

CHAPTER XIII.—ELECTION LAWS.

PROVIDING FOR THE DISTRIBUTION OF BALLOTS, AND THE CONDUCT OF ELECTIONS.

AN ACT providing for printing and distributing ballots at public expense, and to regulate voting at State and other elections.

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

Ballots printed and distributed at public expense.

SECTION 1. All ballots cast at elections for public officers within this state (except school and irrigation district officers and road overseers) shall be printed and distributed at public expense, as hereinafter provided. The printing of ballots and cards of instruction for the electors in each county, and the delivery of the same to the election officers, as hereinafter provided, shall be a county charge, the payment of which shall be provided for in the same manner as the payment of other county expenses; but the expense of printing and delivering the ballots shall, in the case of municipal elections, be a charge upon the city or town in which such election shall be held.

Convention or primary.

SEC. 2. Any convention, primary meeting or primary election, as hereinafter defined, held for the purpose of making nominations for public office, and also electors to the number hereinafter specified may nominate candidates for public office, to be filled by election within the state. A convention, or primary meeting, within the meaning of this act, is an organized assemblage of electors or delegates, representing a political party or principle, and a primary election is a legally conducted election for the nomination of candidates for public office.

Certificate of nomination.

SEC. 3. All nominations made by such convention, primary meeting or primary election shall be certified as follows: The certificate of nomination, which shall be in

writing, shall contain the name of each person nominated, his residence, his business, his address, and the office for which he is named, and shall designate, in not more than five words, the party or principle which such convention, primary meeting or primary election represents, and it shall be signed by the presiding officer and secretary of such convention or primary meeting, or in case of a primary election by one of the judges and the clerk thereof, who shall add to their signatures their respective place of residence, their business and addresses. Such certificate, made out as herein required, shall be delivered by the secretary or president of such convention or primary meeting, clerk or judge of the primary election, to the secretary of state, or to the clerk of the board of county commissioners, as hereinafter required. Certificates must be filed.

SEC. 4. Certificates of nomination of candidates for offices to be filled by the electors of the entire state, or of any division or district greater than a county, shall be filed with the secretary of state. State or district nominations. Certificates of nomination for county and precinct offices shall be filed with the clerks of the boards of county commissioners of the respective counties wherein the officers are to be elected. Certificates of nomination for municipal offices shall be filed with Municipal. the clerks of the respective municipal corporations wherein the officers are to be elected. The certificate of a nomination for an office in a district composed of more than one county, shall be filed in the offices of the clerks of the boards of county commissioners of all the counties to be represented by such joint officer or member.

SEC. 5. 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 a candidate for the office to be filled, with such information as is required to be given in certificates provided for in section three of this act, 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 hundred when the nomination is for an office to be filled by the Candidates: how nominated.

electors of the entire state, and need not exceed fifty when the election is for an office to be filled by the electors of a county, district or other division less than the state, and need not exceed ten 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 four of this act, in the same manner and with the same effect as a certificate of nomination made by a party convention, or primary meeting or primary convention.

Limit of certificate and nomination.

SEC. 6. No certificate of nomination shall contain the name of more than one candidate for each office to be filled. No person shall join in the nomination of more than one person for each office to be filled, and no person shall accept a nomination to more than one office.

Duty of secretary of state and clerk of commissioners.

SEC. 7. The secretary of state and the clerks of boards of county commissioners of the several counties, and of the several municipal corporations, shall cause to be preserved in their respective offices for six months all certificates of nomination filed in their respective offices under the provisions of this act. All such certificates shall be open to public inspection under proper regulations, to be made by the officers with whom the same are filed. The board of county commissioners of each county in the state shall, at their first session after the taking effect of this act, divide their respective counties into election precincts, and establish the boundaries of the same. Such board of commissioners shall designate one voting place in each precinct, and each precinct shall contain two hundred and fifty electors, or less, based on the number of votes cast at the last general election; but no precinct shall contain more than three hundred electors. If at any election hereafter three hundred or more votes shall be cast at any voting place, it shall be the duty of the inspector in such precinct to report the same to the board of county commissioners, who shall, at their next regular meeting, divide such precinct as nearly as possible so that the new

Election precincts.

precincts formed thereof shall each contain two hundred and fifty electors, as nearly as practicable.

SEC. 8. Certificates of nominations to be filed with the secretary of state, shall be filed not more than sixty days, and not less than thirty days, before the day fixed by law for the election of the persons in nomination. Certificates of nomination herein directed to be filed with the clerk of the board of county commissioners, shall be filed not more than sixty days, and not less than twenty days, before the election. Certificates for the nomination of candidates for municipal offices shall be filed with the clerks of the respective municipal corporations not more than thirty days, and not less than three days, previous to the day of election: *Provided*, That the provisions of this section shall not be held to apply to nominations for special elections to fill vacancies caused by death, resignation or otherwise.

Limit for filing certificates.

SEC. 9. Not less than twenty nor more than thirty days before an election to fill any state or district office, the secretary of state shall certify to the clerk of the board of county commissioners of each county within which any of the electors may by law vote for candidates for such office, the name and place of residence of each person nominated for such office, as specified in the certificates of nomination filed with the secretary of state.

Secretary of state must certify.

SEC. 10. At least ten days before an election to fill any public office other than a municipal office, the clerk of the board of county commissioners of each county shall cause to be published in one or more newspapers within the county the nominations to office certified to him under the provisions of this act. The clerk of the board of county commissioners shall make such publications daily, until the elections, in counties where daily newspapers are published; but if there be no daily newspaper published within the county, two publications in each newspaper will be sufficient; and if there be no paper published in any county, written or printed notices shall be posted in not less than three conspicuous places in such precinct. One of such publications in each newspaper shall be upon the last day upon which such newspaper is issued before election. In the case of municipal elections, such publi-

Publication of nominations.

cations shall be made in one or more newspapers devoted to the dissemination of general news, and published within the municipal corporation in which the election is to be held at least three days before the election, the publication to be daily until election, where there are daily newspapers; but if there be no daily newspaper published within the municipal corporation, one publication in each newspaper shall be sufficient, and if there be no newspaper, the notices shall be posted as above provided.

When nomination is void.

SEC. 11. Whenever any person nominated for public office, as in this act provided, shall, at least twenty days before election, except in the case of municipal elections, in a writing signed by him, notifying the officer with whom the certificate nominating him is by this act required to be filed that he declines such nomination, such nomination shall be void. In municipal elections such declination must be made at least two days before the election.

Vacancies.

SEC. 12. Should any person so nominated die before the printing of the tickets, or decline the nomination as in this act provided, or should any certificate of nomination be or become insufficient or inoperative from any cause, the vacancy or vacancies thus occasioned may be filled in the manner required for original nominations. If the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, or by primary election, the committee of the political party he represents may, upon the occurring of such vacancy, proceed to fill the same. The chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an original certificate of nomination. The certificate so made shall be executed in the manner prescribed for the original certificate of nomination, and shall have the same force and effect as an original certificate of nomination. When such certificate shall be filed with the secretary of

state, he shall, in certifying the nominations to the various county clerks, insert the name of the person who has thus been nominated to fill a vacancy in place of that of the original nominee. And in the event that he has already sent forth his certificate, he shall forthwith certify to the clerks of the boards of county commissioners of the proper counties the name and place of residence of the person so nominated to fill a vacancy, the office he is nominated for, the party or political principle he represents, and the name of the person for whom such nominee is substituted.

Duty of secretary of state.

SEC. 13. When any vacancy occurs before election day and after the printing of the tickets, and any person is nominated according to the provisions of this act to fill such vacancy, the officer whose duty it is to have the tickets printed and distributed shall thereupon have printed a requisite number of stickers and shall mail them by registered letter to the judges of election in the various precincts interested in such election, and the judges of election whose duty it is made by the provisions of this act to distribute the tickets shall affix such stickers in the proper place on each ticket before it is given out to the elector.

Changing tickets.

SEC. 14. Whenever a proposed constitution or constitutional amendment or other question is to be submitted to the people of the state for popular vote, the secretary of state shall duly, and not less than thirty days before election, certify the same to the clerk of the board of county commissioners of each county in the state, and the clerk of the board of county commissioners of each county shall include the same in the publication provided for in section ten of this act. Questions to be submitted to the people of a county or municipality shall be advertised as provided for nominees for office by said section.

Submitting question to vote.

SEC. 15. Except as in this act otherwise provided, it shall be the duty of the clerk of the board of county commissioners of each county to provide printed ballots for every election for public officers in which electors, or any of the electors within the county, participate, and to cause to be printed on the ballot the name of every candidate whose name has been certified to or filed with the county

Duty of clerk of commissioners.

clerk in the manner provided for in this act. Ballots other than those printed by the respective clerks of boards of county commissioners, according to the provisions of this act, shall not be cast or counted in any election. Nothing in this act contained shall prevent any voter from writing or pasting on his ballot the name of any person for whom he desires to vote for any office, and such vote shall be counted the same as if printed upon the ballot and marked by the voter, and any voter may take with him into the polling place any printed or written memorandum or paper to assist him in making or preparing his ballot, except as hereinafter otherwise provided.

Privilege of voter.

For school and irrigation district officers.

SEC. 16. Elections for school and irrigation district officers and road overseers are excepted from the provisions of the preceding section, and in all municipal elections the duties specified in the preceding section as devolving on the clerk of the board of county commissioners shall devolve on the municipal clerk.

Requirements for ballots.

SEC. 17. All ballots prepared under the provisions of this act shall be white and of a good quality of paper, and the names shall be printed thereon in black ink. Every ballot shall contain the name of every candidate whose nomination for any office specified in the ballot has been certified or filed according to the provisions of this act, and no other names. The names of candidates for office shall be arranged under the designation of the office in alphabetical order, according to surnames, except that the names of electors of president and vice president of the United States presented in one certificate of nomination shall be arranged in a separate group. Every ballot shall also contain the name of the party or principle which the candidates represent, as contained in the certificates of nominations. At the end of the list of candidates for each office shall be left a blank space large enough for the name of a candidate to be written in. There shall be a margin on each side at least half an inch in width, and a reasonable space between the names to be printed thereon, so that the voter may clearly indicate, in the way hereinafter provided, the candidate or candidates for whom he wishes to cast his ballot. Whenever the secretary of state has

duly certified to the clerk of the board of county commissioners any question to be submitted to a vote of the people, the clerk of the board of county commissioners shall have printed on the regular ballots the question in such form as will enable the electors to vote upon the question so presented in the manner hereinafter provided. The clerk of the board of county commissioners shall also prepare the necessary ballots whenever any question is required by law to be submitted to the vote of the electors of any locality, and not to 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 municipal clerk to provide the necessary ballots. Municipal clerks.

SEC. 18. The clerk of the board of county commissioners of each county shall provide for each election precinct in the county three hundred ballots for every fifty or fraction of fifty electors registered in the precinct. If there is no registry in the precinct, the clerk of the board of county commissioners shall provide ballots to the number of three hundred for every fifty or fraction of fifty electors who voted at the last preceding election in the precinct: *Provided, however,* That in municipal elections it shall be the duty of the municipal clerk to provide tickets as specified in this section. Number or supply of ballots.

SEC. 19. Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the names of the candidates nominated for office, or in the printing of the ballots, the superior court of the county may, upon application of any elector, by order, require the clerk of the board of county commissioners or municipal clerk to correct such error, or to show cause why such error should not be corrected. Error or omission.

SEC. 20. Before the opening of the polls, the clerk of the board of county commissioners of the county (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 as provided for in sec-

Official tickets. tion eighteen of this act. He shall also deliver to the said judges a rubber or other stamp, with ink-pad, for the purpose of stamping or designating the official tickets, as hereinafter provided. Said stamp shall contain the words "official ballot," the name or number of the election precinct, the name of the county, the date of the election, and the name and official designation of the clerk who furnishes the tickets. The stamps and ballots shall be given to the inspector of each election precinct; but in case it may be impracticable to deliver such stamps and ballots to such 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 act, 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.

Polling places. SEC. 21. The inspectors of election shall provide in their respective polling places a sufficient number of places, booths or compartments, which shall be furnished with such supplies and conveniences as shall enable the voter conveniently to prepare his ballot for voting, and in which electors may mark their ballots, screened from observation, and a guard rail so constructed that only persons within such rail can approach within fifty feet of the ballot-boxes, or the places, booths or compartments herein provided for. The number of such places, booths or compartments shall not be less than one for every fifty electors or fraction thereof registered in the precinct, or voting at the last preceding election where there is no registration. In precincts containing less than twenty-five voters, the election may be conducted under the provisions of this act without the preparation of such booths or compartments as required in this section. No person other than electors engaged in receiving, preparing or depositing their ballots, or a person present for the purpose of challenging the vote of an elector about to cast his ballot, shall be permitted to be within said rail, and in case of small precincts where places, booths or compartments are not required, no person engaged in preparing their ballots shall in any way be interfered with by any person, unless it be some one

authorized by the provisions of this act to assist him or them in preparing his or their ballot. The expense of providing such places or compartments and guard rails shall be a public charge, and shall be provided for in the same manner as the other election expenses. On or before the first day of September of each year in which an election is to be held, the officers now charged by law with the division or alternation of election precincts shall, as far as necessary, alter or divide the existing election precincts in such manner that each election precinct shall not contain more than three hundred voters.

Expense of preparing compartments.

SEC. 22. At any election it shall be the duty of the inspector or one of the judges of election, to deliver ballots to the qualified electors. Before delivering any ballot to an elector, the said inspector or judge shall print on the back and near the top of the ballot, with the rubber or other stamp provided for the purpose, the designation "official ballot," and the other words on the said stamp as provided for in section twenty of this act, and also write his initials thereon. Each qualified elector shall be entitled to receive from the said judges one ballot.

Duty of inspector.

SEC. 23. On receipt of his ballot, the elector shall forthwith, and without leaving the polling place, retire alone to one of the places, booths or compartments provided, to prepare his ballot. He shall prepare his ballot by marking a cross before or after the name of the person or persons for whom he intends to vote. For example, "x," or in case of a ballot containing a constitutional amendment, or other question, to be submitted to the vote of the people, by crossing out therefrom parts of the ballot in such a manner that the remaining part shall express his vote upon the question submitted, or the 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. In marking a ballot, any elector shall be at liberty to use or copy any unofficial sample ballot which he may choose to mark or to have had marked in advance of entering the polling place or booth; but no elector shall be at liberty to use or bring into the polling place any unofficial sample ballot printed in the exact style, manner, width or character of

Preparing ballot.

Unofficial ballots.

paper of the official ballot. After preparing his ballot the elector shall fold it so that the face of the ballot will be concealed, and so that the endorsement stamped thereon may be seen. He shall then vote forthwith and before leaving the polling place: *Provided, however,* That any elector who desires to vote for an entire group may mark a cross as above described against the political designation of such group, and shall then be deemed to have voted for all the persons named in such group whose names shall not have been erased.

Limit of occupancy.

SEC. 24. Not more than one person shall be permitted to occupy any one booth at one time, and no person shall remain in or occupy a booth or compartment longer than may be necessary to prepare his ballot, and in no event longer than five minutes: *Provided,* That the other booths or compartments are occupied.

SEC. 25. Any voter who shall, by accident or mistake, spoil his ballot may, on returning said spoiled ballot, receive another in place thereof.

Ignorant or physically disabled may be assisted.

SEC. 26. Any voter who declares to the judges of election, or when it shall appear to the judges of election that he can not read, or that by blindness or other physical disability he is unable to mark his ballot, shall, upon request, receive the assistance of one or two of the election officers in the marking thereof, and such officer or officers shall certify on the outside thereof that it has been so marked with his or their assistance, and shall thereafter give no information regarding the same. The judges may, in their discretion, require such declaration of disability to be made by the voter under oath before them, and they are hereby qualified to administer the same. No elector, other than one who may, because of his inability to read, or physical disability, be unable to mark his ballot, shall divulge to anyone within the polling place the name of any candidate for whom he intends to vote, or to ask or receive the assistance of any person within the polling place in the preparation of his ballot.

Duty of election officers.

SEC. 27. No inspector or judge of election shall deposit in any ballot-box any ballot upon which the official stamp as hereinbefore provided for does not appear. Every per-

son violating the provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 28. 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 in 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. Said cards shall be printed in large, clear type, and shall contain full instructions to the voters as to what should be done, viz.: *First*, to obtain ballots for voting; *second*, to prepare the ballots for deposit in the ballot-boxes; *third*, to obtain a new ballot in the place of one spoiled by accident or mistake. Said card shall also contain a copy of sections thirty, thirty-one, thirty-two and thirty-three of this act. There shall also be posted in each of the apartments or booths one of the official tickets without the official stamp hereinbefore provided for, and not less than three such tickets posted elsewhere in and about the polling places upon the day of election.

SEC. 29. In the canvass of the votes, any ballot which is not indorsed, as provided in this act, by the official stamp and initials, shall be void and shall not be counted, and 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.

SEC. 30. Any person who shall falsely make, or make oath to or fraudulently deface or fraudulently destroy any certificate of nomination, or any part thereof, or file or receive for filing any certificate of nomination knowing the same or any part thereof to be falsely made, or suppress

any certificate of nomination which has been duly filed, or any part thereof, or forge or falsely make the official indorsement on any ballot, shall be deemed guilty of a felony, and upon conviction thereof, in any court of competent jurisdiction, shall be punished by imprisonment in the penitentiary for a period of not less than one year nor more than five years.

Penalty for destroying or defacing.

SEC. 31. Any person who shall during the election wilfully remove or destroy any of the supplies, or other conveniences placed in the booths or compartments for the purpose of enabling the voter to prepare his ballot, or prior to or on the day of election, wilfully deface or destroy any list of candidates posted in accordance with the provisions of this act, or who shall during an election tear down or deface the cards printed for the instruction of voters, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars.

General penalty.

SEC. 32. Any public officer upon whom any duty is imposed by this act, who shall wilfully do or perform any act or thing herein prohibited, or wilfully neglect or omit to perform any duty as imposed upon him by the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit his office, and shall be punished by imprisonment in the county jail for a term of not less than one month nor more than six months, or by a fine of not less than fifty dollars and not more than five hundred dollars, or by both such fine and imprisonment.

Limit of electioneering.

SEC. 33. No officer of election shall do any electioneering on election day. No person shall do any electioneering on election day within any polling place, or any building in which an election is being held, or within fifty feet thereof, nor obstruct the doors or entries thereto, or prevent free ingress to and egress from said building. Any election officer, sheriff, constable, or other peace officer, is hereby authorized and empowered, and it is hereby made his duty, to clear the passageway and prevent such obstruction, and to arrest any person creating such

obstruction. No person shall remove any ballot from the polling place before the closing of the polls. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name of any candidate or candidates for whom he has marked his vote, nor shall any person solicit the elector to show the same; nor shall any person except a judge of election receive from any elector a ballot prepared for voting. No elector shall receive a ballot from any other person than one of the judges of election having charge of the ballots, nor shall any person other than such inspector or judges of election deliver a ballot to such elector. No elector shall vote or offer to vote any ballot except such as he has received from the judges of election having charge of the ballots. No elector shall place any mark upon his ballot by which it may afterwards be identified as the one voted by him. Any elector who does not vote a ballot delivered to him by the judges of election having charge of the ballots shall, before leaving the polling place, return such ballot to such judges. Whoever shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not exceeding one hundred dollars, and adjudged to pay the cost of prosecution.

Secrecy.

Ballots must not be marked.

SEC. 34. It shall be the duty of the secretary of state to cause to be published, in pamphlet form, and distributed through the clerks of the boards of county commissioners of the respective counties, a sufficient number of copies of this law, together with the registration law of the state and such other laws as bear upon the subject of election, as will place a copy thereof in the hands of all officers of elections.

Duty of secretary of state.

SEC. 35. At all elections held under the provisions of this act, the polls shall be opened at nine o'clock A. M. and closed at seven o'clock P. M.

SEC. 36. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 19, 1890.

REGISTRATION OF VOTERS.

AN ACT to provide for and to regulate the registration of voters in cities and towns, and in precincts having a voting population of two hundred and fifty (250) or more.

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

SECTION 1. In all cities and towns, and all voting precincts having a voting population of two hundred and fifty (250) or more, who are entitled to the right of suffrage, as shown by the number of votes cast at the preceding general election, there shall be a registration of voters, prior to all general or municipal elections, as herein provided.

Duty of mayor.

SEC. 2. It shall be the duty of the mayor or chief executive officer of each city or town, immediately upon the taking effect of this act, to procure and open for the registration of voters a poll-book for each ward or voting precinct of such city or town, and on the first Monday of January in each year to procure and open a like book of registration for each of said wards and voting precincts; and for all precincts having a voting population of two hundred and fifty (250) or more, outside of any city or town, the board of county commissioners for the county in which any such precinct exists shall, in like manner, procure and open a poll-book for the registration of voters in such precinct or precincts, and shall designate a legal voter in each of said precincts, who shall be the officer of registration in such precinct, whose duties shall be the same as those devolving upon the city or town clerk, under the provisions of this act; and the board of county commissioners shall fix the compensation of such officer of registration, which shall be paid the same as other election expenses.

Poll-book.

SEC. 3. Such poll-books shall at all times be kept at the office of such city or town clerk or officer of registration of such city, town or precinct; and the city or town clerk and the person designated by the board of county commissioners, as herein provided, shall be the officers of registration of such city, town or precinct, and it shall be his

duty to register all citizens of said city, town or voting precinct on such poll-books, as hereinafter provided. Duty of register.

SEC. 4. It shall be the duty of all citizens of such city, town or voting precinct, after the opening of the books as herein provided, to apply to the city or town clerk, or officer of registration, and be registered therein, at such time or times as said books shall be open for that purpose, as provided in this act; and such registration when made, as in this act provided, shall entitle such citizens to vote in their respective wards and precincts. Effect of registration. If such citizens are otherwise legally qualified voters at such election, and have so caused themselves to be registered, such registration shall be *prima facie* evidence of the right of such citizens to vote at any election held in such city, town or precinct subsequent to such registration, and preceding the first Monday of January next thereafter.

SEC. 5. It shall be the duty of the city or town clerk or officer of registration, upon the receipt of the poll-books in this act provided for, to cause to be published a notice in a newspaper of general circulation in such city, town or precinct for ten days, notifying the citizens of said city, town or precinct that they can register at his office, according to the provisions of this act; and a like notice shall be published each year, within twenty days after the first Monday in January of each year. The notice for the year 1890 shall be published within thirty days after the taking effect of this act. Publishing notice.

SEC. 6. The poll-books in this act provided for shall be open at all times during the year for the registration of voters, except that they shall be closed for the purpose of organization ten days preceding any election to be held in such city, town or precinct. The city or town clerk or officer of registration shall give notice of the closing of such books by a notice published at least five days preceding the day of such closing, which notice shall be published in a newspaper of general circulation in said city, town or precinct for three days, and shall state the time of closing such books. Poll-books always open.

SEC. 7. The registration shall be in the following form in said book:

Form of registry.

DATE OF REGISTRATION.	NAMES.	CHECK LINE.	AGE.	OCCUPATION.	RESIDENCE.	REMARKS.

The names of the persons registered shall be entered in alphabetical order, and an entry shall be made opposite the name of each person to correspond to each of the heads contained in the head of the registry list. Under the head of "Residence" the number and street of the house or building, or the number of the lot and block, or other description of the location whereon the house or building is situated where the person registered resides shall be entered.

Must register in person.

SEC. 8. No person shall be registered unless he appears in person before the city or town clerk or officer of registration, at his office during usual office hours, and apply to be registered, and give his name, age, occupation and particular place of residence, as required to make the proper entries in the poll-books.

Registration necessary.

SEC. 9. No person shall be entitled to vote at any election in any such city, town or precinct who is not registered according to the provisions of this act. The registration shall not be conclusive evidence of the right of any registered person to vote, but said person may be challenged and required to establish his right at the polls in the manner as may be required by law. And every person when offering his vote shall, if challenged, hand his registration certificate to one of the judges of election, who shall receive and file the same, and at the close of said election deliver said certificates as a part of the election returns to such city, town, county or state officer as by law provided.

SEC. 10. It shall be the duty of the city or town clerk, or officer of registration to give to each citizen registered, according to the provisions of this act, a certificate of registration, which shall be substantially in the following form:

—, Washington, —, 18—. Certificate of registration.

This is to certify that —, a citizen of the city, town or precinct of —, has this — day of —, 18—, been duly registered as a voter in the — ward or — precinct of — ward, or — precinct of — county poll-book of said city, town or precinct, and is entitled to vote at any election held in said city, town or precinct preceding the first Monday in January, A. D. 18—, if he is otherwise a qualified voter under the laws of the State of Washington.

Witness my hand and the seal of said city or town, this — day of —, A. D. 18—.

—, clerk or officer of registration.

Provided, That in precincts outside of cities and towns, and in which registration is required under the provisions of this act, the signature of the officer of registration will be sufficient, without a seal affixed: *Provided further*, That no fee shall be charged the voter for such certificate. No fee for certificate.

SEC. 11. The city or town clerk, or officer of registration, is hereby empowered to administer all necessary oaths to examine the applicant for registration, or any witness he may offer in his behalf, in order to ascertain his right to be registered under the provisions of this act. If the applicant for registration will be entitled to vote at the next ensuing election, he shall be entitled to registration, otherwise he shall not be registered. Powers of registration officer.

SEC. 12. If a citizen of any city, town or voting precinct shall, during the year for which he has been registered, change his residence from one ward or voting precinct in said city or town to another ward or voting precinct in said city or town, or from any precinct outside a city or town in which registration is required to another voting precinct in the same county, in which such registration is required under the provisions of this act, he shall apply to the city or town clerk or officer of registration to have said removal noted on said poll-books when the same are open. The clerk or officer of registration shall register said person in the ward or voting precinct to which he has removed, and run a red ink line across his name in the ward or precinct book of his former residence, and likewise note the transfer in the column "Remarks" in said poll-book, and also endorse on the certificate of registration of said person the facts of said removal. Change of residence.

SEC. 13. It shall be the duty of the clerk or officer of

Copies of poll-books. registration, immediately upon the close of the poll-books preceding any election to be held in said city, town or voting precinct, to prepare a true and correct copy of said poll-books, certified to by him to be such copy, and in time for the opening of polls, as provided by law, to have said copies at the voting precincts and deliver the copy for such ward or precinct to one of the judges of said election and take his receipt therefor.

Duty of judges. SEC. 14. At every election one of the judges of election shall, as each person registered votes, enter on the said certified copy, in the check line opposite the name of such person the word "Voted," said certified copy to be returned to the city or town clerk or officer of registration after said election, and by him preserved.

Penalty for neglect of duty or defacing records. SEC. 15. If any officer shall neglect or refuse to perform any duty required by this act, or in the manner required by this act, or shall neglect or refuse to enter upon the performance of any such duty, or shall enter, or cause or permit to be entered, on the registry books the name of any person in any other manner, or at any other time than as prescribed by this act, or shall enter, or cause or permit to be entered, on such lists the name of any person not entitled to be registered thereon according to the provisions of this act, or shall destroy, secrete, mutilate, alter or change any such registry books, he shall, upon conviction, be punished by confinement and hard labor in the penitentiary not more than five nor less than one year, and shall forfeit any office he may then hold.

Penalty for falsely impersonating another. SEC. 16. If any person shall falsely personate another and procure the person so personated to be registered, or if any person shall represent his name to the city or town clerk or officer of registration to be different from what it actually is, and cause such name to be registered, or if any person shall cause any name to be placed upon the registry lists otherwise than in the manner provided in this act, he shall, upon conviction, be punished by confinement and hard labor in the penitentiary not more than five nor less than one year.

SEC. 17. The provisions of this act shall apply to all elections for national, state, congressional, district, county

or municipal officers, and the wards or voting precincts established by the authorities of any such city, town or precinct shall be the same for all county, district, state, congressional or national elections.

Approved March 27, 1890.

PRIMARY ELECTIONS; TO REGULATE.

AN ACT to authorize and regulate primary elections of voluntary political associations, to provide for punishment of frauds therein, and declaring an emergency.

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

SECTION 1. All elections hereafter to be held by any voluntary political association or party for any delegates or managing committee, or for the nomination of candidates for public office, shall be held under the provisions of this act whenever any committee or body authorized by the rules or customs of such political association shall elect to accept and act under such provisions. Not compulsory.

SEC. 2. Whenever it shall be the desire of any such committee or body that such election shall be held under the provisions of this act, such desire and acceptance shall be expressed by a resolution duly passed by such committee or body. Decide by resolution.

SEC. 3. The resolution must declare — *First*, the time and place of holding the election, and the hours between which the polls are to be kept open; and the polls shall, in all cases, be kept open from 12 o'clock noon to 7 o'clock P. M. of the day on which the election is held; *second*, the names of three reputable persons to act as judges; *third*, the object of the election; *fourth*, that such election will be held under the provisions of the primary election law; *fifth*, the qualifications required for voters, in addition to those prescribed by law. Form of resolution.

Publication of
notice.

SEC. 4. At least five days prior to any such election, a notice of such election shall be published in some newspaper or newspapers of general circulation in the district, ward, precinct, township, city or county in and for which the election is called, and shall be posted in at least three public places in each polling precinct or district for which such election is to be held. Such notice must be signed by the secretary of the committee or body calling such election, and must state the purpose, time, manner and conditions, together with the place or places of holding such election; also, the authority by which the call or notice is published, and the three persons shall be named therein who are appointed for each polling place to act as judges of said election, and who shall supervise or preside at such election in the polling precinct or district for which they are respectively appointed, and such judges shall be legal voters of, and householders in, the township, precinct, ward or election district for which they are named. And said notice shall likewise declare the qualifications of the persons to vote at such election: *Provided*, That such prescribed qualifications shall not be inconsistent with those expressed in this act. Such notice shall also declare that such election therein called will be held in pursuance of, and subject to, the provisions of this act, under the title of "Primary Election Law;" and any election held in pursuance of any notice calling for an election under the "Primary Election Law" shall be taken and deemed to be a primary election within the meaning of this act.

Requirements.

Oath of judges.

SEC. 5. The persons named as judges of election in the notice required by section four of this act, or any persons assuming or chosen to be such judges, in the absence, refusal or failure to act of any of the judges named in such notice, shall first make oath or affirmation that they are legal voters of and householders in the precinct, ward or election district for which they are appointed to serve; that they will faithfully and correctly conduct such election, protect it against all frauds and unfairness, carefully and truly canvass all votes cast thereat, and in every way conform to the provisions of this act, and of the notice or call for the election, which oath may be administered by

any one of the judges, or by any person authorized under the laws of this state to administer oaths. And if one or all of the judges appointed to serve at the election be absent, or refuse, or fail to serve at the hour appointed for the election to begin, then the electors present, to the number of not less than five, possessing the qualifications of persons entitled to vote at said election, shall choose a person or persons to fill any vacancy or vacancies that may exist. The judges, before proceeding with the election, shall appoint two clerks to assist them in receiving and counting the votes cast, to each of whom shall be administered, by one of the judges, an oath similar to that taken by the judges of election, omitting the statement that affiant is a householder. Any violation of the provisions of this section shall be deemed a misdemeanor, and shall subject the offender, on conviction, to punishment by a fine of not less than fifty dollars, nor more than two hundred dollars, or by imprisonment in the county jail not less than one nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 6. It shall be the duty of the judges of said election to entertain objections made by any qualified elector under said published call or notice to any vote which may be offered, on the ground that the person offering it is not entitled to vote under the terms of said call for said election, or that he is not a citizen of the United States, or a legal resident and voter under the general election laws of the State, in the election precinct, ward, township or district for which the election is held; or that he has received or been promised, directly or indirectly, any money, fee or reward for his vote for any candidate, or that he has voted before at that place, or some other place on that day, or at the same election; and it shall be the duty of one of the judges of the election, if such objection be not withdrawn, to administer to the person so offering to vote an oath or affirmation to the general effect that he will truly testify to all matters relating to his qualifications, under said published call or notice and under the general election laws of the state. It shall then be the duty of the judges to interrogate the person so objected to as to all matters in

When vote may
be rejected.

particular upon which said objection was made, and generally as to all of his qualifications as an elector at such election. If the person so objected to shall refuse to answer any questions asked, after said oath or affirmation shall have been administered, or shall refuse to take such oath, it shall be the duty of the judges to reject such vote; and they shall also reject such vote unless such person shall file with them a written or printed, or partly written and partly printed, statement, by him signed, that he is a qualified voter of the election district in which such election is held, and entitled to vote at such election; and unless such statement shall be accompanied by a similar statement of some person known to at least one of the judges to be a qualified voter in that district, to the effect that he knows the person so challenged, and that his statement is true, which said last statement must also be subscribed by the party making it. If such statements shall be filed, and such oath be taken, and such questions answered in such a manner as to show that the applicant is qualified to vote at such election, it shall be the duty of the judges of the election to receive such vote, and the word "sworn" shall be noted opposite the person's name on the poll list, to be kept as hereinafter provided. Any violation of the provisions of this section by the judges or clerks of the election, or either of them, shall be deemed a misdemeanor, and upon conviction, shall subject the party so offending to punishment by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than two nor more than six months, or by both such fine and imprisonment, in the discretion of the court; and any person who shall, upon taking such oath or affirmation, and under the examination herein authorized, wilfully make a false statement as to a matter pertinent and material in such examination, shall be deemed guilty of perjury, and upon conviction thereof, be punished as prescribed by law for such offense.

Penalty for falsifying.

SEC. 7. Whoever fraudulently votes at any primary election, or offers to vote after having once voted at such election, or knowing that he is not a qualified voter at

such election, wilfully votes, or offers to vote, at such election; or (2) wilfully aids or abets any one not qualified to vote at such primary election in voting or attempting to vote at such election; or (3) by offering a reward or bribe, or by treating or giving to him any spirituous, malt or other liquors, either directly or indirectly, influences or attempts to influence any voter in giving or withholding his vote at such election; or (4) furnishes a voter with a ticket or ballot, informing him that it contains a name or names different from those which appear thereon, with intent to induce him to vote contrary to his intention; or (5) fraudulently or deceitfully changes a ballot of a voter with intent to prevent such voter from voting for such person as he intended; or (6) endeavors to prevent the voting of any voter, or the exercise of [un]lawful influence by any person over a voter at any such election, for himself or for or against any person, by means of violence or threats of violence, or threats of withdrawing custom, or dealing in business or trade, or enforcing the payment of a debt, or bringing a suit or criminal prosecution, or any other threat of injury to be inflicted by him or by such means; or (7) by bribery, or by corrupt or unlawful means, prevents, or attempts to prevent, any voter from attending or voting at such election; or (8) gives or offers to give any valuable thing or bribe to any judge or clerk of such election, as a consideration for some act to be done, or omitted to be done, contrary to his duty in relation to such election, or shall interfere with or disturb, in any manner, any election held under the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not less than two nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

Penalty for illegal voting, bribery or fraud.

SEC. 8. Each clerk must keep a list of persons voting, and the name and residence of each person who votes must be entered thereon and numbered in the order of voting.

Poll list.

SEC. 9. The judges must cause one of the clerks to keep a list showing — *First*, the names and residences of

all persons challenged; *second*, the grounds of such challenge; *third*, the determination of the board upon the challenge.

SEC. 10. The following is substantially the form of the poll lists and tally lists to be kept by the clerks of election:

Form.

POLL LIST

Of the primary election held in the — precinct of the — ward of —, in the county of —, on the — day of —, in the year —. A. B., C. D. and E. F., judges, and G. H. and J. K., clerks of said — election, were respectively sworn (or affirmed) as the law directs, previous to their entering on the duties of their respective offices.

Numbers and names of electors voting:

NO.	NAME AND RESIDENCE.		NO.	NAME AND RESIDENCE.	
1	A.	B.	3	E.	F.
2	C.	D.	4	G.	H.

We hereby certify that the number of electors voting at this election is —.

Attest: A. B. }
C. D. } *Judges of Election.*
E. F. }
G. H. }
J. K. } *Clerks.*

TALLY LIST.

Names of persons voted for and for what position, and number of votes given for each candidate.

We hereby certify that A. B. had — votes for —; and that C. D. had — votes for —; that E. F. had — votes for —, etc.

A. B. }
C. D. } *Judges of Election.*
E. F. }
G. H. }
J. K. } *Clerks.*

SEC. 11. Any one of the judges or either clerk may administer and certify oaths required to be administered during the progress of an election held under this act.

Ballot-box.

SEC. 12. Before receiving any ballots, the judges must, in the presence of the persons assembled at the polling place, open and exhibit and then close the ballot-box; and thereafter it must not be removed from the polling place, nor the view of the bystanders, until all the ballots are counted, nor must it be opened until after the polls are finally closed.

Opening polls.

SEC. 13. Before the judges receive any ballots they must cause it to be proclaimed aloud, at the place of elec-

tion, that the polls are open. All ballots cast shall contain the full name or initial of the candidate voted for.

SEC. 14. Fifteen minutes before the time when the polls are to be closed, that fact must be proclaimed aloud at the place of election; and after the polls are closed no ballots must be received. Closing.

SEC. 15. As soon as the polls are finally closed the judges must immediately proceed to canvass the votes given at such election. The canvass must be public, in the presence of the bystanders, and must be continued without adjournment until completed and the result thereof is declared; and must also be conducted at the polling place where the election is held; where, also, the result as to each candidate voted for must be, immediately on the completion of such canvass, publicly proclaimed by one of the judges, in a loud voice, and such proclamation shall be *prima facie* evidence of the result. Canvassing ballots.

SEC. 16. In conducting the canvass the judges shall first count the whole number of ballots in the box, and if the number of such ballots shall be found to exceed the number of names entered on the polling lists, they shall reject so many thereof, without opening the same or examining or looking at the names thereon, as may be necessary to make the number of ballots correspond to the number of names entered on the polling lists. Counting ballots.

SEC. 17. The number of ballots agreeing, or being thus made to agree, with the number of names on the list, the lists must be signed by the judges of election and attested by the clerks, and the number of names thereon must be set down in words and figures at the foot of each list, and over the signatures of the judges and the attestation of the clerks, substantially in the form prescribed in section ten. Verifying number.

SEC. 18. After the lists are thus signed the judges must proceed to count and ascertain the number of votes cast for each person voted for. The ballots must be taken out and opened by one of the judges, and by him distinctly read aloud, and inspected by the other two judges. Counting.

SEC. 19. Each clerk must write down each office or position to be filled, and the name of each person voted Tallying.

for to fill such office, and keep the number of votes for each person for each office by tallies as they are read aloud.

Verified tally lists.

SEC. 20. As soon as all the votes are counted there must be attached to the tally lists, lists containing the names of persons voted for and for what office, and the number of votes given for each candidate, the number being written at full length, and such lists must be signed by the judges and attested by the clerks substantially in the form in section ten given.

Duty of judges.

SEC. 21. After counting the votes, proclaiming the result, and signing the lists as above provided, the judges must cause the statements provided for in section six, the ballots and one copy of the lists, to be delivered to the clerk signing the notice of election, and one of the judges must retain the other lists for twenty days after the election, and such statements, ballots and lists returned to the said clerk shall be by him, after the expiration of twenty days, delivered to the county clerk of the county in which such election was held, and by that officer kept with the books and papers of his office, open like other public records to public inspection, for the space of three months, at the end of which time, if no legal proceedings have been instituted in which such lists, ballots or statements may be useful as evidence, said county clerk may then destroy the same.

Certificates of election.

SEC. 22. The board of election must issue certificates of election to all persons who are chosen to fill any position by the vote of their election district.

SEC. 23. It shall be unlawful for any person to vote at any primary election, or at any election to select delegates to any convention, called either for the purpose of nominating a candidate or candidates for any elective office, or for the purpose of selecting other delegates to such convention, unless such person so voting, or offering to vote, has the qualifications of an elector in the district embraced within the call for said primary election, at a general or special election, held under and in conformity with the general election laws of this state.

Penalty for illegal voting.

SEC. 24. Any person violating the provisions of the foregoing section shall, on conviction thereof, be fined in

any sum not less than one hundred nor more than five hundred dollars, or imprisoned in the county jail not less than two nor more than six months, or both, in the discretion of the court.

SEC. 25. Any person who shall be convicted of the violation of any of the provisions of this act for which no punishment is herein especially provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned in the county jail not less than one month nor more than six months, or punished by both such fine and imprisonment, in the discretion of the court. ^{General penalty.}

SEC. 26. There is no law in this state to authorize and regulate primary elections, and as it is desirable that such law be made operative prior to the elections soon to occur in several cities and towns in this state, an emergency exists; therefore, this act shall take effect and be in force from and after its approval by the governor.

Approved March 27, 1890.