

cated, shall have procured a suitable lot, or plot of ground of sufficient size near such hospital or asylum, and such plot of ground shall be deeded to some responsible person or persons in said town or vicinity in trust for the burial of the persons heretofore named, and shall file a copy of the deed conveying such plot of ground with the state auditor, and such officer shall be satisfied that the ground so selected and deeded is sufficient and suitable for such purpose he shall thereupon draw an order upon the state treasurer for the payment of the sum of five hundred dollars (\$500), payable to the Grand Army post, nearest such hospital or asylum, and such order shall be paid by said treasurer to the post quartermaster when endorsed by the commander of such post and by such quartermaster, and such fund shall be employed by such post in beautifying and caring for such ground, and in the erection of a suitable monument thereon; *provided* that a portion of such fund, not to exceed two hundred dollars (\$200) may be used for the payment of a portion of the purchase price of such lot or plot of ground. Annual accounts of the disposition and condition of which said fund shall be furnished by the quartermaster of such post and filed in the office of said state auditor. *Provided further*, that it shall be no objection to said deed of trust if it shall also provide for the burial in said plot of ground of the bodies of indigent soldiers and sailors, their wives and widows as aforesaid who may die in the vicinity.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 18, 1905.

CHAPTER 267.

S. F. No. 493.

Voting machines.

An act to authorize the use of voting machines at election, and to authorize cities, villages and towns to issue bonds to defray the cost of the purchase thereof and to repeal existing laws relating to voting machines.

Be it enacted by the Legislature of the State of Minnesota:

Authoriza-
tion of city,
village or
town to
purchase.

SECTION 1. The governing body of any city, village or town in this state may provide for the use of voting machines in all or one or more election districts thereof at all elections to be held therein, including primary elections; and at any such elections, the vote or ballot may

be had and taken, and the votes cast thereat registered or recorded and counted, and the results of such election or elections ascertained by the use of voting machines instead of in the mode and manner now established by law, *provided, however*, that the adoption, examination, purchase and use of such machines and their use at such elections, shall be subject to the provisions hereinafter contained.

SEC. 2. Where voting machines are authorized and employed, the arrangement of the names of the candidates thereon for each office shall be substantially the same as that prescribed by law where printed ballots are used, except that the provision contained in the general election law requiring the rotation of the names of candidates where more than one is to be elected to the same office, need not be observed. In such case the names of the candidates of the various political parties shall be arranged on the ballot form alphabetically according to surnames.

The machine adopted or employed must be so constructed as to insure to every elector, an opportunity to vote in secret; to permit him to vote once and only once for all the candidates and upon all the propositions for whom or upon which he is legally entitled to vote; to permit him to vote by means of some device connected with the mechanism of the machine, for any person for any office elective by the voters of his election district at such election, although such person has not been regularly nominated for such office by any political party, and his name does not appear upon the ballot form on or in such machine as a candidate for such office; to prevent the elector from voting for more than one person for the same office, unless he is lawfully entitled to vote for more than one person therefor, and in that event to limit him to the number to be elected to that office; to prevent him at a primary election, from voting for the nomination of candidates of more than one party, or for any person whose name is not on the official ballot at such election; to prevent him from voting for any office or upon any proposed amendment, question or proposition, for whom or upon which he is not lawfully entitled to vote; to permit him to change or retract any vote he has attempted to cast for any candidate for any office or upon any proposition up to the time his vote has been completed, and his vote in favor of such person or proposition has

Arrangement of names as on printed ballots.

Names arranged alphabetically.

Machine must insure secrecy in voting.

Must permit voting for any person not regularly nominated, and prevent voting for more than one for any office, exception.

At primaries candidates of one party only voted and for candidates on ballot.

Not to vote where not entitled.

Permit change of vote.

been registered thereon. No machine which does not comply with these requirements shall be approved, authorized or employed.

SEC. 3. There is hereby created a body to be known as "The Minnesota Voting Machine Commission," consisting of three members, including the attorney general, who shall be chairman.

Within thirty days after the passage of this act, there shall be appointed as members of said commission, two competent and responsible persons, who shall be master mechanics or graduates of a school of mechanical engineering.

Appointment. The governor shall appoint one of said members and the attorney general the other.

No pecuniary interest to members. None of the members of said commission shall, directly or indirectly, have any pecuniary interest in any voting machine. The said appointees shall serve for a term of four years from the date of appointment and until their successors are in like manner appointed. The appointing power may fill vacancies in said commission. The said members of said commission so appointed shall qualify without delay by taking and filing with the secretary of state an oath of office in writing in the usual form, and shall elect one of their members to be secretary and one to be treasurer.

Term. Any person, company or corporation owning or being interested in any voting machine may apply to said commission to examine such machine and to report as to its compliance with the requirements of the law and on its accuracy, durability, efficiency and capacity to register the will of electors. The commission shall thereupon examine the machine so submitted, and make and file its report thereon. Said examination shall not be required as to each individual machine, but only as to each particular kind or type of machine, before its adoption, use, or purchase as provided herein.

Oath. The report of said commission shall be signed by the attorney general and at least one other member, and shall be filed with the secretary of state within ten days after the close of said examination.

May apply for test. If, from said report, it shall appear that, in the opinion of the commission, the kind of machine so examined complies with the requirements of this act and can be used safely at elections in this state, under the conditions prescribed by this act and by the laws of the state where

Report by commission.

Filed with secretary of state.

the same do not conflict herewith, then said machine shall be deemed approved by said commission, and machines of its kind may be adopted and purchased for use, and may be used at elections in this state as herein provided. No form of voting machine not so approved may be used at any election in this state.

Only approved machines may be used.

As the examination fee herein, said application shall be accompanied by the sum of one hundred and fifty dollars. After there has been deducted and paid out of said sum all expenses incurred by said commission in the discharge of its duties herein the balance shall, at such time as the commission may decide, be paid in equal parts to the members of said commission other than the attorney general as full compensation for their services and expenses herein.

Examination fee.

How disbursed.

SEC. 4. Whenever the governing body of any city, village or town shall determine to use such machines, it shall by resolution or ordinance prescribe suitable rules and instructions not inconsistent with the provisions of this act for using the same, submit the same to the attorney general for his approval, and when approved by him, cause notices thereof to be given, as in the case of election notices.

Ordinances regarding use of machines to be submitted to attorney general.

SEC. 5. The governing body of each city, village and town in this state is hereby authorized to purchase for the use of each election district, in which it has authorized the use of voting machines, one or more such machines in complete working order, and to make suitable provision for the adjustment, custody and care thereof.

Authorization to purchase.

SEC. 6. No more than three judges of election and no more than two clerks of election shall be employed to officiate in any district wherein voting machines are used. The judges shall enforce the rules prescribed for the use of such machines, and carry out all the provisions of the election laws of this state relating to elections, except such as are rendered inapplicable by the use of such machines. The election districts in which voting machines are to be used may be enlarged or reformed in the manner prescribed in the general election law, so that each district shall, when so first formed, contain not to exceed six hundred male electors, as shown by the registration books used at the then next preceding general election.

Three judges and two clerks of election.

To enforce rules.

Election districts may be changed, so as not to exceed 600 electors.

SEC. 7. Payment for such machines may be provided for in such manner as is deemed for the best interests of the political division adopting and purchasing them,

Payment of machines. How made.

Tax levy,
bonds.
Bond issue.

Cities of over
50,000.

Ratification
in certain
cases.

Interest not
to exceed
6 per cent,
to run not
over twenty
years.

May exceed
charter
limit of in-
debtedness.

Sold at par
and accrued
interest.

Election
laws to
remain oper-
ative unless
inconsistent.

Misde-
meanor.

and each city, village and town is hereby authorized for said purpose, to appropriate money from the general fund, to levy a tax in the same manner as other taxes are levied, or to issue and sell bonds or other certificates of indebtedness, which shall be a charge upon such city, village or town so adopting and purchasing such voting machines, and to provide for the payment and redemption thereof, at maturity. Such bonds or other certificates of indebtedness when issued by a city having a population of more than fifty thousand inhabitants according to the last preceding state or national census, may be issued by a majority vote of its governing body, and when issued by a city of any other class or by a village or town, by vote of its governing body duly ratified by the electors of such city, village or town at the next election held therein.

The bonds or certificates of indebtedness so issued may bear interest at a rate not exceeding six per cent per annum and may be made payable at such time not exceeding twenty years from the date thereof, as may be determined by the resolution or ordinance authorizing the issuance thereof, and may be issued exclusive of and in addition to any limit of indebtedness fixed by the charter of such city or village, or by the laws of this state for such city, village or town, but such bonds or certificates shall not be issued or sold at less than par and accrued interest thereon.

SEC. 8. All laws and parts of laws now in force in this state relating to state, county, city, village and town elections, and defining the powers and duties of election officers so far as applicable to the use of voting machines, shall remain in full force and effect, and all laws and parts of laws inconsistent herewith shall be suspended in each city, village, town or election district wherein such voting machines are used, so long as the same shall be used therein.

Chapter 296, General Laws of 1897, and chapter 315, General Laws 1899, are hereby repealed.

SEC. 9. Any person who shall wilfully injure or attempt to injure or render ineffectual, any voting machine provided in accordance with the provisions of this act, or who shall violate any of the provisions hereof, shall be guilty of a misdemeanor and punished accordingly.

SEC. 10. This act shall take effect and be in force from any after its passage.

Approved April 18, 1905.