

ceive, for himself, or for another, any money, reward or other valuable consideration, for his vote at such election, the judges, or one of them, shall distinctly put to him the following questions?

1.—Have you received, or have you agreed to receive either for yourself, or for any other person, any money, reward, or other valuable consideration for your vote at this election?

2.—If so, state what you received or agreed to receive?

3.—From whom did you receive or agree to receive it?

4.—For whom did you receive or agree to receive it?

The judges of the election, or one of them, shall put all such other questions to the person challenged under the respective heads aforesaid, as may be necessary, to test his qualifications as an elector at that election. If the person challenged as aforesaid shall refuse to answer fully any question which shall be put to him as aforesaid, the judges shall reject his vote.

Sec. 27. If the challenge be not withdrawn, after the person offering to vote shall have answered the questions put to him, as aforesaid, one of the judges of election shall, in a distinct voice, administer to him the oath or affirmation set out in section 14 of this act. If any person shall refuse to take the oath or affirmation so tendered, his vote shall be rejected; *Provided*, that after such oath shall have been taken, the judges may, nevertheless, refuse to permit such person to vote, if they shall be satisfied, from record evidence, or other legal testimony, adduced before them, that he is not a legal voter; and they are hereby authorized to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of a person offering to vote.

Sec. 28. It shall be the duty of each judge of election to challenge any person offering to vote, whom he shall know or suspect not to be qualified as an elector.

Sec. 29. Every voter shall designate on a single ballot, written or printed, the name of the person or persons voted for, with a pertinent designation of the office to be filled, and when any question is to be decided in the affirmative or negative, he shall state the proposition at the bottom of the ballot, and write thereunder "yes" or "no," as he may desire to vote thereon, which ballot shall be neatly folded and placed in one of the envelopes hereinbefore provided for, and delivered to the presiding judge of election, who shall, in the presence of the voter, on the name of the proposed voter being found on the registry list, deposit it in the ballot box, without any mark whatever being placed on such envelope; otherwise the ballot shall be rejected.

Sec. 30. Whenever any ballot shall be deposited in the ballot box, the judge having the registry list shall write thereon the word "voted" opposite the name of the person casting the vote, and the other judge, acting as clerk, shall write the name of the voter and the num-

ber of the vote upon a list to be made by such judge.

Sec. 31. As soon as the polls shall be closed the judges of election shall immediately proceed to canvass the votes cast at such election, and continue without adjournment until completed. All candidates voted for may be present, either in person or by representative, to witness said canvass. If any envelope contains two or more ballots of the same kind, only one shall be counted; and if any envelope contains two or more different kinds of ballots, none shall be counted.

Sec. 32. The canvass shall commence by the judges who have acted as clerks of the election comparing their respective lists and ascertaining from said lists the number of votes cast. The box shall then be opened and the ballots taken out and counted by the judges. If the ballots shall be found to exceed the number of names on each of the poll lists, they shall be replaced in the ballot box, and one of the judges shall publicly draw out and destroy so many of the ballots, unopened, as shall be equal to such excess, and the ballots and poll lists agreeing, or being made to agree, the presiding judge shall then open the ballots and call off therefrom the names of the persons voted for, and the offices they are intended to fill; and the judges acting as clerks shall note the same upon lists provided for that purpose, and all the ballots shall be immediately returned to the ballot box, and the ballot box shall be locked and securely sealed.

Sec. 33. After the canvass shall have been completed, the judges of election shall add up and determine the number of votes cast for each person for the several offices, which result shall be placed on the lists made by the judges acting as clerks of the election, and all the judges shall thereupon certify the same, and immediately forward all the lists, securely sealed, together with the ballot box, to the clerk of the probate court, by a qualified voter of the county, who shall, before taking the same, take and subscribe an oath to the effect that he will deliver the same to said clerk, without unnecessary delay, and that he will use his utmost ability to prevent any interference whatever therewith, by any person whomsoever.

Sec. 34. On receipt of the ballot boxes and returns of election, the clerk of the probate court, in the presence of the probate judge or at least one member of the county court, who is not publicly known as a candidate voted for at such election, shall break the seal of the returns, and all candidates may be present as provided in section 31 of this act, and said clerk and member, or members, of the county court shall carefully examine the returns, and if no irregularity or discrepancy appear therein, affecting the result of the election of any candidate, they shall accept said returns as correct; but if any irregularity appear and the right of any person voted for, for any office, is in any way affected thereby, or if there shall be

any disagreement in the returns as to the number of votes cast for any territorial officer, or any officer who is elected by the votes of more than one county, then the clerk and said members of the county court shall open the ballots from said precinct and canvass the same, so far as to determine the rights of the person whose office may be affected. They may also cause to appear before them any persons whom they deem proper, and take their testimony under oath in relation to said election in said precinct.

Sec. 35. After the completion of the canvass, said clerk and member or members of the county court shall declare the result thereof, and the clerk of the probate court shall immediately make out and transmit a certificate of election to each person elected to any precinct or county office; *Provided*, That whenever a tie shall occur between two or more persons for the same office, the clerk of the probate court shall notify each of them thereof, and the same shall be decided by lot in the presence and under the direction of the county court. The notice herein provided for shall state the time and place and the manner in which the tie is to be decided. If any of the persons notified fail to appear by self or agent, such person shall be deemed to have waived all rights to the office, and the clerk shall thereupon issue the election certificate to the person appearing; if none of them appear by self or agent, the office shall be deemed vacant, and may be filled as in case of other vacancies.

Sec. 36. Immediately after the inspection of the ballots in any ballot box, the ballots shall be returned into the box, which shall be locked and securely sealed and the ballots shall be preserved for twenty days after the result of the election has been declared, during which time notices of contest may be filed with the clerk of the probate court; and immediately after the expiration of the twenty days, if no notice of contest be filed, requiring further delay, the clerk of the probate court shall, in the presence of at least one of the members of the county court, and such candidates voted for as may be present, open each of the ballot boxes and destroy all ballots contained therein; but if notice of contest be filed, the ballots shall not be destroyed until the contest is decided.

Sec. 37. The clerk of the probate court shall, as soon as possible after the result of the election has been so determined, make out a general abstract thereof in duplicate, and certify to the correctness thereof, one of which he shall file, and one of which he shall post up in his office; and he shall forward, to the Secretary of the Territory, a certified copy of the names of the persons voted for and the number of votes each has received for other than county or precinct offices. The envelope containing such certified copy shall be plainly marked, "Election returns from _____ County." (Filing in the name of the county as the case may be.)