

Mr. LINDSAY. Yes; he lies and says, "I have been denied the right to vote, and I am qualified." The referee says, "OK," and puts him down.

Mr. WALSH. This could happen before the registrar, too, you understand.

Mr. LINDSAY. That is right.

Mr. WALSH. It is exactly the same problem.

All right. But here the referee then makes a tentative finding, which he sends up to the judge, and a recommendation that the man be qualified. The judge or the referee, or whoever the judge orders to handle this part of the machinery, will give notice of this to the State registrar, or whoever is the State officer involved. If you are looking at page 2 of the mimeographed material, you will see that beginning in paragraph 2, at that point your State registrar, who knows that this fellow has lied about his age, will file an exception to the voting referee's report in which he said, "I except to the finding as to John Smith on the ground that he is under age." Then, if John Smith wants to go through with it and says, "I am over 21," and the registrar wants to contest it and say, "He is under 21," the court is faced with an issue of fact, on which they will call witnesses just as in an ordinary trial.

Mr. LINDSAY. Should not the McCulloch bill have some sort of amendment in there spelling out his right to file exceptions?

Mr. WALSH. Under due process, you could not do anything else.

We have no objection to such an amendment, and that is why I drew this up, as an illustration of what could be done [showing mimeographed paper].

Mr. WILLIS. I have just two questions.

In many counties there are as many as 50 or 100 precincts, voting places?

Mr. WALSH. Yes, sir.

Mr. WILLIS. In order to carry out attendance requirements, would the judge have to appoint that many people?

Mr. WALSH. It would be entirely up to him, as to how he wanted to do that.

Mr. WILLIS. But you could have 50 or more?

Mr. WALSH. He could.

Mr. WILLIS. Not could. It is in the bill. It is permissive that you could have as many as 50 or 100 or more federally appointed people on election day in each voting place.

The CHAIRMAN. Not in your State.

Mr. WILLIS. Well, where the act is applicable.

Mr. WALSH. The answer is that that could happen.

It would depend entirely on how many persons there were involved, or whether the voting referee himself could check on any complaints he had from the people who had been registered through him.

Mr. WILLIS. These people who would be watching as to whether votes had been properly counted or not, I cannot follow that. What happens to the Australian ballot? A person with a certificate from the judge, let us say, is on the list and he votes. The ballot is in there. Is it going to be pinpointed?

Mr. WALSH. Congressman Willis, this is permissive to the judge. I would assume he would tailor his order to the law of the State in which he acted.