

Elections.

CHAPTER 70.

ANNUAL AND GENERAL ELECTIONS DEFINED.

AN ACT to Amend Section 2, Chapter 21, of the Political Code.

Be it enacted by the Legislative Assembly of Dakota Territory:

§ 1. ANNUAL AND GENERAL ELECTIONS.] That section 2, chapter 21, of the Political Code, be and the same hereby is amended by adding at the end thereof the following proviso, to-wit: "*Provided*, That all elections held in the odd numbered years shall be termed *annual* elections, and all elections held in the even numbered years shall for the purpose of distinction be termed *general* elections; and all officers appointed since the last general election, and all officers appointed in the organization of new counties shall hold their respective offices until the next succeeding *general* election unless otherwise especially stated in their commissions."

§ 2. This act shall take effect and be in force from and after its passage and approval.

ENDORSED.—Received at Executive Office, February 24, at 7:40 P. M.

Note by the Secretary of the Territory.

The foregoing act having been presented to the Governor of the Territory for his approval, and not having been returned by him to the House of the Legislative Assembly in which it originated, within the time prescribed by the Organic Act, has become a law without his approval.

Geo. H. HAND,
Secretary of the Territory.

CHAPTER 71.

CANVASS OF VOTE.

AN ACT to Amend Sections Thirty-one and Thirty-three of Chapter Twenty-seven of the Political Code.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. CANVASS BY COUNTY OFFICERS.] That section thirty-one of chapter twenty-seven of the Political Code, entitled elections, be and the same is hereby amended to read as follows: § 31. On the fifteenth day after the close of any election, or as soon as all the returns are received, the county clerk shall take to his assistance a majority of the county commissioners of the county, county treasurer, or the judge of the probate court and one county commissioner, and none of the persons so called shall be candidates for office, unless there is not sufficient of said officers who are not such candidates, shall proceed to open said returns and make abstracts of the votes in the following manner: The abstract of the votes for delegate to congress shall be on one sheet; the abstract of votes for district attorney shall be on one sheet; the abstract of votes for members of the legislative assembly shall be on one sheet; the abstract of votes for county and precinct officers shall be on one sheet; and it shall be the duty of the said county clerk immediately to make out a certificate of election to each of the persons having the highest number of votes for members of the legislative assembly, county and precinct officers respectively, and to deliver said certificate to the person entitled to it on his making application to the county clerk at his office. *Provided:* That when a tie shall exist between two or more persons for the council and house of representatives, the county clerk shall give notice to the sheriff of the county who shall immediately advertise another election, giving at least ten days' notice; and it shall be the duty of the county clerk of each county on the receipt of the returns of any general or special election to make out his certificate stating therein the compensation to which the judges and clerks of election may be entitled for their services and lay the same before the board of county commissioners at

their next session, and the said board shall order the compensation aforesaid to be paid out of the county treasury, and immediately after canvassing the returns and making the abstracts of votes, as provided in this section, the county clerk shall make a certified copy of each abstract and forward it to the Secretary of the Territory; and, *provided further*, That if the county clerk is a candidate for office, he shall take no part in the canvass, but shall act as clerk of said board of canvassers, and the two officers called to the assistance of the county clerk to make such canvass, shall call to their assistance one of the officers mentioned in this section who is not a candidate, and if there is none of said officers remaining who is not a candidate, then they shall call to their assistance a justice of the peace, and it shall thereupon be their duty to at once attend and make such canvass, as in said chapter twenty-seven provided.

§ 2. CANVASS BY TERRITORIAL BOARD.] That section thirty-three of said chapter twenty-seven of the Political Code be and the same is hereby amended to read as follows: § 33. And it shall be the duty of the Secretary of the Territory, with the chief justice and governor, or a majority of them, to proceed within fifty days after the election, or as soon as all the returns are received, to canvass the votes cast for delegate to congress, for other territorial officers, and for district attorneys; and the governor shall grant a certificate of election to the person having the highest number of votes, and shall also issue a proclamation declaring the election of such person. A majority of said canvassers shall decide all matters of disagreement, and it is made their duty to disregard all technicalities and misspelling, the use of initial letters, abbreviations of the names of candidates, if it can be ascertained from the returns for whom the votes are intended. In case there shall be no choice by reason of any two or more persons having an equal and the highest number of votes, the governor shall by proclamation order a new election. *Provided*: That if either of the persons mentioned in this section as canvassers be a candidate for delegate to congress, such person shall take no part in the canvass of said votes, and the other two persons shall call to their assistance the United States attorney, auditor or treasurer of the Territory.

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

§ 4. This act shall take effect and be in force from and after its passage and approval.

Approved, February 19th, 1881.

CHAPTER 72.

CHARACTER OF BALLOT.

AN ACT Amending Section 12, Chapter 27 of the Political Code, Relating to Manner of Voting and Form of Ballot.

Be it enacted by the Legislative Assembly of Dakota Territory:

§ 1. WHITE PAPER MUST BE USED FOR BALLOTS.] Every elector shall vote by ballot, and each person offering to vote shall deliver his ballot to one of the judges of election in presence of the board. The ballot shall be a white paper ticket, which shall contain written or printed, or partly written and partly printed, the names of the persons for whom the electors intend to vote, and shall designate the office to which each person so named is intended by him to be chosen. But no ballot shall contain a greater number of names of persons designated to any office than there are persons to be chosen at the election to fill each office. That any judge of election who shall receive or allow to be deposited in the ballot box any ticket printed or written on other than white paper, shall forfeit and pay to the county a sum not less than fifty dollars, to be recovered by a civil action in the name of the county commissioners of the county in which such judge of election resides, which money when collected shall be for the support of the common schools in said county.

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

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

Approved, March 1, 1881.

CHAPTER 73.

DUTIES OF COUNTY CLERK.

AN ACT to amend Section Sixty-four of Chapter Twenty-one of the Political Code.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. DUTIES OF COUNTY CLERK. MAY CALL SPECIAL ELECTION.] That section sixty-four of chapter twenty-one of the Political Code be, and the same is, hereby amended so as to read as follows: "§ 64. The county clerk shall perform all the duties required of him by law relative to the making out and delivering notices of special and general elections, making abstracts of and canvassing the votes cast at any special or general election, issuing certificates of election to members of the Legislative Assembly, county and precinct officers, and forwarding the abstracts of votes cast at general or special elections to the secretary of the territory; and whenever the county commissioners for any cause shall fail or refuse to call special elections, the county clerk shall have authority to provide for and call any special election under any of the statutes of the Territory, in force within his county, upon the petition of a majority of all the legal voters of the county, to be determined by the poll lists of the last general election preceding such call."

§ 2. This act shall take effect and be in force from and after its passage and approval.

Approved, March 3, 1881.

CHAPTER 74.

DUTIES OF COUNTY OFFICERS.

AN ACT to amend Sections Three, Twenty-nine and Thirty-six of Chapter Twenty-seven of the Political Code.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. JUDGES OF ELECTION TO BE APPOINTED.] That section three of chapter twenty-seven of the Political Code be, and the same

is hereby amended to read as follows: "§3. The several boards of county commissioners shall respectively at least thirty days prior to the general election in each year, appoint three capable and discreet persons possessing the qualifications of electors to act as judges of election at each precinct for the poll of election therein as provided for in this act; and in case of the failure of the said board from any cause to make such appointments as herein provided, then the county clerk shall make such appointments within five days thereafter; and said board whenever it is necessary shall set off and establish election precincts, and the county clerks of the several counties shall make out and deliver to the sheriff, coroner or other person that may be designated by the board of county commissioners of each county, immediately after the appointment of said judges of election, a notice in writing thereof, directed to the judges of election so appointed; and it shall be the duty of such sheriff, coroner or other person appointed as provided in this section, within ten days after receiving such notice, to serve the same upon each of the said judges of election: *Provided*, That this section shall not apply in counties organized under chapter 59 of the session laws of 1879."

§ 2. POLL BOOKS TO BE PRESERVED.] That section twenty-nine of chapter twenty-seven of the Political Code be, and the same is, hereby amended by adding at the end of said section the following: "And said poll books shall be preserved as a public record, and the ballots and ballot boxes shall be carefully kept until such boxes are needed at some subsequent special or general election."

§ 3. DUTY OF CLERKS IN COUNTIES COMPRISING REPRESENTATIVE DISTRICT.] That section thirty-six of said chapter twenty-seven be, and the same is, hereby amended to read as follows: "§ 36. When two or more counties are united in one council or representative district, it shall be the duty of the clerks of the respective counties to attend at the office of the county clerk of the senior county of such district within twenty days after the day of election, and in conjunction with the clerk of the senior county shall compare the votes given in the several counties comprising such council or representative district; and said clerks shall immediately make out a certificate of

election for the person or persons having the highest number of votes in such district, for member or members of the council or house of representatives of the Legislative Assembly, which certificate shall be delivered to the person entitled thereto on his application to the county clerk of the senior county of such district at his office; and any breach of the provisions of this section shall be deemed a misdemeanor, and punishable accordingly."

§ 4. This act shall take effect and be in force from and after its passage and approval.

Approved, March 2, 1881.

Fees.

CHAPTER 75.

CORONER.

AN ACT to amend Section Eleven of Chapter Thirty-nine of the Political Code.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. FEES OF CORONER.] That section eleven of chapter thirty-nine of the Political Code be, and the same is, hereby amended so as to read as follows: "§ 11. The coroner shall be entitled to charge and receive the following fees:

"For a view of each body and taking and returning an inquest, five dollars.

"For a view of each body and examination without inquest, three dollars.

"For taking information, fifty cents.

"For issuing subpoenas, warrant or order for a jury, fifty cents.

"For qualifying an inquest, fifty cents.

"For administering oath or affirmation to witness, ten cents.