

the last preceding election, if any such party there be in such municipal election precinct, and where there are three political parties therein, one member of such board shall be selected from each of such parties. The objection shall be in writing and shall specify the grounds of disqualification and the burden of proof to sustain the objection shall rest upon the objector. Decision shall be rendered and announced on all objections within forty-eight hours after the hearing thereof, and a list of the names stricken off shall be posted at the same place the registry list is posted at least eight days immediately preceding the election.

Sec. 5. The provisions of Sections 8, 9, 10, 11, 12, 13 and 14, of Chapter 1, of this act are hereby made applicable to all municipal elections which may hereafter be held in this Territory.

Sec. 6. All municipal elections that under existing laws, would occur in the year 1891, shall take place on the first Monday in August, 1891, and at such election, all of the elective officers for such cities shall be elected for the term of one year and until their successors are elected and qualified, and the terms of office of the present elective officers of such cities are hereby extended to the first Monday in August, 1891, and until their successors are elected and qualified, and on the first Monday in August, 1892, and biennially thereafter, the elective officers of such cities shall be elected for the term of two years and until their successors are elected and qualified. The terms of office of all elective officers of all cities which, under existing laws, would hold their municipal elections in the year 1892, are hereby extended till the first Monday in August, 1892, and until their successors are elected and qualified. Elections shall be held on the first Monday in August, 1892, and biennially thereafter for the purpose of electing all elective officers in all of the incorporated cities of this Territory, whose terms of office shall be two years and until their successors are elected and qualified.

Sec. 7. The terms of office of all Territorial, county and precinct elective officers to be elected under existing laws in August, 1890, are hereby extended till the Tuesday next after the first Monday in November, 1890, and until their successors are elected and qualified.

Sec. 8. This act shall take effect upon its approval.

THE GOVERNOR'S VETO.

EXECUTIVE OFFICE,
SALT LAKE CITY, March 18, 1890.
Hon. F. S. Richards, President of the Council:

Sir—I return, disapproved C. F. 49, entitled "An Act in relation to the registering of voters and conducting of elections, and amending sections 238, 245 and 246 of the Compiled Laws of Utah of 1888, relating to registrations and elections.

This Act amends three sections of Chapter IX, Vol. 1, of the Compiled Laws of 1888 (which provides

for the registration of voters, the conduct of elections and the canvass and return of the votes), contains provisions intended as a substitute for other portions of the Chapter, and leaves other parts of the same chapter unchanged. It is intended, so far as it changes the existing laws, to govern the action of the Utah Commission and all officers in the course of registration and in the conduct of elections, and provides it shall be in force when approved. It contains no repealing clause, and is not intended for the approval of Congress. Chapter IX was enacted February 22, 1878, and has been the rule of action on the subjects named ever since, except as far as qualified by acts of Congress respecting the qualifications of voters and the appointment of officers to execute the provisions of the law.

The act of Congress of March 22, 1882, (Sec. 9.) created the Utah Commission, and among other things defined its duty in these words:

"Each and every duty relating to the registration of voters, the conduct of elections, the receiving or rejection of votes, and the canvassing and return of the same, and the issuing of certificates or other evidence of election in said Territory, shall, until other provisions be made by the Legislative Assembly of said Territory, as is hereinafter provided, be performed under existing laws of the United States and of said Territory by proper persons, who shall be appointed, etc."

The same section provided that at or after the first meeting of the Legislature elected under this act:

"Said Legislative Assembly may make such laws conformable to the organic act of said Territory, and not inconsistent with other laws of the United States as it shall deem proper concerning the filling of the offices in said Territory declared vacant by this act."

By the act of March 3, 1887, Congress further provided that the provisions of the act of 1882, in this respect, should remain operative "until the provisions and laws therein referred to, to be made and enacted by the Legislative Assembly of said Territory of Utah shall have been made and enacted by said Assembly, and shall have been approved by Congress."

The entire legislative power was and is in Congress, which may delegate to the Utah Legislature such powers as it chooses, and afterward change the extent of the granted power, or withdraw it in whole or in part, and Congress has retained the power of approval or disapproval of all acts passed under the delegated power.

At the time of the passage of the act of 1882 Congress did not change the election laws of Utah in regard to elections, except as to certain disqualifications, but changed the persons to execute them. This indicated an approval of the laws as they then stood. Had the election laws been different they might or might not have been approved, and changes in the laws themselves might or might not have been made. The words, "under ex-

isting laws," would not, of course, prevent Congress from making any desired change. Whether or not these words mean that the duties of the Commission should be performed under the laws of Utah as then existed, or as they should exist at the time of the performance of the duty, may be a matter of doubt. If it be assumed the latter is the meaning and that the power to change the laws without first obtaining the approval of Congress exists, and still exists, except as to the method of filling the offices, it still remains that the duty of the commission and its appointees was prescribed with reference to these laws, and that while the duty of the commission is largely administrative, any such change in the laws as would affect these duties, would be affecting, so far, the acts of Congress and the policy of the enactments.

This proposed act makes so many changes that it is not desirable to attempt to mention all of them. The reason for many of them is not apparent. Some are in conflict with the provisions of the act of Congress requiring the approval of Congress or to filling the offices vacated, and some changes in the existing law are not an improvement.

The act changes the general election from August to November. It changes the time, manner and place for registration, provides for a different board of review, gives the formula for a trial on a challenge at the polls, provides that a new registration shall be annually made in each city and county at the office of the registrars only; that no election precinct shall have over 500 voters, and that the county courts and city councils may divide precincts. It provides a registration officer for each county and one for each city, and a registrar for each precinct, both in counties and cities. All give bonds, but no duty is assigned to the registration officers. Every duty of the act is put upon the precinct registrars.

This double set of registration officers takes the place of the assessor and his deputies under the present act, and of the appointees of the Commission to fill their places.

Under the existing law it is provided the senior justice of the peace of the precinct shall act as a board of review and he hears challenges to registered voters, and notice to the person challenged is provided for. This proposed act provides for a board of three persons to be appointed as registrars are. The power of the justice (or the person acting in his place under appointment by the Commission) to act judicially and strike off the names of voters without any power of review by the courts or otherwise, though existing at least since 1878, has been recently criticized as arbitrary, but the proposed act makes no change in the power or authority of the receiving board, and omits the provisions of the existing law that the challenged party shall have notice of the challenge.

I have on my hands an act intended for the approval of Congress