in the presence of the judge and sheriff of his county.

§ 1520a (3.) *Right to vote.* A qualified elector or voter who is required by section 1486, Kentucky Statutes (Carroll's edition, 1915), to register and who has registered pursuant to the provisions of section 7 of this act and who is in the county wherein is situated his voting precinct or ward, on a general election day, may vote in such election by casting his vote in person and not otherwise. But an "absent voter" is hereby vested with the power to exercise the right of suffrage and vote

in all general elections held in his precinct or ward, provided he complies substantially with the provisions of this act.

§ 1520a. (4.) *Application for ballot.* An "absent voter" who desires to vote in a general election held in his residence precinct or ward, shall make, nor more than sixty days before the day on which such general election is held, a written application to the clerk of the county of his residence, for an official ballot prepared for and to be voted at such general election. Such application shall give the address to which the ballot is to be mailed, and shall be accompanied by the postage necessary to be used in forwarding the ballot to the "absent voter" at such address.

The application shall be signed and sworn to by the "absent voter" before a civil officer authorized by law to administer an oath, provided that if such "absent voter" is in the military or naval service of the Commonwealth of Kentucky or the United States, he may swear to said application before any commissioned military or naval officer of the Commonwealth of Kentucky or the United States, who is his superior. Said application shall be substantially in the following form:

State of .....

County of.....Sct.

"I, ....., state that I am a resident of the State of Kentucky and have been such for at least one year prior to the date hereof. I am a resident of..... county, and have been such for more than six months prior to said date, and am a resident of ..... precinct of said county (or.....ward of the city of....., county of.....) at least sixty days prior to said date; that I am a duly qualified voter of said precinct (or said ward); that I will be unavoidably, or my regular business or occupation or my habitual duties will require me to be absent from said precinct or ward on the general election to be held in said precinct or ward on the .....day of..... 19...., and I will not vote elsewhere at said election.

"I enclose herewith \$..... for return postage and call for an official ballot to be mailed to me at the following address:

.....

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

(Official title.)

§ 1520a. (5.) *Ballot—When and how forwarded.* The clerk of the county to whom such application is made shall, when he receives such application from an “absent voter,” and after the official ballot has been completed and is printed, commence with ballot No. 1, of the respective residence precincts or wards of such “absent voter” and continue consecutively as to numbers until the names of all such “absent voters” have been used, write the names and addresses of such “absent voters” on the stubs of such ballots and across such stubs the words “absent voter,” at once send by registered mail, postage prepaid, to the address given by the “absent voter,” the official ballot to be used for voting at the next general election held after the receipt of such application, which shall correspond in number with the stub on which such “absent voter’s” name is written, together with two official envelopes for returning the ballot by the “absent voter” to him.

One of said envelopes shall be marked No. 1, and have written across it “absent voter’s ballot,” and shall bear the address and official title of the clerk sending the same to the “absent voter,” and which envelope shall be used by the “absent voter” as the outer envelope, and as in section 11 hereof directed. The other envelope shall be marked No. 2, and on the face thereof the “absent voter” shall make and sign an affidavit, which shall be substantially in the following form, viz.:

State of.....

County of....., Sect.

I, ....., state that I am a resident of the State of Kentucky and have been such for at least one year prior to the date hereof. I am a resident of ..... county and have been such for more than six months prior to said date, and am a resident of ..... precinct of said county (or.....ward of the city of..... county of ..... ) at least sixty days prior to said date; that I am a duly qualified voter of said precinct (or said ward): that I will be unavoidably, or my regular business

or occupation or my habitual duties will require me to be absent from said precinct or ward on the general election to be held in said precinct or ward on the ..... day of ....., 19...., and I will not vote elsewhere at said election.

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

(Official title.)

The fiscal courts of the counties of which the "absent voters" are residents shall make provisions to pay from the county funds the expenses incurred for stationery and printing necessary to carry into effect the provisions of this section.

§ 1520a. (6.) *Preparation of ballot by "absent voter."* When the "absent voter" receives such ballot and said two envelopes he shall go before some civil officer authorized by law to administer an oath and before him make and subscribe to the affidavit on the face of envelope No. 2; and shall, in the presence of such officer and no one else, mark the ballot so as to indicate the way he desires to vote, but in such manner as to prevent the officer from knowing how the ballot is marked or how he has voted; he shall then and while in the presence of the officer, fold the ballot in such way as to conceal the markings made thereon by him, and after the ballot has been so folded, he will enclose it in envelope No. 2 and seal said envelope and then enclose it in envelope No. 1, then seal and write his name across the face of that envelope, and at once affix the necessary postage thereto and mail it: *Provided*, That if such "absent voter" is in the military or naval service of the Commonwealth of Kentucky or the United States, he may do the things herein required to be done instead of before a civil officer, before any commissioned military or naval officer of the Commonwealth of Kentucky or the United States who is his superior.

§ 1520a. (7.) *Ballots—Custody—Delivery to election officers.* When the county clerk receives an "absent voter's" ballot, he shall at once endorse on the envelopes Nos. 1 and 2, the day and hour he received the same, and all such ballots received by him before the day on which a general election is held at which said ballot is to be voted, shall be transmitted by him

with envelope No. 2 unopened to the general election officers of the precinct or ward in which said "absent voter" is an elector at the same time the poll books and ballots for such election are delivered to them, and all such ballots for such election are delivered to them and all such ballots received by him on or after such general election day, shall be kept by him unopened until thirty days after such election, when the same shall, without being opened, be burned by the clerk in the presence of the judge and sheriff of his county

§ 1520a. (8.) *Ballots—When and how voted.* The election officers of any general election shall, while the polls are open, examine such "absent voter's" ballots as have been delivered to them. If, upon such examination, it is found that envelopes Nos. 1 and 2 are regular and in form and condition provided by this act and that envelope No. 2 has not been opened but is properly sealed and the affidavit on the face thereof is regular and in the form provided by this act, the clerk of such election shall read aloud the name of such "absent voter," and after so doing, he shall then open envelope No. 2 and remove the ballot therefrom without unfolding it, and in such way as not to expose the markings thereon or how the "absent voter" has voted. He will then write his name on the back thereof and after so doing, place said ballot in the regular ballot box, and shall write on the ballot stub on which the name of such "absent voter" has been written by the clerk, the word "voted." The two envelopes shall be preserved by the election officers and treated in the same way as cast ballots: *Provided*, That when the name of the "absent voter" is read aloud by the clerk the vote of such "absent voter" may be challenged and the challenge thereto may be determined and the vote accepted or rejected by the officers of the election as though the voter were present and voting in person: *Provided, however*, That if such envelopes Nos. 1 and 2 and the affidavit on the face of envelope No. 2 are regular, and substantially comply with the provisions of this act, they shall be considered as showing that the "absent voter" is *prima facie* entitled to vote: *Provided*, That if the vote of an "absent voter" is rejected, the clerk shall write on the ballot stub on which the name of such "absent voter" has been written by the county clerk, the word "rejected."



§ 1520a (9.) *Election returns.* The officers of a general election shall, in their election returns, state the number of ballots shown by the stubs to have been sent by the county clerk to the "absent voters," the number of such ballots voted and the number thereof rejected.

§ 1520a. (10.) *Commissioned officers empowered to administer oaths and affirmation.* All commissioned military or naval officers of the Commonwealth of Kentucky or the United States are hereby authorized and empowered to administer oaths and affirmations for the purposes specified in this act; and to every such oath or affirmation administered by them, they shall subscribe their names and attach their official designations.

§ 1520a. (11.) *False registration application—Affidavit—Penalty.* Any person who willfully and knowingly makes a false application for the purpose of registering under the provisions of this act, or a false affidavit for the purpose of voting under the provisions thereof, when the same is either sworn to or affirmed by him, shall be guilty of a felony, and upon conviction shall be confined in the penitentiary not less than one nor more than five years.

§ 1520a. (12.) *Failure to comply with official duties—Penalty.* Any county clerk or any election officer who shall willfully refuse or neglect to perform and do any of the duties required of him by this act, or who shall in any manner willfully violate or abuse any trust or duty imposed on him by this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than one thousand dollars.

§ 1520a. (13.) *Unlawful interference with right of voter—Penalty.* Any person who shall, by menace, bribery, corrupt or arbitrary measure, offer or payment of reward, threat or infliction of punishment, interfere with any qualified voter or elector, in the free exercise of his right to register or vote under the provisions of this act, shall be guilty of a misdemeanor and upon conviction be fined not less than one hundred nor more than one thousand dollars.

§ 1520a. (14.) *Jurisdiction—Prosecution.* Jurisdiction of any prosecution for a violation of any provision of this act, wherever the violation occurred, whether within or without this

State, is hereby vested in the circuit court of the county to the clerk of which the application for registration or for a ballot was made.

§ 1520a. (15.) *Inconsistent and conflicting laws—Repeal.* All laws or parts of laws inconsistent or in conflict with the provisions of this act are hereby, to the extent of such inconsistency or conflict, repealed. But the provisions of this act shall not apply to elections for municipal officers, members of school boards or trustees of common schools.

## ARTICLE VII.

### *Vacancies—How Filled.*

§ 1521. *Vacancy in office—meaning and application of term.* The term “vacancy in office,” or any equivalent phrase, as used in this article, means such as exists when there is an unexpired part of the term of office without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law. It applies whether the vacancy is occasioned by death, resignation, removal from the State, county or district, or otherwise.

§ 1522. *Appointment or election—when filled by.* If the unexpired term will end at the next succeeding annual election at which either city, town, county, district or State officers are to be elected, the office shall be filled by appointment for the remainder of the term. If the unexpired term will not end at the next succeeding annual election at which either city, town, county, district or State officers are to be elected, and if three months intervene before said succeeding annual election at which either city, town, county, district or State officers are to be elected, the office shall be filled by appointment until said election and then said vacancy shall be filled by election for the remainder of the term. If three months do not intervene between the happening of said vacancy and the next succeeding election at which city, town, county, district or State officers are to be elected, the office shall be filled by appointment until the second succeeding annual election at which city, town, county, district or State officers are to be elected; and then, if

any part of the term remains unexpired, the office shall be filled by election until the regular time for the election of officers to fill said offices. Vacancies in all offices for the State at large, or for districts larger than a county, shall be filled by appointment of the Governor. No person shall ever be appointed a member of the General Assembly. (*Con., sec. 152, as to filling vacancies, sec. 3758.*)

§ 1523. *Writs of election—proclamation—publication—duty of sheriff and clerk.* A writ of election shall be signed by the officer or attested by the clerk of the court issuing the same, shall designate the day for holding the election, and be directed to the proper sheriff or sheriffs.

1. When an election is to be held to fill a vacancy in any office by the voters of the whole State, or of a Congressional or judicial district, or other district composed of more than one county, a proclamation, signed by the officer authorized to order the same, shall be used and stand in lieu of a writ of election.

2. Such proclamation, when for the whole State, shall be published, at least thirty days before the election, in two newspapers printed at the seat of government; and when for such district, at least twenty days before the election, in two newspapers printed in the district—if there are such papers printed at the seat of government or in the district. A copy of a proclamation for a district election shall also be forwarded by mail to the sheriff of each county in the district twenty days before the election.

3. Immediately on receipt of a writ of election or proclamation of election, or other sufficient information thereof, the sheriff shall give notice thereof by advertisements, posted at the court house door and the several places of voting, and published in some newspaper printed in the county, if any such there be.

4. No writ for the election of a county officer, a representative or senator, shall be issued, except so as to enable the sheriff to give such notice at least eight days before the election.

5. A writ of election from the county court shall be delivered to the sheriff by the clerk thereof immediately after it is

ordered. Other writs of election or proclamations shall be forwarded by the officer issuing them to the sheriff by mail. If, from any cause, the sheriff can not properly act, he shall immediately hand the writ or proclamation to the person authorized to act in his place.

§ 1524. *General Assembly—who to issue writ.* When a vacancy happens in either branch of the General Assembly during its session, the presiding officer of the House in which the vacancy occurs shall issue the writ of election; if the General Assembly is not in session, the writ shall be issued by the Governor.

§ 1525. *Governor—office of—who to issue writ.* When a vacancy happens in the office of Governor, requiring an election, the proclamation shall be issued by the Chief Justice; or if he is absent from the State or unable to act, by one of the associate justices.

§ 1526. *County officers—who to issue writ.* A vacancy in the office of sheriff, coroner, surveyor, county court clerk, county attorney, jailer, county superintendent of common schools, county treasurer, constable, assessor, or member of the fiscal court shall be temporarily filled by the county court until the successor shall have been elected as provided in section 1522 of this article, and shall have qualified. A writ of election to fill the vacancy shall be issued by the county judge; or, if he is absent from the county, by the county clerk; but if the vacancy be in his office, then by the circuit clerk, if the county judge be absent from the county. (*See, further, as to filling vacancies, sec. 3758.*)

§ 1527. *Justice of the peace—who to issue writ.* A vacancy in the office of justice of the peace shall be filled by the appointment of the county court temporarily, until the successor shall have been elected, as provided in section 1522 of this article, and shall have qualified; and a writ of election shall be issued as provided in the preceding section. (*Governor fills vacancy, see sec. 3758.*)

§ 1528. *Commonwealth's attorney and circuit clerk—who to issue writ.* A vacancy in the office of Commonwealth's attorney or circuit court clerk shall, in like manner, be temporarily filled for the same time by the circuit judge of the dis-

trict, who shall also issue the writ of proclamation for an election to fill the remaining vacancies. (*Governor fills vacancy, sec. 3758.*)

§ 1529. *County judge—vacancy filled by Governor.* When a vacancy shall occur in the office of a county judge, it shall be the duty of the clerk of the county court to issue a summons directed to the sheriff or any constable of the county, commanding him to summon the justices of the peace of said county to convene at the court house on a day to be named in the summons, which day shall not be less than ten nor more than twenty days after issuing of said summons; and a majority of the justices of said county being present, shall proceed to fill said vacancy until his successor shall have been elected, as provided in section 1522 of this article, and shall have qualified. If a majority of the justices are not present on the day named in the summons, then those present shall adjourn from day to day until a majority can be had. A writ of election, as provided in section 1523, shall be issued by the clerk of the county, directed to the sheriff of the county, who shall give notice, as provided in section 1523, and hold an election at the next annual election.

1. The justices shall convene at ten o'clock in the morning of the day named, or as soon thereafter as may be, and at the same hour every succeeding day, Sunday excepted, until the vacancy is filled.

2. A majority of the justices shall be a quorum to fill the vacancy, and their written certificate thereof shall be handed to and preserved by the clerk of the court.

3. In case of a tie, after ten ballots, the sheriff shall give the casting vote. (*Governor fills vacancy, see sec. 3758.*)

§ 1530. *Resignations—how and to whom tendered.* All resignations of office shall be tendered to the court or officer who is required to fill the vacancy. All such resignations shall be in writing, and received and recorded by said court or officer. When it is required to be filled by the circuit judge he shall cause a record to be made of the resignation in the court of that county in which the officer lives; and when by the county court it shall cause a record of the fact to be made; and when by the Governor he shall cause the same to be recorded in the executive journal.

## ARTICLE VIII.

*Contested Election and Appeals from Decision of Board.*

§ 1531. *Governor and Lieutenant-Governor—contesting board—how formed—proceedings.* (This section has been repealed by act of October 24, 1900—see sec. 1596a, subsec. 8—and is omitted.)

§ 1532. *Member of General Assembly—contesting board.* When the election of a member of the General Assembly is contested, that branch thereof to which he belongs, within three days after its organization, shall in like manner select a board of not more than nine nor less than five of its members for determining the contest, which board shall be governed by the same rules, have the same power, and be subject to the same penalties, as would the board to determine the contested election of Governor, and shall report its decision to that branch of the General Assembly by which it was appointed for its further action. (*Con.*, sec. 38.)

§ 1535. *Notice of contest of member of General Assembly—proceedings.* No application to contest the election of an officer shall be heard, unless notice thereof in writing signed by the party contesting, is given.

1. The notice shall state the grounds of the contest, and none other shall afterward be heard as coming from such party; but the contestee may make defense without giving counter-notice.

2. In the case of an officer elective by the voters of the whole State, or any judicial district, the notice must be given within thirty days after the final action of the board of canvassers. In the case of a Senator or Representative, it must be given within fifteen days; and in that of any other office, within ten days after such action.

3. Immediately after such notice, either party may proceed to take proof by depositions, under the same rules and regulations that govern the taking of depositions in actions in equity, except that no commission shall be required for taking a deposition out of the State. The depositions shall be sealed up by the officer taking them, and directed to the board having

power to decide the contest, or to the clerk of the Senate or clerk of the House of Representatives, as the case may require.

4. Such depositions properly taken shall be read as evidence before that branch of the General Assembly, or the board having jurisdiction of the case; but the former can, in its discretion, call for and hear other proof.

5. The taking of depositions to be used before the General Assembly, or either branch thereof, shall close ten days before the next meeting thereof, or, if in session when the notice is given, not until it is ordered to close; if before a county board, it shall close three days, and if before the other board, six days before the day of hearing.

6. The case shall be heard by a county board on the fourth Monday after the service of notice; and by the other board the eighth Monday after such service; but either may, for good cause, allow further time.

7. The costs of the proceeding shall be adjudged against the unsuccessful party, and a certificate thereof given by the board, or by the clerk of either branch of the General Assembly, as the case may require. A judgment of the same may be obtained after five days' notice in a circuit or county court. (*This section was partially repealed by act of October 24, 1900. See section 1596a, subsection 12. But in so far as it relates to members of the General Assembly it is yet in force.*)

#### ARTICLE VIIIa.

##### *Contest of Decision on Proposed Constitutional Amendments.*

§ 1539a. (1.) *Voter may contest such elections—Petition in Franklin circuit court—Notice of intended contest—Care of ballots—Service of notice.* Any qualified elector may contest an election or demand a recount of ballots on constitutional amendments, submitted to the voters of the State for their ratification or rejection, as herein provided. Such elector having the right to vote on the question submitted, and having voted, may file petition setting forth the grounds of the contest with the clerk of the Franklin Circuit Court, not more than fifteen days after the official canvass and the announcement of such vote for the State by the State Board of Election Commission-

ers. The contestant may file with the clerk of the said court and the clerk of the Court of Appeals, a notice of his intention to contest the election before the announcement of the official count by the State Board of Election Commissioners, and thereupon the clerk of the Court of Appeals shall forthwith notify all the county boards of election commissioners in the counties involved in such contest to hold the ballots cast at such election on such question subject to the order of the Franklin Circuit Court. Such notice shall be served by the clerk of the Court of Appeals by mailing a true and certified copy of such notice of contest, and order to hold such ballots subject to the order of the court, by registered mail to the sheriff of the counties in question, and such sheriffs are required to acknowledge receipt thereof on receiving same. (*March, 1918, c. 135, p. 566, sec. 1.*)

§ 1539a. (2) *Petition filed in vacation—Notice to judge—Determination if cause of action stated—Bond for cost.* If the Franklin Circuit Court be not in session at the time of the filing of the notice of such contest, the clerk of the court shall immediately notify the judge of such court of the filing of such contest, and the judge thereof shall within five days after the filing of the notice of contest determine whether there are sufficient grounds stated to justify such contest, and shall thereupon require the contestants to give bond for costs. All of the hearings relating to such contests shall be heard in the court house of Franklin county. (*Id., sec. 2.*)

§ 1539a. (3.) *Recount of ballots—Ballots sent to Frankfort court house—Count commissioners—Fees—Attorneys to be present—Inspectors of count—Report of commissioners—Decisions on contested ballots—Grounds for rejection—Tampering with ballots or receptacles, penalty for.* If such contest involves the recount of ballots, the procedure therefor shall be as follows:

a. Upon the giving of such bond as above provided, and after the court has determined that the notice of contest presents sufficient grounds, the judge of the Franklin Circuit Court shall immediately order the ballots of the counties and precincts in which the recount is demanded sent to the court house in Frankfort, Kentucky, in such manner as said judge may designate, and said court may appoint two special commissioners to help make the said recount. The attorneys representing the



contestant and the Commonwealth's attorney representing the contestee, as hereinafter provided, may be present at all hearings on such recount. Such special commissioners shall receive \$3.00 per day and the actual traveling expenses, when approved by the judge of the Franklin Circuit Court.

b. The contestant and contestee shall each be entitled to appoint one inspector; who shall be allowed to witness the recount.

c. The result of the recount of ballots shall be reported to the court, together with all the disputed ballots and any ballots not counted for any reason, within three days after the same shall have been completed. The court, after inspecting and passing on such disputed and uncounted ballots, shall add such thereof as shall be found to be legal, to the number of legal ballots determined by the recount. In passing on such disputed, uncounted, or any other ballots cast, if it be shown to the satisfaction of the court that such ballots were procured by fraud, duress, bribery, intimidation, or for money or other valuable consideration, such ballot or ballots shall be rejected as illegal and void.

d. Any person who tampers with, or changes the ballots, or opens the receptacles in which the ballots are contained without the order of the court, shall be fined not less than \$500.00, nor more than \$1,000.00, and be imprisoned in the county jail not less than six months nor more than one year. (*Id.*, sec. 3.)

§ 1539a. (4.) *All ballots of a precinct rejected, when—Fraud or irregularity.* If in any of the precincts the error or fraud or other irregularity is such as to make it impossible to ascertain the correct result, the ballots from such precincts shall be thrown out and considered void. (*Id.*, sec. 4.)

§ 1539a. (5.) *Same—Bribery or intimidation.* The vote from any precinct shall not be counted when it is proven by the contestants that there was bribery or intimidation of the electors in such precinct and the court finds that the contestants were in the minority in such precinct and were not in any way implicated in the bribery or fraud complained of. (*Id.*, sec. 5.)

§ 1539a. (6.) *Offenses against elections on constitutional amendments—General contest laws applied.* Any act or deed denounced as an offense by the general laws of the State con-

cerning elections, shall also be an offense in elections concerning constitutional amendments, and shall be punished in the same form and manner as is provided for the punishment of similar offenses by the general laws, unless otherwise provided herein. All laws relating to contested elections for State offices shall apply with equal force to contests of the character contemplated herein, and shall be as effective as though fully set out in this article, except as otherwise provided herein. (*Id.*, sec. 6.)

§ 1539a. (7.) (See note to next section—Ed.)

§ 1539a. (8.) *Committees of persons advocating or opposing such amendments may nominate inspectors and challengers—Decision between contesting committees.* Not later than thirty days prior to an election at which constitutional amendments are to be submitted to the vote of the people, any committee which in good faith advocates or opposes such amendment may file a petition with the sheriff of the county asking that such petitioners be recognized as the committee entitled to nominate inspectors and challengers to serve at the election at which such constitutional amendment is to be voted on. If more than one committee alleging themselves to advocate or oppose the same amendment file such petition the county board of election commissioners shall decide and announce by registered mail to each committee not less than twenty days immediately preceding the election, which committee is entitled to nominate such challengers and inspectors. Such decision shall not be final, but any aggrieved party may institute proceedings in the county court of the respective counties, and upon hearing the county judge shall determine which of such committees shall be recognized as the one to select inspectors and challengers at such elections. (*Id.*, sec. 8.)

Section 7 was omitted from the act as it appeared in the Session Acts.—Ed.

§ 1539a. (9.) *List of nominees for challengers and inspectors to be filed with sheriff—Procedure where two amendments voted on.* Such committee shall file the names of the persons nominated by it with the sheriff of the county at least five days before the election. It shall thereupon be the duty of the county board of election commissioners within two days thereafter to certify the nominees of such committee for the

respective precincts to serve as challengers and inspectors at the election where any constitutional amendment is to be voted upon. If more than one amendment is to be voted upon the county board of election commissioners may designate on the petition of said committee one person for each amendment to serve as inspector at such election and one person for each amendment to serve as challenger at such election. (*Id.*, sec. 9.)

§ 1539a. (10.) *Duties and privileges of challengers and inspectors.* The challengers and inspectors shall perform their duties in the same manner and subject to the same privileges as other inspectors and challengers at such an election. (*Id.*, sec. 10.)

§ 1539a. (11.) *Any voter may become a party—Bond for costs.* Any elector who has participated in any election where the question of the ratification or rejection of a constitutional amendment is involved may make himself a party as contestee under this act by filing his petition to be made a party in the action pending in the Franklin Circuit Court not later than five days after said contest is instituted, and by giving bond for cost as is required by the contestant under the provisions of this act. (*Id.*, sec. 11.)

§ 1539a. (12.) *Newspaper publication by clerk that contest suit is filed.* It shall be the duty of the clerk of the Franklin Circuit Court to cause to be published in some paper of general circulation in the State of Kentucky within two days after a contest is filed under the provisions of this act, a notice of such contest, setting out in such publication the substance of the grounds of contest alleged by the contestants. (*Id.*, sec. 12.)

§ 1539a. (13.) *Commonwealth's attorney to attend suit, when.* Where no elector makes himself a party to such contest under the provisions of this act, it shall be the duty of the Commonwealth's attorney for the Franklin Circuit Court to attend the trial of such cause, and he may file such motions and pleadings in said cause on behalf of the Commonwealth as will insure a fair and honest determination of the contest. (*Id.*, sec. 13.)

§ 1539a. (14.) *Franklin Circuit Court has exclusive trial jurisdiction—Appeals to Court of Appeals.* The Franklin Circuit Court shall have exclusive jurisdiction to hear and determine all matters in contest cases filed under the provisions

of this act, and an appeal to the Court of Appeals may be prosecuted by any party to the contest in the same manner as now provided by law for appeals in other contest election cases. (*Id.*, sec. 14.)

## ARTICLE IX.

### *Compensation of Officers of Elections.*

§ 1540. *Cost allowed by fiscal court of county.* The cost of all elections held in any county shall be allowed by the fiscal court of such county, and paid by the county treasurer, except as otherwise provided by law. (*Cost of municipal election, sec. 1452.*)

§ 1541. *Pay of officers of election.* Officers of election shall receive pay as follows: judges, two dollars each; sheriffs, two dollars each; clerks, two dollars each. In all elections to fill vacancies, the same fees. For delivering election returns the sheriff and judge, whose duty it is to accompany him, shall also receive eight cents for each mile necessarily traveled from the place of voting to and from the place of delivery. The fiscal court shall, at its regular October term, provide for the payment of all election officers of the ensuing November election, which payment shall be made out of the levy of the year in which the services are rendered, or out of any money in the hands of the treasurer or sheriff not otherwise appropriated. (*Section as amended by act of March 19, 1908.*)

§ 1542. *County clerk's fee for certificate—fees of witnesses and officers.* The clerk of the county court shall have twenty-five cents for each certificate of election or appointment of an officer, to be paid by the person receiving it. The compensation to witnesses and officers taking depositions, and their powers and duties, in cases of contested elections, shall be the same as in actions in equity.

## ARTICLE X.

### *Electors of President.*

§ 1543. *Meeting at Capitol—time of.* The electors of President and Vice-President of the United States shall convene in

the Capitol, at the seat of government, at ten o'clock in the morning of the second Monday in January after their election, give their vote at or after twelve o'clock, and make return thereof according to law.

§ 1544. *Elector not attending—place filled.* If, from any cause, one or more of the electors elected fails to attend, as before directed, by twelve o'clock of that day, those in attendance shall fill the place of those absent by the election of another person or persons, who shall have the same powers as if originally elected by the people for that purpose.

§ 1545. *Compensation and mileage.* Each elector of President and Vice-President of the United States, for each day he attends at the seat of government as an elector, shall receive the same *per diem* and mileage as may at the time be allowed to a member of the General Assembly, to be paid as other claims upon the treasury. (*Compensation, see sec. 370.*)

## ARTICLE XI.

*United States Senator—how and when elected—when Governor May Appoint.*

§ 1546. (1.) *Election of Senator by vote of electors—Certificate of election.* One United States Senator shall be elected at the regular November election, 1914, for the term beginning March 4, 1915, who shall hold his office for six years, and one United States Senator shall be elected at the regular November election, 1918, for the term beginning March 4, 1919, who shall hold his office for a period of six years, and at the regular November election of each year thereafter next preceding the year in which a Senator's term shall expire. The election for United States Senator shall be held, the result ascertained and certified in the same manner as the elections for State officers: *Provided, however,* It shall be the duty of the Governor, after the returns have been canvassed, to certify the election of a person so chosen, under the seal of the State, to the president of the Senate of the United States, which certificate shall be countersigned by the Secretary of State. In the election for United States Senator all electors who are eligible to vote for members in the lower branch of Congress shall be eligible to

vote for United States Senator, and the person receiving the highest number of votes shall be declared elected.

§ 1546. (2.) *Vacancy—When filled by appointment of Governor.* In case of vacancy in the office of United States Senator, it shall be the duty of the Governor to fill the vacancy by appointment until the next regular election at which members of the lower branch of Congress are elected, and he shall certify the appointment to the president of the Senate of the United States, under the seal of the State, and the certificate of appointment shall be countersigned by the Secretary of State.

§ 1546. (3.) *Penalty for violation of law.* The same penalties prescribed for offenses against the election law in the election of other officers shall apply to elections for United States Senators.

§ 1546. (4.) *Repealing clause.* All laws in conflict with this act are hereby repealed. (This section is an act of 1914—98, and takes the place of sections 1546-49.)

## ARTICLE XII.

### PRIMARY ELECTIONS.

§ 1550. (1.) *Nominations—How made.* Hereafter all candidates for elective offices to be voted for at any general election shall be nominated:

1. By a primary election held in accordance with the provisions of this act or

2. By certificates of nomination signed and filed as herein provided. The provisions of this act shall not apply to candidates for trustees of common schools or members of school boards nor to trustees in towns of the fifth and sixth classes nor to candidates for presidential electors, but such candidates for such offices shall be nominated and have their nominations certified as now, or may be hereafter provided by law. This act shall not be construed to repeal or affect in any way an act entitled, "An act to amend an act entitled, 'An act for the government of cities of the second class in the Commonwealth of Kentucky,' " approved March 21, 1910, chapter 50, Acts 1910.

§ 1550. (Section 2 is repealed by act of 1914.)

§ 1550. (3.) *Time and place of holding.* On the first

Saturday in August of each year between the hours of 6 o'clock a. m. and 4 o'clock p. m. there shall be held at the regular polling places in each election precinct in this State a primary election for the nomination of candidates by political parties as hereinafter defined, to be voted for at the next November election. The provisions of this act shall not apply to vacancies in offices to be filled at special elections held at times other than the regular November elections. Nominations by political parties to fill vacancies at special elections to be held on days other than the regular November election shall be made in such manner as may be determined by the governing authority of such political party in the territory in which said election is to be held.

§ 1550. (4.) *Unexpired terms.* Candidates for unexpired terms to be filed at the November election shall be nominated at the primary next preceding such November election: *Provided*, That such vacancy occurred not less than seventy days before the day on which the next primary is to be held. But if such vacancy occurred less than seventy days before the primary election, the nomination shall be made in such manner as may be determined by the governing authority of the political parties. In the preparation of ballots hereinafter provided for, candidates for full terms shall be grouped together, and candidates for unexpired terms shall be grouped together on the party ballots, under appropriate headings, so that the voter may easily distinguish the candidates for full terms from the candidates for unexpired terms.

§ 1550. (5.) *Parties required to nominate in the primary.* A political party within the meaning of this act is an affiliation or organization of electors representing a political policy and having a constituted authority for its government and regulation, and which at the last preceding election at which presidential electors were voted for, cast at least twenty per cent of the total vote cast at said election in this State. And such political party shall nominate all of its candidates for elective offices to be voted for at the next succeeding general election at the primary election herein provided for, and not otherwise: *Provided*, That when a vacancy occurs after any nomination by death or otherwise, the governing authority of such party may provide for filling such vacancies and making

such nominations; and when such nominations have been so made the certificates of nomination shall be signed by the chairman and secretary of the governing authority of the party making same, and shall be filed in the same manner as to certificates of nomination at a primary election.

§ 1550. (6.) *Notification and declaration—Affidavits, how prepared and filed.* Any qualified elector who is a member of a party within the meaning of this act, and who has affiliated with and supported the nominees of the party at whose hands he seeks the nomination, as defined elsewhere in this act, shall have his name printed on the official ballot of his party for any office to which he is eligible in any primary held under the provisions of this act, upon filing with the proper officer at the proper time, a notification and declaration, which notification and declaration shall be in the following form, and shall be filled in as to all the requirements therein contained, and the declaration therein shall be subscribed and sworn to by the person making same, before any officer qualified to administer an oath.

Said notification and declaration shall be in the following form:

Notification and Declaration.

Of.....

For nomination to the office

Of .. .. .

To ..... (County

Court Clerk or Secretary of State, as the case may be.)

Commonwealth of Kentucky,

.....County.

For the purpose of having my name placed on the official primary election ballot as a candidate for nomination by the

.....(name of party)

party, I.....(name in full as desired on the ballot) do solemnly swear (or affirm) that I reside at

No. ...., street, in the city of....., county

of....., State of Kentucky, and that I am a

registered ..... (party) voter in .....

precinct, city of....., that I believe in the principles

of said ..... (name of party) party,



and intend to support its principles and policies, and vote for its nominees at the coming general election, and that I have affiliated with such party and that I supported its nominees at the last general election, or was prevented from doing so by reason of.....(state reason here); that if nominated as a candidate of said.....party at the said ensuing election, I will accept such nomination and not withdraw; that I will not knowingly violate any election law or any law defining or relating to corrupt and fraudulent practice in campaigns or elections in this State, and if finally elected, I will qualify for said office.

..... (Signature of candidate)  
 Subscribed and sworn to before me by.....  
 this .....day of ....., 19.....

..... (Signature of officer)  
 .....(Title of officer)

The said candidate shall at the time of filing his notification and declaration file therewith an affidavit of two reputable electors, members of the same party to which the applicant belongs, which affidavit shall be in the following form, and filled out so as to meet all the requirements indicated therein:

Commonwealth of Kentucky,  
 .....County.

We, ..... and .....  
 do solemnly swear (or affirm) that we are qualified electors and members of the .....(name of party) party, and have affiliated with said party, and supported its nominees at the last general election; that we are residents and legal voters of the city of.....  
 county of....., State of Kentucky;  
 that we are personally acquainted with....., who files the hereto attached notification and declaration, and we know him to be a discreet citizen, and a member of the..... party, and that to the best of our knowledge and belief, he has affiliated with and supported said party as defined in the primary election law; that he is a resident of the city, county and State set out in his notification and declaration, and we believe him to be qualified to fill the office of.....

.....  
 .....  
 (Signature of affiants.)

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

..... (Signature of officer)

..... (Title of officer)

Said application and declaration, and the accompanying affidavits may be on the same or separate sheets, but shall be filed together and at the same time, and when so filed with the proper officer, it shall be the duty of said officer, upon the candidate's compliance with the requirements of this act as to payment of fees as elsewhere provided, to have printed the applicant's name on the ballot according to the primary election law, under the penalties provided therein.

§ 1550. (7.) *Time and place of filing.* For all offices to be voted for by the electors of one county or of a city, district or subdivision therein, except members of Congress, said nomination papers shall be filed with the county clerk of such county, at least thirty days prior to the holding of the primary election. For State officers, members of Congress, and for all officers to be voted for by the electors of more than one county, said nomination paper shall be filed with the Secretary of State, at least forty days before the holding of the primary election.

§ 1550. (Section 8 is repealed in law of 1914.)

§ 1550. (9.) *Certificate where only one candidate files papers.* Immediately after the expiration of the time for filing applications and declarations for places on the ballot, if it should appear that there is only one candidate who has filed the necessary papers for the place on the ballot of any party on whose ballot he is entitled to have his name printed, the officer with whom such papers are filed shall issue to such candidate a certificate of nomination, which shall have the same force and effect as the certificate of nomination provided herein to be issued by the canvassing officers.

§ 1550. (10.) *Nomination papers, when destroyed.* All nomination papers in the custody of the county clerk and the Secretary of State under the provisions of this act shall be destroyed six months after the primary election for which said papers were filed. But such papers as are material to any investigation or litigation then pending shall not be destroyed until the final determination of such investigation or litigation.

§ 1550. (11.) *Inspection of papers.* All nomination papers filed under the provisions of this act shall at all times be subject to inspection by candidates and by the county attorney, the Commonwealth attorney and the Attorney General.

§ 1550. (12.) *Register of candidates.* The Secretary of State and the county court clerks shall each keep a book entitled "REGISTER OF CANDIDATES FOR NOMINATION IN THE PRIMARY ELECTION," and shall enter therein on different pages of said book for the different political parties subject to the provisions of this law the title of office sought and name and residence of each candidate for nomination in the primary election, the name of his political party, and the date of receiving his petitions. Said book shall be so kept that the names of all candidates of the same political parties shall be on the same or successive pages and the names of candidates of no two political parties shall appear on the same page. Said books are hereby declared to be public records.

§ 1550. (13.) *Certification of candidates by secretary of State.* Not less than thirty days before the primary election is to be held, the Secretary of State shall certify to the county clerks of the respective counties entitled under the law to participate in the nomination of the respective candidates, the name, place of residence, and party of each candidate for each office, as specified in the nominating petitions filed with him, and shall designate, subject to the provisions of this act, the device under which the groups or lists of candidates, or candidate, of each party shall be printed, in the order in which they shall appear on the ballot.

§ 1550. (14.) *Order of names certified by Secretary of State—how determined.* For the purpose of determining the order in which the names of candidates to be voted for by the electors of the entire State shall be certified and printed on the ballots under the designation of the respective offices, the Secretary of State shall prepare lists of the counties of each Congressional district of the State. He shall then arrange the surname of all candidates for each office in alphabetical order for the first Congressional district, and the names shall be certified in this order to the county clerks of all the counties comprising said Congressional district. Thereafter for each suc-

ceeding Congressional district, taken in the order of their numbers, the name appearing first for each office in the last preceding district shall be placed last, and the name appearing second in the last preceding district shall be placed first, and each other name be moved up one place. The list shall be certified accordingly.

For all other offices for which nominating papers are filed with the Secretary of State, the order of names of candidates for each office shall be determined by lot at a public drawing to be held in the office of the Secretary of State thirty-eight (38) days before the primary election, at two o'clock p. m., standard time.

§ 1550. (15.) *Publication of names by county clerk—order of printing.* Not less than twenty days before the primary election the county clerk of each county shall publish under the proper party designation and title of each office the names of all persons certified to him by the Secretary of State, in the same order in which they were certified, and of all persons for whom nomination papers have been filed with such county clerk. Only the names of persons who have substantially complied with the provisions of this act shall be published or printed on the ballot, and such names shall be published or printed in the order in which they are to be printed on the ballots. Said publication shall be done by posting a notice at the door of the court house and causing said list to be printed once in a newspaper of general circulation in such county, if there be such a newspaper.

The order in which the names of candidates for each office for whom nomination papers have been filed in the office of the county clerk, shall be printed on the primary election ballot shall be determined at a public drawing in the office of the county clerk twenty-five days before such primary election at 2 o'clock p. m., standard time.

§ 1550. (16.) *Order in which different offices shall appear on ballot.* The order in which the different offices are printed on the primary election ballot shall be the same as in the case of regular elections. The office of United States Senator shall come first when candidates for said office are to be nominated.

§ 1550. (17.) *Ballots and ballot boxes.* There shall be a separate ballot for each political party subject to this act, at the primary election provided for herein. Such ballots shall be printed in substantially the same manner as now provided by law in case of regular elections, except that on the back thereof shall be printed the words "Official Primary Ballot," and at the head thereof shall be printed the words "Official Primary ballot," together with proper party name and the party emblem. The party emblem in each case shall be the same as that used at the last preceding regular election, unless sixty days before the primary election the proper party authority certify a different emblem to the Secretary of State, in which event he shall certify the new emblem to the county clerks as herein provided.

All the official ballots designed to be voted in the primary nominating elections shall be printed in black ink upon a good quality of white ballot paper. The arrangement of each ballot shall be exactly the same for each political party, and the size and the printing shall be the same for each political party. Duplicate impressions of the ballots for each political party voted for at every primary election shall be printed upon cheaper colored paper. These colored ballots shall be used solely as sample ballots for the information and convenience of voters, and they shall not be voted or counted.

The ballots shall be printed so as to give each elector a clear opportunity to designate his choice of candidates for nomination by making with a stencil cross in the square after the name of each candidate for whom he wishes to vote for nomination; and on the ballot may be printed such words as will aid the elector to do this, such as "Vote for one," "Vote for two," and the like, to inform the elector of the number of candidates for whom he is entitled to vote for each office, and at the bottom or outer end of each ballot shall be prepared a secondary stub, separated from the body by a perforated line. Said secondary stub shall be in all respects as the like stub on the ballot used at the general elections, and shall be used in like manner and for the same purpose.

Separate ballot boxes shall be supplied for each party and the ballots cast shall be placed in the appropriate party boxes,

but a ballot shall not be disqualified by reason of having been in the wrong ballot box.

§ 1550. (17a.) *Registration of women voters.* In any year in which any general election is held, where school officers are to be voted for, or school questions are to be voted upon, in which women are entitled to vote as provided in chapter forty-seven of the Acts of the General Assembly of nineteen hundred and twelve, such women voters as are qualified to vote under said law, may be specially registered as provided in section twenty of the primary election act, and it shall be the duty of the county clerk to permit all women qualified under said act to so specially register.

§ 1550. (18.) *Number of ballots.* There shall be provided and furnished at each primary nominating election and at each election precinct seventy-five per cent more official ballots for each political party than the number of votes cast by such political party at the last preceding presidential election, and if a precinct was created since the last presidential election, the county court clerk shall furnish such number of ballots in such precinct as may be requested by the chairman of the county executive committee or authority of each political party, not exceeding, however, three hundred ballots for each party for each such precinct.

In any and all elections in which women are qualified to vote, the clerk shall furnish for such women voters, for each precinct in which the election is to be held, a number equal to fifty per cent of the entire number of ballots furnished for the male voters in each precinct, and the ballots cast by such women shall be treated in all respects like the ballots cast by male voters and deposited in the boxes hereinbefore provided for the respective parties.

§ 1550 (19.) *Qualifications of electors.* Before a person shall be qualified to vote in the primary election herein provided for, he shall possess all the qualifications now prescribed by the constitution and as are now required of voters in regular elections. Except that in the case of women electors the qualifications shall be as prescribed in chapter 47 of the Acts of the General Assembly of 1912. He shall, in addition to said qualifications, be a member of the party for whose nominees he

intends to cast his vote, and shall have affiliated with said party and supported its nominees, and no person shall be deemed to have affiliated with the party in whose primary he *seems* (seeks) to cast his vote, if he voted against the nominee or nominees of such party at the last general election. Said qualifications shall be determined as of the date of the primary, without regard to the qualifications or disqualifications as they may exist at the succeeding regular election. In precincts where registration is required, no elector, except those entitled to be specially registered as herein provided, shall be entitled to vote in any primary, unless he is registered in the registration book of said precinct for the preceding year, as affiliating with the party whose ballot he offers to vote. If so registered, he shall be entitled to vote the ballot of the party with which he is registered and no other. In other precincts, qualified electors shall be allowed to vote only the ballot of the party of which they are members, and with which they have affiliated and supported as defined herein: *Provided*, That all minors who will become twenty-one years of age before the November election shall be entitled to vote in said primary by declaring the party of their choice. The qualifications above described shall apply to candidates and voters alike.

In order to determine in case of doubt, any of the qualifications above mentioned, the judge of the election shall have power to and he shall swear any person offering himself to vote as to any of said qualifications, and when so sworn the judge shall direct the clerk to, and the clerk shall write upon the primary stub bearing the voter's name, the words, "sworn as to qualifications." And any voter making a false statement as to any of his qualifications shall be liable to indictment and conviction for false swearing.

"Any judge of election knowingly receiving a vote of any elector who is not qualified as provided in this act shall be guilty of a misdemeanor, and upon conviction, shall be fined one hundred dollars for each offense, and any person so voting knowing that he is not qualified as provided in this act, shall be guilty of a misdemeanor and upon conviction, shall be fined one hundred dollars for each offense, the fine in each case to be recovered upon information or indictment in any court having jurisdiction.

§ 1550. (20.) *Special registration.* Fourteen days before the primary provided for in this act there shall be a special registration at the office of the county clerk, for persons entitled to be specially registered for the purpose of voting in said primary. The following persons and no others shall be entitled to special registration:

1. Any persons who were absent from the city or town of their residence during the entire time of the registration for the preceding year.

2. Persons who were prevented from registering by reason of their own sickness or by death in their immediate families.

3. Persons who moved into the city or town of their present residence after the latest date that would enable them to register for the purpose of voting in the last regular election, and who have the qualifications of voters in the precincts in which they reside.

4. Persons who have become of age since the last election and have the qualifications of electors.

Before registering any person under this section the county clerk shall require him to make written oath as to the cause of his failure to attend last regular registration. In all cases where illness is given as a cause for failure so to register, the affidavit of a physician setting forth the fact shall also be required. All affidavits provided for under this section shall be kept in a bound book made for that purpose. When the proper affidavits have been made, the clerk or his deputy shall write the name of the person applying in the proper registration book of the preceding year on the last page containing the names beginning with the same letter, and, if necessary, on pages immediately following; and in the column headed "Remarks," shall be written the words "Specially Registered," with the signature of the clerk and the date.

Any elector present in the office of the county clerk may challenge the right of any person to register specially under this section, and thereupon the county clerk shall examine such person and any witness who may be offered, under oath, and shall determine the right of said person to register. The registration books in the possession of the county clerks shall be sent to the polls and shall be used by the election officers to de-



termine the right of any person to vote in the primary election; and there shall be no special registration at the polls.

§ 1550. (21.) *Transfer certificates.* There shall be no transfer certificates for enabling electors to vote in the primary election, but any voter who has removed from one precinct to another, in which registration is required, after having been registered for the last November election may apply to the county clerk upon the day for special registration provided for in the last preceding section and have his name cancelled off by writing opposite it in the column headed "Remarks" the word "removed," and upon making oath that he is a qualified voter or will be a qualified voter, on the day of the primary in the precinct of his present residence he shall be entitled to be specially registered as provided in the last preceding section. Persons removing from one city or town to another city or town in a different county shall not be required to have their registration cancelled, but may be specially registered upon making the affidavit as herein provided.

§ 1550. (22.) *Officers of election.* Officers of election for the primary shall be appointed by the county board of election commissioners as provided by the law in the case of the November elections: *Provided*, That the list of names selected by the several party committees shall be submitted to said board not less than fifteen (15) days before the holding of the primary and shall be open to inspection thereafter; and provided, that candidates before the primary shall be entitled, if they so desire, to unite regardless of party, in designating the names of persons to be appointed officers of election, under the rules hereinafter laid down. All designations of persons selected by candidates for appointment shall be made by written notice to said board, delivered to any member thereof, not later than ten days before said primary. Any group of 25 per cent of all candidates before the primary shall be entitled to have appointed as an election officer one person in each precinct for which a name is so submitted. In cases where names are so designated for several precincts, the persons so designated shall be appointed in equal proportions to the offices of clerk, sheriff and judge in the different precincts. In like manner 50 per cent of all candidates before the primary shall be entitled to designate two

persons to be appointed officers of election in each precinct. In such cases one of the persons so designated shall be appointed clerk of election in one-half of the precincts for which names are so designated. If 75 per cent of all candidates so unite they shall be entitled to designate three persons to be appointed officers of election in each precinct, and one of the persons so designated shall be appointed clerk of election in each of three-fourths of all the precincts for which names are so designated; and all the candidates by so uniting shall be entitled to the appointment of four officers of election in each precinct for which names are thus designated.

In cases where candidates unite in the selection of persons to be appointed officers of election, as herein provided, the lists of names submitted by the party committees shall be treated by the board of election commissioners as follows: If only one group of 25 per cent of the candidates unite in selecting one person to be appointed an officer of election in each precinct so designated, said board shall appoint only one officer of election for such precinct or precincts from the list submitted by the committee of that party whose candidates form a majority of the signers of such written designation. If the signers of such lists are divided equally between the parties, then the list of names submitted by each party committee shall have chosen from it only one name for an officer of election in every other precinct among those for which names are thus designated. If two groups of 25 per cent or one group of 50 per cent of all candidates so unite in designating persons to be appointed officers of election in one or more precincts, the remaining officers in such precincts shall be selected equally from the lists of the several party committees. In the event that 75 per cent of all candidates unite to procure the appointment of election officers in one or more precincts, or if three groups of 25 per cent of the candidates, or one group of 50 per cent and another of 25 per cent of the candidates submit names under the provisions of this section, the remaining officers of election in each of such precincts shall be chosen alternately from the lists of the different party committees.

All persons who are to act as election officers shall be appointed by said board in accordance with the foregoing pro-

visions, and the list of officers of election with the office to which each person is appointed shall be made up and open to inspection by any candidate, not later than the noon on the Saturday preceding the day of the primary.

The duties herein provided shall be enforceable against said county board of election commissioners, on the petition of any candidate, by the writ of mandamus. Proceedings in such cases shall be instituted in the circuit court. The proceedings shall be summary and without delay, and the orders of the court shall be final and not appealable.

§ 1550. (23.) *Challengers and inspectors.* Each political party shall be entitled to have not exceeding two challengers and two inspectors at each precinct during the holding of said primary election, same to be appointed and to serve under the following conditions:

Any group of candidates of the same political party equal to twenty-five per cent of all the candidates for such party to be voted for in a county (including State, district and all other candidates) in any primary may recommend to the county committee or governing authority of such party for the county a list of persons whom they desire to have appointed as challengers and inspectors in each precinct in such county. If more than two such lists are furnished said committee or governing authority as herein provided, said committee or governing authority shall in making appointments of challengers and inspectors so alternate between the several lists so furnished as to give to each list an equal amount or proportion of the appointments, but in no event shall there be appointed more than one challenger and one inspector for any precinct from any one list. The lists of challengers and inspectors herein provided shall be presented to the chairman or secretary of the party committee of the county not less than ten days before the date on which the primary is to be held; and said committee or the chairman thereof shall make the appointments and certify the same at least five days before the date on which said primary is held. Said appointment of challengers and inspectors shall be certified in all respects as challengers and inspectors at regular elections, except as otherwise herein provided, and said challengers and inspectors shall be subject to the same penalties and possess the

same rights and privileges as challengers and inspectors at general elections: *Provided*, That the challengers of one political party shall not be entitled to challenge those persons who offer to vote for candidates of any other party in such primary; and the inspectors of one political party shall not be permitted to examine or inspect the ballots or returns of any other political party than the one for which he was appointed. The provisions of this section shall be enforceable against the chairman of the political party committees in the same manner as provided in the last preceding section of this act.

§ 1550. (24.) *Manner of voting.* Any person desiring to vote shall give his name, his residence and the name of his political party to the clerk of election, who shall thereupon announce the same in the presence of the judge of election, and if such person is entitled to vote the ballot of the party to which he claims to belong, in such primary election, the clerk shall write on the primary stub of the ballot to be voted by such person, his name and residence. The clerk shall then tear off the ballot at the perforated line and endorse his own name across the back of the ballot and then deliver the ballot to the elector, who shall be entitled to receive only one official ballot, and when the clerk shall deliver said ballot to the elector, said elector shall immediately retire to a voting booth and there prepare his ballot; and when he has prepared it he shall fold it so as to conceal the names of all candidates thereon and shall immediately return to the officers of election and deliver his folded ballot to the judges of election. The judges of election shall in the presence of the elector, remove the secondary stub from said ballot and deposit said ballot in the box provided for the political party for which it is cast.

§ 1550. (25.) *Disposition of unused ballots—Counting vote—Return of vote.* Immediately after the close of the polls at a primary nominating election and before the ballot boxes are opened, the officers of election shall count all the remaining ballots that have not been used and shall stamp with a rubber stencil the word "unused" upon the face of each unused ballot so as to be plainly seen, and in their certificate of the result of the election they shall certify how many ballots were not used, and the ballots that were not used shall be left attached to the

stub book, which shall be returned to the county clerk as is now required by law. The county clerk, before receipting for the ballot boxes, shall count the unused ballots and see that they are properly stamped, and in his receipt given to the election officers delivering the ballot boxes he shall state the number of unused ballots, and that the same are properly stamped. Then the names of the electors of each political party who voted at said primary nominating election shall be counted and the number so voting for each political party shall be written and certified in each of the poll books on a blank certificate prepared for that purpose and signed by all election officers at the precinct in the same manner as is provided, or may hereafter be provided, for certifying and signing the official returns in said primary elections or the returns in said general election. Said officers of election shall count the number of ballots cast by each political party, and shall keep them separate so that all the ballots belonging to one party shall be in one bunch and the ballots belonging to another party in another bunch, and so on as to all parties who participate in such primary elections. As soon as the officers of such elections have thus separated, sorted and bunched the ballots 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 ballot box of each respective political party after first fastening and sealing said ballots for each political party in a separate bundle, and sealing them for transmission to the county clerk as is now, or may hereafter, be required for the transmission of ballots voted at regular election. Said election officers shall then place the tally sheet for each political party in separate envelopes provided for that purpose by the county court clerk, and they shall seal said envelopes and place them in the ballot box of such party. They shall then place all contested, disputed and spoiled ballots in envelopes prepared for that purpose and seal the same and place same in the ballot boxes. Then after the officers of election have thus counted, certified and prepared the election returns, they shall put the certified election returns in the ballot

box of each respective political party, together with all the supplies that are to be used in connection with said election, such as stencil, ink pads, sealing wax, stamps, seals, and other supplies that are, or may be required to be returned to the county court clerk, and lock said ballot boxes; and the sheriff of election and that judge who is of the opposite political affiliation, shall immediately take and deliver said ballot boxes, with the election returns to the county court clerk, and the same shall be received and receipted for in the same manner as the ballot boxes and election returns in general elections, except that said ballot boxes shall be opened by the county court clerk and the returns therein destroyed within ten days before the succeeding November election: *Provided*, That where a contest has been instituted and not disposed of, the ballot boxes shall not be opened by said clerk until after said contest has been finally disposed of. It shall be the duty of the county clerk to furnish to the election officers of each precinct in the county a rubber stencil containing the word "unused," the letters of which shall not be less than one-half inch in height. Said stencil shall be returned to the county clerk at the same time and in the same manner that the county election seal for the precinct is returned. It shall also be the duty of the county clerk to have this act printed in full in his instructions to election officers.

§ 1550. (26.) *Canvassing returns—Certificates of nomination.* On the third day after the close of any primary nominating election the County Election Commissioners of each county shall proceed to canvass the returns of said primary election and tabulate the same. The tabulation of votes for all offices for which the nomination papers are required to be filed in the County Clerk's office shall be on another separate sheet of paper for each political party and shall be filed in the County Clerk's office immediately after the canvass of the returns and tabulation of the votes by said Election Commissioners; and certificates of nomination shall immediately issue to the persons receiving the greatest number of votes for offices for which they were candidates. And said certificates shall not less than fifteen days next before the day on which the general November election is held, be filed with the County Clerk. Such tabulation of votes for nominations for candidates for office whose nomination

papers are now, or may hereafter be required to be filed in the office of the Secretary of State, shall be made on one separate sheet for each political party and shall be immediately transmitted under seal to the Secretary of State, in like manner as other election returns are transmitted to him. On the fourteenth day after such primary nominating election the State Board of Election Commissioners shall meet at the Capitol and canvass the returns of said primary election that have been certified and filed with the Secretary of State for all officers where the returns are required to be certified to and filed with the Secretary of State for all the political parties entitled to participate in such primary nominating election; and after they have completed the tabulation and canvass of the returns of said primary nominating election they shall immediately certify to the same, and they shall issue to that candidate of each political party receiving the highest number of votes for the office for which he was a candidate, a certificate of nomination, which certificate shall, not less than thirty days next before the day on which the general November election is held, be filed in the office of the Secretary of State. The Secretary of State shall, not less than twenty days before the day on which the general November election is held, certify under the seal of his office the persons whose names are entitled to be printed on the official ballot at the November election as the candidates of the various political parties for the offices to be filled at such election, and who have been nominated as herein provided; and he shall make and transmit by registered mail, a duplicate of such list and certificate of nomination of candidates for offices to the County Court Clerks of every county in the State where the candidate is to be voted for by the State at large, and he shall so transmit the names of such candidates to the County Court Clerks of each and every county in the district in which such candidate is to be voted for where the candidate is to be voted for by a district composed of more than one county.

§ 1550. (27.) *Omissions or errors of officers—Review by court.* Whenever it shall be made to appear by affidavit accompanied by a motion, filed in the Circuit Court in the county where the cause of action arises, as hereinafter provided, that an error or omission has occurred or is about to occur in the plac-

ing or failing to place the name of any candidate on the official primary ballot, or that an error or wrong has been or is about to be committed in the printing of said ballots, or any officer has failed or is about to fail to perform any duty imposed by this Act, the court shall order the officer or person charged with such error, wrong, neglect or failure to forthwith correct the error, desist from such wrongful act, to supply the failure, or to perform the duty, or show good cause why he should not be compelled so to do. Failure to obey the orders of the judge or court shall be treated as a contempt of court, and may be punished as such. Any officer whose duty it is to prepare or furnish ballots as required under this Act, who shall willfully or neglectfully fail to do so, shall, upon conviction therefor be fined not less than one thousand (\$1,000.00) dollars nor more than two thousand (\$2,000.00) dollars for each offense and in addition thereto may be imprisoned in the county jail not less than sixty days nor more than six months. If the Circuit Court be not in session in the county, the Circuit Judge of the district in which the county lies shall hear and determine the matter. If the Circuit Judge of the district in which the county lies be absent from the district, then the motion and affidavit shall be filed before the Circuit Judge of a contiguous district, if he be therein at the time, and if not, then before any Circuit Judge in the Commonwealth. And any of the circuit judges above indicated shall have full power to hear the complaint during court or in vacation in a summary manner, and to determine and make final orders therein; and when any such order is made, it shall be conclusive and not subject to appeal.

Of the filing of the motion and affidavit, and the time and place of hearing thereon the officer or person against whom same is directed shall have notice, which notice shall be served as notices are directed to be served under the provisions of the Civil Code of Practice.

Candidates only shall have the right to institute proceedings under this section, and the candidates shall pay the costs of the proceedings.

§ 1550. (28.) *Contests.* Any candidate wishing to contest the nomination of any other candidate who was voted for at any primary election under this act shall give notice in writ-



ing to the person whose nomination he intends to contest, stating the grounds of such contest, within five days from the time the Election Commissioners shall have awarded the certificate of nomination to such candidate whose nomination is contested. Said notice shall be served in the same manner as a summons from the Circuit Court, and shall warn the contestee of the time and place, when and where the contestee shall be required to answer and defend such contest, which shall not be less than three, nor more than ten days after the service thereof. Such contest shall be tried by the Judge of the Circuit Court of the county in which the contestee resides or is served. Upon return of said notice properly executed as herein provided, to the office of the Circuit Clerk of the county in which said contestee resides or is served with such notice of contest, it shall be the duty of the Clerk of the Circuit Court to immediately docket said cause and to immediately notify the presiding judge of the Circuit Court of said county that such contest has been instituted: *Provided*, That in counties constituting separate Circuit Court Districts and having more than one Circuit Judge the judge who shall hear and determine such cause shall be determined by lot. On or before the time for the return of said notice of contest, the contestee may controvert the grounds of contest and may also set up additional grounds of contest against the contestant. If additional grounds of contest are set up by the response of the contestee the court may allow the contestant reasonable time, not to exceed three days, however, in which to reply; but no additional grounds of contest shall be set up in any reply, and the cause shall be tried upon the grounds of contest contained in the original notice by the contestant and the response of the contestee. Each party to such contest shall be entitled in the production of evidence to be used on the trial thereof to all the remedies allowed in cases at law and in equity, and the judge shall proceed to a trial of said cause within five days after the issue is joined as herein provided. In trying such contests the court shall hear and determine all questions of law and fact without the intervention of a jury and may examine the witnesses orally or require the parties to take the evidence by depositions, in the discretion of the court, or as may be agreed by the parties: *Provided, however*, That if the evidence is taken

orally either party may have the right to require it to be taken by the official stenographer or reporter for the court, to be taken and transcribed and paid for as evidence in other civil actions. The court may require the contestant, or the person who has the burden of proof under the issue joined, to complete his proof in not less than five days, and the contestee, or the persons not having the burden, to complete his proof in not less than five days thereafter, and each party may be given one day additional for producing evidence in rebuttal, and no greater time shall be extended, unless the court be satisfied that the ends of justice demand it. The court shall, immediately after the evidence is concluded, consider said contest and determine the same, and his judgment shall be filed in the office of the Circuit Court Clerk as the judgment of the court, and shall have the same force and effect as a judgment rendered by the court in term time. The party desiring to appeal from the judgment of the court shall, on the same day after the same is rendered, execute a supersedeas bond in the same form and to the same effect as other supersedeas bonds in other civil actions for an appeal to the Court of Appeals, and the clerk shall immediately thereafterwards transmit to the Clerk of the Court of Appeals the original papers in said contest, including such transcript of evidence as may be furnished or as may be required by the court or by the parties, and said record of said contest, when received by the Clerk of the Court of Appeals, shall be immediately delivered to the Chief Justice, and said contest shall have precedence over all other business and causes then pending in the Court of Appeals and shall be heard and disposed of by the Court of Appeals as speedily as the exigencies in the case will admit. If on the trial of such contest the issue is finally decided in favor of the contestee this fact shall be certified to the Secretary of State, and to the County Court Clerk of the county in which the cause is finally determined. If said contest is finally decided in favor of the contestant this fact shall be certified to the Secretary of State, and to the Clerk of the Circuit Court of the county in which the contest originated; and if the contest was of a nomination that is required to be certified to the Secretary of State, then the Secretary of State will place the name of the successful contestant on the ticket in the place of the name of the

contestee to be voted for by his political party at the succeeding November election. If the nomination is one that is required to be certified to the County Court Clerk, then the County Court Clerk or clerks of the county or counties in which such candidate is to be voted for, shall place the name of the successful contestant on the ballot of his political party in lieu of the name of the contestee, to be voted for at the succeeding November election: *Provided, however,* That when the contests provided for in this act shall be for nomination to offices for the State at large, the notice of the contest shall be filed and the contest tried in the Franklin Circuit Court; but shall otherwise be subject to the provisions of this act.

§ 1550. (29.) *Election supplies and expenses.* All the supplies for holding said primary elections, and all the expenses of such primary elections shall be furnished and paid for in the same manner and by the same authority as the like supplies and expenses of the general election; and the paper for the printing of the ballots for the primary nominating election shall be furnished in the same way and paid for in the same way as the paper used for printing the ballots for the regular election; and the printing of the ballots and the distribution of the same, except as otherwise herein provided, shall be in the same manner as is now, or may hereafter be prescribed for the printing and distribution of ballots for the general election; and all officers shall receive the same fees for services rendered in the holding of the primary nominating election as are paid for the same or similar services in holding the general election, and payable in the same manner and by the same authority.

§ 1550. (30.) *County clerks—Compensations.* For his services under this Act, the County Clerk shall receive the following fees and no other: For every declaration filed by a candidate, one dollar, which is to be paid by the candidate upon the filing of his declaration; for publishing the list of names of the candidates before the primary, twenty-five cents for each name, and the cost of printing; for each name specially registered by him as herein provided, ten cents. All fees and expenses incurred under this act, except the one above specifically mentioned, shall be paid as other election expenses are paid under the law.

§ 1550. (31.) *Forgery of signatures.* Any person who shall forge any name of a signer to a nomination paper shall be guilty of forgery, and on conviction, be punished accordingly.

§ 1550. (32.) *Suppression of nomination papers.* Any person who, being in possession of nomination papers entitled to be filed under this act, shall wrongfully either alter, mutilate or suppress, neglect or fail to cause the same to be filed at the proper time in the proper office, shall be guilty of a misdemeanor and, on conviction, be punished by imprisonment in the county jail not to exceed six months, or by a fine not to exceed \$500.00, or both such fine and imprisonment.

§ 1550. (33.) *County clerk—Penalty against for wrongful acts.* The county clerk shall be under the same duties and subject to the same liabilities for failure to perform same, with reference to printing the ballots for primary elections held under this act, as he now is with reference to the November elections. Any county clerk who shall knowingly cause to be printed on any official primary ballot the name of any candidate who has not filed the nomination paper required by this act, or who shall knowingly fail to cause the name of any candidate who has complied therewith to be printed upon the proper ballot, or who shall knowingly cause to be printed upon the ballot for the regular election the name of any candidate of any political party embraced in this act who was not nominated in the manner provided in this act, shall forfeit his office and be guilty of a felony and, upon conviction, be confined in the penitentiary for not less than one year nor for more than three years.

Any county clerk who shall register any person specially under the provisions of this act, without administering and preserving in a book the affidavits herein provided for, shall be guilty of a misdemeanor, and, upon conviction, be fined not less than \$25.00 nor more than \$200.00.

§ 1550. (34.) *Secretary of State—Penalties against for wrongful acts.* Any Secretary of State who shall knowingly certify to the county clerk of any county the name of any candidate who has not filed the nomination paper provided for by this act, or who shall knowingly fail to certify the name of any candidate for whom the proper nominating paper has been filed

with him, as herein provided, or who shall knowingly certify to any county clerk the name of any candidate of any political party embraced in this act, to be printed on the ballots for the November election, who was not nominated in the manner provided in this act, shall forfeit his office and be guilty of a felony, and upon conviction, be confined in the penitentiary for not less than one year nor more than three years.

§ 1550. (35.) *Penalties.* Any act or deed denounced by the general laws of the State concerning elections shall also be an offense under this act, and shall be punishable in the same form and manner as provided for the punishment of like offense against the general election laws, and all the penalties denounced for violation of the general election laws shall apply with equal and like force to all and similar violations and infractions of the provisions of this act, and shall be as effective as though fully set out herein.

§ 1550. (36.) *Rules applying to primaries.* Except as herein otherwise provided, primary elections under this act shall be conducted substantially as now provided by law in case of regular elections. Any omission in this act shall be supplied as nearly as practicable from the Statutes governing the November elections. This act shall be liberally construed so as to carry out its purpose, and give to the voters of the different parties an opportunity to select their candidates.

§ 1550. (37.) *Repeal.* All acts or parts of acts inconsistent with this act, or in conflict with the provisions of this act, are hereby repealed.

§ 1550. (38.) *Emergency.* It being the sense of the General Assembly that the foregoing amendments should become effective as to the primary elections to be held in the year 1914, an emergency is declared to exist, and this amendatory act shall become effective upon its passage and approval by the Governor, and laws which are in conflict herewith are hereby repealed.

## ARTICLE XIIIa.

**CORRUPT PRACTICE ACT.**

AN ACT to promote pure elections, primaries and conventions and to prevent corrupt practice in the same; to limit the expenses of candidates; to prescribe the duties of candidates and providing penalties and remedies for violations, and declaring void, under certain conditions, elections in which these provisions or any of them have been violated.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1565b. 1. It shall be unlawful for any public service corporation, engaged in business in this State, to contribute, either directly or indirectly, any money, service or other thing of value, towards the nomination or election of any State, county, city, town, municipal or district officer.

It shall be unlawful for any corporation, person, company or association, to contribute, either directly or indirectly, money, service or other thing of value, towards the nomination or election of any State, county, city, town, district or municipal officer; if any such officer, in his official capacity, is required by law to perform any duties peculiar to such corporation, person, company or association not common to the general public, or if it is the duty of such officer to supervise, regulate or control in any way or manner, the affairs of such corporation, company, person or association, or if such officer has any duty to perform in assessing the property of any such corporation, person, company or association for taxation. No officer or agent of any public service corporation, or any other corporation in the class above mentioned, and no officer or agent of any company or association, and no agent for any person in the class above mentioned, shall contribute, either directly or indirectly, for or on behalf of any such corporation, company, association or person in money, service or other thing of value towards the nomination or election of any State, county, city, town, district or municipal officer. No attorney shall accept employment and compensation from any corporation mentioned above, or from any person, company, or association mentioned above, with the

understanding or agreement, either verbal, written or implied, that he will contribute all or any part of such compensation so received, either directly or indirectly, towards the nomination or election of any State, county, city, town, district or municipal officer. No corporation, company, association or person mentioned above shall pay, promise, loan or become pecuniarily liable in any way for any money, or other valuable thing in behalf of any candidate for office at any election, primary or nominating convention held in this State, and no officer or agent of any such corporation, association or company shall, on behalf of such corporation, company or association, pay, promise, loan or become pecuniarily liable in any way for any money, or other valuable thing, in behalf of any candidate for office at any election, primary or nominating convention held in this State. Any corporation, company, association or person, or any officer or agent of any such corporation, company or association, or any agent for any person, who shall be guilty of any violation of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding \$10,000.00 and imprisoned in the county jail not less than thirty days and not exceeding one year, and any attorney violating the provisions of this section shall be subject to a like penalty, and in addition he shall be debarred from the practice of law in this State, and the judgment of conviction shall so declare.

It shall be unlawful for any corporation not falling within the above mentioned classes to contribute, either directly or indirectly, any money, service or other thing of value towards the nomination or election of any State, county, city, town, municipal or district officer; or to expend, pay, promise, loan or become peculiarly liable in any way for any money, or other valuable thing in behalf of any candidate for office at any election, primary or nominating convention held in this State; and no officer or agent of any such corporation shall for, and in behalf of, such corporation, contribute, either directly or indirectly, any money, service or other thing of value, towards the nomination or election of any State, county, city, town, municipal or district officer, and no attorney or other person shall accept employment and compensation from such corporation with the

understanding or agreement, either direct or implied, that he will contribute to any such candidate, or in his behalf, all, or any part, of such compensation. Any such corporation or any officer or agent of such corporation violating the provisions of this paragraph shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding \$1,000.00, and any such officer or agent of any such corporation shall be imprisoned not exceeding one year, and any attorney violating the provisions of this paragraph shall be subject to the same penalties, and in addition shall be debarred from the practice of law, and the judgment of conviction shall so declare.

§ 1565b. (2.) It shall be unlawful for any corporation, person, company or individual to coerce, or direct, any employe to vote for any party or person who may be a candidate for any office, in this State, or for any person who may be a candidate for a nomination for any office, or to threaten to discharge such employe if he votes for any candidate; or if such employe is discharged on account of his exercise of suffrage, or to give out, or circulate any statement or report that such employes are expected, or have been requested or directed by such corporation, person, individual or company, or by any one acting for such, or any such, to vote for any person, group of persons, or measure, and any person, corporation or company, violating this section, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed and not less than \$1,000.00 nor more than \$5,000.00 or imprisonment in the county jail not to exceed six months or both.

§ 1565b. (3.) It shall be unlawful for any person who is a candidate for nomination or election for any State, county, city, town, municipal or district office to expend, pay, promise, loan or become pecuniarily liable in any way for money, or other thing of value, either directly or indirectly, or to agree or enter into any contract with any corporation, association or person to vote for or support any particular thing or measure in consideration of the vote or support, moral or financial, of any such corporation, association or person, and it shall be unlawful for any corporation, association or person to demand that any candidate for office shall promise or agree in advance or shall make any contract, oral or written, to support any particular individ-



ual, thing or measure, in consideration for the vote or the support, financial or moral, of such corporation, or person, in any election, primary or nominating convention, but no expenditure made by any candidate, or others for him, for the purpose of employing and paying clerks and stenographers, or for printing and advertising, or in securing suitable halls for public speaking or suitable headquarters, stationery and stamps, or actual traveling expenses, shall be deemed illegal, and any person, corporation, or company violating this section shall be fined in any sum not to exceed \$5,000.00 or be imprisoned in the county jail not to exceed six months or both.

§ 1565b. (4.) Any person who shall be a candidate before any caucus or convention, or at any primary election, before any final election for any State, city, county, town, municipal or district office shall, between the tenth and the fifteenth day before the date for making such nomination, and also between the tenth and fifteenth day before the final election, file with the officer with whom his nomination papers must be filed in case of a primary, and with the chairman of the board authorized to issue the certificate of election after a final election, or with the Secretary of State, when nomination is made by caucus or convention for officers of the State at large, and in all other cases with the county clerk of the county wherein the candidate resides, a statement in writing, which statement shall be subscribed and sworn to by such candidate and which shall set forth in detail all sums of money, or other things of value, contributed, disbursed, expended or promised by him, and to the best of his knowledge and belief, by any person in his behalf, wholly or in part, endeavoring to secure his nomination or election to such office or place; and also sums of money contributed, disbursed, expended or promised by him in support and in connection with the nomination or election of any other person at such election, primary or nominating convention, and showing the dates when, the person to whom, and the purpose for which, all such sums were paid, expended or promised. Said statement shall set forth in detail each item of contribution or expenditure, and he shall, before some officer qualified to administer oaths, subscribe and file with said statement the following oath:

“I do solemnly swear (or affirm) that the statement here-

with filed embraces all money spent by me, or in my behalf with my knowledge; by any person for me; that I have neither, directly nor indirectly, arranged for or encouraged the spending of any money other than as shown in my statement; that I have not repaid any money so spent or claimed to have been spent, and that I will not do so, and that I have not violated any of the provisions of this act in letter or in spirit.”

§ 1565b. (5.) Any campaign committee or individual having charge of the candidacy of any person or group of persons, or managing or paying the expenses, or contributing to the expenses of a campaign for the adoption or rejection of any question submitted to the people for their approval or rejection at any election shall make out a statement in the same manner and form as that provided for the candidate in this act, and it shall be verified by the chairman or secretary of the campaign committee or person acting in the capacity of chairman or secretary of such committee, and said statement shall be filed with the same officers with whom the candidates are required to file their statement. Any person violating the provision of this section shall be fined not less than one hundred dollars nor more than five thousand dollars or confined in the county jail at hard labor for not less than one month or more than twelve months or so both fined and imprisoned.

§ 1565b. (6.) Every candidate, as previously mentioned in this act, and every campaign committee, person or persons in charge of said campaign, shall within thirty days after the election, caucus, convention or primary election held to fill any office or place for which such person may be a candidate, make out and file with the officers above mentioned a statement subscribed and sworn to as indicated in previous sections, which statement shall set forth in detail all sums of money contributed, disbursed, expended or promised by him, and to the best of his knowledge and belief, by any person in his behalf, wholly or in part, endeavoring to secure his nomination or election to said office, and also all sums of money contributed, disbursed, expended or promised by him in support and in connection with the nomination or election of any other persons at such election, primary, caucus or nominating convention showing the dates when, persons to whom and the purpose for which all such sums

were paid, expended or promised: *Provided, however,* That the statement provided for in this section shall relate to matters occurring after the filing of the first statement provided for in this act.

§ 1565*b*. (7.) No officer or board authorized by law to issue certificates of election or nomination shall issue any such certificates to any person until the statements required by this act shall have been made and filed as required.

§ 1565*b*. (8.) Any person failing to comply with the above provisions by failing to file the statement or statements as required shall be liable to a fine not exceeding \$500.00, which may be recovered by indictment or by penal action.

§ 1565*b*. (9.) No person shall be permitted to qualify as an elective officer or receive a certificate of nomination until he shall have filed the statements as provided by this act, and no officer shall receive any salary or emolument for any period prior to the filing of such statements.

§ 1565*b*. (10.) Said statements when filed as required by this act shall at all times be open to public inspection and copies thereof may be obtained by any person desiring same.

§ 1565*b*. (11.) In any contest over the nomination or election of any officer mentioned in this act, it may be alleged in the pleadings that the provisions of this act have been violated by the candidate or by others in his behalf with his knowledge, and if it so appears upon the trial of said contest, then said nomination or election shall be declared void, and it is hereby provided that the candidate who has received the next highest number of votes and who has not violated the provisions of this act shall be declared nominated or elected unless it also appears that one of the parties to the contest received a plurality of the votes cast and did not violate the provisions of this act.

§ 1565*b*. (12.) The provisions of this act shall apply to the nomination and election of members of the General Assembly.

§ 1565*b*. (13.) No candidate for Governor in a primary election or before a convention in this State, shall expend exceeding \$10,000.00, including that expended in his behalf by others, and this sum shall not be exceeded in the final election; no other candidate for office from the State at large shall expend,

or have expended in his behalf together exceeding \$5,000.00 in a primary election or before a convention, and this sum shall not be exceeded in the final election.

§ 1565*b*. (14.) No candidate for Railroad Commissioner in a primary election or before a convention, shall expend, or have expended for him together, exceeding \$3,000.00, and this sum shall not be exceeded in the final election; no candidate for judge of the Court of Appeals in a primary election or before a convention, shall expend, or have expended for him together, exceeding \$3,000.00, and this sum shall not be exceeded in the final election.

§ 1565*b*. (15.) No candidate for circuit judge in a primary election or before a convention, shall expend or have expended for him together, exceeding \$2,500.00, and this sum shall not be exceeded in the final election, and the provisions of this section shall apply to candidates for Commonwealth's attorney.

§ 1565*b*. (16.) No candidate for a county office in a county having a city of the first class, in a primary election or before a convention, shall expend or have expended for him together, exceeding \$2,500.00, and this sum shall not be exceeded in the final election; the amount shall be limited to \$2,000.00 in counties having cities of the second class; to \$1,500.00 in counties having cities of the third class, and \$1,000.00 in all other counties, and the provisions as to candidates in counties having cities of the first class shall apply to all other counties, except as to amount expended.

§ 1565*b*. (17.) No candidate for representative in the General Assembly in a primary, or before a convention, shall expend or have expended for him together, exceeding \$350.00, and this sum shall not be exceeded in the final election; no candidate for State Senator, in a primary or before a convention, shall expend or have expended for him together, exceeding \$500.00, and this sum shall not be exceeded in the final election.

§ 1565*b*. (18.) No candidate for any other office in this State in a primary, or before a convention or caucus, shall expend or have expended for him together, exceeding \$500.00, and this sum shall not be exceeded in the final election.

§ 1565*b*. (19.) Any person violating any provision of this

act where no other penalty is provided shall be subject to a fine of not less than \$100.00 nor more than \$1,000.00.

§ 1565*b*. (20.) The statement of any person testifying in any case pending under the provisions of this act shall not be used against him in any prosecutions or civil proceeding.

§ 1565*b*. (21.) The grand jury in each county in this State is given full power to investigate any violation of this act, and to that end may compel any corporation, company or association to produce all books, correspondence or papers which may show or tend to show any violation of this act, and may compel any officer, agent, employe, custodian or other person having the possession of any such books, correspondence or papers, or other evidence material to the matter under investigation to appear and testify, and any such person refusing to obey any such summons from the grand jury or refusing to appear and testify, shall be proceeded against for contempt, and upon conviction fined in any sum not exceeding \$1,000.00 or imprisoned not exceeding one year.

Approved March 13, 1916.

### ARTICLE XIII.

#### *Penalties Against Frauds in Election—Limitation to Prosecutions.*

§ 1566. *Removing or having ballot outside election room—When a felony.* Any person who shall knowingly and willfully remove or attempt to remove a ballot from the election room, or have in his possession outside the election room any ballot, either genuine or counterfeit, during the election, shall be guilty of a felony, and, on conviction, shall be imprisoned in the penitentiary not less than two nor more than five years. (See sec. 1473.)

§ 1567. *Wrongful removal or possession of ballot—Penalties.* If any person shall take or remove in any manner, feloniously or with the consent or permission of the custodian for the time, any official ballot or ballots, from any place where they may lawfully be under this law, or shall knowingly and willfully have in his custody or possession such ballots, except as an official or custodian under the law, or while within the

polling place for the purpose of voting, or if any such custodian or official shall consent to, or permit any of such ballots to be removed or carried away from the place where they may lawfully be, by any person except such official or custodian whose duty it is to receive the same, such person, custodian or official shall be deemed guilty of a felony, and, on conviction, shall be punished by imprisonment in the penitentiary for not less than three nor more than ten years.

§ 1568. *Removing or destroying booth or other convenience—Or attempt.* Any person who shall, during the election, knowingly and willfully remove or destroy any of the supplies or other conveniences placed in the booths for the purpose of enabling the voter to prepare his ballot, or shall, during an election, remove, tear down or deface the cards printed for the instruction of the voters, or shall, during an election, destroy or remove any booth or other convenience provided for such election, or shall induce or attempt to induce any person to commit any of such acts, whether or not any of such acts are committed or attempted to be committed, shall be guilty of a misdemeanor, and, on conviction, shall be punished by imprisonment in the county jail for not less than six months nor more than one year.

§ 1569. *Electioneering—Wrongful obtention, exhibition, marking or delivery of ballot.* No officer of election shall do any electioneering on election day, nor disclose at any time, to any person, the name of any candidate for whom any elector has voted. No person whatever shall do any electioneering on election day within any polling place, or within fifty feet thereof. No person shall apply for or receive any ballot in any polling place other than that in which he is entitled to vote. No person shall show his ballot, after it is marked, to any person in such a way as to reveal the contents thereof or the name of any candidate or candidates for whom he has marked his vote; nor shall any person examine a ballot which any elector has prepared for voting, or solicit the elector to show the same. No voter shall deliver any ballot to the judges of the election to be voted, except the one he receives from the clerk. No voter shall place any mark upon his ballot, or suffer or permit any other person to do so, by which it may be afterwards identified as the one voted by him. Whoever shall violate any provision of this

section shall, on conviction, be fined not less than twenty (\$20) nor more than five hundred (\$500) dollars, or imprisoned not less than ten (10) days nor more than six (6) months, or both so fined and imprisoned, at the discretion of the jury. (*See sec. 1476.*)

§ 1570. *Inducing another to mark ballot—Felony—Marked ballot not counted.* If any person shall induce, or attempt to induce, any elector to write, paste, or otherwise place on his ballot the name of any person or any sign or device of any kind, as a distinguishing mark by which to indicate to any other person how such elector has voted, such person so offending shall be guilty of felony, and, on conviction, be imprisoned in the penitentiary not less than two nor more than five years. Any ballot having any of the distinguishing marks mentioned in this section shall not be counted for any candidate voted for at that election.

§ 1571. *Person entitled to inspect ballot—Revealing information—Felony.* If any person, being an officer of election or otherwise entitled to the inspection of the ballots, or challenges, shall reveal to any other person how any elector has voted, or what other candidates were voted for on any ballot bearing a name not printed thereon, or give any information concerning the appearance of any ballot voted, such a person so offending shall be guilty of a felony, and, on conviction, shall be imprisoned in the penitentiary not less than two nor more than five years.

§ 1572. *Personating registered voter—Penalties.* Any person who falsely personates a registered voter, in any precinct where registration is required, and receives a ballot under the provisions of section 1471, by means of such personation, and casts said ballot, shall be deemed guilty of a felony, and shall, upon conviction thereof, be sentenced to imprisonment in the penitentiary for not less than one nor more than two years, and forfeits his right to vote forever after. The attempt at such personation shall be punished as a misdemeanor, with a fine of not exceeding two hundred dollars, and imprisonment not exceeding six months in the county jail.

§ 1573. *Destroying or obtaining ballot or box—Or attempt.* Whoever unlawfully destroys, or attempts to destroy, any ballot

box, used any ballot deposited at any election, or whoever at any election unlawfully, either by force, fraud or other improper means obtains or attempts to obtain possession of any ballot box, or any ballots therein deposited, while the voting at such election is going on, or before the ballots are duly taken out and counted according to law, shall be punished by confinement in the penitentiary for not less than one nor more than five years, and be fined not less than fifty nor more than one thousand dollars. (*See, further, sec. 1585a.*)

§ 1574. *Right of employe—Employer refusing leave.* Any person entitled to a vote at any election in this State shall, on the day of such election, be entitled to absent himself from any services or employment in which he is engaged or employed for a period of four hours, between the time of opening and closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages: *Provided, however,* That application for such leave of absence shall be made prior to the day of election. The employer may specify the hours during which said employe may absent himself as aforesaid. Any person or corporation who shall refuse to an employe the privilege hereby conferred, or shall discharge or threaten to discharge an employe for absenting himself for the purpose of said election from his work, or shall subject an employe to a penalty or deduction of wages because of the exercise of such privilege, or who shall, directly or indirectly, violate the provisions of this section, shall be deemed guilty of a misdemeanor, and be fined in any sum not less than fifty nor more than five hundred dollars. (*See Con., sec. 148.*)

§ 1574a. (1.) *Corporations forbidden to contribute to political organizations—Penalty.* It shall be unlawful for any corporation chartered under the laws of this State, or authorized to do business therein, by virtue of the laws thereof of itself or by or through its agent, attorney or any employe or officer thereof, to subscribe to, give, procure for or to furnish any money, privilege, favor or other thing of value to any political or quasi political organization, or party or any officer or member thereof to be used by such political or quasi political party or organization for any purpose or purposes whatever, or after-



wards to reimburse or compensate in any way or manner any person or persons who shall have subscribed, given, procured or furnished any such money, privilege, favor or other thing of value, to be used by such political or *quasi* political party or organization for any purposes whatever. And any corporation which shall violate any of the provisions of this act shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than five hundred dollars or more than five thousand dollars for each offense, and its charter or authority to do business in this State shall, upon such conviction, be repealed, revoked and held for naught.

§ 1574a. (2.) *Corporation agents or officers forbidden to act for it—Penalty.* Any officer, agent, attorney, servant or employe of any corporation chartered under the laws of this State or authorized by the laws thereof to do business therein, or any person whatever acting for or representing any such corporation who shall disburse, distribute, pay out or in any way handle any money, funds or other thing of value that belongs to or has been furnished or is being furnished by any such corporation or agent, attorney, employe or servant thereof to be used or employed in any way for the purpose of aiding or assisting or advancing the cause of any political or *quasi* political party or organization or of any candidate for public office in any way whatever, shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than two hundred and fifty dollars nor more than one thousand dollars, and imprisoned in the county jail at hard labor not less than three months nor more than twelve months for each offense.

§ 1574a. (3.) *Corporation influencing vote of its employes—Penalty.* Any corporation chartered under the laws of this State, or authorized to do business therein, which shall, through any officer, attorney, agent or employe, or otherwise, directly or indirectly, influence or attempt to influence by bribe, favor, promise, inducement, threat or otherwise, the vote or suffrage of any employe or servant of such corporation against or in favor of any candidate, platform or principles or issue in any election held under the laws of the Commonwealth, shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than five hundred dollars nor more than five thousand

dollars for each offense, and its charter, or authority to do business in this State, shall, upon such conviction, be repealed, revoked, annulled and held for naught. (*This section is an act of March 17, 1900; the numbers of subsections are the numbers of sections of act.*)

§ 1575. *Selling or furnishing intoxicating liquors.* Whoever sells, loans, gives or furnishes to any person or persons, either directly or indirectly, spirituous, vinous or malt liquors, or any other intoxicating drink, in any precinct, town, city or county of this Commonwealth, upon the day of any general or primary election therein, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined the sum of not less than twenty-five nor more than fifty dollars for each offense, which may be recovered by proceedings in any court of competent jurisdiction, or by indictment in the circuit court. It shall be the duty of the circuit judges throughout this Commonwealth to make special mention of this section in charge to the grand juries of said courts. (*See sec. 2565.*)

§ 1576. *Disobedience of election officer's commands.* Any person who shall willfully disobey any lawful command of any officer of an election held under this chapter, given in the execution of his or their duty as such at any such election, shall be deemed guilty of a misdemeanor, and, on conviction, be fined not less than twenty-five nor more than five hundred dollars.

§ 1577. *Officers violating duties.* Any public officer upon whom a duty is imposed under this chapter, and no penalty provided for the violation thereof, who shall willfully neglect to perform such duty, or who shall willfully perform it in such a way as to hinder the objects of this law, shall be punished by a fine of fifty dollars and imprisonment in the county jail for two months.

§ 1578. *Sheriff failing to perform duty.* Any sheriff who willfully fails to cause an election to be held as required by law shall be fined from one hundred to five hundred dollars. If he willfully fails to perform any other duty concerning an election, for which there is no penalty specially prescribed, he shall be fined from twenty to two hundred dollars.

§ 1579. *Officer appointed failing to perform duty.* Any

officer of election or of registration, in any precinct where registration is required, who, after due notice of his appointment, shall fail to perform his duty as such in holding any election or registration, unless for good cause, shall be fined from twenty-five to five hundred dollars.

§ 1580. *Officer of canvassing or contesting board—Neglect or corrupt act.* Any officer who, without sufficient excuse, fails to discharge his duty after an election, as one of a board for canvassing the election returns, or to decide a contested election, shall be fined from one hundred to one thousand dollars, and imprisoned in the county jail not exceeding sixty days. Any officer who shall act corruptly or with partiality in the discharge of such duty shall be fined from one hundred to five hundred dollars, and shall also, in addition, forfeit any office he then holds, and be disqualified from ever holding any office.

§ 1581. *Altering, secreting, destroying poll books, return or certificate.* Any officer or other person who shall willfully alter, obliterate or willfully secrete, suppress or destroy the certified poll book, return or certificate of an election, willfully and unlawfully alter the poll book before it is certified; or any officer who shall make, or aid in making, or authorize the making up of any false or fraudulent poll book, or certificate of an election or election return, shall be deemed guilty of forgery, be confined in the penitentiary from one to five years, forfeit any office he then holds, and be disqualified from ever holding any office.

§ 1582. *Refusal to give certificate of election.* Any officer whose duty it is to give or aid in giving a certificate of election, or of the returns of an election, or to forward the same, who shall willfully refuse or fail to give the same, or to send the same to the Secretary of State, as required by law, shall be fined not more than a thousand dollars, forfeit any office he may then hold, and be disqualified from ever holding any office.

§ 1583. *Receiving or recording illegal vote.* Any officer of election who shall receive, or assent to receive, or record a vote at an election at a time or place known by him not to be the time and place lawfully appointed, or who shall knowingly receive the vote of any other than a qualified voter, or so refuse

to receive the vote of a qualified voter, shall, for every such offense, be fined from fifty to five hundred dollars, forfeit any office he then holds, and be disqualified from ever holding any office.

§ 1584. *Person not qualified voting.* Any resident of this State who shall vote at any election before he has resided one year in the State, or in the county and precinct where the election is held, the time required by law, or before he has attained full age, or before he has been duly naturalized, shall be fined from fifty to one hundred dollars, or imprisoned from ten to ninety days, or both.

§ 1585. *Non-resident — Repeating — False personation — Felony.* Any resident of another State or country who shall vote at or any person who shall vote more than once at an election, or knowingly vote, or offer to vote, in any precinct except the one in which he resides; any person who shall vote by means of a false personation, or use of the naturalization papers of another person, dead or living, and any person who shall lend or hire his or another's naturalization papers to be used for such purpose, shall be imprisoned in the penitentiary not less than one nor more than five years.

§ 1585a. (12.) *Penalty for giving improper certificate or interfering with seals or ballots.* Any officer of the election who shall knowingly and willfully give or certify to an improper certificate of the election as herein required, or shall mutilate or tamper with any of the seals, or destroy or remove any of the ballots required to be preserved herein, shall be guilty of felony, and upon conviction thereof shall be confined in the penitentiary for a period of not less than one nor more than three years.

§ 1585a. (13.) *Penalty against county clerk allowing ballot box tampered with.* Any county court clerk who shall knowingly and willfully unlock or break open and remove or destroy, or in any way tamper with a ballot box and ballots left in his care and custody, or permit any other person to do so during the period of six months which they are so required to remain in his office, or until they are removed from his office by order of the court hearing any contest, shall forfeit his office and be deemed guilty of a felony, and upon conviction shall be confined in the penitentiary not less than one nor more than three years.

§ 1585. (14.) *Penalty for tampering with ballots.* Any person or persons who shall in any way remove, mutilate or destroy, or add any new ballots to, the regular ballots that have been counted and prepared for preservation, or have already been preserved, as required herein, so that the result of the election in such precinct or county is changed thereby, shall, upon conviction, be deemed guilty of a felony and confined in the penitentiary for not less than one or more than three years.

§ 1585. (15.) *Intimidation of voter or interfering with election officer—Penalty.* Any person or persons who shall unlawfully attempt to prevent, or prevent any voter from casting his ballot, or shall attempt to, or intimidate, any person or voter so as to prevent him from casting his ballot, or who shall unlawfully interfere with the officers of election in the discharge of their duties as such, shall be deemed guilty of a felony and, upon conviction, be confined in the penitentiary for a period of years of not less than one nor more than five years for each offense. The fact that the person or persons so offending may be an officer or officers of the Federal government, or of the State or any district, county, town or city thereof, or of election, shall not relieve them of the responsibility or penalty for the violation of this section. All acts or parts of acts in conflict with this act are, to the extent of such conflict, hereby repealed. (*This section is the last four sections of an act of October 16, 1900; the numbers of the subsections are the numbers of the act.*)

§ 1586. *Bribery—Receiving bribe—What is bribery.* Any person guilty of receiving a bribe for his vote at an election, or for services or influence in procuring a vote or votes at an election, shall be fined from fifty to five hundred dollars, and be excluded from office and suffrage.

§ 1586. (1.) “Bribe” or “bribery” means any reward, benefit or advantage, present or future, to the party influenced or intended to be influenced, or to another at his instance, or the promise of such reward, benefit or advantage.

§ 1586. (2.) Money or other thing of value given or lent in whole or in part, to be betted on the result of election, or the promise thereof, or a bet with another that such other will vote for a named candidate, and the gift or promise of a share in any such bet made or to be made, shall be deemed a bribe.

§ 1586. (3.) Whoever shall receive money or other thing of value to be used for the purpose of procuring or influencing a vote or votes shall be deemed to have been bribed. (*See Con., sec. 151.*)

§ 1587. *Bribery—Bribing another.* Whoever shall bribe another shall, on conviction, be fined from fifty to one hundred dollars, or imprisoned from ten to ninety days, or both so fined and imprisoned, and be excluded from office and suffrage.

§ 1588. *Unlawful interference with election.* Any person who, by himself or in aid of others, shall forcibly break up or prevent, or attempt to break up or prevent, the lawful holding of an election, or so obstruct or attempt to obstruct the same, or so prevent or attempt to prevent any qualified voter from giving his vote, shall be fined from fifty to five hundred dollars, or imprisoned not more than one year.

§ 1589. *Making or procuring another to make false oath.* Any person who shall make any willfully false statement, under an oath duly administered at an election, shall be confined in the penitentiary from one to five years. Any person who shall willfully procure another to make such false statement shall be confined in the penitentiary one year.

§ 1590. *Counseling or procuring one to make false oath.* Any person who shall counsel, advise or procure the commission, or aid in the commission, of either of the offenses named in this article, shall incur thereby the penalty therefor, as therein named.

§ 1591. *Liberal construction of chapter—Charge to grand jury.* This chapter shall be liberally construed, so as to prevent any evasion of its prohibitions and penalties by shift or device. Irregularities or defects in the mode of convening or conducting an election under this law shall constitute no defense to a prosecution for a violation of its provisions. It shall also be given specially in charge to the grand jury of every county first convened after any general election.

§ 1592. *Officers to give information—Arrest—Bail.* It shall be the special duty of any officer of an election to give information of all infractions of this law to the grand jury or Commonwealth's attorney; and when there is reason to fear

that an offender will make his escape out of the county before indictment, any such election officer may procure his immediate apprehension. The officer before whom such offender is brought, if satisfied of his guilt, shall require from him surety, in adequate penalty, for his appearance at the next circuit court, to answer the charge; and on his failure to give it, commit him to jail till such surety is given.

§ 1593. *Witnesses before grand jury—Refusal to testify.* A grand jury may cause any person to be summoned before them as a witness, who shall be compelled to testify as to any knowledge he may possess touching any violation of law in relation to elections in the county during the preceding eighteen months; and if he refuses to testify on oath he shall be committed to prison until he submits, and be fined from ten to thirty dollars by the court, and a like sum for each daily repetition of the contempt.

§ 1594. *Self-criminating testimony—Single witness insufficient.* In any prosecution under this chapter, it shall be no exemption for a witness that his testimony may criminate himself; but no such testimony given by a witness shall be used against him in any prosecution, except for perjury; and if used on behalf of the Commonwealth, he shall stand discharged from all penalty for any violation of this chapter, so necessarily disclosed in his testimony, as tending to convict the accused. But the jury shall never convict any one, under the provisions of this chapter, upon the testimony of a single witness, unless sustained by strong corroborating circumstances.

§ 1595. *Limitation—Two years except in case of felony.* No prosecution shall be had under this chapter where the penalty is less than confinement in the penitentiary, unless the same is commenced within two years from the time of the commission of the offense.

## ARTICLE XIV.

### *Local Option.*

§ 1596. *Time of holding elections on liquor questions.* All elections to take the sense of the people of any town, city, county, district or precinct as to whether or not spirituous, vinous or malt liquors shall be sold, bartered or loaned therein,

or the sale thereof regulated, shall be held as hereinbefore provided for the election of county, town, city, district or precinct officers, except that a vote on such questions shall be held on a day other than the regular election day. All laws or parts of laws, general or special, now in force, inconsistent with this act, or any part of its provisions, are hereby repealed. (*See sec. 2554.*)

## ARTICLE XV.

### *Election Commissioners—Contested Elections.*

[*Act of October 24, 1900—this act is a substitute for the original act of March 11, 1898, which is omitted.*]

§ 1596a. (1.) *State board—Appointment—Term—Qualifications—Vacancies—Secretary.* A State Board of Election Commissioners is hereby created, which shall consist of two commissioners, who shall hold their office for the term of one year and until their successors are appointed and qualified. They shall be citizens and electors of Kentucky, and not less than twenty-five years old. They shall be appointed by the Governor of the State from names designated in writing, if any are so designated, by each of the State Central Committees of the two political parties that polled the largest vote at the last preceding election for a State officer or presidential electors; one commissioner to be appointed from each of the two said parties. Said appointment of the Governor shall be made annually in the month of July. Said commissioners shall qualify by taking, before the clerk of the Court of Appeals, an oath faithfully to perform their duties according to law. Of such qualification said clerk shall make a certificate which shall be noted upon the record of the proceedings of said board and preserved among its records. The clerk of the Court of Appeals, by virtue of his office, shall be a member of said board, and preside at its meetings; and in case of disagreement between the other members of said board, acting as umpire, he shall be permitted to vote. The board shall appoint a secretary, who shall hold office during the pleasure of the board; and the board shall prescribe the duties of the secretary and fix his compensation, which shall not exceed two hundred and fifty



dollars per annum. The board shall keep a record of its acts, orders, findings, and all its proceedings. A majority of said board, consisting of the two members appointed by the Governor, or one of said appointive members and the clerk of the Court of Appeals, shall constitute a quorum for the transaction of all the business of the board, and a majority of said board may make any order or do any act the board is authorized or empowered to do. The secretary of said board shall mail written notice of the time and place of meeting to each member of said board before any meeting thereof for the transaction of any business shall be held, and any action of said board at any meeting thereof held without such notice having been given shall be null and void. If a vacancy shall occur in said board it shall be filled by appointment by the Governor in the same manner as hereinbefore provided for appointment to said board, and the member so appointed shall be of the same political party as his predecessor. Resignations from said board shall be in writing, directed to the Governor and filed with the Secretary of State.

§ 5196a. (2.) *County board—Qualifications—Appointment—Vacancies—Secretary.* A county board of election commissioners is hereby created, which shall consist of two commissioners, who shall hold their office for one year and until their successors are appointed and qualified. They shall be citizens and electors of the county from which they are appointed, and not less than twenty-five years old. They shall be appointed by the State Board of Election Commissioners.

The two members of said county board of commissioners shall be appointed one each from five names designated in writing, if any are so designated, by each of the county executive committees of the two political parties that polled the largest number of votes in the State at the last preceding election for State officers or presidential electors, one of said two commissioners to be appointed from each of the two said parties: *Provided*, If there be two or more contending executive committees of the same party in the county, then that county executive committee which is recognized by the State Central Committee, by written certificate of the chairman thereof, shall be recognized by the State commission in making their ap-

pointments. The sheriff of the county, by virtue of his office, shall be a member of said board, and shall preside at its meetings, and in case of disagreement between the other members of said board, acting as umpire, he shall be permitted to vote. Said appointment by the State board shall be made annually in the month of August. Said county commissioners shall qualify by taking, before the clerk of the county court, an oath faithfully to perform their duties according to law. Said clerk shall make a certificate thereof, which shall be filed in his office. The board shall choose one of its members secretary, who shall keep a record of its proceedings, which shall be a public record and kept in the office of the county court clerk. A majority of said board, consisting of the two members appointed as aforesaid from said two political parties, or one of said two members and the sheriff of the county shall constitute a quorum for the transaction of the business of the board. A majority of said board shall make any order or do any act the board is authorized or empowered to do. If a vacancy shall occur in the board it shall be filled by appointment by the State board from names already designated to the State board as hereinbefore provided; and the members so appointed shall be of the same political party as his predecessor; in counties where there is no sheriff or where from other causes the sheriff can not act the circuit court clerk shall act in his place. Resignations from said board shall be in writing, directed to the State board and filed with the secretary thereof. Due notice, in writing, of every meeting of said board shall be given to each member thereof. (*This subsection was amended by an act of March 22, 1904, but as the amendment was declared unconstitutional in Droege v. McInerney, 27 R., 1135; 87 S. W., 1085, I have omitted it.*—Ed.)

§ 1596a. (3.) *Election officers—Appointment—Qualification—Term—Removal—Vacancies.* Said county board shall, annually, not later than September the twentieth, appoint for each election precinct in the county two judges, one clerk, and one sheriff of election, to act as such in their precincts, all of whom shall be discreet, qualified voters of the precinct for which they are appointed, and shall hold their offices for one year and until their successors are appointed and qualified. The

county executive committees of the two political parties having representation on the State board and county boards of election commissioners may, annually, on or before the fifteenth of September, designate in writing for each precinct a list of not less than eight names to the county board of election commissioners: *Provided*, If in any precinct there be not as many as eight electors possessing the qualifications of an election officer, belonging to the political party filing said list of names, then a less number may be designated. And from these names, if any are so designated, the officers of election shall be selected from said list as follows: One judge at each voting place shall be selected from each of said lists, and in like manner the sheriff shall be chosen from one of said lists and the clerk from the other. If no lists are submitted to the said county board, then the officers of the election shall be so selected and appointed as that one of the judges at each place of voting shall be of one political party and the other judge of a different political party, and there shall be a like difference at each voting place between the sheriff and clerk of election. No person shall be eligible as an officer of election who has not resided in the precinct for twelve months next preceding the day of election, or who has committed a homicide, or who has been convicted of a felony or is under indictment therefor, or who is not sober, temperate, discreet and of good demeanor, or who has anything of value wagered on the result of such election, or who is a candidate to be voted for at such election, and who is not capable of reading the Constitution of the Commonwealth in English and of writing a plain and legible hand. It shall be the duty of said county board of election commissioners to determine the qualification of all election officers before appointment. The county board of election commissioners shall have the power to remove all election officers who are disqualified under the provisions of this act, but no such removal shall be made within five days of the election; nor shall any such removal be made at any time without cause, and the grounds therefor shall be reduced to writing by said board and made a part of its records. If a vacancy shall occur, by removal or otherwise, it shall be filled by the county board of election commissioners from the list already submitted, if any, from which the officer

was selected, and in conformity with the provisions of this act. The county board of election commissioners shall give due notice of said appointment of election officers to the sheriff of the county, who shall, before the day of the next ensuing election and within ten days next after said appointment, give each officer of election written notice of his appointment. If there be two or more contending executive committees of the same party in the county, then that county executive committee which is recognized by the State Central Committee, by the written certificate of the chairman thereof, shall be recognized by the county board in making the appointment of election officers.

§ 1596a. (4.) *Oath of election officer—When voters may select.* Should the county board of election commissioners fail to appoint such officers of election, or if any of such officers fail to attend for thirty minutes after the time for commencing the election, or refuse to act, the officer in attendance representing the same political party of the absentee shall appoint a suitable person to act in his stead for that election; or if both representatives of the same political party are absent, qualified voters present affiliating with the party of said two absentees shall elect *viva voce* suitable persons to act in their stead. Each officer of election shall, before entering upon the duties of his office, take an oath faithfully to discharge his duties as such officer before some person authorized to administer an oath, or if no such officer be present it may be administered by the clerk of the election, who shall in turn be sworn by one of the judges of election.

§ 1596a. (5.) *County board to canvass returns—When and where to meet—Certificates of election—Poll books and ballots.* Said county board of election commissioners shall constitute a board for examining and canvassing the election returns of each county and awarding and issuing certificates of election. Any two of the members of said board may constitute the board, but if either be a candidate he shall have no voice in the decision of his own case. If from any cause two of the members of the board can not act, in whole or in part, in examining and canvassing the returns their places shall be supplied as in case of vacancies in such board. Within two days next after

an election the sheriff shall deposit with the clerk of the county court the returns from the different precincts. On the next day the said county board of election commissioners shall meet in the county court clerk's office between ten and twelve o'clock in the morning, open and canvass the returns of such election, and give triplicate or more written certificates of election, over their signatures, of those who have received the highest number of votes for any office exclusively within the gift of the voters of the county, one copy of the certificate to be retained in the clerk's office, another delivered to each of the persons elected, and the other forwarded by the county clerk to the Secretary of State at the seat of government. For offices not within such gift they shall give duplicate or more written certificates over their signatures, of the number of votes given in the county, city, town, district or precinct, particularizing therein the precinct at which the votes were given, one copy to be retained in the clerk's office, one delivered to the sheriff, and one, in case of municipal or district election, to the common council of said municipality or governing authority of such district. The poll books and "questioned ballots" shall thereafter remain in the clerk's office as parts of its records. So, also, shall the certificate of any precinct judges which may have been used in the absence of the poll books of that precinct.

§ 1596a. (6.) *Two or more counties voting together—Duties of canvassing board.* Where two or more counties vote together in the choice of a Representative or Senator the canvassing board of election of the respective counties shall make duplicate written certificates, over their signatures, of the number of votes given in the counties for such Representative or Senator, one copy to be retained in the clerk's office of such county, and the other to be sent immediately by mail by said board to the canvassing board of the county in such district having the largest population, which last named board shall, between ten and twelve o'clock in the morning of the second Monday after the election, meet in the clerk's office of their county, compare the certificates of the canvassing boards of the several counties, and therefrom give triplicate certificates of election, in writing, over their signatures, of the persons who appear to have received the largest number of votes, one copy of the certificate to

be retained in the clerk's office, another delivered to the person elected, and the other forwarded to the Secretary of State at the seat of government.

§ 1596a. (7.) *Form of certificate.* The certificate of election of a county officer shall be in substance in the following form:

“Commonwealth of Kentucky, set. We, A, B, and C, duly authorized to canvass the returns of the county of....., do certify that an election held in said county, on the..... day of ....., E F was duly elected to fill the office of .....,”

The certificate of election of a justice of the peace or constable shall be altered to show that the election was held in a named district.

§ 1596a. (8.) *Contested election of Governor or Lieutenant-Governor—How decided.* When the election of a Governor or Lieutenant-Governor is contested a board for determining the contest shall be formed in the manner following: First. On the third day after the organization of the General Assembly which meets next after the election the Senate shall select, by lot, three of its members, and the House of Representatives shall select, by lot, eight of its members, and the eleven so selected shall constitute a board, seven of whom shall have power to act. Second. In making the selection, by lot, the name of each member present shall be written on a separate piece of paper, every such piece being as nearly similar to the other as may be. Each piece shall be rolled up, so that the names thereon can not be seen, nor any particular piece ascertained or selected by feeling. The whole, so prepared, shall be placed by the clerk in a box on his table, and after it has been well shaken, and the papers therein well intermixed, the clerk shall draw out one paper, which shall be opened and read aloud by the presiding officer, and so on until the required number is obtained. The person whose names are so drawn shall be members of the board. Third. The members of the board so chosen by the two Houses shall be sworn by the Speaker of the House of Representatives to try the contested election, and give true judgment thereon according to the evidence unless dissolved before rendering judgment. Fourth. The board shall, within twenty-

four hours after its selection, meet, appoint its chairman, and assign a day for hearing the contest and adjourn from day to day as its business may require. Fifth. If any person so selected shall swear that he can not, without great personal inconvenience, serve on the board, or that he feels an undue bias for or against either of the parties, he may be excused by the House from which he was chosen from serving on the board; and if it appears that a person so selected is related to either party, or is liable to any other proper objection on the score of his partiality, he shall be excused. Sixth. Any deficiency in the proper number so created shall be supplied by another draw from the box. Seventh. The board shall have the power to send for persons, papers and records, to issue attachments therefor signed by its chairman or clerk and issue commissions for taking proof. Eighth. Where it shall appear that the candidates receiving the highest number of votes given have received an equal number, the right to the office shall be determined by lot, under the direction of the board. Where the person returned is found not to have been legally qualified to receive the office at the time of his election a new election shall be ordered to fill the vacancy: *Provided*, That the first two years of his term shall not have expired. When another than the person returned shall be found to have received the highest number of legal votes given, such other shall be adjudged to be the person elected and entitled to the office. Ninth. No decision shall be made but by the vote of six members. The decision of the board shall not be final or conclusive. Such decision shall be reported to the two Houses of the General Assembly, in joint session, for the further action of the General Assembly, over which the Speaker of the House shall preside, and the General Assembly shall then determine such contest. Tenth. If a new election is required, it shall be immediately ordered by proclamation of the Speaker of the House of Representatives, to take place within six weeks thereafter, and on a day not sooner than thirty days thereafter. Eleventh. When a new election is ordered or the incumbent is adjudged not to be entitled to the office, his power shall immediately cease, and if the office is not adjudged to another, it shall be deemed to be vacant. Twelfth. If any member of the board willfully fails to attend its sessions he

shall be reported to the House to which he belongs, and thereupon such House shall, in its discretion, punish him by fine or imprisonment, or both. Thirteenth. If no decision of the board is given during the then session of the General Assembly, it shall be dissolved, unless by joint resolution of the two Houses it is empowered to continue longer.

§ 1596a. (8a.) *Primary and general election returns of districts composed of more than one county—Certified to Secretary of State—State board to issue certificate.* That in all elections, both primary and general, for district officers in which the district includes more than one county, the votes in the different precincts in each county of such district shall be counted and tabulated by the county election commissioners, as required by law, and they shall make out duplicate certificates of the total number of votes received by each of the candidates for such district office or offices in their county, and not later than five days after such count and tabulation forward one such certificate to the Secretary of State, who shall deliver same to the State Election Commissioners, and they shall keep one for a record in the office of the clerk of the county court of the county. It shall be the duty of the State Election Commissioners to count and tabulate the votes received by the different candidates for such district office or offices as certified to the Secretary of State by the county election commissioners in the counties composing such districts and issue certificates of nomination or election to the candidate receiving the highest number of votes in his district for such nomination or election. (*March, 1918, c. 73, p. 379.*)

§ 1596a. (9.) *Certificates showing number of votes to be issued by canvassing board.* After an election for presidential electors, representatives in Congress, or for any State (or district) officer (other than a member of the General Assembly), or for or upon questions or constitutional amendments submitted to the vote of the people, it shall be the duty of the board of canvassers of returns for each county immediately after examination of such returns, to make out two or more certificates in writing, over their signatures, of the number of votes given in the county for each of the candidates for any of said offices and the number of votes for or against any such questions or



constitutional amendments. One of the certificates shall be retained in the clerk's office, another the clerk shall send, by next mail, under cover, to the Secretary of State at the seat of government. (*March 11, 1898, c. 13, p. 43, sec. 9, as amended October 24, 1900, ex. ses., c. 5, p. 27, sec. 9, and March, 1918, c. 73, p. 379.*)

The act of 1918, now section 1596a-8a, impliedly repeals that portion of the foregoing section indicated in brackets in italics, for certification of returns of districts less than county or wholly of one county. (*See sec. 1596a-5.—Ed.*)

§ 1596a. (10.) *State board to canvass returns—Certificates—Tie vote—Presidential electors.* Said State Board of Election Commissioners, or any two of them, in the absence of a member, shall be a board for examining and canvassing the returns of election for any of the offices named in the last preceding section of this act. First. It shall be the duty of said board, when the returns are all in, or on the third Monday after the election, whether they are in or not, to make out in the office of the Secretary of State, from the returns made, duplicate certificates, in writing, over their signatures, of the election of those having the highest number of votes, one certificate to be retained in the office and the other sent, by mail, to the person elected. If all the returns are not made the right to contest an election shall not be impaired. Second. In the case of the election of a Representative in Congress there shall be three certificates, one to be retained in the office, another sent, by mail, to the clerk of the House of Representatives at the seat of Federal government, and another sent, by mail, to the person elected. Third. It shall be the duty of the Secretary of State, immediately after the comparison of the returns, to cause a statement therefrom of the votes given in every county for each candidate to be published in two newspapers. Fourth. If two or more persons shall be found to have received the highest and an equal number of votes for the same office, so that the election can not be determined among the candidates by a plurality of votes, it shall be determined by lot in such manner as the board may direct, and in the presence of not less than three other persons. Fifth. If one or more of the persons voted for as electors for President is elected, then he or they, when convened to vote

for President, shall determine which of the candidates having an equal number of votes shall be deemed to be elected without casting any lot therefor. But if none is elected, then the board shall determine the election, by lot, between those having the highest and equal number of votes, except that they shall be arranged and drawn for in classes, according to their known pledges to vote for the different candidates, so that the whole vote of the State shall be given to the same person.

§ 1596a. (11.) *Tie vote in election held by two or more counties—How decided.* Where the canvassing board of two or more counties on comparison of the returns, or the board of canvassers for a county, find that two or more have received the highest and equal number of votes for the same office, they shall, by lot, determine which of the candidates is elected.

§ 1596a. (12.) *Contested elections—How decided—Members of General Assembly excepted.* In case there shall be a contest of the election of Secretary of State, Auditor, Treasurer, Attorney General, Superintendent of Public Instruction, Commissioner of Agriculture or other State officers, or in case there shall be a contest of the election of a judge or a clerk of the Court of Appeals, circuit judge, Commonwealth's attorney or railroad commissioner, or of any officer elected by the voters of a county or any district therein, excepting members of the General Assembly, or of any police judge, clerk, marshal or other elective municipal officer, where there is no other provision by law for determining the contested election of such municipal officer, the contest shall be made by the filing of a petition in the circuit court of the county where the contestee resides, except where the officer is one elective by the voters of the whole State, in which event the petition shall be filed in the Franklin Circuit Court. Such petition shall be filed and process issued in the case of an officer elective by the voters of the whole State or any district comprising more than one county, within thirty days after the final action of the board of canvassers, and in case of any other office, within ten days after such action; and shall state the grounds of the contest relied on, and no other grounds shall afterwards be relied upon. (*See, as to members of General Assembly, secs. 1532, 1535.*)

Within twenty days after the service of summons upon him

the contestee shall file his answer, which may consist of a denial of the averments of the petition and may also set up grounds of contest against the contestant, and if grounds are so set up they shall be especially pointed out and none other shall thereafter be relied upon by said party. A reply may be filed within ten days after the answer or answers are filed, but its affirmative allegations shall be treated as controverted, and no subsequent pleading allowed, and the action shall proceed as an equity action.

The evidence in chief for the contestant shall be completed within thirty days after the issues are made up and the evidence of the contestee completed within twenty days thereafter, and the evidence for contestant in rebuttal in fifteen days after the contestee has concluded. The action shall have precedence on the trial docket over all other cases. All ballots, poll books, stubs or other papers concerning which there is any ground for contest may be removed to the court in which the action is pending. Either party may appeal from the judgment of the circuit court to the Court of Appeals by giving bond to the clerk of the circuit court, with good surety, conditioned for the payment of all costs and damages the other party may sustain by reason of the appeal and by filing the record in the clerk's office of the Court of Appeals, within thirty days after final judgment in the circuit court. And in the Court of Appeals the case shall be heard and determined as speedily as possible, and shall have precedence over all other cases.

In case it shall appear from an inspection of the whole record that there has been such fraud, intimidation, bribery or violence in the conduct of the election that neither contestant nor contestee can be adjudged to have been fairly elected, the circuit court, subject to revision by appeal, or the Court of Appeals finally may adjudge that there has been no election. In such event the office shall be deemed vacant, with the same legal effect as if the person elected had refused to qualify.

On the production of a copy of the final judgment, the successful party shall be permitted to qualify or be commissioned, or a writ of new election shall be issued as the judgment may require. The successful party shall pay all costs in both courts.

1596a. (13.) *State board—Where to meet—Compensa-*

*tion—Stationery—How paid.* Said State Board of Election Commissioners shall hold its sessions at the seat of government at Frankfort, where a suitable room for them shall be provided in some of the State buildings. The members of the board shall be paid for all their services under this act five dollars per day while so in session: *Provided*, That no member of said board shall be paid more than one hundred dollars for his services in any year. Said board shall provide itself with necessary books, material and postage to enable it to perform the duties with which it is charged by this act. The chairman of said board shall certify to the Auditor of Public Accounts the money so expended by said board, and the sums that the members of said board and its secretary are entitled to be paid under this act, and thereupon the Auditor shall draw his warrant upon the Treasurer for the sum so certified, to the end that the same may be paid out of the treasury.

1596a. (14.) *County boards—Compensation—Stationery—Payment.* The county board of election commissioners shall be paid for all services they may render under this act two dollars per day while actually in session; but no member of such board shall be paid more than twenty dollars for his services during any year. Said board may provide itself with necessary books and stationery to enable it to perform its duties under this act. The amount of such expenditure and the number of days the members of said board were actually in session shall be certified by the chairman of the board to the fiscal court of the county, and paid out of the county funds.

§ 1596a. (15.) *Penalty against member of board violating law.* If any member of either the State board or the county boards of election commissioners herein provided for shall willfully and knowingly violate any of the provisions of this act, or fail to execute faithfully any of the duties imposed upon said members under the provisions of this act, he shall be fined not less than one hundred nor more than one thousand dollars and imprisoned in the county jail not exceeding sixty days.

§ 1596a. (16.) *Penalty for intimidating boards.* Any person or persons who shall, by threat of violence, or in any other manner, intimidate, or attempt to intimidate, the election officers, or the county, or State canvassing boards, as herein

named, in the performances of their duty, or shall conspire together and go forth armed for the purpose of intimidating said officers, shall be guilty of a felony and, on conviction, be confined in the State penitentiary for not less than one year or more than five years.

§ 1596a. (17.) *Repealing clause.* All acts or parts of acts in conflict with this act are, to the extent of such conflict, repealed. (*The numbers of the subsections are the numbers of the sections of the act.*)

§ 343. *Electors—Compensation of.* Each elector of President and Vice-President of the United States, for each day he attends at the seat of government as an elector, shall receive the same per diem and mileage as may at the time be allowed to a member of the General Assembly. (*See, for compensation, sec. 370.*)

§ 1975. *Betting on election—Penalty—Recovery of amount bet.* If any person shall wager or bet any sum of money or anything of value upon any election under the Constitution and laws of this Commonwealth, or the Constitution and laws of the United States, he shall be fined one hundred dollars, to be recovered in any county where the party so offending may be found, or where the bet is made; and, in addition to the fine, if the person winning shall receive the sum of money or other thing so bet, or its value, or anything therefor, the sum of money so received, or the value of anything else so received, shall be forfeited to the Commonwealth, and may be recovered by any appropriate action in the name of the Commonwealth before the circuit court or the presiding judge of the county court, wherever the offending party may be found.

§ 3758. *Commissions—Officers required to have.* The following officers shall have commissions issued to them by the Governor; that is to say: Secretary of State, Register of the Land Office, Auditor of Public Accounts, Treasurer, Commissioner of Agriculture, Labor and Statistics, Superintendent of Public Instruction, judges of the Court of Appeals, clerk of the Court of Appeals, judges of the circuit courts, county judges, police judges, railroad commissioners, Commonwealth's attorneys, justices of the peace, notaries public, and all the officers of the militia of rank and grade higher than and including

the rank and grade of captain. Should a vacancy occur in any of said offices by reason of the death, resignation or removal of the officer, or from any other cause, or should a like vacancy occur in any other office where there is no provision of law for filling same, such vacancy shall be filled by the appointment of the Governor, subject to the provisions of the Constitution applicable thereto. (*Section as amended by act of February 10, 1894; see further, as to vacancies, secs. 1521-30.*)

§ 4568. *Voter attending election not to be arrested on civil process.* No civil process of arrest shall be executed upon any legal voter attending an election held by authority of law, at which he has a right to vote, or in going to or returning from such an election. The execution of any such process contrary hereto shall be void. (*Con., sec. 149.*)

# APPENDIX

## GOVERNORS.

Isaac Shelby .....	June 4, 1792
James Garrard .....	June 7, 1796
James Garrard .....	June 1, 1800
Christopher Greenup .....	June 1, 1804
Chas. Scott .....	June 1, 1808
Isaac Shelby .....	June 1, 1812
Geo. Madison .....	June 1, 1816
Gabriel Slaughter .....	June 1, 1819
John Adair .....	June 1, 1820
Joseph Desha .....	June 1, 1824
Thos. Metcalfe .....	June 1, 1828
John Breathitt .....	June 1, 1832
James T. Morehead .....	June 1, 1834
James Clark .....	June 1, 1836
Charles A. Wickliffe .....	June 1, 1839
Robt. P. Letcher .....	June 1, 1840
Wm. Owsley .....	June 1, 1844
John J. Crittenden .....	June 1, 1848
John L. Helm .....	June 1, 1850
Lazarus W. Powell .....	September, 1851-55
Chas. S. Morehead .....	September, 1855-59
Beriah Magoffin .....	September, 1859-62
Jas. F. Robinson .....	September, 1862-63
Thomas E. Bramlette .....	September, 1863-67
John L. Helm .....	September (5d), 1867
Jno. W. Stevenson .....	September, 1867-71
Preston H. Leslie .....	September, 1871-75
Jas. B. McCreary .....	September, 1875-79
Luke P. Blackburn .....	September, 1879-83
J. Proctor Knott .....	September, 1883-87
Simon B. Buckner .....	September, 1887-91
Jno. Young Brown .....	September, 1891-95
Wm. O. Bradley .....	December, 1895-99
Wm. S. Taylor .....	December 1899, January 31, 1900
Wm. Goebel .....	January 31, 1900, February 3, 1900
J. C. W. Beckham .....	Feb. 3, 1900, December, 1903
J. C. W. Beckham .....	December 8, 1903, December, 1907
Augustus E. Willson .....	December 10, 1907, December, 1911
Jas. B. McCreary .....	December 12, 1911, to December, 1915
Augustus O. Stanley .....	December 7, 1915, to December, 1919

## SECRETARIES OF STATE FROM 1895 TO 1920.

Charles Finley .....	Elected 1895-1900
Caleb Powers.....	Elected 1899 and served from January to June 13, 1900 Ousted by contest.
C. B. Hill.....	Succeeded in contest. Served from June 13, 1900, to Jan., 1904
H. V. McChesney.....	Elected 1903-1908
Ben L. Bruner.....	Elected 1907-1912
C. F. Crecelius.....	Elected 1911-1916
James P. Lewis .....	Elected 1916 to 1920

## STATE OFFICIALS

Governor .....	A. O. Stanley
Lieutenant Governor .....	James D. Black
Secretary of State .....	James P. Lewis
Auditor .....	Robt. L. Greene
Treasurer .....	Sherman Goodpaster
Attorney General.....	M. M. Logan, 1915-1917; Chas. H. Morris, 1917-1919
Clerk Court of Appeals.....	Rodman W. Keenon
Superintendent of Public Instruction.....	V. O. Gilbert
Com. of Agriculture, Labor and Statistics.....	Mat. S. Cohen

## THE PRESIDENT'S CABINET.

Secretary of State .....	Robert M. Lansing, New York
Secretary of Treasury.....	William Gibbs McAdoo, New York
Secretary of War .....	Newton Diehl Baker, Ohio
Attorney General .....	Thomas Watt Gregory, Texas
Post Master General .....	Albert Sidney Burleson, Texas
Secretary of the Navy.....	Josephus Daniels, North Carolina
Secretary of Interior.....	Franklin Knight Lane, California
Secretary of Agriculture.....	David Franklin Houston, Missouri
Secretary of Commerce.....	William Cox Redfield, New York
Secretary of Labor.....	William Bauchop Wilson, Pennsylvania



## VOTE BY COUNTIES IN GOVERNOR'S RACE—1911.

	Jas. B. McCreary	Edw. C. O'Rear		Jas. B. McCreary	Edw. C. O'Rear
Adair .....	1,615	1,706	Green .....	1,140	1,286
Allen .....	1,403	1,809	Greenup .....	1,152	1,427
Anderson .....	1,392	978	Hancock .....	757	875
Ballard .....	1,954	600	Hardin .....	2,802	1,692
Barren .....	3,121	2,300	Harlan .....	335	1,446
Bath .....	1,658	1,426	Harrison .....	2,550	1,405
Bell .....	1,195	2,504	Hart .....	1,712	1,650
Boone .....	1,624	458	Henderson .....	2,802	1,441
Bourbon .....	2,397	1,881	Henry .....	2,314	1,266
Boyd .....	2,138	2,209	Hickman .....	1,648	452
Boyle .....	1,781	1,374	Hopkins .....	3,302	2,833
Bracken .....	1,370	839	Jackson .....	243	1,586
Breathitt .....	1,886	1,305	Jefferson .....	23,369	18,137
Breckinridge ..	2,032	2,249	Jessamine .....	1,580	1,205
Bullitt .....	1,216	564	Johnson .....	1,067	2,132
Butler .....	1,048	1,899	Kenton .....	8,680	5,325
Caldwell .....	1,440	1,477	Knott .....	1,168	598
Calloway .....	2,066	1,282	Knox .....	954	2,704
Campbell .....	5,252	4,239	Larue .....	1,268	899
Carlisle .....	1,324	376	Laurel .....	1,183	2,109
Carroll .....	1,465	449	Lawrence .....	1,594	1,656
Carter .....	1,521	2,182	Lee .....	745	936
Casey .....	1,149	1,328	Leslie .....	110	992
Christian .....	3,010	3,707	Letcher .....	489	1,064
Clark .....	2,590	1,559	Lewis .....	1,058	1,960
Clay .....	707	1,542	Lincoln .....	1,943	1,652
Clinton .....	374	843	Livingston .....	1,051	787
Crittenden .....	1,253	1,491	Logan .....	3,598	1,889
Cumberland .....	645	1,029	Lyon .....	1,087	687
Daviess .....	4,683	3,085	Madison .....	3,043	2,882
Edmonson .....	805	1,098	Magoffin .....	947	1,409
Elliott .....	1,171	507	Marion .....	1,923	1,169
Estill .....	914	1,210	Marshall .....	1,781	919
Fayette .....	5,438	5,075	Martin .....	217	835
Fleming .....	2,025	1,798	Mason .....	2,634	1,800
Floyd .....	1,534	1,229	McCracken .....	2,926	2,454
Franklin .....	3,081	1,399	McLean .....	1,413	1,183
Fulton .....	1,392	401	Meade .....	1,147	740
Gallatin .....	856	276	Menifee .....	705	386
Garrard .....	1,491	1,333	Mercer .....	1,787	1,449
Grant .....	1,583	977	Metcalfe .....	1,069	1,089
Graves .....	3,854	1,543	Monroe .....	876	1,764
Grayson .....	1,797	2,041	Montgomery .....	1,602	1,174

## KENTUCKY ELECTION LAWS.

	Jas. B. McCreary	Edw. C. O'Rear		Jas. B. McCreary	Edw. C. O'Rear
Morgan .....	1,893	1,181	Shelby .....	2,550	1,524
Muhlenberg ....	2,246	2,406	Simpson .....	1,593	818
Nelson .....	2,177	1,239	Spencer .....	1,082	461
Nicholas .....	1,671	981	Taylor .....	1,288	1,163
Ohio .....	2,638	2,811	Todd .....	1,532	1,389
Oldham .....	1,128	536	Trigg .....	1,533	1,344
Owen .....	2,367	630	Trimble .....	1,092	299
Owsley .....	244	1,140	Union .....	2,114	805
Pendleton .....	1,320	1,024	Warren .....	3,020	3,158
Perry .....	545	1,031	Washington ...	1,524	1,435
Pike .....	2,667	3,216	Wayne .....	1,473	1,342
Powell .....	662	664	Webster .....	2,392	1,550
Pulaski .....	2,145	3,574	Whitley .....	980	3,602
Robertson .....	619	404	Wolfe .....	921	624
Rockcastle .....	910	1,604	Woodford .....	1,540	1,162
Rowan .....	770	829			
Russell .....	769	1,024			
Scott .....	2,345	1,545	Totals .....	226,771	195,436

## VOTE BY COUNTIES IN GOVERNOR'S RACE—1915.

	A. O. Stanley	Edwin P. Morrow		A. O. Stanley	Edwin P. Morrow
Adair .....	1,367	1,793	Carter .....	1,565	2,620
Allen .....	1,211	1,938	Casey .....	1,086	1,831
Anderson .....	1,183	1,067	Christian .....	2,883	4,921
Ballard .....	1,708	641	Clark .....	2,054	1,538
Barren .....	2,858	2,105	Clay .....	539	1,770
Bath .....	1,239	1,079	Clinton .....	347	1,030
Bell .....	821	2,466	Crittenden .....	1,138	1,716
Boone .....	1,341	394	Cumberland ...	503	1,070
Bourbon .....	2,098	2,056	Daviess .....	4,305	4,138
Boyd .....	1,713	2,614	Edmonson .....	724	1,295
Boyle .....	1,679	1,469	Elliott .....	1,117	586
Bracken .....	1,150	905	Estill .....	1,040	1,432
Breathitt .....	1,949	1,712	Fayette .....	5,266	5,765
Breckinridge ..	1,829	2,281	Fleming .....	1,907	1,660
Bullitt .....	1,084	657	Floyd .....	2,245	1,850
Butler .....	902	2,191	Franklin .....	2,971	1,402
Caldwell .....	1,442	1,773	Fulton .....	1,268	380
Calloway .....	2,125	845	Gallatin .....	791	231
Campbell .....	6,785	6,349	Garrard .....	1,418	1,360
Carlisle .....	1,208	388	Grant .....	1,411	904
Carroll .....	1,481	547	Graves .....	3,423	1,417

	A. O. Stanley	Edwin P. Morrow		A. O. Stanley	Edwin P. Morrow
Grayson .....	1,616	2,078	Menifee .....	489	297
Green .....	1,040	1,339	Mercer .....	1,512	1,340
Greenup .....	1,272	1,616	Metcalfe .....	923	1,028
Hancock .....	748	914	Monroe .....	649	1,608
Hardin .....	2,238	1,692	Montgomery ...	1,350	1,098
Harlan .....	406	1,964	Morgan .....	2,020	1,169
Harrison .....	2,274	1,328	Muhlenberg ...	2,272	3,336
Hart .....	1,671	1,874	Nelson .....	1,881	1,496
Henderson ....	2,907	1,613	Nicholas .....	1,416	808
Henry .....	2,229	1,236	Ohio .....	2,559	3,236
Hickman .....	1,489	296	Oldham .....	899	552
Hopkins .....	3,688	3,684	Owen .....	2,279	637
Jackson .....	150	1,470	Owsley .....	209	1,202
Jefferson .....	27,649	23,586	Pendleton ....	1,275	950
Jessamine ....	1,387	1,183	Pike .....	2,915	3,379
Johnson .....	825	2,182	Perry .....	693	2,061
Kenton .....	8,909	6,414	Powell .....	569	573
Knott .....	1,400	687	Pulaski .....	1,733	4,181
Knox .....	758	2,450	Robertson ....	482	379
Larue .....	1,093	904	Rockcastle ....	917	1,689
Laurel .....	943	2,067	Rowan .....	764	836
Lawrence .....	1,609	1,777	Russell .....	618	1,036
Lee .....	784	1,172	Scott .....	2,046	1,377
Leslie .....	110	1,369	Shelby .....	2,271	1,668
Letcher .....	812	1,602	Simpson .....	1,563	748
Lewis .....	907	2,128	Spencer .....	813	460
Lincoln .....	1,719	1,694	Taylor .....	1,053	1,269
Livingston ....	1,175	1,063	Todd .....	1,694	1,496
Logan .....	2,814	2,173	Trigg .....	1,384	1,377
Lyon .....	983	769	Trimble .....	966	231
Madison .....	2,779	2,885	Union .....	2,323	910
Magoffin .....	1,299	1,605	Warren .....	3,426	3,029
Marion .....	1,596	1,315	Washington ...	1,208	1,488
Marshall .....	1,635	1,074	Wayne .....	1,209	1,652
Martin .....	128	520	Webster .....	2,160	1,757
Mason .....	2,210	2,081	Whitley .....	679	2,894
McCracken ....	3,524	3,084	Wolfe .....	953	717
McCreary .....	253	1,297	Woodford .....	1,382	1,154
McLean .....	1,261	1,309			
Meade .....	973	722	Totals .....	219,991	219,520

## VOTE BY COUNTIES IN U. S. SENATOR'S RACE IN 1914.

	J. C. W.	A. E.		J. C. W.	A. E.
	Beckham	Willson		Beckham	Willson
Adair .....	1,348	1,229	Green .....	785	799
Allen .....	1,294	1,557	Greenup .....	960	1,127
Anderson .....	1,084	620	Hancock .....	545	382
Ballard .....	1,177	323	Hardin .....	2,077	799
Barren .....	2,613	1,940	Harlan .....	254	1,049
Bath .....	1,128	865	Harrison .....	2,129	1,183
Bell .....	705	1,176	Hart .....	1,297	1,071
Boone .....	1,240	359	Henderson .....	1,935	835
Bourbon .....	1,714	1,618	Henry .....	1,899	714
Boyd .....	1,560	2,003	Hickman .....	999	125
Boyle .....	1,605	957	Hopkins .....	2,396	1,707
Bracken .....	1,021	680	Jackson .....	127	1,084
Breathitt .....	1,513	887	Jefferson .....	21,516	9,321
Breckinridge ..	1,740	1,711	Jessamine .....	1,022	842
Bullitt .....	842	315	Johnson .....	882	1,603
Butler .....	730	1,071	Kenton .....	4,826	6,111
Caldwell .....	1,121	1,161	Knott .....	1,058	513
Calloway .....	1,841	481	Knox .....	685	1,233
Campbell .....	3,698	5,938	Larue .....	1,084	505
Carlisle .....	765	186	Laurel .....	765	1,336
Carroll .....	1,127	284	Lawrence .....	1,347	1,230
Carter .....	1,471	2,233	Lee .....	582	777
Casey .....	859	1,089	Leslie .....	84	867
Christian .....	2,672	4,127	Letcher .....	546	1,299
Clark .....	1,823	1,271	Lewis .....	879	1,758
Clay .....	390	1,091	Lincoln .....	1,575	1,275
Clinton .....	256	817	Livingston .....	795	774
Crittenden .....	981	1,355	Logan .....	3,117	1,557
Cumberland .....	442	764	Lyon .....	830	522
Daviess .....	2,972	2,262	Madison .....	2,158	2,195
Edmonson .....	652	1,053	Magoffin .....	818	1,169
Elliott .....	894	413	Marion .....	1,458	629
Estill .....	797	1,105	Marshall .....	1,306	698
Fayette .....	3,794	3,597	Martin .....	185	514
Fleming .....	1,534	1,363	Mason .....	1,836	1,855
Floyd .....	1,393	1,286	McCracken .....	2,713	1,186
Franklin .....	2,684	1,055	McCreary .....	193	709
Fulton .....	1,014	257	McLean .....	878	558
Gallatin .....	571	169	Meade .....	917	422
Garrard .....	1,012	658	Menifee .....	447	264
Grant .....	1,088	663	Mercer .....	1,350	683
Graves .....	3,555	1,023	Metcalfe .....	824	909
Grayson .....	1,379	1,461	Monroe .....	664	1,134

	J. C. W. Beckham	A. E. Willson		J. C. W. Beckham	A. E. Willson
Montgomery ..	1,232	995	Scott .....	2,131	1,085
Morgan .....	1,609	813	Shelby .....	1,802	1,045
Muhlenberg ...	1,747	1,920	Simpson .....	1,317	572
Nelson .....	1,906	1,158	Spencer .....	698	256
Nicholas .....	1,295	646	Taylor .....	807	487
Ohio .....	1,907	1,819	Todd .....	1,372	1,246
Oldham .....	732	217	Trigg .....	1,161	1,146
Owen .....	1,948	472	Trimble .....	895	183
Owsley .....	184	804	Union .....	1,628	572
Pendleton .....	999	635	Warren .....	2,757	2,024
Perry .....	635	1,475	Washington ...	932	724
Pike .....	2,388	3,246	Wayne .....	1,198	1,255
Powell .....	538	439	Webster .....	1,565	924
Pulaski .....	1,554	2,288	Whitley .....	628	1,528
Robertson .....	476	229	Wolfe .....	755	441
Rockcastle .....	638	1,307	Woodford .....	1,053	856
Rowan .....	648	697			
Russell .....	622	858	Totals .....	176,605	144,758

## VOTE BY COUNTIES IN U. S. SENATOR'S RACE IN 1918.

	Stanley	Bruner		Stanley	Bruner
Adair .....	1,122	1,629	Christian .....	2,984	3,522
Allen .....	1,208	1,773	Clark .....	1,516	1,295
Anderson .....	985	763	Clay .....	437	1,688
Ballard .....	1,650	408	Clinton .....	291	1,114
Barren .....	2,589	1,862	Crittenden .....	922	1,320
Bath .....	1,077	1,097	Cumberland .....	389	1,217
Bell .....	773	2,079	Daviess .....	3,648	2,646
Boone .....	1,466	403	Edmonson .....	697	1,175
Bourbon .....	1,870	1,576	Elliott .....	710	295
Boyd .....	1,690	2,140	Estill .....	614	932
Boyle .....	1,548	1,123	Fayette .....	3,384	3,478
Bracken .....	1,045	741	Fleming .....	1,697	1,466
Breathitt .....	992	548	Floyd .....	1,022	1,038
Breckinridge ..	1,711	2,138	Franklin .....	2,690	891
Bullitt .....	1,060	562	Fulton .....	1,503	389
Butler .....	849	1,835	Gallatin .....	783	224
Caldwell .....	1,167	1,277	Garrard .....	1,114	1,338
Calloway .....	2,022	624	Grant .....	1,330	882
Campbell .....	4,173	3,921	Graves .....	3,521	1,289
Carlisle .....	1,100	278	Grayson .....	1,427	1,998
Carroll .....	1,451	439	Green .....	884	1,178
Carter .....	1,183	1,860	Greenup .....	1,026	1,160
Casey .....	876	1,551	Hancock .....	657	731

## KENTUCKY ELECTION LAWS.

	Stanley	Bruner		Stanley	Bruner
Hardin .....	2,295	1,455	Metcalfe .....	840	1,011
Harlan .....	405	1,977	Monroe .....	637	1,669
Harrison .....	2,134	1,068	Montgomery ...	1,091	900
Hart .....	1,471	1,719	Morgan .....	1,254	642
Henderson .....	2,808	1,214	Muhlenberg ...	2,457	2,952
Henry .....	2,117	1,087	Nelson .....	1,994	1,036
Hickman .....	1,297	279	Nicholas .....	1,345	845
Hopkins .....	3,129	3,017	Ohio .....	2,006	2,744
Jackson .....	102	1,275	Oldham .....	1,110	475
Jefferson .....	19,835	23,021	Owen .....	2,256	575
Jessamine .....	1,240	1,120	Owsley .....	122	849
Johnson .....	690	2,022	Pendleton .....	1,072	1,065
Kenton .....	6,452	3,371	Perry .....	543	1,251
Knott .....	800	318	Pike .....	2,312	3,420
Knox .....	597	2,088	Powell .....	360	343
Larue .....	982	819	Pulaski .....	1,360	2,952
Laurel .....	604	1,932	Robertson .....	451	345
Lawrence .....	1,206	1,341	Rockcastle .....	627	1,539
Lee .....	434	729	Rowan .....	497	575
Leslie .....	57	781	Russell .....	517	1,078
Letcher .....	521	1,427	Scott .....	1,887	1,100
Lewis .....	747	1,818	Shelby .....	2,011	1,333
Lincoln .....	1,605	1,491	Simpson .....	1,541	799
Livingston .....	940	779	Spencer .....	921	454
Logan .....	3,084	1,858	Taylor .....	1,016	1,149
Lyon .....	833	593	Todd .....	1,535	1,294
Madison .....	2,227	2,322	Trigg .....	1,281	1,209
Magoffin .....	769	1,019	Trimble .....	1,030	205
Marion .....	1,542	960	Union .....	2,096	699
Marshall .....	1,496	873	Warren .....	3,334	2,301
Martin .....	133	753	Washington ...	1,209	1,429
Mason .....	2,011	1,580	Wayne .....	770	1,286
McCracken .....	2,384	1,535	Webster .....	1,971	1,473
McCreary .....	200	1,051	Whitley .....	606	2,665
McLean .....	1,253	1,126	Wolfe .....	684	389
Meade .....	1,034	648	Woodford .....	1,238	946
Menifee .....	510	233			
Mercer .....	1,607	1,208	Totals .....	184,385	178,797

## VOTE BY COUNTIES FOR THE HIGHEST ELECTOR ON DEMOCRATIC AND REPUBLICAN TICKET IN 1916.

	Jas. P. Edwards D.	S. H. Kash R.		Jas. P. Edwards D.	S. H. Kash R.
Adair .....	1,675	1,863	Graves .....	5,197	1,930
Allen .....	1,647	2,147	Grayson .....	1,953	2,368
Anderson .....	1,521	1,065	Green .....	1,239	1,412
Ballard .....	2,222	692	Greenup .....	1,820	1,821
Barren .....	3,370	2,462	Hancock .....	833	918
Bath .....	1,796	1,360	Hardin .....	3,272	1,887
Bell .....	1,373	3,321	Harlan .....	690	2,670
Boone .....	2,008	531	Harrison .....	2,778	1,409
Bourbon .....	2,715	2,167	Hart .....	2,048	2,031
Boyd .....	2,738	2,883	Henderson .....	3,699	2,218
Boyle .....	2,052	1,494	Henry .....	2,595	1,302
Bracken .....	1,676	1,082	Hickman .....	1,982	539
Breathitt .....	2,067	1,584	Hopkins .....	3,757	3,615
Breckinridge ..	2,172	2,549	Jackson .....	252	1,968
Bullitt .....	1,508	826	Jefferson .....	28,840	28,386
Butler .....	1,158	2,456	Jessamine .....	1,727	1,326
Caldwell .....	1,605	1,672	Johnson .....	1,253	2,500
Calloway .....	3,334	1,026	Kenton .....	10,402	5,267
Campbell .....	7,290	5,696	Knott .....	1,454	571
Carlisle .....	1,646	494	Knox .....	1,126	3,192
Carroll .....	1,757	535	Larue .....	1,350	936
Carter .....	1,954	2,818	Laurel .....	1,171	2,383
Casey .....	1,352	1,949	Lawrence .....	1,910	1,928
Christian .....	3,644	4,594	Lee .....	793	1,135
Clark .....	2,620	1,731	Leslie .....	133	1,516
Clay .....	820	2,271	Letcher .....	1,121	2,220
Clinton .....	379	1,260	Lewis .....	1,276	2,324
Crittenden .....	1,455	1,794	Lincoln .....	2,212	1,868
Cumberland .....	653	1,394	Livingston .....	1,287	923
Daviess .....	5,396	4,078	Logan .....	3,373	2,501
Edmonson .....	935	1,339	Lyon .....	1,191	748
Elliott .....	1,151	525	Madison .....	3,295	3,017
Estill .....	1,180	1,524	Magoffin .....	1,433	1,535
Fayette .....	6,348	5,472	Marion .....	2,063	1,396
Fleming .....	2,240	1,836	Marshall .....	2,263	1,201
Floyd .....	2,217	1,823	Martin .....	280	1,100
Franklin .....	3,345	1,426	Mason .....	2,820	2,127
Fulton .....	2,200	747	McCracken .....	4,356	3,058
Gallatin .....	1,060	283	McCreary .....	324	1,630
Garrard .....	1,375	1,628	McLean .....	1,589	1,439
Grant .....	1,841	1,078	Meade .....	1,317	803

## KENTUCKY ELECTION LAWS.

	Jas. P. Edwards D.	S. H. Kash R.		Jas. P. Edwards D.	S. H. Kash R.
Menifee .....	730	369	Rowan .....	881	941
Mercer .....	2,093	1,531	Russell .....	859	1,298
Metcalfe .....	1,046	1,170	Scott .....	2,611	1,486
Monroe .....	882	2,008	Shelby .....	2,919	1,863
Montgomery ..	1,705	1,195	Simpson .....	1,887	955
Morgan .....	2,319	1,123	Spencer .....	1,271	591
Muhlenberg ...	2,900	3,533	Taylor .....	1,360	1,332
Nelson .....	2,639	1,546	Todd .....	2,051	1,671
Nicholas .....	1,829	964	Trigg .....	1,722	1,533
Ohio .....	2,723	3,286	Trimble .....	1,319	259
Oldham .....	1,455	642	Union .....	2,754	1,184
Owen .....	2,911	663	Warren .....	4,228	3,002
Owsley .....	197	1,173	Washington ...	1,654	1,654
Pendleton .....	1,728	1,206	Wayne .....	1,373	1,638
Perry .....	904	2,217	Webster .....	2,673	2,082
Pike .....	3,414	4,212	Whitley .....	1,171	3,919
Powell .....	757	587	Wolfe .....	1,108	645
Pulaski .....	2,531	4,136	Woodford .....	1,786	1,300
Robertson .....	663	415			
Rockcastle .....	968	1,932	Totals .....	269,990	241,854



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