

1865

Amendatory and Supplemental [Supplemental] to an Act Entitled "An Act Regulating Elections," Approved Nov. 6th, 1861, and Repealing an Act Entitled "An Act to Enable Citizens of this Territory in the Military Service of the United States to Vate [Vote]" Approved March 11th, 1865.

Colorado General Assembly

Follow this and additional works at: <https://scholar.law.colorado.edu/session-laws-1861-1900>

Recommended Citation

Colorado General Assembly, "Amendatory and Supplemental [Supplemental] to an Act Entitled "An Act Regulating Elections," Approved Nov. 6th, 1861, and Repealing an Act Entitled "An Act to Enable Citizens of this Territory in the Military Service of the United States to Vate [Vote]" Approved March 11th, 1865." (1865). *Session Laws 1861-1900*. 406.

<https://scholar.law.colorado.edu/session-laws-1861-1900/406>

This Act is brought to you for free and open access by the Colorado Session Laws at Colorado Law Scholarly Commons. It has been accepted for inclusion in Session Laws 1861-1900 by an authorized administrator of Colorado Law Scholarly Commons. For more information, please contact rebecca.ciota@colorado.edu.

AN ACT

AMENDATORY AND SUPPLEMENTAL [SUPPLEMENTAL] TO AN ACT ENTITLED "AN ACT REGULATING ELECTIONS," APPROVED, NOV. 6TH, 1861, AND REPEALING AN ACT ENTITLED "AN ACT TO ENABLE CITIZENS OF THIS TERRITORY IN THE MILITARY SERVICE OF THE UNITED STATES TO VOTE [VOTE.]" APPROVED MARCH 11TH, 1865.

Be it enacted by the Council and House of Representatives of Colorado Territory :

SEC. 1. It shall be the duty of the Adjutant General of the Territory, on [or] before the first day of June, eighteen hundred and sixty-five, and of each and every year thereafter, to make a liste, [list] as nearly perfect as practicable, of the names of all the electors, residents of the Territory of Colorado, who shall then be in the military service of the United States, which name [names] shall be arranged in alphabetical order and said list shall give the rank of each of said electors in said service: if a regimental or staff officer, the number of the regiment to which he is attached, and if a line or non-commission [non-commissioned] officer, musician or private, the number of the regiment, battallion, squadron of cavalry or battery of artillery, and the letter of the company in such regiment, squadron or battery to which he belongs, and also, the county in the territory in which he reside [resided] at the time of his enlistment. Said list shall be delivered by the Adjutant General to the Secretary of the Territory, on or before the first day of June, eighteen hundred and sixty-five, and of each and every year hereafter.

SEC. 2. The Secretary of the Territory shall classify [classify] and arrange [arrange] the list returned to him as aforesaid and shall make therefrom separate [separate] list [lists] of the electors belonging to each regiment, battallion, squadron and battery from this Territory which shall then be in the cervice [service] of the United States, and shall, on or before the fiftcenth day of June, eighteen [hundred] and sixty-five, and of each and every year thereafter, transmit by male [mail] or otherwise to the commanding officer of each regiment, battallion and battery as aforesaid a list of electers [electors] belonging thereto which said list

Adjutant General shall make list of names of electors in military service.

To deliver list to Secretary of Territory

Secretary shall classify.

Shall transmit to commander of regiment.

shall specify the name, residence and rank of each elector and to the company [to] which he belongs; if any, and also the county and district of officers for which said electors [elector] is entitled to vote, together with a copy of this act either written or printed, and in case any regiment in the field shall be divided [divided] and stationed in different [different] places or localities, the commanding officer of such regiment shall, upon receiving from the Secretary of this Territory the list of the electors in the regiment under his command, forthwith transmit to the officer having for the time being a portion or detachment of such regiment under his command, a list of the electors belonging to such detachment or portion of such regiment, which said list shall be a transcript of the list furnished by the Secretary of this Territory so far as relates to the electors embraced [embraced] therein, and shall be certified [certified] by the commander [commander] of the regiment, and in any case any company or detachment of a company numbering over twenty-five men shall be detached for special service, for any time which shall include any day of election hereinafter provided for, it shall be the duty of the commander of the regiment, if an entire company, and of the commander of the company, if of a portion of a company, to furnish a list [of] such detachment transcribed and certified as aforesaid.

Shall transmit copy of this act.

Duty of commander of regiment.

Soldiers entitled to vote.

SEC. 3. Such electors so registered shall be fully entitled to vote for all territorial officers and district and county officers, under the provisions of this act, for which, by reason of their residing in the several counties of this territory, they would be authorized to vote and for no other, as fully and rightfully as they would be entitled to vote [at] elections in the several districts and counties in which they reside, and the vote so given by such electors at such time and place shall be considered taken and held to have been given by them in the respective [respective] counties of which they are residents.

SEC. 4. On every day fixed by law of Congress or by the laws of this territory for holding any general election, an election shall be held under the provisions of this act, and a ballot [ballot] box or other suitable [suitable] receptacle for votes shall be provided and votes received from the electors whose [whose] names are upon the aforesaid list, at each place where a regiment, detachment of a regiment, a battalion, squadron,

Shall vote how,

battery company, or detachment of a company numbering twenty-five men of Colorado soldiers may be stationed or encamped.

Senior officer to have charge of election.

Shall be point clerk.
Shall take oath.

Clerk shall keep poll book.

Election shall be opened, when.

SEC. 5. Such election shall [shall] be held and such votes received under the supervision and charge of the highest or senior officer of such regiment or parts of regiments hereinbefore designated, which said officers shall, before opening said election, publicly take the following oath which should first be administered by the sworn officer, who shall in turn be sworn by one of those already having taken the said oath, and said judge shall choose one non-commissioned officer or private to act as the clerk of the election who shall likewise take the same oath, to-wit: "I, A. B., do solemnly [solemnly] swear or [affirm] that I will perform the duties or [of] judge (or clerk as the case may be) according to the law and the best of my ability, [ability] that I will studiously endeavor [endeavor] to prevent fraud, deceit, coercion [coercion] and abuse in conducting the same." One of the said judges shall receive the ballots of the electors [electors] as presented, and deposit them in the box, which ballot shall have the name and office of the person voted for fairly written or printed on one piece of paper, and the name of each elector [elector] voting as aforesaid shall be checked at the time of voting, by one of the officers having charge of the ballot box, as aforesaid, upon the list furnished, and at the same time the clerk [clerk] shall write the name of the person voting in a separate list kept by him; and the officer receiving [receiving] said votes shall exercise due care [and] diligence [diligence] to prevent any soldier voting by mistake for any office except such as he is intitled [entitled] to vote for, but no officer shall open or examine any ballot [ballot] before the same shall be deposited in the ballot [ballot] box; said election shall be opened, when practicable, at eight o'clock in the morning of said day, or if not then, at such hour in said day as may be agreed [agreed] upon by the officers having the election in charge, and at leaste (least) an hour's notice shall be given before closing the same, and it shall remain open a sufficient length of time to enable the electors belonging to such regiment or parts of regiments, as aforesaid; to vote.

SEC. 6. When said electors shall be duly chosen, the officers conducting it shall compare the list of the clerk with the register (register) checked by the judge

and correct the same, and when such ballot shall have been counted the officers conducting said election shall make out and signe (sign) a certificate of the result of said election attested by the clerk of said election, which certificate shall be taken as evidence of the votes cast, and the commanding officer of such regiment, battalion, squadron, battery or detachment, as the case may be, shall seal up and forthwith transmit the same to the Secretary of the Territory, and the checked list and the list of the clerk shall be preserved as far as practicable in the archives of the regiment or various companies.

Judge shall certify to result.
Clerk shall attest.

Shall seal up and transmit to Secretary.

SEC. 7. The form of return of votes to be made by the commanding officer to the Secretary shall be substantially (substantially) as follows: "Return of soldiers vote in the (herein sirt (here insert) the regiment or parts of regiments, and its camp or station.) I hereby certify that on — day of — year the electors belonging to the (here inser the regiment or portion of regiment) cast the following number of votes, respectavely (respectively) for the person hereinafter stated for the office designated. To (here inserte (insert) name, number of votes and office for which cast, and in like manner for each canidate (candidate) give the number in full boath (both) in figures and in writing against the name of each canidate (candidate) pursuing substantially (substantially) the same form, specifying perticularly (particularly) each county or district for which votes were cast, and the name of the person voted for.)" Said return shall be upon one piece of paper or upon differand (different) pieces of paper connected or fastened together.

Form of return.

SEC. 8. Any commanding officer or officers who shall neglect or refuse to make such return, as provided in this act, or shall make or cause to be made any false or fraudulent return of such votes, and any officer who shall by command, intimidation, thereat (threat) or promise of advantage or preferment influence the vote of any soldier under his command, or in like manner endeavor (endeavor) to induse (induce) any soldiers to refrain from voting for any perticular (particular) canidate (candidate) or canidates (candidates) for which he shall be entitled to vote, such officer shall forfeit the sum of one hundred dollars to the treasurer of the county in which the presicution (prosecution) may be commenst (commenced), and any act so committed shall be so considered, taken, and held to have

Penalty for neglect or making false returns

been committed by such officer, within the jurisdiction of this territory, and such officer shall be liable to be prosecuted for such offence before any Justice of (the) Peace in any county in this territory at any time within one year after said officer shall return to this territory.

Has order of this
May be
presented,
when, 1865.

SEC. 9. It shall be the duty of the Secretary of this Territory, upon the receipt of votes, as aforesaid, to transmit to the clerk (clerks) of the several counties of this territory such portion of the return of soldiers' votes as he shall have received affecting the election of officers in their county or district and the several persons whose duty it is to canvass (canvass) the votes given for county and district officers are hereby directed to wait (wait), before completing said canvass (canvass) until fifty days from the time when such general county or special election may be held, unless said votes are sooner received, and it is hereby made their duty, and they are directed to count the votes aforesaid from the certificate of election which shall have been returned in the manner heretofore prescribed.

Duty of
Secretary of
Territory

Canvassers
shall wait
fifty days.

SEC. 10. The territorial board of canvassers provided by law in all cases, when it is made their duty by law to canvass the votes and certify the election of any officers in these (this) territory, shall count and include votes given by the electors belonging to the regiments and parts of regiments and returned in the manner herein prescribed.

Territorial
board of
canvassers
shall
canvass.

SEC. 11. That all acts and parts of acts inconsistent (inconsistent) with the provisions of this act be and the same are hereby repealed.

Repealing
clause.

Approved February 10th, 1865.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT REGULATING ELECTIONS, APPROVED NO. (NOVEMBER) 6TH, 1861."

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That the words "Members of the Council and House of Representatives of the Legislative Assembly, and," occurring in the fourteenth (14), fif-