

with the said clerk's initials written on the back thereof, and without any other written sign or mark thereon. The Council shall provide a convenient and suitable place within said booth or voting place where the said voter may fill out or mark said ballot privately by placing a cross (X) mark opposite the name of the candidate for whom he desires to vote, but in so doing said voter shall make or place no other mark, writing or device than such as is authorized by this section. No voter shall occupy more than five minutes in marking his ballot, at the end of which time and at the demand of the Clerk of Election, the voter shall immediately surrender his said ballot to the Judge of Election designated for that purpose. Before being surrendered to the Judge of Election the said ballot shall be properly folded so as to show the initials of the Clerk of Election, and if said initials shall properly appear thereon, the said ballot shall be received and placed in the ballot box. If on opening of any of said ballots it shall appear that the voter has placed thereon any unauthorized marks, writing or device, the ballot on which such unauthorized marks appear shall not be counted by the Judges of Election.

(E) If the initials of the Clerk of Election shall not appear on the back of said ballot it shall not be placed in the ballot box, but shall be rejected and kept by the Judges and Clerk of Election in a separate place. If any ballot be spoiled by a voter he may surrender same and receive from said clerk a second ballot to be voted. Rejected ballots shall not be counted by the Judges of Election, but shall be preserved by the said Judges and the Clerk of Election. The Judges of Election shall transmit all ballots counted by them, and all such rejected ballots, as a part of their report of the election, to the Council. Such reports of election shall be filed as part of the official records of the said town; *provided, however,* that the Council may in their discretion, by ordinance, direct that such ballots may be destroyed at any time after the expiration of two years from the election at which such ballots were cast.

(F) The Council shall receive all election returns, and within ten days after said election shall declare the result thereof. They shall determine all questions arising thereon; and any person conceiving himself aggrieved by reason of such decision may appeal to the Circuit Court of Montgomery County, which shall hear and determine the same, and determine who shall pay the costs of appeal. In case of a tie at any election for Mayor and members of the Council, another election shall be