

THE NEW ELECTION LAW.

An Act Providing for the Registration of Voters and to Further Regulate the Manner of Conducting Elections in This Territory.

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the assessors in their respective counties are hereby constituted the registration officers, and they are required to appoint a resident deputy in each precinct to assist in carrying out the provisions of this act, and before the first Monday in June, 1878, in person or by deputy, they shall visit every dwelling in each precinct and make careful inquiry as to any or all persons entitled to vote, and each assessor or deputy in all cases shall ascertain upon what ground such person claims to be a voter, and he shall require each person entitled to vote, and desiring to be registered, to take and subscribe in substance the following oath or affirmation:

TERRITORY OF UTAH, } ss
COUNTY _____, }

I, ———, being first duly sworn, depose and say that I am over twenty-one years of age and have resided in the Territory of Utah for six months, and in the precinct of ——— one month next preceding the date hereof, and (if a male) am a ("native born" or "naturalized" as the case may be) citizen of the United States, and a tax-payer in this Territory, (or if a female) I am "native born" (or "naturalized," or the "wife," "widow" or "daughter,") as the case may be, of a native born or naturalized citizen of the United States.

Subscribed and sworn to before me this — day of —, A. D. 18—, Assessor.

Upon the receipt of such affidavit the assessor as aforesaid shall place the name of such voter upon the register list of the voters of the county.

Sec. 2. It shall also be the duty of the assessor of each county, in person or by deputy, at the time of making the annual assessment for taxes in each year, beginning in 1879, to take up the transcript of the next preceding registration list, and proceed to the revision of the same, and for this purpose he shall visit every dwelling house in each precinct, and make careful inquiry if any person whose name is on his list, has died, or removed from the precinct, or is otherwise disqualified as a voter of such precinct, and if so, to erase the same therefrom, or whether any qualified voter resides therein whose name is not on his list, and if so, to add the same thereto, in the manner as provided in the preceding section.

Sec. 3. It shall also be the duty of each assessor, in person or by deputy, during the week commencing the first Monday in June of each year, at his office, to enter on his registry list the name of any voter that may have been omitted, on such voter appearing and complying with the provision of the first section of this act required of voters for registration purposes.

Sec. 4. Upon the completion of the list it shall be the duty of each assessor as aforesaid, to proceed to make out a list in alphabetical order for each precinct, containing the names of all the registered voters of such precinct, and shall, on or before the first day of July in each year, deliver all of said lists and affidavits to the clerk of the county court.

Sec. 5. The clerk of the county court shall deliver to the assessor the registry lists whenever necessary for the revision thereof, or adding names thereto, and the assessor, in person or by deputy, shall during the week commencing the second Monday in September, in the year 1878, and every second year thereafter, enter the names of voters on the registry list in the manner provided in section 3 of this act, and upon the list being completed, proceed as required by section 4 of this act; Provided, that in such case he shall deliver the lists and affidavits on or before the 10th day of October in each year.

Sec. 6. Voters removing from one election precinct to another in the same county may appear before the assessor at any time previous to the delivering of the registry list to the clerk of the county court, and have their names erased therefrom, and they may thereupon have their names registered in the precinct to which they may remove.

Sec. 7. The clerk of the county court shall file and carefully preserve all said affidavits and registry lists, and shall make a copy of each precinct registry list, and cause the same to be posted up at least fifteen days before any election, at or near the place of election, and shall make and transmit another copy to the judges of election.

Sec. 8. The clerk of the county court shall cause to be printed or written a notice which shall designate the offices to be filled, and stating that the election will commence at ——— (designating the place for holding the polls), one hour after sunrise, and continue until sunset on the — day of —, 18— (naming the day of election). Dated at —, A. D. 18—.

Clerk of the county court.

A copy of which shall be posted up at least fifteen days before the election, in three public places in said precinct best calculated to give notice to all the voters. It shall also be the duty of the clerk of the county court to give notice on the lists so posted that the senior justice of the peace for said precinct will hear objections to the right to vote of any person registered, until sunset of the fifth day preceding the day of election. Said objections shall be made by a qualified voter in writing and delivered to said justice, who shall issue a written notice to the person objected to, stating the place, day and hour when the objection will be heard. The person making the objection shall serve, or cause to be served, said notice upon the person objected to, and shall also make returns of such service to the justice before whom the objection shall be heard. Upon the hearing of the case, if said justice shall find that the person objected to is not a qualified voter, he shall, within three days prior to the election, transmit a certified list of the names of all such unqualified persons to the judges of election, and said judges shall strike such names from the registry list before the opening of the polls.

Sec. 9. The county court shall, at its first session in June of each year, appoint three capable and discreet persons, in each precinct in the county, one at least of whom shall be of the political party that was in the minority at the last previous election, if any such party there be in such precinct, to act as judges of general and special elections; and they shall designate one of the persons appointed to preside, and the other two to act as clerks of said elections. And the clerk of said court shall make out certificates of said appointments and transmit the same by mail or other safe conveyance to the persons so appointed, who, previous to entering upon said office, shall take and subscribe an oath, to the effect they will well and faithfully perform all the duties thereof to the best of their ability, and that they will studiously endeavor to prevent any fraud, deceit or abuse at any election over which they may preside. If, in any precinct, any of such judges decline to serve, or fail to appear, the voters of said precinct first assembled on the day of election, to the number of six, at or immediately after the time designated for opening the polls, may elect a judge or judges to fill the vacancy, and the persons so elected shall qualify as hereinbefore provided.

Sec. 10. The county court shall provide the necessary books, blanks, stationery, and ballot boxes, which ballot boxes shall be made of galvanized iron, of suitable size, with Yale or other safe lock and two keys, one of the keys to be kept by the judges of election and one by the clerk of the county court. Provided, if any county has good and substantial ballot boxes, with Yale locks and keys, the same may be used; there shall be an opening through the lid of each ballot box of sufficient size to admit a single ballot.

Sec. 11. The county court shall furnish the judges of elections in every precinct with a sufficient number of plain envelopes, for election purposes; said envelopes shall be uniform in color and size without any marks, writing, printing, or device upon them, and no other kind shall be used. At any given election, before opening the polls, the ballot box shall be carefully and publicly examined by the judges of election, who shall satisfy themselves that nothing is therein. It shall then be locked and the key thereof delivered to the presiding

judge, and said ballot box shall not be opened during the election.

Sec. 12. At the opening of the polls at all general or special elections, the judges of election, for their respective precincts, shall designate one of the judges acting as clerk, who shall have in custody the registry of voters and shall make the entries therein required by law; the other of said judges acting as clerk shall write the name of each person voting, and opposite it the number of the vote.

Sec. 13. 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, and on all challenges to such vote being decided in favor of such voter, deposit it in the ballot box without any mark whatever being placed on such envelope; otherwise the ballots shall be rejected.

Sec. 14. Whenever any ballot shall be deposited in the ballot box, the judge having the registry list shall write 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 number of the vote upon a list to be made by such judge.

Sec. 15. 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, and 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 folded together, one only shall be counted.

Sec. 16. 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 therein taken out and counted by the judges, and the judges, acting as clerks, shall each make a list of all the persons voted for. The presiding judge shall then proceed to 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 take an account of the same upon their lists, and all the ballots shall be immediately returned to the ballot box, and the ballot box shall be locked and securely sealed.

Sec. 17. 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 the judges shall thereupon certify to the same, and forward all the lists, securely sealed, together with the ballot box, to the clerk of the county 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. 18. On receipt of the ballot boxes and returns of election, the clerk of the county court, in the presence of 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 15 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 the right of any person voted for, for any office is in any way affected, 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 may deem proper, and take their testimony in relation to said election in said precinct.

Sec. 19. If there shall be any disagreement in the returns in regard to the number of votes cast for any Territorial officer, or any officer whose election is effected by the votes of more counties than one, then said members of the county court shall canvass the votes, and proceed as herein directed. After the completion of the canvass, said member or members and clerk of the county court shall declare the result thereof, and the clerk of the county 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 county 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 either of the persons notified fail to appear by self or agent, such person shall be deemed to have waived all right to the office, and the clerk shall issue the election certificate to the person appearing; if neither of them appear by self or agent, the office shall be deemed vacant, and may be filled as in case of other vacancies.

Sec. 20. 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 boxes shall be so preserved for ten days after the result of the election has been declared; and immediately after the expiration of the ten days, and no notice of a contest being filed requiring further delay, the clerk of the county 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.

Sec. 21. The clerk of the county court shall also, as soon as possible after the result of the election has been so determined, make out a general abstract thereof in triplicate, and certify to the correctness thereof, one of which he shall file, and one of which he shall post up in his office, and 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 Territorial offices. The envelope containing said abstract shall be plainly marked, "Election returns from — county," (filling in the name of the county, as the case may be.)

Sec. 22. As soon as all the returns are received by the Secretary of the Territory he shall, in the presence of the Governor, unseal and canvass the same and make an abstract thereof, and the Secretary shall within ten days thereafter make out and transmit a certificate of election to each member of the Legislature and Territorial officer elected.

Sec. 23. The assessors and their deputies shall receive such compensation for their services required by this act as the county court shall determine, and the judges of election shall receive for their services thirty cents per hour for all services rendered in conducting elections and canvassing votes, and each of said officers is hereby authorized to administer oaths whenever necessary to carry into effect the provisions of this act.

Sec. 24. The judges of election shall receive for their services three dollars per day, and thirty cents per hour for all services rendered in canvassing votes. All municipal elections shall be held and conducted, and the returns and canvass of votes thereof made substantially in accordance with the provisions of this act, and it shall be the duty of the City Councils of their respective cities to provide for the registering of voters and the appointment or election of all officers necessary, and to furnish all necessary appliances for the carrying out of the provisions of this section, and to aid them therein, the clerk of the county court on the demand of the recorder of any municipal corporation, shall, upon payment of the proper fees, furnish a certified copy of the registry list of voters of any precinct or part thereof, within such municipality.

Sec. 25. Any omission or irregularity of any assessor or other offi-

cer, pertaining to election matters, shall not invalidate any election or authorize the rejection of any legal votes cast, except to the extent that such omission or irregularity shall have prevented a fair vote.

Sec. 26. Any person who shall falsely make any return, or falsely make any certificate of election returns, or who shall in any manner procure or assist in the making of the same, or cause the same to be done, or who shall in any manner do or cause any fraud in any election, or having entered upon any of the offices or duties provided for in this act, shall wilfully fail or neglect to perform any of the duties required of such officer or person, shall be deemed guilty of a felony, and on conviction thereof, shall be punished by a fine not exceeding the sum of one thousand dollars, or be imprisoned in the penitentiary for a term not exceeding two years.

Sec. 27. If any person who is required by this act to take an oath, shall falsely swear, such person shall be deemed guilty of perjury.

Sec. 28. Any person who shall disturb or be guilty of any riotous conduct at any election in this Territory, or who shall disturb or interfere with the canvassing of the votes, or interfere with the making of the returns, or who shall interfere with any voter in the free exercise of the elective franchise, shall be deemed guilty of a misdemeanor.

Sec. 29. Any person who shall give or promise or offer to give to an elector any money, reward or other valuable consideration for his or her vote at an election, or for withholding the same, or who shall give, or promise to give, such consideration to any other person or party, for such elector's vote, or for the withholding thereof, or any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall be deemed guilty of a misdemeanor, and shall also forfeit the right to vote at such election; and any elector whose right to vote shall be challenged for such cause, before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue, before his vote shall be received.

Sec. 30. Any person who shall offer any bribe, threat or intimidation to any elector for the purpose of influencing his or her vote, or shall examine any ballot offered or cast at the polls, or found in any ballot box, for any other purpose than to ascertain what candidate has been elected, or who votes more than once at any one election, or knowingly offers to vote two or more ballots, or in any manner changes any ballot after the same has been deposited in the ballot box, or adds or attempts to add, any ballot to those legally polled, shall be deemed guilty of a misdemeanor.

Sec. 31. This act shall take effect on and after the first Monday of March, A. D. 1878.

Sec. 32. The provisions of all acts and parts of acts superseded by, or in conflict with any of the provisions of this act, are hereby repealed.

Approved February 22d, 1878.
GEORGE W. EMBURY,
Governor.

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