

**THE ELECTION LAWS
GOVERNING PRIMARY,
CITY, COUNTY, STATE, AND
PRESIDENTIAL ELECTIONS**

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The Election Laws Governing Primary, City, County, State, and Presidential Elections by E. G. Waite

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E. G. WAITE

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GOVERNING PRIMARY,
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Compliments

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CALIFORNIA

ELECTION LAWS,

TOGETHER WITH

PROPOSED CONSTITUTIONAL AMENDMENTS AND
LEGISLATIVE ENACTMENTS, ETC.

(Second Edition.)

California Laws, Statutes, & Decisions

THE

ELECTION LAWS

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GOVERNING

Primary, City, County, State, and Presidential Elections,

INCLUDING THE

Reform Ballot Act of 1891, and Sample Ballot as required by that Act;
Also, the San Francisco Registration Law; Also, Proposed
Amendments to the Constitution, and other Propo-
sitions, to be voted on at the next
General Election;

ALSO,

Divisions of the State into Congressional, Senatorial, Assembly,
Equalization, and Railroad Commissioner Districts.

PREPARED FOR DISTRIBUTION BY

E. G. WAITE, SECRETARY OF STATE.



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STATE OFFICE, : : : A. J. JOHNSTON, SUPT. STATE PRINTING.

1892.

INTRODUCTORY.

In view of the radical change made by the last Legislature in the election laws of the State, and the introduction of a new form of ballot, and new modes of procedure at elections—in other terms, the adoption of the so called Reform, or Australian ballot system—it is deemed imperative that the voting population of California should be made intelligent as to the nature and requirements of the new law under which they are soon to act in a presidential election. With the view of educating the people on an all-important subject, this publication of the election laws as they now stand, and accompanying matter, all bearing on elections, has been compiled and printed for free distribution. Thirty thousand copies have been published, ten thousand to be given to the State Central Committee of each of the two great political parties, and ten thousand to be reserved in the office of the Secretary of State for County Clerks, the press, for supplying individuals, and for any new party that may arise, or any minor old party that chooses to maintain an existence.

In the hope that the pamphlet will be valuable in instructing the American citizen of California how to perform his duty as an elector, and conserve his rights as a patriot for the sake of good self-government, it is given to the public.

E. G. WAITE,
Secretary of State.

ELECTION LAWS.

The following sections of the Political Code govern elections:

1041. There must be held throughout the State, on the first Tuesday after the first Monday of November, in the year eighteen hundred and eighty, and in every second year thereafter, an election, to be known as the general election. [In effect April 16, 1880.] General election.

1043. Special elections are such as are held to supply vacancies in any office, and are held at such times as may be designated by the proper Board or officer. Special election.

1053. At least thirty days before a general election, and whenever he orders a special election to fill a vacancy in the office of State Senator or member of Assembly, at least ten days before such special election the Governor must issue an election proclamation, under his hand and the Great Seal of the State, and transmit copies thereof to the Boards of Supervisors of the counties in which such elections are to be held. [In effect April 16, 1880.] Governor to issue proclamation.

1054. Such proclamation must contain:

1. A statement of the time of election, and of the offices to be filled.

2. An offer of rewards, in the following form: "And I do hereby offer a reward of one hundred dollars for the arrest and conviction of any and every person violating any of the provisions of Title IV, Part I, of the Penal Code; such rewards to be paid until the total amount hereafter expended for the purpose reaches the sum of ten thousand dollars." Reward for illegal voting.

1055. The Board of Supervisors, upon the receipt of such proclamation, may, in case of general or special elections, cause a copy of the same to be published in some newspaper printed in the county, if any, and to be posted at each place of election at least ten days before the election; and in case of special elections to fill a vacancy in the office of State Senator or member of Assembly, the Board of Supervisors, upon receipt of such proclamation, may, in their discretion, cause a copy of the same to be published or posted as hereinbefore provided, except that such publication or posting need not be made for a longer period than five days before such election. [In effect April 16, 1880.] Supervisors to publish proclamation.

1056. Whenever a special election is ordered by the Board of Supervisors, they must issue an election proclamation, containing the statement provided for in subdivision first, of section Same.

ten hundred and fifty-four, and must publish and post it in the same manner as proclamations issued by the Governor.

Plurality to elect. **1066.** The person receiving at any election the highest number of votes for any office to be filled at such election, is elected thereto.

Tie vote. **1067.** If at any election, except that for Governor or Lieutenant-Governor, two or more persons receive an equal and the highest number of votes, there is no choice, and a special election to fill such office must be ordered by the proper Board or officer.

Same. **1068.** In case any two or more persons have an equal and highest number of votes for either Governor or Lieutenant-Governor, the Legislature must, by a joint vote of both houses, choose one of the persons to fill such office.

Privileged from arrest, when. **1069.** Electors are privileged from arrest, except for an indictable offense, during their attendance on the election, and in going to and returning from the same.

Free from military duty, when. **1070.** No elector is obliged to perform militia duty on the day of election, except in time of war or public danger.

No fees charged. **1071.** No fees must be charged for registration or certificates thereof.

Compensation of officers of election. **1072.** Each member upon a Board of Election in any county, or city and county, in the State, and each clerk thereof, shall receive as compensation for his services upon such Board a sum not to exceed ten dollars, which sum shall be paid out of the treasury of the county, or city and county, in which such persons act. [Approved March 20, 1889.]

Poll lists. **1073.** The necessary printed blanks for poll lists, tally lists, lists of voters, oath, and returns, together with envelopes in which to inclose returns, must be furnished by the Board of Supervisors to the officers of each election precinct at the expense of the county.

QUALIFICATIONS AND DISABILITIES OF ELECTORS.

Qualifications of voter. **1083.** Every native male citizen of the United States, every male person who shall have acquired the right of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days, and whose name shall be enrolled on the Great Register of such county, shall be a qualified elector thereof. [In effect April 16, 1880.]

1084. No native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, shall ever exercise the privilege of an elector. [In effect April 16, 1880.] Not qualified, who.

GREAT REGISTER.

1084. A register, in which shall be entered the names of the qualified electors of each of the counties in the State, shall be kept at the office of the County Clerk of such county; and in each of the cities and counties in the State such a register shall be kept in the office of the person charged with the registration of voters in such city and county. There shall be in each of the counties, and cities and counties, in the State (when required by the Board of Supervisors), a new and complete registration of the voters of such counties, and cities and counties, who are entitled thereto and who apply with the proper proof. Such registration shall commence one hundred days before a general election, and shall continue for eighty-five days thence next ensuing, when such registration shall cease; *provided*, that nothing in this section shall be held to repeal any election or registration law applicable to or in force in the City and County of San Francisco. [Approved March 20, 1889.] Great Register to be kept.

1095. In the Great Register the Clerk must, as hereinafter provided, enter the names of the qualified electors of the county whose names are not already thereon. Names to be entered.

1096. Such entry must show:

Must show.

1. The name at length.
 2. The age, omitting fractions of years.
 3. The height.
 4. The complexion.
 5. The color of eyes.
 6. The color of hair.
 7. The visible marks or scars, if any, and their locality.
 8. The country of nativity.
 9. The place of residence (giving the ward or precinct).
 10. If naturalized, the time and place of naturalization.
 11. The date of the entry of each person; each name must be numbered in the order of its entry.
 12. The Post Office address at date of entry of each person.
- [Approved March 31, 1891.]

1097. No person's name must be entered by the Clerk unless: Registration.

1. Upon a certificate of registration in another county, showing that such registration has been canceled, and upon proof by the affidavit of the party that he is an elector of the county in which he seeks to be registered.
2. Upon the returns of the Assessor of the county.
3. If a naturalized citizen, upon the production of his certifi-

Registration.

cate of naturalization, which certificate must be issued ninety days prior to the succeeding election, or upon his own affidavit that it is lost or out of his possession, which affidavit must state the place of his nativity, and the time and place of his naturalization, together with his affidavit that he has resided in the United States for five years, and in this State for one year next preceding the time of application, and that he would be an elector of the county at the next succeeding election; *provided, however, if such naturalized citizen shall have been previously registered as a qualified elector in any of the counties or city and counties of this State, his name must not be entered by the Clerk unless he produces a certificate of such registration, issued by the party authorized by law to issue such certificate, which certificate shall be prima facie evidence of his naturalization.*

4. If born in a foreign country, upon his affidavit that he became a citizen of the United States by virtue of the naturalization of his father while he was residing in the United States and under the age of twenty-one years, and that he is or would be an elector of the county at the next succeeding election.

5. Upon the production and filing of a certified copy of the judgment of a Superior Court directing such entry to be made.

6. In other cases, upon the affidavit of the party that he is or would be an elector of the county at the next succeeding election.

7. In every case the affidavit of the party must show all the facts required to be stated in the entry on the register, except the date and number of the entry. [Approved March 18, 1883.]

Assessor to register.

1098. The Assessor of each county must keep a roll of electors, on which, and upon like proof as is required for entry upon the Great Register, he must enroll the name of any elector of the county making application to him for that purpose.

1099. Such enrollment must show the same facts as are required to be shown by the entry upon the Great Register.

Duties of Assessor.

1100. The Clerk or Assessor must, upon every certificate of naturalization presented to him as evidence of citizenship, indorse and subscribe a statement of the time of presentation and of his action thereon.

1101. At the end of every month the Assessor must return to the County Clerk a certified copy of all entries made upon his roll of electors during such month, and all affidavits made for the purpose of procuring such enrollment.

1102. Upon the receipt of such return, the Clerk must at once enter upon the Great Register the names contained and the statements made in such return.

1103. The Clerk must file and preserve all affidavits returned to him by the Assessor, or used before him for the purpose of obtaining registration.