

## ORDINANCE NO. 101

AN ORDINANCE TO PROVIDE FOR THE REGISTRATION OF THE NAMES OF PERSONS ELIGIBLE TO VOTE AT SPECIAL ELECTIONS BY RESIDENT FREEHOLDERS WITHIN THE CITY OF POLSON, MONTANA.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF POLSON:

Section 1.

That hereafter when any special election shall be ordered by the City Council for the purpose of submitting any questions to the resident freeholders only, the City of Polson shall have one registration district for such special election.

Section 2.

For all special elections hereafter ordered by the City Council for the purpose of submitting any question to a vote of the resident freeholders only, it shall be the duty of the Mayor, by and with the consent of the City Council, to appoint, at least three (3) weeks prior to the time for holding any such special election, a registry agent in and for said City; no person shall be appointed or act as such registry agent, who at the time of his or her appointment, is not a qualified elector at such election, or entitled to register as such under the provisions of this ordinance. The registry agent so appointed shall have power to administer oaths or affirmations, and do such other things as are necessary to carry out the objects and purposes of this ordinance. Before such registry agent shall enter upon the duties of such office, he or she shall take and subscribe the oath of office, as other city officials are required to do, and shall file the same with the City Clerk of said City.

Section 3.

It shall be the duty of such registry agent during at least three days, and said days shall be at least ten days prior to any such special election for which said registry agent is appointed, to keep the registration books open for the registration of voters, at the place designated as the Registry Office, during the following hour, viz; From eight (8) o'clock A.M. to six (6) o'clock P.M. of each of the days appointed for the registration of voters, and during such time the registry agent shall proceed to make a list of all persons who appear before him and show themselves qualified to vote at such special election. In making the registry list, as above prescribed, it shall be the duty of the registry agent to make an alphabetical list for each of the precincts of the city within his registration district, and each list shall contain only legally qualified voters residing in the precinct specified; and said list shall show the voters arranged alphabetically according to their surnames, and their places of residence, as near as may be, according to avenues, streets, and numbers.

Section 4.

That the City Council shall furnish to the registry agent for all such special elections a blank register which blank register must be ruled in columns and of suitable dimensions to provide for the following entries after the names of the voters, viz:-

1. Registration number;
2. Date of Registration.
3. Name of voter.
4. Age of voter.
5. Where born.
6. Number of precinct.
7. Resident and Street Number;
8. Certificate of naturalization exhibited or a certified copy;
9. Cancellation of entry;
10. Length of time elector has resided within the State;
11. Length of time elector has resided in the County of Flathead, City of Polson;
12. Length of time elector has resided within the voting precinct.
13. A description of real estate owned by said elector within the City of Polson;
14. Remarks in which may be noted the challenge, etc.

Section 5.

That the City Council shall also furnish to the registry agent a stamp upon which shall be printed substantially the following, to-wit: "Polson, Montana, Registry Stamp." The City Council shall also furnish the registry agent with blanks, certificates, affidavits, and other materials necessary to register voter in the manner required by this ordinance.

Section 6.

Before entering the names of any person applying to register for such special election, the registry agent shall cause such person to take and subscribe to an oath in the following form:-

State of Montana )  
 County of Flathead )ss  
 City of Polson )

I \_\_\_\_\_ do solemnly swear (or affirm) that I a citizen of the United States, of America; that I am over the age of 21 years or will be on the day preceding the next ensuing special election; that I will have resided in the State of Montana one year, in the City of Polson for six months and in Precinct No. \_\_\_\_\_ of said City for thirty days immediately preceding the approaching special election, and now live at \_\_\_\_\_ Street (avenue) in said precinct; That I am a resident freeholder of the City of Polson that my name appears on the City and County Tax roll last preceding this day, assessed and charged with taxes within the said City of Polson, and that I am qualified to vote at this election, so help me God"

The registry agent shall then enter the name of the voter in the register and make the proper entries in the respective columns opposite the name of the voter.

#### Section 7.

On the next legal day succeeding that on which the registration of electors, prior to any special election mentioned in this ordinance, shall have been closed, the registry agent must prepare and cause to be printed or written a complete and true list of all the names then remaining on his register for each precinct, alphabetically arranged, commencing with the surname of each voter, and then must write or print a reasonable number of copies of the registration list as he may deem necessary showing on one sheet, but under separate heading in such list, the registered voters in each precinct; at least five copies of which said lists said registry agent must cause to be posted up in public and conspicuous places, within each and every precinct in said city. Said registry agent must, as soon as such lists are printed or written, subscribe and make oath to one copy thereof, as being a true and correct list of all electors registered in the City of Polson from the commencement to the close of the registration in said City, and must, within one day after the publication or writing of such lists, deliver personally or by registered letter, such verified copy to the City Clerk, to be by said City Clerk posted in a conspicuous place in the City Hall until the day of such special election, and thereafter file the same away as other records of the City.

#### Section 8.

The registry agent must give notice in said lists so posted that they will receive objections to the right to vote of any person so registered until six o'clock P.M. on the third legal day previous to the day on which such special election is to be held, and also requesting all persons whose names may be erroneously entered to appear at the proper registry office and have error corrected. Such objections as to the right to vote of any person must be made only by a qualified elector for such special election, must be in writing duly verified, and setting forth the grounds of objection or disqualification. The registry agent before whom such affidavit is made must carefully preserve the same and deliver them with the "Check Lists" and other papers required by this ordinance, to the City Clerk who shall deliver the same to the judges of election in the respective precincts as in this Ordinance provided, and such registry agent must write, distinctly, opposite the name of any person whose qualifications as an elector for such special election has been objected to, the words "To be challenged", or words to that effect. It is the duty of the judges of election, of, on election day such person whose qualifications have been questioned, applies to vote, to test; under oath, the qualifications of such person, and if he be found to be disqualified for any cause under the law, or if such person refuses to take the oath as to qualifications, they shall not be permitted to vote. Any elector whose name has been erroneously cancelled upon such official register, shall be re-registered upon making affidavit supported by the affidavit of any elector qualified to vote at such special election, and the form and substance of said affidavit shall be as set forth in Section 11 hereof.

#### Section 9.

It shall be the duty of the registry agent to deliver to the officers of such special election of each precinct the list of the electors thereof, so made as provided in this ordinance at the time, or before the opening of the polls of such ensuing special election.

#### Section 10.

At all special elections at which a question is to be

submitted to the resident freeholders only of said city, all persons without regard to sex, who are citizens of the United States of America, who have resided in the State of Montana, for one year, in the City of Polson for six months and in the precinct for thirty days, and who are or will be twenty-one years of age or over on the day next preceding such election and who is a resident freeholder of the City of Polson, assessed and charged with taxes on real estate with the City of Polson, and whose name appears on the City or County tax roll preceding such election, are qualified to vote at such special election; any person not in possession of such qualification shall not register or vote any such election.

#### Section 11.

When any person shall offer their ballot at any special election hereafter held under this ordinance, the judges of election shall examine the registry list and if the name of the person so offering to vote be found on the list, shall check the name and shall then receive and deposit the ballot of such person, and the Clerk of election shall enter the name of the person voting upon the poll books as required by this ordinance.

If the name of such person be not found on such registry list it may be placed thereon upon the presentation of satisfactory evidence that such person is qualified to vote in such precinct at such special election such evidence shall consist of the affidavit of such applicant and the affidavit of two owners of real property in the city who are qualified electors and residents of the precinct at which the applicant offers to vote. Such affidavit shall be substantially in the following form:

For the applicant. "I do solemnly swear (or affirm) that I am a citizen of the United States of America, and that I am 21 years of age and have resided in the State of Montana for one year, in the City of Polson for six months, and in Precinct No. \_\_\_\_\_ thirty days immediately preceding the election now being held; that I am now residing at NO. \_\_\_\_\_ Street (Avenue) in said precinct; that I am the owner of real estate within the city of Polson; and that my name appears on the tax roll of the City of Polson or County of Flathead for the City of Polson, Montana, on real estate assessed and charged to me next preceding the election now being held on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, so help me God."

For the owners of real property in said City and residing in the precinct of the applicant and vouching for the applicant.

"We and each of us do solemnly swear (or affirm) that we are the owners of real property in the City of Polson, and are residents of Precinct No. \_\_\_\_\_ in said City, that we are resident freeholders of said City whose names appear on the City and County tax roll of Flathead County Montana, for the said city, next preceding this election, that we are personally acquainted with \_\_\_\_\_, and that he (or she) is to our personal knowledge an actual resident of the precinct, and a qualified voter for this special election now being held; that we do not make this affidavit upon information and belief, but upon our personal knowledge."

Such affidavit shall be made before any officer authorized to administer oaths, but shall not be made before any of the judges or clerks of election. The judges of election shall file and preserve said affidavits and shall place the name of the applicant upon the registry list, and post thereto the names of the persons testifying to the qualifications of the voter; and the judges shall thereupon receive and deposit the ballot of such voter; provided, that all votes at such special election shall be subjected to the provisions of the existing laws and ordinances respecting challenges and the proceedings to be had thereon.

#### Section 12.

If, for any cause, the regularly appointed registry agent shall at any time, fail or be unable to act and discharge the duties required by this ordinance, it shall be the duty of Mayor, or in his absence, the Acting Mayor, to appoint some other person to act as such registry agent who shall possess all the qualifications required of such registry agent as prescribed in Section 2 of this ordinance, and such persons shall have all the powers of the regular registry agent. As often as any such vacancy or failure to act shall occur, the Mayor or in his absence, the Acting Mayor, shall have full power to fill any such vacancy.

#### Section 13.

The registry agent shall receive as compensation for services in discharge of the duties required by this ordinance, the sum of Three Dollars (\$3.00) per day, to be paid as other claims against the City.

For failure to discharge any of the duties imposed upon such registry agent by this ordinance, upon conviction thereof in the police court of said city, the registry agent shall be fined in a sum not less

ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and costs of prosecution.

Section 14.

Any registry agent who shall knowingly cause or permit, the name of any person not qualified or entitled to register, or any person who shall knowingly swear falsely to procure the name of any person not a qualified voter, to be placed upon the registry lists, shall, upon conviction thereof in the police court, of the city, be fined in a sum of not less than Fifty Dollars (\$50.00) nor more than one hundred dollars (\$100.00) and costs of prosecution.

Section 15.

Any person who shall destroy, deface, tear up, pull down, alter, substitute, or in any way interfere with the posted registry lists, or any book wherein such registry list is recorded, shall upon conviction thereof, in the police court of said city, be punished by a fine of not less than twenty-five dollars (\$25.00) and not to exceed one hundred dollars (\$100.00) and costs of prosecution.

Section. 16.

The office of such registry agent, during the times herein provided for registering the names of voters, shall at such times be open to the public and any person or persons desiring to be present shall have the right to do so at any time during the hours of registering, and no names shall be entered upon such lists, except on the days hereinbefore provided for and in the manner specified in this ordinance.

Section 17.

It shall be the duty of the City Clerk to give notice by publishing in a newspaper of general circulation in the City of Polson Montana, at least five days before the time provided for registration prior to any such special election, the time when and the place where the registry agent will occupy the registration office and receive names of persons who shall apply for registration as provided for in this ordinance. It shall be duty of such registry agent, at all times, and such agent is hereby required to keep the registration office within the registration district prescribed in the appointment of such agent.

Section 18.

The registry agent may, when necessary, and by and with the consent of the Mayor, or the Acting Mayor, in the absence of the Mayor, appoint an assistant to aid in discharging the duties of the office of the registry agent imposed by this ordinance. The assistant registry agent must possess all the qualifications required of the principal and shall receive the same compensations.

Section 19.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 20.

That the passage of this ordinance being deemed immediately necessary for the regulation and conducting of registration for special elections by resident freeholders within the City of Polson and as it involves the peace, health and safety of the city and the inhabitants thereof, it is hereby declared to be an "Emergency Measure" and to be and become immediately effective from and after its passage and approval.

Passed by the City Council, this 16 day of June, 1915.

Approved by the Mayor, this 16 day of June, 1915.

Attest: H.S. Hanson City Clerk.

For the passage of this ordinance.

Yes Clerk, Douglas, Stoughton.

Nays None.

STATE OF MONTANA. )

County of Flathead) ss

H.S. Hanson being first duly sworn, upon his oath says I am a citizen of the United States, over the age of twenty-one years, and am and was at the time mentioned in this affidavit the City Clerk of the City of Polson, in said County and State, That on the 17th day of June, 1915, in accordance with the order of the City Council of the City of Polson, requiring all ordinances of said city to be

published by posting in three of the most public places in said city, I posted a copy of the foregoing ordinance No. 101 in three of the most public places in said City, to-wit: one of said copies in the office of the Police Judge, one copy at the office of the City Treasurer, and one copy at the office of the City Clerk, that each of said copies so posted by me was a true, full and correct copy of the said ordinance, and of the whole thereof.

*Escaury*

Subscribed and sworn to before this 21st day of June, 1915.

*Paul M. Wishon*

Notary Public for the State of Montana, residing at Polson, Montana, My commission expires March 31st, 1916



ORDINANCE NO. 102

AN ORDINANCE PROVIDING FOR THE MANNER OF CONDUCTING SPECIAL ELECTIONS BY RESIDENT FREEHOLDERS WITHIN THE CITY OF POLSON, MONTANA.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF POLSON:

Section 1.

That the precincts of the City of Polson as defined and fixed by the Ordinances of the City for the general municipal elections, shall each constitute a voting precinct for all special elections by resident free holders within the City of Polson and which are held by said City.

Section 2.

Notice of every special resident freeholders election held in said City shall be prepared by the City Clerk, stating the purpose for which such election is held, the character of any franchise applied for and the valuable consideration, if any there be, to be derived by the said city; the time and place of holding said election, the place of voting in each of the precincts within the city, and the time the polls will open and close; and such notice must be published in some weekly newspaper of general circulation, published in said City of Polson, at least once a week for three successive weeks; and such notice must be posted in at least three public places in the said City for at least three weeks prior to such election by the resident freeholders.

Section 3.

The City Council must, at least five days before any such election appoint three judges and two clerks of elections for each voting precinct, provided that no person shall be eligible to the office of judge or clerk of election who at the time of such appointment shall be holding any office under the government of said city or who is not a qualified elector at such election or entitled to register as such. Such judges or others chosen in their stead shall qualify and conduct the election, canvass the votes, and make returns thereof, to the Clerk of said City in all respects as required by the laws of the State of Montana, for conducting elections as far as the same are applicable to city elections. In the event that any judge or clerk of election appointed by the City Council shall fail to appear and qualify at the time and place for opening the polls for such election, another shall be chosen by the qualified electors present at such time and place, who shall qualify and act as judge or clerk. Judges of election and clerks shall each be entitled to receive three dollars for their services.

Section 4.

When any person shall offer to vote at any special election by resident freeholders, and the judges shall examine the registry list for that precinct, and if the name of such person be found thereon without challenge, and no challenge is offered, shall check the same and deposit ballot of such voter and the clerks shall enter the name of the person voting on the poll list; but if the name of such person be not on the list he or she shall not be allowed to vote unless the provisions of Ordinance No. 101 in such cases made and provided are complied with at that time.

Section 5.

Before the judges of any election shall permit anyone to vote