

ORDINANCE NO. 5.

An Ordinance Concerning Elections.

Be it Ordained by the Board of Aldermen of the City of St. Mary, as follows:

SEC. 1. Election for Mayor, etc.—On the first Tuesday in April, in the year one thousand eight hundred and ninety-three and every two years thereafter, there shall be held an election in the city for the election of Mayor, four

Aldermen and Marshal, who shall hold their offices for two years and until their successors are elected and qualified.

SEC. 2. Notice to be given, etc.—The Mayor shall give thirty days notice of the time and place of holding any general or special election by publication.

SEC. 3. Appointment of Judges, etc.—There shall be appointed by the Board of Aldermen, six judges of election, who shall possess the qualifications, authority and powers of judges of election under the general election laws of this State, and who shall proceed in all city elections in accordance with the provisions of the laws of the State of Missouri governing general elections for State and County officers.

SEC. 4. Vacancies Filled on Day of Election.—If the mayor fail to designate the place of holding the election or to appoint judges, or the judges appointed fail to act, it shall be the duty of the Board of Aldermen to fix the place, and the voters when assembled may appoint the judges.

SEC. 5. Oath of Judges, etc.—The judges and clerks before entering on their duties, shall be duly sworn according to law.

SEC. 6. Notification of Judges, etc.—The city clerk shall, at least three days before holding an election, cause notice of their appointment to be given to the judges, to one of whom he shall deliver two ballot boxes and two blank poll books, with the necessary certificates written therein.

SEC. 7. Judges to Preserve Order, etc.—The judges of election shall preserve good order, and punish any disorderly person for contempt, by fine not exceeding twenty dollars, at their discretion, and commit the offender to the city jail until the fine inflicted be paid.

SEC. 8. Penalty for Seizing Ballot Box, etc.—Whoever shall, at any election, seize, or attempt to seize, a ballot box or poll book, with the purpose of carrying the same off by force, shall forfeit and pay a sum not less than twenty-five nor more than one hundred dollars.

SEC. 9. Votes, How Cast Up, etc.—At the hour of nine o'clock in the forenoon of the next day following that of any election, the judges shall deliver the ballot boxes and poll books with their certificate to the city clerk at his office; and the city clerk shall forthwith proceed, in the presence of the mayor, and at least one justice of the peace, to count up the number of votes certified in each poll book, and make

out a certificate stating the name of each person voted for in full, the office for which he is voted for, and the aggregate number of votes given to each person, and who are elected, which certificate shall be signed by the mayor and the justice of the peace, and attested by the city clerk. If there shall be a tie of the votes given for any two or more candidates for any office, it shall be decided by the board of Aldermen.

SEC. 10. Certificates, How Made, etc.—The city clerk shall, as soon after making the certificate aforesaid as practicable, make out and deliver a certificate, under the seal of the city, signed by the mayor and attested by the clerk to each person elected, setting forth the office to which he is elected.

SEC. 11. Substitution of Judges, etc.—If any clerk or judge of election, after entering upon the discharge of his duties, shall, by sickness or other personal disability, be rendered unable to continue to act, another shall be appointed in his place; if a judge, by a majority of the qualified voters present; if a clerk, by the judges. In such case, the person substituted shall make oath as therein before required, and the fact of substitution and the time when it took place shall be noted in the poll book.

SEC. 12. Pay of Judges, etc.—The pay for each clerk and judge of election shall be one dollar and fifty cents.

SEC. 13. Notice of Contest, etc.—No election of any city officer shall be contested unless legal notice of such contest be given in writing to the opposite party within twenty days after the votes shall be officially counted. It shall be a sufficient service of any notice required in this chapter to leave a copy thereof with any person over the age of fifteen years, a member of the family, at the usual place of abode of the person to whom the service is to be made; and in case his place of abode is not known, and he cannot be found in the city, then by posting a copy of such notice in some conspicuous place in the city hall.

SEC. 14. Contests, when made.—When the election of any city officer shall be contested, it shall be before the Board of Aldermen at any regular session after said election shall be held, and the person contesting such election shall give to the opposite party notice in writing at least ten days before said regular meeting of said Board, specifying the ground upon which he expects to rely, and shall also file with the city clerk a copy of the same, and no certificate shall be made out or commission granted to any person until such contest is heard or determined.

SEC. 15: Board of Aldermen to Recount Votes, etc.—At the first stated session of the Board of Aldermen they shall proceed to recount all the votes cast for each candidate respectively, and shall carefully make an aggregate of the same; they shall then proceed to hear and determine the objections to the qualifications of any voters upon the oral and written testimony of witnesses produced or examined by either party; and if it appear that any person has voted who was not legally qualified, they shall take his number on the poll book and shall find the corresponding ballot and make a minute of the same, together with the name of the person for whom he voted; and shall thus proceed through the poll books, noting each voter whom they find unqualified, and the person for whom he voted, and shall make an abstract of the same. They shall then proceed to hear all and every other ground of contest, and shall, by resolution, award the certificate of election or commission to that person who is in every respect eligible, and who shall have received a plurality of all legal votes so found to be cast at any election as aforesaid.

SEC. 16. Depositions may be Taken, etc.—Either party may, on giving notice thereof to the other, take depositions to be read as evidence on the trial; and both parties shall, in the presence of the city clerk, have the privilege of examining the poll books and ballots, either separately or together, for the purpose of such contest.

SEC. 17. State Law to Govern, etc.—Whenever it shall be found that the duties, rights, or obligations, or the forms of procedure have not been defined and prescribed by this ordinance, all such shall be governed by the laws in force for the election of State and county officers. In construing said State laws the words, "county court," "sheriff," and "clerk of the county court," shall be held to mean "board of aldermen," "mayor," and "city clerk," respectively; the words, "county" or "township" shall mean "city;" the words, "state, county or township officers," shall mean and be construed to be "city officers," as far as may be applicable and not inconsistent with the charter of this city.

SEC. 18 This ordinance to take effect and be in force from and after its passage.

Passed and approved July 15th, 1892.

E. S. LAWBAUGH, Mayor.

Attest: H. G. ROSEMAN, City Clerk.