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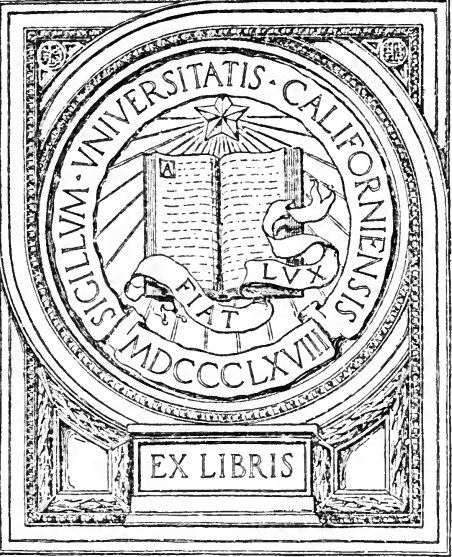
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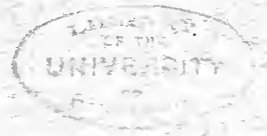


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ELECTION LAWS

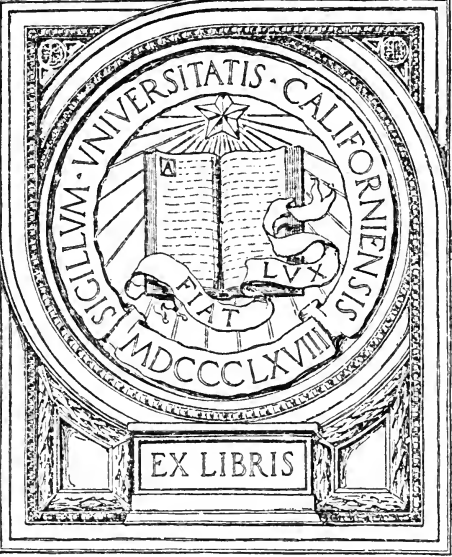
OF THE

STATE OF DELAWARE

Incorporating Recent Amendments Thereto.

PUBLISHED BY AUTHORITY OF A HOUSE JOINT
RESOLUTION BY THOMAS W. MILLER,
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AND



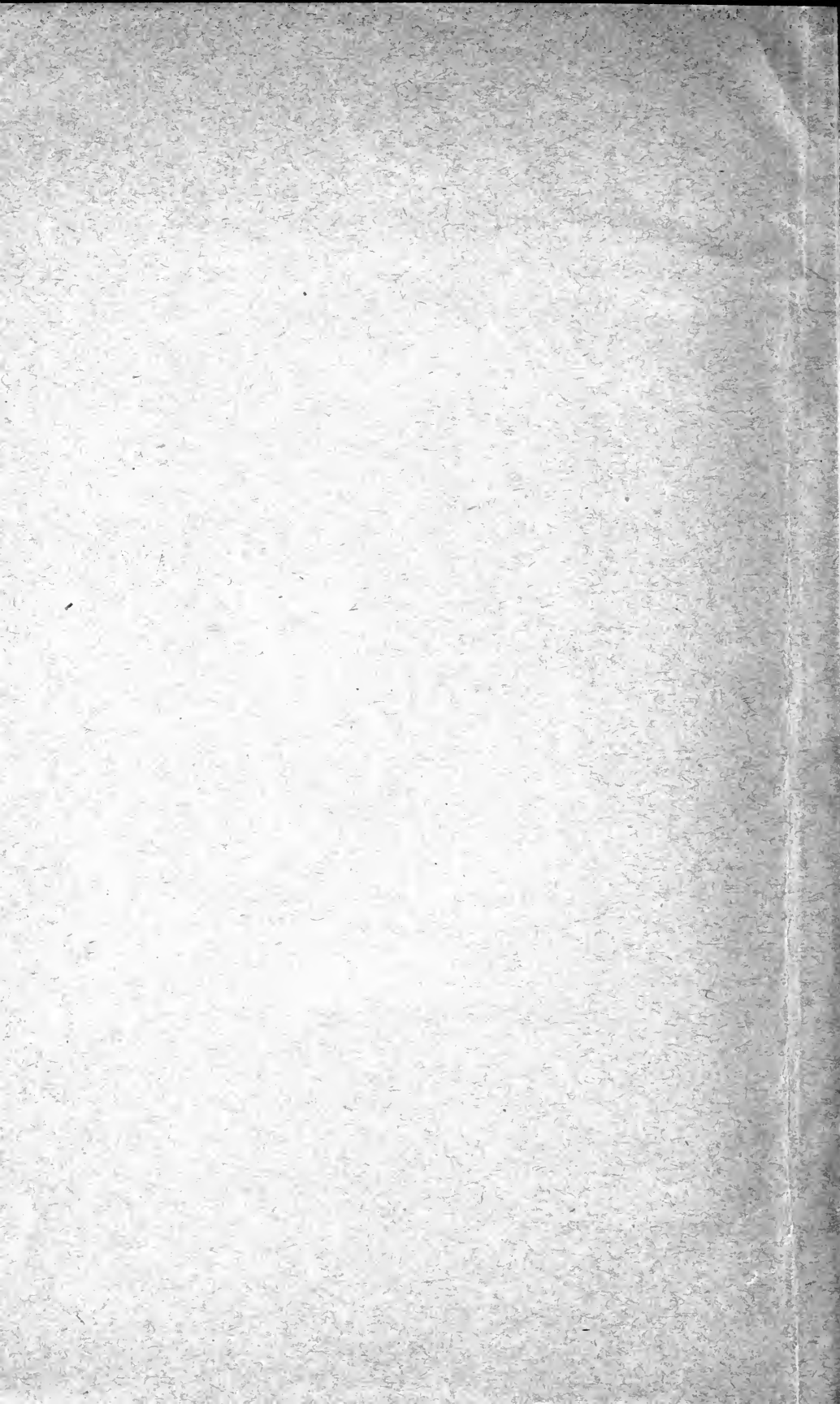
ELECTION LAWS

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Delaware. Laws, statutes, etc.

REGISTRATION
AND
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1913
PRESS OF MERCANTILE PRINTING COMPANY
Wilmington, Delaware

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ANNEX 10

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CHAPTER 313, VOLUME 27.

House Joint Resolution authorizing the Secretary of State to have printed the Election Laws.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the Secretary of State be and is hereby authorized to have printed in pamphlet form with an index thereto, two thousand copies of the Election and Registration Laws with the recent amendments thereto, for the information of those who register the vote and hold the elections of this State.

Approved, March 7, A. D., 1913.

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PREFACE

In compliance with House Joint Resolution authorizing the publication of two thousand copies of the Election and Registration Laws, I have included the recent amendments thereto, since the publication of the first compilation thereof, together with Chapter 393, Volume 20, being "An act to provide for the purity of Primary Elections in New Castle County," making the present Volume in all respects similar to the previous publication of Election and Registration Laws, except that I have included in one pamphlet all of the said Laws, whether applicable to the City of Wilmington or the State outside of said City.

The especial attention of the Registrars and Election officers generally is called to the amendments made in the books styled "Registers" as to "color" and "age," found in Chapter 64, Volume 22, and to "Registration Fee," found in Chapter 66, Volume 24; to the amendment made providing for the marking of official ballots by indelible black lead pencils or crayons instead of stamps, published herein in Chapter 62, Volume 22; to an Act relating to appeals from decisions of Registrars published as Chapter 56, Volume 23; to an act changing time for opening polls in City of Wilmington, published as Chapter 57, Volume 23, and to an Act changing time for registering of voters, published as Chapter 46, Volume 26; to "An act to further provide for the secrecy and purity of the ballot", published as Chapter 65, Volume 27; to an act extending the provisions of the New Castle County Primary Law to Kent and Sussex Counties.

THOMAS W. MILLER,

Secretary of State.



7

CHAPTER 35, VOLUME 21.

AN ACT Concerning the Appointment of Registration Officers and the Preparation and Delivery of Registration Books.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. The Governor shall, sometime in the month of June in each year in which a general election is held, appoint in each election district in this State, outside of the City of Wilmington, three capable persons, who shall be voters and residing in the Election District for which they shall be appointed, who shall be registration officers of the Election District for which they are appointed; one of whom shall be designated as "Registrar", and the other two "Assistant Registrars", and not more than two of them shall be of the same political faith; provided, that the number of registration officers in each Representative District, shall be divided as equally as possible between the two leading political parties, as the same shall be determined upon by the Governor at the time of making the appointments. For each appointment accredited to any political party under this section the County Executive Committee of such political party shall furnish the Governor on or before the first day of June of the year in which said appointment is to be made a list of three names of properly qualified persons, from which lists the Governor shall make his appointments. Provided, however, that if the said lists of names are not furnished as aforesaid, then and in that event the Governor shall appoint some suitable person or persons of such political party having all the qualifications provided by this section

Governor to appoint Registration Officers

Number

Qualifications

Designation

Politics

Apportionment between two leading parties

Recommendation of names

Time of furnishing names

Failure to furnish names

Provided, however, that in the case of the Registration officers to be appointed in this present year eighteen hundred and ninety-eight, the appointment of the said Registration officers shall be made sometime between Saturday, the eleventh day of June, and Saturday, the twenty-fifth day of June in said year; and provided, further, that the lists of names to be furnished by the County Executive Committees from which the appointments of such Registration officers shall be made, with regard to those to be appointed in the year aforesaid shall be furnished not later than Saturday, the 11th day of June in the year aforesaid. The terms of office of such Registration officers shall begin on the first Tuesday in July next after their appointment, and shall

Registration officers for 1898

Time of appointment

Time of furnishing names

Term of Office

continue for two years thereafter, and until their successors shall be duly chosen and qualified.

Governor to appoint Alternate Registrars

I. It shall be the duty of the Governor, when appointing Registration officers for the several election districts of this State, at the same time to appoint in each election district in the State outside of the City of Wilmington, one capable person, who shall be a voter and resident in the election district for which he shall be appointed, to be "Alternate Registrar" for the said election district.

Term of Office
When Alternate Registrar acts

The term of office of said "Alternate Registrar" shall be the same as that of the Registrar, and whenever the Registrar provided for by this Act shall be incapable from any cause whatsoever of performing the duties required of him by the laws of this State, the "Alternate Registrar" in the same election district shall act in his stead, and while acting shall possess all the powers and do and perform all the duties of a Registrar.

Powers and duties

When Alternate cannot act

II. But nothing herein contained shall authorize or empower the Alternate Registrar to act at any time when there is a Registrar of the election district able and willing and present to act.

Vacancies in office of Registration officers

If any Registration officer or Alternate Registrar shall remove from the election district for which he shall be appointed, or shall cease to be a voter therein, his office thereupon become vacant.

Governor to fill vacancies for residue of term

III. If any vacancy or vacancies should occur in the office of Registrar, Assistant Registrar, or Alternate Registrar before the expiration of such term, from any cause whatsoever, the Governor shall appoint some suitable person or persons to fill such vacancy or vacancies, who shall serve for the residue of such unexpired term or terms, who shall possess the same qualifications and be qualified in the same manner, possess the same powers and perform the same duties as the original appointee or appointees.

Qualifications

Each Registrar, Assistant Registrar and Alternate Registrar appointed for an election district outside the City of Wilmington, before entering upon the duties of his office, shall take and subscribe before the Clerk of the Peace of the County in which he shall reside, *each Registrar, Assistant Registrar and Alternate Registrar appointed for an election district in the City of Wilmington before entering upon the duties of his office, shall take and subscribe before the Department of Elections for the City of Wilmington, the following oath or affirmation which the said Clerk of the Peace is hereby authorized to administer:

Oath

Form of oath

"I, residing in..... Election..

* Amended. See Chapter 43, Volume 26.

District of, Representative District in
 County, do solemnly swear (or affirm) that I will support the
 Constitution of the United States, and the Constitution of the
 State of Delaware, and that I will faithfully discharge the duties
 of the office of Registrar (or Assistant Registrar or Alternate
 Registrar) for Election District in Represent-
 ative District in County, faithfully, honestly,
 fairly, impartially, and according to the best of my ability; that
 I am a citizen of the United States, and of the State of Dela-
 ware, and am not a candidate for any office to be voted for by
 the electors of the election district for which I am appointed
 Registrar (Assistant Registrar or Alternate Registrar), and that
 I am a qualified voter in said election district."

IV. Should the said Registrar (Assistant Registrar or either
 of them or Alternate Registrar) after taking said oath and before
 entering upon the active duties of said office become a candi-
 date for any office to be voted for by the electors of the election
 district for which he is appointed Registrar Assistant Registrar
 or Alternate Registrar, the said office shall ipso facto become
 vacant and be filled by the appointment of another person to
 the same. After any Registrar, Assistant Registrar or Alternate
 Registrar shall have entered upon the active duties of his office
 he shall thereby become ineligible to any office to be voted for at
 the next ensuing general election.

becoming Can-
 didate for office
 to create a
 vacancy

Filling
 Vacancies

Officers to be
 ineligible to
 office

Section 2. Each and every person appointed as aforesaid
 to act as Registrar, Assistant Registrar or Alternate Registrar
 shall qualify as such Registrar, Assistant Registrar or Alternate
 Registrar by taking or subscribing the oath or affirmation pre-
 scribed in the preceding section, within ten days after being noti-
 fied of his appointment, and shall perform the duties of the office
 for the term for which he was appointed, unless he shall become
 disqualified by sickness or otherwise; but any Registrar, Assis-
 tant Registrar or Alternate Registrar who shall be appointed to
 fill a vacancy shall qualify forthwith.

Qualification by
 oath

Time
 Must Act

If any Registrar, Assistant Registrar or Alternate Registrar
 who, being appointed either for a full term or to fill a vacancy,
 shall refuse to qualify as aforesaid, or, having qualified, shall
 fail or refuse to perform any of the duties of said office he shall
 forfeit and pay to the State a fine of one hundred dollars upon con-
 viction thereof by indictment in the Court of General Sessions
 of the county where such offence was committed.

Refusal to qual-
 ify and act

Penalty

The Registration officers aforesaid during the time they
 hold such office shall be exempt from the performance of military
 and jury duty, and no person who by the laws of this State is

Exemption
 from Jury or
 Military duty

Exemption from serving as Registration officers exempt from jury duty shall be required to serve as Registration officer.

Preparation of books Section 3. It shall be the duty of the Governor to cause the following books to be prepared, at the expense of the State, for the use of the said Registration officers in each election district in this State including those in the City of Wilmington for the registration of names and facts following, to wit:

Registers I. Two books for the Registration officers in each election district, including those in the City of Wilmington, to be known by the general name of "Registers", and to be so arranged as to admit of the convenient entry of the following particulars:

Entries First. The name of the person applying to be registered, written in full (or his first christian name, and also any other name by which he is generally known, written in full, with the initial or initials of any other name or names which he may have in addition thereto.)

*Second. Whether his registration fee is paid or unpaid.

**Third. His color.

***Fourth. His age.

Fifth. The place of birth.

Sixth. The place of his residence, of street and number, if any, and his post office address.

Seventh. The time of his residence in the State, county and election district in which he shall apply to be registered.

Eighth. If naturalized.

Ninth. If registered voter.

Tenth. If disqualified.

Eleventh. Date of application for registration.

Twelfth. If challenged.

Thirteenth Cause of challenge.

Fourteenth. Appeal.

Fifteenth. Remarks, explanatory and supplementary.

Style of books II. Such Registers shall be uniform in their general character, shall be ruled in parallel columns, and shall be of such size as to contain not less than fifteen hundred names.

Ruling and headings III. The ruling and the heading in the above described Registers shall be substantially in the form following, to wit:

..... Name.....
.....****Registration Fee

* Amended. See Chapter 66, Volume 24.
** Amended. See Chapter 64, Volume 22.
*** Amended. See Chapter 64, Volume 22.
**** Amended. See Chapetr 66, Volume 24.

.....	*Color	
.....	**Age.....	
.....	Nativity.....	
.....	Residence.....	
.....	State.....	} Term of Residence.
.....	Election District.....	
.....	County.....	
.....	Naturalized.....	
.....	Registered Voter.....	
.....	Disqualified.....	
.....	Date of application.....	
.....	If challenged.....	
.....	Cause of challenge.....	
.....	Appeal.....	
.....	Remarks.....	

Second. Two books for the Registration officers of each election district, to be known by the name of "Books of Registered Voters." Lists of all persons whose names may be entered on the aforesaid as "registered voters". Said books to be ruled in parallel columns and so arranged as to admit of the convenient entry in alphabetical order of the name of every person who may be entered on the registers aforesaid as a "Registered Voter," and in the parallel column opposite the name of such person the following particulars, to wit:

First. His residence.

*Second His color.

**Third. His age, if he is between the age of twenty-one and twenty-two years on the day of the next general election.

***Fourth. A book to be known as "Registration Certificates," to contain not less than fifteen hundred blanks and printed in manner and form as hereinafter provided

****Section 4. The Sheriff of each County shall sometime previous to the first Saturday in the month of July, in the year of holding the General Election, deliver to the Registrar of each election district of his County, two of the books known as "Registers", two of the books known as "Books of Registered Voters", and a book of Registration Certificates hereinbefore provided

* Amended. See Chapter 64, Volume 22.
 ** Amended. See Chapter 64, Volume 22.
 *** Amended. See Chapter 47, Volume 26.
 **** Amended. See Chapter 44 and 47, Volume 26.

Shall not deliver books in the City of Wilmington

Governor shall deliver to the Department of Elections

Department of Elections shall one week before registration day, deliver to the several Registrars

Governor shall cause all the books to be delivered to Sheriff and Department of Elections before the first Tuesday in July

Endorsement on books by Registrars

for; provided however, that the Sheriff of New Castle County shall not deliver said books for the several election districts in the City of Wilmington to the Registrars of each election district in said City, but the Governor shall, previous to the first Saturday in July of every General Election, deliver to the Department of Elections for the City of Wilmington two of the books known as "Registers", two of the books known as "Books of Registered Voters", and a book of Registration Certificates hereinafter provided for; and provided further, however, that the Department of Elections for the City of Wilmington, shall, within one week before the first day of registration of voters in the year of every General Election deliver to the Registrar of each Election district in the City of Wilmington two of the books known as "Registers", two of the books known as "Books of Registered Voters" and a book of Registration Certificates hereinafter provided for; all of which said books addressed to the Registrar of each election district of the County, the Governor shall cause to be delivered to the Sheriff in each of the Counties of this State and to the Department of Elections for the City of Wilmington, respectively, on or before the first Tuesday in July in the year of holding the General Election.

Section 5. Each of the said Registrars immediately upon receiving said "Registers", "Books of Registered Voters" and book of "Registration Certificates", shall endorse upon the back and write at the head of each "Register", "Book of Registered Voters", and "Registration Certificates", delivered to him as aforesaid, the name of the county and the name of the election district of such county of which he is a registrar and of which such books shall respectively be the "Registers", "Books of Registered Voters" and book of "Registration Certificates" as aforesaid.

Section 6. All acts and parts of Acts supplied by or inconsistent with this Act are hereby repealed.

Approved May 20, A. D. 1898.

CHAPTER 36, VOLUME 21.

AN ACT Providing for a Uniform System of Registration of all Qualified Voters in this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That for the purpose of preventing fraud at all elections held on the Tuesday next after the first Monday in the month of November, as provided by Section 1 of Article 5 of the Amended Constitution, and facilitating the ascertainment of those who are duly qualified electors according to the said amended Constitution and laws of this State, there shall hereafter be a general registration of all the qualified voters resident in each election district of this State.

Section 2. It shall be the duty of the Registrar and two Assistant Registrars appointed in each election district in this State to register the names of all qualified voters in each of such election districts as hereinafter provided in this Act. And to that end shall sit for the purpose of ascertaining and registering the persons who are qualified to enjoy the right of an elector at the general election then next following, at such public and suitable places in their respective election districts as will, in their judgment, be most convenient for the voters thereof, from 8 o'clock A. M. until 7 o'clock P. M., with an intermission from 12 to 1 o'clock, on the third Saturday in July and the first and second Saturdays in August, and on the third Saturday in September, and on the third Saturday next preceding the day of election, provided, however, that in the City of Wilmington, the Department of Election for the City of Wilmington, shall at least ten days prior to the first day set for the purpose of Registration as aforesaid, give the public notice by advertisements, posted in ten or more of the most public places in each election district, in the City of Wilmington, of the places where the registration officers shall sit for Registration of voters as aforesaid, and the day or days when they will sit at each of said places.

Each of said Registrars, at least ten days prior to the first sitting for the purpose of registration as aforesaid, shall give public notice, by advertisement, posted in ten or more of the most public places in his election district, of the places where

the Registration officers shall sit for the registration of voters as aforesaid, and the day or days when they will sit at each of said places.

Persons who
are admitted
in room

Section 3. The Registration officers shall admit into the room in which registration is being made one suitable person to be selected by and to represent each of the political parties having tickets to be voted for at the coming election the applicants for registration (one at a time) and such witness or witnesses as the applicant may desire to establish his right to be registered, and such witness or witnesses as the person who challenges the right of any applicant to be registered as he may name provided, however, that in no case shall there be more than one witness in the room at the same time, and provided further that no other person or persons shall be admitted into the room during the registration of voters, and they may eject from the room any of such persons behaving in a disorderly manner.

Limitation of
witnesses in
room

Other persons
not admitted

Ejecting
persons

Registration
officers to meet

Section 4. The Registrar and the Assistant Registrars in each election district in this State shall at the times in this Act designated for registration meet in their respective election districts at the places which, as provided in this act shall be designated for such meeting, and at such times shall do and perform the following acts, viz.

Collection of
Registration
fee

*First. Upon the personal application of any one to be registered, it shall be the duty of the Registrar to demand and receive of the applicant, the registration fee of one dollar, which shall be returned to the said applicant if his name shall not be entered on the books of Registered Voters as a "Registered Voter".

Recording
name of
applicant

Second. They shall record in the registers in the column head "name" the name of every male person who shall personally appear before them, and apply to be registered, writing his surname and first christian name in full and also any other name by which he is generally known, with the initial or initials of any other name or names which he may have in addition thereto, the surname being written first. The names of said applicant for registration shall be numbered consecutively in the order of their application, the number being entered on the Registers in figures immediately before each name.

Examination of
applicants and
entries

Third. They shall examine all persons, who personally apply, as to their qualifications as electors, and shall immediately

enter in the Register the statements and facts below set forth, and in the manner following, viz.:

**I. In the column headed "Registration Fee" the word ^{Registration} "paid" or "unpaid", as the case may be. fee

*II. In the column headed "color", they shall enter his ^{Color} color.

*III. In the column headed "age", the age of the appli- ^{Age} cant

IV. In the column headed "nativity", they shall enter the ^{Nativity} State, territory or country in which the applicant states he was born.

V. Under the column "residence" the name and number ^{Residence} of the street, avenue, or other location of the dwelling, if there be a number, and if there shall not be a number, the post office of the person so applying for registration, or such other clear and definite description of the place of said dwelling as shall enable it to be readily ascertained, fixed and determined.

VI. In the subdivision of the column headed "term of resi- ^{Term of} dence" how long he has resided in the State, how long in the residence County and how long in the election district in which he applies to be registered.

VII. In the column headed "naturalized" the words "yes" ^{Naturalization} or "no" or "native" as the facts shall appear.

VIII. In the column headed "registered voter", if the ^{Registered} registration officers shall be satisfied, upon examination or other- voter wise, that the applicant for registration is entitled to be registered as a registered voter, they shall write his name in full as written in the first column.

IX. In the column headed "disqualified", if they are satis- ^{Disqualified} fied upon examination or otherwise, that the applicant for registration is disqualified as an elector in the election district in which he shall apply to be registered, a line shall be heavily drawn in ink opposite his name headed "Registered Voter" and the cause of his disqualification shall be briefly stated in the column headed "disqualified", opposite his name as first recorded.

** Amended. See Chapter 66, Volume 24.

* Amended. See Chapter 64, Volume 22.

** Amended. See Chapter 64, Volume 22.

and a line shall be drawn across his name as first entered, but in such manner that said name shall remain legible. Provided, that every applicant for registration shall, upon payment of the *registration fee, be held and considered to be a qualified voter, if he be a male citizen of this State of the age of twenty-one years and upwards, or who will be the age of twenty-one years on or before the day of election, next succeeding his registration, and will have resided in this State one year next before such election, and for the last three months thereof will have been a resident of the county, and for the last thirty days a resident of the election district in which he may offer to vote and in which he shall have been duly registered; provided that no person in the military, navy, or marine service of the United States shall be considered as acquiring a residence in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no idiot, or insane person, pauper, or person convicted of a crime deemed by law a felony or, person who shall have been rendered incapable of voting by reason of violating Section 7 of Article 5 of the Constitution of this State for ten years next following his conviction and sentence thereunder, shall be held or considered a qualified voter.

Qualifications for registration as qualified voters

Who may not acquire residence

Disqualifications

Date of application

X. In the column headed "Date of Application", they shall enter the day of the month and year on which application for registration is made.

Challenges

XI. In the column headed "if challenged" the words "yes" or "no".

Cause of Challenge

XII. In the column headed "cause of challenge", they shall enter the objections and by whom made.

Appeal

XIII. In the column headed "Appeal" they shall answer "yes" or "no".

Remarks

XIV. In the column headed "remarks" they may enter such facts or statements as they may deem pertinent to the qualification or disqualification of the applicant as an elector.

Postponement of registration of applicants in case of doubt

Fourth. In making the entries hereinbefore specified the Registration officers shall in every case, make such entries in the columns above specified opposite the name of the applicant to whom such entries are intended to apply, if the Registration officers shall be in doubt, after the primary examination of the

* Amended. See Chapter 66, Volume 24.

applicant for registration, and upon such evidence as may be immediately obtainable, whether such applicant ought to be registered as a registered voter, they may postpone the determination of the matter to their next sitting or to a later sitting at the request of the applicant.

Fifth. It shall be the duty of the Registration officers of each and every election district in this State, upon the close of each day's registration, to write in the line on their registers, immediately below the last person registered on said day the words "end of the.....day's registration," and immediately under said entry the said Registration officers shall sign their respective names with the proper designation of their office. The said entries shall in no way interfere with the numbering of the names of the persons as the same shall be entered upon said registers, but the same shall be continued as if the said entries had not been made.

Signing each day's registration
Not to interfere with numbering of names

Section 5. If, upon the personal application of any one to be registered, he shall be challenged for having received or accepted, or for having offered to receive or accept or for having paid, transferred or delivered, or for having offered or promised to pay, transfer or deliver, or for having contributed or offered or promised to contribute to another to be paid or used any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, it shall be the duty of the Registrar to administer to the person so challenged an oath or affirmation as follows, viz.:

In case of challenge for bribery, etc., oath to be administered

"You do solemnly swear upon the Holy Evangels of Almighty God (or 'You do solemnly, sincerely and duly declare and affirm') that you have not received or accepted or offered to receive or accept, or paid, transferred or delivered, or offered or promised to pay, transfer or deliver, or contributed or offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register at the registration for this present year, so help you God" (or "so you do solemnly, sincerely and truly declare and affirm").

Form of oath

Such oaths or affirmations shall be conclusive evidence to the Registration officers of the truth of such oath or affirmation; but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury, and on conviction

Oath to be conclusive evidence
False oath perjury

Refusal to make oath

thereof shall bar any prosecution under Section 8 of Article 5 of the Amended Constitution. If any person so challenged as aforesaid, shall refuse to make the oath or affirmation above prescribed, then it shall be the duty of the Registration officers to cause a line to be heavily drawn in ink opposite his name in the column headed "Registered Voter", and the column headed "Disqualified" to insert the words "disqualified for refusing to make the oath concerning bribery at registration," opposite his name as first recorded, and a line shall be drawn across his name as first entered, in such manner that said name shall remain legible.

Entry of dis-qualification

Entries in books of registered voters in presence of applicant

Section 6. When the Registration officers of any election district in this State, at any of the sittings hercinbefore provided for, shall enter in the Registers the name of any applicant for registration as a registered voter, they shall immediately thereafter enter, in the presence of such applicant, if he remains in attendance, in its proper alphabetical place in the "Book of Registered Voters", heretofore provided for, the name of such applicant, and also his residence, and color, and his age, if he will be between the ages of twenty-one and twenty-two on the day of the next following general election.

*II. * * * *

Printing of alphabetical lists of registered voters

III. The said Registration officers shall within one week after the third sitting as aforesaid cause to be printed not less than fifty copies of the alphabetical lists of registered voters as contained in the "Book of Registered Voters", together with the entries opposite the names in said books, and shall within the said week cause one of said printed copies of each of said lists to be posted in at least ten of the most public places in their election district, and shall use the remaining copies in such a manner as in their judgment will be most likely to secure publicity and general inspection; provided, however, that in the City of Wilmington, the Department of Elections for the City of Wilmington shall within one week after the third sitting of the registration officers as aforesaid, cause to be printed not less than twnety-five copies of the alphabetic lists of registered voters of each election district in the City of Wilmington as contained in "Book of Registered Voters," together with the entries opposite the names in said books, and shall within the said week cause one of said printed copies of each of said lists to be posted in at least ten of the most public places in the election district, and shall use the remaining copies in such a manner as in their

Posting of lists

Shall have printed lists of registered voters

Shall be publicly posted

* Amended. See Chapter 47, Volume 26.

judgment will be most likely to secure publicity and general inspection.

Five copies of the alphabetical list of Registered voters for each District shall immediately be delivered to the County Committees of each of the two leading political parties, by the persons who caused the same to be printed. Copies of lists to be delivered to County Committees

Section 7. Upon the affidavit of a legal voter in an election district, made before any person authorized by the laws of this State to administer oaths and represented to the Registration officers of the election district, of which said affiant is a voter, that in his opinion any person (naming him) is illegally registered in such election districts as a registered voter and setting forth the reasons therefor, it shall be the duty of the Registration officers to examine into the matter of the registration of such persons, and, if said Registration officers deem it a proper case for a hearing, notice shall be given to such person, either personally or in writing, in the manner hereinafter provided, to appear before the said Registration officers at their next sitting to show cause why his name shall not be stricken from the "Books of the Registered Voters" of such election district. And if upon examination and inquiry the Registration officers shall be satisfied, at the sitting at which such person had notice to appear, that he ought not to be registered as a registered voter, a heavy line shall be drawn in ink through his name in the column headed "Registered Voter", and a line shall be drawn through his name as first entered, but in such manner as said name shall remain legible, and the cause of his disqualification shall be briefly stated in the column headed "Disqualified," and in the column headed "Remarks", opposite his said name shall be written the words, "adjudged disqualified on revision by the Registration officers," and the date when his disqualification was ascertained as aforesaid and in the books of "registered voters" a heavy line of ink shall be drawn through his name, his residence, his color and his age. Review of decision of registration upon affidavit
Hearing Notice of
Entries in case of decisions to strike off name

Section 8. If any person registered as a registered voter, in any election district in this State, shall, after he is so registered, remove from the district in which he is so registered to any other district in the county, he may apply in person to the registration officers of the election district in which he is registered and have his name stricken from the "Registers" and from the "Books of Registered Voters" in which his name shall appear, and may obtain from said registration officers a certified copy of the entries in the register relating to him, together with a certificate that his name has been stricken from the register and books Removal from District in which registered
Application to officers
Certified copy entries and certificate

of registered voters, as aforesaid; and it shall be lawful for him, after his name shall be so stricken from said registers and book of registered voters, to cause himself to be registered in the election district to which he may have removed upon producing the aforesaid certificate and copy of entries in said registers and books of registered voters; provided that by the next following general election he will have acquired in the election district to which he has removed the residence required by the constitution. And the registration officers to whom such persons may apply to have his name stricken from the registers and books of registered voters shall draw a line in ink through his name and all the entries opposite his name in said registers and books of registered voters, and in the column in the registers headed "remarks" shall enter "removed from this election district into election district in this County," and shall prepare and deliver to him the certified copy of entries and the certificate aforesaid.

Registration in other district

Proviso as to residence

Entries in case of such application

Quorum and acts of registration officers

Section 9. At every sitting of said Registration officers two shall constitute a quorum and the acts of a majority shall be as valid as the acts of all of them.

Written notice what sufficient

II. In all cases where written notice is required by this act to be given to any person such notice shall be deemed sufficient if addressed to the person to be notified at the postoffice named by him, at the time of his application for registration, and deposited in the mail not later than the Wednesday next preceding the sitting of the Registration officers at which he may be notified to appear.

Comparison of Registration Books

Section 10. It shall be the duty of the Registration officers, immediately after the close of their last sitting, carefully to compare the two Registers, and see that they agree with each other in every particular, and also to compare the alphabetical lists of "Registered Voters" as contained in the "Books of Registered Voters" aforesaid, with the said Registers, and to see that the name of every person entered upon the Registers as a Registered Voter is entered in its proper alphabetical place on each of the two lists of Registered Voters, together with the residence and color, and also the age if it be between the ages of twenty-one and twenty-two years on the day of the next general election, as entered on the Registers. And if any name in the Registers which ought to have been entered on said alphabetical lists of Registered Voters shall have been omitted therefrom, it shall be the duty of said Registration officers to enter such name in its proper alphabetical place, on the proper alphabetical

Entry of omitted names

lists, together with the proper entries as they appear on the said Registers.

II. And it shall be the further duty in such comparison of the alphabetical lists with the Registers to make such corrections on the alphabetical lists as will make the names and entries appearing on the alphabetical lists agree with the same names and entries as entered on the registers. It shall also be the duty of the said Registration officers, within three days after their last sitting, to append to each of said alphabetical lists of "registered voters" contained in said "Books of Registered Voters" a certificate, verified by the oath or affirmation of said Registration officers, or at least two of them, that the said "Book of Registered Voters" contain a complete list of the registered voters of said election district, as the same are entered in the "Books of Registered Voters" of such election district.

Correction o
books

Certificate to be
appended to
books

III. And the said Registration officers shall, within the three days aforesaid, also append to the registers of their election districts a certificate that each of said Registers is the official Register of such election district, and, so far as with'n their knowledge, no false or improper entries have been made therein, which certificate shall be made and verified by at least two of said Registration officers.

Certificate to
be appended to
Registers

Section 11. From the decision of the Registration officers granting or refusing registration, or striking or refusing to strike a name or names from the Registration lists, any person interested, or any Registration officers may appeal to the Resident Associate Judge of the county, or in case of his disability or absence from the county, to any judge entitled to sit in the Supreme Court, whose determination shall be final, and in order to prosecute said appeal it shall be the duty of the person taking the same to notify the "Registrar" of the election district from the decision of whose officers said appeal is taken stating in said notice the time when said appeal will be presented to the resident Associate Judge of his county or such Judge of the Supreme Court as may sit for the purpose of receiving and hearing such appeal which time shall be one of the days hereinafter named for such resident Associate Judge or Judge of the Supreme Court to sit for the purpose of receiving and hearing appeals.

Appeal to Resi-
dent Associate
Judge or other
Judge

Decision final

Notice to
Registrar

Time of hearing
appeal

*Sections 12, 13 and 14. * * * * *

* Amended. See Chapter 45, Volume 25.

Duties of assistant Registrars to make entries

Section 15. It shall be the duty of the assistant registrars in this Act provided for to make all the proper entries in the "Registers" and "Books of Registered Voters" as the same are required by this Act to be made, except such entries as are provided for in Section 16 of this Act; and it shall be the duty of the registrar, in addition to the other duties required of him, to fill up, prepare and deliver all certificates of registration that may be required by registered voters, and to receive and file all affidavits which may be filed.

Additional duty of Registrars

Sitting of Judges to hear appeals

Section 16. It shall be the duty of the resident Associate Judge of New Castle County to sit at the Levy Court room of New Castle County, and the resident Associate Judge of Kent County to sit at the Levy Court of Kent County, and the resident Associate Judge of Sussex County, to sit at the office of the Clerk of the Peace for Sussex County, or if said places cannot conveniently be had, then at such proper and suitable places in the county seat of the respective counties of this State as shall be designated by notice signed by the said resident Associate Judge of his county, and posted on the door of the respective places aforesaid, stating where he will sit for the purpose of hearing appeals from the decision of the Registrars in the respective election districts in this county on *Thursday next following the third Saturday of August, in the year in which registration is required by law to be made, at 10 o'clock in the morning of said day, on which day he shall receive appeals from such persons as shall have appealed from the decision of the Registration officers of the respective election districts in his county, which shall be presented on said day, and he shall proceed to hear all appeals which shall have been filed as aforesaid on said day, and may continue the hearing of any such appeal or appeals from day to day during the remainder of the week, and shall sit again on the *Tuesday next following for the purpose aforesaid, to hear and determine such appeals as shall not have been acted upon the *previous week, and also such as may be presented and filed on said last mentioned day, and may continue the hearing of any appeal or appeals then unheard from day to day during the remainder of the week, and until all appeals which shall then have been filed shall have been heard and decided. The said resident Associate Judge shall again sit for the purpose of hearing appeals as aforesaid on the Tuesday next following the last day of registration as provided for in this Act, to receive appeals from such persons as shall have appealed from the decision of the Registration officers of the respective election district

Time of sitting in August

Hour

Hearing appeals

Sitting in September

in his county as aforesaid, made on the said last day of registration, and any other appeal or appeals which for any cause he may have continued from a preceding sitting, and shall proceed to hear all appeals which shall have been filed as aforesaid, and may continue the hearing of any such appeal or appeals from day to day during the remainder of the week, and shall sit again on the Tuesday next following, for the purpose aforesaid, to hear and determine such appeals as shall not have been acted upon the previous week, and also such as may be presented and filed on said last mentioned day, and may continue the hearing of any appeal or appeals then unheard from day to day during the remainder of the week, and until the close of the day next preceding the day of the election: *provided, that all appeals which shall have been taken from the decision of the Registration officers made at their sittings in August and September, and which shall be presented to the resident Associate Judge at his sitting on the Tuesday next after the last day of registration as aforesaid to hear appeals, shall not be received and acted on unless the appellant shall make oath before the said resident Associate Judge that the delay in presenting his said appeal was not for the purpose of hindering or delaying the said resident Associate Judge or the officer of registration in his election district in the discharge of the duties imposed upon them respectively under the provisions of this Act.

Oath that delay
in presenting
appeal was not
to hinder or
delay

II. No appeal shall be received and acted upon by the resident Associate Judge unless the appellant shall, at the time of presenting his appeal make an affidavit, that notice of his intention to present his appeal on this day was served upon the Registrar of his election district; any person applying to the said resident Associate Judge to have any name appearing on the register and books of registered voters in his election district in any manner incorrect to be corrected shall notify the Registrar of the election district on whose books such name is incorrectly entered of his intention to make application for the correction thereof, so that the said Registrar shall and may be present with his register and books of registered voters to make such corrections therein as the said resident Associate Judge shall order and direct; provided, that no correction shall be ordered to be made by the said resident Associate Judge unless he shall be satisfied by the oath of the applicant or otherwise that notice of the intended application for correction shall have been given to or served upon the Registrar of the appellant's

Affidavit of
notice of appeal

Notice to regis-
trar of appli-
cation for
corrections

* Amended. See Chapter 56, Volume 23.

Serving of
notice

election district of his intention to make said application. All notices required to be given or served by the provisions of this section upon any Registrar shall be given or served personally at least three days before the application is made or by leaving, in the presence of an adult male person, a written copy of such notice at the usual place of abode of such Registrar, at least three days before the application shall be made, and no application for correction or for the hearing of an appeal shall be heard upon any day which is set apart by this Act as a day for the registration of voters

Application for
correction or
appeals not to
be heard on
day of
registration

Order of Judge
for making
entries

III. Upon the decision of the respective resident Associate Judges on each and every appeal, the resident Associate Judge making the decision shall order and direct the Registrar of the election district from the decision of whose Registration officers the appeal shall have been taken, and who shall be present with his "Registers" and "Books of Registered Voters" as hereinafter provided, to make such entries in his "Registers" and "Books of Registered Voters," as such Registrar is authorized by the provisions of Section 4 of Article V of the Constitution of this State and by the provisions of this Act to order and direct to be made and as are required by law to be made in said "Registers" and "Books of Registered Voters" by the Registration officers in case where a person is entitled to be Registered as a Registered Voter, upon the payment of the Registration fee as hereinbefore provided, or as any one who is disqualified.

Duties of Resi-
dent Judge to
apply to Judge
of Supreme
Court sitting in
place of such
Resident Judge

IV. All duties which are imposed upon the resident Associate Judge of the County by the provisions of this Act and especially of this section shall be and they are hereby imposed upon and required to be performed by such Judge of the Supreme Court as shall at any time be sitting in any of the Counties of this State for the purpose of hearing appeals under this Act in lieu of the resident Associate Judge of the County when he shall be unable to sit either from disability or absence from the County.

Registrar to be
custodian of
books

Section 17. In order that the Registrar in each and every election district in this State, may be enabled to perform the duties especially required of him by this Act, he shall retain and keep possession of and be responsible for the "Registers" and "Books of Registered Voters" and book of registration certificates of his election district at all times excepting when being used by the Registration officer of his election district for the purpose of registration; and it shall be his duty to attend

and be present at all hearings of which he had notice before the resident Associate Judge of the County or such Judge of the Supreme Court as may be sitting for that purpose, of appeals which shall have been taken from the decision of the Registration officers of his election district and also upon the hearing for the correction of any name or names on his "Registers" or "Book of Registered Voters" improperly omitted or improperly appearing or in any manner incorrect thereon, and to have with him the said "Registers" and "Book of Registered Voters" and to make such entries in said books respectively as said resident Associate Judge or Judge of the Supreme Court for the purpose of hearing such appeals and make such corrections, may order and direct.

Attendance at hearing of appeals

Section 18. All the powers and duties conferred or enjoined upon Registrars by any of the provisions of this Act, are hereby expressly made the powers and duties of all Alternate Registrars in the absence of the Registrar from his election district, or his disability to perform the duties imposed upon such Registrar by any of the provisions of this Act; and in order to enable the Alternate Register to perform the duties in this Section imposed upon him, it shall be the duty of the Registrar to deliver or cause to be delivered to the Alternate Registrar, the Register, Book of Registered Voters, and Book of Registration Certificates in the custody or possession of such Registrar, and all notices of appeal which shall have been served upon him, whenever it shall be the duty of the Alternate Registrar to act in the place and stead of such Registrar as provided in this Section.

Alternate Registrar, when sitting to have all powers and duties of Registrar

Books and papers to be delivered to Alternate Registrar

Section 19. It shall be the duty of the Registrar in the respective election districts of this State, on the morning of the day of the general election and one hour before the opening of the polls for said election, to deliver to the inspector, or other person authorized to hold said election in his, the said Registrar's election district, one of said "Registers" and one of said "Books of Registered Voters" in his possession, certified to as hereinbefore provided. And the other of said "Registers" together with the other of said "Books of Registered Voters" and the book of registration certificates, containing unused certificates, together with all other papers or documents relating to the registration of voters, he shall retain in his possession and safely keep, but the same shall at all proper times be open to the inspection of any one desiring to examine the same, without fee or reward, and also any one desiring to do so may be permitted to make copies or partial copies of any of said lists, books, documents or papers.

Registrar to deliver books to inspector

To keep other books safely

Registrar to deliver duplicate books to the Clerk of the Peace

II. And within one week after the following general election he shall deliver the said duplicates in his possession to the Clerk of the Peace of the county in which he resides, who shall safely keep the same, in his office, and the same shall be open to public inspection at all convenient times as other public records in the office of said Clerk of the Peace.

Registrars clothed with powers of Justice of the Peace

Section 20. Each of the Registrars shall in addition to the other powers conferred upon him by this Act have, during the respective times of the appointed sittings for registration, the powers of a Justice of the Peace to preserve order and enforce obedience to his lawful commands at or around the place of registration; to keep access to such place open and unobstructed; to prevent and suppress riots, tumults, violence and disorder at, around or near the place of registration, tending to intimidation, or to the obstruction of the work of registration and to protect and keep safe the registers or books for the registration of voters, while in his and the Assistant Registrar's custody and possession. He may compel the presence of witnesses before them while sitting with the Assistant Registrars as Registration officers, for all purposes connected with the performance of the duties of their office, by summons and attachment, and shall have power to administer oath or affirmation. He may, while sitting as such officer of registration commit for trial any person committing at, or around the place of registration a breach of the peace, or any offence forbidden by this Act. He shall have the power to issue any of said summons, attachments or commitments, when sitting in any election district in this State to the Sheriff of his county or to any Constable thereof. All such process shall be served by said officers in the same manner as if they were issued by a Justice of the Peace within such county.

Power to compel attendance of witnesses

Oaths or affirmations

Commitment of offenders

To whom process may be issued

Service of process

Fees of officers serving process

Registrars not to receive compensation for this service

II. The Sheriff or Constable in any county of this State who shall serve any such process shall receive the same fees and in like manner as it is or may be by law provided that he shall receive fees in other State cases. But no Registrar shall charge or receive any compensation for any service rendered in accordance with the provisions of this section in addition to the compensation or salary provided for in this Act.

Compensation of Registrar

Section 21. Each Registrar shall receive five dollars per day for each day of actual service, either when sitting for the purpose of registration or in attendance upon the hearing of

appeals before the resident Associate Judge of the county, or such Judge of the Supreme Court as may sit for hearing such appeals; *and six per cent. as commission on all sums he may receive and pay over to the Receiver of Taxes and County Treasurer, or County Treasurer, as fees from persons registering in his election district.

II. And each Assistant Registrar shall receive five dollars per day for each day of actual service, when sitting for the purpose of registration. Compensation of Assistant Registrar

III And each Alternate Registrar shall receive five dollars per day for each day of actual service, when sitting in the place of the Registrar for Registration, or in attendance upon the hearing of appeals before the resident Associate Judge of the county or such Judge of the Supreme Court as may sit for hearing such appeals, and six per cent. as commission on all sums he may receive and pay over to the registrar of his election district as **fees from persons registering in his election district, said sum to be deducted from the commissions which may be allowed the registrar. Compensation of Alternate Registrar

IV. It shall be the duty of the Levy Court in each of the counties in this State at its November session, to ascertain the amount of compensation under this Act due the Registrars, Alternate Registrars and Assistant Registrars in their respective counties, and when so ascertained, the president of the said Levy Court shall certify the same to the State Treasurer, who shall thereupon pay to the persons entitled the sums severally due them out of any money appropriated for that purpose. Ascertainment of amount of compensation by Levy Court Payment

V. The cost of printing and posting the alphabetical lists contained in the Books of Registered Voters aforesaid, and of printing and mailing the notes required by this Act, and the rent of the room or rooms used by the said registration officers in the performance of the duties required by this Act, the cost of printing any forms or blanks that may be required, and the cost of the necessary ink and stationery used by them provided for by this Act, shall be paid by the Levy Court of the respective counties upon proper vouchers. Cost of printing, rent, supplies, etc. How paid

Section 22. Whoever, during the sitting of the Registration officers in any election district in this State, shall bring, take, order or send into, or shall attempt to bring, take, or send into any place of registration, any distilled or spirituous liquors Bringing, taking, ordering, or sending spirituous liquors into or drinking same in place of registration

* Amended. See Chapter 64, Volume 22.

** Amended. See Chapter 66, Volume 24.

Penalty whatever, or shall, at any such time or place, drink or partake of any such liquor, shall be deemed and held to be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than ninety days, or by a fine of not more than one hundred dollars, or both.

Fraudulent entries, changes or alterations in books of registration

Section 23. If any Registrar, Alternate Registrar, or Assistant Registrar, shall fraudulently enter or fraudulently permit to be entered, in any register, the name of any person as a registered voter, who is not entitled to be entered therein as a registered voter, or if any other person not authorized by the proper registration officers shall enter into any register the name of any person as a registered voter, or if any Registrar, Alternate Registrar, or Assistant Registrar shall fraudulently refuse or omit to register, or shall fraudulently misspell in any register or in any book of registered voters in his charge, the name of any person entitled under the provisions of this Act to have his name entered in such register or book of registered voters, or if any Registrar, Alternate Registrar, or Assistant Registrar, shall fraudulently strike from any register or from either of said books of registered voters in his charge the name of any person entered therein; or if any other person not authorized by the proper registration officers shall strike from any register or from any book of registered voters the name of any person entered therein; or if any Registrar, Alternate Registrar or Assistant Registrar, shall make any entry or entries in the said register, or books of registered voters, except at the time and in the manner hereinbefore provided, or if any Registrar, Alternate Registrar or Assistant Registrar, shall do anything which is by this Act forbidden by him done, or shall omit to do anything which is by this Act required to be by him done, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three years, or may be both fined and imprisoned at the discretion of the Court.

Penalty

Person causing himself to be wrongfully registered

Section 24. If any person shall cause or attempt to cause himself to be registered in the name of any other person living or dead, or under any fictitious name, or shall cause or attempt to cause himself to be registered in any election district in this State, knowing that he has not the right to be registered; or if any person, knowing himself to be registered in any election district in this State shall cause or attempt to cause himself to be registered in any other election district in this State without having first caused his name to be stricken from Register and Books of Registered Voters in which he may have been previously entered; or if any person, knowing himself to be disquali-

fied as a voter at the next following general election shall cause or attempt to cause himself to be entered on the Registers in any election district in this State as a Registered voter therein, knowing that he is not at that time a qualified voter and will not become so by the next following general election; or if any person shall by force, threat, menace, intimidation, bribery or any unlawful means, prevent or hinder, or attempt to prevent or hinder any person having a lawful right to have his name entered on the registers in any election district in this State from duly exercising such rights, or shall compel or attempt to compel by any such means, any Registrar, Alternate Registrar, or Assistant Registrar, to enter on their register the name of any person not legally entitled to be entered therein, or to refrain from entering on their registers the name of any person legally entitled to be entered thereon, or shall lawfully interfere with any Registrar, Alternate Registrar, or Assistant Registrar, in the discharge of his duties under this Act; or if any person shall make any assault or commit any assault and battery, or incite or create any riot or breach of the peace at or near to any place of registration in this State, during the sitting of any registration officers, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three years, or may be both fined and imprisoned at the discretion of the Court.

Or by intimidation or bribery, interfere with registration of others

Assault, riot, breach of peace

Penalty

Section 25. If any Registrar, Alternante Registrar or Assistant Registrar, Inspector or Judge of election shall lose any register or book of registered voters which may be in his charge or custody, or if any of such officers or any other person shall willfully destroy, mutilate, deface, falsify or fraudulently remove or secrete any register or book of registered voters, or shall knowingly make any false entry in or false copy of any register or part of any register, or fraudulently make any entry, erasure or alteration in any alphabetical list of registered voters, as contained in any book of registered voters, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding five hundred dollars or be imprisoned not exceeding three years, or may be both fined and imprisoned at the discretion of the Court.

Loss of books by registration officers

Destruction, mutilation, etc.

False entries, etc.

Penalty

Section 26. If any person shall mutilate, deface, pull down or destroy at any time before the last sitting of the Registration officers any printed copy of the alphabetical list of registered voters, when the said lists are hung up as provided in Section 9 he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding one

Mutilation, defacement, pulling down or destroying alphabetical lists

Penalty

hundred dollars or be imprisoned not exceeding one year, or may be both fined and imprisoned at the discretion of the Court.

Additional registration for special election Section 27. In any case of a special election held in this State it shall be the duty of the Registration officers of the respective election districts in this State, hereinbefore provided for, to sit on the third and fourth Saturdays immediately preceding the day of such special election, from 8 o'clock A. M. until 7 P. M., with an intermission from 12 to 1, at the place where the following special election will be held, or at some convenient and suitable place in the town or village in which such election will be held, and at such sittings to add to the registers and book of registered voters aforesaid of their respective election districts the name of all persons applying to them who may have become qualified to vote since the day of the last general election, or who may become qualified to vote by the day of such special election.

How to make entries II. And it shall be the duties of such Registration officers in adding any new names to make the same entries in the registers and books of registered voters aforesaid, as they are hereinbefore required to make when sitting as Registration officers before any general election.

Registration officers to procure books from Clerk of the Peace III. The said Registration officers, within one week before their first sitting as provided for in this section, shall procure from the Clerks of the Peace of their respective counties the two registers, and the two books of registered voters and the books of registration certificates which shall have been delivered to the Clerks of the Peace as hereinbefore provided.

Duty of Clerk of Peace to deliver books IV. It shall be the duty of the Clerks of the Peace in the several counties to deliver said books to the said Registration officers when the same shall be applied for as aforesaid.

Delivery of books, etc., by registration officers V. In delivering one of the "Registers" and one of the "Books of Registered Voters" and the book of registration certificates to the inspector or other person authorized by law to hold the special election in his election district, as hereinbefore provided, it shall be the duty of the said Registrar to deliver the register and the book of registered voters, which was not used at the previous general election and the other of said registers and the other of said book of registered voters shall be delivered by the several Registrars to the Clerks of the Peace of their respective counties within one week after such special election.

Section 28. All Acts and parts of Acts supplied by or inconsistent with this Act are hereby repealed.

Approved May 27, A. D., 1898.

CHAPTER 37, VOLUME 21.

AN ACT to Facilitate the Registering as Qualified Voters the Citizens of Delaware Engaged in the Performance of Military or Naval Duty.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That every person enlisted or engaged in any military or naval organization of this State or the United States and who prior to enlistment was a resident of any hundred or election district of this State, shall not lose his domicile in such hundred or election district by reason of such enlistment. Domicile of persons in Army or Navy not lost

Section 2. That every male citizen of this State of the age of twenty-one years and upwards, and who is or shall hereafter be enlisted or engaged in any military or naval organization of this State or the United States shall be entitled to have his name registered as a voter in the hundred or election district in which he resided, prior to his enlistment, in the same right as he would have done had he remained continuously present in such hundred or election district during the period of his enlistment. Registration of citizens in Military or Naval service

Section 3. That the Governor of this State shall designate and appoint at the same time of appointing other registration officers of this State, some qualified citizen of the State as Auxiliary Registrar of Voters, who shall qualify and bond as other registrars are required to do, and whose duty it shall be to visit, sometime before the last Saturday in September in any year in which a general election is held, the military or naval encampment of this State, or the United States wherein the citizens of this State shall be enlisted or engaged in the discharge of military duty, for the purpose of registering, as hereinafter provided for, such citizens as voters of the hundred or election district in which they are entitled to be registered as designated in Section 2 of this Act. Appointment of Auxiliary Registrar of voters
Qualifying of Duty of

Section 4. Upon application being made to be registered as a voter of any hundred or election district of this State, by any officer or enlisted man, of any military organization before any Auxiliary Registrar of Voters as provided for in the foregoing Section of this Act, such application shall be deemed and taken to be a personal application within the meaning of paragraph 3, Section 4, of Article V of the Amended Constitution. Application for registration
What deemed personal application

Notice of time
of visiting
camps

Section 5. That the Auxiliary Registrar herein provided for, shall notify the encampment or encampments of the time he will visit them for the purpose of registering voters, that he shall sit for registering during such hours of the day as shall be arranged to suit the convenience of such military organization.

List of appli-
cants and qual-
ifications to be
kept by
Registrar

Section 6. The Auxiliary Registrar shall make and keep a complete list of the names of all those applying to him to be registered, together with their qualifications as to age, color, birth, nativity, etc., in the same manner and detail as is required to be done by on the books of registration kept by the Registrars sitting in the various hundreds or election districts of this State.

How kept

Separate lists
for Districts

*Section 7. The Auxiliary Registrar shall make a separate and distinct list for each hundred or election district of this State of all those applying to him to be registered in such hundred or election district. He shall also receive the constitutional fee of one dollar from all those so applying to him, before he shall enter their names.

Registration
fee

Return of Aux-
iliary Registrar
of lists, etc., to
registration
officers

Section 8. Immediately upon the completion of these lists of registration and not later than the third Saturday next preceding the day of the next general election, the Auxiliary Registrar shall make and certify under oath, and forward by registered mail or personal delivery, to the Registrars of the various hundreds or election districts of this State, the names and qualifications as recorded by him of all those who applied to him to be registered in such hundreds or election districts; together with the *constitutional fee for registration received by him from them.

Registration
fee

Opening lists
and registering
by Registration
officers

Section 9. The Registrars of and for the respective hundreds or election districts of this State, who shall receive any such list from any Auxiliary Registrar as herein provided for, shall open such list of voters during the first hour of the next succeeding meeting of the officers of registration for the purpose of registering. Then and there the Registrar shall in a clear and distinct voice, audible to those in the room and as well to those about the window, where voters are gathered for the purpose of being registered, read the name of each voter so returned by the Auxiliary Registrar for registration. Every name shall be entered upon the books of registration kept in and for such hundred or election district, if it is found that the person represented by such name would have been qualified to have appeared

Who to be
Registered

there in person and been registered. But any member of the board of Registration or any qualified voter of the election district may challenge the registering of the names upon the book of registration, for the hundred or election district; and the question of the right to register such name shall be determined by the registration officers just as they are authorized to determine like questions concerning those who present themselves before them there in the election district. The Registrar shall keep complete and inviolate the list of names and qualifications just as he received them from the Auxiliary Registrar, but such list shall always be subject to the inspection of the qualified voters of the election district, provided it shall not be taken from the possession of the Registrar.

Challenge

Registrar to
keep lists

The Registrar of the election district shall also make and keep for the inspection of the voters of his election district a list of all those names which he has received from the Auxiliary Registrar, and which have been granted registration on the books of that hundred or election district, and he shall also keep another separate list of all the names so received by him which have been denied registration upon said books, and those lists shall in like manner be at all times subject to the inspection of the qualified voters of that hundred or election district. And from the action of the Registration officers in so granting or refusing registration to any name received from the Auxiliary Registrar, any Registration officer or interested person may appeal as provided for in Section 4 of Article V of the amended Constitution.

List of those
registered for
inspectionList not
registered

Appeals

*Section 10. All registration fees received by the Registration officer of any district from the Auxiliary Registrar shall be held by him and delivered with other fees for the benefit of his county, whether the name of the party having paid the fee shall have been registered or not.

Registration
fee

Section 11. The Auxiliary Registration officer provided for by this Act shall receive such compensation per day as is allowed to Registrars sitting in the various districts of this State, and he shall be allowed and paid by the State Treasurer such an amount for travelling expenses as shall be approved by the State Auditor upon vouchers presented him.

Compensation
of Auxiliary
Registrar

How paid

Approved June 25, A. D., 1898.

CHAPTER 64, VOLUME 22.

AN ACT in Relation to Registration Books which it is the Duty of the Governor to cause to be Prepared for the use of the Registration Officers in each Election District in the State including those in the City of Wilmington and certain entries thereon.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

Registration
Books not to
contain col-
umns for entries
as to color

Section 1. That hereafter it shall not be necessary to enter the color of the person applying to be registered on the books known as Registers which is the duty under the laws of this State of the Governor to cause to be prepared for the use of the Registration officers in each Election District in this State, including those in the City of Wilmington for the Registration of voters, and that hereafter such Registers shall not contain columns for entries as to color.

Specific age
not to be
stated

Section 2. That after this Act becomes a law, it shall not be lawful to enter the age of any one applying to be registered on the books aforesaid in the column headed "age", but it shall be sufficient to enter that the applicant is "Twenty-one and upwards."

Section 3. That all Acts or parts of Acts inconsistent herewith be and the same are hereby repealed.

Approved March 14, A. D., 1901.

CHAPTER 56, VOLUME 23.

AN ACT amending Section 16 of Chapter 36 of Volume 21 of the Laws of Delaware relating to Appeals from the Decisions of the Registrars.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 16 of Chapter 36 of Volume 21 of the Laws of Delaware is hereby amended by striking out the words "Thursday next following the third Saturday of August" in the fourteenth line of said Section, and inserting in lieu thereof the words "the first Tuesday in September"; and by striking out the words "the Tuesday next following" in the twenty-third and twenty-fourth lines of said Section, and inserting in lieu thereof the words "the first Monday after the fourth Saturday in September"; and by striking out the words "the previous week" in the twenty-fifth and twenty-sixth lines of said Section; and by striking out all between the word "provided" in the forty-ninth line of said Section and the word "unless" in the fifty-fourth line of said Section, and inserting in lieu thereof the words "that appeals from the decisions of the registration officers made on the first, second, third or fourth registration day shall not be received on the third or fourth appeal day."

Section 16,
Chapter 36,
Volume 21,
amended rela-
tive to time of
holding appeals
from decision of
Registrars

. Approved March 20, A. D., 1905.

CHAPTER 66, VOLUME 24.

AN ACT Striking Out of the Statutes of the State of Delaware all Provisions in Relation to the Payment of a Registration Fee as a Qualification to Vote.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Registration fee
abolished

Section 1. That all provisions in the Statutes of the State of Delaware in relation to the payment of a registration fee as a qualification to vote be and the same are hereby stricken out, repealed and made null and void.

Section 2. That all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved March 4, A. D., 1907.

CHAPTER 44, VOLUME 26.

AN ACT to amend Chapter 35 of Volume 21, Laws of Delaware, being an Act entitled "An Act concerning the appointment of Registration Officers and the preparation and delivery of Registration Books."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 35, Volume 21, Laws of Delaware be and the same is hereby amended by striking out of said Act all of Section 4 thereof and by inserting in lieu thereof a new section to be known as Section 4 of said Act which shall read as follows, viz.:

"Section 4. The Sheriff of each County shall sometime previous to the first Saturday in the month of July, in the year of holding the General Election, deliver to the Registrar of each election district of his County, two of the books known as "Registers", two of the books known as "Books of Registered Voters," and a book of Registration Certificates hereinbefore provided for; provided however, that the Sheriff of New Castle County shall not deliver said books for the several election districts in the City of Wilmington to the Registrars of each election district in said City, but the Governor shall, previous to the first Saturday in July of every General Election, deliver to the Department of Elections for the City of Wilmington two of the books known as "Registers", two of the books known as "Books of Registered Voters", and a book of Registration Certificates hereinbefore provided for; and provided further, however, that the Department of Elections for the City of Wilmington, shall, within one week before the first day of registration of voters in the year of every General Election deliver to the Registrar of each Election district in the City of Wilmington two of the books known as "Registers", two of the books known as "Books of Registered Voters" and a book of Registration Certificates hereinbefore provided for; all of which said books addressed to the Registrar of each election district of the County, the Governor shall cause to be delivered to the Sheriff in each of the Counties of this State and to the Department of Elections for the City of Wilmington, respectively, on or before the first Tuesday in July in the year of holding the General Election."

Chap. 35, Vol. 21, amended

Sheriff to deliver Registration Books previous to the first Saturday in July

Shall not deliver books in the City of Wilmington

Governor shall deliver to the Department of Elections

Department of Elections shall one week before registration day deliver to the several Registrars

Governor shall cause all the books to be delivered to Sheriff and Department of Elections before the first Tuesday in July

Section 2. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved March 20. A. D., 1911.

CHAPTER 46, VOLUME 26.

AN ACT to further Amend Chapter 36 Volume 21 Laws of Delaware entitled "An Act providing for a uniform system of Registration of all the Qualified Voters in this State."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chap. 36,
Vol. 21,
further
amended

Section 1. That Chapter 36, Volume 21, Laws of Delaware be and the same is hereby further amended by striking out of lines eleven, twelve and thirteen of Section 2 of said Act, the following words, viz.: "three successive Saturdays in August beginning with the first Saturday in August," and by inserting in lieu of said words so stricken out, the following words, viz.: "the third Saturday in July and the first and second Saturdays in August."

Third Sat-
urday in
July, etc.

Section 2. That all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved March 20, A. D., 1911.

CHAPTER 47, VOLUME 26.

AN ACT to further amend Chapter 36, Volume 21, Laws of Delaware, entitled "An Act providing for a uniform System of Registration of all Qualified Voters in this State."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 36, Volume 21, Laws of Delaware, ^{Chapter 36, Volume 21, amended} entitled "An Act providing for a uniform system of registration of all qualified voters in this State," be hereby amended by the striking out of Section 6 of said Act, all of Paragraph II of said Section 6, which said paragraph provides for the giving of a registration certificate to registered voters who may request such certificate.

Section 2. That hereafter the book of blanks known as ^{Blanks not to be prepared and delivered} "Registration Certificates" shall no longer be prepared and delivered for the registration of voters in this State.

Section 3. That all Acts or parts of Acts in so far as they are inconsistent herewith be hereby repealed.

Approved, April 19, A. D., 1911.

CHAPTER 38, VOLUME 21.

AN ACT in Regard to General Election.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

General elec-
tion where
held

Section 1. The general election in and for the several counties of this State, on the Tuesday next after the first Monday of November, shall be held in the respective election districts of the Representative districts of said counties, at the places hereinafter appointed for that purpose, that is to say:

FOR THE CITY OF WILMINGTON.

Department of
elections to
designate vot-
ing places in
Wilmington

The Department of Elections for the City of Wilmington, established by virtue of an Act of the General Assembly, entitled "An Act creating a Department of Elections for the City of Wilmington, approved May 20th, A. D. 1898, shall at the time of dividing the said city into election districts and establishing the boundaries thereof, designate some suitable and proper place in each election district for holding the elections therein, and all persons entitled to vote in the said several respective election districts thus established, shall vote at the place designated and appointed by the said Department of Elections, for holding elections in the said several respective election districts.

Who to vote

FOR NEW CASTLE COUNTY OUTSIDE OF THE CITY OF WILMINGTON.

6th Rep. Dist.
First Election
District

The First Election District of the Sixth Representative District shall embrace all that portion of Brandywine Hundred heretofore known as the Eastern Election District of Brandywine Hundred, and all persons entitled to vote in said First Election District, shall vote at the place heretofore designated by law for holding elections in said Eastern Election District of Brandywine Hundred.

Who to vote in

Place of
voting

2d Election
District

The Second Election District of the Sixth Representative District shall embrace all that portion of Brandywine Hundred heretofore known as the Northern Election District of Brandywine Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated

Who to vote in

Place of
voting

by law for holding elections in said Northern Election District of Brandywine Hundred.

The Third Election District of the Sixth Representative District shall embrace all that portion of Brandywine Hundred heretofore known as the Southern Election District of Brandywine Hundred, and all persons entitled to vote in said Third Election District, shall vote at the place heretofore designated by law for holding elections in said Southern Election District of Brandywine Hundred.

3d Election District
Who to vote in
Place of voting

The First Election District of the Seventh Representative District shall embrace all that portion of Christiana Hundred heretofore known as the Newport Southern Election District of Christiana Hundred, and all persons entitled to vote in said First Election District, shall vote at the place heretofore designated by law for holding elections in said Newport Southern Election District of Christiana Hundred.

7th Rep. Dist.
1st Election District
Who to vote in
Place of voting

The Second Election District of the Seventh Representative District shall embrace all that portion of Christiana Hundred heretofore known as the Marshallton Southern Election District of Christiana Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Marshallton Southern Election District of Christiana Hundred.

2d Election District
Who to vote in
Place of voting

The Third Election District of the Seventh Representative District shall embrace all that portion of Christiana Hundred heretofore known as the Northern Election District of Christiana Hundred, and all persons entitled to vote in said Third Election District, shall vote at the place heretofore designated by law for holding elections in said Northern Election District of Christiana Hundred.

3d Election District
Who to vote in
Place of voting

The Fourth Election District of the Seventh Representative District shall embrace all that portion of Christiana Hundred as is now provided by law as the Western Election District of Christiana Hundred, and all persons entitled to vote in said Fourth Election District shall vote at the place heretofore designated by law for holding elections in said Western Election District of Christiana Hundred.

4th Election District
Who to vote in
Place of voting

The Fifth Election District of the Seventh Representative District shall embrace all that portion of Christiana Hundred lying within the following boundaries: that commencing in the middle of public road at the Barley Mill, formerly operated by Pyle & McIntyre, running along the middle of the said road in

5th Election District
Boundaries

a westerly direction past the St. Joseph's Catholic Church and across the Kennett Turnpike: thence continuing along the said road by its various courses to the eastern bank of Red Clay Creek; thence along the said creek in a southerly direction by its several courses to the middle of the Lancaster Turnpike; thence along the middle of the said Turnpike in an easterly direction to the western boundary line to the City of Wilmington; thence following the said boundary line by its several courses in a northern direction to the south bank of the Brandywine; thence along the said Brandywine by its several courses in a westerly direction to the place of beginning, the Barley Mill. Being the East Election District of Christiana Hundred as formed by an Act of the General Assembly passed at Dover, March 19th, 1897, and all persons entitled to vote in said Fifth Election District shall vote at the public house of Thomas J. Lawless known as Mt. Pleasant Hotel in said East Election District of the Seventh Representative District.

Who to vote in

Place of voting

8th Rep. Dist.
1st Election
District

The First Election District of the Eighth Representative District shall embrace all that portion of Mill Creek Hundred heretofore known as the Mill Creek Eastern Election District, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Mill Creek Eastern Election District.

Who to vote in

Place of voting

2d Election
District

The Second Election District of the Eighth Representative District shall embrace all that portion of Mill Creek Hundred, heretofore known as Mill Creek Northern Election District, and all persons entitled to vote in said Second Election District, shall vote at the place heretofore designated by law for holding elections in said Mill Creek Northern Election District.

Who to vote in

Place of voting

3d Election
District

The Third Election District of the Eighth Representative District shall embrace all that portion of Mill Creek Hundred, heretofore known as Mill Creek Western Election District, and all persons entitled to vote in said Third Election District shall vote at the place heretofore designated by law for holding elections in said Mill Creek Western Election District.

Who to vote in

Place of voting

9th Rep. Dist.
1st Election
District

The First Election District of the Ninth Representative District shall embrace all that portion of White Clay Creek Hundred heretofore known as the White Clay Creek West Election District, and all persons entitled to vote in said First Election District, shall vote at the place heretofore designated by law for holding elections in said White Clay Creek West Election District.

Who to vote in

Place of voting

The Second Election District of the Ninth Representative District shall embrace all that portion of White Clay Creek Hundred heretofore known as the White Clay Creek Central Election District, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said White Clay Creek Central Election District. ^{2d Election District} Who to vote in ^{Place of voting}

The Third Election District of the Ninth Representative District shall embrace all that portion of White Clay Creek Hundred heretofore known as the White Clay Creek East Election District, and all persons entitled to vote in said Third Election District shall vote at the place heretofore designated by law for holding elections in said White Clay Creek East Election District. ^{3d Election District} Who to vote in ^{Place of voting}

The First Election District of the Tenth Representative District shall embrace all that portion of New Castle Hundred heretofore known as the Eastern Election District of New Castle Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Eastern Election District of New Castle Hundred. ^{10th Rep. Dist. 1st Election District} Who to vote in ^{Place of voting}

The Second Election District of the Tenth Representative District shall embrace all that portion of New Castle Hundred heretofore known as the Northern Election District of New Castle Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Northern Election District of New Castle Hundred. ^{2d Election District} Who to vote in ^{Place of voting}

The Third Election District of the Tenth Representative District shall embrace all that portion of New Castle Hundred heretofore known as the Western Election District of New Castle Hundred and all persons entitled to vote in said Third Election District shall vote at the place heretofore designated by law for holding elections in said Western Election District of New Castle Hundred. ^{3d Election District} Who to vote in ^{Place of voting}

The Fourth Election District of the Tenth Representative District shall embrace all that portion of New Castle Hundred heretofore known as the Southern Election District of New Castle Hundred, and all persons entitled to vote in said Fourth Election District shall vote at the place heretofore designated by law for holding elections in said Southern Election District of New Castle Hundred. ^{4th Election District} Who to vote in ^{Place of voting}

11th Rep. Dist.
1st Election
District The First Election District of the Eleventh Representative District shall embrace all that portion of Pencader Hundred heretofore known as North Pencader Election District of Pencader Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said North Pencader Election District of Pencader Hundred.

Who to vote in

Place of voting

2d Election
District The Second Election District of the Eleventh Representative District shall embrace all that portion of Pencader Hundred heretofore known as the South Pencader Election District of Pencader Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said South Pencader Election District of Pencader Hundred.

Who to vote in

Place of voting

12th Rep. Dist.
1st Election
District The First Election District of the Twelfth Representative District shall embrace all that portion of Red Lion Hundred heretofore known as the Red Lion Eastern Election District, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Red Lion Eastern Election District.

Who to vote in

Place of voting

2nd Election
District The Second Election District of the Twelfth Representative District shall embrace all that portion of Red Lion Hundred heretofore known as the Red Lion Western Election District, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Red Lion Western Election District.

Who to vote in

Place of voting

13th Rep. Dist.
1st Election
District The First Election District of the Thirteenth Representative District shall embrace all that portion of St. George's Hundred, heretofore known as the East St. George's First Election Precinct, and all persons entitled to vote in First Election District shall vote at the place heretofore designated by law for holding elections in said East St. George's First Election Precinct.

Who to vote in

Place of voting

2d Election
District The Second Election District of the Thirteenth Representative District shall embrace all that portion of St. George's Hundred heretofore known as the East St. George's Second Election Precinct, and all persons entitled to vote in Second Election District shall vote at the place heretofore designated by law for holding elections in said East St. George's Second Election Precinct.

Who to vote in

Place of voting

The Third Election District of the Thirteenth Representative District shall embrace all that portion of St. George's Hundred heretofore known as the West St. George's First Election Precinct, and all persons entitled to vote in said Third Election District shall vote at the place heretofore designated by law for holding elections in said West St. George's First Election Precinct.

3d Election District

Who to vote in

Place of voting

The Fourth Election District of the Thirteenth Representative District shall embrace all that portion of St. George's Hundred heretofore known as the West St. George's Second Election Precinct, and all persons entitled to vote in said Fourth Election District shall vote at the place heretofore designated by law for holding elections in said West St. George's Second Election Precinct.

4th Election District

Who to vote in

Place of voting

The First Election District of the Fourteenth Representative District shall embrace all that portion of Appoquinimink Hundred heretofore known as the Eastern Election District of Appoquinimink Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Eastern Election District of Appoquinimink Hundred.

14th Rep. Dist. 1st Election District

Who to vote in

Place of voting

The Second Election District of the Fourteenth Representative District shall embrace all that portion of Appoquinimink Hundred heretofore known as the Western Election District of Appoquinimink Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Western Election District of Appoquinimink Hundred.

2d Election District

Who to vote in

Place of voting

The First Election District of the Fifteenth Representative District shall embrace all that portion of Blackbird Hundred heretofore known as the Eastern Election District of Blackbird Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Eastern Election District of Blackbird Hundred.

15th Rep. Dist. 1st Election District

Who to vote in

Place of voting

The Second Election District of the Fifteenth Representative District shall embrace all that portion of Blackbird Hundred heretofore known as the Western Election District of Blackbird Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Western Election District of Blackbird Hundred.

2d Election District

Who to vote in

Place of voting

FOR KENT COUNTY.

1st Rep. Dist.
1st Election
District

Who to vote in
Place of voting

The First Election District of the First Representative District shall embrace all that portion of Duck Creek Hundred heretofore known as the Eastern Election District of Duck Creek Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Eastern Election District of Duck Creek Hundred.

2d Election
District

Who to vote in
Place of voting

The Second Election District of the First Representative District shall embrace all that portion of Duck Creek Hundred heretofore known as the Western Election District of Duck Creek Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Western Election District of Duck Creek Hundred.

2d Rep. Dist.
1st Election
District

Who to vote in
Place of voting

The First Election District of the Second Representative District shall embrace all of Little Creek Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Little Creek Hundred.

2d Election
District

Who to vote in
Place of voting

The Second Election District of the Second Representative District, shall embrace all that portion of East Dover Hundred heretofore known as Election District Number One, of East Dover Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said election District Number One of East Dover Hundred.

3d Rep. Dist.
Election Dist.

Who to vote in
Place of voting

The Election District of the Third Representative District, shall embrace all of Kenton Hundred, and all persons entitled to vote in said Election District shall vote at the place heretofore designated by law for holding elections in said Kenton Hundred.

4th Rep. Dist.
Election Dist.

Boundaries

The Election District of the Fourth Representative District shall embrace all of West Dover Hundred and all that portion of East Dover Hundred lying next to West Dover Hundred and separated from the rest of East Dover Hundred by the following boundary lines. Beginning at the middle of the public road leading from the Horsehead Road to Kenton at the point of intersection of Kenton Hundred and East Dover Hundred, thence running along the middle of the said road to the Horse-

head road, thence running in a westerly direction along the middle of the said Horsehead road a short distance to a short road leading from the said Horsehead road to the road from Dover to Hazlettsville, known as the Hazlettsville road, thence running along the middle of the said short road from the Homestead road to the said Hazlettsville road, thence running in a westerly direction along the middle of the said Hazlettsville road a short distance to the road leading therefrom to Wyoming, thence running along the middle of the said road leading from the said Hazlettsville road to Wyoming to the point of intersection of East Dover Hundred and North Murderkill Hundred, and all persons entitled to vote in said Election District shall vote at the place heretofore designated by law for holding elections in West Dover Hundred.

Who to vote in

Place of voting

The First Election District of the Fifth Representative District shall embrace all that portion of Election District Number Two of East Dover Hundred which is not included in Representative District Number Four, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Election District Number Two in East Dover Hundred.

5th Rep. Dist.
1st Election
District

Who to vote in

Place of voting

The Second Election District of the Fifth Representative District, shall embrace all that portion of the Third Election District of East Dover Hundred which is not included in Representative District Number Four, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Third Election District of East Dover Hundred.

2d Election
District

Who to vote in

Place of voting

The First Election District of the Sixth Representative District shall embrace all those portions of North Murderkill and South Murderkill Hundreds included within the following boundary lines: Beginning at a point on the Maryland line where the line dividing West Dover Hundred and North Murderkill Hundred intersects the same and running thence with said Maryland line south to the point where the northern boundary line of the Second Election District of the Sixth Representative District intersects the said Maryland line, thence easterly with said northern boundary line of said Second Election District to the road from Felton to Whiteleysburg, thence along said road to the Owl's Nest Road, thence running in a northerly direction along the middle of the said Owl's Nest Road to the intersection of the Cowgill Road from Woodside to Petersburg then running in a northeasterly direction along the middle of the said Cowgill Road to the Reed Road running from Woodside to Du Pont's

6th Rep. Dist.
1st Election
District

Boundaries

School House, thence running in a northwesterly direction along the middle of the said Reed Road to Du Pont's School House, thence running in a northerly direction along the middle of the public road leading from Willow Grove to Camden, a short distance to Stubb's Corner, thence running in a westerly and northwesterly and westerly direction along the middle of the public road leading from Du Pont's School House to the Alms House to Gray's Corner, thence continuing in a direct westerly line to the southern boundary line of West Dover Hundred, thence following the southern boundary line of West Dover Hundred in a westerly direction to the place of beginning, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in the West Election District of North Murderkill Hundred.

Who to vote in

Place of voting

2d Election District

Boundaries

The Second Election District of the Sixth Representative District shall embrace all the portions of North Murderkill, South Murderkill and Mispillion Hundreds included within the following boundary lines: beginning at the intersection of the southern line of South Murderkill Hundred with the State of Maryland, thence running along the division line between Mispillion Hundred and South Murderkill Hundred to the public road leading from Whiteleysburg to Harrington, thence running in a southeasterly and easterly direction along the middle of said public road to the public road leading from Masten's Corner to Vernon, at or near White's Church, thence running in a northeasterly direction along the middle of the said public road leading from Masten's Corner to Vernon a short distance to the public road leading therefrom to the town of Harrington, being a continuation of the road leading from Whiteleysburg to Harrington, thence running in a southeasterly direction to the intersection of West street in the town of Harrington, thence running in a northerly direction along the middle of said West street to the middle of Wolcott street in said town of Harrington, thence running in an easterly direction along the middle of said Wolcott street to the middle of Dorman street in said town of Harrington, thence running in a northerly direction along the middle of said Dorman street to Brown's branch being the northwest corner of lands of Joseph Ward, thence running in an easterly direction with the course of said branch to the Delaware Railroad, thence running in a northerly direction along said Delaware Railroad to Beaver Dam Branch in South Murderkill Hundred, thence following the course of said Beaver Dam Branch in a northwesterly direction to the public road leading from Felton to Whiteleysburg, thence westerly with the said last mentioned road to what is known as the "Big Ash", thence

in a northerly direction with the public road leading by Willis' Chapel, thence by the public school house near Mrs. Charles Warren and on by Cohee's Shops and Sandtown, leaving the village to the north, thence by the county road leading from Sandtown to Greensboro to the Maryland line, thence by the said Maryland line south to the place of beginning, and all persons entitled to vote in said Second Election District shall vote at Masten's Corner at such place as shall be procured by the inspector or other officer holding the election in said Second Election District of the Sixth Representative District.

Who to vote in

Place of voting

The Election District of the Seventh Representative District shall embrace all that portion of North Murderkill Hundred not included in Representative District Number Six, and all persons entitled to vote in said election district shall vote at the place heretofore designated by law for holding elections in the Eastern Election District of North Murderkill Hundred.

7th Rep. Dist.
Election Dist.

Who to vote in

Place of voting

The First Election District of the Eight Representative District shall embrace all that portion of South Murderkill Hundred which is not included in the Sixth Representative District and which lies west of the following lines: Beginning at a point at or near Locust Grove school-house on the line dividing North and South Murderkill Hundreds, and running thence southerly by the public road leading to and by Virden's Mill, and thence southerly by the same public road to Boswell's Mill, thence southerly to the Felton and Frederica road, thence southwesterly with line of said Frederica and Felton road to Roe's Corner on the road from Canterbury to Roe's Village, thence easterly by a public road to a public road leading to Spring Mills, and thence by the said last mentioned road to said Spring Mills, thence southerly to the line dividing Milford from South Murderkill Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated for holding elections in Election District Number One of South Murderkill Hundred.

8th Rep. Dist.
1st Elec. Dist.

Boundaries

Who to vote in

Place of voting

The Second Election District of the Eighth Representative District shall embrace all that portion of South Murderkill Hundred lying east of the First Election District of the said Representative District, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated for holding elections in Election District Number Two of South Murderkill Hundred.

8th Rep. Dist.
2d Election
District

Who to vote in

Place of voting

The First Election District of the Ninth Representative District shall embrace all that portion of Election District Num-

9th Rep. Dist.
1st Election
District

ber One of Mispillion Hundred not included in Representative District Number Six, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in Election District Number One of Mispillion Hundred.

2d Election District
 Who to vote in
 Place of voting
 The Second Election District of the Ninth Representative District shall embrace all that portion of Mispillion Hundred lying south of the First Election District of said Ninth Representative District, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in Election District Number Two of Mispillion Hundred.

10th Rep. Dist.
 1st Election District
 Who to vote in
 Place of voting
 The First Election District of the Tenth Representative District shall embrace all that portion of Milford Hundred included in the Eastern Election District of Milford Hundred, and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said Eastern Election District of Milford Hundred.

2d Election District
 Who to vote in
 Place of voting
 The Second Election District of the Tenth Representative District shall embrace all that portion of Milford Hundred included in the Western Election District of Milford Hundred, and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Western Election District of Milford Hundred.

FOR SUSSEX COUNTY.

1st Rep. Dist.
 1st Election District
 Who to vote in
 Place of voting
 The First Election District of the First Representative District shall embrace all that portion of Cedar Creek Hundred heretofore known as the South Milford Election District of Cedar Creek Hundred and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said South Milford Election District of Cedar Creek Hundred.

2d Election District
 Who to vote in
 Place of voting
 The Second Election District of the First Representative District shall embrace all that portion of Cedar Creek Hundred heretofore known as the Lincoln Election District of Cedar Creek Hundred and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said Lincoln Election District of Cedar Creek Hundred.

2d Rep. Dist.
 1st Election District
 The First Election District of the Second Representative District shall embrace all that portion of Nanticoke Hundred which lies north and west of Gravelly Branch, beginning at a

point where the said Gravelly Branch intersects the dividing ^{Boundaries} line between Georgetown and Nanticoke Hundreds and running in a southwesterly course to what was formerly known as Rest's Old Mill, thence along said branch to what was formerly known as Collins' "Mills", to its mouth being at the head of Middleford Mill Pond, and all persons entitled to vote in said First ^{Who to vote in} Election District shall vote at Owen's Station, at such place as ^{Place of voting} shall be procured by the Inspector or other officer holding the election in said First Election District of the Second Representative District.

The Second Election District of the Second Representative ^{2d Election District} District shall embrace all of North West Fork Hundred, and all persons entitled to vote in said Election District shall vote at ^{Who to vote in} the place heretofore designated by law for holding elections in ^{Place of voting} said North West Fork Hundred.

The First Election District of the Third Representative ^{3d Rep. Dist. 1st Election District} District shall embrace all that portion of Nanticoke Hundred, which lies south and east of said Gravelly Branch, beginning at a point where the said Gravelly Branch intersects the dividing ^{Boundaries} line between Nanticoke and Georgetown Hundreds, running in a southwesterly course to what was formerly known as Rest's Old Mill, thence along the said branch to what was formerly known as Collins' Mills, to its mouth at the head of Middleford Mill Pond, and all persons entitled to vote in said First Election ^{Who to vote in} District shall vote at the place known as "Old Furnace", at ^{Place of voting} such place as shall be procured by the Inspector or other officer holding the election in said First Election District of the Third Representative District.

The Second Election District of the Third Representative ^{2d Election District} District shall embrace all of Seaford Hundred, and all persons entitled to vote in said Election District shall vote at the place ^{Who to vote in} heretofore designated by law for holding elections in said Seaford ^{Place of voting} Hundred.*

The Election District of the Fourth Representative Dis- ^{4th Rep. Dist. Election Dist.} trict shall embrace all of Broad Creek Hundred, and all persons entitled to vote in said Election District shall vote at the ^{Who to vote in} place now designated by law for holding elections in said Broad ^{Place of voting} Creek Hundred.

**The First Election District of the Fifth Representative ^{5th Rep. Dist. 1st Election District} District shall embrace all that portion of Little Creek Hundred

* For division of Second Election District into second and third, see Chapter 71, Vol. 24.
 ** Amended. See Chapter 10, Volume 22.

heretofore known as the West Election District of Little Creek Hundred and all persons entitled to vote in said First Election District shall vote at the place heretofore designated by law for holding elections in said West Election District of Little Creek Hundred.

2d Election District *The Second Election District of the Fifth Representative District shall embrace all that portion of Little Creek Hundred and all persons entitled to vote in said Second Election District shall vote at the place heretofore designated by law for holding elections in said East Election District of Little Creek Hundred.

6th Rep. Dist. 1st Election District The First Election District of the Sixth Representative District shall embrace all that portion of Dagsboro Hundred lying north of the public road beginning at Millsboro Mills, and running with said public road or Main street of Millsboro in a westerly direction through the town of Millsboro, thence by and with the said public road to Phillip's Hill, and thence with the said public road by way of Carey's Methodist Episcopal Church to the line of Gumboro Hundred, and all persons entitled to vote in said First Election District shall vote at the place called "Poll Dam," at such place as shall be procured by the Inspector or other officer holding the election in said First Election District of the Sixth Representative District.

2d Election District The Second Election District of the Sixth Representative District shall embrace all that portion of Dagsboro Hundred lying south of the public road beginning at Millsboro Mills, and running with the said public road or main street of Millsboro in a westerly direction through the town of Millsboro, thence by and with the said public road to Phillip's Hill, and thence with the said public road by way of Carey's Methodist Episcopal Church to the line of Gumboro Hundred, and all persons entitled to vote in said Second Election District shall vote at the town of Dagsboro at such place as shall be procured by the Inspector or other officer holding the election in said Second Election District of the Sixth Representative District.

3d Election District The Third Election District of the Sixth Representative District shall embrace all of Gumboro Hundred, and all persons entitled to vote in said Third Election District shall vote at the place heretofore designated by law for holding elections in said Gumboro Hundred.

7th Rep. Dist. 1st Election District The First Election District of the Seventh Representative District shall embrace all that portion of Baltimore Hundred

* For division of Second Election District into second and third, see Chapter 74, Vol. 24.

lying north of the public road beginning at the Baltimore mill dam and running down the public road by Peter R. Hickman, by way of the Trap school-house to H. H. Hickman's store, thence down said county road to a county road opposite the farm of George L. Barnett, thence running along said road to a bridge across William's Creek, known as Derrickson's old mill, being the North Election District of Baltimore Hundred as formed by the Act of the General Assembly, passed April 22, 1897, and all persons entitled to vote in said First Election District shall vote at the school house of school district No. 181, in the town of Millville, in said First Election District of the Seventh Representative District.

Boundaries

Who to vote in

Place of voting

The Second Election District of the Seventh Representative District shall embrace all that portion of Baltimore Hundred lying south of the public road beginning at the Baltimore Mill Dam and running down the public road by Peter R. Hickman, by way of the Trap School House to H. H. Hickman's Store, thence down said county road to a county road opposite the farm of George L. Arnett, thence running along said road to a bridge across William's Creek, known as Derrickson's Old Mill, being the South Election District of Baltimore Hundred, as formed by the Act of the General Assembly passed April 22, 1897, and all persons entitled to vote in said Second Election District shall vote at Slebyville at such place as shall be procured by the Inspector or other officer holding the election in said Second Election District of the Seventh Representative District.

2d Election District

Boundaries

Who to vote in

Place of voting

The Election District of the Eighth Representative District shall embrace all of Indian River Hundred and all persons entitled to vote in said Election District shall vote at the place heretofore designated by law for holding elections in said Indian River Hundred.

8th Rep. Dist. Election Dist.

Who to vote in

Place of voting

The Election District of the Ninth Representative District shall embrace all of Georgetown Hundred, and all persons entitled to vote in said Election District shall vote at the place heretofore designated by law for holding elections in said Georgetown Hundred.

9th Rep. Dist. Election Dist.

Who to vote in

Place of voting

The First Election District of the Tenth Representative District shall embrace all of Broadkilm Hundred, and all persons entitled to vote in said Election District shall vote at the place heretofore designated by law for holding elections in said Broadkilm Hundred.

10th Rep. Dist. 1st Election District

Who to vote in

Place of voting

*The Second Election District of the Tenth Representative

10th Rep. Dist. 2d Election District

* Amended. See Chapter 12, Volume 22.

District shall embrace all of Lewes and Rehoboth Hundred and all persons entitled to vote in said Election District shall vote at the place heretofore designated by law for holding elections in said Lewes and Rehoboth Hundred.

Change of voting place

Section 2. If at any time it shall be impracticable to hold the election in any election district at the place appointed by law, the Inspector of such election district or other officer authorized by law to hold the election therein shall have power to appoint some other place in said election district as near as can be conveniently obtained to the place herein directed, and he shall give public notice of the place so appointed by advertisements posted in at least five of the most public places of the election district, if circumstances will admit of such notice being given, but if not then he shall give such public and general notice as the circumstances will permit.

Notice

Sheriff to deliver ballot boxes, list of officers, tape, sealing wax, outside City of Wilmington

Section 3. The Sheriff of each county shall after the Twenty-third day and before the Twenty-seventh day of October in the year of holding the General Election deliver to the inspector of each election district or other officer, authorized by law to hold the election therein (outside of the City of Wilmington) two suitable ballot boxes, with a piece of tape and sealing wax, together with a list of all the officers to be chosen at the then next General Election, written or printed forms of tally lists, of certificates of election in said election district, of the oath or affirmation of the inspector or other person authorized by law to hold the election therein, and persons to be taken as Judges of Election, and also of the clerks who shall be chosen to act at such election, and of the certificate of administering such oaths or affirmations, with printed or written directions as to correcting, completing and signing such oath or affirmation and certificate of administering the same, and shall also deliver to each inspector or other officer authorized by law to hold the election as aforesaid (outside of the City of Wilmington) a book of blank forms of oaths (or affirmations) provided for in Section 19 of this Act.

Oaths

Outside the City of Wilmington

Department of Elections, ballot boxes, list of officers, etc.

That the Department of Elections for the City of Wilmington shall in addition to the registers and things they are now required by law to furnish to the inspectors of election in said City shall between the Twenty-third and Twenty-seventh days of October in the year of holding the General Election deliver to the inspector of each election district or other officer authorized by law to hold the election therein, in the City of Wilmington, two suitable ballot boxes with a piece of tape and sealing wax together with a list of all the officers to be chosen at the then next General Election, written or printed forms of tally lists,

of certificates of election in said election district, of the oath or affirmation of the inspector or other person authorized by law to hold the election therein, and the persons to be taken as Judges of Election, and also of the Clerks who shall be chosen to act at such election, and of the certificate of administering such oaths or affirmations with printed or written directions as to correcting, completing and signing such oath or affirmation, and certificate of administering the same, and shall also deliver to each inspector or other officer authorized by law to hold the election as aforesaid, in the City of Wilmington, a book of blank forms of oaths (or affirmations) provided for in Section 19 of this Act.

Section 4. The ballot boxes shall each be of sufficient size to contain all the ballots of the election district, with one of the tally lists and certificates of election; in the lid of one of the boxes there shall be a hole sufficient only to admit with convenience one ballot, and it shall be furnished with a lock and key for securing the lid; the lid of the other box shall be without a hole, and it shall be so constructed as to be secured with tape or sealing wax.

Section 5. There shall be two of the said tally lists each of which shall consist of a margin on the left for the names of the persons voted for, and squares formed by parallel lines drawn from left to right, and from the bottom to the top of the sheet, each square to be sufficient to contain five distinct rows of five distinct dots of a pen in each row, and there shall be a sufficient number of squares in each row of squares from left to right to contain more dots than any other person will probably receive votes in the election district.

Section 6. There shall be two of the said certificates of election which may be according to the following form, viz.:

.....County and.....Election Form of
District of.....Representative District, ss:
At the general election held in the said election district, on the Tuesday next after the first Monday in November, A. D., eighteen hundred and.....the votes stand as follows:

For the Office of Electors of President and Vice-President.

.....Received.....votes
.....Received.....votes

For the Office of Governor.

.....Received.....votes
.....Received.....votes

For the Office of Lieutenant Governor.

..... Received..... votes
 Received..... votes

For the Office of Representative in Congress.

..... Received..... votes
 Received..... votes

For the Office of Attorney General.

..... Received..... votes
 Received..... votes

For the Office of Insurance Commissioner.

..... Received..... votes
 Received..... votes

For the Office of State Treasurer.

..... Received..... votes
 Received..... votes

For the Office of Auditor of Accounts.

..... Received..... votes
 Received..... votes

For the Office of Senator in the General Assembly.

..... Received..... votes
 Received..... votes

For the Office of Senator in the General Assenbly in Lieu of.

..... Received..... votes
 Received..... votes

For the Office of Representatives in General Assembly.

..... Received..... votes
 Received..... votes

For the Office of Prothonotary.

..... Received..... votes
 Received..... votes

For the Office of Clerk of the Peace.

..... Received..... votes
 Received..... votes

For the Office of Register of Wills.

..... Received..... votes
 Received..... votes

For the Office of Recorder.

..... Received..... votes
 Received..... votes

For the Office of Register in Chancery.

..... Received..... votes
 Received..... votes

For the Office of Clerk of the Orphans' Court.

..... Received..... votes
 Received..... votes

For the Office of Levy Court Commissioners.

..... Received..... votes
 Received..... votes

For the Office of County Treasurer.

..... Received..... votes
 Received..... votes

For the Office of Receiver of Taxes and County Treasurer.

..... Received..... votes
 Received..... votes

For the Office of County Comptroller.

..... Received..... votes
 Received..... votes

For the Office of Sheriff.

..... Received..... votes
 Received..... votes

For the Office of Coroner.

..... Received..... votes
 Received..... votes

For the Office of Assessor.

..... Received..... votes
 Received..... votes

For the Office of Inspector.

..... Received..... votes
..... Received..... votes

For the Office of Road Commissioner.

..... Received..... votes
..... Received..... votes

And we further certify that the Clerks appointed by us were duly sworn or affirmed according to law, and that we were duly sworn or affirmed.

In testimony whereof, we the Judges of said Election for said election dixtrict have hereunto set our hands the day and year aforesaid.

Filling blank in certificates

In the said written or printed forms of certificates before the same shall be delivered by the Sheriff as above directed, the name of the County and Election District and of Representative District and the date of the year shall be inserted in the blanks for said purposes in the foregoing form; and the offices to be filled at the election shall be inserted with blanks under each to contain the names of the persons who may be voted for, with the number of votes; and the offices not to be filled at the election, shall be omitted.

Oath of officers

Section 7. The form of the oath or affirmation to be administered to the inspector or other officer authorized by law to hold the election and Judges shall be as follows, viz.:

Form

I,, do solemnly swear (or affirm) that in the election to be this day held, I will not knowingly or wilfully, receive or consent to the receiving of the vote of any person whom I shall believe not entitled to vote, unless my associates shall adjudge such persons to be entitled to vote, that I will not receive or reject nor concur in receiving or rejecting any vote through partiality or undue bias and that I will determine every matter that shall come before me, and perform every act and duty by law required of me touching the said election, truly, faithfully and impartially according to the best of my skill and judgment and ability; that I will cause the ballots, that shall be taken at this election to be fairly read and ascertained and a true statement thereof to be made according to the best of my knowledge and ability and that if I shall discover any partiality, unfairness or corruption in the conducting of the said election, I will disclose the same to the Attorney General to the end that the subject may be investigated so help me God (or so I solemnly affirm). There shall be three distinc

forms of the foregoing oath or affirmation written or printed on one sheet; which forms shall be numbered and distinguished as No. 1, No. 2 and No. 3. On the same sheet after the last of said forms shall be written or printed a form for the certificate of the qualification of the Inspector or other officer authorized by law to hold the election and Judges as follows, to wit:

Three forms of oaths

Certificate of qualification of officers

.....County and..... Election Form
District.....Representative District, ss. We, subscribers, Inspector (or other officers authorized by law to hold the election) and judges for said election district of the general election, therein held on the Tuesday next after the first Monday of November in the year of our Lord one thousand eight hundred and.....certify that on said day, before opening the said election in said election district, the foregoing oath or affirmation was duly administered to each of us, according to law.

The blanks in which said certificates shall be filled by the Sheriff or by his order, before delivering the same to the Inspector or other officer authorized by law to hold the election.

Filling in blanks

Section 8. The inspector or other officer authorized by law to hold the election of each election district shall within two days after receiving from the Sheriff or Department of Election for the City of Wilmington, a list of officers to be chosen at the general election, give public notice of the time and place of holding the then next general election in his election district and of the officers to be voted for at such election, by advertisements posted in at least five of the most public places in his election district.

Inspector to give notice of time and place of election

Advertisements

Section 9. If at the time for holding the general election there shall be no Inspector or other officer authorized by law to hold the election of any election district, or if he shall be absent from the place of election at half past eight o'clock of the forenoon of the day of the election the Registrar of the said election district who shall be present with his Register and Book of Registered Voters for said district or in the event of the Registrar's absence the Alternate Registrar of said election district who may be present with a Register and a Book of Registered Voters of said election district shall serve as the Inspector for said Election District and perform all the duties required of him as such Inspector.

In case of absence of Inspector who to hold election

Section 10. The Inspector or other officer authorized by law to hold the election in any election district shall be a Judge of the general election held therein and the presiding officer.

Inspectors to be judges and presiding officer

Judges There shall also be two other judges of the said election one of whom shall be chosen by the County Committee of the Democratic party and the other by the County Committee of the Republican party. In making said appointments, the respective County Committees shall name and certify two persons respectively one of whom they shall designate as Judge and the other as Alternate Judge and the said certification shall be presented to the inspector or other officer authorized by law to hold the election in the respective election districts on the morning of the general election and one hour before the opening of the polls. Should either or both of those designated to be the judge be absent, the person named for alternate Judge shall be Judge; if from any cause both the persons named by either or both political parties should be absent a majority of the voters then present may elect such judge or judges in such a manner as at the time may be deemed most expedient for ascertaining the sense of the majority; the person or persons so chosen shall be of the same political party as those persons in whose place they are respectively chosen.

How chosen

When Alternate Judge to act

In case of absence of Judges who to act

Political complexion

Refusal to serve

Penalty

Section 11. If any person chosen to be a Judge of an election in any election district, shall refuse to serve he shall forfeit and pay to the State a fine of fifty dollars upon conviction thereof by indictment in the Court of General Sessions in the county where such offense is committed.

Oath of Judge

Signing oaths

Affirmation

Section 12. Before opening the election the inspector or other officer authorized by law to hold the election, and judges, shall each take an oath or affirmation according to the form prescribed in Section 7. Such oath to be administered to the Judges by the Inspector or other officer authorized by law to hold the election and by one of them to him and they shall each after taking such oath or affirmation sign one of the written or printed forms thereof delivered to the Inspector or other officer authorized by law to hold the election, by the Sheriff of the county as provided in Section 7, that is to say: The form distinguished as No. 1 shall be signed by the Inspector or other officer authorized by law to hold the election, his name being first inserted in the blank; the form No. 2 shall be signed by one of the Judges, his name being first inserted in the blank, and the form No. 3 shall be signed by the other Judge his name being first inserted in the blank, before signing the said forms, it shall be ascertained whether the Inspector or other officer authorized by law to hold the election or either of the Judges conscientiously refuse to take an oath, and in case of such conscientious refusal the form for the person so refusing shall be made correct by effacing the words "swear or" in the beginning, and "so help me God" in the end of the form, but as to the person who shall not

conscientiously refuse to take an oath the form shall be made correct by effacing the words "or affirm" in the beginning, and the words "or so I solemnly affirm" at the end of the form. The Inspector or other officer authorized by law to hold the election and Judges shall also sign the certificate of their qualifications as written or printed upon the sheet containing the aforesaid forms.

Signing of oath
by Inspector

Section 13. Each of the said Judges after being duly qualified shall choose one clerk of the election, to whom the Inspector or other officer authorized by law to hold the election, or one of the Judges shall administer an oath or affirmation as follows:

Choosing
clerks

Oath

You do solemnly swear (or affirm) that as clerk of this election you will not use or assent to any falsehood, fraud or deceit, and that you will keep the polls and perform your duties truly, faithfully and impartially, so help you God (or so you solemnly affirm.) If in reading the votes and keeping the tally lists, it shall become necessary to appoint one or more additional clerks the Inspector or other officer authorized by law to hold the election and Judges may do so, administering to each clerk so appointed the foregoing oath or affirmation, no other certificate need be made of the oath or affirmation administered to the clerks than that contained in the form of the certificate of election prescribed in the sixth section.

Form of oath

Additional
clerks

Oath

Section 14. Before opening the election the Inspector or other officer authorized by law to hold the election and Judges shall also examine the ballot box provided with a lock and key, and see that the same contains nothing. The box shall then be locked and the key delivered to one of the Judges, who shall keep the same, and the box shall be kept by the Inspector or other officer authorized by law to hold the election or the other Judge so that the person having the key shall not have possession of the box till the same shall be opened as hereinafter directed.

Examination of
ballot boxes

Lock and key,
to whom delivered,
by whom kept

Section 15. The Inspector or other officer authorized by law to hold the election, and Judges of the election and the Clerk shall during the time of the election being open be and continue in a room or place by themselves, separate from the other electors, and no persons other than such inspector or other officer authorized by law to hold the election, Judges and Clerk, during the time of the election being open shall be admitted within such room or place without the unanimous consent of the Inspector or other officer authorized by law to hold the election and the Judges, and if any person shall enter such room or place without such consent such person shall be deemed guilty of a misde-

Election Officers
to be in
same room
alone

Others not
admitted

Others
entering

Misdemeanor and upon conviction thereof, shall be fined not less than five hundred nor more than one thousand dollars, or be imprisoned for a term not less than one nor more than two years, or both at the discretion of the Court.

Who to be in election room Section 16. The Inspector or other officer authorized by law to hold the election, the Judges chosen as provided in Section 10 of this Act and the Clerk chosen as provided in Section 13 of this Act, shall be the only persons who may lawfully enter the voting room or place where the election is held, except as hereinbefore provided; and if any person or persons shall enter the voting room or place where the election is held before the hour of opening the polls on the day of election or at the time of opening the election, or at any time during the day of the election and before the hour of closing the election or attempt to enter the same for the purpose or interfering with the election officers in the discharge of their duties as such or for any purpose, or shall attempt to molest, disturb, or prevent the election officers from proceeding regularly with any general or special election, or shall take charge or attempt to take charge of any voting room or place where the election is held within the time herein mentioned for the purpose of preventing or delaying an election, or for any other purpose on election day such person or persons shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred nor more than one thousand dollars, and shall be imprisoned for a term not exceeding three years, provided that a single representative of each political party, having nominated a ticket, and such party being represented on the ballot then printed for any general or special election, may at the opening of the election be present to aid in the proper qualification of the several election officers, but as soon as the election officers shall be qualified or ready to open the election, or the proper hour therefor having arrived such representatives of each political party shall immediately retire from the voting room or the place where the election is held.

Hour of opening election Section 17. The general election shall be opened in every election district of the State on the Tuesday next after the first Monday in the month of November in the year in which the same is held, between the hours of *eight and nine o'clock in the morning, by the inspector, or other officer authorized by law to hold the election, making proclamation that the same is open.

Voting Section 18. Each qualified elector shall deliver a single ballot which shall conform to the requirements of the law of this State as to ballots for any general or special election, containing the names of persons voted for to the Inspector or other officer

* Amended. See Chapter 57, Volume 23.

authorized by law to hold the election, who shall audibly pronounce the name of the elector, which shall be entered in words at length upon a list of polls to be kept by each of the clerks whom the judges shall direct to that duty, and one of the judges shall write against it, on the alphabetical list as contained in the "Book of Registered Voters" delivered by the Registrar to the Inspector or other officer authorized by law to hold the election, the word "voted". There shall be no examination of a ballot except to determine that it is single; and the Inspector or other officer authorized by law to hold the election shall, immediately after pronouncing the elector's name put the ballot into the box in his presence, unless the vote shall be objected to.

Entry of names, etc.

Ballots not to be examined

Depositing ballot

Section 19. The Inspector or other officer authorized by law to hold the election, shall not at any election receive or deposit in the ballot box the ballot of any person offering to vote until his name shall have been found in the list of registered voters as contained in the Book of Registered Voters delivered to him for the purposes of said election, and the Judges, or a majority of them shall be satisfied that the person so offering to vote is the person named in said list; but no objection to the vote of any person whose name shall have been found on said list as contained in said Book of Registered Voters shall be entered or considered by the Judges of the elections except for the following reasons, to wit:

What ballots not to be received

First. That he is not the person whose name appears in said Book of Registered Voters.

Reason for objection to votes

Second. That he has become disqualified as a voter since he was registered.

If a vote be objected to for any of the reasons above mentioned its admission or rejection shall be determined according to the opinion of a majority of the judges; and

Determination of objection

Third. That no person who shall receive or accept or offer to receive or accept or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute to another to be paid or used any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, or for the giving or withholding or in any manner influencing the giving or withholding a vote at any general election in this State, shall vote at such election unless such person being challenged for any of said causes, shall take and subscribe to the following oath or affirmation which shall be administered by the Inspector or other officer authorized by law to hold the election:

Bribery

Oath

I,, do solemnly swear (or affirm) that I have not received or accepted, or offered to receive or accept, paid, or transferred or delivered, or offered or promised to pay, transfer or deliver, or contributed or offered or promised to contribute to another to be paid or used any money or other valuable thing as compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, or for the giving or withholding a vote at this election.

Signed.....

Sworn and subscribed to before me this.....day of November, A. D., 189.....

Inspector.

Oaths to be conclusive evidence

Such oath or affirmation shall be conclusive evidence to the election officers of the truth of such oath or affirmation, but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury, and no conviction thereof shall bar any prosecution under Section 8 of Article V of the Constitution of this State. In order to enable the election officers to carry into effect the provisions of this Section, the Sheriff of each county shall cause to be prepared a book containing not less than five hundred blank forms of the oath or affirmation provided for in this Section, and shall cause one of said books to be delivered to the Inspector or other officer authorized by law to hold the election in each of the election districts of his county at the time provided in Section 3 of this Act. Such oath or affirmation when signed and attested as herein provided, shall be competent evidence in any proceeding against the party making the same.

Book of oaths

Delivery of

Oath to be evidence

Closing election

Section 20. The election shall be continued open until six o'clock in the afternoon when it shall be closed. The Inspector or other officer authorized by law to hold the election, shall one-half hour before closing the election make proclamation that the same will be closed in that time.

Counting of votes

Section 21. When the election shall be closed the Inspector or other officer authorized by law to hold the election, and Judges, shall openly and publicly unlock the box containing the ballots, and shall remove the lid so far as that the ballots can be taken separately from the box, one of the Judges shall keep in his custody the said box, while another shall publicly, in the presence of the other Judges and such of the electors as shall think proper to be present take the ballots one by one from the box and read the same. When a ballot shall be read, it shall be put into the other box delivered by the Sheriff to the Inspector or other officer authorized by law to hold the election, as provided in the

third section, it being first seen that the said box contains nothing, and the same being kept during the reading in the possession of one of the Judges; and two clerks at least shall keep accurate count of the ballots as they are read, which shall be done on such tally lists as aforesaid, by writing the name of every person voted for in the margin under a designation of the office for which the vote is given to him, and making a distinct dot with a pen in the squares in the row against such name for every vote such person shall receive for the same office, and each square when full shall contain five rows of dots, each row consisting of five dots and each clerk shall upon reading of the name repeat it with the number of the dots in the row pronouncing at the last dot in the square "tally full", and at the first dot of the succeeding square "one of a new", if the same person shall be voted for for different offices, his name shall be written in the margin for each office, and a just count kept of the votes given to him for each office. The reading and counting of the votes shall be continued, without interruption or adjournment until completed.

Account how kept

Counting not to be interrupted

Section 22. When the reading and counting of the votes is completed the Inspector or other officer authorized by law to hold the election and Judges shall forthwith make and sign three certificates of the election in their election districts according to the form prescribed in Section 6 stating every office for persons to fill which votes shall have been given at said election, the name of every person to whom any vote shall have been given for such office, and the number, in words at length, of votes given to such person for the said office. The said certificates shall be put in separate envelopes, which shall be furnished by the Sheriff, and said envelopes shall be endorsed on the face thereof with the words "Certificate of the votes cast in..... election district of..... Representative..... District at the general election in..... county, A. D.....," and on the back of each envelope after the same shall have been sealed, the Inspector or other officer authorized by law to hold the election and Judges shall respectively write their names crosswise the sealing.

Certificates of result, signing

Form

Certificate to be placed in envelopes

Entry on envelopes

Election officers to write their names on the sealing

The tally lists shall be signed by the Inspector or other officer authorized by law to hold the election, Judges and Clerks, and deposited with one of said envelopes containing a certificate in the box into which the ballots shall have been put when read and the lid of said box shall be secured by tape crossed and sealed with sealing wax by one of the Judges not being the Inspector or other officer authorized by law to hold the election, one of the said envelopes containing a certificate and the ballot boxes shall be kept by the Inspector or other officer author-

Signing of tally lists

Deposit

Securing and sealing lid of box

Custody of certificates

ized by law to hold the election, the other and remaining envelope containing a certificate shall be kept by one of the Judges not being of the same political party as the Inspector or other officer authorized by law to hold the election.

Delivery of certificates and ballot box

Section 23. The presiding election officer of each election district in the respective counties of the State, on the day next after the general election, shall deliver one of the envelopes containing a certificate of the election, made and certified as hereinbefore required, together with the ballot box or ballot boxes containing the ballots and other papers required by law to be placed therein to the Prothonotary of the Superior Court of the county who shall at twelve o'clock noon on the second day after the election present the same to the said court and the election officer having charge of any other certificate of the election shall at the same time present the same to the said Court, and the said Court shall at the same time convene for the performance of the duties hereby imposed upon it; and thereupon the said Court with the aid of such of its officers and such sworn assistants as it shall appoint shall publicly ascertain the state of the election throughout the county and in the respective hundreds and election districts, by calculating the aggregate amount of all the votes for each office that shall have been given in all the hundreds and election districts of the county for every person voted for for such office.

To whom delivered

Delivery to Court

Duty of Court

Canvass of election

Of whom Court to consist

For the purposes of this Section the Superior Court shall consist in New Castle County of the Chief Justice and the Resident Associate Judge; in Kent County of the Chancellor and the Resident Associate Judge; and in Sussex County of the Resident Associate Judge and the remaining Associate Judge, who shall for the purpose of this Act be a Board of Canvass for the respective counties of this State; and in case the certificates of election of any election district in the county shall not be produced or in case the certificates produced do not agree or in case of complaint under oath of fraud or mistake in any such certificates or in case of fraud or mistake is apparent on the face of any such certificate the Court shall have the power to issue summary process against the election officers of such election district or any other persons to bring them forthwith into Court with the election papers in their possession or under their control, and to open the ballot boxes and take therefrom any paper contained therein, and to make a recount of the ballots contained therein, and to correct any fraud or mistake in any certificate or paper relating to such election.

Court to be Board of Canvass

Powers of Court

Opening ballot boxes

Death, sickness or accident, of presiding election officer

Section 24. If the presiding election officer of any election district after the election shall die or be prevented by sickness

or accident from delivering the certificate of election, together with the ballot box or ballot boxes containing the ballots and other papers required by law to be placed therein to the Prothonotary of the Superior Court of the county, as required in the preceding section, the said certificate of election and ballot boxes for his election district shall be sent by safe and secure conveyance (for the safety of which the presiding election officer or his executors or administrators or heirs shall be responsible to the Prothonotary on the day next succeeding the day of the general election. Sending, certificates, etc.

Section 25. After the state of the election shall have been ascertained by calculating the votes as aforesaid the said Superior Court shall make under the seal of said court the following certificates, to wit: Certificates of result

Three certificates of the election of electors of President and Vice-President of the United States, certifying in words at length the number of votes given for every person voted for, for that office.

Four certificates of the election of Governor, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of Lieutenant Governor, certifying in words at length, the number of votes given for every person voted for, for that office.

Two certificates of the election of a representative or representatives as the case may be, of this State in the House of Representatives of the United States in Congress, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of Attorney-General, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of Insurance Commissioner, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of State Treasurer, certifying in words at length, the number of votes given for every person voted for, for that office.

Four certificates of the election of Auditor of Accounts, certifying in words at length, the number of votes given for every person voted for, for that office.

Two certificates of the election of a Senator for.....
Senatorial District of the County in the General Assembly.

Two certificates of the election of a Representative for
..... Representative District of the county in the
General Assembly.

Two certificates of the election of Prothonotary.

Two certificates of the election of Clerk of the Peace.

Two certificates of the election of Register of Wills.

Two certificates of the election of Recorder.

Two certificates of the election of Register in Chancery.

Two certificates of the election of Clerk of the Orphans'
Court.

One certificate of the election of Levy Court Commissioners
for.....Levy Court District (New Castle County).

One certificate of the election of Levy Court Commissioner
for.....Representative District (Kent County).

One certificate of the election of Levy Court Commissioners
or of such of said officers as shall have been voted for at the
said election.

One certificate of the election of County Treasurer.

One certificate of the election of Receiver of Taxes and
County Treasurer.

One certificate of the election of County Comptroller.

Two certificates of the election of Sheriff.

Two certificates of the election of Coroner.

One certificate of the election of Assessor for.....
Assessment District or Hundred (in New Castle County).

One certificate of the election of Assessor for.....
..... Representative District (in Kent County).

One certificate of the election of Assessor for.....
..... Hundred (in Sussex County).

One certificate of the election of Inspector for.....
..... Election District of..... Representative
District.

One certificate of the election of Road Commissioners for
..... Hundred (New Castle County).

The said Superior Court shall inclose and seal up each of
said certificates separately in an envelope, with an endorsement
thereon describing the certificates inclosed. Upon the paper
inclosing the certificates of the election of Senator or Representative
in the General Assembly, the name of the person chosen shall
be endorsed. The said Court shall deliver the ballot boxes to
the Sheriff of the county, to be by him kept and delivered as
required by law.

Sealing
certificates

Endorsement

Delivery of
ballot boxes
to Sheriff

Section 26. The aforesaid certificates may be according to
the following form, to wit:

Form of
certificates

The State of Delaware.....County, ss.

Be it remembered, that at the general election held on the
Tuesday next after the first Monday in November, in the year
of our Lord one thousand.....hundred and.....
for.....County, according to the Constitution and
laws of the State of Delaware (here insert, to wit: If the certifi-
cate be of an election of electors of President and Vice-President,
of Governor, of Lieutenant Governor, of Representative in
Congress, of Attorney General, of Insurance Commissioner, of
State Treasurer, of Auditor of Accounts, the number in words
at length of votes given for each person voted for, for said respec-
tive offices; if the certificate be of an election of Senator or Rep-
resentative in the General Assembly, or, of Prothonotary, of
Clerk of the Peace, of Register of Wills, of Recorder, of Reg-
ister in Chancery, of Clerk of the Orphans' Court, of Levy Court
Commissioner or Commissioners, of County Treasurer, of Re-
ceiver of Taxes and County Treasurer, of County Comptroller,
of Sheriff, of Coroner, of Assessor, of Inspector or of Road Com-
missioner, the names of the persons elected), which is mani-
fest by calculating and ascertaining the aggregate amount of
all votes given for each person voted for in all the hundreds
and election districts of the county, according to the provisions
made by law in this behalf.

In testimony whereof, weand.....
constituting the Superior Court for.....County, who have
met and ascertained the state of the election throughout the
said county, as the law requires, have hereunto set our hands
and caused the seal of the said Superior Court to be hereunto
affixed at the Court House in said county, on this.....day
of November, A. D.....

Manner of
filling up
certificates

And the manner of making the insertion aforesaid may be as follows, to wit:

IN CASE OF ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

..... votes were given for.....for Elector
..... votes were given for.....for Elector
and so on, naming each person voted for.

IN CASE OF GOVERNOR.

..... votes were given for.....for Governor
..... votes were given for.....for Governor
and so on, naming each person voted for.

IN CASE OF LIEUTENANT GOVERNOR.

..... votes were given for.....for Lieutenant Governor
..... votes were given for.....for Lieutenant Governor
and so on, naming each person voted for.

IN CASE OF REPRESENTATIVE TO CONGRESS.

..... votes were given for.....for Representative to Congress
..... votes were given for.....for Representative to Congress
and so on, naming each person voted for.

IN CASE OF ATTORNEY GENERAL.

..... votes were given for.....for Attorney General
..... votes were given for.....for Attorney General
and so on, naming each person voted for.

IN CASE OF INSURANCE COMMISSIONER.

..... votes were given for.....for Insurance Commissioner
..... votes were given for.....for Insurance Commissioner
and so on, naming each person voted for.

IN CASE OF STATE TREASURER.

..... votes were given for.....for State Treasurer
..... votes were given for.....for State Treasurer
and so on, naming each person voted for.

IN CASE OF AUDITOR OF ACCOUNTS.

..... votes were given for.....for Auditor of Accounts
..... votes were given for.....for Auditor of Accounts
and so on, naming each person voted for.

IN CASE OF SENATORS TO GENERAL ASSEMBLY.

..... was duly elected Senator for the
 Senatorial district for said county in the General
 Assembly; and so on giving certificates for each Senator elected
 in the respective Senatorial Districts of the county; and.....
 was duly elected Senator for
 the Senatorial District for said county in
 lieu of late Senator for said Senatorial Dis-
 trict of said county in the General Assembly; and so on giving
 certificates for each Senator elected in lieu of any other Sena-
 tor for any Senatorial District for said county in the General
 Assembly.

IN CASE OF REPRESENTATIVES TO GENERAL
ASSEMBLY.

..... was duly elected Representative for the
 Representative District for said county in the
 General Assembly; and so on, giving certificates for each Rep-
 resentative elected in the respective Representative Districts of
 the county.

IN CASE OF PROTHONOTARY.

..... was duly elected Prothonotary for.....
 County.

IN CASE OF CLERK OF THE PEACE.

..... was duly elected Clerk of the Peace for.....
 County.

IN CASE OF REGISTER OF WILLS.

..... was duly elected Register of Wills for.....
 County.

IN CASE OF RECORDER.

..... was duly elected Recorder for.....
 County.

IN CASE OF REGISTER IN CHANCERY.

..... was duly elected Register in Chancery for.....
 County.

IN CASE OF CLERK OF THE ORPHANS' COURT.

..... was duly elected Clerk of the Orphans' Court for
 County.

IN CASE OF LEVY COURT COMMISSIONERS FOR NEW
CASTLE COUNTY.

.....was duly elected Levy Court Commissioner for
.....District in said county; and so on, giving a cer-
tificate for each Levy Court Commissioner elected in each dis-
trict in said county.

IN CASE OF LEVY COURT COMMISSIONERS FOR
KENT COUNTY.

.....was duly elected Levy Court Commissioner for
.....Representative District in said county; and so on,
giving a certificate for each Levy Court Commissioner elected
in each Representative District in said county.

IN CASE OF LEVY COURT COMMISSIONERS FOR
SUSSEX COUNTY.

.....was duly elected Levy Court Commissioner for
.....Hundred in said county, and so on, for each Levy
Court Commissioner elected for any hundred in the county.

IN CASE OF COUNTY TREASURER (IN KENT AND
SUSSEX COUNTY).

.....was duly elected County Treasurer for.....
County.

IN CASE OF RECEIVER OF TAXES AND COUNTY
TREASURER (IN NEW CASTLE COUNTY).

.....was duly elected Receiver of Taxes and County
Treasurer for said county.

IN CASE OF COUNTY COMPTROLLER (IN NEW
CASTLE COUNTY).

.....was duly elected County Comptroller for New
Castle County.

IN CASE OF SHERIFF.

.....was duly elected Sheriff for.....County.

IN CASE OF CORONER.

.....was duly elected Coroner for.....
County.

IN CASE OF ASSESSOR IN THE CITY OF WILMINGTON.

.....was duly elected Assessor for.....
Assessment District of the City of Wilmington, and so on, giving certificates for each Assessor elected in the respective assessment districts in the City of Wilmington.

IN CASE OF ASSESSOR IN NEW CASTLE COUNTY OUTSIDE THE CITY OF WILMINGTON.

.....was duly elected Assessor for.....
.....Hundred in said county, and so on, giving certificates for each Assessor elected in the respective Hundreds of said county.

IN CASE OF ASSESSOR IN KENT COUNTY.

.....was duly elected Assessor for.....
Representative District in said county, and so on, giving certificates for each Assessor elected in the respective Representative Districts in said county.

IN CASE OF ASSESSOR IN SUSSEX COUNTY.

.....was duly elected Assessor for.....
Hundred in said county, and so on, giving certificates for each Assessor elected in the respective Hundreds of said county.

IN CASE OF INSPECTOR OUTSIDE OF THE CITY OF WILMINGTON.

.....was duly elected Inspector for.....
Election District of.....Representative Districts for.....County, and so on, giving certificates for each Inspector elected in each election district in each Representative District for the respective counties.

IN CASE OF ROAD COMMISSIONERS FOR NEW CASTLE COUNTY.

.....was duly elected Road Commissioner for.....
.....Hundred of said county, and so on, giving certificates for each Road Commissioner elected in said county.

Section 27. If, by reason of an equal number of votes having been cast for two or more persons for the office of Senator or Representative in the General Assembly, Prothonotary, Clerk of the Peace, Register of Wills, Recorder, Register in Chancery, Tie votes

Clerk of the Orphans' Court, Levy Court Commissioners, County Treasurer, Receiver of Taxes and County Treasurer, County Comptroller, Sheriff, Coroner, Assessor, Inspector or Road Commissioner (for New Castle County), it shall appear to the said Court that a vacancy will occur in said office, a certificate of such fact shall thereupon be made under the hands of the said Superior Court, and under the seal of said Court, which certificate shall be transmitted by the said Court to the Governor, and the aforesaid certificate of election shall be delivered as hereinafter is provided.

Certificate of
tie to be de-
livered to
Governor

Delivery of
certificates of
election by
Court

Section 28. The said Superior Court, shall within three days after making the certificates of the election for Electors of President and Vice-President, either personally, or by a person deputed by it for that purpose, transmit, deliver and lodge the said certificates of the election for Electors of President and Vice-President, as follows, to wit:

One to the Governor, another to the Secretary of State, and the other to the Prothonotary of the County; and shall transmit, deliver and lodge the certificates of the election for Governor, according to the directions of the Constitution in that behalf, and shall transmit, deliver and lodge one of the said certificates of the election for Lieutenant-Governor to the President of the Senate, or in case of a vacancy in the office of President of the Senate, or his absence from the State, to the Secretary of State, who shall keep the same until a President of the Senate shall be chosen, to whom they shall be immediately transmitted after his election, who shall open and publish the same in the presence of the members of both Houses of the General Assembly. Duplicates of the said returns shall also be immediately lodged with the Prothonotary of each county, and shall transmit, deliver and lodge one of each of said certificates of the election for Representative, or Representatives, in the House of Representatives of the United States to the Governor, and lodge the other of the said certificates in the office of the Clerk of the Peace of the county; and shall transmit, deliver and lodge one of the certificates of the election for Attorney General, for Insurance Commissioner, for State Treasurer and for Auditor of Accounts to the Governor and the other of said certificates in the office of the Prothonotary of the county; and shall transmit and deliver one of said certificates of the election of Senator and one of said certificates of the election of Representative in the General Assembly, in the office of the Prothonotary for Kent County, and further shall deliver, on the first day of the meeting of the General Assembly after the election the other certificate of the election of Senator to the Senate, and the other certificate of the election of Representatives to

Duplicate
returns

Delivery of

the House of Representatives; and shall transmit and deliver one of said certificates of the election of Prothonotary, of the Clerk of the Peace, of Register of Wills, of Recorder, of Register in Chancery, of Clerk of the Orphans' Court, of Sheriff and of Coroner, to the Governor and the other of said certificates to the Clerk of the Peace of the county, except the one for Clerk of the Peace, which shall be delivered to the Prothonotary; and shall transmit and deliver the certificate of the election of each Levy Court Commissioner, in New Castle and Kent Counties, and the certificate of the election of Levy Court Commissioners in Sussex County to the Clerk of the Peace of the respective counties; and shall transmit and deliver the certificate of election of the County Treasurer, of Receiver of Taxes and County Treasurer (in New Castle County), and of Comptroller (in New Castle County), to the Clerk of the Peace of the county; and shall transmit and deliver one of the certificates of the election of Assessor, of Inspector and of Road Commissioner (in New Castle County), to the Clerk of the Peace of the county, to be laid before the Levy Court, and one for each of said officers to the Sheriff of the county to be by him delivered to the respective parties certified to have been elected. The Prothonotary of Kent County shall, on any day of the meeting of the General Assembly, deliver, if required, the certificates of election of Senators or of Representatives to the order of the House to which it belongs, or to the person named in the endorsement thereon.

Prothonotary to deliver certain certificates to General Assembly

Section 29. Each Inspector or other officer authorized by law to hold the election, shall, on the day next after the general election, deliver into the office of the Clerk of the Peace of his county, the oaths or affirmations that shall have been signed by the Inspector, or other officer authorized by law to hold the election and Judges of the election in his election district, and the certificate of said oaths or affirmations being administered, to be made and signed as directed in the twelfth Section of this Act, and the two lists of the polls kept at the election as before directed, and the Register and the Book of Registered Voters, certified to by the registration officers, with the notes of "voted", as the same shall have been made in said last mentioned book on the day of the election; all of which shall be filed in the office of the said clerk, and shall be public records, and as such, admissible as evidence.

Inspectors to deliver oaths, etc., to Clerk of the Peace

Section 30. The Sheriff shall preserve the ballot boxes containing the ballots, and other papers required by law to be placed therein, safely, and secured in the manner in which the same shall have been delivered to him, until the last day of February next after the election. If the term of office of the said Sheriff shall expire prior to the said last day of February, he

Sheriff to preserve ballot boxes, etc.

Expiration of term of office of Sheriff

shall deliver, within two days after the expiration of his term, the said ballot boxes containing the ballots and other papers required by law to be placed therein, preserved in the same manner in which they were when delivered to him, to his successor in office, who shall safely and securely keep the same in the manner in which the same shall have been delivered to him, until the said last day of February next after the election.

Power of Senate to compel delivery of ballot boxes

Refusal of Sheriff

House of Representatives to have like power

Section 31. The Senate shall have power to compel a delivery to that body of the ballot boxes aforesaid, and for that purpose to order and cause to be arrested and brought before them any Sheriff having the custody of the said ballot boxes, and to adjudge him guilty of a contempt for neglect or refusal to deliver any such ballot boxes and to proceed against him accordingly, and the House of Representatives shall have power to compel the delivery of said ballot boxes in like manner and by like proceedings.

Duty of Governor to examine returns

Certificate of election

Filing

Proclamation by Governor of state of vote

Section 32. The Governor, after receiving the certificates of the State of the votes of the respective counties of the State, under the seal of the Superior Court, for the office of Attorney General, Insurance Commissioner, State Treasurer and Auditor of Accounts, or any of whom as shall have been voted for at the preceding general election, shall, without delay, examine the returns and declare the person or persons elected, and shall issue certificates of such election under his hand, and the same together with the returns, shall be filed in the office of the Secretary of State, and the Governor shall by proclamation make public the state of the vote by causing the same to be published in one or more of the public newspapers of the respective counties of this State, and shall issue commissions to the persons.

Section 33. That all Acts or parts of Acts supplied by this Act or inconsistent with the provisions thereof are hereby repealed and made null and void.

Approved June 1, A. D., 1898.

CHAPTER 65, VOLUME 27.

AN ACT to Further Provide for the Secrecy and Purity of the Ballot.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:

Section 1. That hereafter it shall be the duty of each Inspector of Elections in this State, outside of the City of Wilmington, to provide a room for the holding of any general or special election in his hundred or election district which shall be adapted to the requirements of this Act. Said room shall be at the place now or which may hereafter be established by law in each hundred or election district for the holding of elections, or in as close proximity thereto as practicable, having due regard to the convenience of the voters. Provided, however, that if any Inspector shall select a place for the holding of any general or special election in his hundred or election district, other than the one established by law, he shall do it in time to give the notice of holding such election required by law. Said room shall have a door or entrance of easy or convenient access, and if practicable, a separate means of exit. It shall be provided on the outside with a passage at least four feet wide and with a railing, rope or wire on each side commencing at least thirty feet away from and leading to the entrance to such place of election and passing the place assigned for the challengers and thence to the entrance of the room in which the election is held.

The Inspector shall provide for the room a railing therein separating the part of the room to be occupied by the election officers from the remainder of the room. He shall also provide a suitable table and chairs for the use of the election officers. The table shall occupy such a position in the said room as to enable the election officers and the challengers hereinafter provided for, to easily communicate with each other. He shall cause to be constructed in the room at least one booth for every one hundred and fifty voters or fractional part thereof in each hundred or election district; provided that there shall not be less than three booths at any hundred or election district. The booths shall be at least three feet square and six feet high if the ceiling will admit it. They shall each contain a shelf properly constructed and a cardboard box fastened to the booth to con-

Inspectors of election outside of Wilmington to make arrangements for holding elections

Room to be at place established by law for election to be held

If change in place Inspector shall give notice in time required by law

Access to and exit from election room

Space allotted to election officers to be separated from other part of room

Arrangement of election room

Number of election booths to be provided

Dimensions of election booths

Construction of booths

tain the ballots hereinafter provided for, and they shall be so constructed and arranged that all the election officers in the room can see whether more than one voter enters any one of them at any one time. In the City of Wilmington it shall be the duty of the Department of Elections to select the voting place in each election district within the city and to provide the room in which the election is to be held and to protect the same with the required railing or rope and to construct therein the necessary number of booths and to do all other things required to be done by the Inspectors of Election outside of the City of Wilmington in and about the furnishing and fitting up of said room.

Department of elections of City of Wilmington to select voting places and make arrangements in Wilmington

Each political party to select challenger to stand without election room

Section 2. Each of the political parties may select and accredit some suitable person as a challenger to stand without the door or entrance of the room in which the election is to be held, and by the side of the passage hereinbefore provided for; and in case of failure of any or all of the political parties to select such person or persons as challenger or challengers it shall be the duty of the Inspector and Judges to make such selection or selections, provided that the challengers may be exchanged and their places filled, in like manner during the day. The said challengers shall be peace officers of the State with the same powers for preserving the peace as the Inspectors of Election now have. Any person resisting such challenger or challengers shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment shall be fined not more than one hundred dollars and may at the discretion of the Court be imprisoned for a term not exceeding one year. Such challengers shall be appointed by the respective County Committees of each of the political parties.

Inspectors and Judges to select challenger in event of failure to select as above

Challengers to be peace officers of State

Misdemeanor to resist a Challenger
Penalty

Definition of a Political Party

Section 3. A political party within the meaning of this Act shall be an organization of bona fide citizens and voters of any county in this State, which shall by means of a convention, primary election or otherwise, nominate candidates for public offices to be filled by the people at any general or special election within the State. No organization shall be regarded as a political party that does not represent at least five hundred bona fide citizens and voters of the county in which it exists. If the Clerk of the Peace should have any doubt as to the sufficiency of the number of bona fide voters represented by any organization in any county, he may demand a certificate containing the signatures, and addresses of two hundred and fifty voters belonging to such an organization, as to that fact.

Must name 500 bona fide voters in each county

Clerk of the Peace may demand certification to show sufficient number

Clerks of the Peace to print ballots

Section 4. The Clerks of the Peace for the several counties shall cause to be printed on the ballots herein provided for, the names of the candidates nominated by the parties recog-

nized by them as political parties within the meaning of this act. The nomination of the candidates for the office of Governor, Representative in Congress and Presidential Electors and all other State officers shall be certified to the several Clerks of the Peace by the presiding officer and secretary of the several State party conventions or committees, and the nominations of the candidates for the county, hundred and district offices shall be certified to the respective Clerks of the Peace of the county in and for which such nominations have been made by the presiding officer and secretary of the proper party convention or committee. The certificates shall be in writing and shall contain the name of each person nominated, his residence and the office for which he is nominated. The persons making such certificate shall add to their signatures their respective places of residence and shall acknowledge said certificate before an officer duly authorized to take acknowledgements of deeds, and a certificate of such acknowledgment shall be affixed to the instrument.

Names of nominees to be certified to Clerks of the Peace by officers of nominating Convention or Committees

Form of certificate

The certificate shall also designate a title for the party which such convention or committee represents together with any simple figure or device by which its list of candidates may be designated on the ballot. Provided that the figure, or title or device selected and designated by the State convention or committee of any party shall be used by that party throughout the State; only one figure or device shall be used by a party at any election. The same title, figure or device shall not be used by more than one party, and the party first certifying a name, title, figure or device to the Clerks of the Peace shall have the prior right to use the same. Such figure or device may be the figure of a star, an eagle, a plow, or some such appropriate symbol, but the coat of arms or seal of the State, or of the United States, or the flag of the United States, shall not be used as such figure or device.

Certificate to designate title of party as well as party device

Party device to be used uniformly throughout the State

No one device to be used by more than one Party

Prior right to device and title determined by Clerks of the Peace when in dispute

United States and State seal, coat of arms or flags shall not be used as a party symbol.

Death, resignation or removal of a candidate

In case of factional division in a Party the Clerks of the Peace to assemble and decide the dispute as to name, title, symbol, etc.

In case of death, resignation or removal of any candidate subsequent to nomination a supplemental certificate of nomination may be filed by the proper officers of the State, county, district or hundred committees. In case of a division in any party and claim by two or more factions to the same party name or title, figure or device, if the division occurs at a State convention, or extends throughout the State, the Clerks of the Peace of the several counties shall, within ten days after any one of them has received the certificates of the contending factions, assemble in the office of the Clerk of the Peace at Dover and determine which faction the name, title or figure properly belongs to, giving the preference to the convention held at the time and place designated in the call of the regularly constituted party

Clerks of the Peace to select Party name, title or device

Clerks of the Peace to decide individually when time is too short

Clerk of the Peace to act when a county or district division takes place

authorities; and if within five days thereafter the other faction shall present no other party name or title, figure or device and certify the same to the Clerks of the Peace the latter shall again immediately assemble and select some suitable title, figure or device for said faction and the same shall be placed above the list of their candidates on the ballots. If the certificate of the contending factions shall not be received by the Clerks of the Peace in time for them to assemble at Dover before publishing the device and list of candidates in the newspapers, then and in that case each Clerk of the Peace shall determine for himself which faction shall be entitled to the name, title, figure or device and shall select a name, title, figure or device for the other faction. Provided that in case of division in any party extending only throughout a county, district or hundred, the Clerk of the Peace in the county in which such division occurs upon the receipt of certificates from the contending factions shall determine which faction is entitled to the party name, figure or device and to have their nominations printed in the proper party column, and should the other faction fail to do so the Clerk of the Peace shall select for them a name or title, figure or device.

Clerks of the Peace to preserve all certificates of nominations for six months

Section 5. The Clerks of the Peace of the several counties shall cause to be preserved in their respective offices all certificates of nominations filed under the provisions of this act for six months after the date of the filing thereof.

Certificates of nominations to be filed twenty days before election day

Section 6. Certificates of nominations herein directed to be filed with the Clerks of the Peace shall be filed not less than twenty days before the day fixed by law for the election of the persons in nomination.

To publish list of nominees ten days before election in newspaper

Section 7. At least ten days before an election to fill any public office the Clerk of the Peace of each county shall cause to be published in at least two newspapers within his county the nominations to office certified to him as directed in Section 4. He shall make no less than two publications in each of such newspapers before election. Such publications shall be made in two newspapers representing the two principal political parties. Provided, that in all cities where a daily newspaper is published such notice shall also be published in two daily papers representing such political parties, if such there be. The lists of nominations published by the Clerk of the Peace shall be arranged as far as practicable in the order and form in which they will be printed upon the ballots, and shall designate the devices under which the lists of candidates of each party will be printed. The Clerk of the Peace shall not include in the publication to be made according to this section the name of any candidate whose certificate of nomination shall have been filed in his office who shall

In cities having daily newspapers political parties to be recognized in publication whenever possible

have notified him in writing duly signed and acknowledged that he will not accept the nomination. The names of such candidates shall not be included in the names of the candidates to be printed on the ballot as hereinafter provided.

Clerk of the Peace not to publish name of man who declines a nomination and so notifies the Clerk of the Peace

Section 8. The Clerk of the Peace in each county shall cause the names of all candidates to be voted for in his county and the several hundreds or districts in the same to be printed in parallel columns in one ballot, all nominations of any party being placed under the title and device of such party as designated by its authorized agent or agents in the certificate or certificates, or if none be designated under some suitable title and device to be selected by the Clerk of the Peace. The ballots shall be of uniform size and of the same quality and color of paper and sufficiently thick that the printing cannot be distinguished from the back. The arrangement of the ballot shall in general conform as nearly as possible to the plan hereinafter given, and the device named and chosen and the list of candidates of the Democratic party shall be placed in the first column on the left hand side of said ballot; of the Republican party in the second column and of any other party in such order as the Clerk of the Peace shall decide.

Names of candidates printed in parallel columns under party device

Ballots to be of uniform size and same quality of paper

Arrangement of the ballot

<div style="text-align: center; border: 1px dashed black; padding: 2px;">DEVICE</div> DEMOCRATIC PARTY	<div style="text-align: center; border: 1px dashed black; padding: 2px;">DEVICE</div> REPUBLICAN PARTY
For Electors of President and Vice President JOHN DOE	For Electors of President and Vice President JOHN DOE
For Electors, etc. JOHN DOE	For Electors, etc. JOHN DOE
For Electors, etc. JOHN DOE	For Electors, etc. JOHN DOE
For Governor JOHN DOE	For Governor JOHN DOE
For Lieutenant Governor JOHN DOE	For Lieutenant Governor JOHN DOE

Section 9. In case of the death, removal or resignation of any candidate after the printing of such ballots and before such election, it shall be lawful for the Chairman of the State, county, hundred or district political organization by which such candidate was nominated to make a nomination to fill such vacancy and to provide the election officers of each election district in which such candidate is to be voted for, with a number of pasters containing only the name of such candidate. Said number to be at least equal to the number of ballots provided for each election district as hereinafter provided, and to deliver said pasters in the same manner as it is hereinafter provided that ballots shall be delivered.

Death, resignation or removal of candidate after printing of ballots
Chairman of the State, county, hundred or district political organization to fill vacancy
Pasters to be supplied

Section 10. The Clerk of the Peace in each county shall cause to be printed within the State of Delaware, in the form hereinbefore provided, not less than fifteen ballots for every voter in each hundred or Election District in his county, and the number shall be ascertained in each hundred or Election District by reference to the highest number of votes polled therein at any preceding election, with due allowance for any estimated increase thereof. If a new Election District has been established in his county, the number shall be estimated by the said Clerk of the Peace, according to the best information he can obtain. The Clerk of the Peace in each county, in addition to the above mentioned ballots, shall cause to be printed such further number of ballots as shall be directed by the Chairman of any committee of any political party, in any county, provided, however, that the said Clerk of the Peace shall not have printed any ballots upon the order or request of any Chairman of any political party unless the said request shall have been made to him in writing at least thirty days prior to the holding of the Election at which the said ballots are to be used, nor unless a deposit sufficient to cover the cost of the ballots be made at the time they are ordered. The ballots so ordered by the said Chairmen of the various political parties shall be delivered to the said Chairmen or to their agents upon their request or order, at least five days before the Election at which the said ballots are to be used. In addition to the ballots so ordered by the Chairmen of the various political parties, the Clerk of the Peace shall deliver to each Chairman of the various political parties, two ballots for every voter in each hundred or Election District, who at the last preceding election cast his ballot for the head of the ticket of such political party, which ballots shall be furnished to the County Chairmen free of all charges. The Clerk of the Peace shall cause the ballots, other than those delivered to the Chairmen of the various political parties for each hundred or Election District, to be carefully wrapped and tied in two packages. One of such packages shall contain two ballots for every voter in each hundred or Election

Clerk of the Peace to have printed fifteen ballots for every voter

Clerk of the Peace to have printed in addition such number of ballots as directed by Chairman of any committee of any political party upon deposit being made to cover cost

Said ballots to be delivered to Chairmen of Political Committees

Clerk of the Peace to deliver in addition two ballots for each voter, free of charge

Disposition of residue of ballots printed in package

District in his county, and shall be retained by the Clerk of the Peace, and the ballots therein contained shall only be used to take the place of any ballot that may have been destroyed or lost by any accident or casualty. The other packages of ballots shall be delivered by the Clerk of the Peace in the manner hereinafter provided for. The Clerk of the Peace in each county shall also provide ungummed envelopes of a sufficient size to contain the ballot to be used at any election. Each envelope shall have printed thereon,

Clerk of the Peace to provide ungummed envelopes

Official Envelope

For

Representative District Number.....

Date of Election.....

.....
.....

Clerks of Election

Clerk of Election to sign envelopes

and shall be signed by the Clerks of Election on the lines above the words, "Clerks of Election".

Four envelopes for each voter

He shall have prepared four envelopes for each voter in each hundred or Election District in his county, and the number shall be ascertained in each hundred or Election District by reference to the highest number of votes polled therein at any preceding election, with due allowance for any estimated increase thereof. If a new Election District has been established in his county, the number shall be estimated by said Clerk of the Peace, according to the best information he can obtain. The Clerk of the Peace shall cause the envelopes for each hundred or Election District to be carefully wrapped and tied in two packages, one package containing one envelope for each voter in each hundred or Election District, in his county, and shall be retained by the Clerk of the Peace, and the envelopes therein contained shall only be used to take the place of like envelopes that may have been destroyed or lost by any accident or casualty. The said packages of envelopes shall be plainly marked and securely sealed with wax. The Clerk of the Peace in each county shall also provide, and inclose in each of said packages, not less than one dozen black or indelible pencils or crayons and a sufficient number of rubber bands to secure the number of envelopes in each hundred or Election District.

Envelopes to be tied in packages

Package marked and sealed

Pencils to be provided

Section 11. It shall be the duty of each Inspector of Election outside of the City of Wilmington to appear at the office of the Clerk of the Peace of his county on the day preceding the election before the hour of three o'clock in the afternoon, and the Clerk of the Peace shall deliver to him the packages of ballots, envelopes, pencils, and rubber bands for his hundred or Election District, and the said Inspector shall safely keep the said packages and produce the same at the place of election, and at the time of the opening of the election; provided, however, that in case there shall be a vacancy in the office of any Inspector on the day preceding the election or any Inspector for any cause, shall not apply to the proper Clerk of the Peace for the packages herein mentioned, for his hundred or Election District by the hour of three o'clock in the afternoon of the day preceding the election, the said Clerk of the Peace shall deliver said packages to some trusty person who shall deliver them on the day of the election to the Inspector of Election, of such hundred or election district at the place of election and immediately upon the qualification of the election officers.

Inspectors of Election outside of Wilmington to appear at Clerks of Peace office to receive ballots, envelopes, etc.

Clerk of the Peace to make delivery to some trusty person when Inspector fails to appear

In the City of Wilmington it shall be the duty of the President of the Department of Elections, or in case he cannot attend some other member of the Department of Elections authorized in writing by the President of the Department of Elections to appear at the office of the Clerk of the Peace of New Castle County on the day preceding each election on or before the hour of three o'clock in the afternoon, and the said Clerk of the Peace shall deliver to him the packages provided for each election district of the City of Wilmington and the said Department of Elections shall safely keep the same and deliver to said board of election officers and at the polling place on the day of the election at the time provided by law for the delivery of the ballot boxes, the ballots, envelopes, pencils and rubber bands intended for their several and respective districts.

The Department of Elections in Wilmington to have charge of distribution of ballots, envelopes, etc., obtaining same from Clerk of the Peace

Section 12. If by any action or casualty the ballots or envelopes delivered to any Inspector or other person by any Clerk of the Peace shall be lost or destroyed it shall be the duty of such person having such packages in his custody to report the loss at once to the Clerk of the Peace from whom the same were obtained and make affidavit of the circumstances of the loss whereupon such Clerk of the Peace shall at once re-supply such person. In case such person having in custody said packages fails or refuses to report and make proof of the loss, any qualified elector may do so, and thereupon such Clerk of the Peace shall at once send a new supply by some trusty person as provided in other cases. In case, for any reason, there should be found no ballots or other necessary means or contrivances for

Loss of ballots or envelopes

Custodian of ballots, etc., to report loss to Clerk of the Peace and make affidavit as to same

Where ballots or means of voting are lacking, election officers to act speedily to replace same or devise a means of voting voting, at the opening of the election it shall be the duty of the election officers at such election place to secure the same as speedily as possible, and, if necessary, such election officers shall have ballots printed or written and envelopes procured; provided, however, that such ballots and envelopes shall conform as nearly as possible to the official ballots and envelopes and the printing and the preparation and the care of the same shall be under the same provisions and penalties as the printing and the care of the other ballots and envelopes prescribed in this Act.

Inspector to deliver at least ten ballots to each box in booths and twenty-five envelopes to clerk of opposite political party
 Clerks of Election to write full names on envelopes

Section 13. At the opening of the election after the qualification of the several officers and in the presence of the others the Inspector or the Chairman of the Board of Inspectors shall open the packages of ballots and envelopes. He shall place in each box provided in each booth, at least ten ballots, and at all times during the election it shall be his duty to see that at least ten ballots are kept in said boxes in said booths. He shall then deliver to the Clerk of the Election, of the opposite political party from his own, twenty-five of the envelopes. The Clerks of the Election shall at once proceed to write their full names in ink in the places designated on the envelopes in their ordinary handwriting and without any distinguishing mark of any kind. As each successive elector calls for a ballot and envelope, the Clerks of the Election having custody of the ballots and envelopes shall deliver to him the first signed of the twenty-five envelopes, and one ballot, and the Inspector shall immediately deliver to the said Clerk of the Election another envelope which the Clerks of the Election shall at once sign as before, and add to the envelopes already signed so that it shall be delivered for voting after all of those theretofore signed.

Clerk of the Peace to print on cards extracts of the law in English and such other languages as he may deem necessary

Section 14. The Clerk of the Peace of each county shall cause to be printed in large type on cards, in English and such other language as he may deem necessary, instructions for the guidance of electors in preparing their ballots. He shall furnish twelve of such cards in each of the languages determined upon by him to each of the Election Inspectors at the same time he delivers to him the ballots and envelopes for his hundred or Election District. Each Inspector shall cause to be posted one of each of said cards in each place or compartment provided for the preparation of ballots, and one of each kind of such cards at or near to the outer end of the enclosure leading to the polling place, and not nearer than thirty feet of the polling place, and not less than three of each of such cards and three samples of each of the ballots in and about the polling place at the opening of the polls on the day of election, which sample ballots shall be printed on different colored paper than the genuine ballots.

Deliver cards to Inspector who shall post them

Said cards shall contain full instructions to the voters as to what must be done:

First, to obtain ballots and envelopes for voting;

Form of cards
of instructions

Second, to prepare the ballots for voting;

Third, for depositing the ballot in the envelope;

Fourth, to obtain either a new ballot or an envelope or both in place of either or both accidentally defaced, mutilated or spoiled, also copies of Sections 30, 31, 32 and 33.

Section 15. One challenger appointed and designated by each political party as hereinbefore provided shall be entitled to stand at the side of the passage and near the entrance to the room. No other person shall remain within thirty feet of said entrance except for the purpose of offering his vote, except as hereinafter provided for, and voters shall approach and enter the passage in the order in which they appear, for the purpose of voting. If any person offering to vote shall be challenged by one of such challengers, or by one of the Election officers, his right shall be at once determined by the proper officers, and if his vote is refused he shall immediately stand aside and give place to the person next in line, and retire without delay from within the thirty foot space around the entrance to the room.

One challenger
of each political
party to stand
at entrance of
room but no
other person to
be within thirty
feet of entrance
except when
voting

When chal-
lenged election
officers to de-
termine right
to vote

Section 16. When a voter shall have been passed by the challengers, he shall be admitted to the election room; provided, however, there shall not be in the room, at any time more than one voter for each booth therein. On entering the room the voter shall announce his name to the Clerks of Election, who shall register it, and one of said Clerks shall deliver to him an envelope and ballot furnished to the Election officers by the Clerk of the Peace. The voter shall then, and without leaving the room, go alone into any of the booths which may be unoccupied and deposit the ballot which he desires to vote in the envelope handed him by the Clerk, and on leaving the booth, or compartment, he shall deliver the envelope containing the ballot to the Inspector or the Judge who may temporarily be authorized to act for the Inspector, who shall forthwith in the presence of the voter and of the other election officers place a rubber band about the said envelope in such a manner as to keep the ballot placed therein from slipping out of the said envelope and shall deposit the said envelope in the ballot box, and the Clerks of the election shall write the word "voted" after the name of the voter on the poll list. The voter shall immediately after voting leave the room, and upon his refusal to do so may be

No more than
one voter for
each booth al-
lowed in room

Voter on ob-
taining envel-
ope to go alone
into booth and
deposit ballot
in envelope

Voter to deliver
envelope with
ballot therein
to election
officer

Voter to leave
room immedi-
ately after
voting

No envelope permitted to be taken from election room

ejected therefrom. But no voter to whom an envelope has been delivered shall be permitted to leave the room without voting or returning the said envelope to the Clerk of the Election. Any voter who shall attempt to leave the room with the envelope in his possession shall be at once arrested on demand of an election officer.

Other methods of obtaining ballots and marking the same

Section 17. It shall be lawful for any voter to secure a ballot at any time from the Chairmen of the various political parties or from any other source whatsoever, and to mark the same at any time and at any place before voting the same, and to carry the ballot which he has marked to the designated polling place in the hundred or election district of which he is a registered and qualified voter and there to vote the said ballot in the manner heretofore prescribed.

No more than one person in a booth at one time

Section 18. Not more than one person shall be permitted to occupy any booth at one time, and no person shall remain in, or occupy a booth longer than may be necessary to prepare his ballot and to deposit the same in his envelope, and in no event longer than three minutes. No more than one person for each booth in the room, other than the election officers shall be permitted to enter or be in the election room at any one time except as hereinafter provided and no voter or person offering to vote shall hold any conversation or communicate with any other person than an election officer while in the election room except as hereinafter provided.

When ballots are spoiled or defaced voter to receive another

Section 19. Any person who shall by accident or mistake spoil or deface or mutilate his ballot or envelope, on returning the spoiled ballot or envelope to the Clerks of the Election and satisfying them that such spoiling, defacing or mutilation was not intentional, shall receive another ballot or envelope or both in place thereof, and such Clerk shall make a minute of the fact on the poll lists at the time, and the mutilated ballot and envelope shall then be destroyed by the elector in the presence of the election officers.

Spoiled ballot to be destroyed after voting the same

Assistance in marking ballot allowed under certain conditions

Section 20. Any person who shall be physically unable to prepare or fold his ballot or deposit his ballot in his envelope by reason of defective eyesight or the loss of the use of one or both hands, or inability to walk with safety without assistance as manifestly renders him unable to prepare or fold his ballot, or to deposit his ballot in his envelope, or to reach the polling place alone with safety shall be permitted to bring with him into the election room and booth any elector or two electors if the nature of the disability manifestly requires more than one, such as a total disability to walk to the polling district, for the purpose

of rendering him the necessary assistance, and no voter shall receive any other assistance in voting than that herein provided for and the office of the so called voter's assistant is hereby expressly abolished.

Voter's assistant expressly abolished

In case any elector shall feign any of such physical defects, he shall be guilty of a misdemeanor and upon conviction thereof by indictment shall be fined one hundred dollars and shall be imprisoned for not more than two years.

Penalty when need of assistance is feigned

Section 21. No Inspector of election or Judge acting for the Inspector shall deposit any envelope upon which the names of the Clerks of the election as hereinbefore provided for, does not appear or any envelope on which appears any distinguishing mark, defacement or mutilation; provided, however, that no mark shall be considered distinguishing, and no envelope shall be considered defaced or mutilated unless it plainly appears that it was the intention of the voter to so mark, deface or mutilate his envelope.

No envelope bearing distinguishing mark or defaced to be deposited in ballot box

Section 22. The election officers before entering upon the duties of their office shall each take an oath that he will not in any manner attempt to influence, intimidate, persuade, bribe or coerce any voter in the marking of his ballot or in the making of the choice of the person or persons for whom he votes, and that he will not disclose the manner in which any person has voted, and any election officer who shall violate his oath in any of these particulars shall be guilty of wilful and deliberate perjury, and upon conviction thereof by indictment he shall in addition to the penalties and disabilities annexed to such crime be fined not more than five hundred dollars and may at the discretion of the Court be imprisoned not exceeding two years.

Election officers to take an oath before entering upon their duties

Character of oath

Penalty for violation

Section 23. Whenever under any provision of the laws of this State any voter or elector at any election hereinafter to be held in this State is required to indicate on the official ballot the candidate for whom he desires to vote at such election by marking his ballot in such manner as to indicate for whom he casts his vote such voter or elector at any election aforesaid shall indicate his choice of candidates aforesaid by marking his ballot with a black or indelible lead pencil or black crayon in the following manner:

When any elector desires to vote a straight ticket, that is to vote for all of the candidates of a party appearing in the party column on the ballot he shall place a cross mark or "X" within the square at the head of the party column containing the names of such candidates. In the event that any elector does not

Rules for the marking of the ballot

Cross mark or "X" within the square to vote for all candidates of any one party

Cross mark or "X" in squares at left of the names of candidates if a straight ballot is not voted May scratch out the name of a candidate

desire to vote for all of the candidates whose names appear in any one party column he shall place a cross mark or "X" in the square at the left of the name of the candidate for whom he desires to vote, and he may also scratch out the name of the candidate for whom he does not desire to vote, or he may do either.

All ballots cast at any election shall be counted for the persons for whom they were intended so far as such intention can be ascertained therefrom and in determining the intention the following rules shall be observed:

All ballots to be counted for those for whom they were intended to be cast

Rules to be determined in ascertaining the intent of the vote

First. If the elector shall place on his ballot a cross mark or "X" within the square containing a party designation at the head of the column he shall be deemed to have voted for all the candidates whose names appear in the column under such mark, unless some name or names shall be erased, or unless in some other column he shall have placed a mark in the square at the left of the name of some other candidate for the same office.

Second. When the voter shall place a mark against two or more names for the same office he shall be deemed to have voted for none of them and the ballot shall not be counted for either candidate therefor, but shall be counted for such other candidates as it is the evident intention of the voter to vote for.

If a name be written on a ballot it shall be void

Third. If any name be written on any ballot the ballot shall be void and not counted.

Fourth. When the elector shall have made a mark in the square at the left of the name of a person in the proper place he shall be deemed to have voted for that person although he shall have omitted to erase or scratch out the name printed in any other column for the same office.

Fifth. A ballot put in without any marks shall not be counted, and a ballot not marked at the top shall be counted only for the persons for whom the marks therein are applicable.

Names of the Clerks of the Election necessary on all envelopes to have ballots counted

Ballot having a distinguishing mark

Section 24. In the counting of the votes any ballot contained in an envelope which is not endorsed with the names of the Clerks of the election as provided in this Act, and any ballot which shall bear such a distinguishing mark that it is apparent that such distinguishing mark was placed thereon with the intent of the voter, or any ballot which is contained in any envelope

which shall bear any such distinguishing mark shall be void and shall not be counted, and any ballot or part of a ballot from which it is impossible to determine the elector's choice of candidates shall not be counted as to the candidate or candidates affected thereby; provided, however, that such ballots and envelopes and all disputed ballots and envelopes shall be preserved by the inspector and at the close of the count, placed with the seals of the envelope packages in the box into which the ballots shall have been put when read.

Disputed ballots or envelopes to be preserved

If any envelope should be found to contain more than one ballot none of the ballots contained in that envelope shall be counted. The election officers shall also record on the tally list memoranda of such ballots and envelopes and the condition of the seal of the envelope packages; and in any contest of election such ballot, envelope and seals may be submitted in evidence. Immediately on closing the polls, the envelopes remaining unused shall be counted and destroyed by the election officers of the several hundreds or election districts by totally consuming by fire and the election officers shall certify the number of envelopes so destroyed by them on the respective tally lists.

No envelope to contain more than one ballot

Unused envelopes to be destroyed at close of election

In the counting of the ballots each ballot shall be removed from its envelope and counted for the candidates voted for thereon and immediately returned to the envelope from which it is taken and secured therein by a rubber band, and the said envelopes and ballots after the count is made shall be returned to the ballot boxes from which they are taken.

Directions for counting ballots

Section 25. If any Clerk of the Peace or his clerk or any one acting for him shall neglect or refuse to have the ballots and envelopes printed and prepared according to the provisions of this Act, or shall neglect or refuse to deliver them in time to the parties properly entitled to receive them, or shall neglect or refuse to do or perform any other duty in and about the preparation and distribution of the ballots and envelopes required to be done and performed by him by the provisions of this Act, he shall be deemed guilty of a misdemeanor and shall be fined not less than one nor more than five thousand dollars, and he may in the discretion of the Court be imprisoned for not less than one nor more than five years.

Refusal of Clerk of the Peace to print ballots or deliver them

Penalty for refusal

Section 26. If any person being an election officer shall reveal to any person how any elector has voted, or what person or persons were voted for by him on any ballot or give any information concerning the appearance of any ballot voted or envelope used, such person or persons so offending shall be guilty of a

Election Officers not to reveal vote

Penalty for violation

misdemeanor and on conviction thereof by indictment shall be fined not more than five hundred dollars and shall be imprisoned not less than two and not more than five years.

Defacing or destroying a nomination certificate

Section 27. Any person who shall falsely make or fraudulently deface or fraudulently destroy any certificate of nomination, or any part thereof; or file any certificate of nomination knowing the same or any part thereof to be falsely made; or suppress any certificate of nomination which has been duly filed or any part thereof or forge or falsely make the official endorsement of any ballot or envelope or either of them; or print or cause to be printed any imitation ballot or envelope or circulate the same; or conspire with others to do any of said acts, or induce or attempt to induce any other person to do any of said acts, whether or not said acts or any of them be committed or attempted to be committed, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars or imprisoned in the discretion of the Court not more than five years.

Penalty for violation

Penalty for violation by officers mentioned

Section 28. If any Clerk of the Peace, Inspector of Election, Clerk of Election or Judge of Election or trusty person shall wilfully violate any of the provisions of this Act in the performance of any duty herein imposed upon him for the violation of which no other punishment is herein provided he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than three nor more than five hundred dollars and may in the discretion of the Court be imprisoned for a term not exceeding three years.

Sheriff to make ballot boxes and tally lists

Section 29. The Sheriff shall make the ballot boxes and the tally lists and all other papers to be delivered to the several inspectors conform to the requirements of this Act. The inspector or trusty person for his services in receiving and delivering at the place of holding the election as aforesaid the packages containing the ballots and stamps shall receive two dollars.

Compensation for delivering packages of ballots, etc.

Attempt to enter election room in violation of this act

Section 30. If any person not herein authorized so to do shall enter or attempt to enter the election room, or enter or attempt to enter within the railing leading to the entrance of the election room, or shall remain within thirty feet of the polling place contrary to the provisions hereinbefore made, he shall be guilty of a misdemeanor and on conviction thereof be fined not more than two hundred dollars.

Section 31. If any person shall induce or attempt to induce any elector to write, paste or otherwise place on his ballot the

name of any person or any sign or device of any kind as a distinguishing mark by which to indicate to any other person how such elector has voted, or shall enter into or attempt to form any agreement or conspiracy with any other person to induce or attempt to induce electors or any electors to so place any distinguishing mark or name on his ballot whether or not said act be committed or attempted to be committed, such persons so offending shall be guilty of a misdemeanor and on conviction be imprisoned for not exceeding two years.

Attempt to cause an elector to place distinguishing mark on ballot and penalty therefor

Section 32: If any person shall induce or attempt to induce any election officers to violate any of the provisions of this Act whether or not such election officers shall violate or attempt to violate any of the provisions of this Act, such person so offending shall be guilty of a misdemeanor and on conviction shall be imprisoned for a term not exceeding five years. It shall be the duty of each inspector to distinctly read this and the preceding section to the election officers at the opening of the polls and each member thereof shall thereupon take an oath that he has not violated and will not violate the provisions of said sections.

Attempt to cause an election officer to violate this act and penalty therefor

Section 33. Any person who shall during the election remove or destroy any of the supplies or other conveniences placed in the booths as aforesaid or delivered to the voter for the purpose of enabling the voter to prepare his ballot, or shall during the election remove, tear down or deface the cards printed for the instruction of the voters, or shall, during an election destroy or remove any booth, railing or other convenience provided for such election, or shall induce or attempt to induce any person to commit any of such acts whether or not any such acts are committed or attempted to be committed shall be guilty of a misdemeanor, and on conviction shall be punished by imprisonment for not less than six months nor more than one year.

Removal or destruction of supplies and notices in election room and penalty therefor

Section 34. All necessary costs and expenses incurred by the inspector and Clerks of the Peace in carrying into effect the provisions of this Act shall be paid as other County expenses are paid, except however the ballots ordered to be printed by the County Chairmen of the various political parties shall be paid for by such political party as shall order the same.

All expenses incurred under this Act to be paid as other county expenses

Section 35. At the first General election held after the approval of this Act, it shall be the duty of the Clerks of the Peace of the various counties to mail, as soon as he conveniently can after the last registration day to each voter registered in his county, a sample ballot, with instructions how to mark and vote the same, but the provisions of this section shall apply to only the next preceding election after the approval of this Act.

Clerks of the Peace to supply each voter with a sample ballot at first general election under this Act

To apply to all
municipal elec-
tions in Wil-
mington

Section 36. This Act shall apply to all municipal elections held in the City of Wilmington, but it shall not apply to the election for members of the Board of Education in the City of Wilmington.

Board of Edu-
cation excepted

Section 37. All acts or parts of acts inconsistent with this Act are hereby repealed, provided, however, that nothing contained in this Act shall repeal, alter or in any way affect the validity of Chapters 36 and 38, Volume 21, Laws of Delaware, or any of the provisions thereof, or any of the acts amendatory thereof, or any of the provisions of any such amendatory acts.

Chapters 36
and 38, Vol. 21
not affected

Approved March 10, A. D., 1913.

CHAPTER 42, VOLUME 26.

AN ACT fixing the compensation of Election Officers at General and Special Elections held in this State.

Be it enacted by the Senate and House of Representatives in General Assembly met:

Section 1. From and after the approval of this Act, Judges of Election, Inspectors of Election and Clerks of Election shall each be entitled to receive Five Dollars for each day's service rendered by them in holding any General or Special election in this State and Three Dollars for each day's service rendered by them for duties required of them or any of them on any other day than the day upon which such general or special election is held.

Compensation
of election
officers

Section 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 28, A. D., 1911.

CHAPTER 396, VOLUME 20.**

AN ACT to Further Provide for the Secrecy and Purity of the Ballot.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Abolished	Section 1. (*) * * * * *
Who may be assisted	Provided, that any person who shall be physically unable to prepare, ***or fold his ballot by reason of such defective eyesight, or the loss of the use of one or both hands, or inability to walk with safety without assistance, as manifestly renders him unable to prepare, (**) ***or fold his ballot, or to reach the polling place alone with safety, shall be permitted to bring with him into the election room and booth any elector (or two electors if the nature of the disability manifestly requires more than one, such as a total disability to walk) of the polling district for the purpose of rendering him the necessary assistance. In case any elector shall feign any of such physical defects he shall be guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined one hundred dollars and shall be imprisoned for not more than two years.
Feigning physical defects, misdemeanor	
Punishment	
Printing of ballots	Section 2. That all ballots hereafter to be printed under authority of any law of this State for use at any general or special election shall be so printed that no small square shall be placed opposite the name of any person on any ballot, and any elector desiring to vote at any such election shall stamp his ballot in the large square enclosing the device at the head of any ticket printed on the official ballot, and may cross out the name of any person appearing on the said ticket under the square so stamped by him, and if he so desires, may insert in lieu of the name so crossed out the name of any other person nominated for the same office as the person whose name is crossed out, using only a black lead pencil for such purpose. And it is hereby expressly provided that if in lieu of the name of any person so crossed out the name of any person not nominated for the office for which he is thus voted and whose name is not printed on said ballot, the ballot containing such name shall be treated as and is hereby declared to be a marked ballot and void and shall not be counted.
Stamping ballots	
Changing ballot	
Marked ballot	

* Amended. See Chapter 64, Volume 22.

** See Chapter 65, Volume 27.

Section 3. That the challengers of the Democratic and Republican parties, respectively, chosen for any general or special election hereafter to be held, shall be Peace officers of the State with the same powers for preserving the peace as Inspectors of election now have, and in the election districts outside the City of Wilmington, the challengers shall be stationed outside the entrance to the polling room, and shall not be allowed inside of said room. Any person resisting such challenger or challengers shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment shall be fined not more than one hundred dollars, and may, at the discretion of the court, be imprisoned for a term not exceeding one year. *Such challenger shall be appointed by the respective county committees of the two leading political parties.

Challengers to have powers of peace officers

Not to enter polling places

Resisting challengers misdemeanor

Challengers to be appointed by County Committee of the two leading political parties

Section 4. The County Committees of the Democratic and Republican parties in each county shall name and select each a Judge of Election for each election district outside of the City of Wilmington, who shall be appointed and qualified at the time and perform the duties as now provided by law of Judges of Election in the districts for which they are chosen respectively.

Judges, how selected

Section 5. That wherever in the laws of this State relating to general or special elections the words "principal political parties" now occur, or words equivalent thereto or so designating parties shall be used, the same shall be taken to designate and are hereby declared to designate the Democratic party and the Republican party.

Words defined

Section 6. That the Democratic and Republican County Committees may each select and designate one suitable, reputable and sober person as a special officer to stand at the entrance of the polling place, to be not less than thirty feet away from the entrance to the voting room as now provided by law, to regulate the admission of persons to the polling place, and while so stationed and performing their duties as herein provided, the persons so designated shall be clothed with all the powers of officers of the peace as those now given by law to inspectors of election, and any person resisting such special officer shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not more than one hundred dollars and may, at the discretion of the Court, be imprisoned for a term not exceeding one year.

Special officers at entrance of polling place

Section 7. Before the hour of opening the polls on the day of election and at the time of opening the election and afterwards at any time during the day of the election and before the

Unlawfully entering voting room or doing any unlawful act

* Amended. See Chapter 49, Volume 26.

hour of closing the election, if any person or persons shall enter the voting room or attempt to enter the same for the purpose of interfering with the election officers in the discharge of their duties as such or for any purpose, or shall attempt to molest, disturb or prevent the election officers from proceeding regularly with any general or special election, or shall take charge of or attempt to take charge of any voting room within the time herein mentioned for the purpose of preventing or delaying an election or for any other purpose on election day, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than three nor more than five hundred dollars, and shall be imprisoned for a term not exceeding three years, provided, that a single representative of each political party, having nominated a ticket, and such party being represented on the ballot then printed for any general or special election, may at the opening of the election be present to aid in the proper qualification of the several election officers, and to see that the ballot boxes, tickets, blanks, etc., are all in proper condition; but as soon as the election officers shall be qualified and ready to open the elections, the proper hour therefor having arrived, such representatives of each political party shall immediately retire from the election room; provided, further, that such persons may first vote before retiring if they shall so desire.

Misdemeanor

Punishment

Each party may be represented at the preparation for and opening of election

Clerks of Peace to have ballots folded

Section 8. That in addition to the duties now required of the Clerk of the Peace in said county relative to the printing and delivering of the ballots, each of said Clerks of the Peace shall, before delivering said ballots to the several inspectors of his county as now required by law, cause said ballots to be folded in one uniform manner in his county, in convenient form to be deposited in the ballot boxes, and so folded that no part of the face of the ballot shall be exposed.

Initials of clerks of election on back of ballots

Folding ballot by voter

Section 9. That the clerks of the elections shall write their initials in ink across the back of the ballot as folded, and near the middle thereof, in lieu of the manner in which they have heretofore been required to do; and the voter before leaving the booth or compartment shall fold his ballot as near as he can in the same manner in which it was handed to him; but failing to do this he must fold it so that no part of the face thereof shall be exposed and so that the initials of the clerks of the election shall be exposed.

Voters' assistant disclosing nature of vote

Section 10. In case any elector who may be selected to assist any person by reason of the physical defects hereinabove mentioned shall reveal how such elector has voted or what person or persons were voted for by him on any ballot or give any

information concerning the appearance of any ballot voted, such elector or electors so offending shall be guilty of a misdemeanor and upon conviction thereof by indictment shall be fined one hundred dollars and shall be imprisoned not less than one nor more than three years.

Misdemeanor

Punishment

Section 11. That if any inspector of election, judge of election, clerk of election or challenger, shall in any way or manner or by any means or device whatsoever make known or communicate by any means whatsoever or shall attempt to make known or communicate by any means whatsoever, to any person or persons on election day while the election is in progress, or at any time thereafter, how any elector has or shall have voted, he shall be guilty of a misdemeanor, and upon conviction thereof he shall be fined not less than one hundred dollars and may, in the discretion of the court, be imprisoned for a term not exceeding one year.

Officer of election committing unlawful act

Misdemeanor

Punishment

Section 12. That if any person other than the election officers shall secrete or attempt to secrete himself in any part of the polling room during the hours of the election for any purpose whatsoever, he shall be deemed guilty of a misdemeanor and upon conviction thereof he shall be fined not less than one hundred dollars, and may in the discretion of the court be imprisoned for a term not exceeding one year.

Secreting one's self in election room

Misdemeanor

Punishment

Section 13. If any Clerk of the Peace, Inspector of Election, Judge of Election, Clerk of Election or challenger, shall wilfully violate any of the provisions of this act in the performance of any duty herein imposed upon him for the violation of which no other punishment is now provided by law, he shall be deemed guilty of a misdemeanor and upon conviction thereof he shall be fined not less (than*) three nor more than five hundred dollars and may in the discretion of the court be imprisoned for a term not exceeding two years.

Any violation of this act

Misdemeanor

Punishment

Section 14. That all acts or parts of acts inconsistent with this act are hereby repealed.

Passed at Dover, May 20, 1897.

* This word omitted in enrolled bill.

CHAPTER 39, VOLUME 21.

AN ACT to Enable the Qualified Voters in the Military or Naval Service of this State or of the United States to Exercise the Rights of Suffrage.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Voters engaged
in military or
naval service
of U. S.

Section 1. That whenever any of the qualified voters of this State shall be engaged in the military or naval service of this State or of the United States, and as such absent from the hundred, election district or ward or their residence on the days appointed by law for holding County, State, Congressional or Presidential elections within this State, or on the days appointed in writs of election issued by the presiding officer of either house of the General Assembly or the Governor for holding special elections to fill vacancies, such qualified voters shall be entitled at such time to exercise the right of suffrage as fully as if they were present at their usual places of election, notwithstanding any provisions to the contrary in any act or acts now in force.

Right to vote

Poll for receiving
votes

Section 2. A poll shall be opened in each company at the quarters of the captain or other commanding officer thereof, and all electors belonging to such company who shall be within two miles of such quarters on the day of the election, shall vote at such poll, and at no other place; officers other than those of a company, and other voters detached and absent from their companies on duties which will not permit them to return to their companies, may vote at such of the said polls as may be most convenient to him.

Hours of voting

Section 3. The polls shall be open at ten o'clock in the morning and close at five o'clock in the afternoon.

Election and
appointment of
election officers

Section 4. At ten o'clock in the morning on the day of election the voters present at each of the polling places aforesaid, shall elect viva voce three persons present at the time, and having the qualifications of electors in this State for the judges of said election; and the judges so elected shall then appoint two of the remaining qualified electors present to act as clerks of said election.

Oath of officers

Section 5. Before any votes shall be received said Judges and Clerks shall each make the oath or affirmation required by the election laws of this State to be taken by persons serving in the capacity of election officers, which oath or affirmation any of the Clerks or Judges herein provided for may administer to each other, and said oath or affirmation shall be in writing signed by said Judges and clerks taking the same and shall be returned to the proper officer of this State with the ballots and other papers of the election returns.

Section 6. All elections shall be by ballot and the Judges of election may, and upon challenge of any voter shall examine under oath such voter (which oath any of the Judges may administer) in respect to his right and his qualifications to vote in the particular hundred, election district of this State in which he claims residence.

Section 7. At each polling place three poll lists shall be kept, one for each county in this State, and plainly labeled as such at the top of the list. The two Clerks shall keep duplicate lists, when a vote is deposited in the ballot box, the name of the first voter shall be entered on the list of the county in which he claims his residence, and in front of such name shall be placed number one and the second person whose vote is taken as of that county, shall have his name so entered and numbered two; and so on the poll lists for each county shall be kept. And in addition thereto the name of the hundred or election district in which the voter claims his residence, and the name and number of the company and regiment to which he belongs shall be entered opposite his name.

As soon as the ballot of the voter has been deposited in the ballot box, the Clerk shall check his name off the list of voters.

Section 8. The Judge to whom the voter shall give his ballot, shall pronounce the name of the voter in a clear and distinct voice and if the Clerks shall find his name on the authorized list of Registered Voters, and no objection shall be made to his voting, the Judge shall deposit his ticket in the ballot box. If any objection is raised to the right of the party to vote the Judge shall determine the matter by the same authority but under the same restrictions as other Judges of election sitting in the State.

Section 9. At the close of the polls, the poll lists of each county shall be counted and the number of names of voters thereon written in words at the foot of the lists, and the lists shall be signed by the Judges and Clerks under oath or affirmation declaring them to be true and correct lists of those from whom they have accepted ballots, and any blank spaces on such lists between the names of the voters, and the election officers shall be checked through in ink.

Section 10. After the poll lists are signed the ballot boxes shall be opened, the ballots taken out one at a time, and merely separated into three lots according to the county into which they are to be counted. A count shall be kept of the number

Count of ballots for each county (without making any count of the candidates voted for). The ballots when so separated and counted shall be placed in heavy envelopes, specially prepared for the purpose. The Judges shall then certify under oath or affirmation as to the number of votes returned by them for the respective counties of the State, this certificate together with the lists of those who voted as kept by the Clerks, shall be placed in such envelopes. The envelopes shall be marked plainly in the name of the prothonotary of the proper county; it shall be sealed and held by them jointly until collected by the persons assigned by the Governor of this State, as Election Messenger, to go upon the field and collect these returns which shall be deposited by them in a lock pouch, which shall be locked with two locks having different keys and one key shall be kept in the possession of a representative of one political party and the other key shall be kept in the possession of a representative of another political party. These persons so designated by the Governor to collect these election returns, shall have three pouches, in one shall be placed the returns for each county. As soon as they have gathered the election returns they shall lock the pouches and shall take them jointly with the greatest speed to the Prothonotary of the county to which they belong; notifying the Prothonotary in advance upon what train to expect the returns if they are to be brought in by train.

Delivery to
Boa.d of Can-
vass

Section 11. The Prothonotary of the county receiving the returns shall keep them as other election returns of the State received by him, and shall deliver them to be counted by the Board of Canvass which shall open the ballots and count them as other election returns made from voting precincts within the State.

Appointment
of persons to
visit camps
with ballots,
etc.

Section 12. The Governor shall at a suitable time in advance of the election designate two persons who shall be members of different political parties, whose duties it shall be to visit any encampment contemplated in this Act, (and where there is more than one such encampment, the Governor shall designate two such persons for each encampment, whose duty it shall be to take ballots to such encampments to be delivered at each voting place, together with copies of the registration lists of the counties of this State, and other forms, blank forms, papers of information and paraphernalia necessary to be had at a place of election. The parties so appointed shall at the close of the polls collect under seal the votes, certificates and poll lists so designated above and return them to this State as above designated.

To collect votes

*Section 13. The ballots used at the polls herein provided for shall be the style of ballot used in this State just prior to the adoption of the Australian ballot system. They shall be uniform as to size and color of paper. Printed lists of all the officers nominated by the different political parties throughout the State shall be furnished to be posted at each polling place for the convenience of the voters.

Section 14. The registration officers of this State shall keep during the registration of voters, separate lists of all those whose names that have been registered by them as returned for registering by the Auxiliary Registrar provided under the laws of this State, for the registering of citizens in the military or naval service of this State, or of the United States. Copies of such lists shall be furnished the Clerk of the Peace of the county and he shall have a composite list of all such names made and furnished to the election officers at the polls provided for in this act. He shall also furnish them complete lists of the registrations of the county in order that the name of any soldier may be found who enlisted since having registered as a voter.

Section 15. The persons to be appointed by the Governor in Section 12 of this act, shall be commissioned by him as Election Messenger and shall take their commission with them as evidence of authority when their authority is questioned. They shall be sworn and shall qualify as other election officers.

Section 16. If any person shall at the election herein provided for violate the election laws of this State by voting or attempting to vote more than once at any election, falsifying the count or returns in any manner, they shall upon conviction be disfranchised for a period of ten years from the date of such conviction.

Section 17. The election messenger herein provided for shall be paid a per diem equivalent to that paid to a judge of election and shall be allowed and paid by the State Treasurer such sum for traveling expenses allowed them and approved by the State Auditor upon vouchers of necessary expenditure submitted by them.

Section 18. When two or more ballots are found folded or rolled together they shall be adjudged fraudulent and not returned. The election officers shall note, in their returns, the number of rolls or folds of ballots so thrown out as fraudulent, in order to

account for any discrepancy between the number of voters reported by them and the number of ballots returned by them.

Section 19. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved June 25, 1898.

CHAPTER 393, VOLUME 20.*

AN ACT to Provide for the Purity of Primary Elections in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Primary elec-
tion defined

Section 1. A primary election within the meaning of this act is an assemblage of voters who are members of any political party, organization or association duly convened for the purpose of nominating a candidate or candidates for public office, or for the purpose of selecting delegates or representatives to any political convention thereafter to be held for the purpose of selecting candidates as aforesaid, which at the last general election before the primary election polled at least ten per centum of the entire vote of the State, or any division or sub-division thereof, for which the nominations are made.

To be by ballot

Section 2. That all primary elections hereafter to be held by any political party, organization or association, for the purpose of nominating or selecting candidates to be voted for at any subsequent election, or for the purpose of selecting delegates or representatives to any political convention thereafter to be held for the purpose of selecting candidates as aforesaid, shall be by ballot. The primary election for any political party, organization or association for the nomination of the same class of candidates to be voted for at any subsequent election, or for the selection of delegates or representatives to any political convention thereafter to be held for the purpose of selecting can-

Throughout
county at same
time

* See Act extending provisions to Kent and Sussex Counties. Chapter 66, Volume 27.

didates as aforesaid, shall be held in the several hundreds at the same time. Notice of the time and places for holding all primary elections shall be given by publishing the same once each day for at least five days before the time of holding the same, in one or more daily newspapers printed in New Castle County. No two political parties, organizations or associations shall hold their primary election on the same day. The number of days that shall be allowed for holding primary elections to nominate persons to be voted for at a general election and to nominate persons to be voted for at municipal elections in the City of Wilmington, shall not exceed two for each political party, organization or association in any one year.

Notice

No two parties
on same dayNot more than
two days for
each party

Section 3. That every primary election hereafter to be held by any political party, organization or association for the purpose of nominating or selecting candidates by ballot to be voted for at any subsequent election, or for the purpose of selecting delegates or representatives to any political convention thereafter to be held for the purpose of selecting candidates as aforesaid, shall be held by a Board of Election officers consisting of one inspector, who shall be a judge and the presiding officer, and two other judges at each voting precinct; and if it should so happen that but one person as presiding officer or judge should have been appointed by such political party, organization or association to hold such primary election, or having been appointed and being absent, the electors there present at the hour appointed for opening such primary election shall proceed without ballot to choose from among the qualified voters of the election district there present a presiding officer, judge or judges, as the case may require and in choosing such presiding officer, judge or judges, two qualified voters of the district to be nominated and appointed by the electors shall be the judge or judges.

To be held by
board of elec-
tionHow composed
and appointed

Section 4. That the inspector of each election district for all primary elections hereafter held in New Castle County, (outside the City of Wilmington) under the direction of any political party, organization or association shall be the person who was the candidate of the political party, organization or association holding such primary election for the office of inspector at the general election next preceding such primary election; provided, that in cases where the primary election is held without regard to the division of any hundred into election districts for general election purposes, the person who was the candidate for the office of inspector as aforesaid, for the election district in which the place of voting at such primary election is situated shall be the inspector of such primary election. The two judges, as provided by Section three of this act, shall be appointed by the regularly organized and constituted County Committee or gov-

Inspector

Appointment
of judges

Inspector and judges in Wilmington	erning authority of the political party, organization or association holding such primary election. The inspector and judges of all primary elections hereafter held in the City of Wilmington shall be appointed by the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election, from
Terms of office	the persons designated to conduct the next subsequent general election. The term of office of said inspectors and judges shall be for one year. Said committee or governing authority shall designate which person shall act as inspector, and which persons shall act as judges of such primary elections. The persons so appointed shall be residents of the primary election district for which they are appointed. In all cases when primary election officers are appointed as herein provided, representations*
Qualifications	of the interest of each candidate shall be as nearly equally divided as possible as to the board of election officers. If any person designated in this section to be inspector of any primary election shall die, remove from his primary election district, or be for any reason physically unable to attend in his primary election district at any primary election held by his political party, organization or association, then the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election shall appoint an inspector to fill the vacancy thereby created. If any political party, association or organization desires to hold a primary election for the purpose of nominating candidates for public office, and there is no recognized member of said political party, association or organization among the persons designated in this act to serve as inspectors and judges of such primary elections, or not a sufficient number of recognized members for said purpose, then the regularly organized and constituted County Committee or governing authority of such political party, association or organization shall appoint the inspector and judges to hold such primary election. In
Vacancy	case of refusal or neglect on the part of any person designated by this act or appointed pursuant to the provisions hereof to be an inspector or judge, as the case may be, of any primary election, to qualify according to the requirements of this act, or to serve, or to act, he shall be liable to a penalty of two hundred dollars, recoverable by the County Treasurer of New Castle County, by civil action in any court of record, in the name of the County Treasurer and for the use and benefit of New Castle County; and the failure on the part of any such person to comply with any of the requirements of this act, preliminary to opening the polls, or to attend on the day of any primary election during his term, unless prevented by sickness or other suffi-
Primary election of party not having an inspector	
Refusal of appointee to act	
Penalty	
How recovered	
What deemed refusal	

* So enrolled.

cient cause, the burden of proof of which shall be upon the delinquent, shall be deemed a refusal within the meaning of this act. The election officers whose appointment is provided for in this section, shall be appointed at least two weeks before such primary election is to be held. ^{When appointed}

Section 5. That before opening the election, the presiding officers and judges shall each take and subscribe an oath according to the following form, viz.: I do solemnly swear (or affirm) that in the primary election to be held on the..... day of.....A. D....., I will not knowingly or willfully receive or consent to the receiving of the vote of any alien, and also that I will not receive or consent to the receiving of the vote of any person whom I shall believe not entitled to vote, unless my associates shall adjudge such person to be entitled to vote. That I will not receive or reject, nor concur in receiving or rejecting any vote through partiality or under bias and that I will determine every matter that shall come before me and perform every act and duty by law required of me, touching the said primary election, truly, faithfully and impartially, according to the best of my skill and judgment; that I will cause the ballots that shall be taken at said primary election to be fully read and ascertained, and a true statement thereof to be made, according to the best of my knowledge and ability; that I have not received, nor will not receive directly or indirectly from or through any candidate to be voted for at said primary election, or any representative of any such candidate or other person, any money, pay, or other valuable thing or reward; that I have not been promised, or in any manner been led to believe that I will at any time directly or indirectly receive any money, pay, or other valuable thing or reward from such candidate or representative of such candidate or other person other than that provided by this act, and if I shall discover any partiality, unfairness or corruption in the conducting of the said primary election, I shall disclose the same to the executive authority that shall have directed the holding of the said primary election, and to the Attorney General, to the end that the subject may be investigated, so help me God or (so I solemnly affirm). ^{Oath of Officers}

Section 6. That each of the said judges, after being duly qualified, shall choose one clerk of the primary election to be held, to whom the presiding officer or one of the judges who is hereby authorized to administer the same, shall on the day of such primary election administer the oath or affirmation, which shall be subscribed as follows, viz.: I do solemnly swear (or affirm) that as clerk of this primary election to be this day held, I will not use or assent to any falsehood, fraud or deceit, and ^{Oaths}

that I will keep the polls and perform my duties truly, faithfully and impartially, so help me God (or so I solemnly affirm).

Qualifier of primary election officers

Section 7. That the regularly organized and constituted County Committee or governing authority of any political party, organization or association holding such primary election shall, at any time within ten days of the day that the first primary election is held in each year of a general election, appoint one person for each Levy Court district in New Castle County as a Qualifier of Primary Election Officers, whose duty it shall be to administer to the inspectors and judges of the primary elections held in their respective districts the oath or affirmation prescribed in Section five of this act, and shall deliver to the chairman of the committee or governing authority appointing him the oaths or affirmations subscribed by the inspectors and judges as aforesaid, on or before twelve o'clock noon on the day previous to such primary election. Each person so appointed shall, upon the certification by the chairman of the committee or governing authority appointing him, that such person has performed the duties required of him by this act, be paid by the Levy Court of the county in which he shall reside the sum of ten dollars.

Appointment

Compensation

Oath of officer appointed on day of election

In case any inspector or judge is chosen by the electors present at the time of opening the primary election, pursuant to Section three of this act, the oath or affirmation prescribed in Section five of this act shall be administered to the inspector or judge so chosen by any officer of primary elections there present who has been qualified by the Qualifier of Primary Election Officers, the said officer being hereby empowered to administer said oath or affirmation; and in case there is no such qualified officer there present the said oath or affirmation shall be administered to the judges by the presiding officer, and by one of them to him, each of whom are hereby empowered and directed to administer such oaths or affirmations.

How administered

Oath of qualifier

Section 8. The person appointed Qualifier of Primary Election Officers, pursuant to the provisions of Section seven of this act, shall within two days after the appointment and before entering upon his duties, take and subscribe an oath (or affirmation) according to the following form, viz.:

I do solemnly swear (or affirm) that, as Qualifier of Primary Election Officers, I will not use or assent to any falsehood, fraud, or deceit, and that I will perform my duties truly, faithfully and impartially, so help me God, (or so I solemnly affirm).

The oath or affirmation prescribed in this section shall be administered by the chairman of the regularly organized and constituted County Committee or governing authority of the political party, organization or association for which said Qualifier of Primary Election Officers was appointed. The said chairman is hereby empowered and directed to administer oaths and affirmations pursuant to the provisions of this act. Any person appointed Qualifier of Primary Election Officers who shall fail to qualify as aforesaid, shall upon conviction therefor, be adjudged guilty of a misdemeanor, and shall be punished for each such offence by a fine not exceeding one hundred dollars.

How administered
 Chairman of County Committee may administer certain oaths
 Failure of qualifier to take oath
 Misdemeanor
 Punishment

Section 9. That the time for the registrars to sit alone in New Castle County (outside the City of Wilmington) for ascertaining and registering, under the provisions of Chapter thirty-eight, Volume nineteen, Laws of Delaware, the persons who are or may become qualified to enjoy the right of an elector at the general election shall be on three successive Saturdays, beginning with the first Saturday in August next preceding the general election. That the time for the board of registration, provided for by Chapter thirty-eight, Volume nineteen, Laws of Delaware, to sit for the performance of the duties required by said board of registration under existing law, shall be on the last Friday and Saturday of the month of August next preceding the general election, and on the third Saturday of the month of October next preceding the general election. In order to fix and ascertain the persons who are to be the associate officers of registration in and for New Castle County, pursuant to Chapter thirty-eight, Volume nineteen, Laws of Delaware, the two judges of the general election directed to be chosen by Section eleven of Chapter eighteen of the Revised Code, shall continue in the manner directed by Section fourteen, of Chapter thirty-eight, Volume nineteen, Laws of Delaware, except that in and for New Castle County the said judges shall be chosen in the month of July instead of the month of September as heretofore, and all the duties directed to be performed by Section fourteen of Chapter thirty-eight of Volume nineteen, Laws of Delaware, in the month of September, shall be performed in the month of July so far as the performance of said duties apply to New Castle County.

Time for registration in N. C. County by registrars
 By board of registration
 Judges of election in N. C. County to be appointed in July
 Other acts to be performed in July

Section 10. That the time for the ascertainment and registration, pursuant to the provisions of Chapter thirty-nine, Volume nineteen, Laws of Delaware, of the persons residing in the City of Wilmington who are or may become qualified to enjoy the right of an elector at the general election, shall hereafter be on three successive Saturdays, beginning with the second Saturday in the August next preceding the general election, and on the third Saturday in the October next preceding the general

Time for registration in Wilmington

Inspectors for
Wilmington
appointed

election. That the inspectors of election for the City of Wilmington shall hereafter be appointed by the Department of Elections for said city in the month of June in each year in which a general election is held.

Voting books of
qualified voters
for primary
elections out-
side of Wil-
mington

Section 11. That the Sheriff of New Castle County shall, in addition to the registers and things he is now required by law to furnish to the registrar of each hundred or election district of his county (outside of the City of Wilmington), hereafter, before the first day of any registration of voters of said county (outside of the City of Wilmington) made under the provisions of Chapter thirty-eight, Volume nineteen, Laws of Delaware, as amended by this act, prepare and furnish two books for each of said registrars in New Castle County (outside of the City of Wilmington) to be known by the name of "Voting Books of Qualified Voters for Primary Elections," for alphabetical lists of all persons whose names may be entered on the registers pursuant to Chapter thirty-eight, Volume nineteen, Laws of Delaware. Said books shall be ruled in parallel columns and so arranged as to admit of the convenient entry in alphabetical order of the name of every person who may be entered on the register aforesaid as a "qualified voter" or "may become qualified voter", and in the parallel column opposite the name of such person the following particulars, to wit: First, his residence; second, his color*; third, the day of his registration. Said books shall contain six parallel columns for the entry of the word "voted", together with the date of voting. When any registrar or board of registration, at any of the sittings hereinbefore provided, shall enter in his register the name of any applicant for registration as a "qualified voter" or "may become qualified voter", he shall immediately thereafter enter, in the presence of such applicant, if he remains in attendance, in its proper alphabetical place in the "Voting Book of Qualified Voters for Primary Elections" hereinbefore provided for, the name of such applicant and also his residence,*** and date of registration. The said two "Voting Books of Qualified Voters for Primary Elections" shall be compared and certified on the last day of registration in the month of August, in the same manner and by the same persons as now required by Section fifteen of Chapter thirty-eight, Volume nineteen, Laws of Delaware. It shall be the duty of the registrar, within one secular day after the certification by the board of registration as herein required, to deliver to the Sheriff of New Castle County, who shall safely keep the same, the two "Voting Books of Qualified Voters for Primary Elections" required by this act.

Entries

To be compared
and certified
how

To be delivered
to Sheriff

* Amended. See Chapter 64, Volume 22.

Section 12. That the Department of Elections for the City of Wilmington shall, in addition to the registers and things they are now required by law to furnish to the inspectors of elections in said city, hereafter, before the first day of any registration of voters of said city made pursuant to the provisions of Chapter thirty-nine, Volume nineteen, Laws of Delaware, as amended by this act, prepare and furnish to the inspectors of elections in every election district, in said city, now existing or hereafter created, two "Voting Books of Qualified Voters for Primary Elections", said books being in the same form as designated in Section eleven of this act. The said two "Voting Books of Qualified Voters for Primary Elections", shall be compared by the inspectors, on the last day of registration in the month of August, to see that they agree with each other in every particular, and also with the register to see that every name entered on the register as a "qualified voter" or "may become qualified voter" is entered in its proper alphabetical place on each of the two "Voting Books of Qualified Voters for Primary Elections", together with the residence, color* and date of registration. And if any name in the registers which ought to have been entered on the said alphabetical list shall have been omitted therefrom, it shall be the duty of said inspectors to enter such name in its proper alphabetical place on the alphabetical list, together with the proper entries as they appear on the said registers. And it shall be the further duty, in such comparison of the alphabetical list with the registers, to make such corrections in the alphabetical lists as will make the names and entries appearing on the alphabetical lists agree with the same names and entries as entered on the registers. It shall be the duty of the said inspectors, immediately after their last sitting in the month of August, to append to each of said alphabetical lists of "qualified voters" contained in said "Voting Books of Qualified Voters for Primary Elections" a certificate, verified by the oath or affirmation of the inspectors, or at least two of them, that the said "Voting Books of Qualified Voters for Primary Elections" contain a complete list of the "qualified voters" and "may become qualified voters" of said Election District as the same are entered in the Registers of voters of such election district. After said two "Voting Books of Qualified Voters for Primary Elections" have been compared and certified as aforesaid, the said inspectors in each of said election district shall, immediately after said certification, return the same to the said Department of Elections.

Department of
Elections to
furnish Voting
Books of Quali-
fied Voters for
Primary elec-
tions in Wil-
mington

Form

To be com-
pared

Corrections

Certificate

Verified by
oath

Books to be
delivered to
Department of
Elections

Section 13. It shall be the duty of said Department of Elections to compare and correct said two "Voting Books of Qualified Voters for Primary Elections", at any time before the

Department of
Elections to
compare and
correct books,
when

*Amended. See Chapter 64, Volume 22.

Person having registered twice to be stricken off

Disposition of books -

day the first primary election is held in the year of a general election, and, when it shall appear by any date in their possession that any person has registered in more than one election district, they shall, upon due inquiry, strike his name from the said "Voting Books of Qualified Voters for Primary Elections" of any and all election districts in which he is not a "qualified voter", and shall, opposite his name, state the reason therefor. Said two "Voting Books of Qualified Voters for Primary Elections", in each election district of the City of Wilmington, shall be preserved and delivered by said Department of Elections as hereinafter prescribed and directed.

Terms of office of inspectors in Wilmington terminated after June 1, 1898

Section 14. That from and after the first day of June, A. D. 1898, the terms and powers of office of the inspectors of elections for the City of Wilmington, who shall then be in office, shall be and the same are hereby declared to be terminated and ended.

Division of Wilmington into districts to be by June 1

Section 15. That the division of the City of Wilmington into election districts, as is directed by sub-division one of Section three, of Chapter thirty-nine, Volume nineteen, Laws of Delaware, shall hereafter be made on or before the first day of June instead of on or before the first day of September, as therein provided.

Officer of election stealing, etc., election books, etc.

Misdemeanor

Punishment

Section 16. Every Inspector of any primary election, poll clerk, or other officer or person having the custody of any "Voting Book of Qualified Voters for Primary Elections," oath of return of votes, certificate, poll list, or any paper, document, or evidence of any description in this act directed to be made, filed or preserved, who is guilty of stealing, wilfully destroying, mutilating, defacing, falsifying or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make any entry, erasure or alteration therein, except as allowed and directed by the provisions of this act, or who permits any other person to do so shall, upon conviction thereof, be adjudged guilty of a misdemeanor and shall be punished for every such offence by imprisonment in the county jail for a period not exceeding two years, or by fine of not more than two hundred dollars, or both.

Officer committing or advising, etc.

Commission of wrongful acts

Misdemeanor

Punishment

Section 17. Every person not an officer, such as is mentioned in the last preceding section, who is guilty of any of the acts specified in said section, or who advises, procures or abets the commission of the same, or any of them, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and for every such offense shall be punished by imprisonment in the

county jail for a period not exceeding two years, or by a fine of not more than two hundred dollars, or both.

^{PAAL 175}
 *Section 18. That the time for holding any primary election shall be after the last day of registration in the month of August, for the ensuing general election and the time for holding primary elections in the City of Wilmington to nominate candidates to be voted for at a municipal election shall be in the month of May after the day for the revision of the registration of voters. The time for the revision of registration of voters in the City of Wilmington for municipal elections shall be and the same is hereby made the fourth Saturday previous to the day set for holding the election for municipal officers in the said city. The election officers and the members of the Department of Elections for the City of Wilmington in addition to the duties now required of them by law shall revise and prepare the "Voting Books of Qualified Voters for Primary Elections," as herein provided for general elections, and no person whose name does not appear on the said "Voting Books of Qualified Voters for Primary Elections", shall be entitled to or shall be permitted to vote at a primary election to nominate candidates to be voted for at the subsequent municipal election in the City of Wilmington. The time for opening the polls for the purpose of conducting a primary election under the provisions of this act shall be one o'clock in the afternoon, and the time for closing the polls at such primary election shall be seven o'clock in the evening.

Time for holding primary elections
Time for revision of registration in Wilmington
Duties of Department of Elections
Who may vote at municipal primary elections
Time for opening polls
Time for closing

*Section 19. That whenever a political party, organization or association desires to hold a primary election for the purpose mentioned in Section 2 of this act, the chairman or secretary of the regularly organized and constituted County Committee or governing authority of such political party, organization or association shall notify by letter the respective parties having the custody of the "Voting Books of Qualified Voters for Primary Elections" in this act provided, of their intention of holding a primary election, stating the day on which they desire the election held, which notification shall be at least two weeks prior to the time named for holding such primary election. If no previous notice shall have been received by the said parties from no other political party of their intention to hold a primary election on that day, the said parties shall, on or before twelve o'clock of the day for holding such primary election for that political party, organization or association, deliver the two "Voting Books of Qualified Voters for Primary Elections" provided for in this act, for each general election district that may be

Notice of desire to hold primary elections
Custodians of voting books to furnish same to several inspectors

* Amended. See Chapter 285, Volume 22.

Inspector to have same at place for holding election
Neglect
Misdemeanor
Punishment

contained in the primary election district, to the inspector of such primary election in the hundred or election district of the county to which such "Voting Books for Qualified Voters for Primary Elections" shall apply. And it shall be the duty of the said inspector to have the same at the place of holding the primary election at the time of opening the polls on primary election day. If any inspector shall refuse, neglect, or fail to have the said "Voting Books of Qualified Voters for Primary Elections", at the place of holding the primary election at the time designated in this act, he shall, upon conviction therefor, be adjudged guilty of a misdemeanor, and shall be punished for each such offence by imprisonment in the county jail for a period not exceeding ninety days, or by a fine not exceeding one hundred dollars, or both.

Method of receiving votes
Elector shall not vote at primary election of more than one party
Entry must show at primary election of what party elector voted
Whose vote refused
Inspector to return Voting Books of persons from whom received
Neglect
Misdemeanor
Punishment

Section 20. The qualification of electors under this act shall be such as the political party, organization or association authorizing such election may prescribe and publish, and in default of any prescribed or published rule, the past usages of such political party or organization shall be recognized and adopted, and ignorance of such past usages shall be no defense against any of the penalties of this act. As each person shall apply to vote at any primary election, *the officers thereof shall examine the "Voting Books of Qualified Voters for Primary Elections" provided by this act, and if they find thereon the name of the person applying to vote, and be satisfied that he is the person whose name is so registered, they shall enter the word "voted" after his name, and such voter shall not be permitted to vote at any succeeding primary election held by any other political party, organization or association. the entry of the word "voted" as aforesaid, shall be in such a manner as to indicate at what party primary election the voter has voted. No person whose name is not contained in the "Voting Books of Qualified Voters for Primary Elections" herein provided for, shall be allowed to vote or participate in any primary election hereafter held. It shall be the duty of each of the inspectors, within two days after the day of the primary election, to return the "Voting Books of Qualified Voters for Primary Elections", used by him at any primary election, to the person or persons from whom he received the same, who shall preserve them. If any inspector shall neglect, refuse or fail to return said "Voting Books of Qualified Voters for Primary Elections," as directed in this section, the said inspector so neglecting, failing, or refusing shall, upon conviction therefor be adjudged guilty of a misdemeanor and shall for every such offense be punished by a fine

* Amended. See Chapter 285, Volume 22.

not exceeding one hundred dollars or by imprisonment in the county jail for a period not exceeding one year, or both.

Section 21. If at any primary election, the presiding officer and judge shall knowingly and wilfully receive, or advise, or consent to the receiving of the vote of any person not entitled to vote at such primary election, or if such presiding officer or judge shall knowingly and wilfully refuse to receive the vote of any person entitled to vote at such primary election, every such presiding officer or judge shall, for every such offence, forfeit and pay the sum of one hundred dollars to any person who will sue for the same, or shall, for every such offence, forfeit and pay the sum of one hundred dollars to any person who will sue for the same, or shall, for every such offence, upon conviction therefor, be adjudged guilty of a misdemeanor, and be fined not less than one hundred dollars, and, in either case, be imprisoned until the fines, forfeitures and costs are paid in full or discharged by the court.

Officers receiving illegal vote
Refusing legal vote
Penalty
Misdemeanor
Punishment

Section 22. If at any primary election hereafter held by any political party, organization or association, as provided in this act, any person falsely personate any elector or other person, and vote or attempt to offer to vote in or upon the name of any person, whether living or dead, or in or upon any false, assumed, or fictitious name, or in or upon any name not his own, or shall knowingly, willingly or fraudulently vote more than once for any candidate for the same office, or shall vote in any other primary election district than the one in which he is a bona fide resident, or vote or attempt to vote more than one ballot at any primary election district, or shall solicit from any candidate or from any other person, or shall receive, directly or indirectly, from such candidate or from any other person any money, or promise of place or position, or any valuable consideration of any kind, for his vote or support, or if any person shall vote at the primary election of more than one political party, organization or association, held for the purpose of nominating or selecting a candidate or candidates to be voted for at any subsequent general election, or for the purpose of selecting delegates or representatives to any political convention thereafter to be held for the purpose of selecting candidates as aforesaid, before any one general election, or shall vote or attempt to offer to vote in any primary election district, or having once voted shall attempt or offer to vote again, or shall knowingly, wilfully or fraudulently do any unlawful act to secure opportunity for himself or for any other person to vote, or shall by force, threat, menace, intimidation, bribery or reward or offer to or promise thereof, or otherwise unlawfully either directly or indirectly influence or attempt to influence any elector in giving his vote, or shall

Voting or attempting to vote illegally
Receiving or soliciting reward
Voting at primary election of more than one party
Attempting any unlawful act

Influencing voter

promise any place or position for the purpose of securing any voter's support or prevent or hinder or attempt to prevent or hinder any qualified voter from freely exercising the rights of suffrage, or any such means induce or attempt to induce any such voter to refuse to exercise any such right, or shall, by any

Influencing officer of election to do illegal act

such means or otherwise, compel or induce or attempt to compel or induce any inspector of any primary election or other officer of any primary election in any primary election district

Interference with election

to receive the vote of any person not legally qualified or entitled to vote at the said primary election in such district or shall knowingly, wilfully or fraudulently interfere with, delay or hinder in any manner any inspector of any primary election,

Advising or influencing election officer to neglect his duty

poll clerk or other officer of any primary election in the discharge of his duty, or by any such means or other unlawful means, knowingly, wilfully or fraudulently counsel, advise,

induce or attempt to induce any inspector of any primary election, poll clerk or other officer of any primary election, whose duty it is to ascertain, proclaim, announce or declare the result

of any such primary election, or to give or make any certificate, document, report, return or other evidence in relation thereto,

to refuse or neglect to comply with his duty, or to violate any law, regulating the same, or to receive the vote of any person in any primary election district not entitled to vote therein or to refuse to receive the vote of any person entitled to vote therein

or shall aid, counsel, or advise, procure or assist any voter, person or inspector of any primary election, or other officer of such primary election, to do any act by law forbidden, or in this act

constituted an offence, or to omit to do any act by law directed to be done, every such person shall, upon conviction thereof,

Misdemeanor

be adjudged guilty of a misdemeanor, and shall, when not herein otherwise particularly specified, be punished for every offence

Punishment

by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Other offences

Any act or deed declared an offence by the general laws of this State concerning elections and not herein particularly mentioned, shall also be an offense in a primary election, and shall

Punishment

be punished in the same form and manner as is provided for the punishment of similar offences by the general laws; and all the penalties and provisions of the general laws shall apply in

such cases with equal force, and shall be as effective as though fully set out in this act.

Territory in primary election district
General election districts not to be divided

Section 23. That the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding any primary election shall, at least two weeks before such primary election is held, determine what territory shall comprise a primary election district;

provided, that such primary election districts shall be so formed that the whole of each election district for the general election, shall be in one primary election district. They shall also designate the place for holding the primary election in each primary election district and secure the room for holding the same. Said room, in all cases where one primary election district comprises more than one general election district, shall be in the general election district where the greatest number of votes were polled by the political party, organization or association holding such primary election at the general election next preceding the said primary election. They shall also designate each of said districts by appropriate titles or distinctions. No primary elections shall be held under the provisions of this act in a place or building where intoxicating liquor is sold.

Place of holding election

Designation of districts

Not to be held where intoxicating liquors are sold

Section 24. If the Sheriff of New Castle County or the members of the Department of Elections for the City of Wilmington shall wilfully neglect, refuse or fail to deliver to each inspector of primary elections the "Voting Books of Qualified Voters for Primary Elections" in his or their custody, for each general election district that may be contained in the primary election district for which he is appointed, then in that case the said Sheriff or any member of said Department of Elections so neglecting, failing or refusing shall, upon conviction therefor, be adjudged guilty of a misdemeanor and shall for every such offence be punished by imprisonment in the county jail for a period not exceeding one year, or by a fine of not more than two hundred dollars, or both, and such conviction shall of itself work a forfeiture of his office.

Neglect of Department of Elections or sheriff to deliver Voting Books

Misdemeanor

Punishment

Forfeiture of office

Section 25. Whoever, during the time that any primary election is in progress in any primary election district in New Castle County or during the time the ballots cast thereat are being counted, shall bring, take, order or send into, or attempt to bring, take or send into any place of holding any primary election, any intoxicating liquors whatever, or shall at any such time and place drink or partake of any such intoxicating liquors, he or they shall, upon conviction therefor be adjudged guilty of a misdemeanor and shall for every such offence be punished by a fine of not less than five dollars, and not exceeding ten dollars.

Taking intoxicating liquors into place of election

Drinking intoxicating liquor

Misdemeanor

Punishment

Section 26. That the sheriff of New Castle County shall provide and deliver, or cause to be provided and delivered to the officers at every polling place in the county outside of the City of Wilmington (and the Department of Elections to perform the same duties in the City of Wilmington), where a pri-

Ballot boxes to be provided

Description	<p>mary election is to be held, a ballot box, the same to be provided with a lock and key; the said ballot box to be not less than twelve inches long, nine and one-half inches wide, and nine inches high; both sides of said box shall be entirely of clear glass and shall have a lid so constructed that the said lid will slide with ease. The lid of said ballot box shall have an opening in the top not more than one inch long and not more than three-sixteenths of an inch wide; the opening to be entirely enclosed with iron, steel or tin, which material shall be securely fastened to the lid. He shall also furnish to the officers holding any primary election a box of sufficient size to hold the ballots cast at such primary election.</p>
Other box	
Ballot box, where placed	<p>Section 27. That part of the ballot box composed of glass shall be so placed during the time that any primary election is in progress that it can be seen at all times by the persons on the outside of the polling places. The lid of the ballot box shall be securely locked during the time that the primary election is being conducted, and shall not be unlocked until the polls are closed.</p>
Locked during election	
Number of votes cast to be announced at close of election	<p>Section 28. That at the time for closing the polls at a primary election held under the provisions of this act, the presiding officer shall publicly proclaim in a clear and distinct voice the number of votes that have been cast at such primary election as shown by the poll books kept by the clerks. After closing the polls at a primary election, the presiding officer and judges shall openly and publicly remove the lid of the box containing the ballots. The ballots shall be taken separately from the box. One of the judges shall keep in his custody the said box while the other judge shall publicly in the presence of the watchers, hereinafter provided for, take the ballots one by one from the box and read the same. When a ballot shall be read it shall be submitted to each of the other judges for inspection and put in the other box directly to be procured in Section twenty-four of this act, it being first seen that the said box is empty; two clerks at least shall keep an accurate account of the ballots as they are read, which shall be done on the tally sheets hereinafter provided to be furnished, by writing the name of every person voted for in the margin under a designation of the office for which the vote is given to him. The clerk shall make a distinct mark with a pen and ink in the row opposite such name for every vote such person shall receive for the same office. At the close of the canvass of the ballots cast for each candidate, the inspector shall publicly announce the vote and the result of the canvass.</p>
Reading of ballots	
Custody of same	
Clerks to keep tally	
Result of canvass to be announced when count completed	
Tally sheets and certificates to be prepared	<p>Section 29. After having counted the ballots cast at any primary election, the officers holding such election shall forth-</p>

with fill out and sign two tally sheets and two certificates, hereinafter provided to be furnished, with the number of votes in words at length entered thereon that have been cast for each and every candidate at such primary election, and the exact time that said canvass was completed. One of said certificates, together with one of said tally sheets and one poll list, shall be delivered by the inspector outside of the City of Wilmington, on the first secular day following such primary election, to the chairman of the regularly organized and constituted County Committee or Governing authority of the political party, organization or association holding such primary election. One of said certificates, together with one of said tally sheets and one poll list, shall be delivered by the inspectors in the City of Wilmington to the chairman of the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election, within one hour from the time that the canvass of the votes has been completed. The said ballots, after having been counted, shall be deposited in the box furnished for that purpose, together with the other said certificates, tally sheets and poll lists. The lid of said box shall be secured by tape crossed and sealed in sealing wax by one of the judges not being the inspector, and shall be delivered by the inspector on the first secular day following such primary election, to the Sheriff of New Castle County, who shall make such disposition of the same as the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election may direct. The regularly organized County Committee or governing authority of the political party, organization or association holding any primary election shall furnish at every polling place in the county where a primary election is to be held, blank tally sheets, blank certificates, blank poll books and stationery sufficient for the use of the officers holding such primary election. They shall also furnish to the primary election officers printed instructions of the parts of this act that in the judgment of the said committee is necessary for the proper performance of their duties.

Disposition of same

Disposition of ballots

Blank tally sheets, etc. by whom furnished

Printed instructions to officers

Section 30. The poll books used at any primary election hereafter held shall have every line therein numbered, commencing with the figure 1, and continuing serially. On offering to vote at a primary election the voter shall deliver to the presiding officer a single ballot containing the name or names of the person or persons for whom he desires to vote. He shall announce his name and residence, and, if he is qualified as heretofore provided, his vote shall be received and deposited in the ballot box having the glass sides, and his name and residence entered on the poll book on the line directly opposite the first

Poll books

Voting

When requested number of votes cast must be announced

unoccupied number in order that the election officers may, at any time during the progress of the primary election know the exact number of votes that have been cast. The election officers of such primary election shall at any time announce to any person who is in the act of voting and so inquiring, the number of votes that have been cast up to that time.

Rope or chain to be furnished each voting place

Section 31. The Sheriff of New Castle County shall furnish at every polling place where a primary election is held, outside of the City of Wilmington, and the Department of Elections to perform the same duty in the City of Wilmington, two pieces of rope or chain. The officers holding such primary election shall place the said rope or chain at a distance not less than six feet on either side of the window or door where a primary election is held; the said rope or chain shall be at least twelve feet in length, and shall be at least twenty-four inches from the ground and shall so remain during the time such primary election is in progress. No person shall be permitted to be on the inside of said rope or chain excepting to cast his ballot, after which he shall immediately retire. Any person violating the provisions of this Section shall, upon conviction therefor, be adjudged guilty of a misdemeanor, and shall for every such offense be punished by a fine of ten dollars.

How used

No one permitted within enclosure except to vote

Violation

Punishment

Watchers

Section 32. That each candidate for nomination at any primary election hereafter held shall have the right to appoint one qualified elector as watcher, who shall be entitled to be in the room where such primary election is held, from the commencement to the close of such primary election and signing of the certificates thereof. If any person appointed watcher shall so conduct himself as to interfere with the progress of any primary election he may, upon complaint made by the primary election officers to the chairman of the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election, or to any member thereof from the hundred wherein such interference occurs at the direction of the said chairman or member aforesaid, be removed from the room where such primary election is being held, and the candidate whose representative the watcher so removed was shall be without representation during the continuance of said primary election. If any person shall exclude, or attempt to exclude any elector, except in the manner hereinbefore provided, who has been appointed watcher, from the room where any primary election is being held, he shall, upon conviction therefor, be adjudged guilty of a misdemeanor, and shall for every such offence be punished by a fine of one hundred dollars, or by imprisonment in the county jail for a period not exceeding ninety days, or both.

Removal for misconduct

Attempt to exclude watcher

Misdemeanor

Punishment

Section 33. That any recognized member of the political party, organization or association in whose interest any primary election is held, may challenge the right of any person offering to vote at such primary election; and the board of election officers holding the same shall determine whether the person so offering is entitled to vote, and shall receive or reject such vote, as the evidence for or against the right of the person to vote shall warrant. The officers may, of their own motion, or in case of challenge if there be doubt of the propriety of receiving the offered vote, require of a person so offering to vote, his oath or affirmation, which shall be administered by the presiding officer, who is hereby authorized to administer the same in the following form, viz.: Do you solemnly swear (or affirm) that you are a legally qualified voter under the rules of the party authorizing this primary election; that you will be legally qualified to vote at the following election for which candidates are now being selected to be voted for; that you are at this time a bona fide resident of this primary election district; that you have not voted, or you will not vote at any other voting place this day; that you have not voted or you will not vote at the primary election of any other political party, organization or association held for the purpose of nominating or selecting candidates to be voted for at the ensuing election, so help you God (or so you solemnly affirm). After the voter has taken the said oath or affirmation, the ballot of such voter shall be received and deposited in the ballot box; and if any person offering to vote at any primary election decline to make the oath or affirmation demanded, his vote shall be rejected. If at the time a person proposes to vote he is challenged and there are several persons waiting their turn to vote, said challenged person shall stand to one side until unchallenged voters have had an opportunity to vote, when his case shall be taken up and disposed of; provided, that if any person shall challenge a qualified voter, resident of such primary election district, well known as a member of the political party, organization or association holding such primary election, for the purpose of annoying or delaying voters, he shall, upon conviction therefor, be adjudged guilty of a misdemeanor, and shall for each and every such offence be punished by fine of one hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, or both.

Challenge of vote

Decision

May require oath of voter

Form

After oath vote to be received

Decision on challenged vote not to delay other voters

Challenging vote for delay

Misdemeanor

Punishment

Section 34. That each of the officers of any primary election hereafter held is clothed with the powers and duties of a county constable, and is required to see that good order is preserved at such election, and may arrest and present for commitment to any justice of the peace any and all persons guilty of any unlawful conduct.

Powers of election officers

Compensation
of election
officers

Section 35. The compensation of the officers and clerk for holding primary elections under the provisions of this act shall be two dollars and fifty cents for each judge and clerk and three dollars for each inspector at each primary election so held. The expenses for holding primary elections under the provisions of this act including stationery, pay of officers and clerks, shall be paid by the Levy Court of the county wherein such primary election is held to nominate persons to be voted for at a subsequent general election and by the Mayor and Council of Wilmington in any year when a primary election is held in the City of Wilmington to nominate officers to be voted for at the subsequent municipal election in the said city.

How paid

Election officer
acting unlaw-
fully may be
removed

Section 36. If any person appointed to hold a primary election shall conduct such election in violation of any of the provisions of this Act, the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election is hereby empowered and directed to remove such officer or officers and substitute others in their stead, and the person so substituted shall take the oath or affirmation prescribed by Section five of this act, which said oath or affirmation shall be administered by any qualified inspector or judge who is hereby authorized to administer the same.

Substitutes

Who declared
nominated

Section 37. In all cases the candidate receiving the highest number of votes shall be declared the nominee of the political party, organization or association holding such primary election. In case of death, resignation or removal of any candidate subsequent to a nomination the political party, organization or association in which such vacancy exists, shall provide the manner in which such vacancy shall be filled.

Vacancy

Nominee, how
ascertained

Section 38. The regularly organized and constituted County Committee or governing authority of the political party, organization or association holding any primary election is hereby empowered to calculate the aggregate number of all the votes that shall have been cast, in all the hundreds of the county or any subdivisions thereof, for every person voted for for any one office at such primary election, and to declare the candidate or candidates in cases where candidates for more than one office are to be nominated, receiving the highest number of votes the nominee or nominees of such political party, organization or association for the office for which he was voted for at such primary election. In all cases of a tie vote or of contests, the regularly organized and constituted County Committee or governing authority of the political party, organization or association

Tie votes of
contests

holding at such primary election shall have the power to hear and determine such contests, and to decide who shall be entitled to the nomination. The proceedings in such cases shall be in such form and manner as the said committee or governing authority shall determine upon. Before entering upon the discharge of the duties set forth in this section the members of the committee or governing authority aforesaid, shall be sworn by a notary public to faithfully and honestly discharge the duties herein imposed and the failure upon the part of any member of the said committee or governing authority to discharge such duties faithfully and honestly shall be deemed a misdemeanor, and the person so offending shall upon conviction therefor, be fined not less than one hundred dollars nor more than five hundred dollars, and be imprisoned in the county jail for a period of not less than sixty days nor more than one year.

How decided

Form of proceedings

Section 39. That the ballots used at any primary election hereafter held shall be printed by the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election. The names of all candidates for nomination for the same office shall be placed under the title of said office, the surname of candidates to be placed in alphabetical order and shall not be separate one from another by any other matter. Where there are several candidates for the nomination for the same office, the elector shall indicate his choice by crossing out the name of all the candidates except those for whom he desires to vote, and in case an elector has omitted to cross out the names on his ballot as aforesaid, the said ballot shall not be counted for any such candidate or candidates. Any person desiring to be voted for as a candidate for nomination at any primary election hereafter to be held shall notify the regularly organized and constituted County Committee or governing authority of the political party, organization or association of which he is a member in writing of such desire at least ten days before such primary election is to be held. The said ballots shall be printed and ready for distribution at least five days before the day of such primary election.

Printing of ballots

Form of ballot

How voted

Person desiring to be voted for must notify authorities

Ballots printed when

*Section 40. That the provisions of this act shall not apply to any primary election held for the election of delegates to any State convention called for the purpose of electing delegates or representatives to any national political convention; provided, however, that the regularly organized County Committee or governing authority of the political party, organization or association by or for which the primary election is held for the elec-

Act not applicable to election of delegates to National Convention

or state

of state

Such election to be at expense of party

Also election of delegates to other conventions

tion of delegates to any State convention held for the election of delegates to any national political convention, shall bear the expense for conducting such primary election as set forth in this Section. And, provided, further, that the said governing authority ordering or issuing the call for a primary election to elect delegates or representatives to any State, County or City Convention, shall bear all the expense incurred by reason of such election.

Act applicable to N. C. Co. only

Sale of intoxicating liquors not prohibited on day of primary election

Section 41 That this act shall apply solely to New Castle County, and the laws now in force prohibiting the sale of intoxicating liquors on the day of any general, special or municipal election are hereby excepted, and shall not apply to any election contemplated by this act

Passed at Dover, May 27, 1897.

CHAPTER 66, VOLUME 27.

AN ACT amending Chapter 393, Volume 20, Laws of Delaware, being an act entitled, "An Act to provide for the Purity of Primary Elections in New Castle County," and also amending Chapter 296, Volume 22, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Provisions of Chap. 393, Vol. 20 and Chap. 286, Vol. 22 extended

Section 1. That the provisions of Chapter 393, Volume 20, Laws of Delaware and Chapter 286, Volume 22, Laws of Delaware shall apply to the Counties of Kent and Sussex as well as to New Castle County.

Approved March 26, A. D., 1913.

CHAPTER 285, VOLUME 22.

AN ACT to Amend Chapter 393 of Volume 20, Laws of Delaware, the same being "An Act to provide for the Purity of Primary Elections on* New Castle County," Giving the Right to all Qualified Voters at the General Election to Vote at the Subsequent Municipal Primary Election in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring):

Section 1. That Section 18, Chapter 393, of Volume 20, Laws of Delaware, be and the same is hereby amended by striking out all of said Section after the number "18" in the first line, and inserting in lieu thereof the following:

That the time for holding any primary election shall be after the first day of registration in the month of August, for the ensuing general election, and the time for holding primary elections in the City of Wilmington to nominate candidates to be voted for at a municipal election shall be in the month of May after the day for the revision of the registration of voters. The time for the revision of the registration of voters in the City of Wilmington for Municipal elections shall be and the same is hereby made the fourth Saturday previous to the day set for holding the election for municipal officers in the said city. The members of the Department of Elections for the City of Wilmington, in addition to the duties now required of them by law, shall demand of the Clerk of the Peace, of New Castle County, between the fifth and tenth of April of any year in which a municipal election is held, and it shall be the duty of the said Clerk of the Peace to deliver to the said Department of Elections for the City of Wilmington, within two days after said demand, the original "Voting Book of Qualified Voters" and "Registers" for all the election districts in the City of Wilmington; and it shall be the duty of the Department of Elections for the City of Wilmington to revise and prepare the "Voting Books of Qualified Voters" as provided for General Elections, and all persons and only they whose names appear on the said "Voting Books of Qualified Voters" shall be entitled to vote at a primary election to nominate candidates to be voted for at the subsequent municipal election in the City of Wilmington, nor shall any

Time for holding primary election

Revision of registration

Department of Elections

Duties of

Who may vote at municipal primary election

* So enrolled.

person whose name is on the said "Voting Books of Qualified Voters" be disqualified from voting at the municipal election or be compelled to register because of the fact that he failed to vote at the previous general election. The time for opening the polls for the purpose of conducting the primary election under the provisions of this Act shall be one o'clock in the afternoon, and the time for closing the polls at such primary election shall be seven o'clock in the evening.

Time for opening polls

Time for closing

Section 2. That Section 18, Chapter 393, of Volume 20, Laws of Delaware, be and the same is hereby amended by striking out of said Section after the number "19" in the first line of said Section, and inserting in lieu thereof the following:

Notice of desire to hold primary election

Chairman or Secretary of political party to notify custodians of Voting Books, etc.

Notification—two weeks prior to election

Delivery of Voting Books

Duty of Inspectors

Neglect

"That whenever a political party, organization or association desires to hold a primary election for the purpose mentioned in Section 2 of Chapter 393, the chairman or secretary of the regularly organized and constituted county or city committee or governing authority of such political party, organization or association, shall notify by letter the respective parties having the custody of the "Voting Books of Qualified Voters for Primary Elections" or the "Voting Books of Qualified Voters" in this Act and in Chapter 393, Volume 20, Laws of Delaware, provided, of their intention of holding a Primary election, stating the day on which they desire the election held, which notification shall be at least two weeks prior to the time for holding such primary election. If no previous notice shall have been received by the said parties from no other political party of its intention to hold a primary election on that day, the said party shall, on or before twelve o'clock of the day for holding such primary elections for that political party, organization or association, deliver the two "Voting Books of Qualified Voters for Primary Elections" provided for in Chapter 393, Volume 20, Laws of Delaware, in case of a County Primary Election, or the two "Voting Books of Qualified Voters" in case of a Municipal Primary Election, for each general district that may be contained in the primary election in the hundred or election district of the County or of the City of Wilmington to which such "Voting Books of Qualified Voters for Primary Elections" or "Voting Books for Qualified Voters" shall apply. And it shall be the duty of the said inspector to have the same at the place of holding the primary election at the time of opening the polls on primary election day. If any inspector shall refuse, neglect or fail to have the said "Voting Books of Qualified Voters for Primary Elections" at the place of holding the primary elections for any general or special election in the County, or the "Voting Books for Qualified Voters", at the place of holding the primary elec-

tion for any municipal election in the City of Wilmington, at the time designated in this Act, he shall, upon conviction therefor, be adjudged guilty of a misdemeanor, and shall be punished for each such offence by imprisonment in the county jail for a period not exceeding ninety days, or by a fine not exceeding one hundred dollars, or both.

Misdemeanor

Penalty

Section 3. That Section 20, Chapter 393, of Volume 20, Laws of Delaware, be and the same is hereby amended by striking out all of said Section after the words "Primary Election" in the eighth line of said Section and inserting in lieu thereof the following: "For any general or special election in the county, the officers thereof shall examine the "Voting Books of Qualified Voters for Primary Elections" provided by Chapter 393, Volume 20, Laws of Delaware, and as each person shall apply to vote at any primary elections held for any municipal election, the officer thereof shall examine the "Voting Books of Qualified Voters" provided by this Act, and if they find thereon the name of the person applying to vote and be satisfied that he is the person whose name is so registered, they shall enter the word "voted" after his name and such voter shall not be permitted to vote at any succeeding primary election held for that particular election, by any other political party, organization or association. The entry of the word "voted" as aforesaid shall be in such a manner as to indicate at what party primary election the voter has voted. No person whose name is not contained in the "Voting Book of Qualified Voters for Primary Elections", shall be allowed to vote or participate in any primary election for any general or special County election hereinafter held, and no person whose name is not contained in the "Voting Books of Qualified Voters" shall be allowed to vote or participate in any primary election for any municipal election hereafter held. It shall be the duty of the inspector within two days after the day of the primary election to return the said "Voting Books of Qualified Voters for Primary Elections" or "Voting Books of Qualified Voters", used by him at any primary election, to the person or persons from whom he received the same, who shall preserve them, and in case of the "Voting Books of Qualified Voters", within ten days after they have been returned to the Department of Elections for the City of Wilmington, the said Department shall deliver the said Book and Registers to the Clerk of the Peace of New Castle County, taking from them a receipt. If any inspector shall neglect, refuse or fail to return said "Voting Books" as directed in this section, the said Inspector so neglecting, failing or refusing shall, upon conviction therefor, be adjudged guilty of a misdemeanor and shall for every such offense be punished by a fine not exceeding one hundred

Voters to vote at the primary election of only one political party

Qualification of voters

Inspectors to return books to Clerk of the Peace

Neglect of duty

Misdemeanor

Penalty

dollars or by imprisonment in the county jail for a period not exceeding thirty days, or both.

Section 4. That Section 24, of Chapter 393, Volume 20, Laws of Delaware, be and the same is hereby amended by inserting after the word "Elections" in the fifth line of said Section, the following words: or "Voting Goods of Qualified Voters", and to further amend said Section by inserting after the word "appointed", in the seventh line of said Section the following words: "or the Clerk of the Peace shall lawfully neglect, refuse or fail to deliver to the Department of Elections for the City of Wilmington the said "Voting Books of Qualified Voters", and to further amend the said Section by inserting after the word "Elections" in the ninth line of said Section the following words: "or the Clerk of the Peace of New Castle County."

Neglect of
Clerk of the
Peace

Section 5. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved March 24, A. D., 1903.

CHAPTER 286, VOLUME 22*.

AN ACT to amend an Act, entitled "An Act to Provide for the Purity of Primary Elections in New Castle County."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 40, of Chapter 393, Volume 20, of the Laws of Delaware, be and the same is hereby amended by inserting between the word "National" and the word "Political" in the fourth line of said Section, the words "or State". That Section 40 be further amended by inserting between "National" in the ninth line of said Section and the word "political" in the tenth line of the same Section, the words "or state". That Section 40 be further amended by striking out the word "State" in line fourteen of said section, between the word "any" and the "County" of said Section.

Not applicable
to National or
State Conven-
tions

Section 2. That the provisions of Chapter 393, Volume 20, of the Laws of Delaware, as hereby amended, be and the same are hereby re-enacted.

Approved March 26, A. D., 1903.

* See Act extending provisions to Kent and Sussex Counties, Chapter 66, Volume 27.

OTHER LAWS

Concerning Elections.

CHAPTER 16, REVISED CODE.

Section 1. At all elections for State or County officers, the electors shall vote within the hundreds, wards, precincts, or election districts in which they shall respectively have resided at least fifteen* days immediately prior to the time of voting, and not elsewhere.

Amended,
Chapter 26,
Volume 17

Place of Voting

Section 2. In all elections, unless it is otherwise expressly provided, a plurality, or the highest number of votes, shall make a choice, except where this principle is defeated by two persons having the same number of votes for the same office.

Plurality elects

Section 3. In all questions of residence, arising under the provisions of the fourth article of the amended Constitution, the following rule shall be observed; that if any person, having resided within the State shall actually remove to another place out of the State, with an intention of remaining there for an indefinite time, as a place of present domicile, he shall lose his qualification of residence within the State, notwithstanding he may entertain a floating intention to return at some future period. The same principle shall be applied to removals from one place to another within the State.

Residence, rule
as to

Section 4. In reading out the ballots at any election, a double vote, that is to say, two or more ballots voted together by the same person shall not be counted or tallied, but both of the ballots, comprising such double vote shall be rejected.

Double votes

Section 5. If in reading out the ballots at any election, a ballot shall be found to contain the names of more persons voted for, for any office, than by law ought to be voted for, for such office, such part of the ballot shall be rejected and the residue shall be read.

Amendment,
Chap. 421, Vol.
11

* See Section 2, Article 5 of Constitution.

Election officers, powers

Section 6. The presiding officer of an election shall, from the opening of the same until all the duties and proceedings connected therewith are fully completed, have power to command the peace, and to require sureties of the peace from any person disturbing the election or the officers thereof in the performance of their duties, and to commit to prison for refusal or neglect to find such surety; and all officers and other persons, are required to obey the lawful commands of such presiding officer in this behalf, and in default thereof, such officer, or other person, shall be deemed guilty of a misdemeanor, and shall forfeit and pay a fine of fifty dollars.

Officers and other persons required to obey presiding officer

Failure, fine \$50

Justice of the Peace and collectors to attend elections

Section 7. Every justice of the peace * * * * shall attend at the place of holding an election in the hundred in which he shall reside, from the opening until the close of such election; and every constable shall attend at the place of holding an election in his hundred, and shall there continue from the opening of such election until all the votes cast thereat shall be read and tallied, and the certificates of such election signed, and (if it be at a general election) the ballot box sealed.

Constable to attend

* * * * *

Duty of collector, constable and justice of the peace

and it shall be the duty of every justice of the peace and constable to take care that the peace be kept, and that the election be not interrupted or disturbed.

Penalty for neglect of duty

If any justice of the peace, * * * or constable, shall refuse or neglect to perform the duties by this section enjoined upon him, he shall be deemed guilty of a misdemeanor, and shall forfeit and pay a fine of one hundred dollars.

Wilmington

At elections held in Wilmington hundred, the mayor and alderman of the City of Wilmington shall perform the duties by this section enjoined upon justices of the peace, subject to the same penalty for default therein.

Duty of officers

Election officers penalty for neglect of duty

Section 8. If any inspector, collector, assessor, or other presiding officer, judge, or clerk of an election, or if a clerk of the peace, sheriff, coroner, prothonotary or other officer presiding at a board of canvass, shall neglect to perform any duty by the election laws of this State enjoined upon them respectively; or shall use any falsehood, fraud or deceit, or be guilty of any corruption, or misbehavior, in performing any of the said duties; such officer, so offending, shall for every such offence, forfeit a sum, not less than fifty nor more than five hundred dollars, to any person who will sue for the same.

Forfeiture of \$50 to \$500

Proviso

This section shall not extend to any offence or default against which any fine, forfeiture, or penalty is expressly provided by any other section of the chapter.

Section 9. If, at any election, the presiding officer or a judge of the election, shall knowingly and wilfully receive, or advise and consent to the receiving, of the vote of any person not entitled to vote at such election; or if such presiding officer, or judge, shall knowingly and wilfully refuse to receive, or advise and concur in refusing to receive, the vote of any person entitled to vote at such election, every such presiding officer, or judge, shall for every such offence, forfeit and pay the sum of two hundred dollars to any person who will sue for the same; or such presiding officer, or judge, shall for every such offence, be deemed guilty of a misdemeanor, and shall be fined not less than fifty nor more than two hundred dollars. Both the aforesaid penalties shall not be incurred for the same offence; and a conviction upon an indictment, or a judgment in an action of debt, may be pleaded in abatement of the alternative proceeding. But in all cases, an offender under this section, shall be further liable to be indicted, and punished, as in other cases, for wilful or corrupt perjury in having violated his oath or affirmation as such presiding officer or judge.

Penalty for receiving unlawful votes, \$200 fine

\$50 to \$200 fine

Proviso

Perjury

Section 10. If any presiding officer of an election, sheriff, or other person, shall wilfully destroy, secrete, conceal, embezzle or purloin, or in any manner counterfeit, alter, or vary, any certificate of election, either of a hundred, or of a county, or shall wilfully do any act or thing whereby to prevent any such certificate from being duly produced, returned, or delivered, according to law; such presiding officer, sheriff or other person, shall, for every such offence, be deemed guilty of a misdemeanor, and shall forfeit and pay a fine of five hundred dollars.

Destruction, etc., of certificate of election

Penalty, \$500 fine

Section 11. If any person, not entitled to vote, shall vote, or offer to vote, at any election, or if any person shall vote or offer to vote, in a hundred in which he shall not at the time of such voting or offering to vote reside; or if any person, having voted once, shall vote, or offer to vote, a second time at the same election, either in the same, or in another hundred; or if any person shall fraudulently deliver, or offer, to the presiding officer of an election, more than a single ballot; every person, so offending, shall for every such offence, forfeit and pay the sum of one hundred dollars to any person who will sue for the same; or the person so offending shall, for every such offence, forfeit and pay to the State a fine of not less than fifty dollars, nor more than five hundred dollars. Both of the aforesaid penalties shall not be incurred for the same offence, and a conviction upon an indictment, or a judgment in an action of debt, may be pleaded in abatement of the alternative proceeding.

Illegal voting

Penalty, \$100

Penalty, \$50 to \$500

Proviso

Section 12. If any person shall give, offer or promise, any money, goods, chattels or other thing or matter, or release, or

Bribery

- Penalty** offer to release any debt, or obligation by way of bribe, gift, benefit or reward, for the purpose or with the object of influencing any elector in giving his vote, or in refusing to vote, or in absenting himself from the polls at any election; or if any candidate for office at an election, shall, at such election, influence or attempt to influence, any elector, in giving or withholding his vote or in absenting himself from the polls by any of the means aforesaid, or by offering to serve in such office for nothing, or for a less allowance than that prescribed by law; every such person or candidate shall, for every such offense, forfeit and pay the sum of two hundred dollars, one-half thereof to be for the use of the State, and the other half thereof for the person who will sue for the said penalty; and further, any person or candidate so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be imprisoned in the public jail of the county wherein such offence may be committed for a term of not less than one and not more than nine months; and for the term of two years next after said conviction such person shall forfeit the right of an elector; and if any candidate for office, so offending as aforesaid, shall be elected, his office shall, upon his conviction for such offence as aforesaid, be vacated, and he be rendered incapable of serving therein for the term for which he shall have been elected.
- Imprisonment**
- Forfeiture**
- Disqualification**
- Amended Vol. 17, Chap. 26, Accepting bribe misdemeanor** And if any person shall accept or receive anything so given, offered or promised as above, with the intent, purpose and object in this section specified, such persons shall also be deemed guilty of a misdemeanor, and upon conviction thereof shall, for the period of four years from such conviction, forfeit all the rights and privileges of an elector, and in case of a second or subsequent conviction, for a like offence, shall forfeit all the rights and privileges of an elector for the period of eight years from the date of any such conviction, and shall also, during the period of such disfranchisement, be incompetent to serve as a juror. Provided, however, that when any person, a party to such prohibited transactions, shall inform against the other party thereto, and shall give evidence against such other party upon a trial, the person so testifying shall not be indicted for that offence.
- Forfeiture**
- Proviso**
- Informers not indictable**
- Betting** Section 13. If any person, either before or pending an election, or during the reading and tallying of the votes cast at an election, shall, for himself, or for another or others, lay any wager or bet on the result of such election, or on the election or defeat of any candidate or person voted for at such election, every person so offending shall, for every such offence, forfeit and pay to any person who will sue for the same, double the amount of such wager or bet, or double the value of the thing betted. The
- Penalty**

stakeholder shall, in all cases, be a competent witness to prove such illegal wager. Witness

Section 14. If any stakeholder, or person with whom any money or thing, so illegally betted, shall be deposited, shall at any time, either before or after such bet shall have been decided, pay over or deliver, to either or both the persons betting the same, or to any other person by the order or for the use of them, or either of them, the money or thing so illegally betted, every such stakeholder or depositary, shall be liable to the same forfeiture to which the person betting may be liable under the next foregoing section; either of the persons betting shall be competent witnesses against such stakeholder. On stakeholder
Witness

Section 15. If any person shall, on the day of an election, or during the reading and tallying of the votes, at any place where such election is held, or within one mile thereof, commit an assault and battery; or if any person shall interrupt or disturb the election, or the officers thereof, or any of them, in the performance of any of their duties, either in receiving, reading or tallying the votes, or shall interrupt or disturb the Inspectors and Sheriff, or other presiding officer, when assembled as a board of canvass, in performing any of the duties of such board, every such person shall, for every such offence, be liable to be held to surety of the peace, and on failure to give such surety forthwith, to be committed to prison, and shall further forfeit and pay to the State a fine of not less than ten dollars nor more than one hundred dollars. Breaches of the
peace
Penalty, \$10 to
\$100

Section 16. If any person shall, on the day of an election, or on the day next before or after such day, make, set up, or have, any booth, stall, or other temporary convenience, for the purpose of selling any spirituous, vinous, malt, or other intoxicating liquors, or shall sell, or expose to sale, any spirituous, vinous, malt or other intoxicating liquors, at any place where such election shall be held, or within two miles thereof, or upon any highway, or road leading thereto; every such person shall, for every such offence, forfeit and pay to the State a fine of twenty dollars; and it shall be the duty of every justice of the peace or constable, residing in any hundred, to abate or remove any such booth, stall, or other temporary convenience, so set up or used in such hundred in the manner and for the purpose aforesaid, and to hold the person so having or using such booth, stall, or other temporary convenience, to surety of the peace, and in default of such surety being immediately given, to commit such person to prison; and every justice of the peace or constable, shall have authority to command the assistance of any citizen or citizens, in the premises. No record need be made of the abat- Stalls for sale
of liquor un-
lawful
Selling liquor
prohibited
Penalty \$20 fine
Duty of officers

Volume 14,
Chapter 418,
Section 14. Un-
lawful to sell
intoxicating
liquors on the
day of election

ing or removing of any booth, stall, or temporary convenience as aforesaid; but this section and the truth of the case may in any suit be given in evidence under the general issue. * * * *
And no person licensed to sell liquor shall sell, give away, or dispense any intoxicating liquors on the day of any general, special, or municipal election within one mile of the place where the same is held, and such day shall be reckoned from the midnight before till the midnight after such election; and any person violating this provision, shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of not less than fifty nor more than one hundred dollars, and, if holding a license under this act, shall forfeit the same in addition to such fine, and be incapable of receiving a license for the space of two years thereafter.

Misdemeanor
Fine
Forfeiture of
license

* * * * *

Militia not to
be called out

Section 22. If any officer or other person, shall call out or order any of the militia of this State to appear, exercise, or muster on the day of any election, or within ten days before any general election, or three days before any special election or election for assessor and inspector, or within three days after either of such elections, except in case of invasion or insurrection, every such officer or other person shall for every such (page 142) offence, forfeit and pay to the State a fine of one thousand dollars.

Penalty, \$1,000

Special bail in
suits for penal-
ties

Section 23. In every suit or action for a forfeiture, or penalty, under the foregoing provisions (except in cases cognizable before a justice of the peace) special bail may be required of the defendant in double the sum of such forfeiture, or penalty, upon affidavit of the person suing, or of any credible person for him, setting forth the facts on the ground whereof such forfeiture or penalty shall have been incurred

CHAPTER 487, VOLUME 12.

AN ACT Further to Protect the Free Exercise of the Elective Franchise.

Section 1. That if any person who is a duly qualified elector of this State, according to the constitution and laws thereof, shall hereafter be prevented from voting or obstructed in his effort to vote at any election, by reason of any interference by any person or persons, or military power, or other power, exercising or attempting to exercise force, intimidation or threats, or requiring any qualifications or conditions unknown to such constitution and laws, he shall be deemed and taken to have suffered private damage and injury, and shall have civil remedy therefor in the courts of this State, by action of trespass, or on the case, according to the nature of the interference, against all and every person or persons who promoted such interference, whether by active participation or by advising, counselling or in any wise encouraging the same, and in any trial under this act the jury, if in their opinion the circumstances will warrant it, may give exemplary damages.

Obstructions and interference

Civil action for damage

Section 2. That it shall be the duty of every citizen of this State who has knowledge of any design on the part of any other citizen or citizens of this State to promote interference with elections, either by soliciting or advising the presence of a military force at or near the place or places of holding such elections, or by the employment of any other organized or unorganized body of men, or by intimidation or threats forthwith to make public disclosure of such knowledge, stating names, by an affidavit to be made before any one of the Judges of this State, and file the same in the office of the Clerk of the Peace in the county where the Judge resides, and if any such citizen having such knowledge shall fail to make such affidavit and cause the same to be filed as aforesaid he shall be treated as a promoter of the interference mentioned in the first section of this act, and be liable as therein provided.

Citizens to make disclosures

Section 3. That the limitation of actions commenced under this act shall be ten years from the time of the accruing of the cause of action.

Limitation

CHAPTER 491, VOLUME 12.

AN ACT Further to Secure the Free Exercise of the Right to Vote at Elections.

Military interference

Electors shall have right to vote. How and where

Oath

Section 1. That if it shall so happen hereafter that by reason of the presence of any military force at or near the place of holding an election in this State, under the provisions of Chapter 18 of the Revised Code, electors duly qualified by the constitution and laws of this State to vote at said place at said election shall be prevented from, or interfered with, in casting their votes, by military force, or the requirement of oaths unknown to said constitution and laws, any number of electors, not less than five, shall have the right to withdraw from said place to any other place within the voting district where such prevention or interference shall take place, and having there, by a majority of the electors present, selected a duly qualified elector of said district, who shall be a freeholder, to act as inspector, to deliver to him there their respective ballots; which said inspector shall receive the said ballots and record the name of the voter upon a list to be kept by him for that purpose, and immediately write upon each ballot the name of the person who delivered the same to him—the said inspector having first administered to each person offering to vote on the ground of his being between the age of twenty-one and twenty-two years, an oath or affirmation in the following words, that is to say: “You do solemnly swear (or affirm) that you are of the age of twenty-one years, and not arrived at the age of twenty-two years, and that you at this time reside in this hundred, and that you have not voted, and will not vote on this day at any other place in this or any other hundred, and that you have resided in this county one month, and in this State one year next before this election”; and to every person offering to vote on the ground of having paid a tax and being otherwise qualified according to the constitution, the following: “You do solemnly swear (or affirm) that you are of the age of twenty-two years, and that you at this time reside in this hundred, and that you have not voted, and will not vote on this day at any other place in this or any other hundred, and that you have resided in this county one month, and in this State one year next before this election, and that you have within two years paid a county tax which was assessed at least six months before this election”; and also the further oath that he has been hindered or prevented from casting his vote at the regular place of holding the election, by military interference, or by the requirement of oaths unauthorized by the constitution and laws of this State.

Section 2. That the polls authorized to be held by the preceding section shall be held at the place where they are opened, unless it be impracticable to hold them there, in which event they shall be adjourned to some other place, or places (if necessary), in the election district where they are opened, and there held, and shall be kept opened until five o'clock in the afternoon, when the Inspector shall close them. As soon as such polls are closed the Inspector holding them, having first ascertained the number of ballots cast, and for whom and for what office the votes were given, and made a certificate thereof, shall seal up the ballots received by him in a box or envelope, and keep them safely together with the list of the names of the electors who have deposited their ballots with him, until the time of the meeting of the Board of Canvass provided for by the chapter aforesaid, when he shall appear before the said Board, with the said ballots and list of voters and his certificate aforesaid, and deliver his said certificate to the said board, with an affidavit made by him upon the same that it contains a true and faithful statement of the number of ballots received by him as aforesaid, the names of the electors who cast them, the number of votes for the different persons voted for, and that at the said poll held by him he did not, knowingly, receive the ballot of any person not a duly qualified voter within his election district, according to the constitution and laws of the State of Delaware, nor did he refuse to receive the ballot of any person so qualified, and who had been prevented from voting at the regular place of voting by military force or the requirement of an oath unauthorized by the constitution and laws of the State of Delaware; and that he determined every matter that came before him and performed every act and duty required of him by law touching the election held by him, truly, faithfully and impartially, according to the best of his skill and judgment.

Polls, where held

Return to Board of Canvass

Section 3. That it shall be the duty of the Board of Canvass to receive the said certificate, and in ascertaining and certifying the state of the election under the provisions of the chapter aforesaid, to take into consideration the number of ballots certified by said Inspector to have been received by him and for whom and for what office the votes were given, and give said certificate the same force and effect, and it shall have the same force and effect as a certificate of the election officers at any of the regular places of holding the election; and the votes given shall be reckoned among the number of votes given in the election district where they were received by the said Inspector in the same manner as if they had been given at the regular place of voting in said district: Provided always, however, That the said Board shall be, and they are hereby required to hear and determine challenges of the right of any person who delivered

Duty of Board of Canvass

Proviso

his ballot to the said Inspector, and reject any ballot if the person who cast the same had not a right to vote under the constitution and laws of this State, either from want of qualification, or by reason of his having voted at any other place in the State where he was entitled to vote on the same day. Such of the said ballots, so received by the said Inspector, as are not rejected by the Board of Canvass, and also the list of voters, and the certificate aforesaid, shall be deposited by the said Board in the regular ballot box of the election district where they were cast, and the said box shall then be immediately resealed by the presiding Officer of the Board of Canvass. The said Board shall also have power to examine, on oath the said Inspector, touching any matter connected with the holding of the election by him, and shall have power, if it appear to them that the said election was not fairly held by any Inspector, to reject his said certificate, and throw out the vote returned by him as aforesaid.

Board of Canvass may choose place of meeting in case of military interference

Section 4. That if it shall be apparent to a Board of Canvass that any interference with the performance of their duties under Chapter 18 aforesaid and this act will be attempted by military force or, if after they have met, any such interference shall be attempted, they shall have power to meet at any other place within their county to perform their said duties. And further, if any member of a Board of Canvass or any Inspector created by virtue of this act shall be prevented by reason of such interference from attending the meeting of the Board, or if the Board, being met, shall be prevented by such interference from performing the duties incumbent on them, it shall be the duty of the said Board to adjourn to meet at some other time and other place (if necessary) to perform their duties under the laws of this State, and so to adjourn from time to time until such duties can be performed. The duty of attendance upon said Board on the part of an Inspector created by authority of this act and the penalties upon him for not appearing shall be the same as in the case of the Inspectors regularly elected according to law, but no such Inspector shall be a member of the Board of Canvass.

Number of polls not limited to two in each district

Section 5. That nothing herein contained shall limit the voting places to two in an election district, but the emergency contemplated above rising, as many different polls may be held as there are number of voters of five or more, who under the circumstances aforesaid withdraw from the regular place of holding the election for the purpose of casting their ballots without intimidation or interference.

Clerk

Section 6. That each Inspector created by authority of this act shall have power to appoint a Clerk to aid him in the discharge of such duties as are clerical, and shall administer to him

before he enters upon the discharge of the duties to be assigned to him an oath or affirmation in these words: "You do solemnly swear (or affirm) that as Clerk of this election you will not use nor assent to any falsehood, fraud or deceit, and that you will keep the polls and perform all your duties truly, faithfully and impartially, so help you God (or so you solemnly affirm)." The Inspectors and Clerks shall receive the same compensation as Inspectors and Clerks elected and appointed under the present election law.

* * * * *

CHAPTER 575, VOLUME 19.

AN ACT Concerning Bribery.

Section 1. That if any person shall bribe or attempt to bribe any one holding or expecting to hold any official position under the election or registration laws of this State, either as Registrar, Judge, Inspector, Voters' Assistant or otherwise, by giving money or the promise of money, office or the promise of office or position, either under the State or Federal government, to perform any service for any political party in this State or to favor any candidate for political office (he) shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding one thousand dollars, and may also, in the discretion of the Court, be imprisoned for a term not exceeding six months.

Bribing, or attempt to bribe, any election officer or expectant election officer a misdemeanor

Penalty

Passed at Dover, May 4, 1893.

CHAPTER 29, VOLUME 17.

AN ACT in Relation to the Election of Assessors and Inspectors.

Amended, Vol-
ume 19, Chap-
ter 40, Election
of Assessors

Time and place
of holding
election

Ballots

Section 1. That hereafter the election of assessors for the several hundreds in the respective counties of this State, and assessors for the assessment districts in Wilmington hundred, shall be held by ballot biennially in the hundreds aforesaid, (excepting Wilmington hundred, which election for assessor shall be held quadrennially) on the Tuesday next after the first Monday in November, at the same time and in the same places as are now appointed by law for holding the general election, and the said assessors shall be voted for upon the same ballots voted for other officers elected at the general election aforesaid.

Section 2. * * * *

Counting of
votes

Tie

The person having the highest number of votes for said offices, respectively, shall be chosen; but if two or more persons shall have an equal and at the same time the highest number of votes for either of said offices the Inspector shall give an additional casting vote.

Section 3. * * * *

Section 4. * * * *

Section 5. * * * *

Section 6. * * * *

Section 7. * * * *

Section 8. * * * *

Section 9. * * * *

Passed at Dover, April 13, 1883.

CHAPTER 43, VOLUME 21.

AN ACT Providing for the Election of Assessors in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That at the general election to be held in the year A. D., 1898, and every second year thereafter there shall be elected from each of the representative districts into which Kent County is divided by the constitution of this State, by the qualified voters thereof, one person to be assessor in and for such representative district. Election of Assessors for Kent County

Section 2. That the person so elected assessor shall be a resident of the district for which he shall be elected; and shall at the time of his election have been a citizen and inhabitant of the State three years next preceding the day of his election. And the last year of that term a resident of the district for which he shall be elected. Qualifications of Assessors

Section 3. * * * * *

Approved June 1, A. D., 1898.

CHAPTER 394, VOLUME 20.

AN ACT in Relation to the Appointment and Election of the Inspectors of Election in and for the State of Delaware, Exclusive of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Inspectors for
general elec-
tion in 1898
(Wilmington
excepted), ap-
pointed by
Governor

Section 1. That the Governor of this State be and he is hereby authorized to appoint an Inspector for each and every election district in the State of Delaware, (exclusive of the City of Wilmington) to hold the general election for the year A. D. 1898.

Thereafter to
be elected

Section 2. That at the general election to be held in the year A. D. 1898, and at each and every general election thereafter, the election of Inspectors for the several election districts in the respective counties in this state (exclusive of the City of Wilmington) shall be held by ballot in the districts aforesaid on the Tuesday next after the first Monday in November at the same time and in the same place as are now appointed by law for holding the general election and the said Inspectors shall be voted for upon the same ballots voted for other officers elected at the election aforesaid.

Section 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 8, A. D., 1897.

CHAPTER 21, VOLUME 15.

Preceding Sections of this Chapter supplied.

SPECIAL ELECTION FOR GENERAL ASSEMBLY.

Section 37. Whenever a vacancy shall happen in either ^{Vacancies} branch of the General Assembly, whether by death, resignation of removal of a member, by tie vote at the general election, or otherwise, the speaker of the house in which the vacancy happens (if the General Assembly be then sitting), or (if it be not sitting at the happening of such vacancy), the Governor shall immediately issue writs of election for filling such vacancy, ^{Writs of election} directly to the Sheriff of the county in which such vacancy happens.

Section 38. If a writ of election to fill a vacancy in the ^{When executed} Senate be issued after an adjournment, without day, of the General Assembly, and not less than ten days before the holding of the general election, the said writ shall be executed at the time of holding the next general election; the election to fill the vacancy pursuant to said writ being held by the same persons and in all respects at the general election, unless a session of the General Assembly shall, in the meantime, be convened by the Governor.

Section 39. If a vacancy shall happen in the House of Representatives after an adjournment without day, of the General Assembly, no writ of election shall be issued under Section 37, ^{Not to issue, when} unless the Governor shall also issue a writ for convening the General Assembly.

Section 40. The Sheriff shall, on the next day after receiving a writ of election, unless the same shall be Sunday, and then on the Monday next following, put up on the outside of the Court House door of his county, and also in one of the most public places of each hundred of this county, a proclamation reciting the said writ and appointing a day for holding a special election pursuant thereto—such day not to be more than five nor less than four days next after the day of receiving the writ exclusive of that day; subject, however, to the provisions of the thirty-eighth section in cases falling within that section. ^{Notice by Sheriff} ^{Proclamation}

Section 41. The Sheriff shall also, upon receiving a writ of election, deliver a written notice thereof, and of the day appointed for holding an election pursuant thereto, to the Inspector of ^{Notice to Inspector}

each hundred of his county who served at the preceding general election; or if such Inspector of any hundred be dead, removed or unable to serve, then to the Assessor of such hundred; and the said Sheriff shall, in such written notice require the Inspector or Assessor to produce the certificate of the election, to be held in his hundred, at the Court House of his county, on the day next after the day of holding the election by twelve o'clock noon.

Notice by Inspector

Section 42. Every Inspector or Assessor receiving such notice as aforesaid, shall forthwith give public notice thereof by advertisements posted in at least five of the most public places of his hundred, stating the day and place of election and the officer or officers to be chosen.

Presiding Officer, who

Section 43. The Inspector of the hundred who shall have served at the next preceding general election, or in case of his death, removal, or inability, the Assessor of the hundred, shall be the presiding officer for such special election; and if both Inspector and Assessor shall be absent from the place of election at the time for opening the same, the Electors present shall choose a presiding officer, as above prescribed in the tenth section of this chapter for choosing a presiding officer at the general election.

Judges of Election

Section 44. The presiding officer of such special election shall, before opening the same, take to his assistance, from among the qualified electors of the hundred, two persons to be judges of the election; who shall be subject to the same penalty for a refusal to serve, and shall, with the presiding officer, be qualified in like manner as is provided in case of the general election.

Place

Section 45. Every special election shall be held in each hundred at the place appointed by law for holding the general election, and shall be opened, conducted and closed at the same time, and in the same manner, and under the same regulations as the general election.

Manner

Board of Canvass Amended, Chapter 432, Volume 17

Section 46. The Inspectors of the several hundreds shall, on the day next after the day of holding a special election, at twelve of the clock, noon, meet at the court house of the county as a Board of Canvass. The Sheriff of the county shall then and there attend as the presiding officer of the said board; and in case of his absence, the coroner shall act; and in case of his absence, the prothonotary of the county shall act and in case of his absence a presiding officer shall be chosen by the inspectors present. The certificates of the election in the several hundreds, shall be produced and the State of the election throughout the county shall be ascertained, and certificates thereof shall be

Sheriff presides

Substitutes

Result

made and returned, in the same manner and under the same regulations as provided for the general election; and the sheriff, or other presiding officer of the board of canvass, shall have the power for compelling the attendance of inspectors and obtaining the certificates of election as in case of the general election.

CHAPTER 20, REVISED CODE.

Election of Electors of President and Vice-President.

Section 1. The electors to be appointed in this State for the election of a President and Vice-President of the United States, shall be chosen by ballot by the citizens of the State having the right to vote for representatives in the General Assembly. How chosen

Section 2. For this purpose an election shall be held on the Tuesday next after the first Monday (in the month of November) of the year in which such electors are to be chosen, in the several counties of this State at the place in the hundreds respectively at which the general election in the same year is held; but if it be impracticable to hold the election at any such place, the Inspector shall appoint some other place and give notice thereof as prescribed in relation to the general election. Election, when held
Amendment, Chapter 8, Volume 11.
Where

Section 3. The Governor, in October next preceding every election to be held pursuant to this act, shall by proclamation make known the number of the electors to be chosen, and the day of said election. Proclamation

Section 4. The election shall be conducted in the same manner and form and by the same persons and officers, and under the same regulations in all respects, as the general election for the same year. Election, how conducted

Section 5. See Section 6, Article V of Constitution and Chapter 38, Volume 21. * * * The lists of the polls, the lists of voters, and alphabetical lists shall be delivered by the several Inspectors to the Clerk of the Peace of the county, agreeably to Section 33 of Chapter 18. How delivered
Papers

Proclamation of result	Section 6. The Governor shall without delay examine the certificates and ascertain the electors chosen, and make known the same by proclamation, and cause notice of his election to be transmitted to each elector. He shall also cause three lists of the names of the electors, duly made and certified, to be delivered to the electors, according to the act of Congress in that behalf on or before the day appointed for their meeting.
Lists	
No election	Section 7. If upon examining the aforesaid certificates it shall appear to the governor that there has been a failure to choose one or more of the electors to be appointed in this State as aforesaid, or if from any cause electors shall fail to be chosen as hereinbefore prescribed, he shall immediately issue writs for convening the General Assembly, at Dover on the fourth Monday of the same November; and the elector or electors to be appointed in this State for the election of a President and Vice-President of the United States and not chosen at the election held pursuant to the provisions of this chapter, shall be appointed by ballot by the General Assembly so convened in joint meeting of the Senate and House of Representatives.
Legislature convened	
To appoint	
Mode of choosing	Section 8. In such joint meeting there shall be a distinct balloting for each elector, and a majority of all the votes given shall be necessary to an appointment; but if upon any ballotings two persons only shall be voted for, and each shall receive an equal number of votes, the Speaker of the Senate shall give an additional casting vote; if upon twice balloting in succession more than two persons be voted for, and one of said persons on each balloting receive one half the number of all the votes given, the Speaker of the Senate may, on the second balloting, give an additional casting vote to the person having one-half of the number of all the votes given, or if he decline, the Speaker of the House of Representatives may, if he think proper, give an additional casting vote to the person having one-half of said votes.
Tie	
Casting vote	
Controlling vote	
Disqualification	Section 9. No member of the General Assembly for the time being shall be appointed an elector of President and Vice-President under the foregoing section.
Certificates, how made	Section 10. Certificates of such appointment by the General Assembly shall be duly made and signed by the Speaker of the Senate and the Speaker of the House of Representatives, and attested by the clerks of said houses respectively, and shall be transmitted by the Speaker of the Senate as follows, to wit: One to the Governor, in order that lists may be made, certified and delivered, according to the act of Congress in that behalf, and one to each of the electors appointed.
How delivered	

Section 11. The electors chosen or appointed in this State for the election of a President and Vice-President of the United States shall meet and give their votes at Dover on the day determined by Congress for that purpose. ^{Electors' meet-}
^{ing}
^{voting}

Section 12. In case of the death or inability to attend either of the electors, or if either of the electors be not present at the said time and place of meeting by twelve of the clock, noon, of the said day, the electors present shall appoint an elector in the place of him so not present. ^{Substitutes}

Section 13. The electors may employ a clerk, who shall receive for his services the sum of ten dollars. ^{Clerk}

Section 14. The electors respectively shall receive for attendance and travel the same compensation as members of the General Assembly, to be paid, as also the compensation of the clerk, by the State Treasurer, on a warrant signed by the electors, out of any money in the treasury not otherwise appropriated. ^{Pay}
^{Orders}

CHAPTER 21, REVISED CODE.

Election of Representatives in Congress.

Time of election. Amendment Chapter 262, Section 2, Volume 11

Places

Section 1. An election for choosing a representative or representatives, as the case may be, for the people of this State in the Congress of the United States, shall be held on the (Tuesday next after the first Monday) of November, in the year in which the general election is held, in the several counties of this State, at the same places at which the election for members of the General Assembly of this State shall, for the time then being be held, in said counties respectively.

How conducted

Section 2. Such election for representative or representatives in Congress, shall be conducted in the same manner and form, by the same persons and officers, and under the same regulations in all respects, as the election for members of the General Assembly; and the votes given in each county for representative or representatives in Congress, shall be calculated and ascertained at the same time and place, in the same manner and by and under the same means and regulations as those for members of the General Assembly.

Returns

Certificates

How sent

Filed

Proclamation

Section 3. Returns shall be made to the Governor as the law directs; and the Governor shall, without delay, examine the returns, and declare the person or persons elected, and shall issue certificates of such election under his hand and the great seal of the State; one of which he shall transmit to the Secretary of State of the United States, and one to the person elected, or if more than one, to each of them; the returns shall be filed in the office of the Secretary of State; and the Governor shall, by proclamation, make public the state of the vote by causing the same to be published in one or more of the public newspapers of this State.

SPECIAL ELECTION.

Vacancies, how filled

Where

Section 4. Whenever a vacancy shall happen by death, resignation or otherwise in the representation from this State in the House of Representatives of the United States an election shall be held to fill such a vacancy on such day as the Governor shall appoint in the several counties of this State at the same places which at the time shall be prescribed by law for holding the general election.

Section 5. The Governor shall issue writs of election to the Sheriffs of the several counties, reciting the vacancy, and commanding each Sheriff to cause an election to be held in his county on the day in the said writ mentioned, at the places by law prescribed for holding the general election in said county, for choosing a representative in place of him whose seat shall have so become vacant, which writ shall be delivered to each Sheriff at least seven days before the day therein appointed for holding the election.

Writs of election

Section 6. Each Sheriff shall, within ten days after receiving such writ, put upon the outside of the court house door of his county, and also at one of the most public places in every hundred of his county, a proclamation reciting the said writ and requiring an election to be held pursuant thereto, and shall also deliver such a proclamation to the Inspector of each hundred in his county, who shall have served at the general election then next preceding, or in case of his death, removal or inability to serve to the Assessor of such hundred.

Notice by Sheriffs

Section 7. Such Inspector or Assessor shall forthwith, after receiving such proclamation, give notice of the election by advertisement under his hand, posted in at least five of the most public places of his hundred.

Notice by Inspectors, etc.

Section 8. A special election for Representative or Representatives in Congress shall be conducted in the same manner and form by the same persons and officers, and under the same regulations in all respects as a special election to supply a vacancy in either house of the General Assembly, and the votes given in each county shall be calculated and ascertained at the same time and place and in like manner, and by the same method and regulations as in case of such special election.

Special elections, how held

Section 9. Returns shall be made to the Governor, who shall declare the person elected, and grant certificates and issue proclamation as prescribed in the third section of this chapter.

Returns

Section 10. It shall be in the discretion of the Governor whether to appoint a day for holding such elections before the day of holding the general election next after the happening of such vacancy, and if the day of holding the general election shall be appointed then the election shall be held and conducted and all the proceedings touching the same had, according to the provisions of the first three sections of this chapter.

Governor's selection as to time

CHAPTER 23, REVISED CODE.

Of Contested Elections.

Contesting seats in the Legislature the
 Notice of
 Specifications
 Illegal votes
 Names
 Grounds

Section 1. Any person intending to contest the election or the eligibility of any one returned by the Board of Canvass as a member of either branch of the General Assembly from either of the counties of this State shall, at least twenty days before the meeting of the General Assembly, give written notice of such intention to the person whose seat he intends to contest, and within ten days after said notice shall deliver to him a written specification of the several grounds upon which it is intended to contest the said election or the eligibility of the person so returned as aforesaid, and if one of the said grounds shall be that illegal votes were given at such election for the person so returned, then such specification shall particularly set forth the name of each alleged illegal voter, with the several objections to the legality of his vote.

Counter specifications

Section 2. The person returned as aforesaid shall, within fifteen days after receiving such notice, deliver to the person so contesting his seat a like specification of objections to the right of contestants to such seat.

Affidavits

Section 3. Every specification as aforesaid shall be verified by affidavit of the party delivering the same, stating that he verily believes that the grounds of objection set forth are substantially true, and the voters specified as illegal voters were not entitled by law to vote at the election in question.

Copies, how delivered

Section 4. Copies of said notice and specifications verified as aforesaid shall be delivered to the Speaker of the House having cognizance of the matter, the contestant to deliver his notice and specifications with his petition on the first day of the session, and the sitting member so to deliver a copy of his specifications to the said Speaker when he delivers them to the contestant.

Restrictions

Section 5. In the trial of the case of contested election the parties shall be restricted to the grounds of objection in the specifications set forth, and shall not examine into the illegality of any votes other than those specified as illegal, nor impeach such votes for any causes other than those so specified as aforesaid.

Costs

Section 6. If the House having cognizance of the matter shall determine that the sitting member is not entitled to his

seat, it may order that the costs incurred by such contested election be paid by the county from which such member shall have been returned as duly elected, and in that case provision for the payment of such costs shall be made by the Levy Court of the said county at its next session after the adjournment of the General Assembly. ^{In frivolous cases}

Section 7. The said House in determining against the claim of the contestant may also decide that the proceeding on his part is frivolous and vexatious, and may order that he shall pay all the costs of the said contested election, but without such order the contestant shall not be liable to costs, and the same shall be paid by the State as heretofore in like cases. ^{Costs of contest}

Section 8. Any order for the payment of costs by the contestant shall be enforced by a writ issued by the Speaker of the House in which such election was contested to the Sheriff of Kent county, directing him to levy, and make the amount thereof of the goods and chattels, lands and tenements of the said petitioner, under which writ the said Sheriff shall sell the same or such part thereof as may be necessary to satisfy said writ, upon fifteen days' notice, posted as required in cases of sale on execution process, and shall pay over the amount by him received upon said writ to the State Treasurer, for the purpose of reimbursing to the treasury the sums drawn therefrom to pay the costs of said contested election. ^{Execution for costs}

CHAPTER 33, VOLUME 17.

AN ACT in Relation to Contested Elections other than for Members of the General Assembly and Governor.

Who may con- Section 1. Any person claiming to be elected to an office
test
Causes the right of any person declared to be duly elected to such office for any of the following causes, to wit: 1st. For malconduct on the part of the officers or judges holding the election or any one of them; 2d. When the person whose right to the office is contested was not at the time of the election eligible to such office; 3d. When the person whose right is contested has given to an elector or inspector, judge or clerk of the election, any bribe or reward, or shall have offered any bribe or reward for the purpose of procuring his election; 4th. On account of illegal votes.

When irregu- Section 2. No inequality or improper conduct in the pro-
larities shall
not invalidate ceedings of the officers or judges aforesaid, or any one of them, shall be construed to amount to such malconduct as to annul or set aside any election, unless the inequality or improper conduct shall have been such as to procure the person whose right to the office may be contested to be declared duly elected when he has not received the highest number of legal votes cast at said election.

Chap. 572, Vol. Section 3. * * * * *

When set aside Section 4. Nothing in the fourth ground or cause of con-
for illegal vot- test specified in the first section of this act shall be so construed
ing as to authorize an election to be set aside or annulled on account of illegal votes, unless it shall appear that an amount of illegal votes has been given to the person whose right to the office is contested which, taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.

Proceeding in Section 5. In cases arising under the second and third
case of ineligi- causes of contest, specified in section one of this act, a proceed-
bility of person ing may be instituted under this act against such person by the
elected person who received the next highest number of votes, for the office at the election under which such ineligible person was declared elected, notwithstanding the person so contesting the election does not claim to have been elected.

Section 6. When any person authorized to do so under this act shall desire to contest the right of any person declared duly elected to such office, he shall, within twenty days after the result of the election shall have been officially ascertained by the board of canvass, or officers legally authorized to ascertain the same, (and at least sixty days before the first day of the term of court at which said contest shall be tried or called for trial, file with the Prothonotary of the Superior Court of this State in and for the county in which said contest is made a full, particular and explicit statement, setting forth fully and specifically the names of any and all officers and judges upon the malconduct of whom he will rely and respecting which he intends to procure evidence, and setting forth the precincts or election districts of such officers and the particular malconduct of each respectively, the names and residences of the witnesses and the substance of their testimony by whom he expects to prove such malconduct; and if such contest shall be based upon the second ground, as set forth in Section 1, such statement shall specifically, fully and explicitly state the grounds and causes of the ineligibility of the person whose right to the office is contested, and when such contests shall be made for causes comprised within the third item of said Section 1 the said statement shall explicitly fully and clearly state the name of any elector, inspector, judge, clerk or other person to whom any bribe or reward shall have been offered; and the time, place and amount of such bribe or reward, and the name and residences of the witnesses by whom the contestant expects to prove the offering of any bribe or reward, with a brief statement of their testimony. And when the ground of contest shall be on the ground of illegal votes, such statement shall specifically, fully and explicitly set forth the names, residences and respective causes of disqualification of each person alleged to have illegally voted, the polls at which such illegal vote has been received, the names of the election officers favoring the acceptance of such vote, whether such vote was challenged by the duly accredited challenger of the party of which the contestant was the candidate and whether all the judges or inspectors present at such polls concurred in accepting and receiving such vote; and if it shall appear that all of such judges or inspectors concurred in accepting or receiving such vote, or that the right of the voters respectively to deposit such votes was not at the time challenged by the duly accredited challenger of the party of which the contestant was a candidate, the legality or illegality of such vote shall not be brought into question in any such contest; and the said statement shall further set forth the names and residences of the witnesses who will be produced on behalf of the contestant to prove such illegal votes and the substance of the testimony to be given by each; and at the trial of any contest, cause or proceeding to be instituted or continued,

Written statement to be filed by contestant. What to contain

Chap. 572, Vol. 19

Statement upon which contest is based to be filed with prothonotary sixty days before sitting of court

What the statement so filed shall set forth

Causes to be explicitly stated in the following several instances

Names and residences of witnesses to be set forth, together with the substance of the testimony to be given by each

Contestant to be limited to witnesses named in his statement or which has been instituted or will be continued under the provision of this act or of the act to which this act is an amendment, the contestant or plaintiff shall be limited in his proof and in the admission of evidence to the witnesses named in said statement, and the witnesses shall be limited in their testimony to the facts set forth in the statement filed and delivered as aforesaid with respect to which it shall be therein alleged that they will be expected to testify; said statement shall be verified by the oath of the contestant that the matters therein set forth are so far as they relate to his own act and deed and that what relates to the act and deed of any other person he believes to be true).

Statement shall be verified by oath of contestant

Chap. 572, Vol. 19 Section 7. * * * * *

Chap. 572, Vol. 19 Section 8. * * * * *

Duty of Prothonotary Section 9. Before such statement being filed as aforesaid, it shall be the duty of the said Prothonotary to docket the said case in the Appearance Docket (and immediately issue a citation for the person whose right to office is contested to appear on the first day of the second term of the said court to make such defense as he may have in said case, which citation shall be delivered to the Sheriff, or, if he be a party to the contest, to the Coroner) of the county, and be served by him upon the party defendant in person, or, if he cannot be found, by leaving a copy thereof at the house where he last resided at least five days before the day to which such citation is returnable. The original citation shall be returned to said Prothonotary on or before the first day of the next term of said court after it is issued, and the manner of service shall be endorsed thereon and signed by the officer serving the same.

Chap. 572, Vol. 19

Citation for defendant, to whom issued

Notice

How served

Return

Court may dismiss

Section 10. The Court may dismiss the proceedings if the statement of the cause or causes of contest do not conform to this act, or for want of prosecution. If said proceedings are not so dismissed the case shall proceed upon its merits and be tried and determined by the Court by the rules of law and evidence governing the determination of questions of law and facts in the courts of law in this State, so far as the same are applicable. * *

Chap. 572, Vol. 19

Costs

Section 11. The costs in all cases of contests under this act shall be awarded to the various parties entitled thereto in the same manner and as near as can be to the same amount as for like services in other cases tried in said court.

Trial by Court Exception

Section 12. All cases of contest under this act shall be fully heard and determined by the Court, without the aid or intervention of a jury, unless one or both of the parties to the contest

shall claim a trial by jury, and the Court shall, in their judgment determine that it is a case which, under the Constitution and laws of the State, the party or parties are entitled to a trial by jury. In such case a jury shall be empaneled, and the cause proceed according to the rules and practice of the Court in jury trials. ^{Jury}

Section 13. In the trial of any contested election under this act, the Court shall have full authority to make an examination of the ballots given in such election, (except that whenever the ballot boxes, ballots, poll lists, tally sheet, or other books or records, pertaining to any election, excepting the certificate of election of the officer against whom the contest may be made, duly signed by the Sheriff or presiding officer of the Board of Canvass and the Inspectors present, and filed according to law, shall have come in any way, legally or illegally, into the possession, care or custody of any person, officially or otherwise who shall have been a candidate and voted for upon the same official ballot as a candidate of the same political party as the contestant, no such ballot boxes, poll lists, tally sheets, or other books or records pertaining to the said election, excepting the certificate of election as aforesaid, shall be offered in evidence in any contest begun or prosecuted under the provisions hereof) and may make and enforce by attachment all necessary orders to obtain possession of the same, and after hearing the allegations and proofs in the cause, shall render judgment (in accordance with the verdict of the jury, if a jury shall have tried said cause), either conforming or annulling such election altogether, or declaring some other person than the one whose election is contested duly elected. ^{Jurisdiction} ^{Chap. 572, Vol. 19} ^{When ballot boxes, ballots, poll lists, and tally sheets may be offered in evidence}

Section 14. If it appear by the judgment of the Court or the verdict of the jury (if there be a jury), that any other person than the one whose election is contested received the highest number of legal votes, judgment should be rendered declaring such person duly elected: * * * * * ^{Election} ^{Chap. 572, Vol. 19}

Section 15. When the person whose election is contested is proved to be ineligible to the office, judgment shall be rendered declaring the election void and the office vacant, and such proceedings shall then be had as in vacancies happening from any other cause. When it shall appear that two persons have received an equal number of legal votes for the same office, the provisions of law heretofore in force for the settlement of such cases shall prevail, if there be any such provision; if there be none, then the said office shall be adjudged and declared vacant, and such proceedings shall then be had as in vacancies happening from any other cause. ^{When election is void} ^{Vacancies, how filled}

Execution for
costs

Section 16. Judgment for costs shall be rendered in all cases against the unsuccessful party to the contest, and execution may issue against him for the same.

Contestant to
give security
for costs

Section 17. Any person contesting any election under the provisions of this act, shall be required to give security for costs in such amount and manner as the court shall order. Such security, however, shall in no case be enforced unless judgment for costs be rendered against the contestant.

Proviso concern-
ing con-
tests now pend-
ing

(Section 18. Provided, however, that this act shall not be construed to prevent a further prosecution of any contest now pending under the provisions of the act hereby amended if advantage shall be taken of the provisions of this act and the statement required by Section 1 shall be filed and delivered as therein provided by the contestant in any case within ten days after the passage of this act.)

Passed at Dover, March 14, 1883.

CHAPTER 22, VOLUME 18.

AN ACT Concerning the Appointment of Electors of President and Vice-President.

Section 1. Any person intending to contest the election of any one declared by the Governor to have been chosen an elector of President and Vice-President of the United States shall, within ten days after such declaration by proclamation of the Governor, give written notice of such intention to the person whose election he intends to contest and also to the Governor; and within five days after the delivery of said notice shall deliver to the person whose election he contests and to the Governor written specification of the grounds upon which it is intended to contest and said election of the person so declared to have been elected as aforesaid; and if one of the grounds shall be that illegal votes were given at such election for the person declared to have been elected, then such specification shall particularly set forth the name of each alleged illegal voter, with the several objections to the legality of his vote; and shall also distinctly set forth and state the hundred and election district or precinct at which the illegal vote was cast.

Notice of contest of election of electors shall be given within ten days

Shall deliver within five days written specifications of grounds

What set forth

Hundred, election district or precinct shall be stated

Section 2. The person declared to have been elected as aforesaid and who shall receive notice of contest as aforesaid, shall, within ten days after receiving specification of the grounds of contest, deliver to the person so contesting his election, and to the Governor, a like specification of objection to the right of the contestant to be declared an elector; and in such specification may also state any other ground upon which he rests the validity of his election.

Person whose seat is contested shall within ten days deliver to person contesting and Governor his objection

Section 3. Every specification as aforesaid shall be verified by the affidavit of the party delivering the same, stating that he verily believes that the grounds of objection set forth are substantially true; and that the voters specified as illegal voters were not entitled by law to vote at the election in question.

Specification shall be verified by affidavit

Section 4. The notice and specification verified as aforesaid, which shall have been delivered to the Governor, shall be by him delivered to the Canvassing Board, hereinafter created, together with the certificates of the votes given for each person, voted for for elector as returned to him by the respective Boards of Canvass under the election laws of this State, on the first day of the assembling of the Canvassing Board herein created.

Specification verified to be delivered to canvassing board

Parties shall be restricted to ground of objection in specifications

Section 5. In the trial of the case of a contested election the parties shall be restricted to the grounds of objection in the specifications set forth; and the statements of the other grounds upon which the person declared to have been elected rests the validity of his election; and shall not examine into the illegality of any other voter other than those specified as illegal, nor impeach such votes for any causes other than those so specified as aforesaid.

The illegality of other votes shall not be inquired into

Party declared elected or contestant may apply to the Prothonotary of Kent county for subpoena

Section 6. When any contestant or person who has been declared elected, and whose election is contested, is desirous of obtaining testimony respecting a contested election, he may apply to the Prothonotary of the Superior Court of the State of Delaware, in and for Kent County, for a subpoena or subpoenas for summoning such witnesses as he may wish to appear before the Board of Canvass at such time as shall be in the subpoenas designated. Such subpoena shall be directed to the Sheriff of the county in which the witness or witnesses reside, and shall be served in the same manner as subpoenas for witnesses in civil cases are served. The Sheriff to whom a subpoena may be directed shall make return of his service thereon to the said Board of Canvass on the first day of its meeting to hear the contest.

Subpoenas to be directed to the Sheriff of county where witnesses reside

Sheriff shall make returns

Superior Court of State of Delaware for Kent county created a Board of Canvass

Section 7. The Superior Court of the State of Delaware, in and for Kent County, is hereby created and declared to be a Board of Canvass to hear and determine all contests of elections of electors of President and Vice-President with a power to regulate and determine the mode of procedure, and all other matter pertaining thereto as may be necessary in carrying out the provisions of this act and the act of Congress fixing the day of the meeting of electors, passed February 3, A. D. 1887; and it shall be the duty of the Governor, whenever a notice of contest is served upon him, immediately to make proclamation convening said Superior Court in special session at the Court House in Dover, on a day to be by him named, which shall not be later than the twentieth day of December next succeeding the day of the election in the year in which the election was held.

Duty of the Governor

Duty of Superior Court

Section 8. The said Superior Court, after hearing any contest of election of an elector or electors, shall make out and certify, under the seal of the Court, the ascertainment of the vote of the State for electors, and also certify the names of the persons chosen as electors, and cause said ascertainment and certificate, together with all the papers and certificates filed in the case, to be delivered to the Governor on or before the first day of January next succeeding the day of election at which the electors were chosen.

CHAPTER 329, VOLUME 16.

AN ACT to Secure Free Elections.

Section 1. That if any person or corporation existing or doing business in this State shall hinder, control, coerce or intimidate, or shall attempt to hinder, control, coerce, or intimidate any qualified elector of this State from or in the exercise of his right to vote at any general, special or municipal election held under the laws of this State, by means of bribery, or by threats of depriving such elector of employment or occupation, absolutely or contingently, directly or indirectly, every such person or corporation so offending shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay to the State of Delaware a fine of not less than five hundred nor more than two thousand dollars, or be imprisoned (if a natural person) not more than one year, or both, in the discretion of the Court. And every elector so aggrieved may also in an action of debt brought for that purpose sue for and recover from the person or corporation so offending as aforesaid the sum of five hundred dollars.

Intimidation at elections by person or corporation prohibited

Penalty

Action of debt

Section 2. That in all trials under the provisions of the foregoing section the act or acts of any officer of a corporation, so far as they affect or concern any employe or servant of such corporation, shall be taken and held to be the act or acts of the corporation, whether general or special authority as to such act or acts from the corporation to such officer be shown or not. But nothing herein contained shall be construed to relieve any officer of a corporation from individual liability under the provisions of this act

Extent of liability of corporations

*CHAPTER 26, VOLUME 19.

AN ACT in Relation to the Levy Court of New Castle County.

* * * * *

Election and qualification of Receiver of Taxes and County Treasurer

Section 6. * * * That at the general election in the year A. D. 1892, and the general election in each and every fourth year thereafter, there shall be voted for and elected by the voters of New Castle County qualified to vote for members of the General Assembly, a person being a resident freeholder as aforesaid, to fill the sa'd office of Receiver of Taxes and County Treasurer.

Term of office

The person so elected, as aforesaid, shall hold office for the term of four years, commencing on the first Tuesday in January next succeeding his election, or until his successor shall be duly qualified. * *

Election of Comptroller

Section 16. * * * That at the general election in the year A. D., 1892, and at the general election in each and every fourth year thereafter, there shall be voted for and elected by the voters of New Castle County, qualified to vote for members of the General Assembly, a person, being a resident freeholder as aforesaid, to fill the office of County Comptroller. The person so elected as aforesaid, shall hold office for the term of four years, commencing on the first Tuesday in January next succeeding his election, or until his successor shall be duly qualified.

Term of office

The person so elected as aforesaid, shall hold office for the term of four years, commencing on the first Tuesday in January next succeeding his election, or until his successor shall be duly qualified.

* * * * *

* Amended. See Chapter 50, Volume 22.

CHAPTER 50, VOLUME 22.

AN ACT in Relation to the Levy Court of New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the County of New Castle, for the purpose of this Act shall be and the same is hereby divided into seven districts, as follows, to wit: One shall comprise and be composed of the Second, Fourth, Sixth, Eighth and Ninth wards of the City of Wilmington, being Representative Districts Number One and Number Two in New Castle County, as the same now are bounded and described or may be hereafter extended or enlarged in any way, and the said district shall be known as the First Levy Court District; another shall comprise and be composed of the First, Third, Fifth, Seventh, Tenth, Eleventh and Twelfth Wards of the City of Wilmington, being Representative Districts Number Three, Number Four and Number Five in New Castle County, as the same are now bounded and described or may be hereafter extended or enlarged in any way, and the said district shall be known as the Second Levy Court District; another shall comprise and be composed of Brandywine Hundred, together with all that portion of Christiana Hundred lying north of and bounded by the central line of the Lancaster Turnpike, being Senatorial District Number Three in New Castle County and the said district shall be known as the Third Levy Court District; another shall comprise and be composed of Mill Creek Hundred, together with all that portion of Christiana Hundred lying south of and bounded by the central line of the Lancaster Turnpike, being Senatorial District Number Four in New Castle County, and the said district shall be known as the Fourth Levy Court District; another shall comprise and be composed of White Clay Creek Hundred, Red Lion Hundred and New Castle Hundred, being Senatorial District Number Five in New Castle County, and the said district shall be known as the Fifth Levy Court District; another shall comprise and be composed of Pencader Hundred and St. George's Hundred, being Senatorial District Number Six in New Castle County, and the said district shall be known as the Sixth Levy Court District; and the remaining district shall comprise and be composed of Appoquinimink Hundred and Blackbird Hundred, being Senatorial District Number Seven in New Castle County, and the said District shall be known as the Seventh Levy Court District.

Divided into
seven districts

Boundaries

To take effect
in 1904

Section 2. That at the general election to be held in the year A. D., one thousand nine hundred and four, and at the general election to be held in every fourth year thereafter, there shall be elected from among the resident electors of each of said districts, by the qualified voters thereof, one person to be a Levy Court Commissioner of New Castle County, to hold office, as such Commissioner, for the term of four years, commencing on the first Tuesday in the month of January next following each election.

To meet for
organization
first Tuesday in
January after
election

Section 3. That the said Levy Court Commissioners so to be elected, shall thereafter constitute the Levy Court of New Castle County, and shall meet for organization on the first Tuesday in January after their election, and after taking the oath prescribed by the Constitution shall proceed to elect one of their number to be the presiding officer. Four of the Levy Court Commissioners shall be sufficient for the purpose of organization, and shall constitute a quorum for the transaction of business. The said Levy Court Commissioners shall have the power to make rules for their government not inconsistent with the Constitution and the laws of the State, and after their said first meeting they shall meet at the times now prescribed by law for the meetings of the Levy Court of said county.

Governor to
appoint in case
of vacancy

Section 4. In case of the death, resignation, ineligibility or removal from the Levy Court District of any Commissioner elected under the provisions of this Act, at any time, it shall be the duty of the Governor to appoint some suitable person having the qualifications hereinbefore required in that behalf to fill the vacancy so created pursuant to the provisions of the Constitution in that behalf.

Powers of

The Levy Court Commissioners to be elected under this act shall have as full and complete jurisdiction over all and every the matters and things now vested by law in the Levy Court of New Castle County, as at present constituted and in the several members thereof, and shall exercise every power privilege, right and duty which now belongs to the said Levy Court of New Castle County, as fully and completely as the said Levy Court now by law is authorized to do.

In case of tie
vote Governor
to appoint

Section 5. Should any two or more persons voted for as Levy Court Commissioners in any district receive an equal and the highest number of votes cast at any election, the Superior Court of the State of Delaware, in and for New Castle County, sitting as the Board of Canvass in said county, shall certify that fact to the Governor, who shall forthwith select one of said persons to be the Levy Court Commissioner from said district.

The Levy Court Commissioners to be elected under the provisions of this Act, shall receive, as full compensation for their services, the sum of eight hundred dollars annually, in quarterly installments of two hundred dollars each, by warrants duly drawn upon the County Treasurer. Salary of

Section 6. That from and after the time this Act becomes a law until the thirty-first day of December, A. D. 1904, the Levy Court of New Castle County shall consist and be composed of seven Levy Court Commissioners, to wit: The five Levy Court Commissioners elected in said county at the general election in November, A. D., 1900, and two Levy Court Commissioners to be appointed by the Governor; and the said five Levy Court Commissioners so elected as aforesaid, and the said two Levy Court Commissioners so to be appointed as aforesaid shall constitute the Levy Court of New Castle County until the time aforesaid; and the Governor is hereby authorized and empowered to appoint two suitable persons from among the electors of said county to be Levy Court Commissioners of New Castle County as aforesaid for the term aforesaid. Levy Court to consist of seven members
Governor to appoint two additional members thereof

The said Levy Court Commissioners so elected and so appointed shall have, possess, enjoy and exercise all the rights, powers, privileges and duties of Levy Court Commissioners of New Castle County, now vested by law in Levy Court Commissioners of New Castle County, and shall each receive the compensation now fixed by law; and the said Levy Court so constituted shall have, possess and enjoy as full and complete jurisdiction over all and every the matters and things now vested by law in the Levy Court of New Castle County, as at present constituted, and shall possess, enjoy and exercise fully and completely all and every the powers, privileges, rights and duties that the Levy Court of New Castle County now by law possesses, enjoys and exercises. Powers and duties of Levy Court thus constituted

Section 7. That all Acts or parts of Acts inconsistent herewith, or repugnant hereto; or supplied or manifestly superseded hereby, be and the same are hereby repealed and made null and void.

Approved March 7, 1901

CHAPTER 22, VOLUME 21.

AN ACT Reorganizing the Levy Court of Kent County and Defining Its Powers and Duties.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. * * * * *

Levy Court
how composed

Section 2. That from and after the said first Monday in June, 1898, the Levy Court of Kent County shall be composed of ten members, one of whom shall be chosen from each of the ten Representative districts into which Kent County is divided by the Constitution of this State, in the manner hereinafter provided.

Districts

Section 3. * * * * *

Election

Section 4. That at the general election to be held in the year A. D. 1898, and every fourth year thereafter, there shall be elected for the term of four years from among the resident freeholders from each of the representative districts to wit: Numbers two, three, four, eight and ten by the qualified voters thereof, one person to be Levy Court Commissioner of Kent County. The persons elected at the said general election in the year A. D. 1898, shall hold their respective offices until the first Tuesday in February, A. D. 1903, and until their successors are duly elected and qualified. And at the general election to be held in the year A. D. 1900 and every fourth year thereafter, there shall be elected for the term of four years from among the resident freeholders in each of the following representative districts, to wit: Numbers one, five, six, seven and nine by the qualified voters thereof, one person to be a Levy Court Commissioner of Kent County. The persons elected at the said general election in the year A. D. 1900 shall hold their respective offices until the first Tuesday in February A. D. 1905 and until their successors are duly elected and qualified.

Term

Qualifications

Districts

Term

Election

Term

District

Term

Vacancies

Section 5. * * * * *

In case of death, resignation or removal from the district of any Commissioner elected or appointed under the provisions of this act it shall be the duty of the Governor to appoint some suitable person to fill such unexpired term, having the qualifications hereinbefore required in that behalf. * * * * *

Tie vote

Should any two or more persons voted for as Levy Court Commissioners of any district receive an equal and highest number of votes cast at any election the Board of Canvass shall certify the fact to the Governor, who shall forthwith select one of said persons to be Levy Court Commissioner from said district, who shall hold the said office for two years from the first Tuesday in February then next; and at the general election then next to be held in said county a successor shall be elected in said district for the unexpired term of two years. * * * *

Appointment

Election of successor

Approved May 19, A. D. 1898.

CHAPTER 54, VOLUME 22.

AN ACT Reorganizing the Levy Court of Sussex County and Defining Its Powers and Duties.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That from and after the first Tuesday in February, A. D. 1903, the Levy Court of Sussex County, as now organized and constituted, be and the same shall be abolished, and the terms, duties and powers of the office of the Levy Court Commissioners now composing the Levy Court of Sussex County are hereby declared to be terminated and ended on the said first Tuesday in February, A. D. 1903.

Levy Court as now constituted to be abolished in 1903

Section 2. That from and after the said first Tuesday in February, A. D. 1903, the Levy Court of Sussex County shall be composed of ten members, one of whom shall be chosen from each of the ten Representative Districts into which Sussex County is divided by the Constitution of the State, in the manner hereinfater provided.

To be composed of ten members

One from each Representative District

Section 3. That at the General Election to be held in the year A. D. 1902, there shall be elected from among the resident freeholders from each of the odd numbered Representative Districts, by the qualified electors thereof, a Levy Court Commissioner for Sussex County for said districts for the term of two years, and from among the resident freeholders from each even numbered Representative Districts, by the qualified electors thereof, a Levy Court Commissioner for Sussex County for said districts for the term of four years.

How elected

Section 4. That at the general election to be held in the year A. D. 1904, and every fourth year thereafter, there shall be elected for the term of four years from among the resident freeholders from each of the odd numbered Representative Districts, by the qualified electors thereof, one person to be Levy Court Commissioner of Sussex County. The persons elected at the said general election in the year A. D. 1904, shall hold their respective offices until the first Tuesday in February, A. D. 1909 and until their successors are duly elected and qualified. And at the general election to be held in the year A. D. 1906, and every fourth year thereafter, there shall be elected for the term of four years from among the resident freeholders in each of the even numbered Representative Districts, by the qualified electors thereof, one person to be Levy Court Commissioner of Sussex County. The persons elected at the said general election in the year A. D. 1906, shall hold their respective offices until the first Tuesday in February, A. D. 1911, and until their successors are duly elected and qualified.

To meet for organization

Section 5. The persons elected Levy Court Commissioners under the provisions of this Act shall meet for organization on the first Tuesday in February following their election, and shall take the oath of office, now provided by law for Levy Court Commissioners, and shall organize by electing one of their number presiding officer, and in case of two of said Levy Court Commissioners shall receive an equal and highest number of votes for said presiding officer, and in case there shall be a tie vote on any other question whatever (all the members of said Levy Court being present and voting), the Clerk of the Peace of Sussex County, or such other person as may hereafter be Clerk of the Peace of the said Levy Court, shall have the deciding vote. Six of the said Levy Court Commissioners shall be sufficient for organization and shall constitute a quorum for the transaction of business. The said Levy Court Commissioners shall have power to make rules for their government not inconsistent with the Constitution and the laws of the State of Delaware; and after their first meeting they shall meet at the County Building in the Town of Georgetown, on the first Tuesday in each and every month, in each and every year, excepting the months of June, July, August and September. In case of death, resignation or removal from the district of any Commissioner elected or appointed under the provisions of this Act, it shall be the duty of the Governor to appoint some suitable person to fill such unexpired term having the qualifications hereinbefore required in that behalf. The Levy Court Commissioners appointed and to be elected under the provisions of this act, shall have full and complete jurisdiction over all and every the matters and things now vested by law in the Levy Court of Sussex County as at pres-

Clerk of the Peace to have deciding vote in case of tie

To make rules

Meetings of

Governor to appoint in case of vacancy

Jurisdiction

ent constituted, and in the several members thereof, and shall exercise every power, privilege, right and duty which now belongs to the Levy Court of Sussex County, as fully and completely as the Levy Court now by law is authorized to do, except as the same is or may be modified by the provisions of this Act. Should any two or more persons voted for as Levy Court Commissioners of any district receive equal and highest number of votes cast at any election, the Board of Canvass shall certify to the fact to the Governor, who shall forthwith select one of said persons to be Levy Court Commissioner from said district, who shall hold the said office for two years from the first Tuesday in February, thence next ensuing, and at the general election then next to be held in said county, a successor shall be elected in said district for the unexpired term of two years. The Levy Court Commissioners appointed and to be elected under the provisions of this Act shall be paid for their services the yearly sum of two hundred dollars (\$200.00), in quarterly instalments of fifty dollars each, in lieu of all other compensation, by warrants duly drawn on the County Treasurer. That it shall be the duty of the present Levy Court of Sussex County and every Commissioner thereof, and every person having control or possession of any records, books, papers or other property belonging to the said Levy Court of Sussex County, on the first Tuesday in February, A. D. 1903, to surrender and deposit the same with the Clerk of the Peace of the said county, who shall keep the same subject to the control of the Levy Court Commissioners elected or appointed under the provisions of this Act. And in case the said Levy Court, or any Commissioner thereof as aforesaid, shall neglect or refuse on demand of said Levy Court Commissioners appointed or elected as aforesaid to surrender or deliver up such records, books, papers or other property to the said Clerk of the Peace in and for Sussex County, such and every person so neglecting or refusing as aforesaid shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of five hundred dollars, and be imprisoned for the term of one year, or until the said records, books, papers or other property shall be delivered into the custody of the said Levy Court or Levy Court Commissioners.

Board of Canvass to certify vote to Governor in case of tie

Governor to appoint until next election

Successor elected for unexpired term

Salary

To surrender records, books, etc., to Clerk of Peace

Penalty for refusing

Section 6. That the said Levy Court Commissioners, at their first meeting in March, A. D. 1903, and in each and every year thereafter, after having settled with the collectors of the said several districts as hereinafter provided, shall appoint for each of the ten Representative Districts one qualified voter resident therein, to be Collector of Taxes of said district for the year in which he shall be appointed, who shall have all the power and authority, and be subject to all the requirements, qualifications and duties heretofore imposed upon Collectors of Taxes in and for the county aforesaid.

To appoint a Collector of Taxes for each district

Duty of Collectors

It shall be the duty of said several collectors in said county to make a full and complete settlement with the Levy Court in March in each and every year, at which time the said Levy Court shall allow each of said collectors such errors, delinquents and uncollectable taxes as it shall deem meet and proper. After such errors, delinquents and uncollectable taxes and the percentum hereinbefore provided for shall be allowed and deducted from the aggregate amount of the duplicate delivered to each of said collectors, if then any or all of said collectors are in arrears to said county, such collector or collectors as are in arrears shall be ineligible for reappointment unless such arrearages shall be immediately paid over to the County Treasurer of said county.

Collectors in arrears ineligible for reappointment

Offices of Trustees of the Poor terminated A. D. 1903

Section 7. That from and after the first Tuesday in February, A. D. 1903, the terms of office of the several Trustees of the Poor heretofore appointed by the said Levy Court of Sussex County shall then be terminated and ended and the Levy Court Commissioners appointed and to be elected by and under the provisions of this Act, be and they are hereby authorized and directed, and it shall be their duty to appoint for each of said Representative Districts a qualified voter of and resident in the district, and the person so appointed shall compose the Trustees of the Poor for Sussex County. The said Levy Court shall, at its first meeting in February, A. D. 1903, appoint from the odd numbered districts five Trustees of the Poor, who shall serve until the February meeting of the Levy Court in the year A. D. 1905, when their successors shall be appointed by the said Levy Court for the term of two years, and likewise every two years thereafter; and five other Trustees shall be appointed by said Levy Court at its first meeting in February, A. D. 1903, from the even numbered districts, who shall serve until the February meeting of the Levy Court in the year A. D. 1904, when their successor shall be appointed by the said Levy Court for the term of two years, and likewise every two years thereafter. In case of a vacancy or vacancies happening by death or otherwise, the Levy Court shall at any meeting thereof fill the same for the unexpired term. In addition to the powers and duties now possessed and imposed on the Trustees of the Poor of Sussex County aforesaid it shall be their duty to certify to the Levy Court, on or before the first Tuesday in March, A. D. 1904, and in each and every year thereafter, an estimated amount of the appropriation which it will require for the maintenance of the Alms House for the year succeeding, beyond the produce and income derived from the Alms House farm; and the said Levy Court shall levy a proper rate for that purpose, to be levied with the other county rates, and to be collected by the county collectors of said county, as provided by this Act.

Levy Court to appoint ten Trustees

How and when appointed

Vacancies to be filled by Levy Court at any meeting of

In addition to other duties to certify to Levy Court amount necessary for maintenance of Almshouse

Levy Court to levy tax therefor

Section 8. That for all work and labor required to be done upon the public roads of said county, or for the construction, repair and maintenance of bridges which are maintained at public expense, and for all materials, tools, implements and machinery to be furnished, had, used for or on account of said county, where the cost in any particular case, section or district which may be established by said Levy Court, which will probably exceed two hundred dollars, the Levy Court shall publicly advertise for proposals for the doing of said work and for the furnishing of said materials, tools, implements and machinery, and shall give the contract to the lowest, competent and responsible bidder or bidders, and the Levy Court shall require of each bidder or bidders a bond to the State of Delaware in double the amount of such bid, with surety or sureties to be approved by the said Levy Court for the faithful performance of such contract.

For public work in excess of \$200 shall advertise for bids therefor

Bidder or bidders to give bond

Section 9. That it shall be the duty of the said Levy Court of Sussex County at its first meeting in March, A. D. 1903, and in each and every year thereafter, to appoint for each of said ten Representative Districts one or more qualified voters resident therein to be Overseer, or Overseers of Roads, whose duties, powers, qualifications and requirements shall be the same as now required and imposed by law upon Road Overseers, except as herein provided; provided, that the said Levy Court shall not assign to any of said Road Overseers a road lying partly in two or more districts. And further Provided, that where a road is the dividing line between two districts an Overseer therefor may be appointed from either district. And it shall be the duty of each of said Levy Court Commissioners on such days in February, A. D. 1903, as he shall designate, and in each and every year thereafter, to settle with the said Road Overseers in his district at some central and convenient place to be by him designated, notice of which time and place of meeting shall be given to each of said several Road Overseers by each of said Levy Court Commissioners, either in person or by letter at least ten days before the time of meeting, and the said Levy Court Commissioners, and shall make a report in writing to said Levy Court at its next session which report will show an itemized statement of all expenditures made by each of said Road Overseers, accompanied by the stubs of orders drawn on the County Treasurer for all such items. Provided, that no per diem or mileage shall be allowed to any Road Overseer or Levy Court Commissioner for or on account of attending said meeting or making said report.

To appoint road overseers in each representative district

Each Levy Court Commissioner to settle with Overseers of his district

Notice of meeting

Levy Court Commissioners to make itemized report to Levy Court

No per diem for said meeting

Section 10. That the said Levy Court shall, on the first Tuesday in March, A. D. 1903, and in each and every year thereafter, appoint for each of the said several ten Representative

Levy Court to appoint Constable in each representative district

Districts, at least one, and as many more as the law provides, qualified voters resident therein, to be Constable or Constables for the said districts for the year in which they shall be appointed and who shall have all the power and authority and shall be subject to all the requirements, qualifications and duties heretofore imposed or obligated by law upon Constables in and for Sussex County aforesaid.

Powers of

Majority to elect all officers

Clerk of the Peace to decide tie vote

Levy Court Commissioner of each district to have right to nominate all officers therein except those subject to bond

Grand and petit jurors to be divided equally between districts

All consistent existing laws to be applicable

Section 11. That the votes of a majority of all the members elected to said Levy Court shall be necessary to elect or appoint all officers that the said Levy Court is now, or may be hereafter authorized by law to elect or appoint; provided, that in case of a tie between the two candidates receiving the highest number of votes the Clerk of the Peace of Sussex County, or such other person as may hereafter be the Clerk of the said Levy Court, shall have the deciding vote, as hereinbefore provided for. And further provided, that each Levy Court Commissioner shall nominate, and the Levy Court shall elect, all officers for their respective districts which said Levy Court is now or may be hereafter authorized by law to elect or reappoint, which officers are not by law required to enter bond.

Section 12. The said Levy Court in selecting Grand and Petit Jurors shall apportion the number required by law among the several Representative Districts equally as may be.

Section 13. That all existing laws in relation to the Levy Court of Sussex County shall be applicable to the Levy Court of Sussex County as composed and constituted under the provisions of this Act, so far as they are consistent herewith.

Section 14. All acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved, March 9, A. D., 1901

CHAPTER 27, VOLUME 19.

Of the Election of County Treasurer.

* * * * *

Section 5. At the general election to be held in Kent County Election of
in November, A. D. 1892, and at every general election to be County Treas-
held thereafter in said county, the citizens thereof, having a right urer
to vote for representatives, shall elect by ballot some person
resident in said county, to be County Treasurer, who shall hold
his office for the term of two years commencing on the Thurs- Term of office
day next following the first Tuesday in February next succeeding
said general election. * * * * *

CHAPTER 28, VOLUME 19.

Of the Election of County Treasurer.

* * * * *

Section 5. At the general election to be held in Sussex Election of
County in November, A. D. 1892, and at every general election County Treas-
to be held thereafter in said county, the citizens thereof, having urer
a right to vote for representatives, shall elect by ballot some
person resident in said county to be County Treasurer, who shall
hold h s office for the term of two years, commencing on the Term of office
Thursday next following the first Tuesday in February next
succeeding said general election. * * * * *

CHAPTER 31, VOLUME 17.*

AN ACT in relation to the Election of Road Commissioners in New Castle County

Election of Road Commissioners

Section 1. The qualified voters of the several hundreds in New Castle County shall, biennially, at the general election held on the Tuesday next after the first Monday in November elect the Road Commissioners for said hundred according to the rotation now established. All of said Commissioners whose terms of office would otherwise have expired before the time of holding the general election next after the passage of this act shall continue to hold office until the time of holding the same.

Term of present Commissioners

Certificates

Section 2. Immediately upon closing the election aforesaid in the several hundreds and ascertaining the state of the vote the Inspector and Judges of the election in said hundred, unless said hundred is divided into two or more election districts, shall make and sign certificates of the person or persons elected Road Commissioner or Commissioners, as the case may be, and shall cause the same to be transmitted without delay, to wit: One to each of the Road Commissioners elected and one to the Clerk of the Peace of the county, to be filed in his office. Said certificates shall be of the following form, viz.:

To whom transmitted

NEW CASTLE COUNTY, ss.

Form

At the general election held in hundred on the Tuesday next after the first Monday in the year of our Lord one thousand eight hundred was duly elected road commissioner for said hundred.

Certificates when hundred is divided

In testimony whereof we, the judges of said election for said hundred, have hereunto set our hands the day and year aforesaid.

Meeting

Section 3. If the said hundred in which said elect on is held is divided into two or more election districts, the inspector and judges in each of said election districts shall make and sign a certificate of the number of voters given for each person voted for as road commissioner. The inspectors and judges of each of the election districts of said hundred shall assemble on the day next succeeding said election, at the same time and in the same places of voting as now by law required for the meeting

When and where

* As to Brandywine Hundred, See Chapter 50, Volume 20, Laws of Delaware.

of presiding officers and judges of the election heretofore held on the first Tuesday in October, and ascertain the aggregate number of votes given in said election districts for each person voted for for road commissioner, and the person or persons, according as there may be one or more elected, having the highest number of votes for road commissioner or commissioners, shall be declared duly elected road commissioner or road commissioners; and the said inspectors and judges of said election districts in said hundred shall make, sign and transmit certificates of said election, as provided in Section 2 of this act. If two candidates for said office of Road Commissioner or Commissioners shall have the highest and an equal number of votes, a casting vote shall be given by the presiding officer of said election, or, in case said hundred is divided into two or more election districts, by the presiding officer of the election district of said hundred, as directed by the several acts of the General Assembly dividing the several hundreds into two or more election districts, which casting vote so given shall elect the candidate in whose favor it is given.

Ascertainment
of vote

Certificate

Tie

CHAPTER 65, VOLUME 22.

AN ACT in Relation to the Election of Road Commissioners in New Castle Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Whereas, The Road Commissioners of New Castle Hundred have no authority over the roads and streets within the corporate limits of the City of New Castle.

Therefore be it enacted by the authority aforesaid, as follows:

Qualified electors of New Castle not to vote for Road Commissioners

Section 1. That from and after the passage of this Act no qualified elector who is a resident of the City of New Castle shall have the right to vote at any general or special election for any Road Commissioner, or Road Commissioners, to be elected in the said Hundred.

Official ballots for voters of City of New Castle not to contain names of Road Commissioners

Section 2. At every election hereafter held at which a Road Commissioner is to be elected the official ballots shall be so prepared that those to be used by residents of the City of New Castle shall not contain the candidates to be voted for as Road Commissioners, while all ballots to be used in other portions of said New Castle Hundred at such elections shall contain the names of the candidates for said office.

Approved March 14, A. D. 1901.

CHAPTER 67, VOLUME 24.

AN ACT to Change the Voting Place in the First Election District of the Sixth Representative District, in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That from and after this Act shall become a law, the place for holding all General Elections in and for the First Election District, of the Sixth Representative District, in New Castle County, shall be in the building known as "Claymont Hall" in said Election District, and the holding of General Elections in and for said Election Districts at the Tavern House called the "Practical Farmer" in said Election District, is hereby discontinued and abolished, and the place for holding General Elections in said Election District, herein established, shall be the legal place for holding all General Elections in said Election District.

Change of voting place in First Election District of Sixth Representative District, New Castle County

Section 2. That all Acts or parts of Acts inconsistent with the provisions of this Act, be and the same are hereby repealed.

Section 3. That this Act shall be deemed and taken to be a public Act.

Approved February 11, A. D. 1907.

CHAPTER 68, VOLUME 24.

AN ACT Concerning the Second Election District of the Sixth Representative District in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Second Election
District of
Sixth Representa-
tive District,
New Castle
County, bound-
ary of changed

Section 1. That all that portion of the Sixth Representative District in New Castle County, lying West of the Wilmington and Great Valley Turnpike Company, and South of the Baltimore and Ohio Railroad, shall be and the same is hereby made, a part of the Second Election District of the Sixth Representative District in New Castle County, with the voting place at Sharpley's School House.

Section 2. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved March 29, A. D. 1907.

CHAPTER 69, VOLUME 24.

AN ACT in Relation to the Election Districts of Representative District Number Eleven in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That for the purpose of holding all General and Special Elections for State, County, District and Hundred Officers, in Representative District Number Eleven, in New Castle County, said Representative District shall be and is hereby divided into two Election Districts by the following line, to wit:

Representative District, No. 11
New Castle County, divided into two Election Districts

Beginning at the intersection of the State Road, with the boundary line between the States of Delaware and Maryland; thence by said State Road in a northeast course through the Village of Glasgow to the intersection of the aforesaid State Road, with the boundary line between Pencader Hundred and New Castle Hundred.

All that portion of said Representative District Number Eleven, in New Castle County, lying north of the aforesaid State Road, shall be designated and called the First Election District of Representative District Number Eleven, in New Castle County, and the polling place for said Election District shall be the building now owned or occupied by William C. Brooks, in the Village of Glasgow.

1st Election District

All that portion of the aforesaid Representative District Number Eleven, in New Castle County, lying south of the aforesaid State Road, shall be designated and called the Second Election District of Representative District Number Eleven in New Castle County, and the polling place for said last mentioned Election District shall be the house occupied by Samuel M. McClenaghan, in the Village of Glasgow.

2nd Election District

Section 2. All laws or parts of laws inconsistent with the provisions of this Act, be and the same are hereby repealed.

Approved March 29, A. D. 1907

CHAPTER 50, VOLUME 26.

AN ACT changing the boundaries of the First and Second Election Districts of the Seventh Representative District in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Boundaries of
First Election
District of the
Seventh Repre-
sentative Dis-
trict

Section 1. That all that portion of the Seventh Representative District in New Castle County lying South of a line beginning on the easterly side of Red Clay Creek at the intersection of the line dividing the land owned by G. M. D. Lynam and that owned or lately owned by Richard Rothwell, and extending Easterly along the line from said point to the lane leading from the property now or lately owned by Richard Rothwell; thence Northerly along said lane to its intersection with the Black Road; thence along center of said Black Road in an Easterly direction to the intersection of said road with the Newport and Gap Turnpike; thence in a Northerly direction from the Newport and Gap Turnpike along the center of the road leading from Newport to Price's Corner to a point where the Baltimore & Ohio Railroad crosses said road; thence along the said Baltimore & Ohio Railroad in an Easterly direction to a point where the said Baltimore & Ohio Railroad crosses Mill Creek; thence along said Mill Creek in an Easterly direction to its intersection with Silver Brook; thence Northerly along the center of Silver Brook in its various courses to a point in the division line between the Estate of Dr. J. P. Stidham and the Northerly side of the Right of Way of the old Delaware & Western Railroad; thence Easterly along the said division line between the Estate of Dr. J. P. Stidham and the Northerly side of the said Right of Way to a point in the Easterly side of an old lane leading from the Newport Pike to the Estate of Dr. J. P. Stidham and being also the division line between the Estates of Dr. J. P. Stidham and A. C. Cleland; thence North Northwesterly along the said Easterly side of the said lane and division line between the Estates of Dr. J. P. Stidham and A. C. Cleland to a corner; thence still along the said Easterly side of said lane and division between the Estates of Dr. J. P. Stidham and A. C. Cleland Northerly to a corner; thence Northeasterly along still another division line between the Estates of Dr. J. P. Stidham and A. C. Cleland to a point on the line of the City of Wilmington. Shall be and the same is hereby created the First Election District of the Seventh Representative District in

New Castle County with the voting place at Red Men's Hall Voting place
in the town of Newport.

Section 2. That all that portion of the Seventh Represent- Second Election
ative District in New Castle County lying North of that line District of the
described in Section One of this Act and South of the Wilming- Seventh Repre-
ton and Lancaster Turnpike shall be and the same is hereby sentative Dis-
known as the Second Election District of the Seventh Represent- trict
ative District in New Castle County with the voting place at Voting place
Foard's Store, Marshallton.

Section 3. All Acts or parts of Acts inconsistent herewith
are hereby repealed.

Approved March 30, A. D. 1911.

CHAPTER 51, VOLUME 26.

**AN ACT to change the Voting Place in the Fifth Election District of the
Seventh Representative District of New Castle County.**

*Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met:*

Section 1. That from and after the approval of this Act Place for hold-
the place for holding all general elections in and for the Fifth ing elections
Election District of the Seventh Representative District in New changed to du
Castle County, shall be in the building known as "du Pont School Pont School
House" in said Election District, and the holding of General House
Elections in and for said Election District at "Mt. Pleasant Holding elec-
Hotel" in said Election District is hereby discontinued and abol- tions at Mt.
ished, and the place for holding general elections in said Elec- Pleasant Hotel
tion District, herein established, shall be the legal place for hold- discontinued
ing all general elections in said Election District.

Section 2. That all Acts or parts of Acts inconsistent with
the provisions of this Act be and the same are hereby repealed.

Approved March 30, A. D. 1911.

CHAPTER 67, VOLUME 27.

AN ACT to change the boundaries of the Third and Fourth Election Districts of the Seventh Representative District in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Changing
boundaries of
Seventh Representative
District of New
Castle County

Section 1. That all that part or portion of the Fourth Election District of the Seventh Representative District of New Castle County, bounded and described as follows, to wit:

Boundaries of
new district

Beginning at Adams Cross Roads, and running from thence Easterly, along the centre line of the road from Rockland to Chadds Ford to the Rockland Bridge; thence along the centre line of the road from Rockland to Wooddale to where it crosses the Du Pont Road; thence along the centre line of the Du Pont Road to where said road intersects with the Chadds Ford Road at Adams Cross Roads and place of beginning, be and the same is hereby made and constituted a part of the Third Election District of the Seventh Representative District of New Castle County; and all persons within the said above described bounds, entitled to vote, shall hereafter register and vote at the place designated by law for the voters of the Third Election District of the Seventh Representative District to register and vote.

Section 2. That all Acts or parts of Acts inconsistent herewith be and the same are hereby repealed.

Approved March 19, A. D. 1913.

CHAPTER 68, VOLUME 27.

AN ACT creating five election districts in the Tenth Representative District of New Castle County (New Castle Hundred).

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. For the purpose of holding all elections for State, County, Hundred and District offices, and for all other purposes, as may now or hereafter be held by and under authority of any acts passed by the General Assembly the Tenth Representative District (New Castle Hundred) shall be divided into five election districts, by the following lines, viz.:—

Creating five election districts instead of four as heretofore in the Tenth Representative District of New Castle County

(a) Beginning at the Delaware River in the center line of Delaware Street in the City of New Castle; thence by the said center line of Delaware Street until it intersects the center line of Fourth Street; thence by the said center line of Fourth Street until it intersects the center line of the street or road leading from New Castle to Wilmington; thence by the said center line of said street or road to a point where said road or highway reaches the limits of New Castle Hundred near Eden Park; thence by the boundary of said Hundred to the Delaware River and thence by said river to the place of beginning, shall be the First or Eastern District and the elections in said District shall be held in the Old Court House in the City of New Castle.

Boundaries of First District

(b) Beginning at the point of intersection of Fourth Street and Delaware Street in the City of New Castle; thence by the said center line of Fourth Street until it intersects the center line of the street or road leading from New Castle to Wilmington; thence by the said center line of said street or road to a point where said road or highway reaches the limits of New Castle Hundred, near Eden Park; thence Westerly by the boundary of said Hundred to a point in the center line of the Christiana River; thence by the center line of said Christiana River to a point in the center of the drawbridge over said river at the town of Newport; thence from the center of said river by the center line of the road leading from Newport to New Castle until said road intersects the road known as the New Castle and Frenchtown road (or Delaware Street extended); thence by the said road or street to the place of beginning, shall be known as the Second or Northern District and the elections in said District shall be held in the shop of Charles H. Clewell in the City of New Castle.

Boundaries of Second District

Boundaries of
Third District

(c) Beginning at a point in the center of the drawbridge over the Christiana River at Newport; thence from the center of said river by the center line of the road leading from Newport to New Castle until the said road intersects the road known as the New Castle and Frenchtown road (or Delaware Street extended); thence by said road or street to the center line of the right of way of the Wilmington and New Castle cut-off of the Delaware Railroad; thence by the said center line of the right of way of the cut-off of the Delaware Railroad until said cut-off intersects the right of way of the main line of the Delaware Railroad; thence by said center line of said Delaware Railroad until it intersects the center line of the public road at State Road Station; thence by the center line of said public road to a point dividing lands of James W. Denning from lands late of John Johns; thence by said dividing line to a point in the center of the right of way of the Delaware Railroad; thence by center of said right of way to the point of intersection of the road (extended) that leads from the New Castle and Frenchtown road to the road that leads from New Castle to Christiana; and thence by the center line of last named road and by the center line of the road leading from New Castle to Christiana, to a point in the center of the drawbridge over the Christiana River at Christiana; thence by the center line of said Christiana River to the place of beginning, shall be the Third or Western District and the elections in said District shall be held in the store of James J. Ryan in the City of New Castle.

Boundaries of
Fourth District

(d) Beginning at a point in the center line of the right of way of the cut-off of the Delaware Railroad where it intersects Delaware Street (extended) in the City of New Castle; thence by the center line of said Delaware Street to the Delaware River; thence by the said Delaware River to a point dividing lands of Florence B. Hilles from lands of Mark M. Cleaver; thence by said dividing line to the center line of the public road leading from New Castle to Delaware City; thence by the center line of said public road to a point of intersection with the road known as Federal School Lane; thence by the center line of said road to the center line of the road leading from Wilmington to Red Lion; thence by the center line of said road to a point dividing lands of James W. Denning from lands late of John Johns; thence by said dividing line to a point in the center line of the right of way of the Delaware Railroad; thence by said center line of said right of way to a point of intersection with the right of way of the Wilmington and New Castle cut-off of the Delaware Railroad; thence by the center line of said cut-off right of way to the place of beginning, shall be the Fourth or Southern District and the elections in said district shall be held in the building of the Good Will Fire Company in the City of New Castle.

(e) Beginning at a point on the Delaware River dividing lands of Florence B. Hilles from lands of Mark M. Cleaver; thence by said dividing line to the center line of the public road leading from New Castle to Delaware City; thence by the center line of said public road to a point of intersection with the road known as Federal School Lane; thence by the center line of said road to the center line of the road leading from Wilmington to Red Lion; thence by the center line of said road to a point dividing lands of James W. Denning from lands late of John Johns; thence by said line to the center line of the right of way of the Delaware Railroad; thence by the center of said right of way to a point of intersection of the road (extended) that leads from the New Castle and Frenchtown road to the road that leads from New Castle to Christiana; thence by the center line of said road and by the center line of the road leading from New Castle to Christiana to a point in the center of the drawbridge over the Christiana River at Christiana; thence by the center line of said River and other lines dividing New Castle Hundred from White Clay Creek, Pencader and Red Lion Hundreds from New Castle Hundred to the Delaware River and thence by said River to the place of beginning, shall be the Fifth or Southwestern District and the elections in said District shall be held in the village of Bear at such place as shall be procured by the Inspector or other officer holding the election in said district.

Boundaries of
Fifth District

Section 2. It shall be the duty of the Governor to appoint an Inspector of Election for the said Fifth Election District created by this act, to hold the general election next ensuing after the passage of this act, (but any special election held before the next general election shall be held in the four election districts existing prior to the passage of this Act) and at the next ensuing general election and every two years thereafter an Inspector for said District shall be elected by the electors of the said District.

Governor to appoint an Inspector of Elections to hold next general election after passage of this Act for Fifth District

Section 3. The persons who were elected at the general election held in November, A. D. 1912, as Inspectors in the First, Second, Third and Fourth Election Districts shall continue in said office in the First, Second, Third and Fourth Districts until their successors are elected at the general election to be held in A. D. 1914.

Inspectors for First, Second, Third and Fourth districts to act

NOTE.—This bill became a law on March 6, 1913, without the approval of the Governor and in accordance with Sec. 18, Article III of the Constitution of Delaware.

THOMAS W. MILLER, Secretary of State.

CHAPTER 158, VOLUME 21.

AN ACT to Divide Kenton Hundred and Representative District Number Three of Kent County into Two Election Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Representative
District No. 3
divided into
two Election
Districts

Dividing line

First Election
District

Second Election
District

Section 1. That for the purpose of holding elections for Hundred, District, County and State offices in Kenton Hundred and Representative District number three of Kent County the said Hundred and Representative District is hereby divided into two Election Districts, viz.: By a line beginning at a point on a line between the State of Maryland and the State of Delaware where the said State line is intersected by the center line of the road leading from Millington to Clayton; thence along the centre line of said road in an easterly direction to the center line of the road leading to the Middle Alley road and the Kenton Road; thence along the center line of the said road leading to the Middle Alley road and the Kenton Road, in a southerly direction, to the centre line of the Kenton Road, thence along the centre line of said Kenton Road, in an easterly direction to the "Whitehouse"; thence, in a southerly direction along the centre line of the road leading from the "Whitehouse" to the road leading from Spring's Mills to Brenford, and thence in an easterly direction along the centre line of said road, leading from Spring's Mills to Brenford, to the centre line of the Delaware Railroad at Brenford. All that part of Kenton Hundred and Representative District Number Three of Kent County lying north and east of said dividing line shall be the First Election District of Representative District Number Three of Kent County; and all that portion of said hundred and representative district lying south and west of said dividing line shall be the Second Election District of Representative District Number Three of Kent County.

Approved March 9, A. D. 1899.

CHAPTER 6, VOLUME 22.

AN ACT Designating the Voting Place in the First Election District of Representative District Number Three of Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That after this Act becomes a law, every general and special election held in the First Election District of Representative District Number Three of Kent County, shall be held at the times and in the manner fixed by law in the building now occupied and used by Thomas Holliday, in the town of Clayton, as and for a wheelwright shop.

Place of holding elections in Election District No. 1 of Representative District No. 3

Approved February 18, A. D. 1901.

CHAPTER 8, VOLUME 22.

AN ACT Designating the Voting Place in the Second Election District of Representative District Number Three of Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That after this Act becomes a law, every General and Special Election held in the Second Election District of Representative District Number Three of Kent County, shall be held in the building now kept as an inn, tavern and hotel, by Samuel Fortner, in the town of Kenton.

Place of holding elections in Election District No. 2 of Representative District No. 3

Approved February 18, A. D. 1901.

CHAPTER 9, VOLUME 22.

AN ACT to divide Representative District Number Seven of Kent County into Two Election Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Representative
District No. 7
divided into
two election
districts

Section 1. That for the purpose of holding elections for District, County and State offices in Representative District Number Seven of Kent County, the said Representative District is hereby divided into two Election Districts, viz.:

Boundaries
thereof

By a line beginning at Stubbs Corner where the public road from Camden to Willow Grove intersects the northern line of the Sixth Representative District of Kent County and following the centre line of said Camden and Willow Grove road in a northeasterly direction to the centre line of the Cedar Lane road; thence along the centre line of the Cedar Lane road, in a southeasterly direction to the centre line of the public road from Camden to Canterbury; thence along the centre line of the said Camden road a short distance in a northerly direction to the centre line of the public road leading to Green's Mill and Rising Sun; thence along the centre line of the Green's Mill and Rising Sun road in an easterly direction to the centre line of the public road leading from Camden to Magnolia at Rising Sun; thence following the centre line of the said Camden and Magnolia road in a southeasterly direction to the northern line of the Eighth Representative District of Kent County. All that part of Representative District Number Seven of Kent County lying north, east and west of said dividing line shall be the first Election District of Representative District Number Seven of Kent County, and all that portion of said Representative District lying south, east and west of said dividing line shall be the Second Election District of Representative District Number Seven of Kent County.

Camden to be
voting place in
Election Dis-
trict No. 1

Woodside to be
voting place in
Election Dis-
trict No. 2

Section 2. That the town of Camden, Kent County, shall be the voting place of the First Election District of the said Representative District, and the town of Woodside, Kent County, shall be the voting place of the Second Election District of the said Representative District.

Approved March 9, A. D. 1901.

CHAPTER 70, VOLUME 24.

AN ACT to establish the Voting Place of the First Election District of the Ninth Representative District of Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That from and after the passage of this Act, the voting place for all primary and general elections to be held in the First Election District of the Ninth Representative District of Kent County shall be at the Town Hall of Harrington, situate in the town of Harrington, Kent County, Delaware.

Voting place of
First Election
District of 9th
Representative
District in Kent
Co. changed

Section 2. That all acts or parts of acts inconsistent with this act are hereby repealed.

Approved March 4, A. D. 1907.

CHAPTER 10, VOLUME 22.

AN ACT dividing the Fifth Representative District of Sussex County into two Election Districts by a new dividing line of said district.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That for the purpose of holding elections for Hundred, District, County and State offices in the Fifth Representative District of Sussex County, the said Representative District, in lieu of the present subdivision into election districts, viz.:

Changing
boundary lines
of the two elec-
tion districts of
Representative
District No. 5
of Sussex Co.

At Warrington's Store, thence in a westerly course by the farm of E. H. Warrington, thence over the branch by the farm of J. Cannon to the junctions of the road; thence in a north-westerly direction by the residence of T. Ward and J. Ward to the mill stream of Ellis' Mills, over the stream to the main country road leading from Laurel to Smith's Mills by Kings Church; thence in a westerly course by a new road by the farm of E. C. Gordy to the old State road; thence south down the old State road to Mrs. H. Lynch; thence in a westerly course by the farm of E. Oliphant and the farm of S. Hill to the main road leading from Laurel to Delmar; thence in a northerly direction to the road leading to Bacon's Switch; thence in a westerly direction leading to Bacon's Station, across the railroad, down the main country road by Jonathan Rickards, by the farm of J. W. Rickards till it strikes the road leading to Spring Hill; thence southerly to fork of road near Ralph Store; thence in a northerly direction to the land of Charles Walson; thence in a westerly course around said land back; thence in a westerly direction to the main country road by William B. Rickards, S. P. Twilley and J. E. Twilley to the corner of D. M. Phillips; thence in a westerly direction to William Owens; thence in a southerly direction to A. R. Bradley; thence in a westerly direction to a point of R. Twilley's farm.

Approved March 9, A. D. 1901.

CHAPTER 11, VOLUME 22.

AN ACT Designating the Voting Places in the Election Districts of Representative District Number Five in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That from and after this Act becomes a law every general and special election held in the First Election District of the Fifth Representative District of Sussex County shall be held at or near the Laurel House in the town of Laurel.

Voting place of Election District No. 5 to be at or near Laurel House in town of Laurel

And every such election held in the Second Election District of the said Fifth Representative District of Sussex County shall be held at or near the store house of William L. Sirman in the town of Delmar.

Voting place of Election District No. 2 of Representative District No. 5 to be at or near Store House of Wm. L. Sirman town of Delmar

Approved March 9, A. D. 1901.

CHAPTER 12, VOLUME 22.

AN ACT to Divide the Second Election District of the Tenth Representative District of Sussex County into Two Election Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Election District No. 2 of Representative District No. 10 of Sussex Co. divided into two election districts

Boundaries

Section 1. That for the purpose of holding elections for Hundred, District, County and State offices in what is now the Second Election District of the Tenth Representative District of Sussex County, the said Election District is hereby divided into two Election Districts, as follows: By a line beginning at Broadkiln Inlet at the entrance to the Delaware Bay; thence up Broadkiln Sound on a line of Broadkiln Hundred to Broadkiln River; thence up said river to Mill Creek; thence up said Mill Creek to Black Oak Gut; thence up Black Oak Gut and across the new road leading from Lewes, to Nassau to the old road leading from Milton to Lewes, at or near Yellow Hill School House; thence with said public road by way of Five Points and Prettyman's Corner to the public road leading from Lewes to Rehoboth, at William H. Viriden's farm; thence in a southeasterly direction across said Viriden farm and southwest of the farm house to the head of Wolf's Glade; thence down and with the stream in said Wolf's Glade to Lewes Creek; thence turning and running in an easterly direction to a point at the ocean shore, one-half mile south of Cape Henlopen Life Saving Station. All that part of the Second Election District of the Tenth Representative District of Sussex County lying on the north side of said dividing line shall remain and be the Second Election District of the Tenth Representative District of Sussex County; and all on the south side of said dividing line shall be the Third Election District of the Tenth Representative District of Sussex County.

Approved March 14, A. D. 1901.

CHAPTER 13, VOLUME 22.

AN ACT Designating the Voting Places in the Second and Third Election Districts of the Tenth Representative District of Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That after this Act becomes a law every general and special election held in the new Second Election District of the Tenth Representative District of Sussex County shall be held at the place heretofore designated by law for holding elections in the Second Election District of the Tenth Representative District of Sussex County, and every general and special election held in the Third Election District of the Tenth Representative District of Sussex County shall be held at Henry Wolf's Old Store, or as near thereto as practicable, in said district.

Voting place in new Second Election District of Representative District No. 10 to be as before

Voting place of Election District No. 3 of Representative District No. 10 to be at or near Henry Wolf's Old Store

Approved March 14, A. D. 1901.

CHAPTER 55, VOLUME 23.

AN ACT Designating the Voting Place in the First Election District of Representative District Number Six of Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That after this Act becomes a law, every general and special election held in the First Election District of Representative District Number Six of Sussex County, shall be held at the times and in the manner fixed by law at or within a radius of one-half mile from "Marvel's Old Tan Yard" in the County and District aforesaid, and in the building owned by Geo. W. Marvel, or any other suitable building within the above boundary.

Establishing voting place for First Election District of 6th Representative District in Sussex County

Approved March 2, A. D. 1905.

CHAPTER 71, VOLUME 24.

AN ACT to divide the Second Election District of the Third Representative District of Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

2nd Election
District of 3d
Representative
District in Sus-
sex County di-
vided into 2
election dis-
tricts

Section 1. That for the purpose of holding elections for Hundred, District, County and State officers in what is now the Second Election District of the Third Representative District of Sussex County, which includes Seaford Hundred, the said Election District is hereby divided into two Election Districts, as follows:—

2nd Election
District

By a line beginning at a point at the foot of Spring Alley in the town of Seaford on the North Bank of the Nanticoke River, thence with said Spring Alley to High Street, thence westward with said High Street to Arch Street, thence northward with said Arch Street to the County road forming the northern boundary of the town of Seaford, thence westward with said County road to a point of intersection with Pine Street, thence with the road leading by Ross Station to Wesley Church, thence with the County road leading from said Wesley Church over the branch and by the farms of John J. Kinder, Charles Friedel, Amos K. Corbin and others to the point of intersection of said road with the County road leading from Bridgeville to Federalsburg, and forming the northern boundary of said Second Election District of said Third Representative District.

3rd Election
District

All that part of the said Second Election District of the Third Representative District of Sussex County lying on the east side of said dividing line shall remain and be the Second Election District of the Third Representative District of Sussex County, and all lying on the west side of said dividing line shall be the Third Election District of the Third Representative District of Sussex County.

Approved March 4, A. D. 1907.

CHAPTER 72, VOLUME 24.

AN ACT Designating the Voting Place in the Second and Third Election Districts of the Third Representative District of Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That after this Act becomes a law every General and Special Election held in the new Second Election District of the Third Representative District of Sussex County shall be held at some suitable place within that part of the town of Seaford included within the said new Second Election District, and every General and Special Election held in the Third Election District of the Third Representative District of Sussex County shall be held at some suitable place within that part of the said town of Seaford included within the said Third Election District. The place of holding the election in each of the aforesaid Districts to be selected by the Inspector or other officer appointed by law to hold the election

Inspectors to determine place of election in 2nd and 3rd Election Districts of 3rd Representative District, Sussex County

Approved March 4, A. D. 1907.

CHAPTER 73, VOLUME 24.

AN ACT Providing for Inspectors to Hold Elections in the Second and Third Election Districts of the Third Representative District of Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Norman Rawlins shall be Inspector of Election in the Second Election District of the Third Representative District of Sussex County at the General Election to be held in the year A. D. 1908, and the Governor shall appoint a suitable elector of the Third Election District of the Third Representative District of Sussex County to be Inspector of said General Election to be held in the year A. D. 1908, in said Third Election District.

Inspector of 2nd Election District of 3rd Representative District

Governor to appoint Inspector for 3rd Election District of 3rd Representative District

Approved March 4, A. D. 1907

CHAPTER 46, VOLUME 25.

AN ACT to Divide the First Election District of the Fifth Representative District of Sussex County into Two Election Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Sussex County; Section 1. That for the purpose of holding general and special elections in the First Election District of the Fifth Representative District of Sussex County the said Election District is hereby subdivided into two Election Districts, viz.:—By a line beginning at Laurel River at the foot of Central Avenue in the town of Laurel and running thence in a southerly direction with said Central Avenue to Clayton Avenue; thence with said Clayton Avenue in a westerly direction to the easterly line of lands of the Delaware Railroad Company ; thence with the easterly line of lands of the Delaware Railroad Company in a southerly direction to the line now dividing the Fifth Representative District into two Election Districts, at Bacon Station. All that portion of what has heretofore been the First Election District of the Fifth Representative District of Sussex County lying east, north and south of said dividing line shall be the First Election District of the Fifth Representative District of Sussex County, and all that portion of what has heretofore been the First Election District aforesaid lying west, north and south of said dividing line shall be the Third Election District of the Fifth Representative District of Sussex County.

Sussex County;
First Election
District of Fifth
Representative
District divided

Boundaries

First Election
District
Voting place

Third Election
District
Voting place

Assessors

Inspectors

Section 2. That the voting place of the First Election District of said Fifth Representative District shall be in the town of Laurel aforesaid on the easterly side of said dividing line, and the voting place of the Third Election District of said Representative District shall be in the town of Laurel on the westerly side of said dividing line.

Section 3. The assessor elected at the last general election for the First Election District of the said Fifth Representative District shall be the assessor for the Districts as herein provided and his successor when elected shall be the assessor for the said First Election District and the said Third Election District of the said Fifth Representative District.

Section 4. The Inspector elected at the last general election for the First Election District of the said Fifth Representa-

tive District shall be the inspector for the Third Election District as herein provided, and the Governor shall appoint an inspector for the First Election District of the said Fifth Representative District to serve until his successor is duly elected.
Approved March 1, A. D. 1909.

CHAPTER 54, VOLUME 26.

AN ACT to Divide the Second Election District of the Second Representative District, of Sussex County, into two Election Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That for the purpose of holding Elections for Hundred, District, County and State officers, in what is now the Second Election District of the Second Representative District, of Sussex County, the said Election District is hereby divided into two Election Districts as follows:

“By a line beginning at Norton’s Mill Stream, thence in a westerly direction with the public road leading to Dale’s Crossing, thence by the public road to Cocked Hat, thence by the public road to the farm of Oliver A. Newton to a road leading to Bridgeville, thence by said road in a northwesterly direction to the first public road on the right leading to Scott’s store, thence following said road to Scott’s store, thence by said road to Wooden Hawk, thence following said road and crossing another road at Adams’ Mill, thence straight to the Maryland line on road leading to Anderson Town. All that part of the Second Election District of the Second Representative District, of Sussex County, lying on the south side of said dividing line, shall remain and be the Second Election District of the Second Representative District of Sussex County, and the polling place for said Second Election District shall be in the Town of Bridgeville as heretofore; all on the north side of said dividing line shall be the Third Election District of the Second Representative District of Sussex County, and the polling place for said Third Election District shall be in the Town of Greenwood.

Approved March 30, A. D. 1911.

CHAPTER 55, VOLUME 26.

AN ACT changing the voting place in the Third Election District of the Tenth Representative District of Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Voting place
changed

Section 1. That from and after the approval of this Act, every general and special election in the Third Election District of the Tenth Representative District of Sussex County, shall be held at Westcott's Shops at Westcott's Corner in said County, instead of Murray's Shops at Murray's Corner.

Approved March 24, A. D. 1911.

Laws Relating Especially to Wilmington Hundred

CHAPTER 40, VOLUME 21.

AN ACT Creating a Department of Elections for the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That for the objects and purposes hereinafter set forth the Governor of the State of Delaware shall in the manner and at the times and for the terms set forth in Section 2 of this act appoint three persons of the City of Wilmington, who shall constitute a department of Elections for the said city of Wilmington, and with the powers and duties prescribed in the sections following:

Appointment
by department
of elections of
City of Wil-
mington

Section 2. That the terms of office of the present members of the Department of Elections for the City of Wilmington, as the same was constituted pursuant to the provisions of Chapter 39, Volume XIX, Laws of Delaware, shall not be vacated, but the said officers shall continue during the original term thereof, and said members shall during the continuance of their respective terms be members of the Department of Elections for the City of Wilmington created by this act. At the expiration of the term of office of the said member which shall be the first to terminate and biennially thereafter the place of the retiring member shall be filled by appointment by the Governor for the term of six years. No person shall be eligible to appointment as a member of said Department of Elections who is not a citizen of the United States of America and a resident in the said city for which he is appointed, and who has not resided therein for a term of five years next preceding his appointment. No member of said Department of Elections shall hold or be a candidate for any elective office during his membership in said department, nor until the expiration of six months after he shall have ceased to be a member of said department. When any vacancy occurs in said department by or from any cause whatsoever, the Governor aforesaid shall fill the unexpired term by appointment, but at no time shall all the members of said department be of

Offices of pres-
ent members of
department
continued

Appointment
of successors

Qualifications
of appointees

Members not to
hold other
offices

Vacancies, how
filled

Political complex- the same political faith and opinion. Each of said members shall hereafter before entering upon his duties and within one month from the time of his appointment take and subscribe and file in the office of the Clerk of the Peace of the county wherein he resides an oath or affirmation that he will perform the duties of his office with fidelity and impartiality. The members of the Department of Elections shall meet and organize said Department of Elections, by this act constituted, by selecting one of their number to be President, whose term of office shall continue for one year from the date of such organization, when and biennially thereafter the said Department of Elections shall select one of their number to be President. Each member of the Department of Elections shall receive as compensation for his services in any year in which there is held a general or special election a salary of five hundred dollars, said compensation to be paid as hereinafter provided.

Duties of de- Section 3. The duties of the members of the Department of
partment Elections, shall be as follows:

Division of city I. They shall, on or before the first day of June next, pre-
into election ceding the time of the first registration held under the provisions
districts of this act, and in every sixth year thereafter, on or before the first day of June, divide the city into as many election districts as they shall deem necessary, and shall establish the boundaries thereof. Provided that each election district shall contain as near as may be, not more than three hundred, nor less than one hundred qualified voters. And further provided, that each of said election districts shall be entirely within the boundaries of one representative district. And on or before the first day of June A. D. nineteen hundred, and biennially thereafter, said department of elections may divide such of the election districts, and such only as, by the election last preceding such division, shall be found to contain a greater number of voters than can conveniently vote therein. They shall also designate each of said election districts by appropriate titles or distinctions.

Dismissal of II. They shall have power to dismiss any Registrar at any
Registrars time and supply his place with another person. They may also employ a clerk, counsel and such other assistants as, in the judgment of the members of said Department of Elections, shall be necessary and proper for the faithful performance by it of the duties by this act imposed; provided the expense thereof shall not exceed fifteen hundred dollars in any one year in which the general election is held, which said sum shall not include the compensation of members of the Department of Elections and Registrars, to be paid upon warrants of the president of the Department of Elections in the same manner as is provided for

the payment of the legal compensation of members of said Department of Elections. How paid

III. They shall, hereafter, appoint all registrars in the City of Wilmington, and shall make all necessary removals of registration officers, and fill all vacancies which from any cause occur. Appointment of Registrars
Removals
Vacancies

IV. They shall in the month of June, in each year in which a general election is held, appoint for each election district in the City of Wilmington three capable persons, who shall be voters and residents in the Election District, for which they shall be appointed, who shall be the registration officers of the election district for which they are appointed; one of whom shall be designated as "Registrar", and the other two "Assistant Registrars", and not more than two of them shall be of the same political faith; provided, that the total number of registration officers in each representative district, shall be divided as equally as possible between the two leading political parties, as the same shall be determined upon by the department of elections at the time of making the appointments. And further, for each appointment accredited to any political party under this section the City Executive Committee of such political party shall furnish the Department of Elections on or before the first day of June of the year in which said appointment is to be made, a list of three names of properly qualified persons, from which list the Department of Elections shall make its appointments. Appointment of Registration officers
Qualifications
Politics
Division between parties
Furnishing of lists, for officers
Time

Provided, however, that if the said lists of names are not furnished as aforesaid, then and in that event the Department of Elections shall appoint some suitable person, or persons, of such political party having all the qualifications provided by this section. When list not furnished
Department to select

Provided, however, that in the case of the Registration officers to be appointed in this present year, eighteen hundred and ninety-eight, the appointment of the said Registration officers shall be made some time between Saturday, the eleventh day of June, and Saturday, the twenty-fifth day of June in said year; and, provided further, that the lists of names to be furnished by the City Executive Committee from which the appointments of such Registration officers shall be made with regard to those to be appointed in the year aforesaid shall be furnished not later than Saturday, the eleventh day of June in the year aforesaid. Proviso for Registration officers for 1898

The terms of office of such Registration officers shall begin on the first Tuesday in July next after their appointment and shall continue for two years thereafter, and until their successors When terms of office begin

Term shall be duly chosen and qualified, unless sooner removed as provided in this act.

Alternate Registrar
Term of office
When to sit
Powers and duties

V. They shall also when appointing Registration officers for the several election districts of the City of Wilmington at the same time appoint in each election district in the said City one capable person, who shall be a voter and resident in the election district for which he shall be appointed, to be "Alternate Registrar" for the said election district. The term of office of said "Alternate Registrar" shall be the same as that of the Registrar, and whenever the Registrar provided for by this act shall be incapable from any cause whatsoever of performing the duties required of him by the laws of this State, the Alternate Registrar in the same election district shall act in his stead, and while acting shall possess all the powers and do and perform all the duties of a Registrar.

When Alternate not to act
Vacancies

VI. But nothing herein contained shall authorize or empower the Alternate Registrar to act at any time when there is a Registrar of the election district able and willing and present to act. If any Registration officer or Alternate Registrar shall remove from the election district for which he shall be appointed, or shall cease to be a voter therein, his office shall thereupon become vacant.

Vacancies in Registration office
How filled
Term of appointee
Qualifications, powers, etc.
Oath of Registration officers

VII. If any vacancy or vacancies should occur in the office of Registrar, Assistant Registrar or Alternate Registrar, before the expiration of such term, from any cause whatsoever, the said Department of Elections shall appoint some suitable person or persons to fill such vacancy or vacancies who shall serve for the residue of such unexpired term or terms, who shall possess the same qualifications and be qualified in the same manner, possess the same powers and perform the same duties as the original appointee or appointees. Each Registrar, Assistant Registrar and Alternate Registrar before entering upon the duties of his office, shall take and subscribe before the Clerk of the Peace of the county in which he shall reside the following oath or affirmation which the said Clerk of the Peace is hereby authorized to administer:

Form

"I, residing in Election District of Representative District in County, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Registrar (Assistant Registrar or Alternate Registrar) for Election District in Representative District in County

faithfully, honestly, fairly, impartially and according to the best of my ability; that I am a citizen of the United States and of the State of Delaware, and am not a candidate for any office to be voted for by the election district for which I am appointed Registrar (Assistant Registrar or Alternate Registrar), and that I am a qualified voter in said election district."

VIII. Should the said Registrar, Assistant Registrars or either of them or Alternate Registrar after taking said oath and before entering upon the active duties of the said office become a candidate for any office to be voted for by the electors of the election district for which he is appointed Registrar, Assistant Registrar or Alternate Registrar, the said office shall ipso facto become vacant and be filled by the appointment of another person to the same. After any Registrar, Assistant Registrar, or Alternate Registrar shall have entered upon the active duties of his office he shall thereby become ineligible to any office to be voted for at the next ensuing general election.

Officers becoming candidates to vacate office

How filled

Officers to be ineligible to be voted for

Section 4. Each and every person appointed as aforesaid to act as Registrar, Assistant Registrar or Alternate Registrar shall qualify as such Registrar, Assistant Registrar or Alternate Registrar by taking and subscribing the oath or affirmation prescribed in the preceding section within ten days after being notified of his appointment and shall perform the duties of the office for the time for which he was appointed, unless he shall become disqualified by sickness or otherwise. But any Registrar, Assistant Registrar or Alternate Registrar, who shall be appointed to fill a vacancy, shall qualify forthwith. And if any Registrar, Assistant Registrar or Alternate Registrar, who being appointed either for a full term or to fill a vacancy, shall refuse to qualify as aforesaid, or having qualified, shall fail or refuse to perform any of the duties of said office, he shall forfeit and pay to the State a fine of one hundred dollars, upon conviction thereof by indictment in the Court of General Sessions of the county where such offense was committed.

Time of taking oath and qualifying

Appointees to vacancies to qualify forthwith

Refusal to qualify

Penalty

The Department of Elections shall deliver a certificate of appointment to whomsoever it shall appoint and who shall be sworn into office as Registrar, said certificate to be in such form as shall be prescribed by such Department of Elections, specifying the election district in and for which the person to whom the same is issued is appointed to serve, and the date of the expiration of his term of office. The Department of Elections shall have full power and authority to remove any of the registration officers appointed by them as aforesaid for want of requisite qualification or cause, but in either of such case such removal, unless made while the Registrars are actually on duty, on a day

Certificate of appointment

Form of

Removal of Registration officers

of registration, and for improper conduct as a registration officer, shall only be made after notice in writing to the officer sought to be removed, which notice shall set forth clearly and distinctly the reasons for removal. Any person appointed to fill any vacancy shall serve for the unexpired term of the person whose office he is appointed to fill.

Privileges of
Registration
officers

The registration officers during the time they hold such office shall be exempt from the performance of military and jury duty, and no person who by the laws of the State is exempt from jury duty shall be required to serve as registration officer.

Disqualification
for office of
Registration
officers

Office of De-
partment of
Elections

Section 5. The said Department of Elections may rent some suitable and convenient place in the said city, and fit up the same for an office for the use of the said Department of Elections at a yearly rental not to exceed three hundred dollars, to be paid upon warrants of the President of the Department of Elections in the same manner as is provided for the payment of the legal compensation of members of said Department of Elections.

Limit of rent

How rent to be
paid

Time of pay-
ment of com-
pensation of
members of de-
partment

Section 6. The legal compensation of all members of the Department of Elections shall be paid quarterly, on the last days of March, June, September and December, by the State Treasurer out of any money belonging to the State, not otherwise appropriated.

Neglect of duty
or corrupt or
fraudulent
practices of
members of
department

Section 7. If any members of the Department of Elections of whom any duty is required in this act, shall be guilty of any wilful neglect of such duty, or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall on conviction thereof, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Penalty

Department to
notify Attorney
General of vio-
lations of act

Section 8. It is hereby made the special duty of the Department of Elections to notify the Attorney General of all violations under this act.

Section 9. All acts and parts of acts supplied by or inconsistent with this act are hereby repealed.

Approved May 20, A. D. 1898.

CHAPTER 41, VOLUME 21.

AN ACT More Clearly Defining the Duty of the Department of Elections
in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That the Department of Elections in the City of Wilmington shall have and exercise all the powers and privileges in respect to elections, which shall hereafter be held in said city, which the Department of Elections had and possessed by virtue of an Act of General Assembly, entitled "An Act to provide for the Registration of Voters in the City of Wilmington," passed at Dover, May 13, A. D. 1891, shall select election places in the respective districts, appoint all election officers with power to remove the same, and have all other powers and privileges exercised and possessed by said Department of Elections, in respect to elections under this act.

Section 2. Nothing in this act shall be construed to repeal or impair any act or part of an act passed by the present session of the General Assembly.

Approved June 1, A. D. 1898.

CHAPTER 70, VOLUME 22.

AN ACT in Relation to the Department of Elections for the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Department of Elections to be increased to five members

Section 1. That the Department of Elections for the City of Wilmington, as established and constituted by Chapter 39, Volume 19, Laws of Delaware, as constituted and created by Chapter 40, Volume 21, Laws of Delaware, be and the same is hereby enlarged to, and made to consist of five members, for all general or special elections to be hereafter held in said City.

Governor to appoint two suitable persons

Section 2. That the Governor be and he is hereby authorized and empowered to appoint and commission two suitable persons, residents of the City of Wilmington, to be members of the said enlarged Department of Elections for the City of Wilmington.

One for two years, one for three years

Thereafter Governor to appoint every three years

*Section 3. That the term of office of one of the said two members shall be for two years and the term of the other and remaining members shall be three years, and at the expiration of said two terms and thereafter every three years, the Governor shall appoint suitable persons to succeed the said members for the term of three years.

Powers of members so appointed

Duties and compensations of

Section 4. That the members so appointed shall have, possess, enjoy and exercise all and every the rights, powers, and privileges which are now held, possessed, enjoyed and exercised by the present members of said Department and vested in them by law, and shall perform each and every duty which the present members of said Department are now required to perform by law; and they shall each receive the same compensation as now fixed by law for the other three members, which shall be paid by the State Treasurer, at the same time and in the same way as now provided by law for the payment of the compensation of the present members of said Department.

Board to consist of five members

Section 5. That from and after the first day of April, A. D. 1901, the Department of Elections shall consist and be composed of five members, to wit: the three members who are now

members of said Department and the two members appointed by the Governor; and the said five members shall constitute the Department of Elections for the City of Wilmington.

The Department of Elections for the City of Wilmington so constituted as aforesaid, shall have a full and complete jurisdiction over all and every the matters and things now vested by law in the Department of Elections for the City of Wilmington, as at present constituted, and shall exercise every power, privilege, right and duty which now belongs to the said Department of Elections for the City of Wilmington, as fully and completely as the said Department of Elections now by law is authorized to do. Jurisdiction of

Section 6. That the Department of Elections for the City of Wilmington, so constituted as aforesaid, shall meet for organization on the first Tuesday in April, A. D. 1901, and after taking the oath of office prescribed by the Constitution of the State, shall proceed to elect one of their number to be the president of the Department and shall also elect a clerk. Three members shall be sufficient for the purpose of organization and shall constitute a quorum for the transaction of business. The said Department shall have the power to make rules for its government not inconsistent with the Constitution and Laws of the State. Organization of
To make rules
for government

Section 7. That it shall be the duty of the present Department of Elections for the City of Wilmington, and every member thereof, and every officer, clerk or agent thereof, and every other person having possession or control of any records, books, papers, or other property of or relating to or connected with said Department of Elections, immediately after the organization of the Department created by this Act, to surrender and deposit the same with the President of the Department elected pursuant to the provisions of Section Six of this Act, or with such other person as the said President shall order and direct. And in case the said members, officer, clerk or any other person having possession as aforesaid, shall neglect or refuse on demand of the said President to be elected as aforesaid, to deliver up and surrender any such records, books, papers or other property as aforesaid, each and every person neglecting or refusing as aforesaid, shall be guilty of a misdemeanor and upon conviction thereof, shall forfeit and pay a fine of five hundred dollars, and be imprisoned for a term of one year, or until the said records, books, papers or other property shall be delivered into the custody of the said President. All records,
books, papers,
etc., to be de-
livered to Pres-
ident
Penalty

Section 8. That all Acts or parts of Acts inconsistent herewith or manifestly superceded hereby, be and the same are hereby repealed.

Approved March 8, A. D. 1901.

CHAPTER 74, VOLUME 24.

AN ACT Making the Terms of Office of All Members of The Department of Elections for the City of Wilmington, hereafter Appointed to said Office for Full Terms under Chapter 70, Volume 22, Laws of Delaware, Six Years.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Terms of office
of Department
of Elections of
City of Wil-
mington made
six years

Section 1. That, from and after the approval of this Act, the terms of office of all members of the Department of Elections for the City of Wilmington, hereafter appointed to said office for full terms, under Chapter 70, Volume 22, Laws of Delaware, shall be six years, and said appointments shall be so made: provided, however, that all appointments, hereafter made to said office under said Chapter 70, Volume 22, Laws of Delaware, to fill vacancies therein, shall be made for the residue of the then unexpired term.

Section 2. That all provisions of Law inconsistent herewith, be and the same are hereby repealed.

Approved March 9, A. D. 1907.

CHAPTER 75, VOLUME 24.

AN ACT to Authorize the Submission to the People of Wilmington of Question of Public Policy in Connection with the Affairs of the said City.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each house concurring therein):

Section 1. On application addressed to the Mayor and Council of Wilmington, signed by citizens of the City of Wilmington, qualified to vote at the last preceding election for the Mayor of the said city, aggregating in number not less than ten per centum of the whole number of votes cast at such election for such Mayor, asking for the submission to the people of the said city of any question relating to the affairs of the said city, for an expression of opinion thereon, such question shall be placed before the people at the next City Election. Every person signing any such application shall put or have put after his signature the designation of the election district in the said city in which he was qualified to vote at the last preceding election for Mayor of said city.

Initiative and Referendum for Wilmington

Per centum of votes required

Section 2. Such application shall be filed with the Mayor at least sixty days before the election at which such question is to be submitted, and the person signing such applications shall be considered prima facie as citizens qualified to vote at the last preceding election for the Mayor of the said City.

Application filed when and where

Section 3. It shall be the duty of the said Mayor, not less than twenty days before the city election at which the said questions are to be submitted, to transmit the same to the persons who may then have the duty of preparing ballots for the said election; and it shall be the duty of such persons to prepare separate ballots to be used at the said election, containing the question so to be submitted as aforesaid, with the words "yes" and "no" printed at the foot of such ballot; that is to say, following the question to be voted upon as it appears upon the ballot, the words "Yes" and "No" shall appear in the following form:

Mayor, duty of

Ballots, form of

Yes..... No.....

Any person qualified to vote at such City Election may cast a vote in favor of such question by placing a cross opposite the word "yes" and any such person desiring to vote against the same may do so by placing a cross opposite the word "no".

How marked

How canvassed
and returned

Section 4. The said ballots shall be prepared, counted, canvassed and returned in the same way as provided by law in relation to ballots cast at the said City Election.

Separate ballot
boxes

Section 5. It shall be the duty of the persons so required by law to furnish ballot boxes to be used at the City Election, to furnish a separate ballot box for each election district in said city, in which separate ballot box the ballots herein provided for shall be cast, and the said ballots shall not be commingled with the other ballots used at such City Election.

Election offi-
cers, duty of

Section 6. It shall be the duty of the election officers in each election district in the said city to count the said ballots after the same have been cast, and to make return thereof in all respects as provided by law in relation to ballots cast at the said City Election, provided, however, that the number of ballots cast for or against the said question shall be entered upon separate sheets to be furnished for that purpose. Certificates showing the result of the said vote, shall be made in the manner as now provided by law in relation to certificates of the vote cast at the City Election, which certificates shall be certified, returned and delivered in all respects as now provided by law in relation to the City Election.

Certificates of
results

Expenses to be
paid by city

Section 7. The expense of printing said ballots, procuring the ballot boxes, and all expenses connected with the taking of the said vote shall be borne as is provided in relation to other expenses incurred at the said City Election.

Approval of
any measure
submitted by
electors, duty
of City Council,
etc.

Section 8. Should any question submitted to the qualified electors of the City of Wilmington, as provided in this Act, receive a majority of the votes cast thereon at the said election, and the subject be within the corporate powers of the said Mayor and Council of Wilmington, or of any department or branch thereof, then it shall be the duty of the City Council, or of any commission or any other official or officials of the City of Wilmington having jurisdiction therein, to adopt, without unnecessary delay, such ordinances, rules or regulations as may be necessary for putting into effect the popular will thus expressed. The failure of any member of such City Council or Commission, or of any official of said City to perform any duty herein imposed upon him, or the obstruction, hinderance, or delay by him of the adoption of any ordinance, rule or regulation as herein provided for, shall be deemed a misdemeanor and be punishable by a fine at the discretion of the trial court.

Penalty for
failure to do
duty imposed

Conviction to
operate as out-
er from office

Conviction of such an offense shall operate to remove the person so convicted from any municipal office he then holds, and render him uneligible to hold any position as an official or

employee of the City of Wilmington for a period of five years from the date of such conviction.

Approved March 9, A. D. 1907.

*CHAPTER 30, VOLUME 17.

AN ACT Providing for the Election of Three Assessors for Wilmington Hundred.

Section 1. That for the purpose of more convenient assessment of persons and property in Wilmington Hundred of the County of New Castle, the said hundred shall be divided into three assessment districts, as follows; Three assessment districts

(The first assessment district of said hundred shall consist of so much of said hundred as is contained or comprised within the limits of the (First Representative District) of the City of Wilmington, as the said wards are now laid out, or as the said wards, or either of them, may be hereafter extended or enlarged by act of the General Assembly. Chap. 5, Vol. 20
Assessment districts of Wilmington Hundred

"The second assessment district of the said hundred shall consist of so much of said hundred as is contained or comprised within the limits of the (Second Representative District) of the City of Wilmington, as the said wards are now laid out, or as the said wards, or either of them, may be hereafter extended or enlarged by act of the General Assembly. Chap. 27, Vol. 21
Limits of first second

"The third assessment district of the said hundred shall consist of so much of said hundred as is contained or comprised within the limits of the (Third Representative District) of the City of Wilmington, as the said wards are laid out, or as the said wards or either of them, may be hereafter extended or enlarged by act of the General Assembly." (And all that portion of the said hundred comprised within the limits of the Fourth Representative District of the said city, as now laid out and established by law, shall be the Fourth Assessment District, and all that Limit of third
Chap. 27, Vol. 21
Chap. 27, Vol. 21

* This act has been amended without a proper knowledge of its provisions and is so full of inconsistencies that it will require further amendment to cure its many defects.

portion of the said hundred comprised within the limits of the Fifth Representative District of the said city, as now laid out and established by law, shall be the Fifth Assessment District.)

Elections
When held

Section 2. That an election for the purpose of choosing an assessor for each of said assessment districts shall be held at the time and in the manner prescribed by Chapter 17 of the Revised Statutes of this State, pursuant to the laws now in force as to the election of county officers in the City of Wilmington.

Qualifications
of voters

Section 3. That every citizen qualified to vote for inspector of an election district in the said hundred of Wilmington may vote for an assessor of the assessment district within which such election district is comprised, and no persons shall be elected assessor under the provisions of this act who shall not at the time of the election be a freeholder within Wilmington hundred and a resident in the assessment district for which he shall be elected.

Qualifications
of assessors

Section 4. Immediately after making the certificate required by Section 8 of Chapter 19 of the Revised Statutes of this State, the presiding officers and judges of the several election districts of the said hundred shall assemble in the City Hall. And the presiding officers and Judges of the election districts comprised within the first assessment district aforesaid, as laid out and established by the first section of this act shall ascertain the number of votes given for assessors in the said election district so comprised as aforesaid, and the candidate having the highest number of votes shall be declared assessor of the said first assessment district; and the presiding officers and judges last aforesaid shall make, sign and deliver certificates of said election in the manner prescribed by law for certifying the election of the assessors of the several hundreds. And the presiding officers and judges of the election districts comprised within the second assessment district, as laid out and established by the first section of this act, shall ascertain the number of votes given for assessor in the different election districts so comprised as aforesaid, and the candidate having the highest number of votes shall be declared duly elected assessor of the said second assessment district; and the presiding officers and judges last aforesaid shall make, sign and deliver certificates of said election in the manner now prescribed by law as aforesaid. And the presiding officers and judges of the election districts comprised within the third assessment district, as laid out and established by the first section of this act, shall ascertain the number of votes given for assessor in the different election districts so comprised as aforesaid, and the candidate having the highest number of votes shall be declared duly elected assessor of the third assessment

Meeting of
officers

When and
where

Ascertainment
of vote

Certificates

district; and the presiding officers and judges last aforesaid shall make, sign and deliver certificates of said election in the manner now prescribed by law as aforesaid. If two candidates for the office of assessor of either of the assessment districts hereby laid out and established shall receive the highest and at the same time an equal number of votes the presiding officers of the election districts comprised within the assessment district in which the same shall happen shall agree upon and give a casting vote.

Section 5.	*	*	*	*	*	*
Section 6.	*	*	*	*	*	*
Section 7.	*	*	*	*	*	*
Section 8.	*	*	*	*	*	*

Section 9. That all acts or parts of acts inconsistent here-with be and the same are hereby repealed.

Passed at Dover, April 6, 1883.

CHAPTER 57, VOLUME 23.

AN ACT to Amend Section 17 of Chapter 18 of the Revised Code of 1893, by Providing for the Opening of the General Election in the City of Wilmington, between seven and seven-thirty o'clock in the morning.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 17 of Chapter 18 of the Laws of Delaware as published in the Revised Code of 1893 be and the same is hereby amended by striking out the period at the end of said Section and inserting the following: "Provided that in the City of Wilmington the general election shall be opened between seven and seven-thirty o'clock in the morning."

Section 17,
Chapter 18,
Revised Code,
1893, amended
relative to time
of opening polls
in Wilmington

Approved March 20, A. D. 1905.

CHAPTER 43, VOLUME 26.

AN ACT to further amend Chapter 35, Volume 21, Laws of Delaware, being an Act entitled "An Act concerning the appointment of Registration Officers and the preparation and delivery of Registration Books."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 35,
Volume 21
amended

Section 1. That said Chapter 35, Volume 21, Laws of Delaware be and the same is hereby amended first, by inserting in line ten of paragraph III of section one of said Chapter, after the word "Registrar" and before the word "before" the following words, viz.: "appointed for an election district outside the City of Wilmington," second, by inserting in line twelve of said paragraph III of said section one of said Chapter after the word "reside" and before the word "the" the following words, viz.: "each Registrar, Assistant Registrar and Alternate Registrar appointed for an election district in the City of Wilmington before entering upon the duties of his office, shall take and subscribe before the Department of Elections for the City of Wilmington."

Authorized
administer
oaths to

Section 2. That any member of or the Clerk of said Department of Elections for the City of Wilmington, is hereby authorized and empowered to administer such oaths or affirmation; provided that no fee be charged for administering such oaths or affirmations.

No fee to be
charged

Acts inconsis-
tent repealed

Section 3. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

Approved March 20, A. D. 1911.

CHAPTER 45, VOLUME 26.

AN ACT to amend Chapter 36, Volume 21, Laws of Delaware, being an act entitled "An Act providing for a uniform system of Registration of all Qualified Voters in this State."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 36, Volume 21, Laws of Delaware be and the same is hereby amended by changing the period at the end of Section 2 of said act to a semicolon, and further by adding to the end of said Section 2, the following: Chapter 36, Volume 21, amended

"provided, however, that in the City of Wilmington, the Department of Election for the City of Wilmington, shall at least ten days prior to the first day set for the purpose of Registration as aforesaid, give the public notice by advertisements, posted in ten or more of the most public places in each election district, in the City of Wilmington, of the places where the registration officers shall sit for Registration of voters as aforesaid, and the day or days when they will sit at each of said places." Department of Elections shall give public notice

Section 2. That Section 6 of said Chapter 36, Volume 21, Laws of Delaware, be amended by changing the period at the end of Paragraph III of said Section 6 to a semicolon, and further by then adding to the end of said Paragraph III of said Section 6, the following, viz.: Sec. 6, Chapter 36, Volume 21, amended

"provided, however, that in the City of Wilmington, the Department of Elections for the City of Wilmington, shall within one week after the third sitting of the registration officers as aforesaid, cause to be printed not less than twenty-five copies of the alphabetical lists of registered voters of each election district in the City of Wilmington as contained in "Book of Registered Voters," together with the entries opposite the names in said books, and shall within the said week cause one of said printed copies of each of said lists to be posted in at least ten of the most public places in the election district, and shall use the remaining copies in such a manner as in their judgment will be most likely to secure publicity and general inspection." Shall have printed lists of registered voters
Shall be publicly posted

That Section 6 of said Chapter be further amended by adding at the end of said Section 6 a new paragraph as follows: Section 6 further amended

Copies of lists
to be delivered
to County
Committees

“Five copies of the alphabetical list of Registered voters for each district shall immediately be delivered to the County Committees of each of the two leading political parties, by the persons who caused the same to be printed.”

Approved March 20, A. D. 1911

CHAPTER 48, VOLUME 26.

AN ACT to amend Chapter 38, Volume 21, Laws of Delaware, being an act entitled “An Act in regard to General Elections.”

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 38,
Volume 21
amended

Section 1. That Chapter 38, Volume 21, Laws of Delaware be and the same is hereby amended by striking out of said act all of Section 3 thereof, and inserting in lieu thereof a new section to be known as Section 3 of said Act, which is as follows, viz.:

Sheriff to de-
liver ballot box-
es, list of offi-
cers, tape, seal-
ing wax, outside
City of Wil-
mington

Section 3. The Sheriff of each county shall after the Twenty-third day and before the Twenty-seventh day of October in the year of holding the General Election deliver to the inspector of each election district or other officer authorized by law to hold the election therein (outside of the City of Wilmington) two suitable ballot boxes, with a piece of tape and sealing wax, together with a list of all the officers to be chosen at the then next General Election, written or printed forms of tally lists, of certificates of election in said election district, of the oath or affirmation of the inspector or other person, authorized by law to hold the election therein, and persons to be taken as Judges of Election, and also of the clerks who shall be chosen to act at such election, and of the certificate of administering such oaths or affirmations, with printed or written directions as to correcting, completing and signing such oath or affirmation and certificate of administering the same, and shall also deliver to each inspector or other officer authorized by law to hold the election as aforesaid (outside of the City of Wilmington) a book of blank

Oaths

Outside the
City of Wil-
mington

forms of oaths (or affirmations) provided for in Section 19 of this Act.

That the Department of Elections for the City of Wilmington shall in addition to the registers and things they are now required by law to furnish to the inspectors of election in said city shall between the Twenty-third and Twenty-seventh days of October in the year of holding the General Election deliver to the inspector of each election district or other officer authorized by law to hold the election therein, in the City of Wilmington, two suitable ballot boxes with a piece of tape and sealing wax together with a list of all the officers to be chosen at the then next General Election, written or printed forms of tally lists, of certificates of election in said election district, of the oath or affirmation of the inspector or other person authorized by law to hold the election therein, and the persons to be taken as Judges of Election, and also of the Clerks who shall be chosen to act at such election, and of the certificate of administering such oaths or affirmations with printed or written directions as to correcting, completing and signing such oath or affirmation, and certificate of administering the same, and shall also deliver to each inspector or other officer authorized by law to hold the election as aforesaid, in the City of Wilmington, a book of blank form of oaths (or affirmations) provided for in Section 19 of this Act. ^{Oaths}

Section 2. That Chapter 38, Volume 21, Laws of Delaware be further amended by inserting in the third line of Section 8 thereof after the word "Sheriff" and before the word "a" the following: "or Department of Election for the City of Wilmington."

Approved April 4, A. D. 1911.

CHAPTER 56, VOLUME 26.

AN ACT fixing the compensation of Election Officers at Municipal Elections in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

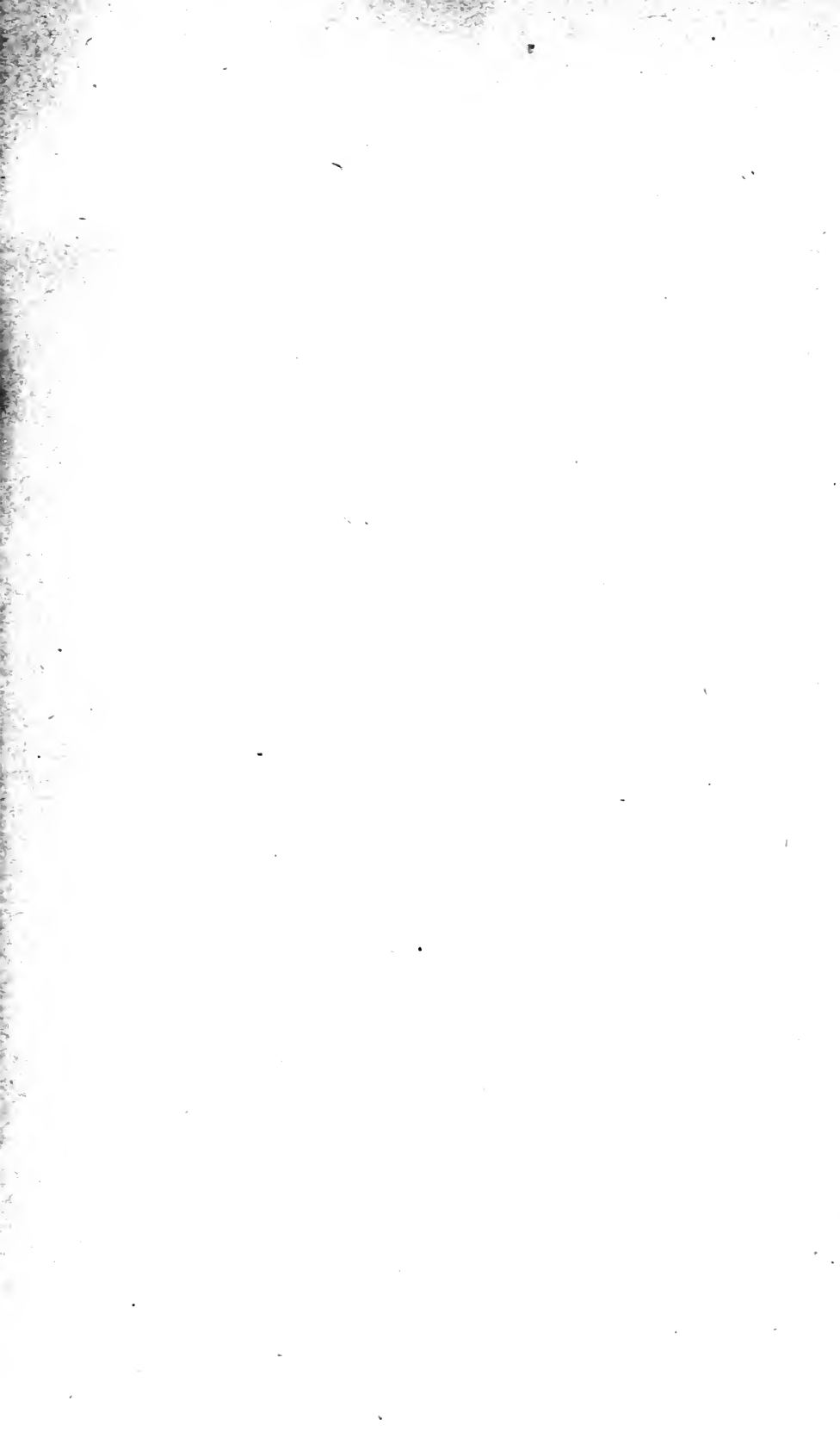
Compensation
of election offi-
cers

Not to apply to
Board of
Education

Section 1. From and after the approval of this act Judges of Election, Inspectors of Election and Poll Clerks shall each be entitled to receive Five Dollars for each day's service rendered in holding a municipal election in the City of Wilmington and Three Dollars for each day's service rendered for duties required of them or any of them on any other day than the day upon which such Municipal Election is held. Nothing in this Act shall be construed to apply to elections in said City for members of the Board of Education.

Section 2. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved April 4, A. D. 1911.



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