

## CHAPTER CLVI.

[H. B. No. 356.]

## AMENDING ACTS IN RELATION TO ELECTIONS.

AN ACT entitled "An act amending sections 356 and 361 of chapter II, title VIII; also sections 367, 379, 384, 385, 390 and 391 of chapter III, title VIII; also sections 397 and 401 of chapter IV, title VIII; also sections 418 and 423 of chapter V, title VIII, volume 1, Hill's Annotated Codes and Statutes of Washington; also amending section 380, volume 1, Hill's Annotated Codes and Statutes, as amended by section one of chapter ninety-one of the Laws of 1893, in relation to elections.

*Be it enacted by the Legislature of the State of Washington:*

That sections 356 and 361 of chapter II, title VIII; also sections 367, 379, 384, 385, 390 and 391 of chapter III, title VIII; also sections 397 and 401 of chapter IV, title VIII; also sections 418 and 423 of chapter V, title VIII of volume 1, Hill's Annotated Codes and Statutes of Washington; also amending section 380, volume 1, Hill's Annotated Codes and Statutes, as amended by section one of chapter ninety-one of the Laws of 1893, in relation to elections, be and the same are hereby amended to read as follows:

SECTION 1. That section 356 of volume 1 of Hill's Annotated Codes and Statutes of Washington is amended to read as follows: Sec. 356. The inspector and judges for each precinct having more than one hundred voters shall, before the time of opening the polls, appoint two suitable persons to act as clerks, who shall be qualified electors: *Provided*, That in precincts having less than one hundred voters the said judges shall keep a tally of the voters voting at said election, and shall perform all of the duties pertaining to and required to be performed by clerks of elections: *And provided further*, That each of the recognized political parties may have one challenger at the polls of each voting precinct.

SEC. 2. That section 361 of volume 1 of Hill's Annotated Codes and Statutes of Washington is amended to read as follows: Sec. 361. It shall be the duty of the county auditor to make out two copies of each of the said oaths or affirmations for each election precinct, which shall

Clerks, how  
and when  
appointed.

Challengers.

County audi-  
tor, duties of.

be severally subscribed by the inspector and judges and clerks in the precincts where clerks are employed, and the said oaths or affirmations shall be certified under the hand of the person by whom they shall be administered, and one of the said oaths or affirmations shall be placed with the election returns to be returned to the county auditor.

SEC. 3. That section 367 of volume 1 of Hill's Annotated Codes and Statutes of Washington is amended to read as follows: Sec. 367. Candidates for public office may be nominated otherwise than by convention or primary meeting, or primary election, in the manner following: A certificate of nomination containing the name of the candidate for the office to be filled, with such information as is required to be given in certificates provided for in section 365 of volume 1, Hill's Annotated Codes and Statutes of Washington, shall be signed by electors residing within the district or political division in and for which the officer or officers are to be elected, in the following numbers: The number of signatures shall not be less than one thousand, when the nomination is for an office to be filled by the electors of the entire state; and not less than three hundred when the election is for an office to be filled by the electors of a county, district, or other division less than a state, and not less than twenty-five when the nomination is for an office to be filled by the electors of a township, precinct or ward: *Provided*, That the said signatures need not all be appended to one paper. Each elector signing a certificate shall add to his signature his place of residence, his business and his address. Such certificate may be filed as provided for in section 306 of volume 1, Hill's Annotated Statutes and Codes of Washington, in the same manner and with the same effect as a certificate of nomination made by a party convention, primary meeting or primary convention.

SEC. 4. That section 379 of volume 1 of Hill's Annotated Codes and Statutes of Washington is amended to read as follows: Sec. 379. All ballots prepared under the provisions of this chapter shall be white and of a good quality of paper, and the names shall be printed thereon in black ink. Every ballot shall contain at the head the

Nominations,  
how made.

Ballots, how  
prepared.

names of all recognized political parties, in the order following, to wit: Republican Ticket, Democratic Ticket, People's Party Ticket, Prohibition Ticket, and any other party placing a full ticket in nomination, in the order in which the same shall be filed with the clerk of the board of county commissioners. Every ballot shall contain the name of each candidate, once only, whose nomination for any office is specified or filed according to law, and no other names. All nominations of any party or group of petitioners shall be placed after the title of such party or group of petitioners as designated by them in their certificate of nomination or petition first filed: *Provided*, That any candidate who has been nominated by two or more political parties may, upon a written notice filed with the clerk of the board of county commissioners at least twenty days before any election is to be held, designate the political party after which title he desires to have his name placed. The name of each nominee shall be placed under the designation of the office for which he has been nominated, in the order following, to wit: Republican, Democratic, People's Party, Prohibition and any other party in the order filed with the clerk of the board of county commissioners. Before the designation of the office shall be indicated the number of candidates for such office to be voted for at said election. At the end of the lists of all the political parties and the list of candidates for each office shall be left a blank space on the right side of each ticket extending the full length of the column of political parties and of the nominees, at least one-half inch in width, so that the voter may correctly indicate in the way hereafter provided the candidate or candidates for whom he wishes to cast his ballot. Upon each official ballot a perforated line, one-half inch from the left hand edge of such ballot, shall extend from the top of such ballot towards the bottom of the same for two inches, thence to the left hand edge of the ballot, and upon the space thus formed there shall be no printing except the number of such ballot, which shall be upon the back of such space, in such position that it shall appear upon the outside when the ballot is folded. The county auditor shall cause official ballots to be numbered from one

Dual nominations, how provided for.

Ballots, general arrangement of.

upwards, consecutively, beginning with number one for each separate voting precinct. Official ballots for a given precinct shall not contain the names of nominees for justices of the peace and constables of any other precinct, except in cases of municipalities, where a number of precincts vote for the same nominees for justices of the peace and constables, and in the latter event the ballot shall contain only the names to be voted for by the electors of such precincts. On the margin of each of said ballots, to the right, there shall be printed instructions directing the voter how to mark his ballot before the same shall be deposited with the judges of election. The arrangement of the ballot shall, in general, conform as nearly as possible to the plan hereinafter given.

REPUBLICAN TICKET .....		
DEMOCRATIC TICKET .....		
PEOPLE'S PARTY TICKET .....		
PROHIBITION TICKET .....		
VOTE FOR TWO.....		REPRESENTATIVES IN CONGRESS.
Republican.....	A..... B.....	
Republican.....	C..... D.....	
Democrat.....	E..... F.....	
Democrat.....	G..... H.....	
People's Party.....	I..... J.....	
People's Party.....	K..... L.....	
Prohibition.....	M..... N.....	
Prohibition.....	O..... P.....	
VOTE FOR ONE.....		GOVERNOR.
Republican.....	A..... B.....	
Democrat.....	C..... D.....	
People's Party.....	E..... F.....	
Prohibition.....	G..... H.....	
VOTE FOR ONE.....		LIEUTENANT GOVERNOR.
Republican.....	A..... B.....	
Democrat.....	C..... D.....	
People's Party.....	E..... F.....	
Prohibition.....	G..... H.....	
VOTE FOR ONE.....		SECRETARY OF STATE.
Republican.....	A..... B.....	
Democrat.....	C..... D.....	
People's Party.....	E..... F.....	
Prohibition.....	G..... H.....	

Mark your ticket by placing an "X" in the space at the right of the name of the political designation of the party for whose candidates you wish to vote. These spaces are at the right of and at the top of this ballot.  
If you desire to vote for any candidate of any other party, place an "X" in the space at the right of the name of such candidate.

Whenever the secretary of state has duly certified to the clerk of the board of county commissioners any question to be submitted to the vote of the people, the clerk of the board of county commissioners shall have printed on the regular ballots, at the bottom thereof, the question in such form as will enable the electors to vote upon the questions so presented in the manner hereinafter provided. The clerk of the board of county commissioners shall also prepare the necessary ballots in the same manner whenever any question is by law to be submitted to the vote of the electors of any locality, and not of the state generally: *Provided, however,* That in all questions submitted to the voters of a municipal corporation alone, it shall be the duty of the city or town clerk to provide the necessary ballots.

SEC. 5. That section 380, volume 1, Hill's Annotated Statutes and Codes of Washington, as amended by section 1 of chapter 91 of the laws of 1893, is amended to read as follows: Sec. 380. The clerk of the board of county commissioners of each county shall provide for each election precinct in the county two ballots for each elector registered in the precinct, and two tallying books, that shall be printed in relation with the tickets. If there is no register in the precinct, the clerk of the board of county commissioners shall provide ballots to the number of two for every elector who voted at the last preceding election in the precinct: *Provided, however,* That in municipal elections it shall be the duty of the city or town clerk to provide tickets as specified in this section.

SEC. 6. That section 382, volume 1, Hill's Annotated Statutes and Codes of Washington, by [be] and the same is hereby amended to read as follows: Sec. 382. Before the opening of the polls, the clerk of the board of county commissioners (or the municipal clerk in the case of municipal elections) shall cause to be delivered to the judges of election of each election precinct which is within the county (or within the municipality in case of municipal elections), and in which the election is to be held, at the polling place of the precinct, the proper number of ballots provided for in section five of this act. The ballots shall be given to the inspector of each election precinct; but in case it may

Ballots,  
county to  
furnish.

Ballots, mu-  
nicipalities  
to furnish.

Ballots,  
to whom  
furnished.

be impracticable to deliver such ballots to the inspector, then they may be delivered to one of the judges of election of any such precinct, and in making the appointment of judges of election under this chapter and other election laws of this state, not more than a majority of such judges of election shall be appointed from any one political party for each precinct.

SEC. 7. That section 384 of volume 1, Hill's Annotated Codes and Statutes of Washington, is amended to read as follows: Sec. 384. At any election it shall be the duty of the inspector, or one of the judges of election, to deliver Ballots, delivery of to electors. ballots to the qualified electors. Any elector desiring to vote shall give his name to the inspector or one of the judges, who shall then, in an audible tone of voice, announce the same, whereupon a challenge may be interposed Challenge. in the manner provided by law. If no challenge be interposed, or if the challenge be overruled, the inspector or one of the judges shall give him a ballot, at the same time calling to the clerks of election the number of such ballot. In precincts where there is a registration of voters it shall be the duty of such clerks to write the number of the ballot against the name of such elector as the same appears upon the certified copy of poll books of registration in their possession. In precincts where there are no registration of voters, it shall be the duty of the clerks to transcribe the name of the elector in the poll books, and against such name the number of the ballot delivered to the elector. Each qualified elector shall be entitled to receive from the said judges one ballot.

SEC. 8. That section 385, volume 1 of Hill's Annotated Codes and Statutes of Washington is amended to read as follows: Sec. 385. On receipt of his ballot the elector shall forthwith and without leaving the polling place retire alone to one of the places, booths or apartments provided to prepare his ballot. If he desires to vote for all the candidates of any political party he may mark a cross "X" after the name, against the political designation of such party, and shall then be deemed to have voted for all the persons named as the candidates of such party. If he desires to vote for any particular candidate of any other Ballots, how marked.

political party he may do so by placing after the name of such candidate a mark "X:" *Provided*, That if two or more candidates for such office are to be elected, then such voter shall place his mark "X" after the name of each of the candidates for whom he wishes to vote for that particular office, and in that case such voter shall then be deemed to have voted for all the persons named as the candidates of the political party after which he shall have made his mark "X," except those who are otherwise designated as herein provided. Each elector may prepare his ballot by marking a cross "X" after the name of every person or candidate for whom he wishes to vote. In case of a ballot containing a constitutional amendment or other question to be submitted to the vote of the people the voter shall mark a cross "X" after the question, for or against the amendment or proposition, as the case may be. Any elector may write in the blank spaces, or paste over any other name, the name of any person for whom he may wish to vote. Before leaving the booth or compartment the elector shall fold his ballot in such a manner that the number of the ballot shall appear on the outside thereof, without displaying the marks on the face thereof, and he shall keep it folded until he has voted. Having folded the ballot, the elector shall deliver it folded to the inspector, who shall, in an audible tone of voice, repeat the name of the elector and the number of the ballot. The election clerks having the certified copies of the poll books of registration or poll books in charge, shall, if they find the number marked opposite the elector's name on the register or poll books to correspond with the number of the ballot handed to the inspector, mark opposite the name of such elector the word "voted," and one of the clerks shall call back, in an audible tone, the name of the elector and the number of his ballot. The inspector shall separate the slip containing the number of the ballot from the ballot and shall deposit the ballot in the ballot box. The numbers removed from ballots shall be immediately destroyed.

Ballot, number  
of exposed.

County com-  
missioners  
to print in-  
structions.

SEC. 9. That section 390, volume 1 of Hill's Annotated Codes and Statutes of Washington, is amended to read as follows: Sec. 390. The clerk of the board of county

commissioners of each county shall cause to be printed in large type on cards, in English, instructions for the guidance of electors in preparing their ballots. He shall furnish ten such cards to the judges of election of each election precinct, and one additional card for each fifty electors or fractional part thereof in the precinct, at the same time and in the same manner as the printed ballots. The judges of election shall post not less than one of such cards in each place or compartment provided for the preparation of ballots, and not less than three of such cards elsewhere in and about the polling places, upon the day of election. Such cards shall be printed in large, clear type, and shall contain full instructions to the voters as to what should be done, viz.:

Instructions to be posted and to contain what.

1. To obtain ballots for voting.
2. To prepare the ballots for deposit in the ballot boxes.
3. To obtain a new ballot in the place of one spoiled by accident or mistake.

SEC. 10. That section 391, volume 1, Hill's Annotated Codes and Statutes of Washington, is amended to read as follows: Sec. 391. In the canvass of the votes, any ballot or parts of a ballot from which it is impossible to determine the elector's choice shall be void and shall not be counted: *Provided*, That when a ballot is sufficiently plain to gather therefrom a part of the voter's intention, it shall be the duty of the judges of election to count such part.

Uncertain ballots, how disposed of.

SEC. 11. That section 401, volume 1, Hill's Annotated Codes and Statutes of Washington, is amended to read as follows: Sec. 401. The voting shall be by ballot. No ballot shall bear any impression, devise, color or thing designated to distinguish such ballot from other legal ballots, or whereby the same may be known or designated. The ballot shall be eight inches in width and of such length as shall be necessary to print the names of all the candidates, who shall be duly nominated according to law, and whose nominations shall be duly certified to the clerk of the board of county commissioners, such length to be determined by the said clerk of said board of county commissioners. All of the official ballots, after the same shall be so prepared by the said clerk, shall be of the same size for each and every

Ballots, distinguishing marks prohibited.

Ballots, size of.



precinct, and shall not vary one-eighth of an inch in breadth from the above specification.

Auditors to  
transmit, what.

SEC. 12. That section 423, volume 1, Hill's Annotated Codes and Statutes of Washington, is amended to read as follows: Sec. 423. It shall be and is hereby made the duty of the county auditor in each county of this state, immediately after making abstracts of the vote, given in his county at the general or special election, for members of the legislature, county, state or district officers, or members of congress, to transmit by mail a certified copy of said abstract to the secretary of state, at the seat of government. It shall be the duty of the secretary of state to furnish uniform and proper blanks to each and every county auditor in the state, on which said county auditor shall make returns to the secretary's office. The county auditor shall make returns of all persons voted for for state, county and district officers.

Secretary  
of state to  
furnish blanks.

SEC. 13. All acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

Passed the house March 6, 1895.

Passed the senate March 14, 1895.

Approved March 21, 1895.

---

## CHAPTER CLVII.

[H. B. No. 411.]

### TO PROVIDE FOR MORTGAGING OF REAL PROPERTY BY EXECUTORS AND ADMINISTRATORS.

AN ACT to amend sections 998, 1005, 1006, 1007, 1008, 1012, 1013, 1014, 1015, 1025, 1036, 1038, 1039 of chapter 9 of volume 2 of the General Statutes and Codes of Washington, as arranged and annotated by William Lair Hill, relating to sales of property by executors and administrators, and to provide for the mortgaging of real property by executors and administrators, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section 998 of chapter 9 of volume 2 of the General Statutes and Codes of Washington, as ar-