

Registration of Voters.

CHAPTER 122.

AN ACT for the Registry of Electors and to Prevent Fraudulent Voting.

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

§ 1. BOARD OF REGISTRY. WHEN TO MEET.] That the persons authorized by law or appointed pursuant to any town or city ordinance to act as judges or inspectors in any town, city, or ward, or other election precinct in this Territory, shall constitute a board of registry for their respective towns, cities, wards, or precincts, and shall meet on Tuesday, two weeks preceding any general election, at 9 o'clock A. M., and proceed to make a list as hereinafter prescribed of all persons qualified and entitled to vote at the ensuing election in the election precinct of which they are judges or inspectors, which list when completed shall constitute and be known as the register of electors of said election precinct.

§ 2. REGISTRY LISTS—WHAT TO CONTAIN.] Said registers shall each contain a list of the persons so qualified and entitled to vote in said election precinct, alphabetically arranged, according to their respective surnames, so as to show, in one column, the name at full length, and in another column in cities and towns, the residence, by the number of the dwelling, if there be a number, and the name of the street or other location of the dwelling place of each elector. It shall be the duty of said board to enter in said lists the names of all persons residing in their election precinct whose name appears on the poll list kept in said precinct at the last preceding election in cities and towns, the number of the dwelling and name of the street or other location, if the same shall be known to or can be ascertained by such board, and for this purpose said board are authorized to take from the office in which they are filed, the poll lists made and filed by the judges or inspectors of such precinct at the election held next prior to the making of such register. In making such register the board shall enter thereon in addition to the names on the

poll list the names of all other persons who are well known to them to be electors in said precinct, or shall be proved to be electors by the oath of the person applying to be registered, or by the oath of some elector whose name has been already placed upon the poll list; and the names of all persons on the poll list who have died or removed from the precinct shall be omitted from the register. The said board shall complete as far as practicable the said register on the day of their meeting aforesaid, and shall make two copies thereof and certify the register and each of the copies to be a true list of the voters in their precinct so far as the same are known, within ten days thereafter; the said original list, together with the list taken from the office as aforesaid, shall be filed with said board and shall be kept by one of said judges or inspectors, and carefully preserved by him for their use on the day or days hereinafter mentioned for the revision and correction of the same. One copy of said list shall immediately after its completion, be posted in some public and conspicuous place, at or near where the last preceding election in said precinct was held, and be accessible to any elector who may desire to examine the same or make copies thereof. Any person who shall take down, tear down or deface or destroy any list so posted shall be deemed guilty of a felony and shall be punished by a fine not exceeding \$500, or by imprisonment in the penitentiary not exceeding five years.

§ 3. REGISTRY LIST IN NEW PRECINCT.] In case a new election precinct shall be formed by the organization of a new precinct or by division of any town, ward or precinct, or the incorporation of a city or town, the judges or inspectors of the election in the new precinct thus formed may make their registry of electors on the day prescribed by this act, in such manner as a majority of them may direct, and for this purpose may make a list or cause to be made a certified copy of the poll list or lists of the precinct or precincts in which said new precinct was situated, or they may dispense with such list or lists and proceed to make a register of electors from the best means at their command. Said lists shall only embrace the names of such persons as are known to them to be electors in their precinct, or proved to be such upon the oath of an elector whose name has already been entered upon

said register, or by the oath of the applicant; and said lists shall be preserved and a copy posted up as prescribed in the preceding section, and shall be revised and corrected in the same manner as other lists are corrected.

§ 4. SECOND MEETING OF BOARD.] The said board shall again meet on Tuesday of the week preceding the said election in their respective election precincts, at the place designated for holding the polls of election for the purpose of revising, correcting and completing said lists, and for this purpose they shall meet at 8 o'clock A. M. and remain in session until 8 o'clock P. M.

§ 5. LISTS—HOW MADE FOR FIRST ELECTION.] For the first election after the passage of this act the judges or inspectors in all election precincts may make the lists in the same manner as provided for new precincts in section three of this act.

§ 6. PROCEEDINGS OF BOARD, ETC.] The proceedings of said board shall be open, and all persons residing and entitled to vote in said precinct shall be entitled to be heard by said board in relation to corrections or additions to said register, and the judges or inspectors are empowered to administer oaths for this purpose. One of the lists so kept by the judges or inspectors as aforesaid, shall be used by them on the day or days of making corrections or additions for the purpose of completing the registry of the precinct or ward.

§ 7. REVISING LIST.] It shall be the duty of said board at their meeting for revising and correcting said lists, to erase therefrom the name of any person inserted therein who shall be proved, by the oath of two legal voters of said precinct, to the satisfaction of said board to be non residents of said precinct, or otherwise not entitled to vote in said precinct at the election then next to be held. Any elector residing in said precinct and entitled to vote therein may appear before said board and require his name to be recorded in said alphabetical list. Any person so requiring his name to be so entered on said lists shall make the same statement as to street and number thereof and where he resides, required by the provisions of this act, of persons offering their votes at elections, and shall be subject to the same penalties for refusing to give such information, or for falsely giving the same, and shall also be subject to challenge, either by the judges or inspectors, or

either of them, or by any other elector whose name appears on said alphabetical lists, and the same oaths may be administered by the judges or inspectors or other duly authorized person, as are now or may hereafter be provided in case of persons offering to vote at an election; and in case no challenge is made of any person requiring his name to be entered on said alphabetical list, or in case of challenge if such person make oath that would entitle him to vote in case of challenge at an election, then the name of any such person shall be added to the alphabetical poll list.

§ 8. RECEIVING VOTE FROM PERSON NOT ON THE LIST.] After said lists shall have been fully completed the said board shall within two days cause two copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of their precinct so far as known, which said lists the said judges or inspectors shall carefully keep and preserve for their use on election day; and at the opening of the polls the judges or inspectors shall designate two of their number to check the name of every voter voting in such precinct whose name is on the register. No vote shall be received at any election in this Territory if the name of the person offering to vote be not on the said register, made on the Tuesday preceding the election, unless such person offering to vote shall furnish to the judges of the election his affidavit in writing, stating therein that he is an inhabitant of said precinct and resides therein, giving his place of residence and length of time he has so resided there, and also prove by the oath of a householder and registered voter of the precinct in which he offers to vote, that he knows such person to be an inhabitant of the precinct, giving his place of residence therein. The oath may be administered by one of the said judges of election of the poll where the vote is offered, or any other person authorized to administer oaths, but no person shall receive any compensation for administering said oath. Said oath shall be preserved and filed by the judges of election. Any person may be challenged and the same oaths required as now are or hereafter may be prescribed by law.

§ 9. DUTY OF CLERK OF ELECTION.] The clerks at each poll in addition to the duties now prescribed by law shall enter on the poll list kept by them, in columns prepared for that pur-

pose, opposite the name of each person voting, the same statement or minute heretofore required of the board in making the registry; but such entry is not to be made by them if the registry contains correctly the name and residence of such voter; and in all cases said clerks shall enter in a column opposite the name of each person not registered, the words, "not registered." And the clerks of the polls in case the name of such voter is not registered shall truly enter in the appropriate column of the poll list the name and residence as in other cases. Any person making a false statement as to his residence or dwelling place shall be deemed guilty of a misdemeanor and upon conviction, punished by a fine not less than \$200 nor more than \$500, or imprisonment at the discretion of the court.

§ 10. FILING REGISTER.] After the canvass of the votes the said register so kept and checked as aforesaid, shall within three days be filed with the county clerk of the county in which said precinct is situated, and shall be retained and carefully preserved as a public record.

§ 11. REGISTER TO REMAIN PUBLIC RECORD.] The registers shall at all times be open to public inspection at the county clerk's office or the judges' of election, without charge.

§ 12. COMPENSATION OF MEMBERS OF BOARD.] That the members of the board of registry shall receive the same compensation as is now or may hereafter be allowed by law, not to exceed two dollars per diem.

§ 13. BOARD HAVE POWER TO PRESERVE ORDER.] The said board shall have and exercise the same power in preserving order at their meetings under this act as are given to judges of election for preserving order on election day, and vacancies may be filled in said board in the same manner that vacancies of judges are now filled at elections.

§ 14. PENALTY FOR REPEATING, ETC.] Any person who shall cause his name to be registered in more than one election precinct, or who shall cause his name to be registered knowing that he is not a qualified voter in the precinct where said registry is made, or who shall falsely personate any registered voter, and any person aiding or abetting any person in any manner in either of said acts shall be punished for every and each offense by imprisonment in the territorial prison for not

less than two nor more than five years. If any member or officer of said board shall willfully violate any of the provisions of this act, or be guilty of any fraud in the execution of the duties of his office he shall be punished by imprisonment in the territorial prison not less than one nor more than five years.

§ 15. PROVISIONS OF THIS LAW SHALL APPLY ONLY TO CERTAIN SECTIONS.] The county clerks shall provide to the board of registry of the several precincts within their respective counties the necessary blank registers and blanks at the expense of their respective counties: *Provided, however,* That the provisions of this act shall only extend to and be in force in the counties of Lawrence, Pennington and Custer, and in those counties bordering on the Missouri river, except the counties of Bon Homme, Yankton, Clay and Union: *And provided,* That the provisions of this act shall apply to all villages, towns or cities containing a population of over three thousand persons, whether situated in the counties excepted by the provisions of this act or not.

§ 16. COUNTY MAY ADOPT THIS ACT BY VOTE.] That any other county may adopt the provisions of this act by a majority vote at any general election or special election called for this purpose: *And provided further,* In all elections of township, county, district or territorial officers or delegate to congress, all the territory situated in the same precinct with such city, town or village shall be included therein in the calculating the number of inhabitants, and for all purposes of registration as provided for in this act: *Provided,* That the county of Charles Mix be exempted from the provisions of this act.

§ 17. This act shall be in force and take effect from and after its passage and approval, and shall apply to any special election that may be held in case congress shall pass an act for the admission of this Territory into the Union as a state.

Approved, March 2, 1881.