

provided, but the owner of any such parcel of land may at any time before assignment to a purchaser or before entry of a decree in any foreclosure suit instituted by the City, but not thereafter, pay the principal and interest and all costs and disbursements, in case the City has instituted foreclosure proceedings, and thereupon said assessment shall become again payable in installments as herein provided.

Sec. 95. Notice of Payments Due.—It shall be the duty of the Secretary when the installments and when interest on any assessment on the City Lien Docket are due, to make the proper extensions of such installments and interest on said docket and turn the same over to the Treasurer of said City, whose duty it shall be to notify the owner or owners of the property by mail in all cases where such owner or owners have given their post-office address on their application filed in accordance with Sec. 92, but failure of such owner or owners to receive such notice, or of the Treasurer to give the same in accordance herewith shall in no event prevent the collection of such installment as herein provided. The Treasurer of the City shall issue and shall file duplicates of such receipts with the Secretary and when the Treasurer returns said docket said Secretary shall make the proper entries thereon showing the amount of such payment and the date thereof.

Sec. 96. Full Payment.—After the date of making such assessment as provided in Sec. 92 hereof, any owner, at the time being, of any such lot or parcel of land or other property against which an assessment is made and lien docketed as aforesaid, may pay into the city treasury of said City the whole amount of said assessment for which said lien is docketed as aforesaid, together with the full amount of interest and costs accrued thereon to the date of such payment, and upon producing to the Secretary of said City the receipt of such Treasurer therefor (in which receipt shall be stated not only the amount of such payment, but also a description of the lot or parcel of land or other property upon which such payment is made) said Secretary shall enter in such lien docket opposite the entry of the lien therein, the fact that such payment was made and the date thereof, and that the lien thereof is discharged.

Sec. 100. Sinking Fund.—Each series of bonds issued hereunder shall have a serial number and each assessment, the amount of which goes to make up the amount of any bond issue as above provided, shall be marked with such serial numbers on said assessment lien docket. The Treasurer, when receiving any funds accruing hereunder, shall keep such funds and the account thereof separate according to the serial number with which the assessment, on which the respective payments are made, is marked as aforesaid, keeping the interest received, in one fund, and the principal received in another. There shall thus be created a sinking fund for each series of bonds issued hereunder. Out of said interest fund shall be paid the interest accruing from time to time on the bonds of such series represented by said fund and out of the principal fund shall be paid the principal of said bonds, and the same interest and principal shall be the direct obligation of the City of Medford and transfers shall be made from the general fund of said City to any such sinking fund at any time when it shall be necessary to meet all payments payable out of such fund and whenever there shall be a surplus in said sinking fund thereafter repayment of any such advances may be made therefrom to the general fund on direction of the Board of Directors.

Sec. 101. Retirement of Bonds.—The Board of Directors shall, from time to time, and in accordance with Sec. 95 hereof, for the retirement and cancellation of as many of the bonds of such series as can be retired with the funds available in the principal fund of such series, the said bonds to be retired in order of their number. The said funds, until so used for the payment of the principal or interest on said bonds, shall be deposited in such bank in said City as the Board of Directors shall designate.

RE-ASSESSMENT

Sec. 102. When Made.—Whenever hereafter the City Council has caused or the Board of Directors may hereafter cause any improvement to be made, and the cost thereof to be assessed against property specially benefited thereby in accordance with the terms of any previous Charter of said City, and said assessment, by reason of any failure to give any requisite notice or by reason of any other defect in the proceedings leading up to the making of such improvement or the levying of such assessment, shall be declared to be void by any court of competent jurisdiction, or if the Board of Directors shall be of the opinion that said assessment is illegal or doubtful by reason of any such omission or defect, said Board of Directors may cause the cost of said improvement to be re-assessed against the property adjacent to said improvement or benefited thereby in the following manner: Sec. 103. Procedure.—The Board of Directors shall declare, by resolution, its intention to make such re-assessment, which resolution shall briefly describe the improvement and shall declare the intention of the Board to assess the cost thereof upon the property adjacent to said improvement or benefited thereby, describing also each parcel of property which it intends so to re-assess and the amount it proposes to assess against each parcel. Said resolution shall fix the time and place for holding a meeting of the Board of Directors for the purpose of re-assessing the costs of said improvement against adjacent property, or property benefited thereby, shall be heard. Said resolution shall be published once in a newspaper published and of general circulation in said City and shall be posted in five public places in said City, at least ten days before the date of said meeting.

At said meeting the Board shall consider all protests against the levying of such assessment, and if it shall determine that the property named in said resolution or any thereof has been specially benefited by said improvement, it may cause the cost of said improvement to be assessed against said property to the extent of the special benefit it so received therefrom; provided, however, that no parcel of property shall be so assessed unless the same has been described in the notice of intention to make such re-assessment above provided for, and no parcel of property shall be assessed for a greater amount than the amount designated therein in said notice. In determining the property to be assessed and the amount to be assessed against each parcel, the provisions of this Charter for making the original assessment shall be followed by the Board in making such re-assessment. Provided that no re-assessment shall be made on account of any improvement, to the making and assessing of the cost of which the owners of a majority of the property to be assessed protested in accordance with Sec. 84 of this Charter, unless said improvement was ordered by the unanimous vote of all the Board and said re-assessment shall likewise be ordered by the unanimous vote of the Board.

Sec. 104. What May Be Re-Assessed.—The Board of Directors shall have the right to re-assess any parcel of property for said improvement notwithstanding the same may not have been assessed in the original assessment proceeding, in case the Board of Directors finds said property especially benefited by said improvement and the provisions of the Charter relating thereto otherwise gives the Board of Directors power to so assess said property. In making said re-assessment, the Board of Directors shall distribute the cost of said improvement between the various parcels adjacent thereto or benefited thereby in proportion to the benefits received or the frontage of the property on said improvement as the case may be, assessing no greater amount therefor than the actual benefit received by it from said improvement; but the Board of Directors shall enter no assessment against any parcel of property which has been previously assessed and which assessment has been paid, or application to pay which in installments has been made by the owner thereof and bonds issued on account of the same, pursuant to the Charter of said City or the general laws of the State, but the amount assessed against the remaining tracts shall not be increased by reason of said omission. The amount assessed against each parcel as assessed shall be marked "cancelled by re-assessment" on the City Lien Docket. Said re-assessment shall be declared by ordinance and entered in the City Lien Docket and collected in the same manner as the original assessment. The term, improvement, as used above shall include street improvements, water mains and sewers.

Sec. 105. School Property.—The right given in this Charter to levy any special benefit assessment against real estate in said City on any account, shall in every instance extend and apply to any real estate in said City owned or occupied or used by any school district of the State of Oregon, or by the City of Medford, and said school district or said City shall in every instance be held to enjoy all the rights to apply for and to make payment in installments on any such assessment, conferred by this Charter or by any law of the State of Oregon.

Sec. 106. Engineer's Report.—Whenever the Board of Directors shall deem it expedient to open, lay out and establish a new street or to change an existing street by widening, altering or extending the same, it shall by resolution direct the Engineer to make a survey and plat of the same and a written report containing a complete description of such street or change and of the boundaries thereof and of the portions of each lot and tract of land to be appropriated therefor. The Engineer shall make such survey, report and plat and file the same with the Secretary, as soon after the passage of said resolution as is practicable. Said report shall be deemed to have been accepted by the Board of Directors unless the Board shall by resolution reject the same and order the Engineer to make a resurvey or amended plat and report.

Sec. 107. Viewers.—As soon as may be after the Engineer has filed such survey, plat and report in form satisfactory to the Board of Directors, it shall appoint three disinterested citizens of said City to view such proposed street or change and make an assessment of damages and benefits as provided in the next following section of this Charter and shall assign a day and place for them to meet and shall cause a notice to be given in a newspaper of general circulation in said City of the appointment of such viewers, and by mail to interested property owners, so far as known, providing however no failure to mail such notice shall be deemed jurisdictional or affect the validity of such assessment, with their names and the time and place appointed for them to

meet and specifying, with convenient certainty, the boundaries and terminal of the proposed street or change and the boundaries and descriptions of the private property which should be appropriated for such purpose.

Sec. 108. Findings of Viewers.—Said viewers shall meet at the time and place designated by the Board. They shall be sworn to faithfully discharge the duties assigned them and they shall then or on any subsequent day, to which they may adjourn, proceed to view the proposed street or change and to determine and assess how much, if any, less valuable the land or property or any part thereof, through or over which the proposed street is to be opened, laid out, established, or changed, will be rendered thereby, and shall also ascertain the respective interests of all persons claiming to be the owners of the land or other property aforesaid, or of the improvements thereon, or to have any interest in such lands or improvements and the damage which each of said owners respectively will sustain. Said viewers shall also make a just and equitable estimate and assessment of the value of the benefits and advantages of said proposed street or change to the respective owners and other persons interested in all lands or other property which said viewers shall deem specially benefited by such opening, laying out, establishing or change.

Said viewers shall thereafter, at their earliest convenience, report the assessment for damages and benefits, as in this section required, to the Board, but no failure to state the name of any owners, nor any mistake in the name of any owner, nor any statement of a name other than that of the true owner in such report, assessment, or in the ordinance adopting such report or in the Docket of City Liens where the name is entered or in any notice required by this Charter, shall render void or in any way affect the lien of such assessment upon the property assessed. The viewers shall receive as compensation for their services the sum of Three (\$3.00) Dollars each for each day actually engaged in such service, to be paid by the City and charged as costs and assessed as part of the benefits by said viewers.

Sec. 109. Notice of Proposed Assessment.—Upon the filing of said report of the viewers with the Secretary he shall immediately cause a notice to be published for three successive days, and shall mail similar notice to interested property owners so far as known, provided, however, that failure to mail such notice shall not be deemed jurisdictional or affect the validity of the assessment, or the filing of said report giving date when the same will be considered by the Board of Directors, describing, with convenient certainty, the boundaries of the district assessed by the viewers in said report and notifying all persons interested to present, in writing, their objections to said report, if any they have, and said objections, if any there be, together with said report shall be heard and determined by the Board.

Sec. 110. Amended Findings.—If such report shall appear to the Board of Directors to be in all respects reasonable and just it may be adopted by ordinance embodying said report or if it shall appear that the damages or benefits assessed are unreasonable, unjust or insufficient in any respect, the Board of Directors may send the same back to the same viewers for further consideration and the viewers may alter and revise the same as they shall deem just and again report the same to the Board of Directors, who may thereupon adopt or reject the same; or said Board may appoint new viewers to make such assessment and award and to report the same to the Board of Directors, which shall have the same power over such report as over the original report.

Sec. 111. Appeal.—The owner or owners of any lot or part thereof to be appropriated as aforesaid or of the improvements thereon or any person having an interest therein, may appeal, to the Circuit Court of the State of Oregon for the County of Jackson, from such report and assessment of damages. Any number of persons may join in such appeal and the only question to be determined by such appeal shall be the question of the excess of damages over benefits and the excess of benefits over damages suffered and received by each person joining in such appeal.

An appeal shall be taken by giving notice thereof, within ten days after the adoption of the report of the viewers by the Board, upon the Secretary of the City and filing an undertaking with one or more sureties, who shall possess the qualifications of bail upon arrest, in a civil action and shall justify in like manner conditioned that the appellant will pay all costs and disbursements that may be awarded against him on appeal, not exceeding Two Hundred (\$200.00) Dollars, together with the proof of service of the proof of such notice in the office of the Clerk of the Circuit Court.

Sec. 112. Jury Verdict Final.—The City shall be considered the plaintiff and such appeal shall be conducted and heard and determined and the judgment thereon enforced, as far as practicable, in the same manner as an action at law for the appropriation of property for corporate purposes. The jury shall view the proposed street, the property to be appropriated, and the property against which benefits are assessed and evidence of damages and benefits may be introduced by the City and the appellants; but the issues, testimony, and verdict upon such appeal shall be confined to the benefits assessed and the actual net re-assessment of damages or benefits unapportioned from the jury in making the re-assessment of damages or benefits, shall, in its apportionment of the same, be governed by the same laws as in this Charter provided for the action of viewers, to-wit: the excess of damages over benefits or of benefits over damages to the land of each owner which is affected by said street or change. The verdict of the jury shall be a final and conclusive determination of such assessment unless the judgment rendered in such case shall be reversed or modified on appeal to the Circuit Court of the State of Oregon, which may be taken from such judgment in the same manner as from other judgments of said Circuit Court and with like effect.

Sec. 113. Costs.—If any appellant fails to recover greater damages or to secure a more favorable assessment of penalties, as the case may be, than were assessed by the viewers, judgment shall be rendered against him and his sureties on appeal for his proportion of the costs of the appeal to be paid pro rata according to the respective damages and benefits assessed. The same fees and costs shall be paid upon such appeal as are allowed in other actions.

Sec. 114. Proceedings Legal Unless Contrary Shown.—In all actions, suits or proceedings concerning the opening, laying out, establishing, or changing of any street under the provisions of this Charter, all proceedings had for that purpose shall be presumed to have been regularly and legally taken until the contrary is shown.

Sec. 115. Assessments Declared.—Within thirty days after the expiration of the time limited for appeal, if no appeal be taken, the final judgment rendered on appeal, if an appeal be taken, the Board shall, if it deem it advisable to open, lay out, establish or change said street in pursuance of the report of the viewers or with said report as modified by the judgment on appeal, declare the assessment of benefits against the several parcels of property assessed by said report, or by said report as modified by said judgment, and direct the Secretary to enter the same in the City Lien Docket in the same manner as is provided by Sec. 87 of this Charter.

Sec. 116. Collections; Installment Payments.—Said assessment shall be collected in the manner provided by this Charter for the collection of assessments for street improvements and the same shall, at the option of the Board, be payable in installments to the same extent and in the same manner, and improvement bonds may be issued on account thereof as is provided by Sec. 92 to 101 inclusive of this Charter. Upon the passage of the ordinance declaring such assessments, the City of Medford shall become liable absolutely for the payment to the persons entitled thereto, of the damages awarded in the report of the viewers or in said report as modified in the judgment on appeal, which awards shall become due and payable on or before six months after the date of the passage of the ordinance declaring said assessment with interest from the date of said ordinance at the rate of six per cent per annum.

Sec. 117. City Shall Pay Awards.—All moneys arising from the collection of assessments of benefits or the sale of improvement bonds issued on account thereof, shall be kept in a separate fund and the Board of Directors shall, on or before six months after the date of the passage of the ordinance declaring said assessment, transfer from the general fund of said City such amount, if any, as shall be necessary to make said fund equal to the total amount of the awards of damages with interest to the date of said transfer. Whereupon the Secretary shall draw, to the order of the persons entitled thereto, warrants payable out of this fund for the respective amounts of said awards of damages and interest and shall, on demand, deliver the same to the persons entitled thereto, and from the date when said warrants are so drawn, interest on said awards shall cease. If said fund is not so provided and said warrants drawn within six months from the date of the ordinance levying said assessment, any person entitled to an award of damages, may maintain an action therefor against the City; and any property owner, who has paid any assessment levied against his property by the ordinance levying said assessment or any installment thereof, may by mandamus proceedings compel the City to provide the necessary funds for the payment of said awards as above provided, and the Secretary to draw the warrants therefor. From the date that said fund is provided for the payment of said awards or the actual payment of the awards, as above provided, the property required for said streets or change, as shown by the report of the Engineer, shall be deemed appropriated for the purpose of said streets; and the Board of Directors shall at any time thereafter declare such street to be opened, laid out, established or changed; and within thirty days after the adoption of said resolution the City Engineer shall file, for record with the County Clerk of Jackson County, Oregon, a copy of said resolution and an accurate plat of said street and of the property so appropriated for such purpose.

Sec. 118. Sidewalks.—The Board of Directors shall have the power to prescribe the manner, character and location of all sidewalks in, along and across the streets, avenues and alleys of said City and may prescribe the width and grade thereof, the mode of

construction, improvement and repair thereof, and may compel the owner of property abutting thereon or benefited thereby, to construct, improve, or repair such sidewalk or may assess the cost of such construction, improvement or repair on said property, in such manner as the Board of Directors may prescribe.

ARTICLE VI. ELECTIONS.

Sec. 119. Municipal Elections.—A municipal election shall be held in the City on the second Tuesday of January, 1916; another shall be held on the second Tuesday of January, 1917; and biennially thereafter on the second Tuesday of January of each odd numbered year; which shall be known as General Municipal Elections. Any other city election held by authority of this Charter or the laws of the State shall be known as Special Municipal Elections.

Sec. 120. Election Precincts and Officials.—The Board of Directors shall by resolution adopted not less than ten days before any municipal election, prescribe the voting precincts of the City and the voting place in each; and shall appoint for each such precinct one judge and two clerks of election. It shall also appoint a Central Election Board to consist of the Secretary and four other qualified electors of the city. If any precinct judge or clerk shall be absent at the opening of the polls, the electors present may fill such vacancy by appointing any qualified person.

Sec. 121. Notice.—Not less than ten days before the date of any municipal election, the Board of Directors shall cause to be published in a newspaper published and of general circulation within the City, notice of said election, which shall contain the date of said election, voting places, hours of holding polls open, the certificate of the Secretary of the City containing the list of offices to be filled, and the candidates entitled to have their names appear on the ballot as provided in Sec. 134 hereof, and ballot titles of all measures to be submitted to the electors. An error in the notice of an election shall not invalidate the same.

Sec. 122. Registration.—The registration of every person who registered and voted at the last preceding General State Election, shall be deemed a registration for the purposes of this section, providing he has not since moved from the voting precinct in which he was so registered.

Any qualified voter of the City who did not register and vote at such preceding state election, or who has moved his residence from the voting precinct in which he then voted, must be registered as herein provided before being entitled to vote at such municipal election.

At any Special Municipal Election, the registration lists used at the last preceding municipal election shall be deemed to be and shall be used as the registration lists for such Special Municipal Election.

Sec. 123. Registration Lists.—It shall be the duty of the Secretary of the City to obtain from the office of the County Clerk of Jackson County, a list of the electors of the city who voted at the last preceding state election. From such lists and the records of his own office, the Secretary shall prepare, in duplicate, registration lists for each of the voting precincts of the city, enrolling thereon the names of the electors who voted at said last preceding election.

Sec. 124. Publication of List.—At least twenty (20) days before the day of any municipal election, the Secretary shall cause to be published in a newspaper published and of general circulation in said City, the list of eligible voters he has so enrolled on said registration lists.

Sec. 125. Board of Registration.—There shall be appointed by the Board of Directors, not less than thirty days before the day of holding any municipal election, a Board of Registration consisting of three qualified voters of the City. Each of said members shall qualify by subscribing to an oath, to be filed in the office of the Secretary of the City, that he will honestly and faithfully discharge the duties of said office.

It shall be the duty of said Board of Registration to sit on such from eight o'clock A. M. to seven o'clock P. M. of each week day (holidays excepted) for three days beginning on the third Monday before the day of said election, at some suitable place to be provided by the board of Directors. They shall examine into the qualifications of and register all qualified voters of the city appearing before them for that purpose, whose names are not already on the registration lists or who have moved from one voting precinct to another since last registered. Any voter who has so moved, shall have his registration cancelled from the list for the precinct from which he has moved and entered upon that of the precinct into which he has moved.

Sec. 126. Posting Lists.—The said Board of Registration shall deliver two copies of said registration lists to the Secretary of the City, who shall post one copy of said lists at the front door of the city hall not less than five days before the day of said election; and he shall keep the second copy of said lists in his office, open for inspection until the day before election.

Sec. 127. Publication of Supplemental Lists.—The Board of Directors shall, at least five days before the day of said election, provide for the publication of lists of such additional registrations made by said Board of Registration, in one issue of a newspaper published and of general circulation in the City.

Sec. 128. Voting.—The Secretary of the City shall, before the opening of the polls on election day, transmit to the Judge of election of each voting precinct, the registration list for that respective precinct, to be used in the conduct of said election; on which list, opposite the name of each voter, shall be marked the word "voted", as soon as he shall have cast his ballot. The polls shall open at seven o'clock A. M. and close at seven o'clock P. M.; providing however that any voter at the polls at the time for closing shall be entitled to cast his ballot.

Sec. 129. Registration on Election Day.—Said Board of Registration shall also sit on the day of the election, and any qualified voter of the city, not theretofore registered for that election, may appear before said Board on that day and be registered by making an affidavit covering his qualifications as a voter, supported by the affidavit of at least three qualified voters and freeholders of the City of his place of residence and length of residence within the State. The Board shall issue to any such voter furnishing such satisfactory affidavit, a certificate of registration, which, when presented to the election judge of the voting precinct in which he lives, shall entitle him to have his name entered on said registration list and to vote. Said Board of Registration shall file with the Secretary of the City all such affidavits of persons registered by it on election day.

Sec. 130. Nominations.—The name of a candidate to be voted upon at any municipal election shall be printed upon the ballot upon a petition which has been filed in his behalf signed by not less than twenty-five qualified electors.

Sec. 131. Form of Nomination Petition.—The form of such petition shall be substantially as follows:

NOMINATION PETITION

I hereby join in a petition for the nomination of _____ residing at _____ Medford, for the office of _____ to be voted for at the municipal election to be held in said City on the _____ day of _____ 19____. And I say that I am a qualified voter of the City of Medford, and that my correct residence is given immediately following my signature and that I have signed no other petition to nominate a candidate for this office at the coming election.

Names _____ Addressee _____

Sec. 132. Filing Petition.—Any such petition shall be filed in the office of the Secretary of the City not earlier than thirty nor later than fifteen days before an election day. It shall be endorsed with the name and address of the person responsible for its being filed; and also the written acceptance of the candidate named therein. The signatures to such petition shall be verified under oath before a Notary Public by one or more of such persons, shall not be filed.

Sec. 133. Amending Petitions.—If, upon examination by the Secretary, such petition shall be found to be sufficient, it shall be filed forthwith. If found insufficient, such fact with the reasons therefor shall be endorsed thereon by the Secretary who shall return the same within three days to the person responsible for filing it. Within five days of such return, it may be amended and again presented for filing, when it shall be subject to the same procedure as an original petition. In no case shall a petition, original or amended, be received for filing after fifteen days preceding the day of election. In case a petition shall be filed bearing signatures duplicating one or more signed to a petition filed prior thereto, the petition first filed shall not be invalidated thereby, but petitions filed subsequent to such first petition must bear the required number of signatures exclusive of such duplicated signatures.

Sec. 134. Candidates' List.—On or before the fourteenth day before an election, the Secretary shall prepare and file in his office a certain list containing a list of the offices to be filled and the candidates for each thereof who are entitled to have their names appear upon the ballot.

Sec. 135. Ballots.—The names of candidates on all ballots used in municipal elections shall be printed in alphabetical order, and shall be without any party marks or designations. There shall be left at the end of the list of candidates, sufficient blank spaces in which the electors may write the names of any persons not printed on the ballot for whom they desire to vote. The form of the ballot shall be substantially as follows:

OFFICIAL BALLOT

Directions to voters: Put the figure 1 opposite the name of your first choice for the Board of Directors. Put the figure 2 opposite your second choice; the figure 3 opposite your third choice; and so on. You may express thus as many successive preferences as you desire. A ballot is spoiled if the figure 1 is placed opposite more than one name.

If you spoil this ballot, tear it across once, return it to the election judge and secure another.

CANDIDATES FOR DIRECTORS

(Name) (Address)
..... (Name) (Address)
..... (Name) (Address)
..... (Name) (Address)
..... (Name) (Address)

Sec. 136. Principle of Ballot.—The numerals thus marked on the ballot shall be understood to mean that the voter wishes his vote to be effective in the election of his highest preference who, under the rules, can be helped to an election thereby; and in case it is not needed by, or will not help elect that candidate for whom it would be counted, it is to be transferred to another candidate in accordance with the preferences marked thereon.

A ballot with only a first choice marked, is a "Non-transferable" ballot. One with a second or more choices marked, is a "Transferable" ballot.

Sec. 137. Arranging Ballots.—At the several voting precincts, the ballots shall be sorted as follows: Ballots so marked as to be invalid, shall be sorted into one package. The valid ballots shall be sorted into groups according to the candidates receiving first choice votes; each group being tied securely and sealed and initialed on the outside by the precinct judge and two clerks.

Sec. 138. Central Election Board.—This sorted and tied, all ballots shall be taken to the Central Election Board, which shall meet at the City Hall or such other suitable place as may be designated by the Board of Directors in its order appointing such Board; and counting of the ballots shall proceed under its direction.

Sec. 139. Rules of the Count.—(1) First choice votes for all candidates shall be tabulated as the first count.

(2) The aggregate of valid ballots cast for all candidates shall be divided by a number greater by one than the number of seats to be filled. This quotient, plus one, shall be the "contingency" or "quota".

(3) All candidates whose votes shall equal or exceed this quota, shall thereupon be declared elected.

(4) All votes obtained by a candidate in excess of the quota, shall be termed his surplus. Such surplus shall successively, beginning with the largest, be transferred to continuing candidates, each ballot thereof being added to the vote of that continuing candidate indicated thereon as the next highest preference. "Continuing Candidates" are candidates who have not been declared elected or defeated.

(5) To transfer a surplus, all that candidate's valid ballots shall be untied, placed in a box and thoroughly shaken. Enough transferable ballots shall be taken therefrom, one at a time in a manner which shall make it impossible for the person drawing them to detect the voting marks thereon, to make up that candidate's surplus. Any non-transferable ballot so drawn, shall not be considered as drawn.

(6) After the transfer of all surpluses, the candidates then having votes equal to or in excess of the quota shall be declared elected.

(7) After the transfer of all surpluses, should there remain places to which no candidate has been elected, (or should there be no surplus on the first count), the candidate lowest on the poll as it then stands shall be declared defeated and all his transferable ballots shall be transferred as above provided in rule (4). Whenever the votes of any candidate shall thus become equal to or exceed the quota, he shall be declared elected. In this manner, the lowest candidate as shown by each succeeding count shall successively be declared defeated and his transferable ballots transferred to continuing candidates, till the full number of offices shall have been filled or until there shall remain continuing candidates equal in number to the places still unfilled.

(8) If at any count, two or more candidates are tied for lowest place, that one shall first be declared defeated who was lowest at the next preceding count at which their votes were different.

(9) When two or more candidates are declared elected on the same count, the one having the most votes on the count shall be considered as first declared elected; the one having the second highest number of votes, as second in being declared elected, and so on.

(10) No ballot shall be counted in such a way that it shall help to elect more than one candidate.

(11) A ballot marked with a cross or x opposite one name only, shall be treated as though it had been marked with the figure 1 opposite that name.

Sec. 140. Count Open to Public.—So far as may be consistent with good order and convenience in the counting, representatives of the press and the general public shall have ample facilities for being present and witnessing the count.

Sec. 141. Certificate of Election.—At the conclusion of the count, all ballots finally counted as a part of a candidate's quota or left with an unsuccessful candidate, shall be distinctly marked as such, tied and sealed in separate packages. A return thereof, shall be made to the Secretary of the City. On receiving from the Central Election Board a formal return on the result of the election, the Secretary of the City shall issue a certificate of election to each of the successful candidates.

Sec. 142. Informality Does Not Invalidate.—No informality in conducting an election under this charter shall invalidate the same, providing it shall have been conducted fairly.

Sec. 143. File Election Documents.—The Secretary of the City shall preserve on file in his office all papers relative to nominations and elections, for a period of four years and during the pendency of litigation relating to any election.

Sec. 144. State Law Applicable.—The provisions of any State law respecting elections, in force at the time of holding a municipal election hereunder, where applicable, shall apply to such municipal election, except where the same are in conflict with the provisions of this Charter. Powers conferred and duties imposed by such laws upon state or county officers are hereby conferred and imposed upon corresponding city officers unless otherwise herein provided.

ARTICLE VII. RECALL OF ELECTIVE OFFICERS

Sec. 145. Applies to All Elective Officers.—Any incumbent of an elective office, whether elected by vote of the people or appointed to fill a vacancy, may be removed from office by the qualified electors of the City. Such removal shall be known as the "recall" and the procedure to effect the same shall be as follows:

Sec. 146. Recall Petition.—A petition, signed by qualified electors of the City equal in number to at least twenty-five per cent of the total number of votes cast in said City in the last preceding municipal election providing the required number shall not exceed twenty-five per cent of the electors of said City voting for a justice of the State Supreme Court at the last preceding election, demanding the recall of said incumbent and the election of a successor, shall be known as a recall petition. Such petition shall contain a statement, to exceed two hundred words, of the reasons for such demands.

Sec. 147. Form of Petitions.—Blank forms for such petitions shall be obtained only from the Secretary of the City, whose duty it shall be to maintain a supply thereof in his office. The Secretary, upon issuing such forms to any person, shall enter, in a record to be kept in his office for that purpose, the name and address of the person to whom issued, the date of such issuance and the number of blank forms issued; and shall certify on each of said forms the name of the persons to whom issued and the date of issuance. No petition shall be accepted for filing unless such forms so certified, and unless offered for filing within thirty days from the first date of issuance of any of the forms comprising such petition.

Sec. 148. Signing and Filing.—Each signer of a recall petition shall state thereon by definite indication his place of abode. The signatures on each form of such petition shall be verified as to their genuineness under the affidavit of one or more signers of such petition, made before an officer competent to administer oaths, which verification shall be prima facie evidence of the genuineness of each signature thereon. All papers comprising a recall petition shall be filed with the Secretary as one instrument and shall be endorsed with the names and addresses of at least three persons designated as filing the same.

Sec. 149. Amended Petition.—If the Secretary shall find that the petition is insufficient he shall attach thereto his certificate setting forth the particulars in which said petition is defective and he shall, within ten days from the filing thereof, deliver a copy of such certificate to at least one of the persons designated as filing such petition. Said petition may be amended or supplemented at any time within the fifteen days from the date of the Secretary's certificate of insufficiency by the filing of amendments to said petition, conforming in all respects to the requirements herein respecting the original petition. Any amended or supplemented petition shall be deemed to have been filed on the day of the filing of that addition thereto making it sufficient under the provisions hereof.

Sec. 150. Election.—If such officer shall not resign within five days from the filing of such recall petition, the Secretary shall call a special election to be held within twenty days to determine whether the people will recall such officer. The office sought to be removed shall be deemed to be vacated at said special election unless he notifies the Secretary in writing of his wish to the contrary. Other candidates for the office may be nominated to be voted for at such special election. The requirements regarding the nomination of other candidates, the giving of notice of such special election and the conduct of the same shall be according to the provisions of Article VI hereof including Secs. 125 to 141 inclusive, unless otherwise provided in this article. On the sample ballot at said special election shall be placed, in not more than two hundred words, the reason for de-