

Sec. 38. As soon as all the returns are received by the Secretary of the Territory he shall, in the presence of the Governor, and such candidates as choose to be present in person or by representative 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 person who appears from said returns to have been elected. In elections for delegate to Congress the person having the greatest number of votes shall be declared by the Governor to be duly elected and a certificate thereof shall be given by him accordingly.

Sec. 39. The precinct registrars and boards of revision 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 oath whenever necessary to carry into effect the provisions of this act. The persons appointed to act as judges of election, registration officers or members of the board of revision shall hold their offices during the pleasure of the county court, and said court shall fill by appointment all vacancies occurring in any of said offices, except as herein otherwise provided.

Sec. 40. Any omission or irregularity of any precinct registrar or other officer, pertaining to registration or 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, or affected the final result.

Sec. 41. 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 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. 42. If any person who is required by this act to take an oath shall falsely swear, such person shall be guilty of perjury.

Sec. 43. Any person who shall interfere with any registration or revising officer in the discharge of his duties, or with the registration of any person entitled to be registered, or who shall offer to vote twice at any one election, or who, not being registered, shall offer to vote in the name of a registered person, or 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 carries away, or destroys, or attempts to carry away or destroy any registration list or poll list or ballots, or ballot box, for the purpose of breaking up or invalidating such election, or who wilfully detains, mutilates or destroys any election returns, or in any manner interferes with the officers holding such election or conducting such canvass, or who shall interfere with any voter in the free exercise of the elective franchise, shall be guilty of a misdemeanor.

Sec. 44. Any person who shall give, or promise or offer to give, to any elector, any money, reward or other valuable consideration, for his vote at any 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 consideration for his vote at any election, or for withholding the same, shall be 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 any 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. 45. If any judge of the election shall knowingly receive or sanction the reception of a vote from any person not having all the qualifications of an elector, prescribed by law, or receive or sanction the reception of a ballot from any person who shall refuse to answer any questions which shall be put to him, in accordance with the provisions of this act, or shall refuse or sanction the refusal by any other judge of the board to which he shall belong, to administer either of the oaths or affirmations prescribed by section 14 of this act, he shall be guilty of a misdemeanor.

Sec. 46. Any person who shall offer any bribe, threat or intimidation to any elector for the purpose of influencing his 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 as herein provided 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 guilty of a misdemeanor.

Sec. 47. The terms of office of the present elective district, county and precinct officers which would under existing laws expire on the first Monday in August, 1890, are hereby extended to the Tuesday after the first Monday in November, 1890, and until their successors are elected and qualified. The terms of office of the present elective district, county and precinct officers which would under existing laws expire on the first Monday in August, 1891, are hereby extended to the Tuesday

next after the first Monday in November, 1891, and until their successors are elected and qualified; and all district, county and precinct officers which are under existing laws elective on the first Monday in August of each year, shall hereafter be elected on the Tuesday next after the first Monday in November of each year.

Sec. 48. 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.

Sec. 49. This act shall take effect from and after its approval by the Congress of the United States.

THE GOVERNOR'S VETO.

EXECUTIVE OFFICE,
SALT LAKE CITY, Utah,
March 13, 1890.

Hon. F. S. Richards, President of the Council:

Sir.—I return disapproved C. F. No. 51, entitled, "An Act prescribing the qualifications for electors and office-holders, providing for the registration of voters, and regulating the manner of conducting elections."

The act is intended to go into effect upon the approval by Congress, to supply the legislation referred to in congressional acts, and supersede the Utah Commission. It purports to cover the subject of the qualifications of voters and office-holders, the registration of voters, the conduct of elections, and the canvass and return of the votes, and to supersede the existing laws of this Territory relating to those subjects. An act of this kind, and covering subjects of such importance, should be carefully drawn and be quite full and specific in its provisions, especially as the special approval of Congress might create a doubt whether it could be amendable without the express approval of that body. The act is not sufficiently clear and full in its provisions to meet such requirements. It provides for a general election in November "for choosing all officers not otherwise provided for." It affirmatively provides for the election of delegates to Congress, and members of the Legislative Assembly, and for some cases of vacancy, and to that extent would supersede any existing law. All officers are "provided for" in existing law and except as named do not come within the category "not otherwise provided for," unless by virtue of the repealing clause, which is very careful in its terms. It reads as follows:

"Sec. 48. 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." How far existing laws in respect to officers provided for otherwise are superseded, and to what extent laws existing are in conflict with this act, is matter of construction, and though the construction may be to give full effect to the act, the act itself should clearly cover the case. The act would not supersede or repeal any provisions of the existing law not embraced in it or covered by its provisions. The incorporated towns