

## CHAPTER 198.

## LOCAL OPTION.

(S. B. No. 40, by Senator Drake.)

## AN ACT

ENTITLED "AN ACT TO PROVIDE FOR THE CREATION BY POPULAR VOTE OF 'ANTI-SALOON TERRITORY,' WITHIN WHICH THE KEEPING AND THE SALE OF INTOXICATING LIQUORS AND THE LICENSING OF SUCH KEEPING AND SALE SHALL BE PROHIBITED; AND FOR THE ABOLITION BY LIKE MEANS OF TERRITORY SO CREATED; AND TO REGULATE THE KEEPING AND SALE OF SUCH INTOXICATING LIQUORS WITHIN SUCH TERRITORY; AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF; AND TO REPEAL ALL ACTS OR PARTS OF ACTS IN CONFLICT THEREWITH."

*Be it Enacted by the General Assembly of the State of Colorado:*

## DEFINITIONS OF TERMS EMPLOYED.

Section 1. The words and phrases mentioned in this section as used in this act, and in proceedings pursuant hereto, shall, unless the same be inconsistent with the context, be construed as follows:

"Anti-Saloon Territory" shall mean all the territory within the limits of any city, town, ward, ward subdivision, district or precinct in this State, in which, through the action of the qualified electors therein, as provided by this act, the keeping and sale of intoxicating liquors is prohibited, except as provided in this act. Construction of phrases.

"Towns" shall include "incorporated towns."

"Precinct" shall mean any voting precinct or "election precinct" in an election district or ward. "Ward subdivision" shall mean any "voting precinct" or "election precinct" which is a subdivision of a ward for voting at an election of city officers or any combination

of such precincts in any ward, less than the whole ward, forming a contiguous territory.

Election  
district.

"Election District" shall mean any "election district" which is a subdivision of a county or city for voting purposes at an election for county or city officers.

Political  
subdivision.

"Political subdivision" shall mean any city, town, ward, election district, or precinct, as the case may be.

Anti-saloon  
territory.

In the phrase "Shall this ..... become 'Anti-Saloon Territory?'" the proper word shall be inserted in the blank space so as to designate the political division or subdivision intended to be designated as "Anti-Saloon Territory," such as city, town, ward, district or precinct, and in cases where more than one precinct of a ward or district is intended, the same shall be made to read "Shall precincts numbered ..... (here insert the numbers) of this ward (or district) become 'Anti-Saloon Territory?'" and the same shall be inserted in the petitions filed with the clerk and in the ballots prepared for the submission of such proposition to the voters [voters] of any city, town, ward, district or precinct, as provided by this act.

Clerk cities  
and towns.

"Clerk" shall mean with reference to cities and towns, the city or town clerk, or the person designated by law to discharge the duties of clerk, as the case may be; and with reference to districts or precincts in counties, it shall mean the county clerk; and with reference to wards and districts or precincts in cities or towns, it shall mean the city or town clerk, or the person designated to discharge the duties of clerk as the case may be; and it shall mean the Board of Election Commissioners of any city, or incorporated town in this State in which there now is or hereafter may be a Board of Election Commissioners, empowered to discharge the duties of clerk, as to such petitions or other matters pertaining to elections.

Election.

"Election" shall mean any general election at a time fixed by law for choosing county, city or town officers; as the case may be; and in no case shall it mean a school election or a special election to fill a vacancy.

Meaning of  
intoxicating  
liquors.

"Intoxicating liquors" shall mean all distilled, spirituous, vinous, fermented or malt liquors. By "Qualified Electors" is meant those who are qualified to register to vote, but it shall not be necessary for the

purpose of signing this petition that they shall be registered at the time of signing thereof.

### METHOD OF CREATING ANTI-SALOON TERRITORY.

Sec. 2. Upon the filing in the office of the clerk at least thirty days before an election of a petition as in this Act provided, directed to such clerk, containing the signatures of qualified electors of any political subdivision in number not less than forty per cent. of the total vote cast in such political subdivision at the last general election therein, for the purpose of submitting to the voters of such political subdivision the proposition "Shall this ..... become 'Anti-Saloon Territory?'" said proposition shall be submitted at such election, as in this act provided, to the voters of such political subdivision, and if a majority of qualified electors voting upon said proposition shall vote "Yes," such political subdivision shall become "Anti-Saloon Territory." Such petition shall be a public document and shall be subject to the inspection of the public. No precinct of a ward shall for the same election be included in more than one petition covering contiguous territory less than a ward, but more than one precinct. This provision shall not apply to the case of a petition covering one precinct only and another petition covering more than one precinct or covering a town, precinct, city or ward within which such precinct is included. In case more than one petition for the same election shall be filed, each covering contiguous territory less than a ward, but more than one precinct and including a precinct in common, the petition which shall be first filed with the clerk shall alone be valid.

### FORM AND REQUIREMENTS CONCERNING PETITION FOR VOTE.

Sec. 3. A petition for the submission of said proposition shall be substantially in the following form:

"To the ..... (county, city, or town) clerk of the ..... (here insert the corporate or legal name of the county, city or town):

The undersigned, qualified electors of the.....  
 (insert the legal name or correct designation [designation]  
 of the political subdivision) respectfully petition that  
 you cause to be submitted at the next election, in the  
 manner provided by law, to the qualified electors thereof,  
 the proposition: Shall this.....  
 become "Anti-Saloon Territory?"

Name of signer. Street Number Date of Signing.

Qualified  
electors  
sign.

No signature  
valid—  
unless.

Affidavit.

Purpose.

Affidavit  
verified.

Evidence.

Such petition shall consist of sheets having such form printed or written at the top thereof and shall be signed by qualified electors in their own proper persons, only, and opposite the signature of each one his residence address shall be written, and the date of signing the same (and in cities having a population of over ten thousand, according to the last preceding [preceding] census of the United States, the street and number of such residence shall be written). No signature shall be valid or be counted in considering such petition unless these requirements are complied with and unless the date of signing is not more than ninety (90) days preceding the date of filing the same. At the bottom of each sheet of such petition shall be appended an affidavit signed by a qualified elector of the subdivision in which the signer thereof resides, stating his residence address (and in cities having a population of over ten thousand, according to the last preceding census of the United States, stating the street and number of the residence), that the signatures on that sheet of the said petition are genuine, and that to the best of his knowledge and belief, the persons so signing were, at the time of signing said petition, qualified electors of the said city, town, ward, district or precinct, as the case may be; that their respective residences are correctly stated therein and that each signer signed the same on the date set opposite his name. Such affidavit shall be sworn to before some officer authorized to administer oaths, and who resides in the county where such electors reside. Such petition so verified [verified] or a copy thereof, duly certified as hereinafter provided, shall be prima facie evidence that the signatures, statement of residence and dates upon such petition are genuine and true, and that the persons signing same are qualified electors of the political sub-division named.

Such sheets shall be fastened together in one document, filed as a whole, and when filed shall not be withdrawn or added to. No signature shall be revoked except by a <sup>Revocation—</sup> revocation filed with the clerk with whom the petition <sup>by whom.</sup> is required to be filed, and before the filing of such petition. Upon the request of any one filing such a petition and verified statement, and paying or tendering to the clerk one dollar for each one hundred names, <sup>or Fees for</sup> fractions thereof, signed thereto, <sup>filing</sup> together with a copy thereof, the clerk shall immediately compare the original <sup>petition.</sup> and the copy and attach to such copy and deliver to such person his official certificate that such copy is a true copy of the original, stating the day when such original was filed in the office. Whoever, in making the sworn statement above prescribed shall knowingly, wilfully and corruptly swear falsely, shall be deemed guilty of perjury and upon conviction thereof shall be punished <sup>Perjury.</sup> accordingly. Whoever forges any name of a signer upon <sup>Punishment.</sup> any petition shall be deemed guilty of forgery and upon <sup>Forgery.</sup> conviction thereof, shall be punished accordingly. <sup>Punishment.</sup>

#### NOTICE OF SUBMISSION TO BE GIVEN.

Sec. 4. The clerk with whom any petition shall be <sup>Election</sup> filed as provided in this act shall cause notice to be given, <sup>notice.</sup> in the manner provided by law for giving notice of an election, of the submission of said proposition at the next election to the voters of the political subdivision named in said petition, and publication shall likewise be made in the manner provided by law for the publication of the list of nominations to be voted for at said election, <sup>Provided.</sup> PROVIDED, that the failure of such clerk to cause such notice to be given, or the failure to make publication of the submission of said proposition as above provided, shall not affect the validity or binding force of a vote upon said proposition.

#### PRINTING PROPOSITION ON BALLOTS.

Sec. 5. The clerk with whom any petition shall be <sup>Form of</sup> filed as provided by this act, shall cause said proposition <sup>ballot.</sup> to be plainly printed after the list of candidates upon all the ballots to be used in the election of officers, at the time of the next election, in the political subdivision named in such petition as follows:

Shall this.....(city, town, ward, YES ☐  
 or precinct, as the case may be,) become  
 "Anti-Saloon Territory?" NO ☐

Place your mark (X) opposite the proposition for which  
 you wish to vote. In case such petition relates to more  
 than one precinct of a ward, and less than the whole  
 ward, said proposition shall be printed as follows:

Shall precincts numbered..... YES ☐  
 (here insert the numbers) of this ward become  
 "Anti-Saloon Territory?" NO ☐

Place your mark (X) opposite the proposition for which  
 you wish to vote. At the canvass of the ballots in each  
 polling [polling] place in each precinct where said propo-  
 sition is submitted, it shall be the duty of the judges of  
 election to admit to the room, one legal voter selected by  
 the persons managing the interests of those in favor of and  
 one selected by those persons managing the interests of  
 those opposed to said proposition at such polling place,  
 as special watchers of such canvass, with the same rights  
 and privileges now provided by law for watchers ap-  
 pointed by the chairmen of political parties, provided  
 such watchers shall be of good character and sober and  
 shall in no wise interfere with such canvass, and said  
 judges and the police officers and other officers of the law  
 shall protect such watchers and see that they are not ex-  
 cluded from the polling place, and at the time of such  
 canvass of the ballots cast upon said proposition said  
 watchers shall be entitled to a position within the guard  
 rail where they can plainly see and read each bal-  
 lot, and it shall be the duty of such judges to protect them  
 in such position. Whenever any method of taking and  
 recording votes at an election other than by means of  
 printed ballots is provided by law, the procedure for  
 taking and recording the votes upon said proposition  
 shall conform to the methods so provided.

Watchers.

Proviso.

#### METHOD OF RECORDING RESULT OF VOTE.

Recording  
 result of  
 vote.

Sec. 6. The clerk shall record in a well bound book,  
 to be kept in his office by himself and his successors, the  
 result of the vote upon said proposition, and such re-  
 sults may be proved in all courts and in all proceedings  
 by such record or by the official certificate of the clerk,  
 and in cases where such record or certificate shows that a

majority of the qualified electors voting upon said proposition voted "Yes" the same shall be prima facie evidence that the political subdivision to which such a vote was applicable, has become "Anti-Saloon Territory." The result of the vote under the provisions of this act shall go into effect thirty (30) days after the day of the election at which such vote is cast, which election shall be held and the returns thereof made in conformity with the provisions of the general laws of the State and by the officers of election appointed and qualified under such law.

#### CONTINUANCE OF ANTI-SALOON TERRITORY.

Sec. 7. All the territory within any political subdivision which has become "Anti-Saloon Territory" shall continue to be "Anti-Saloon Territory" throughout its entire extent, notwithstanding any change which may be made in the limits of any such political subdivision, until the qualified electors thereof have voted, according to the provisions of this act, to reverse the vote creating "Anti-Saloon Territory" and the following section shall be construed in harmony herewith.

Describing  
anti-saloon  
territory.

#### METHOD OF REVERSING VOTE.

Sec. 8. Upon filing in the office of the clerk, at least thirty days before an election in any political subdivision, of a petition directed to such clerk, containing the signatures of qualified electors residing in "Anti-Saloon Territory," in number not less than forty per cent. of the total vote cast therein at the last election, to submit to the qualified electors of said territory the proposition "Shall this political subdivision (or district) reverse its vote creating 'Anti-Saloon Territory?'" (provided such petition corresponds in all other respects with the petition in this act before described), such proposition shall be submitted at such election to the voters of such political subdivision or district and the provisions of Section 1 (one), three (3), four (4), five (5), and six (6) of this act shall apply in all respects so far as applicable to the submission of such proposition to such voters; to the petition; therefore; to the recording of the vote thereon; and to the proof of the petition and vote. If a majority of the qualified electors voting upon such last mentioned proposition in any such political subdivision or district vote "Yes" such political subdivision or district shall cease to be "Anti-Saloon Ter-

Reversing  
vote—  
method.

Result of vote.

ritory" and all resolutions and ordinances providing for the restricting, regulation or prohibition of the sale of intoxicating liquors or for the issuing of dram-shops licenses, the operation of which was suspended within such political subdivision or district by virtue of the vote therein to become "Anti-Saloon Territory," so far as then in force and with all additions and amendments which in the meantime may have been made thereto shall become and be in force within said political subdivision or district to the same extent, only, however, as the same would then be in force had such political subdivision or district never become "Anti-Saloon Territory." The petition mentioned in this section shall be a public document and shall be subject to the inspection of the public.

#### VOTE NOT SUBJECT TO REVERSAL WITHIN TWENTY-THREE MONTHS.

Vote not reversal—until.

Sec. 9. A vote under the provisions of this act in and for any political subdivision upon the proposition "Shall this.....become 'Anti-Saloon Territory?'" or in and for any political subdivision or district upon the proposition "Shall this..... (or district) reverse its vote creating 'Anti-Saloon Territory?'" shall be a bar to the submission to the voters thereof of either of such propositions, as applied to that identical political subdivision or district only, until after the lapse of twenty-three months.

#### UNLAWFUL TO SELL INTOXICATING LIQUORS AND TO LICENSE DRAMSHOPS IN "ANTI-SALOON TERRITORY."

Unlawful to sell liquor—when.

Sec. 10. It shall be unlawful to sell intoxicating liquor in any quantity whatever or to grant or issue or cause to be granted or issued, a license to sell intoxicating liquor in any quantity whatever within the limits of any political subdivision or district in this state while the same is "Anti-Saloon Territory," except as hereinafter provided and if any such license be granted or issued in violation thereof the same shall be void.

License void.

#### SHIFTS OR DEVICES TO EVADE LAW.

Evasion of the law—how punished.

Sec. 11. The selling or giving away of any intoxicating liquor at or within any political subdivision or dis-



trict while the same is "Anti-Saloon Territory," for the sale or giving away of intoxicating liquor therein, or shift or device to evade any provision of this act shall be held to constitute a violation of this act, and be punished accordingly. The giving away in this act shall not apply to the giving away of intoxicating liquors by a person in his private dwelling; provided such private dwelling is not a place of public resort.

### PENALTIES RESPECTING CLERKS AND PETITIONS.

Sec. 12. Any clerk who shall refuse or neglect or fail to discharge any duty imposed by this act, and anyone who signs the petition provided for in this act knowing that he is not qualified so to do, or who files with the clerk any such petition or any sheet or other part thereof knowing that it contains the signature of a person or persons not qualified to sign the same, or who receives, requests, demands, or gives, offers or promises any reward for signing or refraining from signing any such petition, or who by treating or giving intoxicating liquor or anything else, or by threats to injure another in person or property, or by betting or other devices, either directly or indirectly, influences or attempts to influence any one to sign or refrain from signing any such petition, shall be deemed guilty of a violation of the provisions of this act, and shall be punished accordingly.

Sec. 13. All offenses defined or mentioned in this act may be prosecuted by indictment or by the information filed in any court or [of] record having criminal jurisdiction, or the district attorney or any of his deputies may file original informations upon their own affidavits based upon information and belief, and such information need not be otherwise verified; or any justice of the peace of the proper county shall have jurisdiction of all offenses arising under the provisions of this act; and in case of conviction, the offender shall stand committed to the county jail until the fine and costs are fully paid.

### EXCEPTIONS. PROVISIONS RESPECTING DRUGGISTS.

Sec. 14. The phrase, "intoxicating liquors," as used herein shall be construed to include any fermented, distilled, malt, vinous or other intoxicating liquors, but it

shall be a good defense in any prosecution under this act, to show that the sale in question was at retail, by a regularly licensed pharmacist, for exclusively known medicinal purposes, and that it was sold only in good faith upon written prescription issued, signed and dated in good faith by a duly licensed physician in active practice, and that the prescription was used but once.

Sell, barter or exchange.

Sec. 15. Whoever, shall, by himself or another, either as principal, clerk, or servant, directly, or indirectly, sell, barter or exchange any intoxicating liquor in any quantity whatever, contrary to the provisions of this act, within the limits of any political subdivision or district in this state, while the same is "Anti-Saloon Territory," or whosoever shall in any other manner violate any of the provisions of this act, shall, for the first offense, be fined not less than One hundred (\$100) Dollars, nor more than Two Hundred (\$200) Dollars, or be imprisoned [imprisoned] in the county jail for not less than ten (10) days nor more than thirty (30) days, or both, in the discretion of the Court.

Penalty first offense.

Penalty second offense.

Any person convicted of a second or any subsequent violation of the provisions of this act, shall upon conviction thereof be fined not less than Two Hundred (\$200) Dollars, nor more than Five Hundred (\$500) Dollars, and be imprisoned [imprisoned] in the county jail for not less than Thirty (30) days, nor more than Ninety (90) days.

Refund license fee—pro rata.

Sec. 16. Whenever "Anti-Saloon Territory" has been created under the provisions of this act, there shall be refunded to all keepers of dram shops, saloons or other places where intoxicating liquors are sold within said territory, a pro rata part of the amount paid either to the state, county or municipality for such license, the said refund to be pro rated for the number of days for which said license has yet to run before the expiration of the period for which said license was granted, provided, however, that said license was regularly issued according to law by the state, county or municipality granting the same.

Proviso.

Application of act.

Sec. 17. The provisions of this act shall be deemed and held to apply to all cities of the State of Colorado organized and existing under special charter, the same as those organized and existing under the general law regulating towns and cities.

Proviso.

Provided, nothing in this act contained shall be so construed as to bring any territory wherein the sale of

intoxicating liquors has been forever prohibited by law under the provisions of this act.

Sec. 18. All acts or parts of acts in conflict with any <sup>Repeal.</sup> of the provisions of this act, are hereby repealed, but an ordinance passed by a municipal corporation under the authority given in Section 4403, Colorado Statutes, Page 1234, Volume 3, 1905 edition, prohibiting the selling or giving away of intoxicating or malt liquors shall remain in full force and effect until thirty days after an election has been held in accordance with provisions of Section 2 of this act.

Approved March 25th, 1907.

---

CHAPTER 199.

---

NEWSPAPERS.

---

(S. B. No. 303, by Senator Lewis.)

AN ACT

DEFINING A DAILY NEWSPAPER.

*Be it Enacted by the General Assembly of the State of Colorado:*

Sec. 1. Every newspaper published daily or every <sup>Daily</sup> day excepting Sundays and legal holidays shall be consid-<sup>newspaper</sup> ered a daily newspaper and as such will be entitled to pub-<sup>defined.</sup> lish legal notices and any other matter required to be published in a daily newspaper. Provided the same has been published for six consecutive months.

Approved April 9th 1907.