

J K

1963

W8A3

1906

UC-NRLF

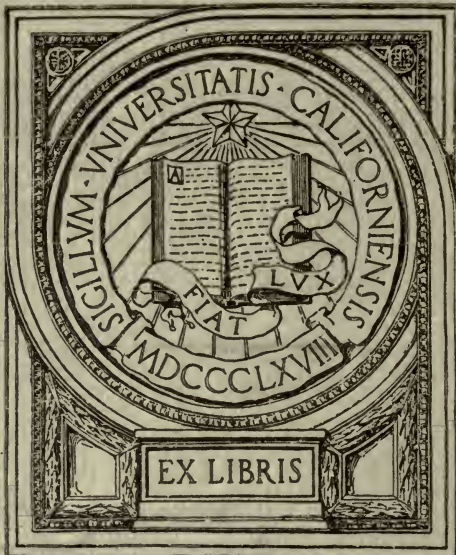


⌘B 22 211

YC 08767

GIFT OF

*S. H. Roberts*



EX LIBRIS

J. A. Wheeler



**ELECTION  
— LAWS —**

---

---

**STATE OF WYOMING**

Digitized by the Internet Archive

In 2007 with funding from

Microsoft Corporation

**Nineteen Hundred and Six**









**PRIMARY, REGISTRATION**  
===== **AND** =====

**ELECTION LAWS**

===== and **EXTRACTS** from =====  
**CONSTITUTION**  
===== of the =====

**STATE OF WYOMING**

*Laws, statutes, etc.*

Published by Authority and under  
the Supervision and Direction of

FENIMORE CHASTERTON  
SECRETARY OF STATE



JK1963  
W8A3  
1906

LECTION LAWS

CONSTITUTION

STATE OF WYOMING

Law of  
California



## DIVISION ONE

### TITLE IV. ELECTORS AND ELECTIONS

- CHAPTER 1. GENERAL ELECTIONS.
- CHAPTER 2. SPECIAL ELECTIONS.
- CHAPTER 3. NOMINATIONS.
- CHAPTER 4. ELECTION DISTRICTS AND POLLING PRECINCTS.
- CHAPTER 5. REGISTRATION.
- CHAPTER 6. JUDGES AND CLERKS OF ELECTION.
- CHAPTER 7. BALLOTS.
- CHAPTER 8. CONDUCT OF ELECTIONS.
- CHAPTER 9. CANVASS AND RETURNS OF ELECTION.
- CHAPTER 10. ELECTION CONTESTS.
- CHAPTER 11. GENERAL PROVISIONS.
- CHAPTER 12. MUNICIPAL ELECTIONS.
- CHAPTER 13. ELECTION OFFENSES.

#### CHAPTER 1

##### GENERAL ELECTIONS

- |  |   |
|--|---|
| <p>Sec. 195. Time of general elections—What officers elected.</p> <p>Sec. 196. Presidential electors.</p> <p>Sec. 197. Representatives in congress and members state legislature.</p> <p>Sec. 198. State officers.</p> <p>Sec. 199. Vacancy in state office.</p> <p>Sec. 200. Justices of supreme court.</p> <p>Sec. 201. District judges.</p> <p>Sec. 202. County officers to be elected.</p> | <p>Sec. 203. Who may vote.</p> <p>Sec. 204. Proclamation of election by county commissioners.</p> <p>Sec. 205. Posting and publishing proclamation of election.</p> <p>Sec. 206. Secretary of state shall notify boards of county commissioners of state officers to be elected.</p> <p>Sec. 207. County clerk shall furnish election supplies—Copy of election laws.</p> |
|--|---|

#### TIME OF GENERAL ELECTIONS—WHAT OFFICERS ELECTED.

SEC. 195. There shall be held in the several voting precincts of Wyoming, on the Tuesday next after the first Monday in November, in the year eighteen ninety-two, and on the Tuesday next after the first Monday in November in each second year thereafter, a general election, at which the following officers shall be elected: A representative or representatives in congress, members of the senate and house of representatives of the state from each county as provided by law, and to which such county may be entitled, and all state and district executive and judicial officers which are made elective by law, whenever there is a vacancy in any state or district executive or judicial office, or whenever subsequent to such election and prior to the next general election, any state or district executive or judicial offices shall become vacant by reason of the termination of the terms of office of the incumbents therein, provided, however, that whenever a vacancy in any state or district office as aforesaid shall occur, less than twenty-five days prior to such election, then, in that case, at such election no person shall be elected to fill such vacancy.

[S. L. 1890-91, Ch. 100, Sec. 1.]

In re Moore, 4 Wyo. 98.

**PRESIDENTIAL ELECTORS.**

SEC. 196. At the general election held in the year nineteen hundred and at the general election held every fourth year thereafter, there shall be elected the number of electors of and for the president and vice president of the United States of America, to which this state may be entitled.

[S. L. 1897, Ch. 53, Sec. 1.]

**REPRESENTATIVES IN CONGRESS AND MEMBERS STATE LEGISLATURE.**

SEC. 197. At each of said elections, there shall also be elected as many representatives in congress, as may be apportioned by congress to this state, and in each county, such state senator or state senators, as the said county may be entitled to by law, and as should be elected at such election, and also such representative or representatives in the legislature of this state, as such county as a representative district shall be entitled to by law.

[S. L. 1890-91, Ch. 68, Sec. 3.]

**STATE OFFICERS.**

SEC. 198. At the general election held in the year one thousand eight hundred and ninety-four, and at the general election held every fourth year thereafter, there shall be elected a governor, a secretary of state, an auditor, a treasurer, a superintendent of public instruction, and such other state officers as are, or may be, created by law and made elective, whose election shall occur, or ought to occur, at such general election.

[S. L. 1890-91, Ch. 68, Sec. 6.]

In re Moore, 4 Wyo. 98.

**VACANCY IN STATE OFFICE.**

SEC. 199. At each of said general elections there shall also be elected such state officers as may be required to be elected to fill any vacancy occurring by operation of law, or the constitution of this state, including any vacancy or vacancies in the office of justice of the supreme court.

[S. L. 1890-91, Ch. 68, Sec. 4.]

In re Moore, 4 Wyo. 98.

**JUSTICES OF SUPREME COURT.**

SEC. 200. Justices of the supreme court shall also be elected at such general election as shall occur next preceding the expiration of their respective terms, whether the same shall be for full terms, or to fill a vacancy or vacancies in an unexpired term.

[S. L. 1890-91, Ch. 68, Sec. 7.]

**DISTRICT JUDGES.**

SEC. 201. At the general election held in the year A. D. eighteen hundred and ninety-six, and at the general election held every sixth year thereafter, there shall be elected in each judicial district in this state one judge of the district court for such judicial district, and in case of a vacancy occurring in the said office of a judge of the district court, in any judicial district of this state, either as now or as

hereafter constituted, for any cause whatever, such vacancy shall be filled at the general election, when such vacancy shall be required, to be filled by law or the constitution of this state.

[S. L. 1890-91, Ch. 68, Sec. 8.]

#### COUNTY OFFICERS TO BE ELECTED.

SEC. 202. The following county and precinct officers shall hold their office by election; and there shall be held in the several voting precincts of this state, on the Tuesday next, following the first Monday of November, in the year of our Lord, one thousand eight hundred and ninety-two, and on the Tuesday next following the first Monday in November, in each second year thereafter, a general election at which the following county and precinct officers shall be elected:

- The clerk.
- The commissioners.
- The surveyors.
- The sheriff.
- The county treasurer.
- The county and prosecuting attorney.
- The superintendent of schools.
- The assessor.
- The coroner.
- The justices of the peace.
- The constables.

The clerk of the district court for each county, whenever his term of office shall expire before the next general election, or whenever a vacancy therein is to be filled, and such other county and precinct officers which may be created and made elective by law. In counties having an assessed valuation not exceeding five million dollars, the county clerk shall be ex-officio clerk of the district court, and shall perform all the duties pertaining to the office of clerk of the district court, but shall receive no additional or separate compensation therefor.

[S. L. 1890-91, Ch. 100, Sec. 3. S. L. 1895, Ch. 73, Sec. 1.]  
 [S. L. 1899, Ch. 65, Sec. 5. S. L. 1890-91, Ch. 68, Sec. 1.]

#### WHO MAY VOTE.

SEC. 203. Except as hereinafter provided, every person shall be qualified and entitled to vote, who is a citizen of the United States, and over the age of twenty-one years, and who has been a bona fide resident of Wyoming for one year, and of the county wherein his residence is located, sixty days next preceding the election at which he votes, and who shall be able to read the constitution of this state, and who has complied with the provisions of this act. Provided, however, that any person prevented by physical disability from being able to read the constitution of this state, shall not for that reason, while laboring under such disability, be deprived of his right to vote; Provided, further, that any person who is a citizen of the United States and who was a qualified elector in Wyoming on the tenth day of July in the year eighteen hundred and ninety, and who has since



then continued to be a resident of this state, and has complied with the provisions of this title concerning registration, shall continue to be an elector of this state.

[S. L. 1897, Ch. 53, Sec. 3. S. L. 1890-91, Ch. 100, Sec. 4.]

#### **PROCLAMATION OF ELECTION BY COUNTY COMMISSIONERS.**

SEC. 204. The board of county commissioners of the several counties shall issue a proclamation at least thirty days, if possible, prior to any general or special election to be holden within their respective counties, except as otherwise provided in this title, setting forth the names of all the offices to be filled at such election, and the number of persons required by law to fill such offices or vacancies occurring under the law in such offices.

[S. L. 1890, Ch. 80, Sec. 40.]

#### **POSTING AND PUBLISHING PROCLAMATION OF ELECTION.**

SEC. 205. The county commissioners of the several counties shall cause such proclamation to be posted in a conspicuous place at every postoffice within their respective counties and shall also cause the same to be published in the official paper of their respective counties—if there be one—at least twenty days, if possible, before the ensuing election.

[S. L. 1890, Ch. 80, Sec. 41.]

#### **SECRETARY OF STATE SHALL NOTIFY THE BOARDS OF COUNTY COMMISSIONERS OF STATE OFFICERS TO BE ELECTED.**

SEC. 206. The secretary of state shall, between the first and fifteenth day of September in each year, in which a general election is to be held, make out and cause to be delivered to the board of county commissioners of each county a notice, in writing, stating what officers, other than county and precinct officers, are to be elected at such general election and voted for in the several counties.

[S. L. 1897, Ch. 53, Sec. 9.]

#### **COUNTY CLERK SHALL FURNISH ELECTION SUPPLIES—COPY OF ELECTION LAWS.**

SEC. 207. The county clerk shall provide at the expense of the county, proper ballot boxes, poll books and other necessary election blanks, official ballots as hereinafter provided, also the election laws of Wyoming in separate pamphlet form for each voting precinct and election district in the county and cause a suitable number thereof to be delivered to the judges of election of each voting precinct at least ten days, if possible, before any election is to be held within his county.

[S. L. 1890, Ch. 80, Sec. 55.]

**CHAPTER 2**

**SPECIAL ELECTIONS**

- |   |   |
|---|---|
| <p>Sec. 208. Special elections—How conducted.</p> <p>Sec. 209. Special elections—When held.</p> <p>Sec. 210. Member of congress—Special election for.</p> <p>Sec. 211. Member of congress—Notice of vacancy in office.</p> <p>Sec. 212. Members of legislature — Special election to fill vacancy.</p> <p>Sec. 213. Special general elections on questions to be decided.</p> | <p>Sec. 214. County commissioners—Duties of —Special elections.</p> <p>Sec. 215. Special county elections shall be ordered by county commissioners.</p> <p>Sec. 216. Contents of order for special election—Time of order.</p> <p>Sec. 217. Vacancy in office—Who determines fact of.</p> <p>Sec. 218. Who may vote at special elections.</p> |
|---|---|

**SPECIAL ELECTIONS—HOW CONDUCTED.**

SEC. 208. Special elections shall be conducted, and the results thereof canvassed and certified, in all respects as near as practicable, in the same manner as in general elections, except as otherwise specially directed.

[S. L. 1890, Ch. 80, Sec. 4.]

**SPECIAL ELECTIONS—WHEN HELD.**

SEC. 209. Special elections shall be held in the following cases and for the election of the following officers:

*First*—When there has been no choice at the general election, of any officer, not a precinct officer, who should properly have been chosen at such general election, except as otherwise provided by law.

*Second*—When the rights of a person elected to the office of member of the senate or member of the house of representatives, shall cease by death, or otherwise, before the commencement of, or during the term for which he shall have been elected.

[S. L. 1890, Ch. 80, Sec. 3.]

State ex rel Richardson vs. Henderson, 4 Wyo. 535.

**MEMBER OF CONGRESS—SPECIAL ELECTION FOR.**

SEC. 210. When any vacancy shall occur in the office of representative in congress more than sixty days prior to any general election, the governor may issue an order of election to the board of county commissioners of the several counties, appointing a day to hold a special election to fill such vacancy.

[S. L. 1890, Ch. 80, Sec. 48.]

**MEMBER OF CONGRESS—NOTICE OF VACANCY IN OFFICE OF.**

SEC. 211. If any vacancy shall exist in the office of representative to congress, one month, if possible, before such election, the secretary of state shall give notice in writing to the board of county commissioners of each county, specifying the cause of such vacancy, the name of the officer in whose office it occurred and the time when his term of office would have expired.

[S. L. 1890, Ch. 80, Sec. 49.]

**MEMBERS OF LEGISLATURE—SPECIAL ELECTION TO FILL VACANCY.**

SEC. 212. Whenever a vacancy shall occur in the office of any member of the senate or house of representatives, the county clerk of the county or counties in which the member whose office is vacant resided, shall immediately notify the governor of such vacancy, whereupon the governor shall issue an order of election to the board of county commissioners of the county or counties in which the vacancy is to be filled, upon which an election shall be held to fill such vacancy; but unless the legislature shall be in session at the time the vacancy occurs, or there shall be a session between the time at which the vacancy occurs and the next general election, no special election shall be ordered to fill such vacancy.

[S. L. 1890, Ch. 80, Sec. 50.]

**SPECIAL GENERAL ELECTIONS ON QUESTIONS TO BE DECIDED.**

SEC. 213. Whenever any question is to be brought before and decided by the electors of Wyoming, the governor may call a special election, which shall be conducted the same as a special election called to fill a vacancy in the office of representative in congress.

[S. L. 1890, Ch. 80, Sec. 46.]

**COUNTY COMMISSIONERS—DUTIES OF—SPECIAL ELECTIONS.**

SEC. 214. The board of county commissioners of each county shall make all adequate provisions for elections ordered by the governor, and shall carry out all the provisions of law concerning special elections, the same as if the elections had been called by the said board.

[S. L. 1890-91, Ch. 100, Sec. 14, Sub. 1.]

**SPECIAL COUNTY ELECTIONS SHALL BE ORDERED BY COUNTY COMMISSIONERS.**

SEC. 215. All special elections for county and precinct officers, shall be ordered by the county commissioners, which order shall be countersigned by the clerk of the board of county commissioners.

[S. L. 1890, Ch. 80, Sec. 53.]

**CONTENTS OF ORDER FOR SPECIAL ELECTIONS—TIME OF ORDER.**

SEC. 216. Every order issued for a special election shall specify the county or district in which such election is to be held, the reason for the special election, the name of the office to be filled, the time when the term of office will commence, and the day on which such election is to be held, which shall, if possible, not be less than twenty days from the date of the order of election.

[S. L. 1890, Ch. 80, Sec. 54.]

**VACANCY IN OFFICE—WHO DETERMINES FACT OF.**

SEC. 217. Whenever it is alleged that a vacancy in any office exists, the officer, court, or county board whose duty it is to fill the vacancy by appointment or to order an election to fill such vacancy, shall have power to determine whether or not the facts occasioning such vacancy exist.

[S. L. 1890, Ch. 80, Sec. 47.]

State ex rel Miller vs. Barber, 4 Wyo. 400.



**WHO MAY VOTE AT SPECIAL ELECTIONS.**

SEC. 218. All persons who have registered either during the registration period immediately preceding a special election, or a municipal election, or who have registered less than two years before such election, during a regular registration period for county elections, or during any special or municipal registration period, subsequent to such regular county election, shall be entitled to vote at such special election, or municipal election as the case may be, in the precinct in which they registered. The provisions of this title shall apply to all special elections and municipal elections.

[S. L. 1895, Ch. 77, Sec. 1.]

**CHAPTER 3****NOMINATIONS**

- |  |   |
|--|---|
| Sec. 219. Convention or primary meeting defined                      | Sec. 232. Places for filing certificates of nomination.                 |
| Sec. 220. Application of law—How meetings shall be called.           | Sec. 233. Time for filing certificates of nomination.                   |
| Sec. 221. Officers of meeting  | Sec. 234. Declination of nomination.                                    |
| Sec. 222. When ballot shall be taken.                                | Sec. 235. Vacancies in lists of nominees.                               |
| Sec. 223. Challenge of voters.                                       | Sec. 236. Filling vacancy.  |
| Sec. 224. Preservation of ballots.                                   | Sec. 237. Filling vacancies in lists of nominees.                       |
| Sec. 225. Regulations may be adopted by primary.                     | Sec. 238. Secretary of state shall certify substitute nominees.         |
| Sec. 226. Nominations of candidates may be by convention or primary. | Sec. 239. Filling vacancies after ticket printed—Stickers.              |
| Sec. 227. Certificate of nomination by convention or primary.        | Sec. 240. A "sticker" defined.  |
| Sec. 228. How candidates may be nominated outside of convention.     | Sec. 241. Notice of questions to be submitted to vote.                  |
| Sec. 229. Certificate of nomination shall name but one candidate.    | Sec. 242. Secretary of state shall certify nominations.                 |
| Sec. 230. Certificate of nomination shall be verified by oath.       | Sec. 243. Posting list of nominees—Number of ballots for each precinct. |
| Sec. 231. Certificate of nomination shall be preserved one year.     |   |

**CONVENTION OR PRIMARY MEETING DEFINED.**

SEC. 219. A convention or primary meeting within the meaning of this act is an organized assemblage of electors or delegates representing a political party.

[S. L. 1890, Ch. 80, Sec. 85.]

State ex rel Bennett vs. Barber, 4 Wyo. 56.

**APPLICATION OF LAW—HOW MEETINGS SHALL BE CALLED.**

SEC. 220. Any caucus or public meeting of the qualified voters of a county, district, city, town, ward of a city or town, or polling precinct, of any specified party or portion of such voters, for the nomination of candidates to be supported at any state, general, county, district, municipal or other election, or for the selection of delegates to any political convention, or for the appointment of any political committee, may be called by written or printed notice, specifying that the same is to be held in accordance with the provisions of this title, and such provisions thereof shall then apply to the conduct and proceedings of such meeting.

[S. L. 1897, Ch. 53, Sec. 24.]

**OFFICERS OF MEETING.**

SEC. 221. The call for the meeting shall designate by name or office the person who shall call the meeting to order; and the person so designated shall call the meeting to order and preside until a chairman shall be chosen. In case, however, the person so designated shall be absent at the time appointed, the meeting may choose a temporary chairman to act in place of such person. The organization of the meeting by the choice of a chairman, clerk and such other officers as the meeting may require, shall be the first business in order.

[S. L. 1890-91, Ch. 32, Sec. 2.]

**WHEN BALLOT SHALL BE TAKEN.**

SEC. 222. A ballot shall be taken for the choice of any candidate, delegate or member of a political committee to be selected by such meeting, in case five or more of the persons present and entitled to vote therein shall in any case so request in writing; and in case of such written request, a ballot shall be taken for the choice of the chairman of such meeting unless the meeting shall vote to dispense with such ballot. Such written request may be presented to the presiding officer for the time being, by motion or otherwise at any time, before a choice of the officers to which it relates is effected.

[S. L. 1890-91, Ch. 32, Sec. 3.]

**CHALLENGE OF VOTERS.**

SEC. 223. Any person offering to vote at any such meeting may be challenged by any person present as to whether his political faith is in accordance with that of the party or voters holding such meeting. Upon such challenge, the party challenged, before he shall be permitted to vote, shall be required to make a sworn statement before the presiding officer of such meeting that his political faith is in accordance with the party or voters holding such meeting; and in case he refuses to make such sworn statement, his vote shall not be received.

[S. L. 1890-91, Ch. 32, Sec. 5.]

**PRESERVATION OF BALLOTS.**

SEC. 224. The clerk chosen at such meeting shall, at the request in writing of five voters entitled to act therein, safely keep all ballots cast, and check lists used therein for a period of three months, and shall produce the same if called for by any court of justice.

[S. L. 1890-91, Ch. 32, Sec. 7.]

**REGULATIONS MAY BE ADOPTED BY PRIMARY.**

SEC. 225. Nothing herein shall prevent the enforcement at any primary of further regulations not inconsistent with the provisions of this title.

[S. L. 1890-91, Ch. 32, Sec. 8.]

### NOMINATIONS OF CANDIDATES MAY BE BY CONVENTION OR PRIMARY.

SEC. 226. Any convention or primary meeting as herein defined, held for the purpose of making nominations to public office and also electors to the number herein specified may nominate candidates for public office to be filled by election.

[S. L. 1890, Ch. 80, Sec. 84.]

### CERTIFICATE OF NOMINATION BY CONVENTION OR PRIMARY.

SEC. 227. All nominations made by such convention or primary meeting shall be certified as follows: The certificate of nomination shall be in writing, shall contain the name of each person nominated; his residence; his business, and the office for which he is nominated, and shall designate in not more than two words, of which the word "Party" shall be one, the political party which such primary meeting represents (as for instance: "Republican Party," "Democratic Party," "People's Party," or "Fusion Party") a compound or hyphenated word shall not be used to indicate the name of a political party within the meaning of this section. The certificate shall be signed by the chairman and secretary of such convention or primary meeting, who shall add to their signatures their respective places of residence, and make oath before an officer qualified to administer the same that the affiants were such officers of such convention or primary meeting, and that the statements contained in such certificate are true to the best of their knowledge and belief. A certificate that such oath has been administered shall be made and signed by the officer before whom such oath was made. The certificate, made out as herein required, shall be delivered, or be caused to be delivered, by the chairman or secretary of such convention or primary meeting to the officer by whom the same is to be filed.

[S. L. 1897, Ch. 53, Sec. 12.]

State ex rel Bennett vs. Barber, 4 Wyo 56.

State ex rel vs. Burdick, 46 Pac. 854.

### HOW CANDIDATES MAY BE NOMINATED OUTSIDE OF CONVENTION.

SEC. 228. Candidates for public office may be nominated otherwise than by convention or primary meeting in the following manner: A certificate of the nomination containing the name of each person nominated; his residence; his business; the office for which he is nominated and the name of the party or principle which the candidate and those nominating him represent, expressed in one word, entirely different from the name of any political party making nominations voted for at the last preceding general election, shall be signed by the electors residing within the district or political division in and for which the officer, or officers are to be elected, in the following numbers:

State ex rel vs Burdick, 46 Pac. 854.

The number of signatures shall not be less than one hundred when the nomination is for an office to be filled by the electors of the entire state, or any subdivision thereof larger than a county, and shall not be less than twenty-five when the election is for an office to be



filled by the electors of a county, and shall not be less than ten when the election is for an office to be filled by the electors of any subdivision or district less than a county. The signatures need not all be appended to one paper, but each elector signing the certificate shall add to his signature his place of residence and his occupation. Such certificate may be filed in the same manner and with the same effect as a certificate of nomination made by a party convention or primary meeting.

[S. L. 1897, Ch. 53, Sec. 13.]

**CERTIFICATE TO NAME BUT ONE CANDIDATE — PERSON CAN ACCEPT BUT ONE NOMINATION.**

SEC. 229. No certificate of nomination shall contain the name of more than one candidate for each office to be filled, and if it does it shall be void. No person shall join in nominating more than one person for the same office and if he does, his name shall not be counted upon either certificate. Whenever any person shall receive two or more nominations for the same office, he shall be deemed to have accepted the nomination first made and to have declined the others unless, within the time limited for filing certificates of nomination, he shall file in the office where such certificates of nomination are required to be filed, a written statement, signed and sworn to by him, designating which one of such nominations he desires to accept, and upon the filing thereof he shall be deemed to have declined the other nominations.

[S. L. 1860, Ch. 80, Sec. 89 S. L. 1897, Ch. 53, Sec. 16.]  
State ex rel vs. Burdick, 46 Pac. 854.

**CERTIFICATE OF NOMINATION SHALL BE VERIFIED BY OATH.**

SEC. 230. One of the signers to each separate certificate of nomination shall swear that the statements therein contained are true to the best of his knowledge and belief, and a certificate shall be annexed to each oath.

[S. L. 1860, Ch. 80, Sec. 90.]

**CERTIFICATE OF NOMINATION SHALL BE PRESERVED ONE YEAR.**

SEC. 231. The secretary of state and the clerks of the several counties, and of the several municipal corporations shall cause to be preserved in their respective offices for one year all certificates of nomination filed under the provisions of this chapter. All such certificates shall be open to public inspection under proper regulations to be made by the officers with whom the same are filed.

[S. L. 1890, Ch. 80, Sec. 91.]

**PLACES FOR FILING CERTIFICATES OF NOMINATION.**

SEC. 232. Certificates of nomination of candidates for offices to be filled by the electors of the entire state or of any division or district greater than a county, shall be filed with the secretary of state. Certificates of nomination for county and precinct officers, including members of either branch of the legislature, shall be filed with the clerks of the respective counties, wherein the officers are to be elected.

[S. L. 1890, Ch. 80, Sec. 87.]

**TIME FOR FILING CERTIFICATES OF NOMINATION.**

SEC. 233. Certificates of nomination to be filed with the secretary of state shall be filed not more than ninety days and not less than forty days before the day fixed by law for the election of the persons in nomination. Certificates of nomination to be filed with the county clerk shall be filed not more than sixty days and not less than twenty-five days before the election. Certificates for the nomination for candidates for municipal offices shall be filed with the clerk of the respective municipal corporations not more than thirty days and not less than three days previous to the day of election; provided, that the provisions of this section shall not be held to apply to nominations for special elections to fill vacancies caused by death, resignation or otherwise.

[S. L. 1897, Ch. 53, Sec. 14.]

**DECLINATION OF NOMINATION.**

SEC. 234. Whenever any person nominated for public office as in this chapter provided, shall at least twenty-five days before election, except in the case of municipal elections, in a writing signed by him and acknowledged before an officer qualified to take acknowledgments, notifying the officer with whom the certificate nominating him is by this chapter required to be filed that he declines such nomination, such nomination shall be void. In municipal elections such declinations must be made at least two days before the election.

[S. L. 1890, Ch. 80, Sec. 95.]

**VACANCIES IN LISTS OF NOMINEES.**

SEC. 235. Should any person so nominated die before the printing of the tickets, or decline the nomination as in this chapter provided, or should any certificate of nomination be, or become insufficient, or inoperative from any cause, the vacancy or vacancies thus occasioned may be filled in the manner required for original nominations.

[S. L. 1890, Ch. 80, Sec. 96.]

**FILLING VACANCY.**

SEC. 236. A vacancy occurring in any nomination made by a party convention can be filled by a subsequent convention of that party or by a committee to which power has been delegated, but can not be filled in any other manner.

[S. L. 1897, Ch. 53, Sec. 15.]

**FILLING VACANCIES IN LISTS OF NOMINEES.**

SEC. 237. If the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, such committee may upon the occurring of any such vacancies proceed to fill the same. The chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further infor-

mation as is required to be given in an original certificate of nomination. The certificate so made shall be executed in the same manner, and shall have the same force and effect as an original certificate of nomination.

[S. L. 1890, Ch. 80, Sec. 97.]

#### SECRETARY OF STATE SHALL CERTIFY SUBSTITUTE NOMINEES.

SEC. 238. When such certificate shall be filed with the secretary of state he shall, on certifying the nomination to the various county clerks, insert the name of the person who has thus been nominated to fill a vacancy in place of that of the original nominee. And in the event that he has already sent forth his certificate, he shall certify to the clerks of the proper counties the name of and description of the person so nominated to fill a vacancy, the office he is nominated for, the party or political principle he represents, and the name of the person for whom such nominee is substituted.

[S. L. 1890, Ch. 80, Sec. 98.]

#### FILLING VACANCIES AFTER TICKET PRINTED—STICKERS.

SEC. 239. When any vacancy occurs before election day and after the printing of the tickets, and any person is nominated according to the provisions of this chapter to fill such vacancy, the officer whose duty it is to have the tickets printed and distributed shall thereupon have printed a requisite number of stickers, and shall mail them by registered letter to the judges of election in the various precincts interested in such election, and the judges of election whose duty it is to distribute the tickets shall affix such stickers in the proper place on each ticket before it is given out to the elector.

[S. L. 1890, Ch. 80, Sec. 99.]

#### A "STICKER" DEFINED.

SEC. 240. A sticker shall be a strip or piece of paper bearing upon one side the printed or written name or names of a candidate or candidates for office, and bearing upon the other side an adhesive substance.

[S. L. 1890, Ch. 80, Sec. 100.]

#### NOTICE OF QUESTIONS TO BE SUBMITTED TO VOTE.

SEC. 241. Whenever a proposed constitution or constitutional amendment, or other question is to be submitted to the people of Wyoming for popular vote, the secretary of state shall not less than thirty days before election certify the same to the clerk of each county, and the clerk of each county shall include the same in the publication herein provided. Questions to be submitted to the people of a county or municipality, shall be advertised as provided for nominees for office.

[S. L. 1890, Ch. 80, Sec. 101.]

#### SECRETARY OF STATE SHALL CERTIFY NOMINATIONS.

SEC. 242. Not less than twenty-five nor more than thirty days before an election to fill any public office, the secretary of state shall certify to the county clerk of each county within which any of the electors may by law vote for candidates for such office, the name



and description of each person nominated for such office as specified in the certificate of nomination with the said secretary.

[S. L. 1890, Ch. 80, Sec. 93.]

#### POSTING LIST OF NOMINEES.

SEC. 243. At least ten days before the election to fill any public office, other than a municipal office, the county clerk of each county shall cause to be published in one or more newspapers within the county, if there be any, the nominations to office certified to him under the provisions of this title.

The county clerk shall make such publications daily until the election, in the counties where daily papers are published, but if there be no daily papers published within the county, two publications in each newspaper, if there be any, will be sufficient. One of such publications in each newspaper shall be upon the last day upon which such newspaper is issued before the election. In the case of municipal elections such publications shall be made in one or more newspapers, if there be any, devoted to the dissemination of general news and published within the municipal corporation in which the election is to be held at least three days before the election, the publication to be daily until election, where there are daily newspapers; but if there be no daily newspaper published within the municipal corporation, one publication in each newspaper, if there be any, shall be sufficient.

If no newspapers are published in the county or municipal corporation, the clerk of either such county or municipal corporation shall post the said notices at not less than five conspicuous places within the county, or municipal corporation, as the case may be, at least ten days before the election, if possible.

Provided, That in special elections, to fill vacancies the foregoing provisions of this section shall not apply.

[S. L. 1890-91, Ch. 100, Sec. 18.]

## CHAPTER 4

### ELECTION DISTRICTS AND POLLING PRECINCTS

Sec. 244. Election districts—How defined.  
 Sec. 245. Polling precincts—County commissioners shall establish.  
 Sec. 246. Rule for establishing polling precincts—Rule in cities.

Sec. 247. Change of polling precincts—Limitation.  
 Sec. 248. Size of polling precincts—When established.

#### ELECTION DISTRICTS—HOW DEFINED.

SEC. 244. The board of county commissioners of each county, shall at each regular July meeting, to be held every general election year, divide the county into convenient election districts, which shall be known and numbered by the numbers designated. There shall not be less than five nor more than thirty election districts in any county. In laying out the county into districts the board of county commissioners may, in incorporated cities and towns, make each ward thereof, an election district.

[S. L. 1890-91, Ch. 100, Sec. 5.]

**POLLING PRECINCTS—COUNTY COMMISSIONERS SHALL ESTABLISH.**

SEC. 245. The county commissioners shall, in creating and establishing election districts, establish in any one district, as many polling precincts as shall be necessary and convenient for the voters of the election districts wherein such polling precincts may be established, but no polling precincts shall be established after the first day of registration as herein provided.

[S. L. 1890, Ch. 80, Sec. 10.]

**RULE FOR ESTABLISHING POLLING PRECINCTS—RULE IN CITIES.**

SEC. 246. In altering and establishing election districts and polling precincts, the county commissioners shall be governed and guided by the interest and convenience of the greatest number of electors; Provided, that in municipalities, the polling precincts shall not extend over more than one ward, and that the polling precincts so established shall be the polling precincts for municipal elections.

[S. L. 1890, Ch. 80, Sec. 13.]

**CHANGE OF POLLING PRECINCTS—LIMITATION.**

SEC. 247. At any meeting prior to the first day of registration, the county commissioners shall have discretionary power on petition of ten qualified voters within any election district, to vacate, change, consolidate, remove or establish any polling precincts within the several election districts; Provided, that no increase or decrease shall be made in the number of such election districts oftener than once in two years.

[S. L. 1890, Ch. 80, Sec. 11.]

**SIZE OF PRECINCTS—WHEN ESTABLISHED.**

SEC. 248. On or before the first day of September, of each year, in which an election is to be held, the officers charged by law with the establishment or alteration of polling precincts, shall, as far as necessary, divide the existing election districts into polling precincts in such a manner that each polling precinct shall not contain more than four hundred voters.

[S. L. 1890, Ch. 80, Sec. 12.]

## CHAPTER 5

## REGISTRATION

- |           |  |           |  |
|-----------|--|-----------|--|
| Sec. 249. | Appointment of registry agents.              | Sec. 263. | Affidavit of elector registering.                          |
| Sec. 250. | Oath of registry agents.                     | Sec. 264. | Certified lists to judges of election.                     |
| Sec. 251. | County commissioners shall furnish supplies. | Sec. 265. | Only registered electors can vote.                         |
| Sec. 252. | Meetings of registry agents—Posting notice.  | Sec. 266. | Challenge of registered electors.                          |
| Sec. 253. | Register of electors—How made.               | Sec. 267. | Clerks of election shall make list—When.                   |
| Sec. 254. | Who must be registered.                      | Sec. 268. | Lists returned by judges—Preservation—Public.              |
| Sec. 255. | Oath of applicant to register.               | Sec. 269. | Pay of registry agents.                                    |
| Sec. 256. | Registration hours.                          | Sec. 270. | Registry agents — Power — Vacancies.                       |
| Sec. 257. | Copies of registry list to be made.          | Sec. 271. | Judges ex-officio registry agents—When.                    |
| Sec. 258. | Disposition of registry lists.               | Sec. 272. | Election register—When and how kept.                       |
| Sec. 259. | Meeting to complete lists—Time.              | Sec. 273. | Oath of elector voting on election day—Corroborating oath. |
| Sec. 260. | Proceedings shall be public—Hearing.         | Sec. 274. | When elector may vote.                                     |
| Sec. 261. | Correction of lists—Challenges.              |           |  |
| Sec. 262. | Qualified elector may be registered.         |           |  |

## APPOINTMENT OF REGISTRY AGENTS.

SEC. 249. Prior registration shall be required, first, in each election district in any incorporated city or town, irrespective of the number of votes cast therein, and second, in each election district located on the line of a railroad and not within an incorporated city or town, in which district more than one hundred votes were cast at the last preceding general election. The boards of the county commissioners of the several counties at each regular July meeting in every general election year shall appoint two registry agents for each election district in which prior registration is so required. Such registry agents shall not be members of the same political party, but shall be qualified voters of the election district for which they are appointed, and shall be otherwise competent to attend to the duties incident to their appointment. They shall hold their office for the term of two years and until their successors are appointed and qualified, but they may be removed at the will of the county commissioners for cause.

[S. L. 1897, Ch. 53, Sec. 5.]

## OATH OF REGISTRY AGENTS.

SEC. 250. Before entering upon the duties prescribed in this title, the registry agents, including ex-officio registry agents, shall severally take and subscribe before an officer duly authorized to administer oaths, the following oath or affirmation, which shall be filed in the office of the county clerk of their respective counties, to-wit:

"I, . . . . ., registry agent for election district No. . . . ., in the county of . . . . . Wyoming, do solemnly swear (or affirm) that I will perform all the duties of registry agent in and for said election district according to law and the best of my ability, and that in the discharge of my duties as such agent I will



honestly endeavor to prevent fraud, deceit or any other manner of abuse of the elective franchise, so help me God (or for which I will answer under the pains and penalties of perjury).''

[S. L. 1890, Ch. 80, Sec. 38.]

#### COUNTY COMMISSIONERS SHALL FURNISH SUPPLIES.

SEC. 251. The county commissioners of the several counties shall supply the registry agents of their respective counties with all proper and necessary books and stationery and blank forms of affidavits for the voters, and particularly with printed copies of this title. They shall furnish to each registry agent a bound book which shall be known as the "Official Register," which shall be ruled in columns of suitable dimensions to provide for the following entries opposite the name of each elector, to-wit:

1. Number of the register.
2. Date of registry.
3. Name of elector.
4. Age of elector.
5. Where born.
6. Name of polling precinct.
7. Description of residence.

[S. L. 1890, Ch. 80, Sec. 35.]

#### MEETINGS OF REGISTRY AGENTS—POSTING NOTICE.

SEC. 252. Said registry agents shall meet on the Tuesday four weeks preceding each general and special election, at the office of the clerks of their respective cities or towns and villages, or at some convenient place therein designated by the county commissioners and made known by said registers by advertisement posted up in five public places in their district at least five days before the time of meeting.

In incorporated cities and towns where a ward is made an election district, the registry agents of such district shall meet at some convenient place within such district as designated by the county commissioners.

They shall convene at 9 o'clock in the morning and proceed to make a list, as hereinafter prescribed, of all persons qualified and entitled to vote at the ensuing election in their respective election districts, designating the ward and polling precinct, in which such persons are then residing and entitled to vote. which list, when complete, shall constitute and be known as the register of electors of said election district.

[S. L. 1890-91, Ch. 100, Sec. 7.]

#### REGISTER OF ELECTORS—HOW MADE.

SEC. 253. Said registers shall each contain a list of the persons so qualified and entitled to vote in said election district, according to their wards and polling precincts, when there are any, alphabetically arranged according to their surnames so as to show in one column the name in full, in another column the residence by the number of the dwelling, if there be a number, and the name of the street, or other location of the dwelling place, as near as may be, of each person.

[S. L. 1890, Ch. 80, Sec. 17.]

**WHO MUST BE REGISTERED.**

SEC. 254. The said registry agents shall enter on said lists the names of all persons residing in their jurisdiction who are entitled to, and claim the right to, vote at the next general election. Such persons shall appear in person.

[S. L. 1890-91, Ch. 100, Sec. 8.]

**OATH OF APPLICANT TO REGISTER.**

SEC. 255. Every person applying to be registered shall, before he shall be entitled to have his name registered, take and subscribe before one of the registry agents one of the following oaths, which shall then be filed with said agents, to-wit:

“The State of Wyoming, County of..... ss: I do solemnly swear (or affirm) that I am a citizen of the United States; that I will be twenty-one years of age on or before the election day next ensuing; that I will have actually and not constructively been a bona fide resident of said state one year and of said county sixty days preceding the day of the next general election; that I am an actual resident of polling precinct number....., in election district number..... in said county, and that I can read the constitution of said state. So help me God.”

“State of Wyoming, County of .... .ss.

“I do solemnly swear (or affirm) that I am a citizen of the United States; that I was a resident and qualified elector of Wyoming on the tenth day of July, 1890, that I have ever since then continued to be a resident of Wyoming; that I will have actually and not constructively been a bona fide resident of said county sixty days preceding the day of the next general election, that I am an actual and bona fide resident of polling precinct number.....in election district number..... in said county. So help me God.”

“The State of Wyoming, County of.....ss.

“I do solemnly swear (or affirm) that I am a citizen of the United States; that I will be twenty-one years of age on or before the election day next ensuing; that I will have actually and not constructively been a bona fide resident of this state one year and in this county sixty days preceding the day of the next general election; that I am an actual and bona fide resident of polling precinct number....., in election district number....., in said county, and that I am prevented by reason of physical disability from being able to read the constitution of this state. So help me God.”

[S. L. 1897, Ch. 53, Sec. 6.]

**REGISTRATION HOURS.**

SEC. 256. Said registry agents shall sit continuously from day to day until their labors are completed, not exceeding five days, and they shall keep their office open for the transaction of their business each day during the following hours, to-wit: From 9 o'clock in the morning until 1 o'clock in the afternoon, and from 2 o'clock in the afternoon until 6 o'clock in the afternoon, and from 7 o'clock in the evening until 9 o'clock in the evening.

[S. L. 1890-91, Ch. 100, Sec. 8.]

**COPY OF REGISTRY LIST TO BE MADE.**

SEC. 257. When the registry is complete the registry agents shall make three copies thereof, and certify the register and the copies thereof to be a true list of the voters of their election districts, so far as they may know.

[S. L. 1890-91, Ch. 100, Sec. 8.]

**DISPOSITION OF REGISTRY LISTS.**

SEC. 258. Within four days thereafter, the said original list shall be filed by said registry agents in the office of the county clerk of the proper county, and one copy of said list shall be filed in the office of the clerk of the municipal corporation of the election district, and one copy shall be retained by each of said registry agents, and said registry agents shall also make a copy for each polling precinct in the district, and in the municipal corporation. The last said copy shall contain the list of voters in the ward in which the polling precinct is located, showing the precinct in which each elector resides, which last said copies shall be deposited with the board of county commissioners of the county, to be by them distributed to the election officers of said precincts for their use on the day of election. The board of county commissioners shall cause a copy of each of said ward lists to be publicly posted at each polling precinct in said district at least eighteen days before election day, if possible.

[S. L. 1890-91, Ch. 100, Sec. 8.]

**MEETING TO COMPLETE LISTS—TIME.**

SEC. 259. The said registry agents shall again meet at the places hereinabove designated twelve days preceding the day of election for the purpose of revising, correcting and completing said list. They shall hold their sessions for not exceeding two days and during the same hours as at their first meeting.

[S. L. 1890, Ch. 80, Sec. 19.]

**PROCEEDINGS SHALL BE PUBLIC—HEARING.**

SEC. 260. The proceedings shall be open, and all persons residing and entitled to vote in said district shall have the right to be heard in person in relation to the corrections or additions to said register.

[S. L. 1890, Ch. 80, Sec. 20.]

**CORRECTION OF LIST—CHALLENGES.**

SEC. 261. Said agents shall at their first meeting for revising and correcting said list, erase therefrom the name of any person inserted therein, who shall be proved by the oath of two legal voters of said district, to the satisfaction of said agents, to be non-residents of said district, or otherwise not entitled to vote in said district at the election then next to be held.

Provided, That if the person whose name is on such list shall be challenged, he shall be entitled to controvert by the oaths of legal electors of said district the allegations relating to his non-residence or other alleged disqualifications.

[S. L. 1890-91, Ch. 100, Sec. 9.]



**QUALIFIED ELECTOR MAY BE REGISTERED.**

SEC. 262. Any elector residing in said district, entitled to vote therein, may appear before said agents in person and require his or her name to be recorded in said alphabetical list for the ward or precinct in which he or she claims to reside.

[S. L. 1890-91, Ch. 100, Sec. 9.]

**AFFIDAVIT OF ELECTOR REGISTERING.**

SEC. 263. Any person requiring his or her name to be so entered on said list shall make the same affidavit required of an elector who registers as heretofore provided, and shall be subject to challenge by either of the registry agents, or by any elector, and in case no challenge is made, such name shall be entered upon the registry list, or in case of challenge as aforesaid, then such person shall be registered only upon being vouched for by the affidavit of two electors, as provided for in sections three hundred and twenty-two and three hundred and twenty-three.

[S. L. 1890-91, Ch. 100, Sec. 9.]

**CERTIFIED LISTS TO JUDGES OF ELECTION.**

SEC. 264. After said lists shall have been fully completed and five or more days before the day of election, the said agents shall cause a complete list of the registered voters of each precinct in their respective districts to be made, certify the same to be correct and deliver to the judges of election of each polling precinct a list of the registered voters in their respective precincts. It shall be the duty of the judges so receiving such list carefully to preserve such list for their use on election day and to designate two of their number at the opening of the polls to check the name of each registered voter voting in such precinct.

[S. L. 1890, Ch. 80, Sec. 22.]

**ONLY REGISTERED ELECTORS CAN VOTE.**

SEC. 265. No vote shall be received at any general or special election if the name of the person offering to vote be not on said register made as aforesaid in districts where registration is required.

[S. L. 1890, Ch. 80, Sec. 22.]

**CHALLENGE OF REGISTERED ELECTORS.**

SEC. 266. Any person may be challenged and the same oaths required as now are or hereafter may be prescribed by law touching the legality of the vote offered.

[S. L. 1890, Ch. 80, Sec. 22.]

**CLERKS OF ELECTION SHALL MAKE LIST—WHEN.**

SEC. 267. The clerks at each polling precinct where prior registration is not by law required, in addition to the duties now prescribed by law, shall enter on the poll list kept by them in columns prepared for that purpose, opposite the name of each person voting the same statement or minute heretofore required of the registry agents in making the registry.

[S. L. 1890, Ch. 80, Sec. 23.]

**LISTS RETURNED BY JUDGES—PRESERVATION—PUBLIC.**

SEC. 268. After the canvass of the votes the register so kept and checked as aforesaid shall be returned by the judges of election together with the poll lists and said register shall be retained and carefully preserved as a public record in the office of the county clerk. Such register at all times shall be open for public inspection at the office of the said county clerk without charge.

[S. L. 1890, Ch. 80, Sec. 24.]

**PAY OF REGISTRY AGENTS.**

SEC. 269. The said registry agents shall each receive the sum of three dollars per day for each day actually employed, to be paid out of the county treasury upon properly verified claims.

[S. L. 1890, Ch. 80, Sec. 25.]

**REGISTRY AGENTS—POWER—VACANCIES.**

SEC. 270. The said registry agents shall have and exercise the same power in preserving order at their meetings as are given to judges of election for preserving order on election day. All vacancies shall be filled by the board of county commissioners, if such board be in session in time, and if not, such vacancies shall be filled by the county clerk.

[S. L. 1890, Ch. 80, Sec. 26.]

**JUDGES EX-OFFICIO REGISTRY AGENTS—WHEN.**

SEC. 271. The judges of election of each election precinct in Wyoming in all districts where there were cast at the last preceding general election in each polling precinct in said district, as shown by the returns thereof, not more than fifty votes, shall be ex-officio registry agents for their respective precincts, and it shall be the duty of the county clerk of each county, to furnish to the judges of election, if such polling precinct has by the returns of the last preceding general election shown to have polled not more than fifty votes, the same books, stationery, including black lead pencils for the purpose of marking ballots of electors, and none other shall be used for such purpose, and blank forms of affidavits and printed copies of the election law, as they are required to furnish to the registry agents of such election districts on which registration is required before the day of election. It shall be the duty of the judges of election in the precincts where they are required to also act as registry agents, to register in the proper official register, each voter applying to vote in the manner prescribed by law for registration, prior to such voter being permitted to cast his ballot at such election.

[S. L. 1895, Ch. 118, Sec. 2.]

**ELECTION REGISTER—WHEN AND HOW KEPT.**

SEC. 272. The said judges of election as such ex-officio registry agents, shall require and see that the clerks of election register all electors voting, giving full particulars in the proper columns of the records prepared by them as by this chapter required. Except that in giving the residence of persons who do not live in cities or towns, the residence of the elector shall be given by legal sub-divisions of land,

according to the United States government survey, where it is practicable to ascertain the same.

[S. L. 1890-91, Ch. 100, Sec. 10.]

#### OATH OF ELECTOR VOTING ON ELECTION DAY—CORROBORATING OATH.

SEC. 273. Each person offering to vote on election day, shall, in precincts where prior registration is not required, take and subscribe the same oath as is required herein of persons applying to be registered. Such affidavit shall be administered by one of the judges of election without charge, and it shall be returned by the judges with the poll lists.

[S. L. 1897, Ch. 54.]

#### WHEN ELECTOR MAY VOTE.

SEC. 274. When a qualified elector applies to vote in precincts where prior registration is not required, he shall upon registering as hereinbefore provided, be entitled to vote, but not before.

[S. L. 1890-91, Ch. 100, Sec. 12.]

## CHAPTER 6

### JUDGES AND CLERKS OF ELECTION

Sec. 275. Judges of election — Appointment of—Notice	Sec. 280. Oath of judges of election.
Sec. 276. Political qualifications of judges.	Sec. 281. Oath—How administered.
Sec. 277. Term of office—How appointed in cities.	Sec. 282. Oaths of clerks — How administered.
Sec. 278. Clerks of election — Appointment of—Political qualifications.	Sec. 283. Pay of election officers.
Sec. 279. Filling vacancy in office of judge—Elections invalid—When.	Sec. 284. Certificate of pay of election officers.
	Sec. 285. Duties of officers.

#### JUDGES OF ELECTION—APPOINTMENT OF—NOTICE.

SEC. 275. The board of county commissioners shall at the last regular session preceding any election—but if said regular session be within thirty days before the election, then a special meeting shall be called—appoint three capable and discreet persons possessing the qualifications of electors to act as judges of election, at each polling precinct, and the county clerk shall make out and deliver to the sheriff of the county immediately after the appointment of such judges a notice in writing directed to the judges so appointed, and said sheriff shall, within five days after the receipt of such notice, transmit the same by registered mail to each of said judges of election; Provided, That the sheriff shall in person or by deputy serve said notice upon any of the judges of election in the polling precinct at the county seat of his county.

[S. L. 1890, Ch. 80, Sec. 56.]



**POLITICAL QUALIFICATION OF JUDGES.**

SEC. 276. In making the appointment of judges of election as aforesaid, not more than two at any polling precinct shall be from any one political party.

[S. L. 1890, Ch. 80, Sec. 57.]

**TERM OF OFFICE—HOW APPOINTED IN CITIES.**

SEC. 277. The judges of election shall be and continue judges of all elections to be held within their precincts for one year and until other judges shall be appointed as hereinbefore directed. Municipal elections shall be conducted in accordance with the provisions of this title. Provided, however, That the judges of election for such municipal election shall be appointed by the councilmen or trustees of the incorporated city or town in which said election shall be held.

[S. L. 1890, Ch. 80, Sec. 58.]

**CLERKS OF ELECTION—APPOINTMENT OF—POLITICAL QUALIFICATIONS.**

SEC. 278. The judges of election shall choose two persons, having the same qualifications with themselves, to act as clerks of the election and the clerks of the election may continue to act as such during the pleasure of the judges of election appointing them. The clerks shall not be members of the same political party unless it be impracticable to obtain two thus qualified.

[S. L. 1890, Ch. 80, Sec. 59.]

**FILLING VACANCY IN OFFICE OF JUDGE — ELECTION PROCEEDINGS INVALID—WHEN.**

SEC. 279. If at any time appointed by law for the opening of any election, any person duly appointed to act as judge of the election shall fail or refuse to act or to be sworn or affirmed to act in such capacity, the place of such persons shall be filled by the viva voce votes of qualified electors residing within the polling precinct as may be present at the place of election, and each person so elected to fill such vacancy shall be a qualified elector of the precinct and shall be vested with the same powers as if appointed by the board of county commissioners. All such judges shall at all times be present when the ballots are being cast and counted. Any ballot cast in the absence of any judge shall be invalid. Any proceeding had in the count and canvass of the votes by the judges, during the absence of any judge, shall be invalid.

[S. L. 1890-91, Ch. 100, Sec. 15.]

**OATH OF JUDGES OF ELECTION.**

SEC. 280. Judges of election, whether appointed by the commissioners or elected, shall before entering upon their duty as judges of election, severally take and subscribe the following oath in writing:

“I do solemnly swear (or affirm) that I will impartially and to the best of my knowledge and ability, perform the duties of judge of this election, and I will studiously endeavor to prevent all frauds, deceit and abuse in conducting the same.”

In precincts where prior registration is not required, the judge of election shall, in addition to the foregoing oath, take and subscribe to the oath required of registry agents before entering upon their duties.

[S. L. 1890-91, Ch. 100, Sec. 16.]

#### **OATH—HOW ADMINISTERED.**

SEC. 281. Such oath may be taken before any person authorized to administer oaths, but if no person authorized to administer an oath be present, then the judges shall administer the oath to each other with like effect in all proceedings, both civil and criminal, as though the oath had been administered by any other person authorized to administer oaths.

[S. L. 1890, Ch. 80, Sec. 62.]

#### **OATH OF CLERKS—HOW ADMINISTERED.**

SEC. 282. The clerks of election shall take and subscribe in writing an oath similar in character to that required by law to be taken by the judges, which oath may be administered by any one of the judges to the clerks.

[S. L. 1890, Ch. 80, Sec. 63.]

#### **PAY OF ELECTION OFFICERS.**

SEC. 283. The judges and clerks of general county and municipal elections shall receive three dollars each for each full day for their services in attending such elections and ten hours shall constitute one day, and the judge or clerk who carries the returns to the postmaster at the nearest postoffice shall also receive ten cents per mile each way by the nearest traveled route unless he has to travel in another way than by railroad, in which case he shall receive ten cents per mile each way and three dollars per day for each day necessarily and actually employed in such travel, also the amount expended for postage and registration fee upon such return. Constables serving, shall receive three dollars per day.

[S. L. 1890, Ch. 80, Sec. 142.]

#### **CERTIFICATE OF PAY OF ELECTION OFFICERS.**

SEC. 284. The clerk of each county, or municipality as the case may be, shall, on the canvass of the election returns of any election, make out his certificate stating therein the compensation to which the judges or clerks of such election and constables may be entitled for services, and lay the same before the county commissioners, or city or town council as the case may be, at their next meeting, and the compensation aforesaid shall be ordered to be paid out of the treasury of such county, city or town.

[S. L. 1890, Ch. 80, Sec. 143.]

#### **DUTIES OF OFFICERS.**

SEC. 285. No officer shall deposit in the ballot box any ballot except a lawful one. A lawful ballot is an official ballot officially stamped and marked with the initials or name of a judge of the election, and offered by a qualified elector during the time of election.

No officer shall allow an unqualified elector to vote.

No officer shall count the ballot of an elector more than once.

No officer shall open or unfold any ballot presented by an elector. No officer shall reveal how any elector has voted.

No officer shall ascertain or allow any person to ascertain how an elector has voted; Provided, however, an officer may assist a qualified but incapacitated elector to vote as provided for in sections three hundred and twenty-eight and three hundred and twenty-nine.

No officer shall refuse a qualified elector the right to vote.

No officer shall be guilty of any fraud, corruption or misbehavior in the receiving or canvassing or returning of votes.

No officer shall change any ballot voted.

The word officer as used in this section shall include judges and clerks of election, county and municipal clerks, justices of the peace, messengers and all others who are in any way connected with the conduct of an election or the canvassing or returning thereof. Any officer violating any of the provisions of this section, shall be imprisoned in the penitentiary not more than five years and not less than one year, or be fined not more than two thousand dollars, and not less than one hundred dollars, or may be both imprisoned and fined as aforesaid, and shall forever thereafter be incapacitated from holding any civil office or of exercising the elective franchise in Wyoming.

[S. L. 1890, Ch. 80, Sec. 164.]

## CHAPTER 7

### BALLOTS

Sec. 286. Ballots printed at public expense.  
 Sec. 287. Printing of ballots a public charge.  
 Sec. 288. Ballots shall state propositions submitted to electors.  
 Sec. 289. What ballot shall contain.  
 Sec. 290. Delivery of ballots to judges of election.  
 Sec. 291. Ballots and stamp delivered under seal—Receipt.

Sec. 292. Preparation of officially printed ballots—Such only shall be cast.  
 Sec. 293. Number of ballots to be furnished.  
 Sec. 294. Time of printing ballots—Errors corrected.  
 Sec. 295. Order of court correcting errors.  
 Sec. 296. Replacing lost ballots.

### BALLOTS PRINTED AT PUBLIC EXPENSE.

SEC. 286. All ballots cast in elections for public officers (except school district officers) shall be printed and distributed at public expense as provided for in section two hundred and eighty-seven.

[S. L. 1890, Ch. 80, Sec. 82.]

### PRINTING OF BALLOTS A PUBLIC CHARGE.

SEC. 287. The printing of ballots and cards of instruction for the electors of each county and the delivery of the same to the election officers, as provided for in section two hundred and ninety, shall be a county charge, the payment of which shall be provided for in the same manner as the payment of other county expenses, and the expense of printing and delivering the ballots and cards of instruction



shall in the case of municipal elections be a charge upon the city or town in which such election shall be held.

[S. L. 1890, Ch. 80, Sec. 83.]

#### BALLOTS SHALL STATE PROPOSITIONS SUBMITTED TO ELECTORS.

SEC. 288. Whenever the secretary of state has duly certified to the county clerk any question to be submitted to a vote of the people, the county clerk shall have printed on the regular ballots the question in such form as will enable the electors to vote upon the question so presented in the manner provided for in section two hundred and eighty-nine. The county clerk shall also prepare the necessary ballots whenever any question is required by law to be submitted to the vote of the electors of any locality, and not to the state generally, provided, however, that in all questions submitted to the voters of a municipal corporation alone, it shall be the duty of the municipal clerk to provide the necessary ballots.

[S. L. 1890, Ch. 80, Sec. 105.]

#### WHAT BALLOTS SHALL CONTAIN.

SEC. 289.

*First*—All ballots prepared under the provisions of this chapter shall be uniform in size, white in color, of a good quality of paper, sufficiently thick that the printing cannot be distinguished from the back, and all printing thereon shall be in black ink.

*Second*—Every ballot shall contain the name of every candidate whose nomination for any office specified in the ballot, has been certified or filed according to law, and no other name.

*Third*—All nominations made by any political party casting two per cent. of the vote in the state at either of the last two preceding general elections shall be placed in a separate column, and all the nominations of any such political party shall be placed under the name of such party, as designated by them in their certificates of nomination. Only one word shall be so used on a ballot to designate the name of any political party, as for instance: "Republican," "Democrat," or "People's."

*Fourth*—Any proposed constitutional amendments or other questions to be submitted to the electors for popular vote, shall be printed at the foot of the ballot in such convenient place as to be readily distinguishable.

*Fifth*—The ticket of the party having the greatest number of votes within the county at the last preceding general election shall be placed first on the ballot, and the position of the other tickets shall be governed relatively by the same rule. In determining the number of votes cast or had by the several political parties, reference shall only be had to the vote for representative in congress.

*Sixth*—The name of a candidate shall be printed upon the official ballot once, and no more.

*Seventh*—On the left hand side of the ticket shall be a column designating the office to be voted for, and on the same line in the several columns under the appropriate party names all the names of candidates nominated for that office shall be printed.

*Eighth*—The names of persons nominated otherwise than by the convention of a party entitled to a column on the ballot shall be placed in one or more columns to the right of the party columns and under the designation or heading of "Independent," and after each such name shall be printed in one word the name of his party or principle, as given in his certificate of nomination.

*Ninth*—There shall be a space between the party name at the top of each party column and the name of the head of the ticket, of five eighths of an inch and in the center of the space under the party name there shall be a square of three eighths of an inch in which the voter by his cross mark may declare that he votes for all the names printed in that column except such as are erased, as hereinafter specified.

*Tenth*—If an elector desires to vote for part, but not all of the candidates named in the column of any party, he may make a cross in the square at the head of that column and erase the name of each candidate for whom he does not wish to vote. There shall be left under the name of each candidate sufficient space to write another name therein in lieu of the one printed; and when any name so printed is erased and another name is written immediately thereunder, it shall be counted as a vote for the name so written in lieu of the one erased.

*Eleventh*—On a line with the name of each candidate and to the right of each column there shall be a space inclosed in a square in which the voter may make a cross mark and thereby indicate his choice for such candidate for that office. When a voter votes for a party ticket by using the square at the head of the party column and erases the names in that column, he may then vote for any other candidate for that office in lieu of the name erased by placing a cross in the appropriate space opposite the name of such other candidate.

*Twelfth*—In the preparation of the ballot the order of arrangement of offices to be filled shall be:

- 1st. Presidential electors, if any.
- 2nd. State offices, including justice of the supreme court.
- 3rd. Representative in congress
- 4th. District judge, if any.
- 5th. Members of senate and house of representatives.
- 6th. County offices.
- 7th. Precinct offices.

*Thirteenth*—Each ballot shall contain on the face thereof the following specific instructions and no others, in addition to the words "official ballot," and the name of the state and county, with the date of the election, to-wit:

"If you desire to vote an entire party ticket, make a cross in the square under the appropriate party name at the head of the ballot. If you desire to vote for a part and not all of the candidates of your party make a cross in the square under the appropriate party name at the head of the ticket, and erase the name of any candidate in that column for whom you do not want to vote, and make a cross opposite the name of the candidate you desire to vote for in lieu of the one

erased, or write the name you desire to vote for in the blank space immediately under the name erased."

[S. L. 1897, Ch. 53, Sec. 17.]

State ex rel vs. Burdick, 46 Pac. 854.

#### **DELIVERY OF BALLOTS TO JUDGES OF ELECTION.**

SEC. 290. At or before the opening of the polls the county clerk or the municipal clerk in the case of municipal elections shall cause to be delivered to the judges of election of each polling precinct which is within the county or within the municipality in the case of municipal elections, and in which the election is to be held at the polling place of the precinct the proper number of ballots as provided for in section two hundred and ninety-three. He shall also deliver to the said judges a rubber or other stamp with ink pad for the purpose of stamping or designating the official tickets as hereinafter provided. Said stamp shall contain the words "official ballot," the name and number of the polling precinct, the name of the county or municipality as the case may be, the date of the election, and the name and official designation of the clerk who furnishes the tickets.

Slaymaker vs. Phillips, 5 Wyo. 453.

[S. L. 1890, Ch. 80, Sec. 110.]

#### **BALLOTS AND STAMP DELIVERED UNDER SEAL—RECEIPT.**

SEC. 291. The ballots and stamp for each precinct shall be enclosed in a package under seal, and the person delivering them to the judges of election shall take a receipt therefor, and file the same in the county or municipal clerk's office, as the case may be.

[S. L. 1890, Ch. 80, Sec. 111.]

#### **PREPARATION OF OFFICIALLY PRINTED BALLOTS — SUCH ONLY SHALL BE CAST.**

SEC. 292. Except as in this title otherwise provided, the clerk of each county shall provide printed ballots for every election for public officers, other than city, town or school district officers, in which the electors or any of the electors within the county participate, and to cause to be printed in the ballot the name of every candidate whose name has been certified to, or filed with the county clerk in the manner provided for in this title. Ballots other than those printed by the respective county clerks, according to the provisions of this title shall not be cast or counted in any election. In all municipal elections, the duties herein specified as devolving on the county clerk, shall devolve on the municipal clerk.

[S. L. 1890, Ch. 80, Sec. 102.]

#### **NUMBER OF BALLOTS TO BE FURNISHED.**

SEC. 293. The county clerk of each county shall provide for each election precinct in the county one hundred ballots for every fifty or fraction of fifty electors registered in the precinct, and if there is no registry in the precinct, the county clerk shall provide ballots to the number of one hundred for every fifty or fraction of fifty electors who voted at the last preceding general election in the precinct; Provided, however, That in municipal elections it shall be the duty of the municipal clerk to provide tickets as specified in this section.

[S. L. 1890-91, Ch. 100, Sec. 18, Sub. 6-8.]



**TIME OF PRINTING BALLOTS—ERRORS CORRECTED.**

SEC. 294. Ballots shall be printed and in possession of the county clerk at least ten days, and of a municipal clerk at least two days, if possible, before election, and subject to inspection by the candidates and their agents. If any mistake is discovered the county clerk shall cause the same to be corrected without delay.

[S. L. 1890, Ch. 80, Sec. 108.]

**ORDER OF COURT CORRECTING ERRORS.**

SEC. 295. Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of the ballots, the district court of the county, or the judge thereof shall, upon application of any elector, by order require the county or municipal clerk to correct such error, or to show cause why such error should not be corrected.

[S. L. 1890, Ch. 80, Sec. 109.]

**REPLACING LOST BALLOTS.**

SEC. 296. In case the ballots to be furnished to any voting precinct in accordance with the provisions of this title, shall for any reason not be duly delivered, or if after delivery they shall be lost, destroyed or stolen, the county clerk or municipal clerk, as the case may be, shall cause other ballots to be prepared substantially in the form of the ballots so wanting. The judges of election, upon the receipt of said other ballots, shall make a statement under oath that the original ballots have been lost, stolen or destroyed, and that the said clerk has furnished them with the new ballots. The judges of election shall then cause the new ballots to be used in lieu of the original ballots.

[S. L. 1890, Ch. 80, Sec. 107.]

## CHAPTER 8

## CONDUCT OF ELECTIONS

- |           |  |           |  |
|-----------|--|-----------|--|
| Sec. 297. | Notices to judges of special election.                   | Sec. 320. | Poll list—How kept.  |
| Sec. 298. | Judge shall give notice of inability to serve.           | Sec. 321. | Elector may vote for anyone—Aids to elector in preparing ballot.     |
| Sec. 299. | Preparation of voting places and supplies.               | Sec. 322. | Oath of elector challenged.  |
| Sec. 300. | Ballot box—How constructed.                              | Sec. 323. | Oath identifying challenged elector.                                 |
| Sec. 301. | Contents of voting booth.                                | Sec. 324. | Challenged electors voting shall be designated in poll lists.        |
| Sec. 302. | Polling places shall not be near saloons.                | Sec. 325. | Officers of election shall challenge.                                |
| Sec. 303. | Change of polling place.                                 | Sec. 326. | Administration of oath to challenged elector.                        |
| Sec. 304. | Notice of change of polling place.                       | Sec. 327. | When an elector who has not registered may vote.                     |
| Sec. 305. | Space around polls.                                      | Sec. 328. | Judges may assist voter.   |
| Sec. 306. | Expense of polling places—Utilizing public buildings.    | Sec. 329. | Disabled elector may be sworn.                                       |
| Sec. 307. | Number of voting booths.                                 | Sec. 330. | Who allowed within rail—Elector shall not be disturbed.              |
| Sec. 308. | Approach and departure from polls.                       | Sec. 331. | Booth—Who may occupy—Time of occupancy.                              |
| Sec. 309. | Electors privileged from arrest—When.                    | Sec. 332. | Return of spoiled official ballots—Limitation.                       |
| Sec. 310. | Challengers inside polling place.                        | Sec. 333. | Official ballots shall not be removed.                               |
| Sec. 311. | Time of keeping polls open.                              | Sec. 334. | Properly endorsed official ballots only shall be cast.               |
| Sec. 312. | Proclamation of opening and closing polls.               | Sec. 335. | Return of spoiled and unused ballots by judges of election.          |
| Sec. 313. | Good order at polls.                                     | Sec. 336. | Designation of judges to deliver official ballots.                   |
| Sec. 314. | Power of constable at polls.                             | Sec. 337. | Preparation of ballot.   |
| Sec. 315. | Ballot box—Public inspection before election—Custody of. | Sec. 338. | Elector may use unofficial ballot to aid in marking official ballot. |
| Sec. 316. | No booths necessary—When.                                | Sec. 339. | Casting of official ballot by elector.                               |
| Sec. 317. | Duty of judges upon failure to receive registry list.    |           |  |
| Sec. 318. | Cards of instruction to electors—Who shall furnish.      |           |  |
| Sec. 319. | Elector—What he may or may not do in voting—Penalty.     |           |  |

## NOTICES TO JUDGES OF SPECIAL ELECTION.

SEC. 297. The board of county commissioners shall within a reasonable time notify the judges of election appointed by them of each election taking place within the county at which such judges should officiate.

[S. L. 1890-91, Ch. 100, Sec. 14, Sub. 2.]

## JUDGE SHALL GIVE NOTICE OF INABILITY TO SERVE.

SEC. 298. Whenever a judge of election knows that he will be unable to officiate at an election, he shall notify the county commissioners in writing within a reasonable period before such election, that he will be unable to serve thereat.

[S. L. 1890-91, Ch. 100, Sec. 14, Sub. 3.]

## PREPARATION OF VOTING PLACES AND SUPPLIES.

SEC. 299. The sheriff of the county in general and county elections and the city marshal in municipal elections, shall provide in each polling place designated by them, a sufficient number of places, booths or compartments, which shall be furnished with such supplies and conveniences as shall enable the voter conveniently to prepare his ballot for voting, and in which electors may mark their ballots screened from observation, and a guard rail so constructed that only persons within

such rail can approach within ten feet of the ballot boxes, or the places, booths or compartments herein provided for.

[S. L. 1890, Ch. 80, Sec. 112.]

#### **BALLOT BOX—HOW CONSTRUCTED.**

SEC. 300. There shall be provided at the expense of the county, for each polling precinct, a substantial ballot box or canvas pouch with a secure lock and key. There shall be one opening and no more, in such box or canvas pouch, of sufficient size to admit a single folded ballot. The adoption of the canvas pouch to be used instead of the ballot box, in any precinct, shall be optional with the commissioners of each county, but in such precincts, where pouches are so adopted, the pouches shall be returned to the county clerk together with the other election returns, as by law provided.

[As amended by Ch. 15, Laws 1903.]

#### **CONTENTS OF VOTING BOOTH.**

SEC. 301. The voting booth shall not contain anything except the card of instructions and the sample ballot, each of which shall be posted therein, and necessary writing and marking materials to enable the voter to speedily mark his ballot. The marking materials should be lead pencils whenever it is practicable to obtain the same, and ink should not be used, if it can be avoided. There shall not be in said voting booths any placards, notices or devices of any kind whatsoever to call the attention of the voter to any candidate, or to urge the voter to vote for any candidate; neither shall the booth contain anything for the use or comfort of the voter, whereby the claims of any candidate are directly or indirectly urged upon the voter. The judges of election shall see that the above instructions are strictly complied with.

[S. L. 1890-91, Ch. 100, Sec. 21.]

#### **POLLING PLACES SHALL NOT BE NEAR SALOONS.**

SEC. 302. No election shall be held nor shall any election be appointed to be held in any saloon or bar-room or in any room or place contiguous or adjoining thereto. Should any place be designated or appointed for holding an election in violation hereof, or become subject to such objection after having been so designated, the judges of election shall have power to, and they shall on or before the day of such election and before the opening of the polls on such day, procure a suitable place as near thereto as may not be subject to like objections. The judges shall meet at the place first designated at the time for opening the poll, and after any vacancies in their number shall have been filled, adjourn to the place chosen by them and at the time of such adjournment give public notice of such change as provided for in section three hundred and four, and all expense attending such change shall be certified by the judges to the proper authorities, and shall be allowed and paid accordingly.

[S. L. 1890, Ch. 80, Sec. 69.]

#### **CHANGE OF POLLING PLACE.**

SEC. 303. Whenever it shall become impossible or inconvenient to hold an election at the place designated therefor, the judges of



election, after having assembled at or as near as practicable to such place, and before receiving any vote may change to the nearest convenient place for holding the election, and at such changed place forthwith proceed with the election.

[S. L. 1890, Ch. 80, Sec. 70.]

#### NOTICE OF CHANGE OF POLLING PLACE.

SEC. 304. Upon changing the place of any election as provided in either of the next two preceding sections, the judges shall cause proclamation thereof to be made and shall station a constable or some other proper person at the place from which the change was made to notify all electors arriving at such place of the change and the place to which it was made.

[S. L. 1890, Ch. 80, Sec. 71.]

#### SPACE AROUND POLLS.

SEC. 305. A space of twenty feet in every direction from the polls shall be kept open and clear of all persons, except one challenger of good conduct and behavior, selected by each political party to detect and challenge illegal voters; Provided, That where the polling place is in an established building, or it would entail unnecessary expense upon the county to build such a polling booth, the space of twenty feet need only be in such direction from the building and in such way as would leave a clear space for the easy entrance and exit of all electors, to and from the polling place, without the hindrance or molestation of any one.

[S. L. 1890-91, Ch. 100, Sec. 17.]

#### EXPENSE OF POLLING PLACES—UTILIZING OF PUBLIC BUILDINGS.

SEC. 306. The expenses of providing such plans or compartments and guard rails shall be a public charge, and shall be provided for in the same manner as the other election expenses. In all cases where it is practicable to utilize a building already constructed, the county commissioners may use the same, or any school house or other public building; Provided, That in the use thereof they can secure a substantial compliance with the law.

[S. L. 1890-91, Ch. 100, Sec. 19.]

#### NUMBER OF VOTING BOOTHS.

SEC. 307. The number of such places, booths or compartments shall not be less than one for every one hundred electors, or fraction thereof, registered in the precinct.

[S. L. 1890, Ch. 80, Sec. 114.]

#### APPROACH AND DEPARTURE FROM POLLS.

SEC. 308. The voters shall approach the polling place from one direction and depart in another.

[S. L. 1890, Ch. 80, Sec. 73.]

#### ELECTORS PRIVILEGED FROM ARREST—WHEN.

SEC. 309. Electors shall, in all cases, except in those of felony, or breach of the peace, be privileged from arrest during their attendance on the elections, and in going to and returning from the same.

[S. L. 1890, Ch. 80, Sec. 74.]

**CHALLENGERS INSIDE POLLING PLACE.**

SEC. 310. The judges of election shall permit at least one and not more than two legal voters of each party to the contest, to be chosen by the parties respectively, to enter the room where the election is held to act as challengers of voters, and to remain during the time that the votes are being canvassed and the returns made up; such challengers shall be residents of the precincts in which they act as such.

[S. L. 1897, Ch. 53, Sec. 11.]

**TIME OF KEEPING POLLS OPEN.**

SEC. 311. At all elections a poll shall be opened at the place of election. At each polling precinct such poll shall be opened as soon after 9 o'clock in the forenoon as possible, and shall be kept open without any adjournment until 5 o'clock in the afternoon, at which time such poll shall be closed.

[S. L. 1897, Ch. 53, Sec. 10.]

**PROCLAMATION OF OPENING AND CLOSING POLLS.**

SEC. 312. When opening the polls, one of the clerks or judges of the election shall make proclamation of the same and at least thirty minutes before the closing of the poll proclamation shall be made in like manner of the time when the polls will be closed.

[S. L. 1890, Ch. 80, Sec. 66.]

**GOOD ORDER AT POLLS.**

SEC. 313. The judges of election may appoint some constable, if there shall be one present, to preserve order at and about the polls. If no officer be in attendance, the judges of the election may appoint one, and he shall have the powers of a regular constable and be obeyed as such.

[S. L. 1890, Ch. 80, Sec. 67.]

**POWER OF CONSTABLE AT POLLS.**

SEC. 314. Any constable attending such election, or person appointed by the judges as such, may arrest any disorderly person or suppress any riot or disorder without a warrant, and may call a sufficient number of persons to his aid.

[S. L. 1890, Ch. 80, Sec. 68.]

**BALLOT BOX—PUBLIC INSPECTION BEFORE ELECTION—CUSTODY OF.**

SEC. 315. Before any ballot shall be deposited in the ballot box, the box shall be publicly opened and exhibited and the judges and clerks shall see that no ballot is in such box; after which the box shall be locked and the key delivered to one of the judges to be designated by the others, and shall not again be opened until the close of the polls. The ballot box shall not be removed from the presence of the judges or clerks of election after locking said box as herein provided until all the ballots shall be counted and poll lists made of all the names on said ballots.

[S. L. 1890, Ch. 80, Sec. 81.]

**NO BOOTHS NECESSARY—WHEN.**

SEC. 316. In precincts containing less than fifty voters as shown by the last preceding election returns, the election may be conducted under the provisions of this title without the preparation of such booths or compartments as required by this chapter.

[S. L. 1890-91, Ch. 100, Sec. 20.]

**DUTY OF JUDGES UPON FAILURE TO RECEIVE REGISTRY LIST.**

SEC. 317. If any registry agent or any county commissioner fail or refuse to furnish the judges of election of any precinct lists of the registered voters in said precincts, as provided for in sections two hundred and fifty-eight and two hundred and sixty-four, the judges of election are authorized to take a copy of the written list of registered voters in said precinct as provided for in this title, and conduct the election in said precinct in accordance with the provisions of this chapter, and their returns shall show the reasons for using such written list instead of the registered list of such election.

[S. L. 1890, Ch. 80, Sec. 37.]

**CARDS OF INSTRUCTION TO ELECTORS—WHO SHALL FURNISH.**

SEC. 318. The county clerk of each county or municipal clerk, as the case may be, shall cause to be printed in large type on cards in English, instructions for the guidance of electors in preparing their ballots. He shall furnish six of such cards to the judges of election in each election precinct, and one additional card for each one hundred registered electors, or fractional part thereof in the precinct, at the same time and in the same manner as printed ballots. The judges of election shall post not less than one of such cards in each place or compartment provided for the preparation of ballots and not less than three of such cards elsewhere, in and about the polling places, upon the day of election. Said cards shall be printed in large clear type, and shall contain full instructions to the voter as to what should be done, viz:

1. To obtain ballots for voting.
2. To prepare the ballots for deposit in the ballot boxes.
3. To obtain a new ballot in the place of one spoiled by accident or mistake. Said card shall also contain a copy of sections three hundred and nineteen and four hundred and seventeen. There shall also be posted in each of the compartments or booths one of the official tickets, without the official stamp herein provided for, and not less than three of such tickets posted elsewhere in and about the polling places upon the day of election.

[S. L. 1890, Ch. 80, Sec. 117.]

**ELECTOR—WHAT HE MAY OR MAY NOT DO IN VOTING.****SEC. 319.**

1. No person shall vote or offer to vote at any election except he shall be a qualified elector.
2. No person shall vote in the name of any registered elector except his own.
3. No person shall vote more than once at any election.



4. No person shall aid or abet any unqualified person to vote.
5. No person, other than the properly designated election officer, shall put any ballot or thing into a ballot box.
6. No person shall either directly or indirectly employ, engage or hire any one, for any fee or reward or promise thereof, to secure the election or defeat of any candidate for office.
7. No person shall receive or demand, either directly or indirectly, any fee or reward for aid given to secure the election or defeat of any candidate for office.
8. No person shall attempt to influence the vote of any elector by means of a promise or a favor, or by means of violence or threats of violence, or threats of withdrawing custom or dealing in business or trade, or enforcing the payment of a debt, or discharging from employment, or bringing a suit or criminal prosecution, or any other threat of injury to be inflicted by him, or by any other means.
9. No person shall in any way offer a bribe to an elector to influence his vote.
10. No person shall prevent or attempt to prevent any qualified elector from voting.
11. No person shall give or offer to give any valuable thing or bribe to any officer, judge or clerk of election, as a consideration for some act to be done or omitted to be done, contrary to his official duty, in relation to any election.
12. No officer of election shall do any electioneering on election day.
13. No person whatsoever shall do any electioneering on election day within any polling place, or any building in which an election is being held, or within twenty yards thereof, nor obstruct the doors or entries thereto, or prevent free ingress to and egress from such building or place.
14. No person shall remove any ballot from the polling place before the closing of the polls.
15. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name of the candidate or candidates for whom he has marked his vote, nor shall any person solicit any elector to show the same.
16. No person except a judge of election shall receive from any elector any ballot prepared for voting.
17. No elector shall receive a ballot from any other person than one of the judges of election having charge of the ballots, nor shall any person other than such judge of election deliver a ballot to such elector.
18. No elector shall vote or offer to vote any ballot except such as he has received from a judge of election having charge of the ballots.
19. No elector shall place any mark upon his ballot by which it may afterwards be identified as the one voted by him.

20. Every elector who does not vote a ballot delivered to him by the judges of election having charge of the ballots, shall, before leaving the polling place, return such ballot to said judges.

21. No person shall ascertain, or publish, or reveal how any elector voted at any election.

22. Whoever shall violate any of the provisions of this section shall be imprisoned in the county jail not to exceed six months, or be fined not to exceed five hundred dollars, or both.

[S. L. 1890, Ch. 80, Sec. 174.]

#### POLL LIST—HOW KEPT.

SEC. 320. Each clerk of election shall keep a poll list, which shall contain a column headed "number," and another headed "names of voters." The name of each elector voting shall be entered upon each of the poll books of the respective clerks in regular succession under the proper headings and the number of such voter placed opposite his or her name in the column headed "number."

[S. L. 1890, Ch. 80, Sec. 64.]

#### ELECTOR MAY VOTE FOR ANYONE—AIDS TO ELECTOR IN PREPARING BALLOT.

SEC. 321. Nothing herein contained shall prevent any voter from writing on his ballot the name of any person for whom he desires to vote for any office, and such vote shall be counted the same as if printed upon the ballot and marked by the voter. Any voter may take with him into the polling place any printed or written memorandum or paper to assist him in marking or preparing his ballot, except as otherwise provided in section three hundred and thirty-eight.

[S. L. 1890, Ch. 80, Sec. 103.]

#### OATH OF ELECTOR CHALLENGED.

SEC. 322. Any person offering to vote may be challenged and he shall not vote until he has taken the following oath administered by one of the judges of election:

"You do solemnly swear (or affirm) that you are the identical person whom you represent yourself to be, and who is registered in this precinct at this election, and that you have not voted at this election."

[S. L. 1890, Ch. 80, Sec. 76.]

#### OATH IDENTIFYING CHALLENGED ELECTOR.

SEC. 323. Such elector so sworn shall also before voting deliver to the judges of election an affidavit signed by two qualified electors of that precinct, stating that the person offering to vote, naming him, is the identical person whom he represents himself to be, and that the deponents have each known him for at least six months, and that they believe him to be a qualified elector. Such affidavit shall have attached thereto the jurat of the officer administering the oath, which jurat shall bear date the day of the election at which such person offers to vote, and shall be returned by the judges of the election with other election papers.

[S. L. 1890, Ch. 80, Sec. 76.]

### CHALLENGED ELECTORS VOTING SHALL BE DESIGNATED IN POLL LISTS.

SEC. 324. The clerks of election shall write after the name of every person who has been challenged and voted the word "sworn," and the names of the electors making affidavit to the qualifications of the person voting.

[S. L. 1890, Ch. 80, Sec. 77.]

### OFFICERS OF ELECTION SHALL CHALLENGE.

SEC. 325. Each judge or clerk of the election shall challenge any person whom he shall know or suspect of not being a qualified elector.

[S. L. 1890, Ch. 80, Sec. 78.]

### ADMINISTRATION OF OATH TO CHALLENGED ELECTOR.

SEC. 326. The oath in each case where challenge is given may be administered by either of the judges of election or by any officer, resident in the precinct, or district, authorized by law to administer oaths.

[S. L. 1890, Ch. 80, Sec. 79.]

### WHEN AN ELECTOR WHO HAS NOT REGISTERED MAY VOTE.

SEC. 327. At all elections each qualified elector who shall not have registered as a voter according to law, shall be entitled to vote thereat, if the failure to register is caused by sickness or absence during the last preceding registration period. But before such person's vote shall be accepted, he shall make an affidavit in writing, duly corroborated by the affidavit of two qualified electors of the precinct at which he offers to vote, that he is a qualified elector of the state and of the precinct in which he offers to vote, giving his place of residence, as near as may be, and stating the length of time he has resided in his county and in the state, and that such person offering to vote was absent or by sickness unable to register during the last preceding registration period. Such affidavit shall be administered by one of the judges of election, without charge, and it shall be returned by them with the poll lists.

[S. L. 1890-91, Ch. 100, Sec. 13.]

### JUDGES MAY ASSIST VOTER.

SEC. 328. Any voter who declares to the judges of election, that he or she cannot read, in case such person was a voter on the tenth day of July, A. D. 1890, or that by blindness or other physical disability, he or she is unable to mark his or her ballot, shall upon request, receive the assistance of two of the election officers, who shall not be members of the same political party, in the marking thereof, and such officers shall certify on the outside thereof that it was so marked by their assistance, and shall thereafter give no information regarding the same.

[S. L. 1895, Ch. 48.]

### DISABLED ELECTOR MAY BE SWORN.

SEC. 329. Either of the judges may require such declaration of disability to be made by the voter under oath before them, and they



are hereby qualified to administer the same. No elector other than one who may, because of his disability to read, or physical disability, be unable to mark his ballot, shall divulge to any one within the polling place the name of any candidate for whom he intends to vote or to ask or receive the assistance of any person within the polling place in the preparation of his ballot.

[S. L. 1890, Ch. 80, Sec. 127.]

Slaymaker vs. Phillips, 5 Wyo. 453.

#### **WHO ALLOWED WITHIN RAIL — ELECTORS SHALL NOT BE DISTURBED.**

SEC. 330. No person other than electors engaged in receiving, preparing or depositing their ballots, or a person present for the purpose of challenging the vote of an elector about to cast his ballot shall be permitted to be within the rail, and in case of small precincts where places, booths and compartments are not required, no persons engaged in preparing their ballots shall in any way be interfered with by any person unless it be some one authorized by the provisions of this title to assist him or them in preparing his or their ballots.

[S. L. 1890, Ch. 80, Sec. 116.]

#### **BOOTH—WHO MAY OCCUPY—TIME OF OCCUPANCY.**

SEC. 331. Not more than one person shall be permitted to occupy any one booth at any one time, and no person shall remain in or occupy a booth or compartment longer than may be necessary to prepare his ballot and in no event longer than five minutes, if the other booths or compartments are occupied.

[S. L. 1890, Ch. 80, Sec. 123.]

#### **RETURN OF SPOILED OFFICIAL BALLOTS—LIMITATION.**

SEC. 332. Any voter who shall by accident or mistake spoil his ballot may, on returning such spoiled ballot, and not otherwise, receive another in place thereof, but no voter shall receive more than three ballots altogether.

[S. L. 1890, Ch. 80, Sec. 124.]

#### **OFFICIAL BALLOTS SHALL NOT BE REMOVED.**

SEC. 333. No person shall take or remove any ballot from the polling place before the close of the polls.

[S. L. 1890, Ch. 80, Sec. 125.]

#### **PROPERLY ENDORSED OFFICIAL BALLOTS ONLY SHALL BE CAST.**

SEC. 334. No judge of election shall deposit in any ballot box any ballot upon which the official endorsement herein provided for does not appear.

[S. L. 1890, Ch. 80, Sec. 128.]

Slaymaker vs. Phillips, 5 Wyo. 453.

#### **RETURN OF SPOILED AND UNUSED BALLOTS BY JUDGES OF ELECTION.**

Sec. 335. All ballots spoiled by the voter shall by the judges be immediately cancelled and together with those not distributed to voters shall be preserved and all returned to the county or municipal

clerk as the case may be, when the returns required by section three hundred and forty three are made.

[S. L. 1890, Ch. 80, Sec. 129.]

#### DESIGNATION OF JUDGES TO DELIVER OFFICIAL BALLOTS.

SEC. 336. At each election the judges of election shall designate two of said judges who shall deliver the ballots to the qualified electors. Before the delivering of any ballot to an elector the said judges shall print on the back and near the top of the ballot with a rubber or other stamp provided for that purpose the designation "Official Ballot," and the other words on the said stamp as provided for in section two hundred and ninety; and one of the said judges shall write his name or initials upon the back of each ballot, and directly under the said official stamp. No number or any mark for identification shall be put upon any official ballot except as herein provided. Each qualified elector shall receive from the said judges one ballot prepared as aforesaid.

[S. L. 1890, Ch. 80, Sec. 119.]

Slaymaker vs. Phillips, 5 Wyo. 453.

#### PREPARATION OF BALLOT.

SEC. 337. On receipt of his ballot, the elector shall forthwith and without leaving the polling place, retire alone to one of the places, booths or compartments provided for that purpose and there prepare his ballot as indicated in section two hundred and eighty-nine.

[S. L. 1897, Ch. 53, Sec. 18.]

Slaymaker vs. Phillips, 5 Wyo. 453.

#### ELECTOR MAY USE UNOFFICIAL BALLOT TO AID IN MARKING OFFICIAL BALLOT.

SEC. 338. In marking a ballot any elector shall be at liberty to use or copy any unofficial sample ballot which he may choose to mark or have marked previous to entering the polling place or booth, but no elector shall be at liberty to use, and no person shall print, have printed, or have in his possession, any unofficial or sample ballot unless the same is printed on red, yellow or blue paper, and is plainly marked at the top thereof "Sample Ballot."

[S. L. 1897, Ch. 53, Sec. 19.]

#### CASTING OF OFFICIAL BALLOT BY ELECTOR.

SEC. 339. After preparing his ballot the elector shall fold it so that the face of the ballot will be concealed, and so that the endorsement thereon may be seen. He shall then vote forthwith and before leaving the polling place.

[S. L. 1890, Ch. 80, Sec. 122.]

Slaymaker vs. Phillips, 5 Wyo. 453.

## CHAPTER 9

## CANVASS AND RETURNS OF ELECTION

- |   |   |
|---|---|
| <p>Sec. 340. Canvass of ballots cast.</p> <p>Sec. 341. Only properly endorsed official ballots shall be counted.</p> <p>Sec. 342. Record and certificate of ballots cast.</p> <p>Sec. 343. Delivery of election records and returns.</p> <p>Sec. 344. Preservation of official ballots cast.</p> <p>Sec. 345. Informality in delivery of returns shall not invalidate vote.</p> <p>Sec. 346. Messenger for county election returns.</p> | <p>Sec. 347. Abstract of votes and certificate of election.</p> <p>Sec. 348. All returns shall be counted by canvassing board.</p> <p>Sec. 349. Certificate of election returns by county clerk to secretary of state.</p> <p>Sec. 350. Messenger from secretary of state to secure election returns.</p> <p>Sec. 351. State canvassing board—Notice of election.</p> |
|---|---|

## CANVASS OF BALLOTS CAST.

SEC. 340. As soon as the polls of the election shall be closed the judges shall proceed immediately to canvass the vote given and shall continue without adjournment until the canvass is completed. The canvass must commence by a comparison of the poll lists and they must be made to agree; the ballot box shall then be opened and the ballots counted by the judges and clerks unopened, and if there are more ballots than names upon the poll list, the ballots must be returned to the box, shaken up, and one of the judges shall draw from such box ballots enough to make the remainder agree with the poll list, which ballots so drawn shall be destroyed, and two or more ballots being found so folded as to bear the appearance of having been voted by one person shall not be counted, but preserved with the poll books; the poll list and ballots being made to agree, the judges and clerks shall then proceed to count and ascertain the number of votes for each person named upon such ballots.

[S. L. 1890, Ch. 80, Sec. 131.]

Slaymaker vs. Phillips, 5 Wyo. 453.

## ONLY PROPERLY ENDORSED OFFICIAL BALLOTS SHALL BE COUNTED.

SEC. 341. In the canvass of the votes any ballot which is not endorsed by the official stamp or has not the name or initials of the judge of election as provided in this title, shall be void, and shall not be counted. Any ballot or parts of a ballot from which it is impossible to determine the elector's choice shall be void and shall not be counted; Provided, That when a ballot is sufficiently plain to gather therefrom a part of the voter's intention, it shall be the duty of the judges of election to count such part.

[S. L. 1890, Ch. 80, Sec. 130.]

Slaymaker vs. Phillips, 5 Wyo. 453.

## RECORD AND CERTIFICATE OF BALLOTS CAST.

SEC. 342. When the votes shall have been examined and counted the clerks shall set down in their poll books the total number of persons voting in such precinct at such election; the name of every person voted for, written at full length; the office for which such



person receives such vote, and the number he did receive, the numbers being expressed in words at full length, and also in figures, such entry to be made substantially in the following form, to-wit:

“At an election held in Polling Precinct No..... in Election District No....., in ..... County, Wyoming, on the.....day of....., A. D....., the total number of persons voting was.....and the following named persons received the number of votes annexed to their respective names for the following offices: (Here insert names of candidates voted for with office and number of votes received, the number of votes received in each case to be spelled out in full as well as written in figures.)

Certified by us,

.....  
.....  
.....

Attest:

Judges of Election.

.....  
.....

Clerks of Election.

Dated at.....this.....day....., A. D.....”

As soon as all the votes shall have been read off and counted the judges and clerks of election shall make out and sign a certificate under their hands, as above provided.

[S. L. 1897, Ch. 53, Sec. 20.]

**DELIVERY OF ELECTION RECORDS AND RETURNS.**

SEC. 343. The judges of election shall then enclose and seal one of the poll books together with all the ballots cast and affidavits of electors concerning the qualification of persons voting, all ballots returned by voters as spoiled and all ballots not cast, accounting for those posted as by law required, under cover directly to the county clerk of the county in which such election is held, or municipal clerk as the case may be, and the packet thus sealed shall be conveyed by one of the judges or clerks of election, to be determined by lot if they cannot agree otherwise, and the said packet shall be delivered to the postmaster at the nearest postoffice and registered within forty-eight hours from the closing of the polls. The judges of election shall retain the other poll books in their possession.

[S. L. 1890, Ch. 80, Sec. 133.]

**PRESERVATION OF OFFICIAL BALLOTS CAST.**

SEC. 344. All the ballots counted by the judges of election shall, after being read, be strung upon a strong thread or twine in the order in which they have been read, and shall be delivered, together with the poll books, to the clerk as hereinbefore specified, who shall carefully preserve said ballots for six months, and at the expiration of that time shall destroy them by burning without the package being previously opened; Provided, If any contest of election shall be pending in which such ballots may be required as evidence, the same shall not be destroyed until such contest is finally determined.

[S. L. 1890, Ch. 80, Sec. 134.]

**INFORMALITY IN DELIVERY OF RETURNS SHALL NOT INVALIDATE VOTE.**

SEC. 345. Informality in the delivery of the returns, as specified in section three hundred and forty-three, in the absence of fraud shall not invalidate the vote of any precinct. If at an election, any polling precinct is not opened, and no ballots cast therein, such failure shall not invalidate such election.

[S. L. 1890, Ch. 80, Sec. 135.]

**MESSENGER FOR COUNTY ELECTION RETURNS.**

SEC. 346. Should the returns from such election be not received by the county clerk within ten days of the time such election was held, then the county clerk may send a special messenger, whose mileage and per diem shall be paid by the county as in other cases. The judges of election shall make out a certified copy of the poll book of such election in their possession, enclose and seal the same and deliver the same to said messenger.

[S. L. 1890, Ch. 80, Sec. 136.]

**ABSTRACT OF VOTES AND CERTIFICATE OF ELECTION.**

SEC. 347. On the fifteenth day after the close of any county or general election, or sooner if all the returns be received, the clerk of the county, taking to his assistance two justices of the peace of his county, (one of whom shall be of a different political party from the clerk, if such an one can be found) shall proceed to open the said returns and make abstracts of the votes in the following manner: An abstract of votes for presidential electors, state officers, justice of the supreme court, representative in congress and district judge shall be on one sheet, and an abstract of votes for members of the senate and house of representatives shall be on another sheet, and an abstract of the votes for county and precinct officers shall be on another sheet, each of which abstracts shall be signed by the county clerk and the two justices, and the county clerk shall immediately make out a certificate of election to each of the persons having the highest number of votes for county and precinct officers, respectively, and deliver such certificate to the person entitled to it on his making application for the same to the clerk at his office.

[S. L. 1897, Ch. 53, Sec. 21.]

State ex rel Bennett vs. Barber, 4 Wyo. 56.

**ALL RETURNS SHALL BE COUNTED BY CANVASSING BOARD.**

SEC. 348. In canvassing the returns the vote of every precinct returned within fifteen days after the election to the county clerk shall be counted and the canvassers shall not throw out the vote of any precinct so returned.

[S. L. 1890, Ch. 80, Sec. 138.]

State ex rel Bennett vs. Barber, 4 Wyo. 56.

**CERTIFICATE OF ELECTION RETURNS BY COUNTY CLERK TO SECRETARY OF STATE.**

SEC. 349. The county clerk immediately after making out abstracts of the votes given in his county, shall make a copy of such abstract and transmit the same by mail or by some proper person to

the office of the secretary of state, and it shall be the duty of the county clerk to certify that such copy of the abstract of votes is a full, true and correct copy of the abstract of the returns of all votes cast in the county, and when the returns are opened and the abstracts of the votes are made before fifteen days have elapsed, the county clerk shall certify that the returns from each and every precinct have been received and have been counted and are embodied in such abstract.

[S. L. 1890, Ch. 80, Sec. 139.]

#### MESSENGER FROM SECRETARY OF STATE TO SECURE ELECTION RETURNS.

SEC. 350. If the returns of the election of any county shall not be received at the office of the secretary of state within thirty days after the election, the secretary shall forthwith send a messenger to the county clerk of such county whose duty it shall be to furnish such messenger with a copy of the abstract aforesaid, and the said messenger shall be paid out of the state treasury the sum of three dollars per day for each day necessarily employed, and fifteen cents per mile for each mile he shall necessarily travel in going to and returning from the office of said clerk.

[S. L. 1890, Ch. 80, Sec. 140.]

#### STATE CANVASSING BOARD—NOTICE OF ELECTION.

SEC. 351. The secretary, auditor and treasurer of the state, or any two of them, in the presence of the governor, shall proceed within thirty days after the election, and sooner if all returns be received, to canvass the vote given for presidential electors, state officers, justice of the supreme court, representative in congress, district judges and all members of the senate and house of representatives, and shall make and file in the office of the secretary of state a certificate signed by them and containing a statement of the votes so canvassed and the result thereof. The governor shall then give a certificate of election to each of the persons having the highest number of votes for each office.

[S. L. 1897, Ch. 53, Sec. 22.]

State ex rel Bennett vs. Barber, 4 Wyo. 56.

In re Moore, 4 Wyo. 98.



## CHAPTER 10

## ELECTION CONTESTS

- |  |   |
|--|---|
| <p>Sec. 352. Legislature shall determine contest of members</p> <p>Sec. 353. District court shall determine election contests in counties.</p> <p>Sec. 354. Who may contest election of legislator</p> <p>Sec. 355. Notice of legislative contest.</p> <p>Sec. 356. Notice of taking deposition in legislative contest.</p> <p>Sec. 357. Enforcing the production of evidence and attendance of witnesses.</p> <p>Sec. 358. Manner of certifying and transmitting depositions.</p> <p>Sec. 359. Notice of contest to legislature.</p> <p>Sec. 360. Legislature may procure all evidence.</p> <p>Sec. 361. Who may contest election of county and other officers.</p> <p>Sec. 362. Petition to contest election of county and other officers.</p> | <p>Sec. 363. Notice of contest of election of county and other officers.</p> <p>Sec. 364. Evidence in contest cases—How taken.</p> <p>Sec. 365. Contest in questions submitted to electors—Procedure.</p> <p>Sec. 366. When electors may defend contest.</p> <p>Sec. 367. Contest settled by court.</p> <p>Sec. 368. Tie vote—New election.</p> <p>Sec. 369. Procedure in case of tie vote for county office.</p> <p>Sec. 370. Procedure in case of tie vote for state officer.</p> <p>Sec. 371. Duty of court in case of tie vote.</p> <p>Sec. 372. Effect of certified copy of judgment of court.</p> <p>Sec. 373. When election of candidate declared void.</p> <p>Sec. 374. Appeals to supreme court in contested election cases.</p> |
|--|---|

**LEGISLATURE SHALL DETERMINE CONTEST OF MEMBERS.**

SEC. 352. The senate and house of representatives shall respectively hear and determine contests of the election of any of their respective members.

[S. I. 1890, Ch. 80, Sec. 144.]

**DISTRICT COURT SHALL DETERMINE ELECTION CONTESTS IN COUNTIES.**

SEC. 353. The district court of each county shall hear and determine contests of the election of all county, precinct and municipal officers in that county, and all contests relating to the removal of county seats or relating to any other subject which may be submitted to the vote of the electors of such county.

[S. I. 1890, Ch. 80, Sec. 145.]

**WHO MAY CONTEST ELECTION OF LEGISLATOR.**

SEC. 354. The election of any member declared duly elected to a seat in the senate or house of representatives may be contested by any qualified voter of the county or district to be represented by such member of the senate or house of representatives.

[S. I. 1890, Ch. 80, Sec. 146.]

**NOTICE OF LEGISLATIVE CONTEST.**

SEC. 355. The contestants shall, within thirty days after the result of the election shall have been determined, serve on the person whose election he will contest, a notice of his intention to contest such election expressing the points on which the same will be contested, and shall also on or before the next session of the legislature, deliver a copy of such notice to the secretary of state, and in case the person whose election is contested is absent from the county of his residence, or cannot be found therein, service may be had by leaving a copy of such notice at his last or usual place of residence with some person of suitable age and discretion.

[S. I. 1890, Ch. 80, Sec. 147.]

**NOTICE OF TAKING DEPOSITION IN LEGISLATIVE CONTESTS.**

SEC. 356. Whenever a notice shall have been given of intention to contest an election as provided in the next preceding section, either party may proceed to take testimony of any witness before any officer authorized to take and certify depositions on giving to the adverse party or his attorney ten days' notice of the time and place of taking the same, and one day in addition thereto, Sunday excluded, for every fifty miles travel from the place of residence of such party to the place where such deposition is to be taken. If the party entitled to notice resides in the county where the deposition is to be taken, five days' notice shall be sufficient.

[S. L. 1890, Ch. 80, Sec. 148.]

**ENFORCING THE PRODUCTION OF EVIDENCE AND ATTENDANCE OF WITNESSES.**

SEC. 357. The officer before whom depositions are taken shall have the power to compel the production of papers and the attendance of witnesses and the same proceedings may be had to compel the attendance of witnesses as are provided in the cases of taking depositions to be used in the district courts.

[S. L. 1890, Ch. 80, Sec. 149.]

**MANNER OF CERTIFYING AND TRANSMITTING DEPOSITIONS.**

SEC. 358. A copy of the notice to take depositions with proof of the service thereof together with the depositions shall be sealed up and transmitted by mail or otherwise to the secretary of state with an endorsement thereon showing the names of the contesting parties, the office contested, and the nature of the papers.

[S. L. 1890, Ch. 80, Sec. 150.]

**NOTICE OF CONTEST TO LEGISLATURE.**

SEC. 359. The secretary of state shall deliver the copy of the notice deposited with him by the contestant and the depositions unopened to the presiding officer of the branch of the legislature to which the contest relates, on or before the second day of its session next after the receipt of the same, and the presiding officer shall immediately give notice to his house that such papers are in his possession.

[S. L. 1890, Ch. 80, Sec. 151.]

**LEGISLATURE MAY PROCURE ALL EVIDENCE.**

SEC. 360. Nothing in this chapter contained shall be construed to abridge the right of either house of the legislature to grant commissions to take depositions or to send for and examine any witness it may desire to hear on such trial or to declare the right of membership to their respective houses.

[S. L. 1890, Ch. 80, Sec. 152.]

**WHO MAY CONTEST ELECTION OF COUNTY AND OTHER OFFICERS.**

SEC. 361. The election of any person declared elected to any office other than member of the senate or house of representatives may be contested by any elector of the county, town or precinct, ward or city, for which the person is declared elected.

[S. L. 1890, Ch. 80, Sec. 153.]

**PETITION TO CONTEST ELECTION OF COUNTY AND OTHER OFFICERS.**

SEC. 362. The person desiring to contest such election shall within thirty days after the person whose election is contested is declared elected, file with the clerk of the district court of that county a petition in writing setting forth the points on which he will contest the election, which petition shall be verified by affidavit of the party bringing such contest, as in pleadings in the district court.

[S. L. 1890, Ch. 80, Sec 154.]

**NOTICE OF CONTEST OF ELECTION OF COUNTY AND OTHER OFFICERS.**

SEC. 363. Upon the filing of such petition summons shall issue against the person whose office is contested and he may be served with process or notified to appear, in the same manner as is provided in civil actions in the district court.

[S. L. 1890, Ch. 80, Sec. 155.]

**EVIDENCE IN CONTEST CASES—HOW TAKEN.**

SEC. 364. Evidence may be taken in the same manner and upon like notice as in civil actions in district court, and such cases shall be tried in like manner as in civil actions.

[S. L. 1890, Ch. 80, Sec 156.]

**CONTEST IN QUESTIONS SUBMITTED TO ELECTORS—PROCEDURE.**

SEC. 365. Any five electors of the county, city or town, may contest an election upon any subject which may by law be submitted to a vote of the people of the county, city or town, upon filing in the district court of the county within thirty days after the result of the election shall have been determined, a petition in like form as in other cases of contested elections in the district court. The county, city or town, as the case may be, shall be made defendant, and process shall be served as in civil actions against the county, and like proceedings shall be had as in other cases of contested elections before such court.

[S. L. 1890, Ch. 80, Sec. 157.]

**WHEN ELECTORS MAY DEFEND CONTEST.**

SEC. 366. In case the county, city or town board shall fail or refuse to defend such contest, the court shall allow any one or more electors of the county, town or city, to appear and defend, in which case the electors so defending shall be liable for the costs in case the judgment of the court shall be in favor of the contestants.

[S. L. 1890, Ch. 80, Sec. 158.]

**CONTEST SETTLED BY COURT.**

SEC. 367. The judgment of the court in cases of contested elections shall confirm or annul the election, according to the right of the matter, or in case the contest is in relation to the election of some person to an office, shall declare as elected the person who shall appear to be duly elected.

[S. L. 1890, Ch. 80, Sec. 159.]



**TIE VOTE—NEW ELECTION.**

SEC. 368. If it appears that two or more persons have received, or would have received, if the legal number of ballots cast, or intended to be cast for them had been counted, the highest and equal number of votes for the same office, it shall be declared that there has been no choice, and a new election shall be had as in other cases of vacancy in public office.

[S. L. 1890-91, Ch. 100, Sec. 23.]

**PROCEDURE IN CASE OF TIE VOTE FOR COUNTY OFFICE.**

SEC. 369. When it shall appear upon the official canvass of any vote cast at any general election, that two or more persons have each received the highest and equal number of the votes cast at such election, for that office, and the office to be filled be a county office, then the board of county commissioners shall meet before the first day of January next succeeding such election, and determine by vote of such commissioners, which of the persons having such tie vote shall be declared elected, and such vote of the board of county commissioners shall be made a matter of record by the county clerk, and he shall issue to the person so elected a certificate of his or her election.

[S. L. 1895, Ch. 112, Sec. 1.]

**PROCEDURE IN CASE OF TIE VOTE FOR STATE OFFICER.**

SEC. 370. When upon the official canvass of any vote cast at any general election for a state officer, it shall appear that two or more persons having received an equal and highest number of votes cast for that office, it shall be the duty of the state legislature, convening in the January next succeeding such election, to meet in joint session of the senate and house of representatives upon the first day of the session thereof, or as soon thereafter as both houses shall be duly organized, and determine the tie vote, by vote in the manner provided for the election of United States senators, and the result shall be certified to the secretary of state by the president of the state senate, who shall preside at such joint session. And it shall be the duty of the secretary of state to issue to the person so chosen a certificate of his or her election.

[S. L. 1895, Ch. 112, Sec. 2.]

**DUTY OF COURT IN CASE OF TIE VOTE.**

SEC. 371. If it shall appear upon any contested election in any court in this state, that two or more persons have received an equal and higher number of legal votes cast for that office, it shall be the duty of such court to refer the decision of the matter to either the board of county commissioners or the state legislature for action therein, as provided in the two preceding sections.

[S. L. 1895, Ch. 112, Sec. 3.]

**EFFECT OF CERTIFIED COPY OF JUDGMENT OF COURT.**

SEC. 372. A certified copy of the judgment of the court shall have the same effect as to the result of the election as if it had been so declared by the canvassers.

[S. L. 1890, Ch. 80, Sec. 161.]

**WHEN ELECTION OF CANDIDATE DECLARED VOID.**

SEC. 373. When the person whose election is contested is found to have received the highest number of legal votes, but the election is declared null by reason of legal disqualifications on his part, or for other causes, the person receiving the next highest number of votes shall not be declared elected, but the election shall be declared void.

[S. L. 1890, Ch. 80, Sec. 162.]

**APPEALS TO SUPREME COURT IN CONTESTED ELECTION CASES.**

SEC. 374. All cases of contested elections in the district courts may be taken to the supreme court in the same manner and upon like conditions as is provided in the case of civil actions.

[S. L. 1890, Ch. 80, Sec. 163.]

**CHAPTER 11**

**GENERAL PROVISIONS**

- Sec. 375. General application of election law.
- Sec. 376. Form of oath required.
- Sec. 377. Qualifications of office-holders.
- Sec. 378. Woman suffrage.
- Sec. 379. Persons disqualified from voting or holding office.
- Sec. 380. Resignation of elective offices.
- Sec. 381. Vacancies in elective offices—How made.

- Sec. 382. Publication election proceedings by county commissioners.
- Sec. 383. County clerk to furnish city clerk list of voters.
- Sec. 384. Printing of election laws.
- Sec. 385. Distribution of election laws.
- Sec. 386. Meaning of term municipal.
- Sec. 387. Application of general election laws.
- Sec. 388. Where elector must vote.

**GENERAL APPLICATION OF ELECTION LAW.**

SEC. 375. The penalties and other provisions of law with reference to elections and the returns thereof held in incorporated cities and towns and precincts located on the line of any railroad, shall apply to elections held in precincts outside of said incorporated cities and towns so far as the same shall be applicable.

[S. L. 1890, Ch. 80, Sec. 31.]

**FORM OF OATH REQUIRED.**

SEC. 376. Whenever an oath is required by the provisions of this title, the elector shall swear according to the form of his religious faith or belief, or affirm under the pains and penalties of perjury.

[S. L. 1890, Ch. 80, Sec. 34.]

**QUALIFICATIONS OF OFFICE-HOLDERS.**

SEC. 377. No person shall be eligible to any office who, at the time he is chosen and during his incumbency therein, is not a qualified elector and an actual resident of the district, county, town, ward or precinct, as the case may be, in which he holds such office.

[S. L. 1890, Ch. 80, Sec. 6.]

**WOMAN SUFFRAGE.**

SEC. 378. When they possess the other qualifications of an elector, the rights of women to the elective franchise and to hold office shall be the same as those of men.

[S. L. 1890, Ch. 80, Sec. 7.]

**PERSONS DISQUALIFIED FROM VOTING OR HOLDING OFFICE.**

SEC. 379. The following persons shall not vote or hold office:

One who is under guardianship.

One who is non compos mentis.

One who has been within Wyoming convicted of any felony, unless restored to civil rights by pardon.

One who has made or become, either directly or indirectly, interested in any bet or wager depending upon the result of the election at which he or she shall offer to vote.

[S. L. 1890, Ch. 80, Sec. 8.]

**RESIGNATION OF ELECTIVE OFFICES.**

SEC. 380. Resignation of elective offices shall be made to the officer, court or county board authorized by law to fill a vacancy in such office by appointment or to order an election to fill such vacancy.

[S. L. 1890, Ch. 80, Sec. 43.]

**VACANCIES IN ELECTIVE OFFICES—HOW MADE.**

SEC. 381. Every elective office shall become vacant on the happening of either of the following events to the incumbent before the end of his term of office:

1. His death.

2. His resignation.

3. His becoming insane or non compos mentis.

4. His ceasing to be an inhabitant of the state, or if the office is local, his ceasing to be an inhabitant of the district, town, ward or precinct for which he was elected.

5. His conviction of an infamous crime or of any offense involving a violation of official oath.

6. His removal from office.

7. His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit or file such oath or bond within the time prescribed by law.

8. The decision of a competent tribunal declaring his election void.

[S. L. 1890, Ch. 80, Sec. 45.]

State ex rel Richardson vs. Henderson, 4 Wyo. 535.

**PUBLICATION ELECTION PROCEEDINGS BY COUNTY COMMISSIONERS.**

SEC. 382. The county commissioners and county clerks of the several counties shall cause to be made full and minute entries of all proceedings had under this title and to cause full copies of such proceedings and appointments of registry agents, judges, etc., to be published in a newspaper published within their respective counties as soon after their adjournment as is practicable, and the county clerks of the several counties shall immediately notify, in writing, the registry agents of their appointment.

[S. L. 1890, Ch. 80, Sec. 39.]

**COUNTY CLERK TO FURNISH CITY CLERK LIST OF VOTERS.**

SEC. 383. The clerk of each county shall supply each clerk of a municipality with a certified and full and complete list of all voters



registered within the said municipality as last returned by the registry agents, upon the request of the clerk of said municipality, and within three days after such request. The county clerk shall receive therefor no fee; Provided, however, the clerk of such municipality shall not make such request unless an election in the municipality will occur within thirty days.

[S. L. 1890, Ch. 80, Sec. 176.]

#### PRINTING OF ELECTION LAWS.

SEC. 384. The secretary of state in each general election year shall, not later than the first day of July in each year, cause to be printed and distributed among the several boards of county commissioners, one thousand copies of the then existing election laws of this state.

[As amended S. L. 1901, Ch. 24.]

#### DISTRIBUTION OF ELECTION LAWS.

SEC. 385. The boards of county commissioners receiving printed copies of the election laws, shall provide the judges of each voting precinct with a copy thereof at each election.

[S. L. 1890, Ch. 80, Sec. 181.]

#### MEANING OF TERM MUNICIPAL.

SEC. 386. The term "municipal" and "municipalities" herein used shall mean and refer to incorporated cities and towns.

[S. L. 1890, Ch. 80, Sec. 178.]

#### APPLICATION OF GENERAL ELECTION LAWS.

SEC. 387. This title shall, as far as possible, apply to all incorporated cities and towns, except as to the canvass of the votes, which canvass may be provided for by ordinance; but if not so provided for, the provision of this title shall prevail. But at no election whatsoever held under the laws of Wyoming shall it be necessary for any elector to pay a poll tax to entitle such elector to vote. When the charter or law relating to any city or town shall indicate a different procedure than herein set forth, the provisions of this title shall prevail, and the charter or law relating to such city or town shall not be followed. When this title does not fully provide for the conduct of election, in any city or town, such city or town may, by ordinance, not inconsistent herewith, provide for a complete election and canvass thereof.

[S. L. 1890, Ch. 80, Sec. 177.]

#### WHERE ELECTOR MUST VOTE.

SEC. 388. No one shall be permitted to vote in any polling precinct other than the one of which he is at the time an actual resident.

[S. L. 1897, Ch. 53, Sec. 25.]

## CHAPTER 12

### MUNICIPAL ELECTIONS

- |   |   |
|---|---|
| <p>Sec. 389. Proclamation for.</p> <p>Sec. 390. Designation of polling place.</p> <p>Sec. 391. Notice to county commissioners.</p> <p>Sec. 392. Duty of registry agents.</p> <p>Sec. 393. Registry agents shall meet—When.</p> <p>Sec. 394. Post list of electors registered.</p> <p>Sec. 395. Meetings of registry agents—Length of.</p> <p>Sec. 396. Certificate of registry lists—To whom.</p> | <p>Sec. 397. Posting registry lists.</p> <p>Sec. 398. Duty of county clerk.</p> <p>Sec. 399. Expense—By whom paid.</p> <p>Sec. 400. Duty of city clerk.</p> <p>Sec. 401. Who entitled to vote.</p> <p>Sec. 402. Where entitled to vote.</p> <p>Sec. 403. City to pay registry agents.</p> <p>Sec. 404. Appointment of judges and clerks.</p> <p>Sec. 405. City to pay judges and clerks.</p> <p>Sec. 406. Application of general election laws.</p> |
|---|---|

#### PROCLAMATION FOR.

SEC. 389. The mayor or other chief officer of each incorporated city or town shall, not less than thirty days before an election therein, if possible, make a proclamation which shall be published at least one time in an official newspaper of the city, setting forth the fact that on a certain date, naming it, a municipal election will take place for the election of officers, naming the offices to be filled at such election. Such proclamation shall be signed by the mayor or other chief officer, and attested by the clerk of the municipality.

[S. L. 1890-91, Ch. 17, Sec. 1.]

#### DESIGNATION OF POLLING PLACE.

SEC. 390. The mayor or other chief officer of an incorporated city or town, together with its council or board of trustees, may designate and establish such polling places or booths within the precincts established by the county commissioners as the officers of such incorporated city or town may deem fit. Such polling places or booths to be erected or constructed in the manner prescribed by law, at the expense of such incorporated city or town.

[S. L. 1890-91, Ch. 17, Sec. 2.]

#### NOTICE TO COUNTY COMMISSIONERS.

SEC. 391. The clerk of each incorporated city or town shall, not less than thirty days before an election, notify the board of county commissioners in writing, of the day of the next municipal election, whether the same be a regular or special one, whereupon the county commissioners shall at once notify the regularly appointed registry agents for the district embraced within such city or town, to appear at the lawfully designated place of registry on the third Tuesday preceding such election, and to proceed to register all citizens who appear, claim the right, and are qualified to register, and who by reason of not being registered, would be disqualified from voting at such election.

[S. L. 1890-91, Ch. 17, Sec. 3.]

#### DUTY OF REGISTRY AGENTS.

SEC. 392. Such registry agents shall thereupon post notices of the registration of electors in the manner provided by law for giving notice of registration before regular county elections.

[S. L. 1890-91, Ch. 17, Sec. 4.]

**REGISTRY AGENTS SHALL MEET—WHEN.**

SEC. 393. On the day appointed for registry as aforesaid, such registry agents shall meet and proceed to register all qualified electors in the manner prescribed by law. Such registry agents shall keep the same hours and observe all the requirements of the statute the same as during regular registration periods.

[S. L. 1890-91, Ch. 17, Sec. 5.]

**POST LIST OF ELECTORS REGISTERED.**

SEC. 394. At the end of the first meeting, the registry agents shall prepare and certify lists of persons who have registered, shall file the same in the office of the county clerk and clerk of the municipality, and post the same in the manner provided by law.

[S. L. 1890-91, Ch. 17, Sec. 6.]

**MEETINGS OF REGISTRY AGENTS—LENGTH OF.**

SEC. 395. Such registry agents shall meet for three consecutive days, and then shall adjourn for one week, and then they shall meet for one day for the purpose of revising, correcting and completing such registry lists and the registration of such qualified electors who have not theretofore registered.

[S. L. 1890-91, Ch. 17, Sec. 7.]

**CERTIFICATE OF REGISTRY LISTS—TO WHOM.**

SEC. 396. When the registry agents shall have completed the registration as aforesaid, they shall prepare and certify lists and deliver copies thereof to the county clerk and the clerk of the municipality in the manner provided by law.

[S. L. 1890-91, Ch. 17, Sec. 8.]

**POSTING REGISTRY LISTS.**

SEC. 397. The county clerk and the clerk of the municipality shall post such lists in the manner provided by law.

[S. L. 1890-91, Ch. 17, Sec. 9.]

**DUTY OF COUNTY CLERK.**

SEC. 398. The county clerk, upon the request of the clerk of the incorporated city or town, shall prepare and deliver to such clerk of the incorporated city or town, a registry list containing, in alphabetical order, and divided into precincts, complete lists of all the regularly registered and properly qualified electors who could vote at the ensuing city or town election, as shown by the registry lists in his office.

[S. L. 1890-91, Ch. 17, Sec. 10.]

**EXPENSE—BY WHOM PAID.**

SEC. 399. The city or town asking for such lists through its clerk shall reimburse the county clerk for all expenses incurred in procuring material and assistance necessary in furnishing such registry lists. Such expenses shall be paid after such service is rendered, in the same manner that the other claims against an incorporated city or town are paid.

[S. L. 1890-91, Ch. 17, Sec. 11.]

**DUTY OF CITY CLERK.**

SEC. 400. The clerk of the incorporated city or town upon



receipt of such registry lists, shall prepare one list for each election precinct. He shall furnish a judge in each precinct with a certified list of the qualified voters in each precinct as such lists are obtained from the registry lists furnished by such clerk of a city or town by the county clerk.

[S. L. 1890-91, Ch. 17, Sec. 12.]

#### **WHO ENTITLED TO VOTE.**

SEC. 401. All persons who have registered either during the registration period immediately preceding the said city or town election, or who have registered less than two years before such election during a regular registration period for county elections, and who would be qualified at that time to vote at a county election in a precinct, shall be entitled to vote at such city or town election in the precinct in which they are registered; Provided, That such electors are actual residents of the incorporated city or town in which they offer to vote.

[S. L. 1890-91, Ch. 17, Sec. 13.]

#### **WHERE ENTITLED TO VOTE.**

SEC. 402. Any elector who registered previous to such city or town election shall be entitled to vote in any election precinct in which they are registered and until the next regular period for registration before a county election; Provided, That in county elections they shall be actual residents of the county, and in municipal elections, of the incorporated city or town in which they offer to vote.

[S. L. 1890-91, Ch. 17, Sec. 14.]

#### **CITY TO PAY REGISTRY AGENTS.**

SEC. 403. The incorporated city or town for which the registration provided for in this chapter is held, shall pay the salary of the registration agents, and all their fees and expenses for services rendered in registering before such election, as provided by law.

[S. L. 1890-91, Ch. 17, Sec. 15.]

#### **APPOINTMENT OF JUDGES AND CLERKS.**

SEC. 404. The mayor or other chief officer of an incorporated city or town in which a municipal election is held, shall, by and with the advice of its council or trustees, appoint the judges and clerks of election for such election, under the same restrictions and qualifications, as those required for regular elections.

[S. L. 1890-91, Ch. 17, Sec. 16.]

#### **CITY TO PAY JUDGES AND CLERKS.**

SEC. 405. The incorporated city or town appointing such judges and clerks shall pay their salary and expenses at the same rate as prescribed by law for similar duties in regular county elections.

[S. L. 1890-91, Ch. 17, Sec. 17.]

#### **APPLICATION OF GENERAL ELECTION LAWS.**

SEC. 406. The provisions of law for general elections shall apply as far as possible to the registration and election. Whenever the procedure of conducting municipal elections is not fully provided for by law, it may be supplemented by ordinance of the incorporated city or

town, in which an election is held, and the canvass and returns of such elections shall be prescribed by the ordinances of such incorporated cities or towns.

[S. L. 1890-91, Ch. 17, Sec. 18.]

## CHAPTER 13

### ELECTION OFFENSES

Sec. 407. Election officers failing to perform duty.	Sec. 415. Penalty—Interfering with election conveniences — Preventing others voting.
Sec. 408. Doing prohibited act.	Sec. 416. Penalty — Putting placards in booths for electioneering purposes.
Sec. 409. Mutilating registry and poll books.	Sec. 417. Penalty—False swearing concerning qualifications or incapacity to vote.
Sec. 410. Penalty for corrupt swearing before registry agent.	Sec. 418. Penalty—Use of intoxicants by officers of election.
Sec. 411. Penalty—Registration officers.	Sec. 419. Unlawful voting at primary.
Sec. 412. Penalty for false registration.	Sec. 420. Misconduct of officers.
Sec. 413. Penalty—Defacing registry lists.	
Sec. 414. Penalty—Certificate of nomination — Ballots.	

#### ELECTION OFFICERS FAILING TO PERFORM DUTY.

SEC. 407. Any registry agent, judge or clerk of election, or any other election officer, or any other officer or person upon whom any duty is imposed by the election laws of this state, who shall wilfully neglect or omit to perform any duties so imposed, shall be fined not more than two thousand dollars and not less than one hundred dollars or imprisoned in the penitentiary not more than five years, or both.

[S. L. 1890, Ch. 80, Sec. 165.]

#### DOING PROHIBITED ACT.

SEC. 408. Any registry agent or judge or clerk of election, or any other election officer, or any officer or person, who shall do or perform any act or acts prohibited by the election laws of this state, shall be fined not more than two thousand dollars and not less than one hundred dollars, or be imprisoned in the penitentiary not more than five years, or both.

[S. L. 1890, Ch. 80, Sec. 165.]

#### MUTILATING REGISTRY AND POLL BOOKS.

SEC. 409. Any person who shall mutilate or erase any name, figure or word in any poll book, taken or kept at any election; or shall take away any such poll book from the place where it has been deposited for safe keeping, with intent to destroy, mutilate, change or injure the same, or to procure or prevent the election of any person; or shall destroy any poll book kept at any election, shall be fined not more than five hundred dollars, and imprisoned in the county jail, not more than one year.

[S. L. 1890, Ch. 80, Sec. 166.]

#### PENALTY FOR CORRUPT SWEARING BEFORE REGISTRY AGENT.

SEC. 410. All wilful, corrupt and false swearing or affirming before any registry agent shall be the crime of perjury and shall be punished as such.

[S. L. 1890, Ch. 80, Sec. 167.]

**PENALTY—REGISTRATION OFFICERS.**

SEC. 411. Any registry agent or other person who in any manner shall wilfully or corruptly permit any person not entitled to registration or to a certificate of registration to be registered or have a certificate of registration, or who delays or fails to deliver the certified copies of the official register and check list to the judges of election as required by law, or who permits any person to register after the date on which the registration books close, or who shall otherwise or wilfully or corruptly violate any of the provisions of law relating to elections, the penalty for which is not otherwise specially prescribed, shall be punished for each and every offense by imprisonment in the penitentiary for a term of not less than one year nor more than five years, or by a fine of not less than one hundred dollars nor more than two thousand dollars, or by both.

[S. L. 1890, Ch. 80, Sec. 168.]

**PENALTY FOR FALSE REGISTRATION.**

SEC. 412. Any person who shall wilfully cause or endeavor to cause his name to be registered in any other election district than that in which he resides or will reside prior to the day of the next ensuing election, except as herein otherwise provided, and any person who shall cause or endeavor to cause his name to be registered, knowing that he is not a qualified elector and will not be a qualified elector on or before the day of the next ensuing election, in the election district in which he causes or endeavors to cause such registry to be made, and any person who shall induce, aid or abet any one in the commission of either of the acts in this section enumerated and described, shall be fined not less than fifty dollars nor more than five hundred dollars, or be confined in the county jail for not less than one month nor more than six months, or both.

[S. L. 1890, Ch. 80, Sec. 169.]

**PENALTY—DEFACING REGISTRY LISTS.**

SEC. 413. Any person who shall take down, tear down or deface any officially posted registry list, shall be guilty of a misdemeanor, and shall be punished by a fine of one hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days nor more than ninety days, or by both.

[S. L. 1890, Ch. 80, Sec. 169.]

**PENALTY—CERTIFICATE OF NOMINATION—BALLOTS.**

SEC. 414. Any person who shall falsely make or wilfully deface or destroy any certificate of nomination or nomination paper, or any part thereof, or any letter of withdrawal or sign any such certificate or paper contrary to the provisions of this title, or who shall file any certificate of nomination or nomination paper or letter of withdrawal, knowing the same or any part thereof to be falsely made, or who shall suppress any certificate of nomination or nomination paper, or any part thereof, which has been duly filed, or who shall forge or falsely make the official endorsement on any ballot, or who shall wilfully destroy or deface any ballot, or who shall wilfully delay the delivery of any bal-



lots shall be fined not exceeding one thousand dollars or be imprisoned in the county jail not more than one year, or both.

[S. L. 1890, Ch. 80, Sec. 170.]

**PENALTY—INTERFERING WITH ELECTION CONVENIENCES — PREVENTING OTHERS VOTING.**

SEC. 415. Any person who shall, prior to an election, wilfully deface or destroy any list of candidates posted in accordance with the provisions of this title, or who, during an election, shall wilfully deface, tear down, remove or destroy any of the supplies or conveniences furnished to enable an elector to prepare his ballot, or who shall wilfully hinder the voting of others, shall be fined not less than twenty-five dollars nor more than one hundred dollars.

[S. L. 1890, Ch. 80, Sec. 171.]

**PENALTY—PUTTING PLACARDS IN BOOTHS FOR ELECTIONEERING PURPOSES.**

SEC. 416. Any person or officer of election who shall put or permit to be put into a voting booth any placard, notice or device except the sample ballots and cards of instruction as provided by law, intended or likely to call the attention of the voter to any candidate, or to urge the voter to vote for any particular candidate, or shall put or allow anything to be put into such booths for the use or comfort of the voter whereby the claims of any candidate are urged upon the voter, either directly or indirectly, shall be imprisoned in the county jail not to exceed three months, or fined not to exceed five hundred dollars, or both.

[S. L. 1890, Ch. 80, Sec. 172.]

**PENALTY—FALSE SWEARING CONCERNING QUALIFICATIONS OR INCAPACITY TO VOTE.**

SEC. 417. Any person who declares or swears falsely concerning his incapacity to vote at any election without the aid of an election officer, or who swears falsely concerning the qualifications of any person offering to vote, shall be imprisoned in the county jail not to exceed six months, or to be fined not to exceed five hundred dollars, or both.

[S. L. 1890, Ch. 80, Sec. 173.]

**PENALTY—USE OF INTOXICANTS BY OFFICERS OF ELECTION.**

SEC. 418. Any person introducing in any way, upon election day, or during the counting of the ballots, into any place where an election is held, any spirituous or malt liquor, and any judge or clerk of election drinking any such liquor in such place, or being intoxicated therein during such election or counting, shall be imprisoned in the county jail not exceeding six months, or be fined not exceeding five hundred dollars, or both.

[S. L. 1890, Ch. 80, Sec. 175.]

**UNLAWFUL VOTING AT PRIMARY.**

SEC. 419. Whoever shall vote at any primary meeting, or at any caucus or public meeting of the qualified voters of a county, district, city or town, or ward of a city, or of any specified party or portion of such voters for the nomination of candidates to be supported at any state, general, county, district, municipal or town election, or for the

selection of delegates to any political convention, or for the appointment of any political committee, not being a legal voter in the county, city or town or ward of a city as the case may be, in and for which such meeting is held, or whoever shall so vote, being a legal voter, but not being included in the terms of the call under which such meetings are held; or whoever shall vote or attempt to vote under any name not his own; or whoever shall vote or attempt to vote more than once at one balloting, or whoever knowingly shall cast or attempt to cast more than one ballot at one time of balloting, or more than the number of separate ballots allowed to each voter, if more than one ballot is allowed to be cast, shall be fined not more than fifty dollars or imprisoned in the county jail not more than three months, or both.

[S. L. 189c-91, Ch. 32, Sec. 4.]

**MISCONDUCT OF OFFICERS AT PRIMARIES.**

SEC. 420. Whoever, being an officer appointed and acting at any such meeting, shall knowingly make a false count of ballots or votes, or make a false statement or declaration of the result of a ballot or vote, or knowingly refuse to receive any ballot cast by any person qualified to vote at such meeting, or shall wilfully alter, deface or destroy any ballots cast or check lists used thereat, before the time provided by law for the destruction of the same, or shall decline or fail to receive any written request as provided by law, governing primaries, or shall decline or fail to perform any duty or obligation imposed by said law, shall be fined not more than fifty dollars, or imprisoned in the county jail not more than three months, or both.

[S. L. 1890-91, Ch. 32, Sec. 6.]

**MISCELLANEOUS LAWS**

**TERM OF SUCCESSOR TO GOVERNOR—PROVISO.**

SEC. 52. Whenever the powers and duties of the office of the governor of the state of Wyoming shall devolve upon a person, as hereinbefore provided, the person acting as governor shall continue to act as governor, as aforesaid, until the end of the term of the governor; Provided, such assumption of office is made as aforesaid less than twenty days before the next general election of county officers, preceding the next ensuing general election for state officers; but should such assumption be made as aforesaid previous to twenty days before a general election for county officers, then and in that case, the person acting as governor as aforesaid, shall issue an additional proclamation calling for the election of a governor to fill the unexpired term, which election shall take place at the same time as the general election for county officers, and such election, together with the returns and canvass thereof, shall be conducted in all respects as though it was an original election for governor. When the state canvassing board shall have canvassed the vote of the election as aforesaid, and in the manner provided by law, declared a person at such election to be elected as governor, such person shall, within thirty days after such canvass, or

as soon thereafter as possible, qualify and assume the duties and powers of governor, and shall be the governor of the state of Wyoming for the remainder of the unexpired term of governor.

[S. L. 1890-91, Ch. 14, Sec. 3.]

## DIVISION ONE

### TITLE III

#### CHAPTER 12

##### PRESIDENTIAL ELECTORS

Sec. 165. Election of presidential electors provided for.  
Sec. 166. Certificate of election.

Sec. 167. Electors shall convene when—Filling of vacancy.  
Sec. 168. When shall proceed to vote.  
Sec. 169. Compensation.

#### ELECTION OF PRESIDENTIAL ELECTOR PROVIDED FOR.

SEC. 165. At the general election next preceding the choice of president and vice president of the United States of America, there shall be elected as many electors of president and vice president of the United States of America as this state may be entitled to elect of senators and representatives in congress.

[S. L. 1890-91, Ch. 63, Sec. 1.]

#### CERTIFICATE OF ELECTION.

SEC. 166. The certificate of election for electors of president and vice president of the United States of America, shall be served on each person elected, notifying him to attend at the office of the secretary of state at the seat of government at the hour of twelve o'clock noon of the Saturday next preceding the second Monday of January next after his election, and to report himself to the governor of this state as in attendance.

[S. L. 1890-91, Ch. 63, Sec. 2.]

#### ELECTORS SHALL CONVENE WHEN—FILLING OF VACANCY.

SEC. 167. The electors of president and vice president so attending, shall convene in the office of the secretary of state at the capital of the state, at the hour of twelve o'clock noon of the Saturday next preceding the second Monday of January, as provided in section one hundred and sixty-six, and in case there shall be any vacancy in the office of an elector, occasioned by the death, refusal to act, neglect to attend by the hour of 12 o'clock noon of said day, or on account of any two of the persons voted for as electors having received an equal and the same number of votes, or on account of the ineligibility of any person elected, or from any cause, the qualified electors present shall proceed to fill such vacancy by ballot and plurality of votes, and the said electors so present shall immediately issue a certificate of election signed by those present, or a majority of them, to the person so chosen.



In case of a failure to elect by the said electors by noon of the Monday next following, the governor shall fill the vacancy by appointment.

[S. L. 1890-91, Ch. 63, Sec. 3.]

**WHEN SHALL PROCEED TO VOTE.**

SEC. 168. The college of electors being full, shall meet at the office of the secretary of state at the capital at noon of the said second Monday of January, and shall proceed to the election and performance of their duties in conformity with the constitution and laws of the United States of America.

[S. L. 1890-91, Ch. 63, Sec. 4.]

**COMPENSATION.**

SEC. 169. The said electors shall each receive a compensation of five dollars for each day's attendance, and the same mileage as is provided for members of the legislature of this state, and the amount of such attendance and mileage shall be presented, audited and paid in the same manner as other claims against the state, out of any funds in the state treasury, not otherwise appropriated.

[S. L. 1890-91, Ch. 63, Sec. 5.]

**ELECTION OF OFFICERS ON ORGANIZATION OF NEW COUNTY.**

SEC. 1008. At the next general election held in the state, after the appointment of such commissioners, an election shall be held in such county and in the same manner as if such county were organized. In addition to voting for a member of congress and such state and district officers, as may be provided for by law, the electors of such county shall at such election elect the members of the senate and house of representatives of the state to which such county is entitled; and also the county and precinct officers provided for by law; and at the same time they shall choose a county seat for such county in the same manner in which county officers are elected.

[S. L. 1895, Ch. 59, Sec. 6.]

**TERMS OF COUNTY COMMISSIONERS.**

SEC. 1056. The board of county commissioners of each county shall consist of three qualified electors who shall hereafter be elected in the following manner: At the general election to be held in November, 1900, there shall be elected in each organized county two commissioners for a term of two years and one commissioner for a term of four years, the persons so elected to constitute said board, and thereafter at each general election there shall be elected in each organized county one commissioner for a term of two years and one commissioner for a term of four years. Each person elected as such commissioner shall, on or before the first Monday in January succeeding his election, if elected, and immediately upon being appointed to fill a vacancy in the board of county commissioners, take and subscribe the same oath of office which is required of other county officers, and also shall give a bond to the state of Wyoming in the sum of one thousand dollars, which shall be approved by the judge of the judicial district. Each member of the board shall take and subscribe the same oath as that of other county officers, and shall give a bond to the state of Wyoming

in the sum of one thousand dollars, which bond shall be approved by the treasurer of said county. Any two of such board shall constitute a quorum and shall be competent to act; Provided, That in counties of the fourth class, if it shall be so decided by a majority of the voters of the county, at any general election, there shall be two county commissioners elected, one for the term of four years and one for the term of two years, and at each general election thereafter, one commissioner for a term of four years. And such two members so elected, together with the county clerk as member ex-officio, shall constitute the board of county commissioners of said county. And the commissioners in such counties of the fourth class shall subscribe to the same oath, and give bond in the same amount as is required of other county commissioners, said bonds to be approved by the treasurer of said county. The county commissioners in any fourth class county shall, upon petition of twenty-five, or more, voters and taxpayers of such county, submit the question as to the number of commissioners to be elected in their county, to the voters of said county at any general election.

[S. L. 1890-91, Ch. 57, Sec. 1; S. L. 1899, Ch. 11.]

#### **TIE VOTE IN CITY ELECTION—HOW DECIDED.**

SEC. 1681. When a tie shall occur in the election of any city officer, the county clerk shall certify that fact to the city council, and such council shall, by order or resolution, entered of record, declare which of the persons receiving the same and equal number of votes at such election, shall be elected, and thereupon the person declared elected shall be entitled to hold the office for the full term thereof.

[S. L. 1897, Ch. 28, Sec. 9.]

#### **SALOONS SHALL BE CLOSED ON SUNDAY AND ELECTION DAY.**

SEC. 2643. Every person or persons, company or corporation, having license to sell liquors under the laws of Wyoming, who shall keep open, or suffer his or their agent or employe to keep open, his or their place of business, or who shall sell, give away or dispose of or permit another to sell, give away or dispose of, on his or their premises, any spirituous, malt, vinous or fermented liquors, or any mixtures of any such liquors, on the first day of the week, commonly called Sunday, or upon any day upon which any general or special election is being held, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than twenty-five dollars, or more than one hundred dollars, or imprisoned in the county jail not to exceed three months.

[S. L. 1888, Ch. 86, Sec. 1.]

#### **CONSTITUTIONAL AMENDMENTS — OFFICIAL BALLOTS—HOW PREPARED.**

SEC. 2704. Each county clerk when preparing the official ballot for an election, shall include as a part of such ballot the submission to the people of every constitutional amendment, a copy of which has been transmitted to him by the secretary of state for that purpose; the language of such submission on such ballot shall be substantially as follows:

Vote for one.

Constitutional amendment, number . . . . . Yes . . . . .

Constitutional amendment, number . . . . . No . . . . .

Such language of submission with the appropriate change of number shall be repeated as many times as there are constitutional amendments to be submitted.

[S. L. 1895, Ch. 49, Sec. 6.]

**RESULT OF ELECTION AS TO AMENDMENTS—HOW DETERMINED.**

SEC. 2705. The result of every such election, with reference to such proposed amendments, shall be determined in all respects in the same manner as results are now, or may be hereafter, determined, according to law for state officers.

[S. L. 1895, Ch. 49, Sec. 7.]

**SESSION LAWS OF 1901**

**CHAPTER 69**

House Bill No. 114.

**CITY ELECTIONS**

AN ACT fixing the terms and providing the time for the election of mayor and councilman in cities incorporated under special charter containing a population of not less than 10,000, and making provision for such elections.

*Be it Enacted by the Legislature of the State of Wyoming.*

**TIME OF.**

SECTION 1. In every city heretofore incorporated under a special charter, and not under a general law of the state, having a population of not less than 10,000 inhabitants, according to the last preceding United States census, the election of mayor and councilmen shall take place on the Tuesday next after the first Monday in November. The mayor of such city shall be elected on the Tuesday next after the first Monday in November in the year 1902, and every second year thereafter. One councilman from each ward shall be elected each year for a term of three years. The next election for councilmen succeeding the passage of this act shall occur on the first Tuesday next after the first Monday in November, in the year 1901, at which time one councilman in each ward shall be elected and each year thereafter one councilman shall be elected in each ward.

**TERM OF MAYOR.**

SEC 2. The mayor who shall be elected in such city or cities at the election to be held in November, 1902, shall enter upon the duties of his office at the expiration of the official term of the mayor, who shall be the incumbent of such office at the time of such election, and shall continue in office until the first Monday in January, 1905, and thereafter the official term of each mayor of any such city or cities shall commence on the first Monday in January next succeeding the



date of his election, and continue until the first Monday in January of the second year after the commencement of such term.

#### TERM OF COUNCILMEN.

SEC. 3. The term of office of the councilmen, who shall be elected at the election to be held in the month of November, in the years 1901, 1902, 1903, shall commence at the expiration of the official term of the councilmen respectively, who are to be succeeded by the councilmen, so as aforesaid, to be elected, and the term of each councilman who shall be elected in the month of November in the years aforesaid, shall continue for three years, from the first Monday in January succeeding his election; and thereafter the term of office of the councilmen of any such city or cities, who shall be elected for a term of three years in the month of November, shall commence on the first Monday in January next succeeding their election and shall continue for three years thereafter.

#### DUTY OF CITY CLERK.

SEC. 4. Whenever the city election in any such city or cities shall occur at the same time, as shall be provided by law for state and county elections, the city clerk shall certify to the county clerk the list of nominations made for such city election, and the names of the candidates for city offices shall be printed upon the same ballot provided by the county for the election of state and county offices. In such case, the city shall pay its pro rata proportion for the cost and printing of such ballots. Nominations for offices to be voted for at a city election shall be filed with the city clerk not more than thirty days and not less than twenty days previous to the day of election, and the same shall be certified by the city clerk to the county clerk of the proper county not less than fifteen days previous to the day of election, in case the election for city offices shall occur at the same time provided by law for state and county elections. Whenever the city election in any such city or cities shall occur in a year or at a time when no state or county election is provided for, nominations shall be filed with the city clerk in the manner heretofore required by law.

#### LAW GOVERNING ELECTION.

SEC. 5. Whenever the city election in any city or cities shall occur at a time not provided by law for state and county elections and at a time when no state or county election is to be held, such election shall be conducted in all respects as heretofore provided by law for municipal elections and, in such case, the provisions of sections 389 to 406, inclusive, being Chapter 12, Title 4, Division 1, of the Revised Statutes, 1899, shall govern said elections in so far as they shall be applicable and not inconsistent with the provisions of this act.

#### CANVASS OF ELECTION.

SEC. 6. Whenever the city election in any such city or cities shall occur at the same time provided by law for state and county elections, and at the same time when a state and county election is to be held, the judges and clerks of election in the precincts within such

city or cities respectively appointed for the purpose of conducting the election for state and county officers, shall also conduct the election for city officers, and the election for city officers shall, in such case, be canvassed in the same manner as the election for county officers. In such case the county clerk for the proper county shall certify to the city clerk of the city the result of such canvass, and it shall be the duty of the city clerk to issue to the officers, so elected, proper certificates of their election. The mayor and council of any city to which this act shall apply shall not be required, after the passage of this act, to designate judges or clerks of election or polling places when the city election shall be held at the same time and place as an election for county and state officers; but in such case, the same polling places within the city shall be used as those used for the election of state or county officers.

#### **REGISTRATION.**

SEC. 7. Whenever the election for city officers in any city to which this act shall be applicable, shall occur at the same time as that provided by law for state and county elections, it shall not be necessary for any registration of voters other than that provided by law for the registration of voters for state and county elections; but in such case the registration of voters made in manner provided by law preceding state and county elections shall be used and shall control, so far as applicable in the election for city officers, but only duly qualified electors residing within the city shall be permitted to vote for city officers. Whenever the city election in such city shall occur in a year or at a time when there shall not be an election for state and county officers, the provisions of Sections 391 to 404, inclusive, of the Revised Statutes, 1899, respecting the registration of voters for city elections and the qualifications of voters thereat, shall govern and control at such election.

#### **PROCEDURE WHEN ELECTOR NOT ENTITLED TO VOTE CITY TICKET.**

SEC. 8. In case at any precinct, whenever the city election shall be held at the same time as state or county elections, there shall be voters qualified to vote at such precinct for state or county officers but are not entitled to vote for city officers, the judges of election shall furnish to such voters a ballot not containing the names of the candidates for city offices; and the judges of such precincts shall be furnished by the county clerk a reasonable number of ballots not containing the names of candidates for city offices, for the purpose aforesaid.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved Feby. 16th, 1901.

## SESSION LAWS OF 1905

### CHAPTER 22

House Bill No. 83.

#### TERMS OF CITY OFFICERS

AN ACT to amend and re-enact Sections 2 and 3 of Chapter 69 of the Session Laws of 1901, relating to the terms of office of mayor and councilmen in cities incorporated under special charter, containing a population of not less than 10,000 inhabitants.

*Be it Enacted by the Legislature of the State of Wyoming:*

#### MAYOR.

SECTION 1. That Section Two (2) of Chapter Sixty-Nine (69) of the Session Laws of 1901, be amended and re-enacted so as to read as follows:

“SEC. 2. The mayor who shall be elected in such city or cities at the election to be held in November, 1906, shall enter upon the duties of his office at the expiration of the official term of the mayor, who shall be the incumbent of such office at the time of such election, and shall continue in office until the first Tuesday in January, 1909, and thereafter the official term of each mayor of any such city or cities shall commence on the first Tuesday in January next succeeding the date of his election, and shall expire on the first Tuesday in January of the second year after the commencement of such term.”

#### COUNCILMEN.

SEC. 2. That Section Three (3) of Chapter Sixty-Nine (69) of the Session Laws of 1901, be amended and re-enacted so as to read as follows:

“SEC. 3. The term of office of councilmen, who shall be elected at the election to be held in the month of November, in the years 1905, 1906, 1907, shall commence at the expiration of the official term of the councilmen respectively, who are to be succeeded by the councilmen, so as aforesaid, to be elected, and the term of each councilman who shall be elected in the month of November in the years aforesaid, shall continue for three years, from the first Tuesday in January succeeding his election; and thereafter the term of office of the councilmen in any such city or cities, who shall be elected for the term of three years in the month of November, shall commence on the first Tuesday of January next succeeding their election and shall continue for three years thereafter.”

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 10th, A. D. 1905.



**CHAPTER 74**

House Bill No 147.

**MAYOR AND COUNCILMEN—TERM OF**

AN ACT prescribing the term of office of the mayor and councilmen in incorporated towns having a population of not less than one thousand nor more than thirty-five hundred and not embraced within the definition of cities of either the first or second class, and providing for salaries of officers.

*Be it Enacted by the Legislature of the State of Wyoming:*

**TERM OF OFFICE.**

SECTION 1. In every town incorporated under the general laws of this state having a population of not less than one thousand nor more than thirty-five hundred, to be determined by the last preceding United States census, and which is not embraced within the definition of cities either of the first or second class as heretofore defined by law, the term of office of the mayor shall be two years and of councilmen four years, and at the election held on the second Tuesday in May, A. D. 1905, in such towns as come within the provisions hereof, there shall be elected one mayor, for the term of two years, and two councilmen for the term of four years, and every two years thereafter there shall be elected one mayor for the term of two years, and two councilmen for the term of four years; Provided, that on the second Tuesday in May, A. D. 1906, there shall be no election for mayor, but two councilmen shall then be elected, who shall hold office until the second Tuesday in May following their election.

**SALARIES.**

SEC. 2. In towns coming under the provisions of the preceding section, the mayor shall receive an annual salary of fifty dollars and each councilman shall receive an annual salary of twenty-five dollars. All appointed officers of such town shall receive such salary or compensation as may be provided by law or ordinance.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 21st, A. D. 1905.

**CHAPTER 88****ELECTORS—WHERE THEY MAY VOTE**

AN ACT to provide that electors may vote in any precinct where their duties call them on election day.

*Be it Enacted by the Legislature of the State of Wyoming:*

**ELECTOR ABSENT FROM HIS PRECINCT.**

SECTION 1. It shall be lawful for any elector being a qualified elector of the state of Wyoming, who may, on the occurrence of any

general election, be unavoidably absent from his county or precinct because his duties or occupation or business require him to be elsewhere within the state, to vote for county, district or state officers, members of the legislature, members of congress and electors of president and vice president of the United States in any precinct where he may present himself for that purpose on the day of such election, under the regulations hereinafter prescribed.

**CERTIFICATE FROM REGISTRATION OFFICERS.**

SEC. 2. Such elector must obtain from the registration officers of the precinct in which he is entitled to vote a certificate showing that such elector is entitled to vote, giving the name and residence of such elector, also the number of the registration as appears upon the registration books of such precinct, and if any elector so applying to vote whose place of residence is in a precinct where prior registration is by law not required, then such elector must furnish such judges of election his affidavit taken before the county clerk of his county, which affidavit shall show the name of such elector, his business and occupation, his place of residence and that such residence is located in a precinct where prior registration is not required by law.

**AFFIDAVIT.**

SEC. 3. The voter so entitled to vote shall present himself at the polls in any precinct in the state where he may be on such election day, and during voting hours, and make and subscribe before one of the judges of election, an affidavit in substance as follows:

“The State of Wyoming, County of . . . . ., ss.

“I, . . . . ., do solemnly swear (or affirm) that I have actually, and not constructively, been a bona fide resident of the state of Wyoming one year, and of the County of . . . . . sixty days next preceding this date; that I am an actual resident of Polling Precinct No. . . . ., in Election District No. . . . ., in said county (or in the city of . . . . .), and am in all respects a duly qualified elector of said county and precinct; that I am a . . . . ., and that because of my duties (or occupation or business) as such . . . . ., I am required to be absent from my county (or precinct) on this day, and have not had and will have no opportunity to vote there; and that I have not voted elsewhere at this election.”

Any judge of election in any precinct in this state is hereby authorized to administer the oath and take and certify such affidavit. Thereupon the affiant shall be given a blank official ballot, as in the case of a resident voter, and shall mark the same as any resident voter may, and shall fold the same and hand it to the judges, as in the case of a resident voter, but such ballot shall not be deposited in the ballot box nor entered on the poll-books. It shall, together with said affidavit, be securely sealed in an envelope, upon the back of which one of the judges shall write: “The ballot of . . . . ., an absent voter of Polling Precinct No. . . . ., in Election District No. . . . ., in the County of . . . . . (or in the City of . . . . .),”

which shall be signed by one of the judges, a copy of which affidavit the said judges shall retain with the other affidavits and papers in connection with their duties as such.

#### **AFFIDAVITS MAILED TO HOME COUNTY CLERKS.**

SEC. 4. All such envelopes shall, by the judges of election, be mailed to the county clerks of the county where such elector claims residence not later than the next succeeding day.

#### **CANVASS.**

SEC. 5. The said county clerk of the county in which said absent voter resides shall receive said ballot, and shall safely keep and preserve the same unopened in his office until the county canvassing board meet to canvass the vote according to law, at which time, at two o'clock in the afternoon of the first day of the meeting of said canvassing board, any two electors residents of the precinct in which such elector claims residence, may appear before said canvassing board and challenge such voter's right to vote at such election. When such elector shall establish his right to so vote to the satisfaction of said canvassing board in accordance with the election laws of Wyoming. Should no such challengers appear during the first day of meeting of said board, they shall not be permitted to so appear thereafter. Should the contention of such challengers be by said board sustained, then said sealed envelope shall be returned to said elector, and the said county canvassing board, in the presence of said county clerk and no other person, shall open all envelopes not so challenged and record the said ballot upon the poll-sheet of the proper precinct or district in their possession, in the same manner as clerks of election record votes, and in so canvassing said vote the said canvassing board shall count the votes of all absent voters taken as herein provided, and add the same to the total of the poll-sheet, in arriving at the total result of the election in the precinct, or election district, where said voter resides.

#### **DISPOSITION OF BALLOT AFTER CANVASS.**

SEC. 6. Said ballot, when so opened by the canvassing board, shall be sealed in an envelope with the endorsement thereon: "Vote of absent voter of Polling Precinct No. . . . ., in Election District No. . . . ., in the County of . . . . . (or City of . . . . .)," and the same shall be kept in the county clerk's office as other ballots are kept until destroyed according to law; and in case of a contested election the same may be counted and opened as in other cases. The said board of canvassers and the county clerk of each county wherein any vote of any absent voter is received, as herein provided, shall keep the fact of such vote and the persons for whom the same is recorded and contents thereof secret and shall not reveal or divulge the same.

#### **ACTS INCONSISTENT.**

SEC. 7. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved February 21st, A. D. 1905.



## CONSTITUTIONAL PROVISIONS

### DECLARATION OF RIGHTS

#### ELECTIONS—NO INTERFERENCE WITH.

SEC. 27. Elections shall be open, free and equal, and no power civil or military, shall at any time interfere to prevent an untrammelled exercise of the right of suffrage.

## ARTICLE VI.

### SUFFRAGE

#### EQUAL RIGHTS.

SECTION 1. The rights of citizens of the state of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this state shall equally enjoy all civil, political and religious rights and privileges.

McKinney vs. State, 3 Wyo. 719.

#### QUALIFICATION OF ELECTORS.

SEC. 2. Every citizen of the United States of the age of twenty-one years and upwards, who has resided in the state or territory one year and in the county wherein such residence is located sixty days next preceding any election, shall be entitled to vote at such election, except as herein otherwise provided.

#### PRIVILEGED FROM ARREST—WHEN.

SEC. 3. Electors shall in all cases except treason, felony or breach of the peace, be privileged from arrest on the days of election during their attendance at elections, and going to and returning therefrom.

#### EXEMPTION FROM MILITARY DUTY.

SEC. 4. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

#### MUST BE CITIZEN OF UNITED STATES.

SEC. 5. No person shall be deemed a qualified elector of this state, unless such person be a citizen of the United States.

#### DISQUALIFIED—WHEN.

SEC. 6. All idiots, insane persons, and persons convicted of infamous crimes, unless restored to civil rights, are excluded from the elective franchise.

#### RESIDENCE NOT LOST.

SEC. 7. No elector shall be deemed to have lost his residence in the state, by reason of his absence on business of the United States, or of this state, or in the military or naval service of the United States.

**SOLDIERS NOT RESIDENTS.**

SEC. 8. No soldier, seaman, or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of his being stationed therein.

**EDUCATIONAL QUALIFICATION.**

SEC. 9. No person shall have the right to vote who shall not be able to read the constitution of this state. The provisions of this section shall not apply to any person prevented by physical disability from complying with its requirements.

Rasmusson vs. Baker, 50 Pac. Rep. 819.

**FIVE YEAR LIMIT.**

SEC. 10. Nothing herein contained shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this constitution, unless disqualified by the restrictions of section six of this article. After the expiration of five years from the time of the adoption of this constitution, none but citizens of the United States shall have the right to vote.

**ELECTION—HOW HELD.**

SEC. 11. All elections shall be by ballot. The legislature shall provide by law that the names of all candidates for the same office, to be voted for at any election, shall be printed on the same ballot, at public expense, and on election day to be delivered to the voters within the polling place by sworn public officials, and only such ballots so delivered shall be received and counted. But no voter shall be deprived of the privilege of writing upon the ballot used the name of any other candidate. All voters shall be guaranteed absolute privacy in the preparation of their ballots, and the secrecy of the ballot shall be made compulsory.

Slaymaker vs. Phillips, 5 Wyo. 462.

**PRIOR REGISTRATION REQUIRED.**

SEC. 12. No person qualified to be an elector of the state of Wyoming, shall be allowed to vote at any general or special election hereafter to be holden in this state, until he or she shall have registered as a voter according to law, unless the failure to register is caused by sickness or absence, for which provision shall be made by law. The legislature of the state shall enact such laws as will carry into effect the provisions of this section, which enactment shall be subject to amendment, but shall never be repealed; but this section shall not apply to the first election held under this constitution.

**ELECTIONS****PURITY OF ELECTION PROVIDED FOR.**

SECTION 1. The legislature shall pass laws to secure the purity of elections, and guard against abuses of the elective franchise.

Slaymaker vs. Phillips, 5 Wyo. 462.

**CONTESTS—HOW TRIED.**

SEC. 2. The legislature shall, by general law, designate the courts by which the several classes of election contests not otherwise

provided for, shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law shall apply to any contest arising out of an election held before its passage.

#### **QUALIFICATIONS FOR OFFICE.**

SEC. 3. No person except a qualified elector shall be elected or appointed to any civil or military office in the state.

#### **OFFICERS HOLD OVER—WHEN.**

SEC. 4. Every person holding any civil office under the state or any municipality therein shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified, but this shall not apply to members of the legislature, nor to members of any board of assembly, two or more of whom are elected at the same time. The legislature may by law provide for suspending any officer in his functions, pending impeachment or prosecution for misconduct in office.

#### **GENERAL AND SPECIAL ELECTIONS.**

SEC. 5. All general elections for state and county officers, for members of the house of representatives and the senate of the state of Wyoming, and representatives to the congress of the United States, shall be held on the Tuesday following the first Monday in November of each even year. Special elections may be held as now, or as may hereafter be provided by law. All state and county officers elected at a general election shall enter upon their respective duties on the first Monday in January next following the date of their election, or as soon thereafter as may be possible.

In re Moore, 4 Wyo. 106.

#### **OFFICERS NOT PROVIDED FOR.**

SEC. 6. All officers, whose election is not provided for in this constitution, shall be elected or appointed as may be directed by law.

#### **PERSONS DISQUALIFIED TO HOLD OFFICE.**

SEC. 7. No member of congress from this state, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this state to which a salary, fees or perquisites shall be attached. The legislature may by law declare what offices are incompatible.

#### **OATH OF OFFICE—FORM OF.**

SEC. 8. Senators and representatives and all judicial, state and county officers shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the constitution of the United States, and the constitution of this state, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly any money or other valuable thing, to procure my nomination or election (or appointment) except for necessary and proper expenses expressly authorized by law; that I have not, know-



ingly, violated any election law of the state, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law.”

#### **OATH—HOW ADMINISTERED.**

SEC. 9. The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of state officers and judges of the supreme court shall be filed in the office of the secretary of state, and in the case of other judicial and county officers in the office of the clerk of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office, and any person who shall be convicted of having sworn or affirmed falsely or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this state. The oath to members of the senate and house of representatives shall be administered by one of the judges of the supreme court or a justice of the peace, in the hall of the house to which the members shall be elected.

## **ARTICLE XX.**

### **CONSTITUTIONAL AMENDMENTS**

#### **PROVISION FOR.**

SECTION 1. Any amendment or amendments to this constitution may be proposed in either branch of the legislature, and, if the same shall be agreed to by two-thirds of all the members of each of the two houses, voting separately, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and it shall be the duty of the legislature to submit such amendment or amendments to the electors of the state at the next general election, and cause the same to be published without delay for at least twelve (12) consecutive weeks, prior to said election, in at least one newspaper of general circulation, published in each county, and if a majority of the electors shall ratify the same, such amendment or amendments shall become a part of this constitution.

#### **HOW VOTED FOR.**

SEC. 2. If two or more amendments are proposed, they shall be submitted in such manner that the electors shall vote for or against each of them separately.

#### **CONSTITUTIONAL CONVENTION—PROVISION FOR.**

SEC. 3. Whenever two-thirds of the members elected to each branch of the legislature shall deem it necessary to call a convention to revise or amend this constitution, they shall recommend to the electors to vote at the next general election for or against a convention, and if a majority of all the electors voting at such election shall have

voted for a convention, the legislature shall at the next session provide by law for calling the same; and such convention shall consist of a number of members, not less than double that of the most numerous branch of the legislature.

#### **COURT HOUSE BONDS—SPECIAL ELECTION FOR.**

SEC. 2. The board of the county commissioners of any county may, at any time, whenever a majority thereof so decide, submit to the electors of the county, the question of whether the board of the county commissioners shall be authorized to issue the registered coupon bonds of the county to a certain amount which, together with the existing indebtedness of such county shall not exceed two per centum of the taxable property in said county as shown by the last general assessment preceding, and bearing a certain rate of interest, not exceeding six per cent per annum, and to be issued, payable and redeemable in the manner hereafter provided, for the purpose of providing means for the construction of a court house and jail, or either, for purchasing a site therefor, and for the necessary furnishings and equipment of the same.

[Chap. 76, Laws 1903, Sec. 2.]

#### **MAY BE VOTED ON AT GENERAL OR SPECIAL ELECTION.**

SEC. 3. The proposition to create such debt may be submitted to a vote of the people of such county at any general election held therein, or at any special election which may be called for the purpose of voting upon such proposition.

[Chap. 76, Laws 1903, Sec. 3.]

#### **SPECIAL ELECTION — CONDUCTED HOW — MAJORITY VOTE NECESSARY.**

SEC. 4. Such special election shall be conducted and the results thereof canvassed and certified, in all respects as near as practicable, in the same manner as in general elections, and a majority of the votes cast at any election upon such proposition, shall be deemed to constitute the approval or disapproval of the people of such county, as such majority may appear to be for or against the authority to create such indebtedness.

[Chap. 76, Laws 1903, Sec. 4.]

The first part of the history of the United States is the history of the colonies. The colonies were founded by Englishmen who had come to America in search of a better life. They were at first dependent on England for their supplies and protection. But as they grew in number and power, they began to assert their independence.

The colonies were at first governed by the British government. But as they grew in number and power, they began to assert their independence. They wanted to be able to govern themselves. They wanted to be able to make their own laws. They wanted to be able to elect their own representatives. They wanted to be able to control their own trade. They wanted to be able to control their own taxes. They wanted to be able to control their own destiny.

The British government was unwilling to grant the colonies the independence they wanted. It wanted to keep the colonies under its control. It wanted to keep the colonies dependent on it. It wanted to keep the colonies under its rule. It wanted to keep the colonies under its thumb.

The colonies were determined to fight for their independence. They were determined to break away from the British government. They were determined to establish a new government of their own. They were determined to be free. They were determined to be independent. They were determined to be the United States of America.

The American Revolution was a struggle for independence. It was a struggle for freedom. It was a struggle for the right to self-government. It was a struggle for the right to be free. It was a struggle for the right to be independent. It was a struggle for the right to be the United States of America.



Index to Election Laws

INDEX



Alabama, 10  
Alaska, 10  
Arizona, 10  
Arkansas, 10  
California, 10  
Colorado, 10  
Connecticut, 10  
Delaware, 10  
Florida, 10  
Georgia, 10  
Idaho, 10  
Illinois, 10  
Indiana, 10  
Iowa, 10  
Kansas, 10  
Kentucky, 10  
Louisiana, 10  
Maine, 10  
Maryland, 10  
Massachusetts, 10  
Michigan, 10  
Minnesota, 10  
Mississippi, 10  
Missouri, 10  
Montana, 10  
Nebraska, 10  
Nevada, 10  
New Hampshire, 10  
New Jersey, 10  
New Mexico, 10  
New York, 10  
North Carolina, 10  
North Dakota, 10  
Ohio, 10  
Oklahoma, 10  
Oregon, 10  
Pennsylvania, 10  
Rhode Island, 10  
South Carolina, 10  
South Dakota, 10  
Tennessee, 10  
Texas, 10  
Utah, 10  
Vermont, 10  
Virginia, 10  
Washington, 10  
West Virginia, 10  
Wisconsin, 10  
Wyoming, 10

# Index to Election Laws

Reference is to Sections, Unless Page is Given.

## AMENDMENT OF CONSTITUTION—

- How accomplished..... (Page 72)
- How voted for..... (Page 72)

## ELECTIONS—

- Abstracts—Must be certified by county clerk to secretary of state..... 349
  - Of returns—When and by whom made..... 347
- Amendment of constitution—How determined..... (Pages 61-62) 2704, 2705
- Application of election laws—To all precincts..... 375
  - To conventions and primaries..... 220
  - To municipal elections..... 387
  - To special elections..... 218
- Assessors—Now appointed by county commissioners, Laws 1903.
- Ballot—Cast how..... 339
  - Canvass of..... 340
  - Endorsed ballots only can be cast..... 334
  - Furnished by county clerk—Number..... 292, 293
  - How counted..... 341
  - Invalid—When..... 279
  - Lost ballots How replaced..... 296
  - Must be cast in presence of all the judges..... 279
  - Must be endorsed..... 336
  - Must not be marked for identification..... 336
  - Number elector may have..... 332
  - Official ballots shall not be removed from polling place..... 333
  - Only official to be cast..... 292
  - Preparation of by elector..... 337
  - Preservation of at primary and convention..... 224
  - Preservation of those cast..... 344
  - Printed at public expense..... 286, 287
  - Sample may be used—How..... 338
  - Shall state proposition submitted to voters..... 288
  - Spoiled to be returned by elector..... 332
  - Spoiled to be returned by judge..... 335
  - Time of printing..... 294
  - To be prepared by county clerk..... 288
  - What it shall contain..... 289
  - What may be counted..... 341
  - When to be taken in convention or primary..... 222

INDEX TO ELECTION LAWS

ELECTIONS—Continued

Ballot box—Custody of.....	315
How constructed.....	300
Inspection of before election.....	315
May be canvas pouch—When.....	300
Protection of.....	299
Booths—Furnished by sheriff.....	299
Not necessary—When.....	316
Number in each precinct.....	307
What it may and may not contain.....	301, 318
Who may occupy.....	331
Candidates—May inspect ballots.....	294
Canvassing boards—	
County board—Constituted how.....	347
Meets—When.....	347
Shall count all returns.....	348
Shall count votes of absent voters.....	(Page 68)
State board—Constituted—How.....	351
Meets—When.....	351
Shall certify result to secretary of state.....	351
Canvass of ballots—Conducted how.....	340
When to begin.....	340
Certificate—Form of on election returns.....	342
Of election—By whom made—When.....	347, 351
Of ballots cast—To be made by clerk of election.....	342
Of nomination—Filed where.....	232
Must be preserved one year.....	231
Must be verified.....	230
Time for filing.....	233
To fill vacancy in former nominations.....	237
What to contain.....	227
Challenge—Challenged elector's oath and identification.....	322, 323
Challenged electors voting must be designated on poll list.....	324
Of elector voting when prior registration is not required.....	273
Officers of election shall.....	325
Of person applying to register.....	261
Of registered voter.....	266
Of voter at primaries.....	223
Who may challenge.....	263
Challengers—Allowed in polling place—Two.....	310
Qualifications of.....	310
Who may be.....	325
Clerks—Appointed by whom.....	278
Duties.....	285
In precincts where prior registration is not required shall register voters.....	267
Oath of.....	282
Pay.....	283
To certify list of voters and ballots cast.....	342



## INDEX TO ELECTION LAWS

### ELECTIONS—Continued

Constables—Pay .....	283
Powers .....	314
Constitutional Amendments (See amendments)	
Constitutional convention—	
Provision for .....	(Page 72)
Contests—Depositions—How certified and transmitted .....	358
Evidence—How taken .....	364
Production of... ..	357
Judgment of court—What it shall be .....	367
Appeal from may be taken .....	374
Effect of .....	372
Notice of—Contest of legislator .....	355
Contest of legislator—Given to whom .....	355
Taking depositions in legislative contest .....	356
Of county and precinct officers determined by district court .....	353
Of county seats determined by district court .....	353
Of members of legislature determined by legislature .....	352
Of questions submitted to voters determined by district court .....	353
Petition for contest of election—Time of filing .....	362
Procedure in contest of question submitted to electors at elections .....	365
Service upon contestee .....	355, 363
Who may contest election of county or other officer .....	361
Who may contest election of legislator .....	354
Who may contest question submitted to electors at elections .....	365
Who may defend contest ..	366
Witnesses .....	357
Convention and primary (See nominations.)	
Ballots to be preserved—When .....	224
Ballot—When to be taken .....	222
Challenge of votes .....	223
How called .....	220, 221
How organized .....	221
Defined .....	219
Nominations to office may be made .....	226
Regulations may be adopted .....	225
County clerk—	
Duty—Certify abstract to secretary of state—When .....	349
Correct errors in ballot .....	294
Deliver supplies—How—At public expense .....	287, 291
Furnish ballots—Number of .....	292, 293
Furnish city clerks list of voters .....	383, 398
Furnish election supplies .....	207
Furnish supplies to judges of election for registration of voters .....	271
Give election officer certificate for his pay .....	284
Give notice of appointment to judge of election .....	275
Make abstract of returns .....	347
Make certificates of election—When and to whom .....	347
Notify governor of vacancy in office of member of legislature ..	212

## INDEX TO ELECTION LAWS

### ELECTIONS—Continued

County clerk. (Continued.)	
Post list of electors in city election. . . . .	397
Prepare ballot . . . . .	288
Preserve certificates of nomination one year . . . . .	231
Preserve election returns . . . . .	268
Publish all proceedings had under election law. . . . .	382
Publish list of nominations. . . . .	243
Replace lost ballots . . . . .	296
Send messenger for returns— When . . . . .	346
What he shall supply for election officers . . . . .	290
County commissioners— Appoint judges of election—When. . . . .	
Appoint registry agents—When. . . . .	249
Decide who elected in case of tie vote . . . . .	369
Distribute election laws . . . . .	385
Duty regarding ballot box or pouch . . . . .	300
Duty in regard to ballot box. . . . .	300
Duty in regard to special elections for court house bonds. . . . .	(Page 73)
Elected—When . . . . .	(Page 60) 1056
Establish polling precincts. . . . .	245
Furnish supplies to registry agents . . . . .	251
Lay out election districts—How— When. . . . .	244
Make proclamations for general elections. . . . .	204
Make provision for special elections . . . . .	214
May change polling precincts. . . . .	247
Must notify registry agents of municipal elections to be held . . . . .	391
Notify judges of election of each election taking place . . . . .	297
Order for special election shall contain— What. . . . .	216
Order special election for county officers. . . . .	215
Post registration list in each polling place . . . . .	258
Publish proclamation for election . . . . .	205
Shall publish all proceedings had under election law . . . . .	382
County officers—When elected. . . . .	
Court house bonds—Special election for. . . . .	(Page 73)
Disqualification—For holding office . . . . .	
For voting. . . . .	379
Election districts—How—When—By whom laid out. . . . .	
Electors. (See Elections—Constitution.)	
Absent from home precinct may vote . . . . .	(Page 66)
Aids to in voting . . . . .	321, 338
Arrest—Privileged from . . . . .	309
Asking assistance may be sworn as to disability. . . . .	329
Assistance given to in voting—By whom. . . . .	328
Assistance given to—When. . . . .	328
Can cast only endorsed official ballot. . . . .	334
Can not have more than three ballots. . . . .	332
Can not take ballot from polls . . . . .	333
Cast his ballot—How. . . . .	339
Challenged elector voting must be designated on poll list. . . . .	324

## INDEX TO ELECTION LAWS

### ELECTIONS—Continued

#### Electors. (Continued.)

Disqualification of .....	379
May have ballot corrected—How .....	295
May vote for anyone .....	321
Must not mark ballot for identification .....	336
Not registered may vote—When .....	327
Oath of when applying to register .....	255
Oath of—When challenged .....	322
Poll tax—Payment of not necessary .....	387
Preparation of ballot by .....	337
Qualifications of .....	203
Electors—Qualifications of Constitutional provision .....	(Page 69)
Qualifications of electors .....	(Page 69)
Shall be registered .....	262
Shall not be disturbed .....	330
Spoiled ballot must be returned .....	332
What he may and may not do in voting .....	319
Where must vote .....	388
Where must vote in city election .....	402
Who may vote at special election .....	218
Who may vote—Those registered only .....	265
Errors in Ballot—How corrected and by whom .....	294, 295
For successor to governor—When held .....	(Page 58) 52
How conducted .....	(Page 58) 52
General elections—County officers elected—When .....	202
Justices of supreme court—Elected when .....	200
Members of legislature elected—When .....	197
Proclamation for by county commissioners .....	204
Proclamation to be published—By whom .....	205
Representative in congress elected—When .....	197
Secretary of state to notify county commissioners what officers are to be elected .....	206
State officers .....	198
Supplies to be furnished by county clerks .....	207
Time .....	195
What officers to be elected at .....	195
Who may vote at .....	203, 265
Vacancies—What filled at general elections .....	199
Governor—Call special election on questions to be submitted to people .....	213
Call special election to fill vacancy in office of members of legisla- ture .....	212
Give certificates of election to whom—When .....	351
Successor—When and how elected .....	(Page 58) 52
Informalities—Do not invalidate election .....	345
Instruction—Cards of—In booths .....	318
Judges of election—Appointed when—By whom .....	275, 277
Are ex-officio registry agents—When—Duties as such .....	271
Canvass of ballots—How conducted .....	340



## INDEX TO ELECTION LAWS

### ELECTIONS—Continued

#### Judges of election. (Continued.)

Canvass of ballots—No adjournment .....	340
Care of ballot box and booths.....	300, 301
Count ballots—How.....	341
Deliver election returns—To whom.....	343
Duties.....	285
Give notice of change of polling place.....	304
In case of lost ballots— Shall do what.....	296
May count what ballots.....	341
Notify commissioners of inability to serve .....	298
Oath of.....	280
Oath of—How administered .....	281
Pay .....	283
Preserve ballots cast—How .....	344
Proceedings of judges invalid—When .....	279
Qualifications of .....	276
Return of spoiled ballots.....	335
Shall designate judge to deliver ballots to electors.....	336
Shall endorse ballots given to electors .....	336
Shall keep register of election—When—How.....	272
Sign returns of election.....	342
Term.....	277
Vacancies—How filled .....	279
When registry list not received—Duty.....	317
Laws—To be printed.....	384
Messenger for returns—Pay of .....	346, 350
Municipal—Application of general election law.....	387, 406
City to pay registry agents—Judges and clerks..	403, 405
County clerk—Duty of. (See County Clerk.)	
Duty of city clerk .....	397, 400
Expense—By whom paid .....	399
In cities of 10,000.....	(See pages 62-65)
In cities of 1,000 to 3,500 .....	(See pages 65-66)
Judges and clerks—Appointment of.....	404
Mayor and councilmen— Terms of.....	(See pages 65-66)
Meaning of term “municipal” .....	386
Notice to county commissioners required.....	391
Proclamation for .....	389
Registry agents. (See Registry agents.)	
Where elector entitled to vote.....	402
Who entitled to vote in.....	401
Who may vote at special elections .....	218
Nominations—	
Certificate of—Filed where .....	232
Must be verified .....	230
What to contain .....	227
To contain name of but one candidate.....	229
To fill vacancy in former nomination—How made.....	237

## INDEX TO ELECTION LAWS

### ELECTIONS—Continued

#### Nominations. (Continued.)

Declination of—How made . . . . .	234
May be made by convention or primary . . . . .	226
May be made outside of convention . . . . .	228
Person can accept but one nomination . . . . .	229
Person receiving more than one must accept one—When . . . . .	229
Publication of by county clerks . . . . .	243
Time for filing certificates of . . . . .	233
Vacancies—How filled . . . . .	235, 236
When two or more nominations—First deemed accepted . . . . .	229
Notice of—Appointment of judges of election . . . . .	275
Contest to legislature by secretary of state . . . . .	359
Legislative contest required . . . . .	355
Municipal election must be given to commissioners . . . . .	391
Question to be submitted to voters . . . . .	241
Taking depositions in legislative contest . . . . .	356
Oath—Identification of challenged elector . . . . .	323
Of challenged elector . . . . .	322
Of clerks of election . . . . .	282
Of elector absent from home precinct . . . . . (Page 67)	280
Of judges of election . . . . .	280
Of judges of election—How administered . . . . .	281
Of persons applying to register . . . . .	255
Of person challenged at registration . . . . .	263
Of registry agents . . . . .	250
To comply with religious belief . . . . .	376
Who may administer oath to challenged voter . . . . .	326
Who may administer oath to voter absent from home precinct (Page 67)	379
Office—Disqualifications . . . . .	377
Qualifications . . . . .	377
Officers—Election of in new county—When held . . . . . (Page 60)	1008
Election officers' duties . . . . .	202
Resignation of—To whom given . . . . .	380
State and county—When elected . . . . .	195
Penalties—Ballots—Forgery of . . . . .	414
Certificates of nomination—False . . . . .	414
Electioneering . . . . .	416
Election officers doing prohibited act . . . . .	408
Election officers failing to do duty . . . . .	407
False registration . . . . .	412
False swearing . . . . .	410, 417
Interfering with election conveniences . . . . .	415
Interfering with electors . . . . .	415
Misconduct of officers of primary . . . . .	420
Mutilating registry and poll books . . . . .	409, 413
Registration officers . . . . .	411
Unlawful voting at primary . . . . .	419
Use of intoxicants by election officers . . . . .	418

## INDEX TO ELECTION LAWS

### ELECTIONS—Continued

Polling place—Approach and departure from.....	308
Change of .....	303
Change of polling place—Notice necessary.....	304
Expense of—A public charge .....	306
Order at must be good.....	313
Proclamation of opening and closing .....	312
Public buildings may be used.....	306
Shall not be near saloon.....	302
Space around.....	305
Time kept open.....	311
Who allowed within rail.....	330
Polling precincts—Change of .....	247
Established—By whom.....	245
Failure to hold election in does not invalidate election .....	345
In municipal elections.....	389
Rules for establishment of .....	246
Size of .....	248
Poll list—How kept.....	320
Must show challenges .....	324
Presidential electors—Certificate of election to be served upon them—	
When .....	(Page 59) 166
Compensation .....	(Page 60) 169
Convene—When and where .....	(Page 59) 167
Elected <sup>1</sup> —When.....	(Page 59, Sec. 165) 196
Shall cast vote—When and where .....	(Page 60) 168
Vacancy—How filled.....	(Page 59) 167
Primary defined.....	219
Proclamation—By county commissioners for elections.....	204
Opening and closing polls .....	312
Qualification necessary—To hold office.....	377, 378
Register of election—How kept .....	272
Registration—Hours for.....	256
Of electors—How made .....	253
Prior to election, required .....	249
Public .....	260
Required prior to voting.....	274
Who must register .....	254
Registry agents—File original registry list with county clerk—When..	258
Furnish certificate to absent voter .....	(Page 67)
Give certified registry lists to judges of election .....	264
Hours of registration .....	256
Judges of election are ex-officio .....	271
Keep copies of registry list.....	258
Make copies of registry list .....	257
Meetings of—Time and hours for holding .....	252, 259
Meet to complete registration lists—When.....	259
Municipal election—Duty in .....	392, 394
Certify list—To whom.....	396
Length of meetings .....	395



## INDEX TO ELECTION LAWS

### ELECTIONS—Continued

Registry agents. (Continued.)	
Post list of electors.....	394
Shall meet—When .....	393
Must register—Whom.....	254, 262
Oath of.....	250
Pay of.....	269
Power of .....	270
Shall post notice of meetings—When .....	252
Term of office.....	249
Vacancies— How filled .....	270
When appointed.....	249
Who may be.....	249
Registry lists—Certified copies to be given to judges of election.....	264
Completion of .....	259
Copies to be made .....	257
Correction of.....	260, 261
Disposition of.....	258
Duty of judges when list not received .....	317
How made.....	253
Judges of election shall return list to county clerk—When.....	268
Representative in congress—When elected.....	197
Special election to fill vacancy.....	210
Resignations—Of officers—To whom made.....	380
Returns—Abstracts of to be made when and by whom.....	347
Delivery to—By whom .....	343
Form of.....	342
Informality of delivery does not invalidate vote.....	345
Messenger to be sent for—When.....	346, 350
What shall be counted.....	348
Saloons shall be closed on election day. . . . . (Page 61)	2643
Secretary of state shall certify nominations to county clerks .....	242
Shall certify substituted nominees.....	238
Shall certify questions submitted to voters to county clerks.....	241
Shall certify nominations to county clerks .....	242
Shall give notice to county commissioners of vacancy in office of member of congress .....	211
Must give notice to county commissioners what officers are to be elected .....	206
Shall print election laws—When—And distribute .....	384
Must send messenger for returns—When .....	350
Sheriffs—Furnish voting booths. . . . .	299
Soldiers can not acquire residence. (Constitution, Sec. 8, page 70.)	
Special—Called by whom, and when .....	212, 213, 215
For members of congress to fill vacancy .....	210
For member of legislature to fill vacancy .....	212
How conducted.....	208
Order for—Shall contain what .....	216
When held .....	209

## INDEX TO ELECTION LAWS

### ELECTIONS—Continued

Special. (Continued.)	
Who may vote.....	218
Stickers—Defined.....	240
To fill vacancy after ticket is printed.....	239
Suffrage—	
Constitutional provisions.....	(Page 69)
Supplies—For election—What and by whom furnished.....	207, 290
For registration—What and by whom furnished.....	251
How delivered.....	291
Tie vote—Duty of court in case of.....	371
Effect of.....	368
Procedure in case of—For city officer.....	(Page 61) 1681
Procedure in case of—For county officer.....	369
Procedure in case of—For state officer.....	370
Time—Allowed to elector in which to vote.....	331
For appointing registry agents.....	249
For canvassing returns.....	347, 351
For commencement of election contest.....	355, 362
For filing certificates of nomination.....	233
For filing certificates of nomination by secretary of state.....	242
For filing declination of nomination.....	234
For keeping polling place open.....	311
For laying out election districts.....	244
For printing ballots.....	294
For publication of nominations for office.....	243
Holding of general election.....	195
Limit for call of special election.....	216
Vacancies—After ticket printed—How filled.....	239
Determined by whom.....	217
In elective office—How made.....	381
In nominations—How filled.....	235, 236
In office of judge of election—How filled.....	279
Of office of registry agents—How filled.....	270
What filled at general election.....	199
What filled at special election.....	209
Void—Election void—When.....	373
Voting—Aids to voter—What may be used.....	321
Cards of instruction for voting.....	318
When elector not registered—How he may.....	327
When elector absent from home precinct—How he may.....	(Page 66)
Woman suffrage.....	378

### LAWS OF 1905

Page

Amendment of Sections 2 and 3, Ch. 69, S. L. of 1901.....	65
Councilmen—Terms of—City of 10,000.....	65
Terms of—City of 1,000 to 3,500.....	66
Salaries of—City of 1,000 to 3,500.....	66
Electors—Absent from home precinct may vote anywhere in state—How.....	66
Mayor—Term of—City of 10,000.....	65

INDEX TO ELECTION LAWS

LAWS OF 1905—Continued

Mayor. (Continued.)

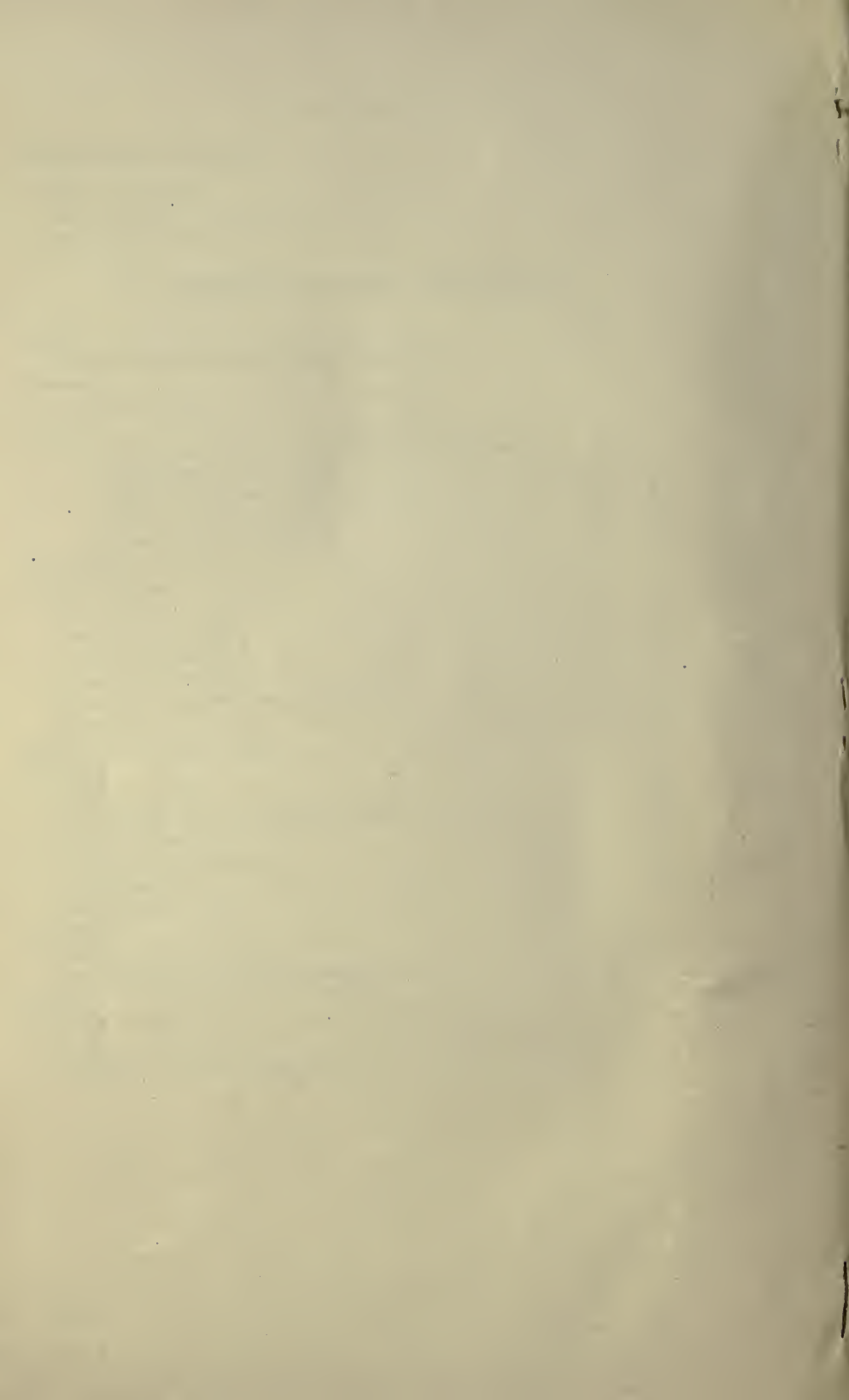
Term of—City of 1,000 to 3,500 .....	66
Salary of—City of 1,000 to 3,500.....	66

CONSTITUTIONAL PROVISIONS

	Sec.	Art.	Page
Arrest—			
Electors privileged from—When—Constitution.....	3	VI.	69
Contests—			
Provision for trial.....	2	VI.	70
Electors—			
Constitutional qualifications of Sections 2, 5, 6, 9 and.....	10	VI.	69-70
Exempt from arrest—When.....	3	VI.	69
Exempt from military service—When.....	4	VI.	69
Residence not lost—When.....	7	VI.	69
Soldiers and seamen are not.....	8	VI.	70
Equal rights.....	1	VI.	69
General elections—When held.....	5	VI.	71
Ballot at.....	11	VI.	70
Open, free and equal.....	27	I.	69
Purity of provided for.....	1	VI.	70
Qualifications for office.....	3	VI.	71
Registration required prior to voting.....	12	VI.	70
Voting at.....	11	VI.	70
Special elections—When held.....	5	VI.	71
Officers—			
Hold over—When.....	4	VI.	71
Not provided for in constitution—How provided for.....	6	VI.	71
Oath of—Form of.....	8	VI.	71
Oath of—How administered.....	9	VI.	72
Qualification of.....	3	VI.	71
Terms begin—When.....	5	VI.	71
Residence—			
Electors—When not lost.....	7	VI.	69
Not acquired by soldiers and seamen.....	8	VI.	70
Rights—			
Equal in elections.....	1	VI.	69
Soldier—			
Residence can not be acquired.....	8	VI.	70











14 DAY USE  
RETURN TO DESK FROM WHICH BORROWED  
**LOAN DEPT.**

This book is due on the last date stamped below, or  
on the date to which renewed.  
Renewed books are subject to immediate recall.

RENEWALS ONLY - Tel. No. 642-3405

ICLF (N)

SEP 5 1968 3 5

REC'D LD OCT 4 '68 - 10 PM

LD 21A-45m-9,'67  
(H5067s10)476B

General Library  
University of California  
Berkeley

JK1963

.W8A3

257191

1906

7c

