

AMENDMENTS

TO THE

State Election Laws

OF KENTUCKY.

HOUSE BILL, NO. 19.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The County Clerk of each county shall cause to be printed on the respective ballots the names of the candidates nominated by the convention or primary election of any party that cast 2 per cent. of the total vote of the State at the last preceding general election, as certified to the said clerk by the presiding officer and secretary of said convention, or in the case of a primary election by the secretary and chairman of any district committee; and also the names of any candidates for any office, when petitioned so to do by electors qualified to vote for such candidates, as follows: For a State officer, or any officer for whom all the electors of the State are entitled to vote, one thousand petitioners; for a Representative in Congress from any congressional district, or any other district except as herein provided, four hundred petitioners; for a county officer or member of the General Assembly, one hundred petitioners; for an officer of a precinct, or any other ward, or other division less than a county, twenty petitioners. The signatures of such petition need not be appended to one

paper, but no petitioner shall be counted except his residence and postoffice address be designated. Such petition shall state the name and residence of each of such candidates; that he is legally qualified to hold such office; that the subscribers desire, and are legally qualified, to vote for such candidate; and shall designate a brief name or title of the party or principle which said candidates represent, together with any simple figure or device by which they shall be designated on the ballot.

CERTIFICATE OF NOMINATION.

The certificate of nomination by a convention or primary election shall be in writing, and shall contain the name of each person nominated, his residence and the office to which he is nominated, and shall designate a title for the party or principle which such convention or primary election represents, together with any simple figure or device by which its list of candidates may be designated on the ballots; said certificate shall be signed by the presiding officer and secretary of such convention, or by the chairman and secretary of the county, city or district committee, who shall add to their signatures their respective places of residence, and acknowledge the same before an officer duly authorized to administer oaths. If the certificate of nomination of any State Convention shall request that the figure or device selected by such convention be used to designate the candidates of such party on the ballots for all elections throughout the State such figure or device shall be used until changed by request of a subsequent State Convention of the same party. Such device may be any appropriate symbol; but the coat of arms or seal of the State, or of the United States, the National flag, or any other emblem common to the people at large, shall not be used as such device. A certificate of such acknowledgment shall be appended to such instrument. In case of death, resignation or removal of any candidate subsequent to nomination, unless a supplemental certificate or petition of nomination be filed, the chairman of the State, county or city district committee shall fill such vacancy. Certificates and petitions of nomination of candidates for all offices to be filled by the

electors of a county, or a division or district of the county, shall be filed with the County Court Clerk: Provided, however, That if any political party entitled to nominate by convention shall in any case fail to do so, the names of all nominees by petition for any office who shall be designated in their positions as members of, and candidates of. such party, shall be printed under the device and title on the ballots as if nominated by a convention. Certificates and petitions of nomination of candidates for offices to be voted for by the electors of the State, other than members of the General Assembly, or of any division or district of the State exclusively, shall be filed with the Secretary of State. In the event two or more persons who have filed certificates of nomination with the said Secretary of State or County Clerk shall claim to be the nominee of the same political party the governing authority of said political party shall designate, in writing, to said Secretary of State and County Clerk which of said candidates shall be entitled to the party emblem: Provided, however, if there be two or more contending executive committees of the same party in the county or district, then that county or district executive committee which is recognized by the State governing authority of such party, by the written certificate of the chairman thereof, shall be recognized by the County Clerk and Secretary of State.

DESIGNATION OF DEVICE.

Sec. 2. Not less than twenty days before the election of such officers as are required to file their certificate of nomination with the Secretary of State said Secretary of State shall certify to the respective County Court Clerks of the various counties which are entitled under the law to participate in the election of the respective candidates, the name and place of residence of each candidate for each respective office, as specified in the certificates and petitions of nomination filed with him, and shall designate therein, subject to the provisions of this act, the device under which the group or list of candidates or candidate of each party shall be printed, in the order in which they shall be arranged on the ballot; Provided, however, Should a vacancy occur in the General Assembly and a writ of election issued to fill said vacancy, the petition or

certificate of nomination may be filed ten days before the day of election, and if filed with the Secretary of State shall be **immediately certified** to the proper County Court Clerks. No writ for the election of a member of the General Assembly shall be issued, except so as to enable the Sheriff to give notice thereof, as now provided by law, at least fifteen days before the day of election.

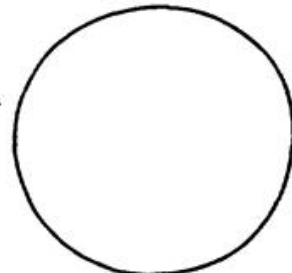
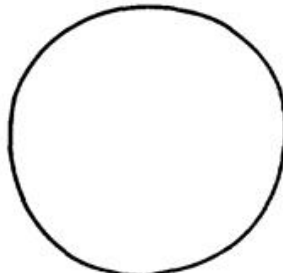
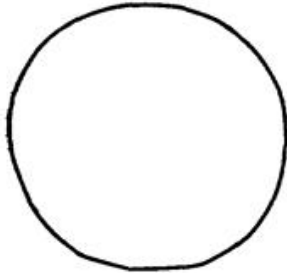
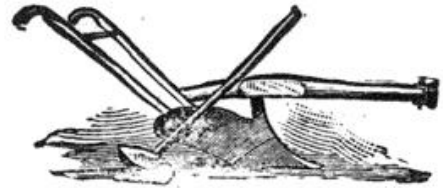
Sec. 3. If the County Court Clerk shall willfully and knowingly refuse or fail to have the name of any candidate printed upon the official ballot in the manner provided for in this act, he shall forfeit his office and be guilty of felony, and, upon conviction, be confined in the penitentiary for not less than one year nor more than three years.

CIRCLE UNDER DEVICE.

Sec. 4. The County Clerks of the several counties shall cause the names of all candidates of their respective jurisdictions, where nominations for any office specified in the ballot have been duly made and not withdrawn, in accordance herewith, to be printed on one ballot all nominations of any party or group of petitioners, as designated by them in their certificate or petition; or if none be designated, under some suitable title and device. If the same device for designating candidates be selected by two parties or groups of petitioners, it shall be given to the one which first selected it, and the Clerk shall select a suitable device for the other. The arrangement of the ballot shall in general conform, as nearly as practicable, to the plan hereinafter given, and the devices named and lists of the candidates of the various parties shall be printed in parallel columns, in such order as the Secretary of State may direct, precedence, however, being given to the party which polled the higher number of votes for the head of the ticket in the last preceding election. The device of each party shall be placed at the head of the list of candidates of the party. The device shall not be inclosed in a square, but immediately under the device shall be placed a circle of one inch in diameter. Immediately under it shall be placed the name or title of the party ticket, and immediately under the name or title the list of candidates of the party, the name of

each candidate having immediately on its right a small square large enough to contain the cross mark by which the voter is required to designate his vote. Underneath the name of each candidate shall be left a blank space large enough to contain a written name, and the general arrangement shall conform as nearly as possible to the following:

Name of voter.....Consecutive number...
 Residence.....



DEMOCRATIC PARTY.

REPUBLICAN PARTY.

PEOPLE'S PARTY.

For Governor—

WM. GOEBEL.....

.....

For Lieutenant Governor—

J. C. BECKHAM....

.....

For Governor—

W. S. TAYLOR

.....

For Lieutenant Governor—

JOHN MARSHALL..

.....

For Governor—

JOHN G. BLAIR...

.....

For Lieutenant Governor—

.....

.....

(and continuing in like manner as to all candidates to be voted for at such elections).

Name of voter Consecutive number

The secondary stub shall be on the end of the ballot opposite to that of the several party devices.

On the back shall be printed "official ballot," the date of the election and fac simile of the signature of the clerk who

has caused the ballot to be printed. Should any elector desire to vote for each and every candidate of one party he shall make a cross mark (X) in the circle under the device of said party, and the vote shall be counted for all the candidates under said device: Provided, however, if a cross mark (X) be made in the circle under a party device and a cross mark (X) be also made after one or more candidates of a different party, or parties, the vote shall be counted for the candidates so marked, and not for the candidates for the same offices of the party so marked, but the vote shall be counted for the other candidates of said party.

PAPER FOR BALLOTS.

Sec. 5. All ballots shall be printed on plain white paper, sufficiently thick that the printing can not be distinguished from the back, which paper shall be of No. 1 white book paper, and when 26 by 40 inches shall weigh eighty pounds to the ream, or if double cap forty pounds to the ream; and, except in elections for a municipal office, shall be furnished to the County Court Clerk by the Secretary of State, and it shall be the duty of the County Clerk to notify the Secretary of State thirty days before the day of the election of the size and the number of ballots which shall be necessary for said county, estimating 50 per cent. more to the precinct than there were ballots cast at the last preceding State election, and the Secretary of State shall furnish the paper as herein provided within ten days after said notification by the County Court Clerk. If upon any ticket there be no candidate or candidates for a designated office a blank space equal to the space that would be occupied by such name or names, if they were printed thereon, with the blank spaces herein provided for shall be left. Should the Secretary of State fail or refuse to so furnish said paper for the ballots, he shall be guilty of a misdemeanor, and upon trial and conviction by indictment in Franklin Circuit Court, be fined not less than one thousand (\$1,000) dollars and not more than five thousand (\$5,000) dollars, in the discretion of the jury.

Provided: That in the year 1900 the notice herein provided for to be given to the Secretary of State by the County Court Clerk shall not be given, but immediately after the passage of

this act, and at least fifteen (15) days before the day of the next ensuing election the Secretary of State shall furnish to the various County Court Clerks the paper upon which the ballots shall be printed, which shall be of the quality as herein provided, and each county shall be furnished 50 per cent. more ballots than were cast in the respective counties at the last preceding State election.

Provided, however: That the clerks of the various counties of the State shall furnish the paper of the kind and weight as herein provided for the ballots in the year 1900, if the Secretary of State does not furnish same twelve (12) days before the day of the next ensuing election.

Said clerk shall be subject to the same penalties prescribed for failure to print on paper furnished by the Secretary of State if he fails to have ballots printed on the kind and quality of paper as set out herein.

PENALTIES.

Sec. 6. If any County Court Clerk shall refuse or fail to have ballots, which are herein required to be printed on paper furnished by the Secretary of State, printed upon paper so furnished by said Secretary, he shall be fined five hundred dollars, or imprisoned in the county jail for six months, or both so fined and imprisoned.

Sec. 7. If any election officer at any precinct shall refuse to permit any challenger or inspector of any regular political party having ticket to be voted for at the election, who has been duly appointed and presents a certificate thereof duly attested, to perform his duties as challenger or inspector, as the case may be, he shall be fined not less than fifty nor more than five hundred dollars.

Sec. 8. The officer who furnishes the ballots to the election officers of the precincts shall, at the time he delivers said ballots, furnish to the election officers aforesaid a number of copies of the following oath, equal to 5 per cent. of the ballots furnished said precinct, which shall be printed on paper suitable for writing with ink, to-wit:

“State of Kentucky, County ofss.:

“I do solemnly swear that I am of the age of not less than

twenty-one years; that I have resided in the State of Kentucky one year and in the county of six months, and in precinct No. sixty days next preceding the election, A. D. 19... I reside at No. street (if said person claims to reside in a city.) My two nearest neighbors are, and that I have never been convicted in any court of treason, or of any felony or bribery and not pardoned therefor, and that I know of no legal disqualification which should prevent my vote from being cast and counted at this election.

“This the day of, A. D. 19...
.....

“Subscribed and sworn to before me this theday of...
.... A. D. 19...

.....,
“Judge of the Election.”

QUALIFICATION OF VOTERS.

Whenever the officers of election disagree as to the qualification of any one who offers to vote, one of the judges of the election shall administer the oath prescribed in the form set out in this section, and shall correctly fill out with ink the blanks in, and require the person offering to vote to subscribe his name thereto, with pen and ink, and upon his failure or refusal to take said oath and to subscribe his name thereto, the person so offering to vote shall not be permitted to vote. If the person offering does take said oath and subscribe his name thereto and no counter affidavit is filed, he shall be permitted to vote, and one of the judges shall certify the same, and the oath so subscribed and certified shall be returned to the County Clerk of the county with the poll books, who shall safely keep the same, and shall deliver the same to the foreman of the grand jury on the first day of the next term of the Circuit Court held in said county, and for his failure to do so he shall be fined not less than ten nor more than one hundred dollars.

It shall be the duty of the Commonwealth's Attorney and County Attorney to investigate each of these certificates and cause to be summoned before the grand jury such witnesses as they, or either of them, shall determine proper, and it shall be the duty of the grand jury to make a thorough investiga-

tion of all votes so cast, and return indictments against all persons so illegally voting.

Any person who shall falsely take the oath prescribed in this section, or shall subscribe his name to the oath therein prescribed, if said oath shall be false and untrue as to any statement therein, shall be deemed guilty of felony, and shall, on conviction, be confined in the penitentiary not less than two nor more than ten years.

It shall be the duty of the foreman of the grand jury to return all the certificates upon which no indictments shall be found to the County Clerk, who shall safely keep the same as a part of the records of the office, and shall produce them, or any of them, when required, to any subsequent grand jury.

Any election officer who shall fail or refuse to perform any of the duties imposed by this section shall, upon conviction, be fined not less than fifty nor more than two hundred and fifty dollars, or be confined in the county jail not less than thirty days nor more than six months, or be both fined and imprisoned in the discretion of the jury.

DUTIES OF THE CLERK.

Sec 9. It shall be the duty of the County Court Clerk to cause to be printed, bound and ready for distribution one book of stubs and ballots for each voting precinct in his county, and shall furnish 50 per cent. more ballots for each precinct than there were votes cast in said precinct at the last State or national election. He shall also have made for each voting precinct in his county one metal stamp at least one inch in diameter, which shall be known as the county election seal. It shall have upon it the word "election" straight across the center; the name of his county around the circle inside the rim above the word "election," and the name of the precinct for which it is made around the circle inside the rim below the word "election," together with one stick of best sealing wax, such as is used by the United States Government and by express companies for sealing packages containing money. He shall also have made for each precinct in his county one adjustable linen envelope sufficiently large to hold all the ballots that may be voted at such precinct, with a gummed seal on the back thereof, and a place on the point of the seal for the

county election seal. He shall also have made one linen envelope for the purpose of holding the tally sheet, with a gummed seal on the back thereof, and a place on the point of the seal for the county election seal. He shall also have made one adjustable linen envelope sufficiently large to hold all the ballots of which there is any doubt or difference of opinion in the minds of the judges concerning their legality or regularity. He shall deliver said ballot book and ballots, together with the election seal for the different precincts and the two large and one small linen envelopes for holding the ballots and tally sheet, and all necessary black ink, stencils, sample ballots and cards of instruction as herein provided, to the clerks of such precincts and take their receipts for the same. One of such ink stencils shall be safely placed in the booth, the other preserved by the clerk, to be used in case any are lost, stolen or destroyed. Should any person steal or willfully destroy either of said stencils, or any of the election supplies required to be furnished herewith, he shall, upon conviction, be fined not less than fifty dollars nor more than two hundred dollars, and be confined in the county jail not less than one nor more than six months.

PRESERVATION OF BALLOTS.

Sec. 10. As soon as the polls are closed on the day of the election, and without adjournment or separation of the officers, they shall, in the voting room, open the ballot box and immediately count the ballots and make a tally sheet of the count. When the result of the ballot is ascertained it shall be immediately announced by one of the judges in front of the voting room. All the ballots which have been counted, and over which there is no question of regularity, shall consecutively be placed on a string, to be furnished by the County Court Clerk, as near as possible in the middle of the ballot, and when the count is completed the ballots so strung shall be wrapped twice around each way with the string upon which the ballots are strung, and tied in a hard bow knot, and the knot shall then be sealed with sealing wax, and stamped with the county election seal by the judges of the election, in the presence of the clerk and sheriff, while the wax is hot, so as

that the impression of the county election seal can be plainly read. Provided: That if there are any ballots cast and counted or left uncounted, concerning the legality or regularity of which there is any doubt or difference of opinion in the minds of the judges of the election, said ballots shall be placed in the large linen envelope furnished by the County Court Clerk for that purpose, and sealed up, and across the seal thereof the officers of the election shall plainly write their names, and at the point of the seal indicated for that purpose the judges of the election shall, in the presence of the clerk and sheriff, place the county election seal in hot wax, as above described, so that it can plainly be read, and the same shall be returned to the Clerk of the County Court with the returns of the election, for such judicial or other investigation, as may be necessary, with a true statement as to whether they have or have not been counted, and if counted what part and for whom. The tally sheet shall be placed in the linen envelope furnished for that purpose and sealed up separately, and across the seal thereof the judges of the election shall plainly write their names, and at the point of the seal indicated for that purpose the judges of the election shall, in the presence of the clerk and the sheriff, place with wax, as above required, the county election seal. After the certificates have been prepared and signed and delivered as required by law, by the officers of election, then the ballots that have been counted and tied and sealed, as above required (and none other), together with the tally sheet, after it has been stamped and sealed, as above required, shall all be placed in the large adjustable linen envelope prepared and furnished for that purpose, then the said envelope shall be sealed and across the seal thereof the officers of the election shall each write his name in a plain and legible hand and the judges shall, in the presence of the clerk and sheriff, at the point on the seal of said envelope indicated for that purpose, place the county election seal in hot wax, as above described, so that it can be plainly read, and the envelope so sealed shall then be placed in the ballot box and securely locked with the two locks hereinbefore required to be furnished, and the keys to said ballot box, and the county election seal shall then be placed in the possession of the judge of the opposite political faith to that of the sheriff of election, and the sheriff of the election shall then take possession of said bal-

lot box containing the ballots and tally sheet, and also take possession of the stub books containing the certificate of election and the envelopes containing the spoiled and mutilated and uncounted and questioned ballots. And the judge of election holding the keys to the ballot box and county election seal shall go with and accompany the sheriff of election, within two days thereafter, for which he shall receive the same compensation as the sheriff of election now receives by law for delivering the poll books and election returns to the County Court Clerk's office, and shall, in the presence of each other, deliver to the County Court Clerk the ballot box and the poll books, certificates and the envelope containing the spoiled, mutilated and questioned ballots, and the keys to the ballot box, together with the county election seal, and the County Court Clerk shall then and there, in the presence of the said sheriff and judge, unlock the ballot box and ascertain if the package containing the ballots and tally sheet is properly sealed, according to the requirements herein, and if it is he shall then issue his receipt in duplicate for said ballot box and ballots, one to the sheriff and one to the judge, which shall be in form as follows, or as near as can be to conform to the facts:

FORM OF RECEIPTS.

Received of, sheriff of election for precinct, the ballot-box, and of, judge of the election of said precinct, the keys to said ballot-box and the county election seal for said precinct. I hereby certify that I find upon examination, in the presence of said officers, that the package in said box is properly sealed and stamped, according to law; that I have replaced said package in said ballot-box and relocked the same, and delivered to each of them a key to said ballot-box, and to the judge of the election, the county seal of election, and taken their receipt for same.

The clerk, after having satisfied himself as to the condition of said ballots, shall again replace said ballots in the ballot-box and relock said box in the presence of the judge and sheriff, and then and there deliver to each of them a key to said box, and the seal of election to the judge who gave it to

him, and take their receipt therefor. The form of receipt shall be, as near as can be to conform with the facts, as follows:

Received of, Clerk of County Court, one key each to the ballot-box that has been delivered to him this day by, sheriff of election in precinct, county, Kentucky, after having first seen him unlock said ballot-box and examine the package therein, and, finding it to be sealed and stamped according to law, and that we saw him replace said package in said ballot-box and relock the same and, judge of election, hereby acknowledges receipt of the county election seal for his precinct thisday of, 1900.

.....
Judge ofPrecinct.

.....
Sheriff ofPrecinct.

SHALL BE KEPT SIX MONTHS.

The judge and sheriff shall retain said keys for the period of six months, at which time, if there has not been a contest filed, then they shall deliver said keys to the County Court Clerk, together with the county election seal, and it shall be his duty to destroy said ballots: Provided, however, if there be a contest filed, then the judge and sheriff of the different precincts, who hold the keys to the ballot-box of their respective precincts, shall, upon notice of the filing of the contest, deliver the keys to the Judge of the court having jurisdiction to try the contest, and the officer so holding the county election seal shall then deliver the same to the County Court Clerk.

Sec. 11. At the close of the polls, and before the ballot-box is open, the officers of election shall count the remaining ballots that have not been used and tear them from the book and destroy them by burning, and in their certificate of the result of the election they shall certify how many ballots were not used and destroyed.

PENALTIES PRESCRIBED.

Sec. 12. Any officer of the election who shall knowingly and willfully give or certify to an improper certificate of the election as herein required, or shall mutilate or tamper with any of the seals, or destroy or remove any of the ballots required to be preserved herein, shall be guilty of felony, and upon conviction thereof shall be confined in the penitentiary for a period of not less than one nor more than three years.

Sec. 13. Any County Court Clerk who shall knowingly and willfully unlock or break open and remove or destroy, or in any way tamper with a ballot box and ballots left in his care and custody, or permit any other person to do so during the period of six months which they are so required to remain in his office, or until they are removed from his office by order of the court hearing any contest, shall forfeit his office and be deemed guilty of a felony, and upon conviction thereof shall be confined in the penitentiary not less than one nor more than three years.

Sec. 14. Any person or persons who shall in any way remove, mutilate or destroy, or add any new ballots to, the regular ballots that have been counted and prepared for preservation, or have already been preserved, as required herein, so that the result of the election in such precinct or county is changed thereby, shall, upon conviction, be deemed guilty of a felony and confined in the penitentiary for not less than one nor more than three years.

Sec. 15. Any person or persons who shall unlawfully attempt to prevent, or prevent, any voter from casting his ballot, or shall attempt to, or intimidate, any person or voter so as to prevent him from casting his ballot, or who shall unlawfully interfere with the officers of election in the discharge of their duties as such, shall be deemed guilty of a felony, and, upon conviction, be confined in the penitentiary for a period of years, of not less than one nor more than five years, for each offense. The fact that the person or persons so offending may be an officer or officers of the Federal Government, or of the State or any district, county, town or city thereof, or of election, shall not relieve them of the responsibility or penalty for the violation of this section.

All acts or parts of acts in conflict with this act are, to the extent of such conflict, hereby repealed.

Sec. 16. Because of the dissatisfaction that now exists against the present election law in this Commonwealth, and that it is **desirous** and necessary that the coming election in November be held under the provisions of this act, there is an emergency that this act take immediate effect, and this act shall take effect and be in force upon its approval by the Governor.