

ORDINANCE NUMBER 17.

An Ordinance to provide for the holding of elections within the City of Polson, and providing rules and regulations governing the same.

Be it ordained by the City Council of the City of Polson.

Section 1.- General Election; When to be Held.--The time of holding the general election for the City of Polson shall be on the first Monday in April in each year. *Jan 2*

Section 2.- Special Elections; When Held.--Special elections are such as are held when ordered by the City Council, when the approval of the electors or tax-payers electors is necessary for any matter that is required by law to be submitted to them. At an election by the tax-payers of the city, female tax-payers having the other necessary qualifications of an elector may vote when duly registered.

Section 3.- Notice of Election.--The City Clerk must, not less than ten days prior to any election post five copies of a notice of election in each ward in the city. Such notice shall contain a statement of the time of election, the offices to be filled and the questions and matters to be submitted to the electors at such election.

Section 4.- Plurality to Elect Exception.-- The person receiving at any election the highest number of votes for any office to be filled at such election, is elected thereto. On a question submitted to the electors, a majority of the votes cast carries the question, except when a greater proportion of votes cast is required by law in an election by the taxpayers; when such proportion of the votes cast must be in approval thereof to carry the question.

Section 5.- Compensation of Judges and Clerks.-- The compensation of the judges and clerks of election shall be three dollars per day of eight hours. All time over eight hours to be accounted as one day, and must be audited by the City Council and paid out of the city treasury.

Section 6.- Books and Blanks Furnished by City.-- The necessary printed blanks for poll lists, tally lists, lists of electors, tickets and returns, with envelopes to enclose the returns, pens, ink and pencils, must be furnished by the City

Clerk to the officers of election in each ward, before the opening of the polls, at the expense of the city. All elections shall be by ballot.

Section 7.- Election by Ballot.--

Section 8.- Qualifications of Electors.-- Every male person of the age of twenty-one years or over, possessing the following qualifications, if his name be registered as required by this Ordinance, is entitled to vote at all general and special elections, and for all officers that are now or hereafter may be elective, and upon all questions that may be submitted to the vote of the electors of the city.

First. He must be a citizen of the United States.

Second. He must have resided in the State of Montana one year.

Third. He must have resided in the City of Polson six months and in the ward thirty days immediately preceeding the election at which he offers to vote. No person convicted on a felony has the right to vote unless he has been pardoned. No idiot or insane person is entitled to vote. Upon all questions submitted to the taxpayers of the city, women who are taxpayers and possessed of the of the qualifications for the right of suffrage required of men, equally with men, have the right to vote. The payment of a tax upon property in the city, assessed therefor on a county or cityassessment roll next preceeding the election at which a question is to be submitted to the vote of the taxpayers of the city, constitutes such person a taxpayer at such election.

Section 9.- Council appoints judges and Clerks and Selects Polling Places of Election.-- At the regular meeting of the City Council prior to any city election the Council shall appoint three judges of election for each ward in the city, no more than two of whom shall be of the same political party, and if more than two organized political parties exist in the city, then the Council shall select one from each of the dominant political parties. They shall also select two clerks of election, one from each of the dominant political parties and endeavor to select such persons as are known to be quick and active in clerical work.

The City Clerk shall notify such persons of their appointment not less than ten days prior to the election. The judges and clerks continue to be judges and clerks of said ward until other judges and clerks are appointed. The Council shall, prior to any election, select polling places, one for each ward.

Section 10.- Judges and Clerks to Take Oath.-- Previous to votes being taken, the judges and clerks of election must take and subscribe the official oath. It is lawful for the judges of election, and they are hereby empowered to administer the oath of each other and to the clerks of election. Any judge or clerk of election may administer and certify oaths requiring to be administered during the progress of an election.

Section 11.- Ballot Boxes.-- There must be provided by the City Clerk a suitable ballot box with a lock and key for each ward in the city. There must be an opening in the lid of such box of no larger size than shall be sufficient to admit a single folded ballot. Before receiving the ballots the judges must, in the presence of any persons assembled at the polling place open and exhibit the ballot box and remove any contents therefrom and then close and lock the same, delivering the key to one of their number, and thereafter the ballot box must not be removed from the polling place or presence of the bystanders until all the ballots are counted, nor must it be opened until the polls are finally closed.

Section 12.- Instruction to Voters. -- The City Clerk must cause to be printed in large type on cards, in the English language, instructions for the guidance of electors in preparing their ballots. He must furnish six cards to the judges of election in each ward, and one additional card for each fifty registered electors, or fractional part thereof, in the ward, at the same time and in the same manner as the printed ballots. The judges of election must 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 polling places upon the day of election. Said cards must be printed in large, clear type, and must contain full instructions to the voters as to what should be done, viz.:-

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 the one spoiled by accident or mistake. Said card must also contain a copy of Sections 8130, 8134, 8135, 8136, 8137 and 8138 of the Penal Code. There must also be posted in each of the compartments, or booths, one of the official ballots, without the official stamp, and not less than three such ballots posted elsewhere in and about the polling places, upon the day of election.

Section 13.- Time of Opening and Closing of Polls.--

The polls must be opened at eight o'clock on the morning of election day and must be kept open continuously until six o'clock in the afternoon of said day, when the same must be closed.

Section 14. - Proclamation at Opening and Thirty

Minutes Before Closing of Polls.-- Before the judges receive any ballots, they must cause it to be proclaimed aloud at the place of election that the polls are open, and thirty minutes before the closing of the polls proclamation must be made that the polls will close in one half hour.

Section 15.- Proclamation at Closing Polls.--

When the polls are closed that fact must be proclaimed aloud at the place of election; and after such proclamation no ballots must be received.

Section 16.- City Clerk to Furnish Poll Books.--

The City Clerk must furnish to the several wards poll books substantially after the forms herein after prescribed prior to the opening of the polls.

Section 17.- Form of Poll Book.--

The following is the form of poll books to be kept in duplicate by the judges and clerks of election:-

Poll Book of Ward No.....

Number and names of electors voting.

NO.	NAME	NO.	NAME	NO.	NAME
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The Total number of votes cast at Ward No.....

We, the undersigned, judges and clerks of an election held at Ward No....., in the City of Polson, in the State of Montana, on theday of, 19...., having first been severally

primary meeting represents, and it must be signed by the presiding officer and secretary of such convention or primary meeting, who must add to their signatures their respective places of residence, their business and business addresses. Such certificates must be delivered by the secretary or the president of such convention or primary meeting to the City Clerk, not more than thirty days or less than three days previous to the day of election.

Section 21.- Certificates of Nomination Otherwise Made.-- Candidates for public office may be nominated otherwise than by convention or primary meeting in the following manner: 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 _____ of this Ordinance, must be signed by electors residing within the City or ward in and for which the officer or officers are to be elected, in the following required numbers:-

The number of signatures must not be less in number than five per cent of the number of votes cast for the successful candidate for the same office at next preceding election; but the 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 business address. Any such certificate may be filed as provided for in the preceding section of this Ordinance, in the manner and with the same effect as a certificate on nomination made by a party convention or primary meeting.

Section 22.- Prohibitions for Certificate.-- No certificate of nomination must contain the name of more than one candidate for each office to be filled. No person must join in nominating more than one person for each office to be filled, and no person must accept a nomination to more than one office.

Section 23.- Certificates to be Preserved.-- The City Clerk must cause to be preserved in his office for one year all certificates of nomination filed under the provisions of this Ordinance. All such certificates must be open to public inspection under proper regulations to be made by the officers with whom the same are filed.

Section 24.- Nominations to be Published.-- At least three days before an election to fill any public office the City Clerk must cause to be published in one or more newspapers within

the city the nominations to office, certified to him under the provisions of this Ordinance.

Section 25.- Nominations ^aMy be Declined; When and How.-- Whenever any person nominated to public office, as in this Ordinance provided, shall at least two days before election, in writing, signed by him, notify the City Clerk that he declines such nomination, such nomination shall be void.

Section 26.- Vacancies; How filled.-- If any person so nominated dies before the printing of the ballot, or declines the nomination as in this Ordinance provided, or if any certificate of nomination is or becomes insufficient or inoperative from any cause, the vacancy or vacancies thus occasioned may be filled in the manner required for original nomination. If the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, such committee may, upon the occurring of such vacancies, proceed to fill the same. The chairman and secretary of such committee must thereupon make and file with the City Clerk 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 must be executed in the manner prescribed for the original certificate of nomination, and has the same force and effect as an original certificate of nomination.

Section 27.- Errors may be Corrected.-- Whenever it appears by affidavit that an error or omission has occurred in the publication of the name or description of a candidate nominated for office, or in the printing of the ballots, the district court of the county may, upon application of any elector, by order require the City Clerk to correct such error, or to show cause why such error ~~should not be corrected.~~
~~should not be corrected.~~

Section 28.- ^{of your}Qualification of Voter at Primary Election.-- No person shall be entitled to vote at any caucus, primary meeting or election, held by any political party, except he be an elector of the city or ward within which such caucus, primary meeting or election is held, and legal resident of the city

or ward within which such caucus, primary meeting or election is held, and the limits of which said precinct or district are fixed and prescribed by the regular chosen and recognized representatives of the party issuing the call for such caucus, primary meeting or election.

Section 29.- Same.-- No person shall be entitled to vote at any caucus, primary meeting or election who is not identified with the political party holding such caucus, primary meeting or election, or who does not intend to act with such political party at the ensuing election, whose candidates are to be nominated at such caucus or primary meeting. And no person, having voted at any primary meeting or election of any political party whose candidates are to be or have been nominated, shall be permitted to vote at the primary meeting or election of any other political party whose candidates are to be or have been nominated and to be voted for at the same election.

Section 30.- Judges of Primary.-- Three judges, who shall be legal voters in the ward where such caucus or primary meeting is held, shall be chosen by the qualified voters of said ward, who are present at the opening of such caucus or primary meeting, and said judges shall be empowered to administer oaths and affirmations, and they shall decide all questions relating to the qualifications of those voting or offering to vote at such caucus or primary meeting, and they shall correctly count all votes cast and certify the results of the same.

Section 31.- Clerk of Primary.-- The judges shall select one of their number who shall act as clerk, and the clerk must keep a true record of each and every person voting, with their residence, giving the street and number and postoffice address.

Section 32.-- Challenge of Voter.-- Any qualified voter may challenge the right of any person offering to vote at such caucus or primary meeting, and in the event of such challenge the person challenged shall swear to and subscribe an oath administered by one of the judges, which oath shall be substantially as follows:

"I do solemnly swear that I am a citizen of the United States and am an elector of this city and of this ward where this primary is now being held; that I have been and now am identified with the party, or that it is my intention bona fide to act with the party, and identify myself with the same at the ensuing election, and that I have not voted at any primary meeting or

election of any other political party whose candidates are to be voted for at the next election".

If the challenged party takes the oath above prescribed he is entitled to vote; provided, in case a person taking the oath as aforesaid shall intentionally make false answers to any questions put to him by any one of the judges concerning his right to vote at such caucus or primary meeting or election, he shall, upon conviction, be deemed guilty of perjury and shall be punished by imprisonment in the penitentiary for a term of not less than one year nor more than three years, as provided by law.

Section 33.- Fraudulent Voting and Counting.-- It shall be unlawful for any judge of any caucus or primary meeting or primary election to knowingly receive the vote of any person whom he knows is not entitled to vote, or to fraudulently or wrongfully deposit any ballot or ballots in the ballot box or take any ballot or ballots from the ballot box of said caucus or primary election, or fraudulently or wrongfully mix any ballots with those cast at such caucus or primary election, or knowingly make any false count, canvass, statement or return of the ballots cast or vote taken at such caucus or primary election.

Section 34.- Bribery.-- No person shall by bribery or other improper means or device, directly or indirectly attempt to influence any elector in the casting of any ballot at such caucus or primary meeting, or deter him in the deposit of his ballot, or interfere or hinder any voter at such caucus or primary meeting in the full and free exercise of his right of suffrage at such caucus or primary meeting.

Section 35.- Penalty.-- Any person or persons violating any of the provisions of this Ordinance, except as provided in Section _____, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than two hundred and fifty dollars, or by imprisonment in the county jail not more than three months, or by both such fine and imprisonment, in the discretion of the court.

Section 36.- Ballots, How Printed and Distributed; Expense a City Charge.-- All ballots cast in elections for city officers must be printed and distributed at the expense of the city. The printing of ballots and cards of instruction for the elections

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and the delivery of the same to the election officers is a city charge, and the expense thereof must be paid in the same manner as the payment of other city expenses.

Section 37.- City Clerk to Print Ballots; An Elector May Vote for Any Person.-- It is the duty of the City Clerk to provide printed ballots for every election for public officers in which electors or any of the electors within the city participate, and to cause to be printed in the ballot the name of every candidate whose name has been certified to or filed with the City Clerk in the manner provided for in this Ordinance. Ballots other than those printed by the City Clerk according to the provisions of this Ordinance must not be cast or counted in any election. Any elector may write or paste on his ballot the name of any person for whom he desires to vote for any office, and must mark the same as provided in Section _____, and such vote must 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 marking or preparing his ballot, except as otherwise provided in this Ordinance.

Section 38.- Ballots in Case of Vacancy.-- When any vacancy occurs before election day and after the printing of the ballots, and any person is nominated according to the provisions of this Ordinance, the officer whose duty it is to have the ballots printed and distributed, must thereupon have printed a requisite number of pasters containing the name of the new nominee and must deliver them to the judges of election in the various wards interested in such election, and the judges of election whose duty it is made by the provisions of this Ordinance to distribute the ballots, must affix such pasters over the name for which substitution is made, in the proper place on each ballot before it is given out to the elector.

Section 39.- Ballots; How Prepared.-- Ballots prepared under the provisions of this Ordinance must be white in color and of a good quality of printed paper, and the names must be printed thereon in black ink. They must be uniform in size, and every ballot must contain the names of every candidate whose nomination for any office specified in the ballot has been certified or filed according to the provisions of this Ordinance, and no other names. The list of candidates of the several parties

shall be placed in separate columns on the ballot, in such order as the authorities charged with the printing of the ballots shall decide. As near as possible the ballot shall be in the following form:

Republican	Democratic	Independent
For Mayor --	For Mayor --	For Mayor ---
() -----	() -----	() -----
For City Treas.	For City Treas.	For City Treas.
() -----	() -----	() -----
For Police	For Police	For Police
Magistrate -	Magistrate -	Magistrate --
() -----	() -----	() -----

and containing in like manner as to all candidates to be voted for at such election.

Every ballot must also contain the name of the party or principle which the candidates represent, as contained in the certificates of nomination. Below the names of candidates for each office there must be left a blank space large enough to contain as many written names of candidates as there are persons to be elected. There must be a margin on each side of at least half an inch in width, and a reasonable space between the names 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. Any question to be submitted to the vote of the people, the City Clerk must print in the regular ballot, in such form as will enable the electors to vote upon the question so presented in the manner in this Ordinance provided.

Section 40.- Number of Ballots for Each Ward.-- The City Clerk must provide for each ward in the city one hundred ballots for every fifty or fraction of fifty electors registered in the ward.

Section 41.- Ballot for Bonded Indebtedness or other Proposition.-- That hereafter whenever, in due course of law, in the manner and form required by law and according to the provisions and requirements of law, any question or proposition of or relating to bonded indebtedness, or of issuing bonds or of refunding, increasing or creating a bonded indebtedness, is submitted, ordered submitted or to be submitted to the electors of the city at a general election, when, at the same time, candidates for office or offices are to be voted upon or for, by the

voter's other official ballot, in the ballot box.

Section 42.- Ballots and Official Stamp.-- Before the opening of the polls, the City Clerk must deliver to the judges of election of each election ward, and in which the election is to be held, at the polling place of the ward, the proper number of ballots as provided for in Section ____ of this Ordinance. He must also deliver to said judges a rubber or other stamp with ink pad for the purpose of stamping or designating the official ballots, as hereinafter provided. Said stamp must contain the words "Official Ballot", the name or number of the ward, the date of the election, and the name and official designation of the clerk who furnishes the ballots.

Section 43.-- Election Booths.-- All officers upon whom is imposed by law the duty of designating the polling places, must provide in each polling place designated by them, a sufficient number of places, booths or compartments, each booth or compartment to be furnished with a door or curtain sufficient in character to screen the voter from observation, and must be furnished with such supplies and conveniences as shall enable the elector to prepare his ballot for voting, and in which electors must mark their ballots, screened from observation, and a guard rail so constructed that only persons within such rail can approach within ten feet of the ballot boxes, or the places, booths or compartments herein provided for. The number of such places, booths or compartments must not be less than one for every fifty electors, or fraction thereof, registered in the ward.

Section 44.- Only Voters and Officers Permitted at Polls.-- 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, is permitted to be within said rail; and in cases of small precincts, where places, booths or compartments are not required, no person engaged in preparing his ballot shall, in any way, be interfered with by any person, unless it be some one authorized by the provisions of this Ordinance, to assist him in preparing his ballot; nor shall any officer of election do any electioneering on election day. No person whatsoever shall do any electioneering on election day, within any polling place, or any building in which an election is being held, or within twenty-five feet

thereof; said space of twenty-five feet to be protected by ropes and kept free from trespassers; nor shall any person obstruct the doors or entries thereto, or prevent free ingress to and egress from said building. Any election officer, sheriff, constable or policeman 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 so doing. 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 the 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 the 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 judge 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. Every 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.

Section 45.- A City Charge.-- The expense of providing such places or compartments, ropes and guardrails is a city charge, and must be provided for in the same manner as the other election expenses.

Section 46.- Judges Selected to Deliver Ballot.-- At any election the judges of election must designate two of their number whose duty it is to deliver ballots to the qualified electors. Before delivering any ballot to an elector the said judges must 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 stamp as provided for in Section _____ of this Ordinance. Each qualified elector must be entitled to receive from the said judges one ballot.

Section 47.- Elector to Mark Ballot Forthwith.-- On receipt of his ballot the elector must forthwith, without leaving the polling place and within the guarded rail provided, and alone,

retire to one of the places, booths or compartments, if such are provided, and prepare his ballot. He shall prepare his ballot by marking an "X" before the name of the person or persons for whom he intends to vote. In case of a ballot containing a question to be submitted to the vote of the people, by marking a "X" opposite the answer of the question submitted. The elector may write in the blank spaces, or paste over any other name, the name of any person for whom he wishes to vote. No elector is at liberty to use or bring into the polling place any unofficial sample ballot. After preparing his ballot the elector must fold it so the face of the ballot will be concealed and so that the endorsements stamped thereon may be seen. He must then vote forthwith, and before leaving the polling place.

Section 48.- One Occupant of Voting Booth.-- No more than one person must be allowed to occupy any one booth at one time, and no person must remain in or occupy a booth longer than may be necessary to prepare his ballot, and in no event longer than five minutes, if the other booths or compartments are occupied.

Section 49.- Spoiled Ballot May be Exchanged.-- Any elector who by accident or mistake spoils his ballot, may on returning said spoiled ballot, receive another in place thereof.

Section 50.- Judges May Assist Elector; When.-- Any elector who declares to the judges of election, or when it appears to the judges of election that he cannot read or write or that because of blindness or other physical disability he is unable to mark his ballot, but for no other cause, must upon request receive the assistance of two of the judges, who shall represent different parties, in the marking thereof, and such judges must certify on the outside thereof that it was so marked with their assistance, and must thereafter give no information regarding the same. The judges must require such declaration of disability to be made by the elector under oath before them, and they are hereby authorized to administer the same. No elector other than one who may, because of his inability to read or write or of his blindness or physical disability, be unable to mark his ballot, must divulge to any one within the polling place the name of any candidate for whom he intends to vote, or ask, or receive the assistance of any person within the polling place in the preparation of his ballot.

Section 51.- Voting continuous.-- Voting must commence as soon as the polls are opened, and may be continued during all the time the polls remain open.

Section 52.- Duty of Voter.-- The person offering to vote must hand his ballot to the judges and announce his name, and the name of the street, avenue or location of his residence, and the number thereof if it be numbered, or such clear and definite description of the place of such residence as shall definitely fix the same.

Section 53.- Judges to Deposit Ballot.-- The judges must receive the ballot, and before depositing it in the ballot box must, in an audible tone of voice, announce the name and the residence of the person voting and the same must be recorded on each poll book.

Section 54.- Ballot Deposited without Examination.-- If the name be found on the official register in use at the ward where the vote is offered, or that the person offering to vote produce and surrender a proper registry certificate, and the vote is not rejected upon a challenge taken, the judges must immediately and publicly, in the presence of all the judges, place the ballot, without opening or examining the same, in the ballot box.

Section 55.- Voter to be Checked on "Check List".-- When the ballot has been placed in the box, one of the judges must write the word "Voted" opposite the number of the person on the check list for the precinct.

Section 56.- List of Voters Kept by Clerk.-- Each clerk must keep a list of persons voting, and the name of each person who votes must be entered thereon and numbered in the order voting. Such list is known as the poll list and forms a part of the poll book of the precinct.

Section 57.- Causes for Challenge.-- Any person offering to vote may be orally challenged by any elector of the city upon either or all of the following grounds:

1. That he is not the person whose name appears on the register or check list.
2. That he is an idiot or insane person.
3. That he has voted before that day.
4. That he has been convicted of a felony and not pardoned.

Section 58.- Oath to Challenge Voter.-- If the challenge is on the ground that he is not the person whose name appears on the official register, the judges must tender him the following oath:

You do swear (or affirm) that you are the person whose name is entered on the official register and check list.

If the challenge is on the ground that the person challenged has voted before that day, the judges must tender to the person challenged this oath:

You do swear (or affirm) that you have not before voted this day.

If the challenge is on the ground that the person challenged has been convicted of felony, the judges must tender him the following oath:

You do swear (or affirm) that you have not been convicted of a felony.

Section 59.- Person Challenged May Vote Upon Taking Oath.-- Challenges upon the ground either:

1. That the person challenged is not the person whose name appears on the Official Register; or, That the person has before voted that day, are determined in favor of the person challenged by his taking the oath tendered.
2. A challenge upon the ground that the person challenged has been convicted of a felony and not pardoned, must be determined in favor of the person challenged on his taking the oath tendered, unless the fact of conviction be proved by the production of an authenticated copy of the record; or by the oral testimony of two witnesses. If the person challenged asserts that he has been convicted of a felony and pardoned therefor, he must exhibit his pardon or a properly certified copy thereof to the judges, and if the pardon be found sufficient, the judges must tender him the following oath: "You do swear that you have not been convicted of any felony other than that for which a pardon is now exhibited". Upon taking this oath the person challenged must be permitted to vote if otherwise qualified, unless a conviction of some other

felony be proved, as in this section provided for the proof of a conviction.

Section 60.- Trial of Challenges by Judges.-- Challenges for causes other than those specified in the preceding section must be tried and determined by the judges of election at the time of the challenge.

Section 61.- Person refusing to Take Oath Must not Vote.-- If any person challenged refuses to take the oaths tendered, or refuses to be sworn and answer the questions touching the matter of residence, he must not be allowed to vote.

Section 62.- Ballot Must be Destroyed; When.-- If the challenge is determined against the person offering to vote, the ballot offered must, without examination, be destroyed by the judges in the presence of the person offering the same; if determined in his favor, the ballot must be deposited in the ballot box.

Section 63.- Clerks to Keep List.-- The judges must cause each of the clerks to keep a list showing:

1. The names of all persons challenged.
2. The grounds of such challenges.
3. The determination of the judges upon the challenge.

Section 64.- Voter's Name Must Appear on Check List.-- No person is entitled to vote at any election mentioned in this Ordinance except as otherwise provided in this Ordinance, unless his name on the day of the election appear in the "check list", or the copy of the official register furnished by the Board of Registration to the judges of election at the ward at which he offers to vote, or unless he produces and surrenders a registry certificate, as provided in this Ordinance, and the fact that his name so appears in the "check list" and in the copy of the Official Register in the possession of the judges of election is prima facie evidence of his right to vote.

Section 65.- Canvass to be Public and Without Adjournment.-- Ass soon as the polls are closed the judges must immediately proceed to canvass the votes given at such election. The canvass must be public, in the presence of bystanders, and must be continued without adjournment until completed and the result thereof is publicly declared.

Section 66.- Mode of Canvassing.-- The canvass must commence by a comparison of the poll lists from the commencement,

and the correction of any mistakes that may be found therein, until they are found to agree. The judges must then take out of the box the ballots unopened, except to ascertain whether each ballot is single, and count the same to determine whether the number of ballots correspond with the number of names on the poll lists. If two or more ballots are found so folded together as to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed, and if on comparing the count with the poll lists and further considering the appearance of such ballots, a majority of the judges are of the opinion that the ballots thus folded together were voted by one elector, they must be rejected, otherwise they must be counted.

Section 67.- Where Ballots are in Excess of Names on Check List.-- If the ballots then are found to exceed in number the whole number of names on the poll list, they must be placed in the box (after being purged in the manner above stated), and one of the judges must, publicly, and without looking in the box, draw therefrom singly and destroy unopened so many ballots as are equal to such excess. And the judges must make a record on the poll list of the number of ballots so destroyed.

Section 68.- What Ballots Must be Counted; What Not.-- In the canvass of the votes any ballot which is not indorsed, as provided in this Ordinance, by the official stamp, is void and must not be counted, and any ballot or parts of a ballot from which it is impossible to determine the elector's choice, is void and must not be counted; if part of a ballot is sufficiently plain to gather therefrom the elector's intention, it is the duty of the judges of election to count such part.

Section 69.- Ascertaining the Number of Votes Cast and Persons Voted for.-- The ballots and poll lists agreeing, or being made to agree, the judges must then proceed to count and ascertain the number of votes cast for each person voted for. In making such count of ballots must be opened singly by one of the judges, and the contents thereof, while exposed to the view of the other judges, must be distinctly read aloud by the judge who opens the ballot. As the ballots are read each clerk must write at full length on a sheet to be known as a tally sheet, the name of every person voted for and of the office for which he received votes, and keep by tallies on such sheet the number

of votes for each person.

The tally sheets must then be compared and their correctness ascertained, and the clerks must, under the supervision of the judges, immediately thereafter set down, at length and in their proper places in the poll books, the names of all persons voted for, the offices for which they respectively received votes, and the total number of votes received by each person as shown by the tally sheets. No ballot or vote rejected by the judges must be included in the count provided for in this section.

Section 70/- Tickets to be Strung and Enclosed in Sealed Envelopes.-- The Ballots, as soon as read, or rejected for illegality, must be strung upon a string by one of the judges, and must not thereafter be examined by any person, but must, as soon as all legal ballots are counted, be carefully sealed in a strong envelope, each member of the judges writing his name across the seal.

Section 71.- Rejected Ballots.-- Any ballot rejected for illegality must be marked by the judges by writing across the face thereof, "Rejected on the Ground of, " filling the Blank with a brief statement of the reasons for the rejection, which statement must be dated and signed by a majority of the judges.

Section 72.- Return List.-- As soon as all the votes are counted and the ballots sealed up, the polls must be signed and certified to by the judges and clerks of election substantially as in the form in Section _____ of this Ordinance.

Section 73.- Certain Papers to be Sealed Up.-- The judges must before they adjourn, inclose in a cover and seal up and direct to the City Clerk the Check List, all certificates of registration received by them, one of the lists of the persons challenged, one of the poll books, one of the tally sheets, and the official oaths taken by the judges and clerks of election. Each of the judges must write his name across the seal of the envelope of cover.

Section 74.- One of the Judges to Keep Certain Papers; The Ballot Box.-- The judges must select one of their number to retain, open to the inspection of all electors, for at least six months, the other lists of persons challenged, the other tally sheet and poll book. The ballot box must be delivered to the City Clerk.

Section 75.- Custody of Returns and Ballots.-- The sealed packages containing the check lists, certificates of registration, poll book, tally sheets, oaths of election officers and ballots, must, before the judges adjourn, be delivered to one of their number, to be determined by lot, unless otherwise agreed upon.

Section 76.- Delivery to City Clerk.-- The judges to whom such packages are delivered must, within twenty-four hours, deliver them without their having been opened, to the City Clerk.

Section 77.- Clerk to Keep Ballots Unopened.-- Upon the receipt of the packages the clerk must file the one containing the ballots, after which time, if there is not a contest commenced in some tribunal having jurisdiction about such election, he must burn the package without opening or examining its contents.

Section 78.- When Package Containing Ballots May be Destroyed; When Opened.-- If within twelve months there is such a contest commenced, he must keep the package unopened and unaltered until it is finally determined, when he must, as provided in the preceding section, destroy it, unless such package is by virtue of an order of the tribunal in which the contest is pending, brought and opened before it, to the end that evidence may be had of its contents, in which the event the package and contents are in the custody of such tribunal.

Section 79.- Package to be Produced Before City Council.-- The other package the Clerk must produce before the City Council when it is in session for the purpose of canvassing returns.

Section 80.- Clerk to File in his Office Book, Papers, etc.-- As soon as the returns are canvassed, the City Clerk must file in his office, the poll book, lists and the papers produced before the Council from the package mentioned in the next preceding section.

Section 81.- Canvass of Returns.-- On the Monday following any election the City Council must convene and publicly canvass the result of the election. If the Council from any cause fails to meet on the day named, the Mayor must call a special meeting of the Council within five days thereafter, and in addition to the notice for special meetings must publish the same on two successive days in some newspaper published in the city. If the Mayor fails to call said meeting in five days, three

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aldermen may call it.

Section 82.- Canvass to be Public.-- The canvass must be made in public by opening the returns and determining therefrom the vote of the city or ward for each person voted for, and for and against such proposition as was voted up at such election, and declaring the result thereof. In canvassing no returns must be rejected if it can be ascertained therefrom the number of votes cast for each person. The fact that the returns do not show who administered the oath to the judges and clerks of election, or the failure to fill out any or all the certificates in the poll book, or to do or perform any other act in making up the returns, that is not essential to determine for whom the votes were cast, is not such an irregularity as to entitle the Council to reject the same, but they must be canvassed as are other returns.

Section 83.- Entry on Journal of Result.-- The City Clerk as soon as the result is declared, must enter on the journal of the Council a statement of such result, which statement must show:

1. The number of votes cast in the city.
2. The names of the persons voted for, and the propositions voted for.
3. The office to fill which each person was voted for.
4. The number of votes given in each ward to each of such persons, and for and against each of such propositions.
5. The number of votes given in the city to each of such persons, and for and against each of such propositions.

Section 84.- The Person Receiving the Highest Number of Votes Must be declared Elected.-- The Council must declare elected the person having the highest number of votes in the city for a city office, and in the ward for a ward office.

Section 85.- The City Clerk to Make Certificate of Election.-- The City Clerk must immediately make out and deliver to such person declared elected, a certificate of election signed by him and authenticated by the seal of the city.

Section 86.- Destroying or Obliterating Notices.-- Any person who shall tear, destroy or obliterate any notice required by this Ordinance to be posted, after the posting of the

same, and during the tiem the same may be required to be posted, shall be fined for each and every such notice torn, destroyed or obliterated, in any sum not exceeding three hundred dollars.

Section 87.- All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 88.- That whereas an emergency exists and it is immediately necessary for the preservation of the peace, health and public safety of the inhabitants of the City of Polson, this Ordinance shall be in full force and effect from and after its passage and approval according to law.

Passed and approved this the 3rd day of February, 1911.

J. J. McMichael
Mayor

Attest. *J. J. Hawary*
City Clerk

Vote.

Ayes - Dawson, Gabb, Mills, McDonald, Kaiser and Wright.

Noes - None.