

which Crow Wing County may levy for general fund purposes and is additional to the amount permitted by law to be levied for other county purposes. The tax may be levied on any or all unorganized townships within the county, provided that no such tax shall be levied on only a part of an unorganized township within the county.

Subd. 3. If the Board of County Commissioners of Crow Wing County deems it desirable to levy such a tax, it may at the time it levies the county taxes, by resolution reciting such fact, determine the amount so to be levied in each unorganized township for the current year. It shall be the duty of the county auditor to extend the tax so levied upon the tax books of the county, at the same time, and in the same manner as other taxes for county purposes are extended as to property in such unorganized townships, and the tax shall be collected and payment thereof enforced at the same time and in the same manner as other county taxes on such property and with like penalties for non-payment at the time prescribed by law.

Subd. 4. The tax collected on property in each unorganized township shall be set apart in a separate fund in the county treasury, which shall be designated as the town fund of the unorganized township from which the tax was collected.

Subd. 5. Each fund shall be expended under the direction of the county board for the same purposes the town board could spend such fund were the town government of such townships organized and functioning.

Approved April 24, 1959.

CHAPTER 675—S. F. No. 682

[Coded]

An act relating to elections, providing for the numbering thereof, repealing Minnesota Statutes 1957, Chapters 200 to 212, and Section 367.03, except Sections 201.25, 201.26, 201.27, 201.28, 201.29, 202.011 and 205.04, and repealing Laws 1957, Chapter 197.

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

ARTICLE I

DEFINITIONS AND GENERAL PROVISIONS

Section 1. [200.01] Citation. Articles I to XIII are

C. 675
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the Minnesota Election Law, and the words used in the Minnesota Election Law have the meanings prescribed in section 2.

Sec. 2. [200.02] Definitions. Subdivision 1. The word "election" means any election except those held in any school district unless otherwise specifically provided by law, at which the electors of the state or any subdivision thereof nominate or choose by ballot public officials or decide any public question lawfully submitted to them.

Subd. 2. General election. The words "general election" mean the election provided to be held in the state on the first Tuesday after the first Monday of November in every even-numbered year.

Subd. 3. Primary election. The words "primary" or "primary election" mean an election held for the purpose of deciding by ballot who shall be the nominees for offices to be filled at an election.

Subd. 4. Municipal election. The words "municipal election" mean an election held in any municipality at which the electors of the municipality choose by ballot public officials for the municipality or decide any public question relating to the municipality lawfully submitted to them.

Subd. 5. Special election. The words "special election" mean an election held for a special purpose.

Subd. 6. Special primary. The words "special primary" or "special primary election" mean a primary election held to select the nominees for the offices to be filled at a special election.

Subd. 7. Political party. The words "political party" mean an organization which shall have maintained in the state, governmental subdivision thereof or precinct therein in question, a party organization and presented candidates for election at the last preceding general election one or more of which candidates shall have been voted for in each county within the state at such election and shall have received in the state not less than five percent of the total vote cast for all candidates at such election or whose members to a number equal to at least five percent of the total number of votes cast at the preceding general election in the county where the application is made shall present to the county auditor a petition for a place on the primary election ballot.

Sec. 8. City. The word "city" means an incorporated city within this state.

Subd. 9. **Village.** The word "village" means an incorporated village or borough within this state.

Subd. 10. **Municipality.** The word "municipality" means any city, village, borough, or town.

Subd. 11. **Council.** The word "council" means the governing body of a municipality.

Subd. 12. **Judge.** The word "judge" means any judge of election.

Subd. 13. **Peace officer.** The words "peace officer" means any sheriff, constable, policeman, or any citizen appointed and empowered to perform any of their duties.

Subd. 14. **Precinct.** The word "precinct" means an election district.

Subd. 15. **Voter.** The word "voter" means an elector qualified to vote at an election.

Subd. 16. **Polls.** The words "polls" or "polling place" means the place of voting.

Subd. 17. **Convention.** The word "convention" means an organized body of delegates representing a political party assembled for the purpose of transacting such business as lawfully comes before it.

Subd. 18. **Contestant.** The word "contestant" means the person who begins any proceeding to contest the result of an election.

Subd. 19. **Contestee.** The word "contestee" means the person who is adverse to the contestant.

Subd. 20. **Senator.** The word "senator" means a member of the senate of this state.

Subd. 21. **Representative.** The word "representative" means a member of the house of representatives of this state.

Subd. 22. **Commissioner.** The word "commissioner" means any person acting as a commissioner of registration pursuant to the provisions of article II.

Subd. 23. **Election board.** The words "election board" mean the judges of election of an election precinct.

Subd. 24. **Term of office.** The term of office of every state and county officer shall begin on the first Monday in January next succeeding his election, unless otherwise provided by law.

Subd. 25. **Qualifications to vote.** Every person who

has been a citizen of the United States for a period of three months next preceding any election, of the age of 21 or over, who has resided in this state six months next preceding the election, and in the election precinct 30 days next preceding the election, shall be entitled to vote at the election in such precinct, except the following:

- (a) Any person who has been convicted of treason or any felony, unless restored to civil rights;
- (b) Any person who is under guardianship over his person;
- (c) Any person who may be non-compos mentis or insane;
- (d) Any person who is not properly registered where registration is required.

ARTICLE II

REGISTRATION OF VOTERS

Section 1. [201.01] **Definitions.** The words used in this article have the meanings prescribed to them in article I.

Sec. 2. [201.02] **Registration, where required.** All municipalities having a population of 10,000 or more, and any other municipality when the governing body of such municipality shall by ordinance or resolution elect to come within the provisions of this article, shall maintain a permanent system for the registration of voters, and the judges of election in any election precinct located in any such municipality may not receive the vote at any election of any person whose name is not registered in accordance with the provisions of this article.

Sec. 3. [201.03] **Commissioner of registration, office created.** The office of commissioner of registration is hereby created in all municipalities having a population of 10,000 or more, and in any other municipality when the governing body of such municipality shall by ordinance or resolution elect to come within the provisions of this article. The clerk of each city, village or town is hereby constituted the commissioner under this section.

Sec. 4. [201.04] **Commissioner, compensation.** The commissioner may receive such additional salary as shall be fixed by the council for the municipality, and he shall retain the same notwithstanding any provision in the charter of such municipality to the contrary.

Sec. 5. [201.05] **Commissioner, duties, hours.** The commissioner of registration shall have complete charge of the

registration of all voters in the municipality. He shall provide such printed forms, blanks and other supplies and equipment as are necessary to properly carry out the provisions of this article. Subject to the provisions of this article, he shall prescribe such reasonable rules and regulations as to the hours during which his office shall be open and as to the places and manner of registration as may be necessary. The office of the commissioner shall remain open until 9:00 P.M. on the last registration day and for at least two days not including Saturdays, Sundays, and legal holidays immediately preceding the last registration day. He shall appoint such deputies, clerks, and other employees as may be necessary.

Sec. 6. [201.06] Registration system. Subdivision 1. **Establishment, files.** The commissioner shall immediately proceed to establish the registration plan provided for herein. He shall provide for an original record of voters, which shall be properly indexed, kept at the office of the commissioner and properly safeguarded. This record shall be known as the "original registration file" and may not be removed from the office except upon an order of a court of competent jurisdiction. The commissioner shall prepare a second file from the original registration file which shall be known as the "duplicate registration file."

Subd. 2. **Duplicate registration file, inspection.** Subject to reasonable rules and regulations, the duplicate registration file shall be open to public inspection, but no such public inspection shall be permitted or allowed that will disarrange the registration files. No person to whom a file of registered electors is made available under this subdivision and no person who acquires a list of registered electors prepared from such file may use any information contained therein for the purposes which are not related to elections, political activities, or law enforcement.

Subd. 3. **Registration system, council to provide facilities.** When any municipality shall hereafter come within the application of this article the council shall immediately provide the commissioner with the necessary funds, equipment, and facilities, and the commissioner shall proceed to establish a place of registration and put the registration plan into operation without delay.

Sec. 7. [201.07] Records. Subdivision 1. **Registration cards.** For the purpose of expediting the work of the commissioner, to promote uniformity in registration, and for the preparation of abstracts and other forms to be used by election boards, registration records shall be substantially as follows:

- (a) Suitable card index devices shall be provided;
- (b) Suitable index cards of six by four inches shall be provided;
- (c) The following information concerning such applicant shall be required and placed upon the index cards:

Precinct or ward and precinct where applicable,
 Name of applicant in full, showing any change of name due to marriage, divorce, decree of a court, etc.,
 Residence, showing exact location thereof,
 Age,
 Term of residence in state and precinct,
 Nativity,
 Citizenship and manner in which acquired,
 Date of application,
 Signature of voter.

Subd. 2. **Prior registration, cancellation.** Every elector applying for registration shall be asked by the registration officer whether or not he is already registered in another registration jurisdiction within the United States; and, if he is so registered, he shall sign an authorization to cancel his previous registration on a form substantially as follows:

(Side 1)

Date.....
TO Commissioner of Voters Registration
Dear Sir:
I am now registered for voting in the City of St. Paul, Ramsey County, Minnesota, and authorize the cancellation of my previous registration at
(street address)
in.....
(city, village or township) (county)
..... I left.....
(state) (date of leaving)
X.....
(signature)

(Side 2)

Place Stamp Here
<p>POST CARD</p> <p>TO Commissioner of Voters Registration</p> <p>.....</p> <p>.....</p>

The registration officer shall mail all such authorizations to the proper office of registration. Upon the receipt of such authorization from the forwarding municipality by a commissioner of registration within this state, the commissioner, upon a comparison of the elector's signature with his signature as it appears in the registration files, shall remove the elector's registration from the files. The commissioner shall keep the cancellation authorization for a period of no less than one year.

Sec. 8. [201.08] Present registration lists, saved. The registration lists in use in the several municipalities at the time this article becomes effective shall be the official registration files subsequent thereto.

Sec. 9. [201.09] Duplicate registration file, form, delivery. The commissioner shall deliver to the judges in each precinct the duplicate registration file for that precinct. Each card in the duplicate registration file shall be identical to the respective card in the original registration file, except that on the reverse side of each duplicate card shall be space for the record of voting and a space in which may be recorded any remarks or other information as may be required.

Sec. 10. [201.10] Change of address, notification. Change of address notices shall be provided by the commissioner, which shall be given out upon request, for the use of a registered voter moving to a new location. The form of such notice shall show the voter's last residence, the new residence, and a line for the signature of the voter, which signature shall be the same as that in the original registration file. Upon receipt of a change of address notice, but not less than 20 days prior to any election, the signature thereon shall be compared with that in the original registration file. If these signatures are not similar, the commissioner may not make an entry of such change of residence, and he shall send by mail to the applicant at his new address a postal card notice stating that such transfer was not made, together with the reason there-

for. If these signatures are similar, the commissioner shall make proper entry of such change of residence on the registration files; and thereafter the applicant shall be qualified to vote in a new precinct. A voter removing from one place to another in the same precinct shall be once entitled to vote therein without filing a notice thereof.

Sec. 11. [201.11] Precinct boundaries changed, change of files. When the boundaries of an election precinct in any such municipality shall be changed, the commissioner shall immediately change his registration files to correctly show the names of the voters who are residents therein.

Sec. 12. [201.12] Proper registration, verification by mail, challenges. For the purpose of preventing fraudulent voting and eliminating excess names, the commissioner, at any time he deems it necessary, may send by mail to any voter whose name appears in the original registration file a notice that his name and address appear therein as indicated; and, if there is any mistake in the name or the address, the voter shall present the notice in person at the office of the commissioner and have the same corrected. Failure to do so or the return of the notice by the post-office to the commissioner shall be sufficient evidence to justify a challenge of his vote at an election, which challenge shall be signed by the commissioner. Upon the return by the post-office of any such notice, the commissioner shall direct a deputy or clerk in his office to personally ascertain the name and address of any such voters; and, if such voter is found to have removed from the address recorded in the original registration file, the commissioner shall cause to be affixed to the duplicate registration file card of the voter the word "challenged." No person so challenged shall be permitted to vote except by complying with all provisions of law applicable to the proving of challenges.

Sec. 13. [201.13] Local registrar of vital statistics, report deaths to commissioner. The local registrar of vital statistics in each county or municipality, as the case may be, shall report monthly to the commissioner the name and address of each adult person who has died while a resident in the registration jurisdiction since the last previous report of such registrar concerning such deaths made to the commissioner. Upon receipt of such report, the commissioner shall examine the original and duplicate registration files and remove therefrom and destroy the registration cards of registered persons so reported by the local registrar as deceased.

Sec. 14. [201.14] Clerk of district court, report

changes of names: The clerk of district court in each county in the state shall report monthly to the commissioner of each municipality in the county the name and address of each person, 21 years of age or over, residing in such municipality whose name shall have been changed during the month preceding the date of the report, by marriage, divorce or any order or decree of such court. Upon receipt of such report, the commissioner shall notify such voter by mail that it is necessary for him to re-register under such changed name in order to vote at an election.

Sec. 15. [201.15] Probate judge, report guardianships and commitments. The judge of probate in each county in the state shall report monthly to each commissioner in his county the name and address of each person, 21 years of age, or over, residing in such municipality who shall, the month preceding the date of the report, have been under a guardianship of the person, restored to capacity, or discharged from guardianship to another jurisdiction by the probate court, and each such person under guardianship of the person transferred to the jurisdiction of the probate court; and also report the name and address of each insane or feebleminded person committed to the commissioner of public welfare, or any institution under his control, or restored to capacity by the court. Upon receipt of such report, the commissioner shall examine the original and duplicate registration files; and, if such examination discloses that any of the persons named in such report as being under guardianship of the person, or committed to the commissioner of public welfare, or any institution under his control, are registered, the commissioner may remove and destroy the registration cards of such persons; and, if the commissioner finds from such examination that the names of the persons restored to capacity or discharged from guardianship are not registered, he shall immediately notify such persons by mail that it is necessary for them to register.

Sec. 16. [201.16] Registration closed, time before election. The commissioner shall have 20 full days between the last day of registration and election day to perfect the registration files, and for that purpose 20 days before an election day shall be days upon which voters may not register. During these 20 days the commissioner shall complete the registration files and, on the day before election, shall deliver the duplicate registration file to each precinct.

Sec. 17. [201.17] Failure to vote, registration removed. At the close of each calendar year the commissioner shall check the registration file for the purpose of eliminating

excess names; and, to that end, shall examine the registration file, and whenever it appears that a registered voter has not voted at an election at least once in four consecutive calendar years his card shall be taken from the original and duplicate registration files and destroyed, and a printed postal card notice of these facts, and that the voters must register in order to vote in the precinct at any ensuing election, shall be sent to the last known address of the voter.

Sec. 18. [201.18] Armed forces members, registration saved. In the event that the applicant was registered but is not entitled to vote because he has failed to vote at an election at least once in any four successive calendar years wherein elections are held, if the applicant, or someone in his behalf, shall file an affidavit with the commissioner of registration, stating that on the date of any one election during such four-year period the applicant was a member of the armed forces of the United States, such affidavit shall operate as a re-registration, and entitle the applicant to vote.

Sec. 19. [201.19] Persons entitled to be registered. Every person residing in any precinct who has the qualifications of a voter, or who will have such qualifications at the next ensuing election, shall be entitled to be registered as a voter in the precinct in which he resides; provided, that those persons who have registered in accordance with the provisions of any act requiring the registration of voters which is in existence at the time the Minnesota Election Law becomes effective shall not be required to re-register, but such registration shall be deemed a registration hereunder.

Sec. 20. [201.20] Application; absent voters. Sub-division 1. Application, oath. The commissioner shall, up to 20 days next preceding any election, receive the application for registration of such voters as personally appear for registration at his office, or at such other place as is designated by him for registration, who then are, or on the date of the election next following the day of making such application will be, entitled to vote. Any voter who applies for registration shall subscribe to the following oath or affirmation:

“Do you solemnly swear or affirm that you will fully and truly answer such questions as shall be put to you concerning your qualifications as a voter under the laws of this state?”

Upon being sworn, the applicant shall answer such questions as are required, as hereinbefore set forth, and the clerk shall fill out the form which the applicant shall sign, and he shall

not be required to register again for any election except as provided in this article. In case a voter is unable to write his name, he shall be required to make a cross, which shall be certified by signing of the name of the applicant by the registration clerk taking the application. A voter who is unable to sign his name shall not be permitted to mail or hand in a change of address notice, as in this article provided, but must appear in person to secure a change of his name to the registration file of his new voting precinct.

Subd. 2. Absent voters, application, affidavit. Any person entitled to vote at any election who is absent from the municipality in which he maintains his legal residence, or who by reason of physical disability or because of religious discipline is unable to appear in person at a registration office, may, up to 20 days next preceding any such election, make application in writing to the commissioner to have his name entered in the registration file of the precinct of his residence, by mailing to and filing with the commissioner his application and affidavit substantially in the following form:

"I,, being first duly sworn, on oath say I possess the constitutional qualifications of a voter in the State of Minnesota or will possess such qualifications on the day of the next ensuing election; that I reside at No. (Street or Avenue), in the precinct in the ward in the city (or village or town) of; that I have not been and will not be present at a registration office to register personally, for the reason that

.....;

that I desire to be registered in such precinct; that my full name is; that I was born at..... on (month)..... (day). (year); I have resided in the United States for years and months in the State of Minnesota for years and, months; and in such precinct for years and months and days; that I am able to read English; that at the last general election I resided at No. Street (or Avenue), in such municipality; (the following to be omitted if native born) that I am a naturalized citizen of the United States; that my final papers were issued by the (give court and place) on the (give date or other particulars).....

(Signature).....

Subscribed and sworn to me before this..... date of, 19.....

Subd. 3. Absent voter, application form, cards. If an application form, as prescribed in subdivision 2, is requested by a registrant, the commissioner shall forthwith mail to the registrant an application form and original and duplicate registration cards. The application shall be filled out and signed and sworn to before an officer authorized to administer oaths and the original and duplicate registration cards signed by the registrant, and sworn to before an officer authorized to administer oaths, and returned to the commissioner who shall complete the filling out of the original and duplicate registration cards.

Sec. 21. [201.21] Registration administration, expenses. The necessary expense in each municipality for carrying out the provisions of this article shall be paid by such municipality, and the council thereof shall provide out of the current revenues of the municipality sufficient funds for that purpose, based upon the estimate prepared by the commissioner.

Sec. 22. [201.22] Electrical-mechanical registration system. The legislature of the state of Minnesota, recognizing that modern methods have created vast improvements in the keeping and handling of files and records of all types, and recognizing that such modern methods have resulted in economy in both labor and money, and desiring to empower the various municipalities to take advantage of the benefits of such modern methods, and without unduly limiting such municipalities, and in full faith that such municipalities will exercise the proper discretion in the adoption of the methods to be used, confers upon the municipalities the following powers:

- (a) Any municipality may, by action of its council, provide for and adopt any modern mechanized or other system for the registration of voters and for maintaining and keeping current such mechanized or other registration systems.
- (b) No such system shall be adopted which does not conform substantially to the provisions of this article and all information, duplicate registration files, reports and other records required to be kept by this article shall be incorporated in and maintained in the new system.
- (c) When any municipality converts an existing registration system to such new system, it shall not be necessary for any voter who is duly registered to

re-register on any form provided by the new mechanized method; provided however, that the pertinent information contained on such voter's original registration be microfilmed, photographed, or preserved by some other mechanical means and superimposed upon or made a part of any new card or record provided for the registration of such a voter.

- (d) When any municipality converts an existing registration system to such a new system, as provided herein, all of the old records pertaining to votes and voters' registration shall be preserved and filed by the officer in charge of such registration records for a period of at least five years.

Sec. 23. [201.23] Registration, challenge. Any person may challenge a registration at any time by filing a written challenge with the commissioner. The commissioner shall fix a time and place for hearing and notify all parties interested. At this time and place the matter shall be heard and determined by the commissioner, who shall file his written decision in his office within three days after the hearing. Either party may within ten days appeal from the decision to the district court of the county in which the municipality is located, and the appeal shall be heard and determined by the court within 30 days from the time of the filing of the appeal.

Sec. 24. [201.24] Registration personnel, oath. Each officer, deputy, clerk, or other employee shall, before entering upon his duties, subscribe to an oath in such form as shall be provided by the attorney for the municipality.

Sec. 25. [201.25] Registration personnel, acts prohibited. No judge in any precinct located in any municipality may act as registration officer or clerk.

Sec. 26. [201.26] Residence, determination. The commissioner in determining the residence of any person desiring to register, shall be governed by the following rules, so far as they are applicable:

- (a) The residence of any person shall be held to be in that place in which his habitation is fixed, without any present intention of removing therefrom, and to which, whenever he is absent, he intends to return;
- (b) A person shall not be considered to have lost his residence who leaves his home to go into another

state, or county in this state, for temporary purposes only;

- (c) A person shall not be considered to have gained a residence in any county into which he has come for temporary purposes only, without the intention of making such county his home;
- (d) If a person goes into another state with the intention of making it his residence, he shall be considered to have lost his residence in this state;
- (e) If a person removes to another state with the intention of remaining there for an indefinite time as a place of residence, he shall be considered to have lost his residence in this state, notwithstanding he intends to return at some future time;
- (f) The place where a man's family resides shall be considered his residence, but it is a temporary establishment for his family, or for transient purposes, it shall not be so considered;
- (g) If a man has his family living in one place and he does business in another, the former shall be considered his residence, but when a man has taken up his abode at any place with the intention of remaining there, and his family refuses to reside with him, then such place shall be considered his residence;
- (h) The residence of a single man shall be considered to be where he usually sleeps;
- (i) The mere intention to acquire a new residence, without the fact of removal, shall avail nothing, neither shall the fact of removal without the intention;
- (j) No person employed temporarily for the purpose of cutting timber, or in the construction or repair of any railroad, canal, municipal, or other work of public nature, shall acquire a residence in any precinct into which he came for such purpose, but this provision shall not be held to extend to station agents or sectionmen who permanently reside in such precinct, and in determining the right of any person employed by railroad company or upon any public work to register, the commissioner shall be satisfied that he is a bona fide resident of the pre-

cinct and not there for temporary purposes only, and his unsupported affidavit shall not be held conclusive as to any fact necessary to entitle him to register;

- (k) Any permanent inmate of a soldier's home shall be considered a resident of the precinct in which the the same is located.

Sec. 27. [201.27] **Violations, penalties.** Any officer, deputy, clerk, or other employee who shall wilfully fail to perform or enforce any of the provisions of this article, or who shall unlawfully or fraudulently remove any registration card or record from its proper compartment in the registration files, or who shall wilfully destroy any record provided by this article to be kept, or any person who shall wilfully or fraudulently register more than once, or register under any but his true name, or attempt to vote by impersonating another who is registered, or who wilfully registers in any precinct where he is not a resident at any time of registering, or who adds a name or names to the registration files, records or cards, or who violates any of the provisions of this article is guilty of a felony.

ARTICLE III

NOMINATIONS AND THE PRIMARY ELECTION

Section 1. [202.01] **Definitions.** The words used in this article have the meanings prescribed to them in article I.

Sec. 2. [202.02] **Primary election, date, application.** On the second Tuesday in September preceding any general election an election of nominees hereinafter designated as the "primary election" shall be held in each election precinct for the selection of party and other candidates for all elective offices to be filled at the general election except presidential electors.

Sec. 3. [202.03] **Non-partisan nomination.** Subdivision 1. **Offices, ballot.** The chief justice and the associate justices of the supreme court, judges of the district and probate courts, all members of the state legislature, and all elective county officers shall be nominated upon separate non-partisan ballots, as hereinafter provided. The ballot shall be designated "ballot of candidates to be nominated without party designation."

Subd. 2. **Non-partisan primary ballot.** No party or other designation, except as stated in subdivision 1, shall be

placed on the ballot, nor shall any candidate filing for nomination on said ballot be permitted or required to state his party affiliation on his filing affidavit. All provisions of law relating to the nomination of party candidates as to the form of ballot, including rotation of names, the endorsement thereon, voting, marking ballots, counting, returning and canvassing results, shall apply to nomination of these officers. Each voter is entitled to vote a non-partisan primary ballot without reference to his party affiliation.

Subd. 3. Candidates to be nominated, number. When only two persons file for the nomination for any non-partisan office, or when not more than twice the number of persons to be elected to a non-partisan office file for the nomination thereof, their names may not be placed upon the non-partisan primary ballot, but these persons shall be considered and shall be the nominees for the office, and their names shall be placed upon the general election ballot as the non-partisan nominees.

Subd. 4. Nominating petitions. Nothing herein shall prevent the nomination of candidates by groups, individuals, or so-called political parties that cannot be recognized as such, by nominating petitions to the number hereafter specified. The names of candidates nominated by nominating petitions for offices herein designated as non-partisan shall have no party or other designation on the petition or on the election ballot.

Sec. 4. [202.04] Affidavit of candidacy. Subdivision 1. **Filing, date.** Not more than 90 nor less than 50 days before the primary election any eligible person who desires to have his name placed on the primary ballot as a candidate for any elective office to be filled at the general election, except presidential electors, shall file his affidavit with the secretary of state when to be voted for in more than one county, and with the county auditor when to be voted for in a single county stating the following:

- (a) That he is a qualified voter in the subdivision where he seeks nomination;
- (b) The name of his political party if for a partisan office;
- (c) The office for which he desires to be a candidate;
- (d) That he has not filed as a candidate for any other office at the same primary election;
- (e) If for a partisan office, that he affiliated with his

political party at the last general election, and either that he did not vote thereat or voted for a majority of the candidates of the political party at the election, and intends to so vote at the ensuing election.

Subd. 2. United States senator, candidates, designation of term. When two persons are to be elected United States senators in congress from this state at the same general election, each person filing for the nomination, as provided in this article, in addition to all other matters necessary to be stated in his affidavit, shall designate the term for which he desires to be a candidate by stating the date of the expiration of such term, and such designation shall be printed opposite the name of the candidate on the primary ballot and opposite the name of the successful candidates upon the general election ballot. The designation of terms shall be observed by all the election officials and canvassing boards at both the primary and general elections.

Subd. 3. Associate or district judge, candidates, designation of term. In addition to the statements required to be set forth in subdivision 1 of this section any person who files as a candidate for the office of associate justice of the supreme court or as a candidate for the office of judge of the district court, shall state in his affidavit of candidacy the office of the particular justice or judge for which he is a candidate. The filing of the affidavit of candidacy and a compliance with all other requirements of this section and section 5 makes the person a candidate for that non-partisan office only.

Sec. 5. [202.05] Candidates, filing fees. Subdivision 1. **Amount.** Each candidate at the time of filing his affidavit shall pay to the secretary of state or the county auditor a filing fee as follows:

- (a) If for the office of governor, lieutenant-governor, secretary of state, state auditor, state treasurer, attorney general, commissioner of the railroad and warehouse commission, judge of the supreme court, representative in congress, or judge of the district court, the sum of \$100;
- (b) If for the office of senator in congress, the sum of \$150;
- (c) If for the office of senator or representative in the legislature, the sum of \$20;

- (d) If for a county office, the sum of \$20;
- (e) If no compensation is provided by law for the office or if the office is that of presidential elector, no filing fee is required.

Subd. 2. **Filing fees, not returned.** If an affidavit of candidacy has been filed and a filing fee has been paid, no filing officer may refund the filing fee.

Sec. 6. [202.06] **Candidates, withdrawal.** Subdivision 1. **Affidavit.** No candidate may withdraw his name from the primary ballot unless he files an affidavit with the secretary of state or with the county auditor, as the case may be, within five days after the last day for filing for the office, requesting the officer to withdraw affiant's name from the ballot.

Subd. 2. **Filing or withdrawal, time limit.** No affidavit of filing by any candidate, or affidavit of withdrawal by any candidate, may be accepted by the secretary of state or county auditor later than 5:00 o'clock P.M. of the last day for filing or withdrawal as provided in this article.

Sec. 7. [202.07] **Primary election ballot.** Subdivision 1. **Placing of name on ballot.** Except as provided in section 3, subdivision 3, upon proper filing of affidavit and payment of filing fee, the county auditor shall place the name of the candidate upon the primary election ballot in the ticket of the political party designated or on the non-partisan ballot as the case may be.

Subd. 2. **Partisan primary ballot, one candidate.** If only one person files as a candidate for any one office in any one political party the auditor shall place the name of the candidate upon the primary election ballot in the ticket of the political party designated.

Subd. 3. **Secretary of state, candidates names certified by.** At least 32 days before a primary election, the secretary of state shall certify to the auditors of the several counties the names of all nominees to be voted for within such counties whose certificates have been properly filed with him, and direct the auditors to place upon the primary election ballots of their respective counties the names so certified.

Subd. 4. **Filing fees, disposition.** The secretary of state and county auditor, respectively, shall number each affidavit and petition in numerical order as received. The auditor shall immediately pay to the county treasurer all fees

received by him from candidates. The secretary of state shall immediately pay to the state treasurer all fees received by him from candidates.

Sec. 8. [202.08] Ballots. Subdivision 1. Partisan and non-partisan candidates. All voting at the primary election shall be by ballot. There shall be one ballot for all partisan candidates, grouped by parties, and a separate ballot for all candidates to be nominated without party designation.

Subd. 2. Candidates, non-partisan offices, who nominated. The candidates on non-partisan ballots receiving the highest and the next highest votes shall be the nominees for the office for which they are candidates. When more than one person is to be elected for the same non-partisan office, the candidates, to a number equal to twice the number of persons to be elected, who receive the highest number of votes, shall be the nominees for that office.

Subd. 3. Candidates, partisan offices, who nominated. The candidate for any political party office receiving the highest vote at the primary election shall be the nominee of that political party for the office except as provided in subdivision 4 of this section.

Subd. 4. Party primary, ten percent requirement. If at the primary election any person seeking a party's nomination for an office receives a number of votes equal to ten percent of the average votes cast at the last general election for state officers of that political party within the district for which the office is voted, then all candidates of that political party who receive the highest vote for an office are the nominees of that political party. If none of the candidates of a political party receive the required ten percent, then no candidates are nominated, and all the candidates of that political party may be nominated, by nominating petitions as provided in sections 9 to 12 of this article. The term "state officers," as used in this section for the purpose of computing the average vote to determine the ten percent as provided in this section, means the governor, lieutenant governor, secretary of state, state auditor, state treasurer, and attorney general.

Subd. 5. General election, nominees. The persons certified by canvassing boards to be nominated shall constitute the nominees of the several political parties or the non-partisan nominees, as the case may be, to be voted for at the next ensuing general election, and their names shall be printed upon the official ballots prepared for the ensuing election.

Sec. 9. [202.09] Nominating petitions. Subdivision

1. **Number of signers.** After the holding of the regular primary election a petition for nomination of a candidate may be signed by electors resident within the district or political division from which the candidate is presented, as follows:

- (a) If for a state office on a state ticket, equal to one percent of the entire vote of the state cast at the last preceding general election, or 2,000, whichever is the lesser;
- (b) If for a congressional or judicial district office, by five percent of the entire vote cast in the district at the last preceding general election, or 1,000, whichever is the lesser;
- (c) If for a county or legislative office, by ten percent of the entire vote cast in the county, ward, or other election precinct at the last preceding general election, or 500, whichever is the lesser.

Subd. 2. **Non-partisan office, vacancy.** No persons may be nominated by nominating petition pursuant to this section for any office now or hereafter designated as non-partisan except in the case of a vacancy.

Subd. 3. **Candidates ineligible.** A person who has been a candidate for an office at the primary election in any year is not eligible for nomination for the same office in that year by nominating petition under the provisions of this section, except as provided in subdivision 4 of section 8 of this article.

Sec. 10. [202.10] **Nominating petition, form.** The nominating petition may consist of one or more writings and shall contain the name of the person nominated, the office for which he is nominated, the party or political principle he represents, expressed in not more than three words, and his place of residence, with street and number thereof, if any.

Sec. 11. [202.11] **Nominating petition, more than one candidate.** Subdivision 1. **Number of candidates.** All nominating petitions containing the names of more than one candidate are void.

Subd. 2. **Time of signing.** No person may sign a nominating petition until after the date of the primary election.

Subd. 3. **Eligible signers.** No person who voted at a primary election is eligible as a nominating petitioner to an

office for which nominations were made at the primary election, except as provided in section 14 of this article.

Subd. 4. Signers, more than one nominee. No person may join as a petitioner in nominating more than one candidate for the same office unless more than one person is to be elected thereto. If more than one person is to be elected to the office, the petitioner, if eligible, may petition for as many candidates therefor as there are persons to be chosen.

Sec. 12. [202.12] Nominating petition, signer's address, oath. Subdivision 1. Address, oath. After the signature of each signer there shall be written his post office address. Following the facts required to be stated in each petition signed by the voter shall be an oath in the following form: "I solemnly swear (or affirm) that I know the contents and purpose of this petition, that I did not vote at the preceding primary election, and that I signed the same of my own free will." No signature shall require notarization or certification before any officer, but each signer in so signing shall be guilty of perjury for making a false oath therein.

Subd. 2. Oath, exception. If no nomination was made at the primary election to an office for which a nominating petition is signed, or if a petition is made to fill a vacancy in a nomination previously made, then the words in subdivision 1 of this section, "that I did not vote at the preceding primary election," shall be omitted from the oath.

Sec. 13. [202.13] Nominating petitions, filed with secretary of state, time. Subdivision 1. Time of filing, fee. Nominating petitions for names to be placed on the state white ballot shall be filed with the secretary of state on or before 39 days before the general election. The secretary of state shall give or send to the person filing the petition an acknowledgement thereof on the same day it is received, and he shall file and preserve the nominating petitions, subject to public inspection. No filing of any nominating petition is effective unless at the time thereof the prescribed fee is paid or tendered.

Subd. 2. Filing with auditor. In the case of names to be placed upon the county and district, canary ballot, whenever the nomination of a candidate to be voted for in any district larger than a single county is made by nominating petition, the original thereof shall be filed with the auditor of the county where the candidate resides and the auditor shall certify as many copies thereof, if presented to him, as there are other counties in the district, one of which certified

copies shall be filed with the auditor of the county, and shall be authority for the auditor to place the name upon the county and district, canary ballots.

Subd. 3. Time. No nomination for any office may be made either by nominating petition or otherwise later than 39 days before the general election, except nominations to fill a vacancy in a nomination previously made.

Sec. 14. [202.14] Vacancy in nomination. Subdivision 1. **Death or withdrawal.** A vacancy in a nomination exists when after the primary election any person who was nominated to a non-partisan or political party office dies, withdraws or for any other reason ceases to be the nominated candidate for that office. When a vacancy in a nomination occurs a nomination to fill the vacancy may be made in the manner provided in subdivisions 2, 3, and 4 of this section.

Subd. 2. Partisan office. If a vacancy in a nomination for a partisan office occurs after the primary election, it may be filled at any time before the general election by filing with the proper officer a nomination certificate executed by the chairman and secretary of the proper committee of the political party whose voters made the original nomination, under the direction of the committee; and the chairman and secretary when so filing the certificate shall attach thereto an affidavit to the effect that the candidate has been duly selected by said committee and that the persons signing said certificate and making the affidavit as such are the duly authorized chairman and secretary of said committee.

Subd. 3. Next highest candidate. If there is no proper committee to fill the vacancy as provided in subdivision 2 of this section, or if a vacancy occurs in a non-partisan office, then the person receiving the next highest number of votes for the office at the primary election shall be the candidate for the office.

Subd. 4. Nominating petitions. If there is no proper committee to fill the vacancy as provided in subdivision 2 of this section, or if there is no person who may be nominated under subdivision 3 of this section and a vacancy exists by reason of this fact, the vacancy may be filled by the proper officer placing upon the ballot the name or names of candidates as are nominated by nominating petition in the manner provided in sections 9 to 12 of this article. Every voter is eligible to sign a petition choosing a nominee to fill the vacancy.

Sec. 15. [202.15] Vacancy in nomination, changing

ballots. If the ballots have been printed, the officer whose duty it is to have the ballots prepared and printed shall cause to be printed and distributed to the judges to whom the ballots will be distributed a sufficient number of separate paper ballots on which shall be printed the title of the office in which the vacancy in a nomination has occurred and the names of all the candidates for that office. The separate paper ballot shall be designated as, "OFFICIAL SPECIAL BALLOT," and otherwise it shall conform to the provisions governing the printing of ballots, so far as practicable. The office and candidates for the office appearing on the previously printed regular ballots shall be blotted out or stricken by the judges, and the separate paper ballot shall be given to each voter at the time he is given the previously printed regular ballot or is admitted to the voting machine. Nominating petitions to fill a vacancy shall be filed with the proper officer within one week after the day the vacancy in a nomination occurred, except that no nominating petition may be filed during the three calendar days preceding an election, and the ballots may not be changed as provided in this section during the three calendar days preceding an election. Absentee ballots that have been mailed prior to the vacancy shall be counted in the same manner as if the vacancy had not occurred, and the separate ballots provided for in this section may not be mailed to absent voters to whom ballots already have been mailed prior to the vacancy.

Sec. 16. [202.16] Candidates nominated by petition, designation. After the name of each candidate nominated by petition shall be placed the words "nominated by petition," and any other designation as may be permitted by law, except that the word "non-partisan" may not be placed after or to designate any candidate not duly nominated at a primary election on the non-partisan ballot.

Sec. 17. [202.17] Primary election contest. Any candidate at a primary election who desires to contest the nomination of another candidate for the same office shall proceed in the manner prescribed for general election contests, and the proceedings shall be conducted in the manner prescribed for general election contests, so far as practicable.

Sec. 18. [202.18] Woman candidate, names used. Any married woman including a widow who files as a candidate for a public office under the laws of this state may use the prefix "Mrs." and the full name of her husband or, in the case of a widow who has not remarried, her deceased husband, or the initials of her husband or, in the case of a widow

who has not remarried, her deceased husband's given name, in stating her own name on her affidavit of candidacy; and the proper state, county, or municipal official in the preparation of the official ballot, shall use the name as written on the affidavit of candidacy, in designating the candidate on the ballot.

Sec. 19. [202.19] Candidates, withdrawal. A candidate may withdraw anytime after the primary election, but not during the 28 days preceding the general election, by filing an affidavit of withdrawal with the proper filing officer.

POLITICAL PARTIES

Sec. 20. [202.20] State convention, authority of.
Subdivision 1. Time of convention. The final authority over the affairs of each political party is vested in the party's state convention to be held at least once every general election year at the call of the state central committee.

Subd. 2. State central committee. Subject to the control of the state convention the general management of the affairs of the state party is vested in the party's state central committee.

Subd. 3. State executive committee. The state executive committee of the party shall have charge of the administration of the party's affairs, subject to the direction and control of the state convention and the state central committee.

Subd. 4. Constitution, filing. The chairman of the state central committee of each party shall file with the secretary of state a copy of the party's constitution and all amendments to the constitution as they are enacted.

Sec. 21. [202.21] Committees, conventions. Each political party shall also provide for a congressional district executive committee for each congressional district and a county executive committee for each county. The party rules shall provide for conventions to be held at least once every general election year in each congressional district and in each county, and for a chairman and such other officers as may be necessary for each congressional district committee and for each county committee. The party rules may provide for only one executive committee and one convention where any county and congressional district have the same territorial limits.

Sec. 22. [202.22] Precinct caucus. **Subdivision 1. Time and manner of holding.** At least once every general

election year there shall be held for every election precinct a party caucus in the manner provided in sections 18 to 22.

Subd. 2. Caucus call. The county chairman shall issue the call for the precinct caucus at least 20 days before the time set for holding the caucus, and the call shall contain the following:

- (a) Name of party;
- (b) Precinct Number;
- (c) Date caucus is to be held;
- (d) Place caucus is to be held;
- (e) Hours during which caucus shall be held;
- (f) Statutory rules governing the caucus;
- (g) A statement of business to be conducted including the election of a chairman and such other officers as may be provided by party rules, and the election of delegates to county or district conventions;
- (h) Number of delegates to be elected;
- (i) Name of the county chairman issuing the call;
- (j) Name of the present precinct chairman or other person who will be the convener of the caucus;
- (k) A space for entering the names of the officers and delegates elected by the caucus.

Subd. 3. Notice. The county chairman shall give two weeks' published notice and at least six days' posted notice at the regular polling place of the holding of the precinct caucus, stating the place, date, and time for holding the caucus.

Sec. 23. [202.23] Time and place of caucus. Subdivision 1. All precinct caucuses within a county shall be held on the same day at a time set by the county executive committee. No caucus shall be convened before 2:00 P.M. nor later than 9:00 P.M., and the caucuses shall remain open for at least one hour.

Subd. 2. The precinct caucuses shall be held at the regular polling places for each precinct or other suitable places designated in the call, and no caucus may be adjourned to any other place or time.

Sec. 24. [202.24] Caucus, who may participate and vote. Subdivision 1. Only those persons who are quali-

fied voters as defined by the Minnesota Election Law in section 2, subdivision 2, of article I, or who will be qualified voters at the time of the next general election, may vote at the precinct caucus.

Subd. 2. Only those persons who are in agreement with the principles of the party as stated in the party's constitution, and who either voted or affiliated with the party at the last general election or intend to vote or affiliate with the party at the next general election, may vote at the precinct caucus.

Subd. 3. In case the right of a person to participate at the caucus is challenged, the question of his right to participate shall be decided by a vote of the whole caucus. A person so challenged may not vote on the question of his right to participate.

Subd. 4. No person may vote or participate at more than one party's caucuses in any one year.

Sec. 25. [202.25] **Caucus, business.** Each precinct caucus shall elect a chairman and such other officers as may be provided by party rules, and the proper number of delegates to county or district conventions as determined by the party's call. The caucus may also discuss party policies, candidates, and any other business as prescribed by party rules.

Sec. 26. [202.26] **Caucus, chairman, nominations.** Subdivision 1. The convener shall be the temporary chairman of the caucus.

Subd. 2. *Nominations for the election of officers and delegates shall remain open for at least the first half hour of the caucus.*

Subd. 3. All voting shall be by secret ballot.

Subd. 4. Upon completion of the county of votes the chairman shall announce the names of persons who are elected, and he shall certify the names to the chairman of the county executive committee and to the chairman of the state central committee.

Sec. 27. [202.27] **Caucus, conduct.** All questions concerning the manner in which a caucus is conducted or called that are not covered by statute shall be determined by Robert's Rules of Order (revised) unless otherwise specified by party rules.

ARTICLE IV
GENERAL AND SPECIAL ELECTIONS

Section 1. [203.01] **Definition.** The words in this article have the meanings prescribed to them in article I.

Sec. 2. [203.02] **General election, when held.** An election which shall be known and designated as the "general election" shall be held in the several election precincts of the state on the first Tuesday after the first Monday in November in each even-numbered year.

Sec. 3. [203.03] **Officers chosen.** All elective, state and county officers, judges of the supreme and district courts, members of the legislature, and senators and representatives in congress shall be elected at the general election next before the respective terms thereof shall expire, and at the general election held in the year preceding the expiration of a term of a president of the United States presidential electors shall also be chosen.

Sec. 4. [203.04] **Notice of election, time.** Between July 1 and August 1 in each election year the secretary of state shall cause a notice to be delivered to the auditor of each county, specifying all the officers whose certificates of nomination are issued by the secretary to be voted for throughout the county at the next general election; and each auditor, within ten days after receipt thereof, shall cause a notice to be delivered to each town, city, and village clerk in his county of all officers to be voted for in the county at the election.

Sec. 5. [203.05] **Notice of election, posting.** At least 15 days before the time of holding any general or primary election a notice stating the officers to be nominated or elected, the location of each polling place in the municipality, and the hours during which the polls will be open shall be posted in the office of the several town, village, and city clerks by the clerk of each municipality. The governing body of each municipality also may elect to provide published notice in addition to the posted notice. Failure to give the notice required in this section does not invalidate a general election or primary.

Sec. 6. [203.06] **Election precincts.** Subdivision 1. **Boundaries.** Each town, each village that is separated from the town for election purposes, and each city ward, shall constitute at least one election precinct. The council of each municipality shall prescribe the boundaries of the precincts and the number of voters therein, and may rearrange the precincts

from time to time. All changes shall be made by resolution adopted at least 90 days before the next ensuing election, and 60 days' posted notice thereof in the office of the clerk shall be given before the change may take effect.

Subd. 2. Change of precinct boundaries, description. When the boundaries of a precinct are changed the council shall make a map or description of each precinct, defining it by known boundaries, and file the same with the clerk, who shall keep the same open for inspection at all times. The council shall furnish copies thereof to the judges for use at elections.

Subd. 3. Municipality in two counties, common voting place. When a city or village is situated in two or more counties, the council of the village or city may, by resolution adopted at least 30 days prior to any election, designate a single voting place in the city or village in which election for the entire city or village shall be held, and one set of election officials presiding thereat shall be sufficient; provided, that a separate ballot box for each precinct shall be furnished, in which the votes of the precinct shall be deposited and separate record thereof kept. When a single voting place has been so designated, it shall continue until changed by resolution of the council adopted at least 30 days prior to a subsequent election.

Sec. 7. [203.07] Unorganized territory, election precincts. Whenever any part of a county is not organized into towns, the county board, at their meetings in either January or July, upon the petition of not less than ten legal voters residing more than ten miles from the polling place in any established precinct, shall create and establish out of such unorganized territory an election precinct, and designate a polling place therein at such point as will be most convenient for the persons residing in the precinct, but no such polling place shall be located within ten miles of any other existing polling place.

Sec. 8. [203.08] Polling places designated. The council of every municipality shall, by ordinance or resolution, designate the place of holding the election for each precinct; otherwise the election shall be held as near as may be to the place where the preceding election was held, subject to change before the opening of the polls as provided by law. In any village or in any city of the third or fourth class, having more than one precinct, the council of the municipality may, by ordinance or resolution, provide for the holding of all elections in the municipality in some building centrally located

therein, and the voters of the municipality may vote at such place so designated, irrespective of whether the voting place is actually located in their precinct or not. At the place so designated there shall be provided separate statutory voting facilities for each precinct, and the voting shall otherwise be conducted in the same manner as though the voting places were located in the respective precincts. The council of any municipality may, by ordinance or resolution, designate a polling place for holding of elections for a specific precinct in a building outside the precinct, provided that the building must be located within 1500 feet of the precinct.

Sec. 9. [203.09] Illegal polling places. Subdivision 1. **Change of place.** When any place designated for holding an election does not comply with the provisions of this article the judges, on or before the opening of the polls on election day, shall procure a suitable place, subject to the approval of the municipal clerk, as near the designated place as may be, which is not subject to the objection, and shall notify the municipal clerk at once of the change.

Subd. 2. **Polling place changed.** When a change of the place of election has been determined, the judges shall meet at the place first designated and, after filling any vacancies in their number, adjourn to the new place selected, first publicly announcing the change to the electors present and posting in a conspicuous place at the first designated place a notice of the change made by them. They also shall post a similar notice at the new voting place. They shall certify to the proper authorities the expenses attending the change, which shall be allowed and paid as part of the election expenses.

Sec. 10. [203.10] Polling place, restrictions. Subdivision 1. **Bar room.** No election shall be held or appointed to be held in any place where intoxicating liquors or non-intoxicating malt beverages are served, or in any room used or occupied as place of resort for idlers or disreputable persons, or in any room adjoining either. Nor shall any election be held in any room wherein the requirements of this article cannot be substantially complied with.

Subd. 2. **Booths, equipment.** Each polling place shall consist of a single room, containing a number of booths in proportion to the number of voters in the precinct. Each booth shall be six feet high, three feet deep, and at least two feet wide, with a shelf, at least one foot wide, extending from side to side at a convenient height for writing, to be provided with a door or curtain so that the voter may be free from observa-

tion while marking his ballot. At all times when in use it shall be provided with instructions, an indelible pencil, and other supplies needful in marking the ballots. The boxes, booths, and judges shall be in open public view.

Sec. 11. [203.11] National flag displayed. The council of every municipality shall cause the national flag to be displayed on a suitable staff at the entrance to each polling place therein during all the hours of voting. The cost thereof shall be included in the general election expenses. The judges shall see that the flag is so placed and displayed, and willful failure on their part to do so shall cause a forfeiture of their compensation for the time of the failure. They shall make a statement of the number of hours the flag was so placed and maintained, and include the same with the payroll statement.

Sec. 12. [203.12] Conduct in polling place, peace officers. During the voting hours no person other than those receiving, marking, and depositing ballots shall be permitted to approach within six feet of the booths, unless by consent of the judges, given by authority of law. Any person guilty of riotous or disorderly conduct shall be arrested upon refusal to desist when warned. The judges may appoint a special peace officer when necessary. No peace officer may remain in the polling place unless so ordered by the judges, nor may a peace officer interfere in any manner with the voters.

Sec. 13. [203.13] Polling place, use of intoxicating liquor in. It is a misdemeanor to bring any malt or spiritous liquors into a place where an election is being held, or to drink any malt or spiritous liquors or to be intoxicated in a place where an election is being held.

Sec. 14. [203.14] Voters, lingering near polling place. All voters shall be allowed to go to the polling place for the purpose of voting, and to return therefrom, without molestation, but neither voters nor others shall be allowed to congregate in any number within 100 feet of any polling place. Only election officers and voters who are waiting to vote shall be permitted to stand within 50 feet of the entrance to a polling place.

Sec. 15. [203.15] Ballot boxes. Each polling place shall be provided with one white, one pink, one canary, and one light green ballot box. As many of these ballot boxes shall be used at any election as there are kinds of ballots to be voted. Each box shall be of sufficient size, and with a sufficient opening, to receive and contain all the ballots likely to be placed therein.

Sec. 16. [203.16] Blank forms, instructions for officials, furnished by secretary. Subdivision 1. At least 15 days before every state election the secretary of state shall transmit to each county auditor a sufficient number of suitable blank forms for lists, registers and affidavits, and such other blanks as are required in preparation for the conduct of the election.

Subd. 2. On or before January 1 of every even-numbered year the secretary of state shall furnish to the county auditor sufficient copies of the Minnesota Election Law. The secretary of state also may prepare and transmit to the county auditors guides for election officers in pamphlet form, for the conduct of their duties as prescribed by law.

Sec. 17. [203.17] Instructions to voters, furnished by secretary. Subdivision 1. **Cards.** Except where voting machines are used, the secretary of state shall furnish to each county auditor uniform instructions to voters, printed in large type upon cards or heavy paper and containing such information will enable the voters quickly and correctly to designate their choice. The cards shall be sufficient in number to allow two for each precinct. The clerk of each municipality in the county shall secure from the county auditor the cards and shall have them posted in a conspicuous manner at the polling place.

Subd. 2. **Pamphlets.** The secretary of state also may prepare and distribute to election officials printed instructions to voters in pamphlet form, containing material of impartial nature relating to registration and election procedure.

Subd. 3. **Election supplies, duty of clerks.** At least one week before every state election, the clerk of each city and town and each village that is separated from the town for election purposes, shall secure from the county auditor the necessary copies of each of the blanks and forms as are required in preparation for the conduct of the election, printed instruction cards, two copies of the Minnesota Election Law and any other instructions for election officers, for each precinct, and sufficient quantities of the necessary official ballots, ballot boxes, registers, and other supplies and materials so that the judges of the election precincts may comply with the provisions of the Minnesota Election Law. If there are election precincts in unorganized territory in the county, the county auditor shall send by registered or certified mail, insured parcel post, express, or deliver to the judges in these precincts the supplies that are required in this subdivision to be picked up by the clerks.

Subd. 4. Instruction meetings for election officials. The auditor of each county may require the clerks of the municipalities within the county to meet with him at the time the clerks are required to secure the election supplies from him; and the auditor shall conduct the meeting in such manner as he deems proper to instruct the clerks as to election procedures including, but not to be restricted to, duties of municipal clerks and election judges. The expenses incidental to attending the meeting with the county auditor shall be borne by the municipalities.

Sec. 18. [203.18] Election supplies, duty of judges. Before 9:00 P.M. on the day preceding an election, at least one judge shall procure the election registers and other supplies provided for in this article from the legal custodian. The custodian of the ballot boxes and ballots shall deliver the same to the judges of the respective precincts together with their keys, stationery and materials required at the election. The judges shall be responsible for the safekeeping of the election registers and ballots unaltered, and shall have all such ballots, ballot boxes, election registers, printed instructions to voters, and materials at the polling places in their respective precincts at the opening of the polls on the day of election.

Sec. 19. [203.19] Failure of judges to secure supplies. In case none of the judges appears at the office of the custodian of the ballots, as provided in the previous section, the custodian shall send forthwith to the proper precinct the ballots therefor, securely wrapped, tied, and sealed, by special messenger, who shall deliver the same forthwith to the judges, or one of them; or if unable to do so, he shall deliver them at the polling place at the hour for opening the polls. He shall take a receipt for the ballots and promptly file the same with the custodian together with his affidavit stating when, where, and to whom he made the delivery. The judges, and each of them, shall be chargeable with all expense incident to the delivery and report, together with mileage, the same as allowed to sheriffs for service of process, but nothing herein shall relieve any judge from the penalty provided by law for neglect of duty.

Sec. 20. [203.20] Substitute ballots. Subdivision 1. **Official ballots.** If the ballots are not delivered, or are stolen or destroyed and sufficient regular ballots cannot be seasonably had, the county auditor or other proper official shall cause other ballots to be immediately prepared as nearly in the form prescribed as practicable, with the word, "Substitute" printed in brackets immediately over the word "Of-

official Ballot," as endorsed on regular ballots, and, when practicable, with the facsimile signature of the officer preparing the same, accompanied by his affidavit that the same have been so prepared and furnished by him, and that the original ballots have not been received, or have been destroyed or stolen, as the case may be. The judges shall cause the substituted ballots to be used at the election.

Subd. 2. Unofficial ballots. When no official or substitute ballots are ready for distribution at any polling place, or if the supply is exhausted before the polls are closed, unofficial ballots, printed or written as nearly as practicable in the form of the official ballots, or of any ticket or tickets forming a part or parts thereof, may be used until substitutes prepared by the proper official can be printed and delivered; and the fact shall be certified and accompany the returns of election.

Sec. 21. [203.21] Judges of election. Subdivision 1. **Appointment, qualification.** Except in cities of the first class the council of each municipality and the county board in unorganized territory shall appoint qualified voters in each precinct therein to be judges of election. The appointments shall be made at least 25 days before any election. The council or county board may make such rules as it deems necessary, including the examination of applicants, to determine the qualifications of judges.

Subd. 2. Appointment, first class cities. In cities of the first class judges shall be appointed by the city clerk at least 25 days before an election from a list of qualified voters in each precinct certified by the civil service commission of the municipality. At least 60 days before an election the civil service commissioner shall receive applications on verified forms prepared by the commission from person qualified to act as judges, in which application the applicant shall state his party affiliation; and the commission shall conduct such inquiry, investigation and examination as it deems necessary to establish the qualifications of the applicants. The commission shall set up such rules and regulations as it seems necessary for carrying out the provisions of this section. At least 30 days before the first election in any calendar year wherein elections are held the civil service commission shall certify to the city clerk a list of persons in each precinct who have satisfied the commission of their qualifications to act as judges. The commission shall certify the names of persons having the highest rating from each political party for each precinct. From the certified list the city clerk shall appoint judges for

each precinct. If there are not enough persons from each political party for each precinct, he may appoint judges for the proper party from the list of civil service judges certified for other precincts within the city; or he may appoint for the proper party a sufficient number of qualified voters of the precinct to act as judges. Vacancies in the office of judges shall be filled by the city clerk from the list certified by the civil service commission. The commission shall certify additional names to the city clerk when the eligible list for any precinct is exhausted.

Subd. 3. Number of judges. Except as provided in subdivision 4 of this section, the council of each municipality and the county board in unorganized territory shall provide that there is one judge for every 150 voters in each precinct therein, provided that there shall be at least three judges in each precinct for every election. Before any election the council of each municipality and the county board in unorganized territory shall determine how many judges there shall be for each precinct therein, considering the number of votes expected to be cast in each precinct at the next election, so that the provisions of this section shall be complied with. The council of each municipality and the county board in unorganized territory may provide for additional judges in any precinct in excess of one judge for every 150 voters, and they also may provide for additional judges to county the votes after the polls close.

Subd. 4. Number of judges, number of voting machines. In precincts where one voting machine is used three judges shall be appointed, and in precincts where more than one voting machine is used one or more additional judges may be appointed.

Subd. 5. Election judges, certain cases, towns and villages. In towns the members of the town board and the town clerk, and in the villages the members of the village council and the village clerk, may be judges of election if the municipality has only one election precinct.

Sec. 22. [203.22] Election judges, eligibility. Subdivision 1. **Party balance.** No more than half of the number of judges in any precinct may be members of the same political party, except where the election board consists of an odd number of judges in a precinct, the number of judges belonging to one political party may be one more than the number of judges belonging to the other political party.

Subd. 2. Eligibility of judges, relationship. No judge

may bear the relationship of husband, wife, parent, child, brother, or sister to any other judge in the same precinct, a candidate, or any member of the council of the municipality in which he is a judge or of the county board if he is a judge in an unorganized territory.

Subd. 3. Eligibility of judges, other employment. No person may be a judge while he is receiving compensation as an employee or officer of the United States, the state, or any municipality or county within the state, except as provided in subdivision 5 of section 21 of this article; nor may any person be a judge at any election at which he is a candidate for elective public office.

Subd. 4. Eligibility of judges, literacy. No person may be a judge unless he can read, write, and speak the English language understandingly.

Sec. 23. [203.23] Election board, chairman. At the time the judges are appointed, the city clerk in cities of the first class, the council of all other municipalities, and the county board in unorganized territory shall designate one of the appointed judges in each precinct as chairman of the election board. The chairman shall distribute the duties of election judges among the several judges, including himself, and he shall be responsible for the completion of forms, obtaining signatures, and the performance of all duties required of the election judges.

Sec. 24. [203.24] Vacancies in judges. When any judge fails to attend at the time and place appointed for holding an election, within 30 minutes after the opening of the polls, or after entering upon the discharge of his duties, becomes unable, or for any reason fails or refuses, to complete the performances of his duties, the remaining judges of the precinct shall elect a qualified person from the precinct to fill the vacancy.

Sec. 25. [203.25] Judges, oath. Before any judge enters upon the discharge of his duties, he shall subscribe the following oath: "I judge of election, do solemnly swear that I will perform the duties of judge of election according to law and the best of my ability and will studiously endeavor to prevent fraud, deceit and abuse in conducting this election, so help me God." The oath shall be affixed to the election register or returned with the election returns. If there is no person present authorized to administer oaths, the judges may administer it to each other. The judges, subsequent to the opening of the polls, shall constitute the election board.

Sec. 26. [203.26] **Violations, penalties.** Any person who serves as judge in violation of any of the provisions of sections 21 to 25 of this article is guilty of a misdemeanor.

Sec. 27. [203.27] **Ballots.** Subdivision 1. **Preparation.** Except where voting machines are used and except as otherwise provided by law, all ballots for every election held in this state shall be prepared in the manner provided in this article.

Subd. 2. **Number.** At least 100 ballots of each kind to be voted at the ensuing election shall be provided by the clerk for each precinct for every 85 votes cast and counted therein at the last election for the same offices or on similar questions, except that where voters are registered under a permanent registration system the clerk is not required to prepare ballots in excess of the number of registered voters in each precinct.

Sec. 28. [203.28] **White and pink ballots.** Subdivision 1. **State white ballot.** There shall be one ballot upon plain white paper, hereinafter called the "white ballot," upon which shall be printed names of all candidates for offices to be voted for throughout the state, including, but not to be restricted to, candidates for senator and representative in congress. The candidates for senator in congress shall be first on the white ballot, and the candidates for representative in congress shall be second on the white ballot. The candidates for state offices shall follow the candidates for congressional offices.

Subd. 2. **State pink ballot.** There shall be one ballot on pink paper, hereinafter called the "pink ballot," upon which all propositions and questions to be voted upon throughout the state shall be printed so that the voters may indicate by a mark (X) either a negative or affirmative vote. In preparing the pink ballot the secretary of state shall apply an appropriate title to each proposition and question, which title shall be approved by the attorney general, and shall consist of not more than one printed line above the proposition or question to which it refers. At the head of the ballot or in some other prominent place on the ballot there shall be printed conspicuously a notice stating a substance that a voter's failure to vote on a constitutional amendment has the effect of a negative vote. The pink ballots shall be deposited in a separate pink ballot box. They shall be counted, canvassed and returned as in the case of white ballots, and the tally books and return blanks shall provide suitable columns and spaces therefor. The

total of the "yes" votes, the total of the "no" votes, and the total number of votes cast shall be reported in the returns.

Subd. 3. Preparation. The white ballot and the pink ballot shall be prepared under the direction of the secretary of state and bound in blocks of 50, and a sufficient number thereof to enable the clerks to comply with the provisions of subdivision 2 of section 27 in this article shall be forwarded by him by express to the auditor of each county at least 15 days before the general election, and receipts taken therefor, stating the number and date when received. Four weeks before the general election the secretary of state shall file sample copies of the state ballots in his office for public inspection, and three weeks before the election the secretary shall mail to the auditor of each county sample copies of the state ballots.

Subd. 4. Form. The white ballot and the pink ballot shall be headed by the words, "State Ballot." The white ballot shall contain the official title of all offices proper to be placed thereon in such order of precedence as the secretary of state shall direct, in conformity with the laws relating to ballots. Directly underneath the title of the office shall be printed the words, "Vote for One," or more, according to the number to be elected, followed by the names of the candidates for each office.

Sec. 29. [203.29] County and district canary ballot.
Subdivision 1. Canary ballot. There shall be one ballot on canary paper, hereinafter called the "canary ballot," upon which shall be printed the names of all candidates for office and all questions and propositions to be submitted that are not required by law to be placed on other ballots, including but not to be restricted to, the candidates for all county elective offices, the candidates for senator and representatives in the legislature, and the candidates for the district and probate court offices.

Subd. 2. Form of canary ballot. The canary ballot shall be prepared under the direction of the county auditor, and the ballot shall be headed, "County and District Ballot." The candidates for senator in the legislature shall be first on the canary ballot, and the candidates for representative in the legislature shall be second on the canary ballot.

Subd. 3. Sample ballots, notice. Two weeks before the general election the auditor shall file a sample of the canary ballot in his office for public inspection, and two weeks before the general election the auditor shall give one week's published notice of the contents of the official state ballot and the county and district ballot.

Sec. 30. [203.30] Ballots, form. Subdivision 1. **Type.** All ballots shall be printed with black ink on paper of sufficient thickness to prevent the printing thereon from being discernible from the back. All ballots of the same color shall be substantially uniform as to style of printing, size, thickness, and shade of color, and whenever the same kind of ballots are printed on paper of the same general tint, but varying in shade, those used in any one precinct shall be of the same shade. All ballots shall be printed in type of such form, width, weight, and size as to be easily legible, with suitable lines for divisions between candidates, offices, instructions, and other matter proper to be printed on ballots. The same type shall be used for the names of all candidates on the same ballot, and the name of each candidate shall be printed in capital letters. The name of a candidate may not appear on a ballot in any way which gives that candidate an advantage over his opponent except as otherwise provided by law. The officer in charge of preparing the ballots shall do so in such a manner as to enable the voter to understand which questions are to be voted upon and what and how many candidates are to be voted for in each office, and to designate his choice easily and accurately.

Subd. 2. Candidates and offices. On all ballots the name of each candidate shall be printed at right angles with the length of the ballot. In the general election, except in the case of presidential electors, each name shall be followed on the same line in upper and lower case letters, by the political party designation of the candidate, or in the case of non-partisan offices, each name shall be followed by the words, "Nominated without party designation." At the general election, below the name of the last candidate for each office shall be placed as many blank lines as there are offices of that kind to be filled, and on the blank lines the voter may write the names of persons not printed on the ballot for whom he desires to vote, and when no person has filed for an office to be filled, the title of the office shall be printed on the ballot with as many blank lines below the title as there are offices to be filled, on which the voter's choice may be written. On the left side of the ballot and on a line with the names of the candidates and the blank lines, there shall be placed a square, each square to be of the same size, in which the voter may designate his choice by a mark (X). Above the first name on each ballot shall be printed the words, "Put an (X) opposite the name of each candidate you wish to vote for, in the square indicated by the arrow," and on a line with the words and directly above the squares shall be printed a small arrow, or point, pointing downward. Directly underneath the official title of each office shall be

printed the words, "Vote for one," or more, according to the number to be elected.

Subd. 3. Question, form of ballot. When a proposition or question is to be submitted to a vote, a concise statement of the nature thereof shall be printed on the ballot, and to the left of the statement shall appear the words, "YES" and "NO." To the left of and on the same line with each of the words shall be printed a square so that the voter may indicate by a mark (X) either a negative or affirmative vote. Suitable instructions also shall appear on the ballot directing the voter to put an (X) in the square before the word "YES" if the voter desires to vote for the proposition or question, or to put an (X) before the word "NO" if the voter desires to vote against the proposition or question.

Sec. 31. [203.31] Back of ballot. On the back of all ballots shall be printed the words, "Official Ballot," the date of the election, a facsimile of the official signature of the officer under whose direction the ballot is printed, and lines for the initials of two judges. The printing shall be so placed as to be visible when the ballot is properly folded for deposit.

Sec. 32. [203.32] Party name. Subdivision 1. **Change.** Any political party as defined in the Minnesota Election Law may change its name by complying with the following conditions:

The state central committee of the party may call a convention, and shall state in its call that a convention is called for a certain time and place, for the purpose of changing the name of the party to some specific name given in the call. The convention shall be held before the termination of the time for filing for nomination for primary elections preceding the state general election, and the change shall be agreed upon by resolution of a majority of the convention. A copy of the resolution determining the change of the name, certified by the chairman and secretary of the convention, shall be filed with the secretary of state within five days after the holding of the convention. Thereafter the political party shall be known by the new name called for by the resolution, and the party under its new name shall have all the rights that it had under its former name.

Subd. 2. Right to use. A political party, as defined in the Minnesota Election Law, which has adopted a party name, is entitled to the exclusive use of the name for the designation of its candidates on all ballots, and no candidate of any other political party is entitled to have printed on a ballot as a party designation any part of that name.

Subd. 3. Candidates of party. No person may be named on any ballot as the candidate of more than one political party, or any political party other than that whose certificate of his nomination was first properly filed.

Sec. 33. [203.33] Ballots, names on. Subdivision 1. **Candidates.** Only the names of duly nominated candidates may be placed upon the ballots, and no ballot shall be furnished to the judge of any precinct which contains the name of a candidate who cannot properly be voted upon therein.

Subd. 2. Ballots, candidates nominated by petition. As the general election, and in the case of partisan offices only, the names of candidates nominated by petition shall follow those of candidates nominated at primaries in the order in which the petitions are filed.

Subd. 3. Ballot, party position. At the general election, and in the case of partisan offices only, the first name printed for each office, or group of names if more than one is to be voted for, for the same office, shall be that of the candidate of the political party which at the last preceding general election polled the largest number of votes, the same to be determined by the average vote cast for the party's candidates for partisan offices except representatives in congress. In like manner the second and succeeding lines shall be filled with the names of the candidates of the other political parties receiving the next highest number of votes respectively. For the purposes of this subdivision, the average vote of the party shall be computed by determining the total number of votes counted in the state for all of the party's candidates on the general election ballot except representatives in congress, and dividing that sum by the number of the party's candidates, except representatives in congress, appearing on the general election ballot.

Sec. 34. [203.34] General election ballot, non-partisan offices, rotation of names. Subdivision 1. At the general election, and in the case of non-partisan offices only, the names of all candidates for the same office shall be rotated on the ballots in the manner provided for primary election ballots by subdivision 4 of section 35 in this article, and all the provisions of subdivisions 4 and 5 of section 35 in this article are applicable to general election ballots, so far as practicable.

Subd. 2. In both the general election and the primary election, there may not be any rotation of offices on the ballots.

Sec. 35. [203.35] Primary ballots. Subdivision 1. **Form.** Except as provided in this section, the primary elec-

tion ballots shall be printed in the same general manner as is provided for the general election ballots, so far as practicable. The auditor of each county shall have printed a sufficient number of separate primary election ballots, varied as may be necessary for the several precincts and wards.

Subd. 2. Partisan and non-partisan, sample. At least two weeks before the primary election each auditor shall group all the non-partisan candidates and the candidates of each political party by themselves and prepare for public inspection a sample party ballot and a separate non-partisan ballot. On the sample ballots only, the names of the candidates shall be arranged alphabetically according to the surname. Only one sample party ballot and one sample non-partisan ballot shall be printed for any county, and the names of all candidates to be voted upon in the county shall be placed thereon. Each county auditor shall post the sample ballots in a conspicuous place in his office and give one week's published notice thereof in the official newspaper of his county.

Subd. 3. Non-partisan offices, no contest. All non-partisan offices for which no candidate is to be voted at the primary election shall be omitted from the ballot.

Subd. 4. Write-ins. No blank spaces may be provided for writing in the names of candidates on primary election ballots whether or not any candidate has filed for the office.

Subd. 5. Rotation of names. On the primary election ballots for partisan and non-partisan offices the name of each candidate for office shall be rotated with the names of the other candidates for the same office so that the name of each candidate appears substantially an equal number of times at the top, at the bottom, and at each intermediate place in the group of candidates for that office.

Subd. 6. Rotation, printing. The official charged with the preparation and distribution of the primary election ballots shall prepare instructions to the printer for rotating, laying, and tabbing the ballots, which instructions first shall be approved by the legal advisor of the official before delivery to the printer. Before any printer is awarded any contract for printing ballots, he shall furnish a good and sufficient bond in such sum as the official awarding the contract shall designate which shall not be less than \$1000 nor more than \$5000, conditioned that he will print the ballots in conformity with the law and the instructions to him.

Subd. 7. Primary party ballot. The party ballot shall

be headed by the words, "Consolidated Primary Election Ballot." Each political party shall have a separate ticket on the consolidated ballot, under which the names of all the candidates of the political party shall be grouped. Each political party ticket shall be headed by the words, "..... Party Ticket," giving the party name. Below the party name shall be printed the words, "You cannot split your ballot. If you vote for candidates of more than one party, your ballot will be rejected." Each party ticket shall be separated by a 12-point solid rule line.

Subd. 8. Primary party ballot, place of ticket. The party tickets shall be arranged in columns, and each column shall be substantially the same in width, type and appearance. In the first column on the left shall be placed the names of the candidates of the political party which polled the highest average vote at the last general election in the county, and in the second column the names of the candidates of the political party which polled the next highest average vote at that election in the county, and so on. For the purpose of this subdivision, the average vote of the party shall be computed by determining the total number of votes counted in the county for all of the party's candidates on the general election ballot, and dividing that sum by the number of the party's candidates appearing on the general election ballot.

Subd. 9. Primary non-partisan ballot, form. The non-partisan ballot shall be headed, "Primary Election Ballot Candidates to be Nominated Without Party Designation," and otherwise the same as the party ballot. At the top of the non-partisan ballot the auditor shall place the names of the candidates for nomination for senator in the legislature and next, the candidates for representative in the legislature.

Sec. 36. [203.36] Names on ballots, identical descriptive words. When the similarity of surnames of two or more candidates for the same office at an election may cause confusion to voters, the candidates with such names may have added to each of their surnames on the ballot no more than three words to indicate the occupation or office of the candidate, or his residence, or any combination thereof if they can be stated in no more than three words. If the candidate shall furnish the identifying words within seven days after the last day for filing for the office, to the filing officer, the officer shall have the identifying words printed on the ballot immediately after the candidate's name; otherwise the words may not be printed on the ballot.

Sec. 37. [203.37] General election ballot, candidates

nominated at primary. Every candidate for public office who has been duly nominated at any primary election and who has paid the filing fee required by law is entitled to have his name placed on the general election ballot for the general election after the primary, as a nominee, without payment of an additional fee.

Sec. 38. [203.38] Errors and omissions, remedy. When it shall appear by affidavit to any judge of the supreme court in the case of a state election, or of the district court of the proper county in the case of a county election;

- (a) that an error or omission in the placing or printing of the name or description of any candidate on official primary or general election ballots has occurred or is about to occur; or
- (b) that any other error in preparing or printing the ballots has occurred or is about to occur; or
- (c) that any officer of a political party or political party committee has failed to properly make or file a certificate of nomination; or
- (d) that any wrongful act or neglect by any election judge, county auditor, canvassing board or member thereof, secretary of state, or other person charged with any duty concerning an election, has been or is about to be done, then the judge immediately shall order the officer, person, or board charged with the error, wrong, neglect, or failure to correct the same or perform the duty forthwith or show cause why he should not do so. Failure to obey the order is contempt of court.

Sec. 39. [203.39] Ballots, records, disposition. The auditor of any county and the clerk of any municipality may destroy all ballots, voters' certificates, and election returns, except the abstract of the canvassing board, at any time after one year from the date of the election wherein the ballots and election returns were used, except that all election returns involved in a contested election may not be destroyed until the contest has been finally determined.

Sec. 40. [203.40] Public official, name. Every person elected to public office may use the name given in his affidavit of candidacy or nominating petition in transacting official business in the ensuing term of office.

Sec. 41. [203.41] Supreme and district court office.
Subdivision 1. Notice of election. Each justice of the su-

preme court and each district judge is deemed to hold a separate non-partisan office. When one or more justices of the supreme court or one or more judges in a judicial district are to be nominated at the same primary election or elected at the same general election, the notice of election shall state the name of each justice or judge whose successor is to be nominated or elected.

Subd. 2. **Ballot, form.** The official ballot shall contain the names of all candidates for each judicial office, and it shall state the number of justices or judges to be elected and the number of candidates for whom an elector may vote. The official ballot shall designate each office as:

“For the office of associate (or chief justice) of the supreme court to which.....was elected

name of justice

for the regular term,” or “to which.....
was appointed.” name of justice

or in the case of the district court:

“for the office of judge of the district court of
.....judicial district to which.....

number name of judge

was elected for the regular term,” or “to which
.....was appointed,”

name of judge

as the case may be. The ballots for both the primary and general elections shall show the names of the justice or judge whose successor is to be elected at the general election, and in the case of a district court judge, the number of the judicial district, in the spaces provided for that purpose. Where voting machines are used and the statements provided in this section cannot be inserted because of length, the designation shall be:

“Successor to elected (or appointed).”

name

Subd. 3. **Incumbent, designation.** In any case when the chief justice, associate justice, or judge is a candidate to succeed himself, the word, “incumbent” shall be printed after his name where it appears among the names of the candidates for the office.

Sec. 42. [203.42] **Compensation.** The compensation for services performed under the Minnesota Election Law shall be as follows:

- (a) To presidential electors, \$10 for each day's attendance at the Capitol, and seven cents for

each mile necessarily traveled in going to and returning from St. Paul;

- (b) To persons carrying ballots from, and returns to, county auditor's office. \$1 for each trip necessarily made and seven cents for each mile of necessary travel;
- (c) To members of county canvassing boards, \$5 for each eight hours of service as members of the canvassing board and seven cents for each mile of necessary travel; provided that in counties now or hereafter having a population of 600,000 or more the members of the county canvassing boards in those counties shall be paid \$12 for each eight hours of service as members of the canvassing board, and mileage;
- (d) The compensation for election judges shall be fixed by the governing body of the municipality and in the case of judges in unorganized territory, by the county board, except that the compensation for election judges in the case of townships shall be fixed at the annual town meeting.
- (e) To special peace officers, an amount for each hour of service rendered by direction of the judges, to be fixed as in the case of judges of election.

Sec. 43. [203.43] **Expenses.** The compensation prescribed in section 42 of this article, clause (a), the cost of printing the white and pink ballots, and all necessary expenses incurred by the secretary of state in connection with elections, shall be paid by the state out of moneys not otherwise appropriated. That prescribed in section 42 of this article, clauses (b) and (c), the cost of printing the county and district canary ballots, and all necessary expenses incurred by auditors in connection with elections, shall be paid by the respective counties. That prescribed in section 42 of this article, clauses (d) and (e), the cost of printing the municipal light green ballots, of providing ballot boxes and polling places, and equipping the same, and all necessary expenses of the clerks of municipalities on account of elections, shall be paid by the respective towns, villages, or cities where the elections are held. All disbursements hereunder shall be presented, audited, and paid as in the case of other public expenses.

SPECIAL ELECTIONS

Sec. 44. [203.44] **Vacancy, congress, legislature, special election.** Every vacancy in the office of representative in congress or member of the state legislature shall be filled for the unexpired term by election upon the writ of the governor as provided by sections 44 to 56 of this article. If there will not be any session of the congress or the legislature before the expiration of the term in which the vacancy exists, it shall not be necessary to fill the office.

Sec. 45. [203.45] **Vacancies in certain cases.** Subdivision 1. **Vacancy filled at general election.** When a vacancy occurs more than 150 days before the next general election, and if there will not be any session of the congress or the legislature before the time fixed by law for the final canvass of the general election returns, the governor shall issue his writ directing that the vacancy be filled at the general election and that nominations therefor be made as provided in subdivision 1 of section 46 of this article.

Subd. 2. **Vacancy filled at special election.** If the congress or the legislature will be in session so that a person elected as provided by this section could take office and exercise the functions thereof immediately after his election, the governor shall issue and file his writ within five days after the vacancy occurs, calling the special election for the earliest possible time thereafter which will permit the giving of notice of the special election and the primary therefor as provided in subdivision 3 of section 46 of this article, and in any event not more than 28 days after the issuance of the writ.

Subd. 3. **Vacancy filled at special or other election.** In all cases other than those provided in subdivision 1 and 2 of this section, the governor shall issue his writ seasonably calling the special election for such time that the person elected may take office at the opening of the next session of the congress or of the legislature so that candidates for the special election may be nominated as provided in section 46 of this article.

Subd. 4. **Vacancies filled at special or other elections, manner.** Two or more vacancies may be filled at the same election and candidates therefor may be nominated at the same primary. Any special election or special primary held pursuant to sections 44 to 55 of this article may be held on the same day as any other election or primary, using the same polling places and election officials. Separate ballots and ballot boxes shall be used, except where voting machines are used, in which case, it shall be treated as a separate election.

Sec. 46. [203.46] **Candidates to fill vacancies.** Subdivision 1. **Nominations at regular primary election.** Candidates for nomination to fill a vacancy shall be nominated at the regular primary election when the vacancy is to be filled at the next general election as provided in subdivision 1 of section 45 of this article.

Subd. 2. **Nomination at special primary on day of regular primary.** Candidates for nomination to fill a vacancy shall be nominated at a separate special primary election on the day of the regular primary election when the vacancy is to be filled at a special election to be held more than 14 days after the regular primary election.

Subd. 3. **Nomination at special primary on other day.** In all cases other than those provided on subdivisions 1 and 2 of this section a special primary for the nomination of candidates shall be held on a date specified in the governor's writ not later than the fourteenth day before the election at which the vacancy is to be filled.

Sec. 47. [203.47] **Nominations.** Subdivision 1. **Non-partisan office.** In the case of non-partisan offices, the two candidates receiving the highest number of votes at the primary election for each office to be filled shall be nominated.

Subd. 2. **Partisan offices.** In the case of partisan offices, one candidate for each office to be filled may be nominated at the primary for each political party, and the candidate of each political party receiving the highest number of votes at the primary shall be nominated without any reference to the number of votes cast by that party at the last general election.

Subd. 3. **No primary, when.** If not more than twice the number of persons to be elected to a non-partisan office file for the nomination thereof, or if in the case of a partisan office only one person from each party files as a candidate for the nomination of his party, then the persons who have filed therefor shall be nominated, and no primary may be held to make the nominations.

Sec. 48. [203.48] **Nominations by petition.** Subdivision 1. **Conditions and manner.** Candidates also may be nominated by petition under the conditions and in the manner provided by law relating to nominating petitions so far as applicable.

Subd. 2. **Nominating petitions, time for filing.** When the vacancy is to be filled at the general election and, (a) candidates for nomination to fill the vacancy are to be nominated

at the regular primary election, or, (b) candidates for nomination to fill the vacancy are to be nominated at a special primary held at least seven days before the expiration of the time prescribed for filing petitions for candidates for like offices at the general elections, the nominating petitions shall be filed within the time prescribed for filing petitions for candidates for like offices at the general election.

Subd. 3. Nominating petitions, time for filing. In all cases other than those provided in subdivision 2 of this section, nominating petitions shall be filed not later than the seventh day preceding the election at which the vacancy is to be filled.

Sec. 49. [203.49] Writ of election. Subdivision 1. **Filing, transmittal.** Every writ issued by the governor under sections 44 to 55 of this article shall be filed immediately with the secretary of state, who shall transmit immediately a certified copy thereof by registered mail to the auditor of each county in which candidates for the vacancy are to be voted upon.

Subd. 2. Writ, posting. At least five days before the expiration of the time for filing affidavits of candidates specified in the writ, the auditor of each county concerned shall post a copy of the writ at his office.

Subd. 3. Notice of election, posting. The auditor also shall direct posted notice of the primary and of the election to be given in the manner provided in section 5 of this article at least seven days before the primary and at least 14 days before the election; but in any case where the primary is to be held on the fourteenth day before the election both may be included in the same notice to be posted seven days before the primary.

Subd. 4. Notice of election, included in other notice. When either the primary or the election is to be held on the same day as any other election, notice of the primary or election to be held to fill a vacancy may be included in the notice of other election, if practicable.

Subd. 5. Failure of notice. No omission of or defect in any notice required to be given by this section shall invalidate any primary or election held to fill a vacancy.

Sec. 50. [203.50] Affidavits of candidacy. Subdivision 1. **Filing.** Candidates at the primary for nomination to fill a vacancy shall file their affidavits within the time prescribed in this section with the same officers and in the

same manner and shall pay the same fees as provided by law for candidates for like offices at the regular primary election.

Subd. 2. Affidavits, filed at regular time. When the nominations are to be made on the regular primary election day, the writ shall be issued and shall state that the affidavits may be filed within the time prescribed by law for the regular primary election, and all the affidavits shall be so filed.

Subd. 3. Affidavits, filed at other times. In all cases other than those provided in subdivision 2 of this section the writ shall state that the affidavits may be filed not later than the seventh day before the primary, and all the affidavits shall be so filed.

Subd. 4. Affidavits filed with the secretary, disposition, fees. If the affidavits are filed with the secretary of state, he shall certify the names of the candidates to the auditors of all counties in which they are to be voted upon within 24 hours after the close of the time for filing, and all filing fees received by the secretary of state shall be paid to the state treasurer.

Sec. 51. [203.51] Ballots, names on. Subdivision 1: **Names.** Only the names of candidates who have duly filed shall be placed upon the ballots for any primary held under sections 44 to 55 of this article, and only names of candidates who have been duly nominated shall be placed upon the ballots for any final election held under sections 44 to 55 of this article. Blank spaces for writing in names shall be provided upon the final election ballots as upon general election ballots, but not upon the primary ballots.

Subd. 2. Special election ballots, form. Except as provided in subdivision 3 of this section the auditor of each county concerned shall prepare special ballots for every election and primary held under sections 44 to 55 of this article. The ballots shall be headed, "Special Election Ballot" or, "Special Primary Ballot," as the case may be, followed by the date of the election or primary. Immediately below the title of each office to be filled there shall be printed the words, "To fill vacancy in term expiring" with the date of expiration of the term and such other information as may be necessary to distinguish the office from any other office to be voted upon at the same election or primary. Otherwise the ballots shall conform, as far as practicable, with the laws relating to ballots for general elections and regular primary elections. The county auditor shall post a sample of each ballot in his office as soon as prepared and not later than four days before the election or primary, as the case may be, but he need not publish any sample ballot.

Subd. 3. Ballots, use of regular ballots. In any case where candidates are to be voted for under sections 44 to 55 of this article on the general election day or are to be nominated on the regular primary election day, as the case may be, and where the canvass of the returns is to be made by the regular county canvassing board, as provided in section 53 of this article, and where the ballots for the general election or primary have not been printed when the names of the candidates under sections 44 to 55 of this article have been finally determined, the county auditor shall place the names of the candidates upon the regular ballots used for like offices at the general election or primary, designating the office to be filled in the same manner as provided in subdivision 2 of this section for special ballots.

Sec. 52. [203.52] Special election, precincts, judges, voters. The election precincts and officials for any special election or primary held under sections 44 to 55 of this article shall be the same as the last preceding general election unless changed according to law. In any municipality having a permanent registration system under the Minnesota Election Law no person may vote at any special election or special primary unless he is registered under the system.

Sec. 53. [203.53] Special election returns. Subdivision 1. **Canvass.** The returns of any special election or primary held under sections 44 to 55 of this article shall be transmitted forthwith, when completed, to the auditor of the county wherein the special election or primary is held, and the returns shall be canvassed on the next day other than a Sunday or a legal holiday following the special election or primary by the county canvassing board, except as provided in subdivisions 2, 3, and 4 of this section.

Subd. 2. Canvass, special election, held on regular days. When the special primary is held on the regular primary election day and the special election is to be held on the next general election day, the returns of the special primary shall be canvassed by the county canvassing board at their regular meeting.

Subd. 3. Canvass, special primary on regular day, special election on other day. When the special primary is held on the regular primary election day and the special election will be more than 13 days after the regular primary, the returns of the special primary shall be canvassed by the county canvassing board at their regular meeting.

Subd. 4. Canvass, vacancy filled at general election.

When the special election is held on the general election day and the governor's writ has not required that the special election be held as a separate election on that day, the returns of the special election shall be canvassed and the results thereof declared and certified by the county and state canvassing boards together with, and in the same manner as, the returns of the general election for officers of the same kind as those to be filled at the special election.

Subd. 5. Canvass, special primary, state canvassing board. The state canvassing board shall complete its canvass of the special primary, and not later than four days after the returns of the county canvassing boards are certified to the secretary of state he shall certify to the county auditors the name of the nominated persons and notify each nominee.

Subd. 6. Canvass, special election, state canvassing board. Except as provided in subdivision 4 of this section the state canvassing board shall complete its canvass of the special election and declare the results within seven days after the returns of the county canvassing boards are certified to the secretary of state.

Subd. 7. Special election contest, conduct. In case of a contest of an election held under sections 44 to 55 of this article the notice of contest shall be filed within five days after the canvass is completed, and the contest otherwise shall proceed in the manner provided by law for contesting elections.

Subd. 8. Certificate of election. No certificate of election in an election held under sections 44 to 55 of this article may be issued by the auditor of any county or by the secretary of state to any person declared elected by the canvassing board of the county or by the state canvassing board until seven days after the canvassing board has canvassed the returns and declared the result of the election. In case of a contest the certificate may not be issued until the district court has determined the contest.

Sec. 54. [203.54] Congressional or legislative district, change in boundaries. No change in the boundaries of any congressional or legislative district is effective as to any election to fill a vacancy in the representation therefrom when the term of the office which has become vacant commenced before the change was made.

Sec. 55. [203.55] General election laws, applications. Except as provided in sections 44 to 55 of this article all of the provisions of the Minnesota Election Law are applicable to election held to fill vacancies, so far as practicable.

Sec. 56. [203.56] **United States senator, vacancy.** Upon failure to choose a senator in congress or upon a vacancy in the office the vacancy shall be filled for the unexpired term at the following biennial state election, provided said vacancy occurs not less than 60 days prior to the date of the primaries for nominating candidates to be voted for at such election, otherwise at the biennial state election next following. Pending such election the governor shall make a temporary appointment to fill the vacancy, and the person so appointed shall serve until the election and qualification of the person duly elected to fill such vacancy; provided, that there may not be an election to fill the unexpired term at any biennial election occurring in a year immediately preceding the expiration of such term and in that event the person appointed by the governor to fill the vacancy shall serve until the expiration of such term.

ARTICLE V CONDUCT OF ELECTIONS

Section 1. [204.01] **Definitions.** The words used in this article have the meanings prescribed to them in article I.

Sec. 2. [204.02] **Application.** The provisions of section 1 to 32 of this article are applicable to all elections held in this state except as otherwise provided by law.

Sec. 3. [204.03] **State elections, hours for voting.**
Subdivision 1. **Opening and closing of polls.** At the general election and the primary election the polls in every precinct in the state shall open at 7:00 A.M., and they shall be kept open continuously until 8:00 P.M., at which time they shall close, except that the governing body of any municipality of less than 1,000 inhabitants, by resolution adopted 30 days prior to any general or primary election, may fix a time for the opening of the polls which may not be earlier than 7:00 A.M. nor later than 9:00 A.M. The resolution shall be effective for all ensuing general or primary elections until revoked.

Subd. 2. **Time, closing of polls.** On or before the opening of the polls the judges shall agree upon some standard of time to be used in opening and closing the polls. When the hour for closing the polls has arrived, the polls shall be closed, except that those voters who, at the time of closing, are either in the polling place or in line at the door thereof and have not been able to vote, are entitled to vote, and the polls shall remain open a sufficient time for them to do so.

Sec. 4. [204.04] **Opening of polls, ballot boxes.** Subdivision 1. **Locking of ballot boxes.** Immediately before

opening the polls, one of the judges shall open the ballot boxes in the presence of the people there assembled, turn them upside down so as to empty them of everything that is in them, then lock them and deliver the key to another of the judges. Having locked the ballot boxes, the judges shall proclaim that the polls are open, and they shall cause written or printed notices of the hour of closing to be conspicuously posted outside the polling place. The boxes may not be reopened until opened for the purpose of counting the ballots therein at the close of the polls.

Subd. 2. Ballot boxes, box-car seals. The governing body of any municipality, by resolution, may direct the clerk to furnish each ballot box with two so-called "box-car seals" in lieu of a lock and key. Each seal shall consist of a metal strap with a number imprinted on the metal, no two straps bearing the same number, together with a self-locking device securely attached to one end of the strap, and so constructed that the other end may be inserted and securely locked in the seal. One of the seals shall be used in the same manner provided for locks in subdivision 1 of this section, and the other seal shall be attached after the ballots are counted as provided in section 24 of this article. Whenever seals are used in lieu of a lock and key, the number on the seal used to lock the ballot box shall be written in a suitable space provided therefor on the tally sheets used in canvassing and tallying the votes.

Sec. 5. [204.05] Ballots, judges' initials. Subdivision 1. Before the voting begins, or as soon thereafter as possible, two judges shall place their initials on the backs of all the ballots they have, directly under or opposite the facsimile of the official signature, and they may not otherwise mark the ballots.

Subd. 2. No official ballot may be distributed except in the voting room to voters about to vote, and no ballot which is not officially endorsed in the handwriting of the judges may be placed in the ballot box. The ballot boxes shall at all times be kept in public view.

Sec. 6. [204.06] Persons in polling place. Subdivision 1. **Challengers.** Except as provided in this subdivision and except when a voter is unable to read English or is physically disabled and a voter is called upon to assist him, no person may remain inside the polling place except members of the election board, peace officers, challengers, and voters who are about to vote. The challengers may not handle or inspect registration cards, files, or lists, and they may not at-

tempt to influence voting on election day in any manner. Representatives of the secretary of state's office and the county auditor's office may be present at the polling place during the hours of voting for the purpose of observing election procedure.

Subd. 2. Time to vote. The judges may make such regulations as they deem proper as to the time in which a voter may remain in the polling place while receiving, preparing, and voting his ballots.

Sec. 7. [204.07] Voting, no registration. Subdivision 1. **Evidence of qualification to vote.** Except where voters are registered under a permanent registration system, any person desiring to vote at any election shall satisfy the election board by proper and sufficient evidence that he is qualified to vote at the election in the precinct, and by stating under oath, that under the constitution and laws of this state, he is entitled to vote at the election in the precinct.

Subd. 2. Voting, examination. Any person desiring to vote shall truly state, when he is asked, the name of the street in which he resides, the house number, if any, and whether he is a householder, lodger, or employee therein, and such other matters that may be necessary for identification. Upon refusal to make such statements, he may not be allowed to vote.

Subd. 3. Election registers, form. Two election registers shall be provided by the county auditor or the clerk of the municipality, as the case may be, for each precinct. The election registers shall be kept and maintained in duplicate, and two judges shall have charge of them, each using one as provided in this section. Every election register shall be headed by the designation of the precinct, shall contain one column headed "Name of Voter," one headed "Residence," and one headed "Remarks," and shall contain the names of the voters in separate groups, in alphabetical order according to the first letter of the surnames, each letter of the alphabet to form one group, with not more than one group on any one page, and each group to be separately numbered commencing with the numeral "1."

Subd. 4. Voting, election register, use. Having satisfied the judges of his qualifications, the voter's name and residence shall be entered in the proper place in the election registers, and the other judges shall have charge of and hand to and receive from each voter the ballots.

Sec. 8. [204.08] Registration, voter's certificate. Subdivision 1. **Form of certificate.** Wherever voters are

registered under a permanent registration system before any person desiring to vote receives the ballots from the judges, a certificate containing the following information shall be signed by the applicant:

I hereby certify that I am a qualified voter, permanently registered in accordance with the Minnesota Election Law.

(Signature of Voter)

(Address)

Approved

Judge of Election

Subd. 2. **Voter's certificate, use.** The certificate shall be approved by a judge who shall compare the signature on the voter's certificate with the signature as it appears on the duplicate registration card, and the judge shall record the fact of voting on the back of the duplicate registration card. The certificate, having been approved, shall be handed to the voter who shall deliver it to the judge in charge of ballots as proof of his right to vote, and thereupon the judge shall hand to the voter the ballots.

Subd. 3. **Name omitted, emergency voting.** When any voter who has registered under a permanent registration system is challenged because his name does not appear in the duplicate registration file of the precinct in which he desires to vote, and upon examination it appears that such name was erroneously omitted from the file, he shall be permitted to vote at the election in the precinct, and an emergency voting card shall be signed by the applicant and the judges, containing substantially the following information:

EMERGENCY VOTING CARD

.....WardPrecinct

Name

Residence

The undersigned judges hereby certify that the above named voter was permitted to vote in this precinct at the election held, 19....., pursuant to instructions from the office of the commissioner

.....
Signature of Voter

.....
Judges of Election

.....
Signature of Judge calling office

.....
Authorized by

Sec. 9. [204.09] Ballots, voting, registration and otherwise. Subdivision 1. **Removal of ballot from pad.** When the judges are satisfied that the person applying for ballots is a qualified voter, the judge having charge of the ballots shall tear from the pad one ballot of each kind that is to be voted, having the proper initials thereon, and hand the same to the voter. Each ballot shall be removed from the pad separately as required by each voter.

Subd. 2. Voters, marking ballots. One of the judges shall instruct the voter as to the proper method of marking and folding his ballots, and the voter shall then retire alone to an unoccupied booth, and without undue delay the voter shall mark the ballots as provided by law. The voter may take with him into the booth sample ballots to assist in marking the official ballots.

Subd. 3. Sample ballots. Except that sample ballots may be printed in newspapers as news matter, it is a misdemeanor to print sample ballots on paper of the same color as any official ballots.

Sec. 10. [204.10] Marking ballots, instructions. The voter shall mark and prepare each ballot in the following manner:

(a) The voter shall place a mark (X) in the square opposite the printed name of each candidate for whom he desires to vote, and in the square before the "YES" or "NO" if he desires to vote for or against any proposition.

(b) If he so desires, he may write other names in the blank spaces provided therefor under the printed names of the candidates, except that no names may be written in on primary election ballots.

(c) If, at any primary election the voter votes for the candidates of more than one party on the party ballot, that ballot is void.

(d) When he has prepared his ballots, he shall fold each of them separately so as to conceal the face and all marks thereon, and so as to expose only the facsimile of the official signature and the initials of the judges on the back of the ballot.

(e) Having marked and folded his ballots in the manner provided in this section, the voter shall withdraw from the voting booth with his ballot.

Sec. 11. [204.11] Ballots, deposit. Subdivision 1.

Deposit in box. Having withdrawn from the voting booth with his ballots, the voter shall hand them to the judge in charge of the ballot boxes, and the judge immediately shall deposit each ballot in the proper box.

Subd. 2. Ballots, secrecy. No entry or notation shall be made in the register or otherwise showing to which political party any voter belonged or which political party ballot he voted, nor shall the judges knowingly permit any other person within the polling place to make such an entry or notation.

Subd. 3. Ballots, identifying marks. No voter, judge, or any other person may at any time place any mark as a means of identification upon any ballot handed to or cast by any voter or upon any spoiled or discarded ballots except the proper signature and initials provided by law to be placed upon ballots.

Subd. 4. Ballots, challenge of. The voter and the ballots of any absent voter at any time before the ballots have been deposited in the ballot boxes are subject to a challenge by the judges or by any person who was not present at the time the voter procured the ballots, but not otherwise. The question shall be determined in the same manner as is provided for the challenge of voters, and if the voter or the ballots of any absent voter are found to be disqualified, the ballots so prepared shall be placed unopened among the spoiled ballots.

Subd. 5. Voter to retire. Having cast his ballot, or his ballot having been refused, the voter shall leave the polling place and not return unless he is given permission to do so by all of the judges.

Subd. 6. Enforcement, violation, penalties. The judges shall at all times observe and enforce the provisions of the Minnesota Election Law. Violation of subdivision 3 or subdivision 4 of this section is a gross misdemeanor.

Sec. 12. [204.12] Spoiled ballots. When a voter spoils a ballot, he may return it to the judges and receive another. The judges shall preserve unused and spoiled ballots and return them to the officers from whom they were received, with a statement of the number spoiled and unused, and take a receipt therefor.

Sec. 13. [204.13] Assistance to voters. Subdivision 1. **Disability.** When any voter states under oath that he cannot read English, or that he is physically unable to mark his ballot, he may call to his aid two of the judges, who shall mark his ballot as he desires and in as secret a manner as

circumstances permit. When he also states that he cannot speak the English language or understand it when spoken, the judges may select two persons from different political parties to act as interpreters, who shall take an oath similar to that taken by the judges, and assist the person in marking his ballots. When the disabled voter prefers, he may call to his aid any voter of the same precinct, who, unaccompanied by a judge, shall retire with him to one of the booths and mark the ballot for him, but no one who aids a voter shall mark the ballots of more than three voters at one election. Before his ballot is deposited, the voter may show it privately to one of the judges to ascertain that it is marked as directed. No judge or other person assisting a voter may in any manner request, persuade, induce, or attempt to persuade or induce, the voter to vote for any particular political party or candidate, but he shall mark the ballot as requested and may not reveal to any other person the name of any candidate for whom the voter has voted or anything that took place while so assisting him.

Subd. 2. Disabled voter, assistance. The judges shall likewise assist a voter who is at the door of the polling place but who is unable to enter because of physical disability; provided, however, that for the purpose of this section, intoxication is not physical disability, and a person who is intoxicated may not vote.

Sec. 14. [204.14] Voting, secrecy. A voter may not divulge to any one within the polling place the name of any candidate for whom he intends to vote or has voted, and he may not ask for or receive assistance in the preparation of his ballot from any one within the polling place except as provided by law. If any voter, after having marked his ballot, shows it to any one except as provided by law, the judges shall refuse to receive the ballot and shall place it among the spoiled ballots. When the showing clearly has been intentional, no other ballot may be delivered to the voter.

Sec. 15. [204.15] Employees, time off to vote. Every employee who is entitled to vote at any election is entitled to absent himself from his work for the purpose of voting during the forenoon on each election day, without penalty or deduction from his salary or wages on account of such absence.

Sec. 16. [204.16] Challengers. Subdivision 1. Partisan. At any election where partisan offices are to be filled the chairman of an authorized committee of each political party may appoint by written certificate and the judges shall

permit one voter for each precinct to be in the polling place while the election is being held and to remain with the election board until the votes are canvassed and the results declared, to act as challenger of voters.

Subd. 2. Non-partisan. At any election each non-partisan candidate may appoint by written certificate, and the judges shall permit, one voter for each precinct to be in the polling place while the election is being held and to remain with the election board until the votes are canvassed and the results declared, to act as challenger of voters.

Subd. 3. On proposition. At any election where a proposition is to be voted upon, the mayor of the municipality, upon a written petition signed by at least 25 legal voters being presented to him, shall appoint by written certificate and the judges shall permit, one voter for each precinct to be in the polling place while the election is being held and to remain with the election board until the votes are canvassed and the results declared, to act as challenger of voters.

Sec. 17. [204.17] Challenges. Subdivision 1. Manner. Each judge shall, and any authorized challenger or other voter may, challenge any person whom he knows or suspects not to be a qualified voter.

Subd. 2. Ground, oath. The challenger shall state the ground for the challenge, and a judge shall administer to the challenged person the following oath:

“Do you solemnly swear that you will fully and truly answer all such questions that shall be put to you touching your qualifications as a voter at this election?”

The judge shall then ask the challenged person such questions as tend to test his residence and his right to vote.

Subd. 3. Determination of residence. The judges, in determining the legal residence of any challenged person, shall be governed by the rules provided for the commissioner of registration in the Minnesota Election Law; and if the challenged person by his answers to the questions put to him reveals that he is not a qualified voter, he may not be allowed to vote. If, after all questions have been answered, the challenge is not withdrawn, the judge shall administer the following oath:

“Do you swear that you are a citizen of the United States; that you are 21 years of age; that you have been a resident of this state for six months immediately preceding this election, and an actual resident of this precinct for 30 days im-

mediately preceding this election; that you are a qualified voter in this precinct and that you have not voted at this election?" After taking this oath, the challenged person is entitled to vote.

Subd. 4. Challenged person may not vote, when. If the challenged person refuses to answer the questions put to him or to take an oath, his name may not be placed upon the election registers, and he is not entitled to vote. The challenged person may not leave the polling place and return later willing to answer questions or take an oath.

Sec. 18. [204.18] Returns of the election, tally books. Subdivision 1. **Tally books.** Except where voting machines are used, the official charged with printing the ballots shall furnish two tally books with returns for each precinct at the same time and in the same manner as the ballots are furnished.

Subd. 2. Tally book, information required. The judges shall fill out the tally book and returns in duplicate, and in suitable spaces provided therefor they shall disclose the following information:

(a) State of Minnesota, Tally Book and Returns for (Color) Ballots, (number) Precinct, (number) Ward, of the (City) (Village) (Town) of (Name) and the date and kind of election;

(b) The office, name of candidates, and the number of votes each candidate received;

(c) The number of persons who voted at the election in the precinct, where there is permanent registration the number of registered voters in the precinct, the total number of ballots actually counted, the number of totally defective ballots, the number of ballots defective as to which offices, and the number of persons who returned spoiled ballots and received other ballots;

(d) A certificate in substantially the following form: "We, the undersigned judges of the (number) Precinct, (number) Ward, of the (City) (Village) (Town) of (Name), Minnesota, do hereby certify that all of the ballots cast at the (date and kind of election) Election, were carefully and properly piled, checked, and counted, and that the number of votes marked opposite the respective names of the candidates, correctly shows the number of votes so cast. The national flag was displayed on a suitable staff during all the hours of voting." The certificate shall be signed by all members of the election board.

Subd. 3. Tally book and returns, primary election. The tally book and returns for the primary election shall be in the same form as the tally book and returns for the general election except that a separate tally book and returns shall be provided for each political party ballot and for the ballot of candidates to be nominated without party designation. The primary tally book and returns shall be headed substantially as follows: "Tally Book and Returns for (Name) Party, (number) Precinct, (number) Ward, of the (City) (Village) (Town) of (Name), Primary Election held (Date)."

Subd. 4. Tally book and returns, form. The secretary of state shall prescribe the form for the tally book and returns, and he may place thereon instructions for their use and such other matter that is authorized by law to be printed on tally books and returns. Any other official charged with furnishing tally books and returns shall prepare them in the manner prescribed by the secretary of state, so far as practicable.

Sec. 19. [204.19] Canvass of votes. Subdivision 1. Procedure. After the polls close the judges shall immediately proceed to canvass the votes cast at the election. The canvass shall be held at the polling place and be public, and it shall be continued without intermission until completed and the results declared, except that the judges may take a temporary recess for meals or other necessary purposes. During the canvass no person other than the judges may handle the ballots.

Subd. 2. Ballots, order of canvass. The ballot boxes shall be opened, the votes counted, and the results declared, one box at a time in the following order: the white box, the pink box, the canary box, the light green box, and other kinds of ballots voted at the election. The returns may not be finally prepared until the votes in all the boxes have been counted so as to allow corrections in case any errors have occurred by reason of the deposit of ballots in the wrong boxes.

Subd. 3. Primary ballots, manner of canvass. Primary election ballots shall be canvassed in the same manner as general election ballots, except that the judges shall take the ballots from the boxes and count those cast for each political party and the non-partisan candidates separately.

Sec. 20. [204.20] Ballots, proper number. Subdivision 1. Counting. The judges shall remove all the ballots from the box, and without considering how the ballots are marked they shall ascertain that each ballot is single, and count them to determine whether the number of ballots cor-

responds with the number that the election register or registration file shows were cast.

Subd. 2. Ballots, excess number. If two or more ballots are found so folded together as to appear like a single ballot, the judges shall lay them aside until all of the ballots in the box have been counted; and if it is evident from the number that the election register or registration file shows were cast that the ballots folded together were cast by one voter, the judges shall preserve but not count them. If there is an excess of ballots in one box, the judges shall examine all the ballots in the box to ascertain that all are properly marked with the initials of the judges, and if any are not so marked, they shall preserve but not count them. If there is still an excess of properly marked ballots, the judges shall replace them in the box, and one judge, without looking, shall withdraw from the box a number of ballots equal to the excessive number, and the withdrawn ballots shall be preserved but not counted.

Subd. 3. Ballots in wrong box. If the judges find ballots in a ballot box that are different from the kind properly belonging therein, they shall lay the different ballots aside. If the number of ballots in any box equals or exceeds the number that the election register or registration file shows were cast, then ballots proper to have been placed therein, but found in another box, may not be counted. But if the number is less than that shown by the election registers or registration file, and ballots properly belonging in that box are found in another box, they shall be counted the same as those in the proper box, but only to the extent of the deficiency and selected by lot when necessary.

Subd. 4. Ballots not counted, disposition. When the number of ballots as finally counted agrees with the number that the election register or registration file shows were cast, those ballots not counted shall be attached to a certificate made by the judges, stating why the ballots were not counted, and the certificate and uncounted ballots shall be sealed in a separate envelope and returned with the other returns to the officer from whom they were received.

Sec. 21. [204.21] Counting ballots. Subdivision 1. Method. The judges shall take all the ballots of the same kind and count the votes cast for the first office or proposition on the ballot by separating the ballots into piles, one pile for each candidate who received votes for that office, or one pile for the "Yes" votes and one pile for the "No" votes if it is a proposition. The judges also may pile the ballots that are

blank or defective as to that office separately. After the separation into piles, the judges shall examine each pile and remove therefrom and place in the proper pile any ballots that are found to be in the wrong pile. After the examination, the judges shall count the ballots in each pile, and when their counts agree, they shall announce the number of ballots in each pile, and the number shall be written in the proper place on the tally books. The judges may also pile ballots crosswise in groups of 25 in the same pile so as to facilitate counting.

Subd. 2. Piling system. Each office and proposition on the ballot shall be counted and canvassed in the manner provided in subdivision 1 of this section.

Subd. 3. More than one to be elected, piling. Where more than one person is to be elected to an office, the votes for that office shall be counted and canvassed in the manner provided in subdivision 1 of this section so far as practicable.

Sec. 22. [204.22] Rules for counting ballots. In counting ballots a ballot may not be rejected for any technical error that does not make it impossible to determine the voter's choice even though the ballot may be slightly soiled or defaced. All ballots shall be counted for the persons for whom they were intended, so far as the intent can be clearly ascertained from the ballots themselves; and in determining the intent the following rules are applicable and shall be observed:

(a) When a voter has placed a mark (X) against two or more names for the same office, where only one is to be elected, his vote may not be counted for either candidate, but the rest of his ballot shall be counted;

(b) When a voter has written the name of a person in the proper place, his vote shall be counted for that person whether he makes a mark (X) in the square opposite the blank line or not;

(c) When a voter has written the name of a person on a primary election ballot, the vote may not be counted for that office;

(d) When a mark (X) is made out of its proper place, but on or so near a name or space as to indicate clearly that the voter intended to mark the name, the vote shall be counted as so intended;

(e) When a number of persons are to be elected to the same office, all cross marks in squares opposite names, not exceeding the whole number to be elected, including written

names thereon, shall be counted. When less than the number to be elected are marked, only those so marked shall be counted;

(f) The judges shall disregard misspelling or abbreviations of the names of candidates, if it can be clearly ascertained from the ballot for whom it was intended;

(g) When the judges can determine from a ballot the voter's choice for only a part of the officers, the ballot shall be counted for that party only;

(h) When a voter uniformly uses a mark other than (X) in marking his ballot, clearly indicating his intent to mark against a name, and does not use (X) anywhere else on the ballot his vote shall be counted for each candidate so marked;

(i) When a ballot shows that marks have been made against the names of two candidates, and an attempt made to erase or obliterate one of the marks, it shall be counted for the candidate for whom it was evidently intended;

(j) All ballots marked as hereinbefore provided shall be counted for the candidates or proposition therein shown to be voted for;

(k) When a ballot is so marked by distinguishing characteristics that it is evident that the voter intended to identify his ballot, the entire ballot is defective;

(l) When the number of candidates is equal to the number to be elected to an office, and the voter has not marked against any name, no vote may be counted for that office.

Sec. 23. [204.23] Defective ballots. Subdivision 1. **Marking; memorandum.** A ballot so defective in whole or in part that it cannot be counted by reason of inability of the judges to determine the intent of the voter shall be marked on the back "Defective" or "Defective as to.....," naming the office as to which it is defective. A memorandum of the number of defective ballots, and if defective in part only, of the defective parts not counted, shall be made, certified, and returned by the judges as part of the returns.

Subd. 2. Defective ballots, disposition. The defective ballots shall be placed with those not defective, and all the ballots shall be placed in the order they are read and canvassed, and they shall be disposed of in the manner provided in section 24 of this article for the disposition of ballots.

Sec. 24. [204.24] Ballots, disposition. Subdivision 1. **Envelopes.** Except in first cities and in counties having a population of 200,000 or more, after the canvass has been completed and in the presence of all the judges, the ballots cast shall be removed from the ballot boxes and placed in envelopes and sealed. Each judge shall write his name upon the envelope over the sealed part in such a way that the envelope cannot be opened without disturbing the continuity of the lines in the writing. The envelopes shall be of a heavy paper, reinforced by cloth at all folds, of the same color as the ballots to be placed therein, and of a size suitable to hold all the ballots without folding. The official charged with printing the ballots shall furnish the envelopes required in this section. The number of ballots in each envelope, the kind thereof, the name of the town, village, or city, and the number of the precinct shall be plainly written upon the envelopes. The unused and spoiled ballots or returns may not be placed in the envelopes.

Subd. 2. Ballots, disposition, certain cities and counties. In all first class cities and in counties having a population of 200,000 or more, after the canvass has been completed and in the presence of all the judges, all the ballots of the same kind shall be strung and fastened together into a single package by passing a substantial twine string through and around the ballots, tying the ends of the string and sealing the same with wax over the knots with a seal provided by the county auditor or the city clerk, as the case may be. After the ballots have been so strung, fastened and sealed, they shall be replaced in the proper ballot boxes in the presence of all the judges, and each ballot box shall be locked and then sealed by pasting a firm paper across the lid and body thereof in such manner that the box cannot be opened without breaking the seal. Each judge shall write his name upon the paper so that the signatures shall cross the opening between the lid and the body of the box. Wherever box-car seals are used in lieu of a lock and key the remaining seal provided for in section 4 of this article shall be secured to the box in such a manner that the box cannot be opened without breaking the seal. The unused and spoiled ballots and the returns may not be placed in the ballot boxes.

Sec. 25. [204.25] Summary statements. After the canvass has been completed the judges in each precinct, in addition to the other forms required, shall make a summary statement and two additional copies thereof of the total numbers and kinds of each ballots counted, and the total votes counted for each person for any office and for and against

any proposition voted upon. The summary statement shall be divided into two parts, the first part dealing with the state, congressional, and presidential elections, and the second part dealing with county and local elections. The secretary of state shall prescribe the form for summary statements and shall furnish to county auditors sufficient copies of the first part to be distributed by the auditor with the other election materials. The county auditors shall print and furnish the second part of the summary statement. The judges shall file one copy of the summary statement with the clerk of the municipality, and the other two copies with the county auditor. The county auditor shall deliver to the secretary of state one copy of all the summary statements received in the office of the county auditor.

Sec. 26. [204.26] **Tally book and returns, disposition.**
 Subdivision 1. **Envelope.** The judges in each precinct shall include one set of the tally book and returns in each of two envelopes, and each envelope shall then be sewed by drawing twice through it and the tally book and returns therein a substantial twine string and by tying the ends of the string together and then sealing the envelope in three places with wax and stamp furnished by the county auditor, one of the places to be over the knot in the string. The judges shall then endorse the envelope in substantially the following form: "Tally book and returns of the.....election precinct, (Town) (Village) or (City) of....., in the County of, State of Minnesota."

Subd. 2. **Returns and materials, delivery.** Except in first class cities one of the judges in each precinct shall deliver one set of the tally book and returns, all unused and spoiled white, pink, and canary ballots, one summary statement, two election registers; and the envelopes containing the white, pink, and canary ballots to the county auditor at his office within 24 hours after the closing of the polls. Another judge shall deliver the remaining set of the tally book and returns, all unused and spoiled municipal ballots, the remaining summary statement, the remaining election register, the envelopes containing municipal ballots and all other things furnished by the municipal clerk, to the municipal clerk at his office within 24 hours after the closing of the polls.

Subd. 3. **Returns and materials, disposition, first class cities.** In all first class cities, two of the judges in each precinct shall deliver tally books and returns, the unused and spoiled ballots, the summary statements, and the box con-

taining the ballots to the city clerk at his office within 24 hours after closing of the polls.

Sec. 27. [204.27] Ballots, returns, duties. Subdivision 1. **County auditor.** The auditor of every county shall remain in his office to receive delivery of the things required to be delivered to him; and to permit public inspection of the summary statements; and to tabulate the votes until all have been tabulated and the results made known, or until 24 hours have elapsed since the closing of the polls, whichever occurs first. The county auditor shall file all envelopes containing ballots delivered to him in his office and shall keep them in a safe place with seals unbroken unless previously opened by proper authority for examination or recount, and in that event, the auditor shall cause the envelopes to be sealed again with the names of the persons making the inspection or recount endorsed thereon. The envelopes may be opened by the county canvassing board, if necessary to procure any election returns that may inadvertently have been sealed up with the ballots by the judges; and the envelopes shall be sealed again and endorsed in the manner provided in this subdivision. Where ballots are strung and replaced in the boxes, and the boxes are locked and sealed with the ballots within, the ballots shall be stored in such manner as to admit at all times of actual, visual inspection of the exterior of the boxes, except that if the boxes are needed for use in another election, the ballots may be withdrawn from the boxes and wrapped and tied securely, and sealed and endorsed in the manner provided in this subdivision.

Subd. 2. Clerk. The clerk of every first, second, and third class city shall remain in his office to receive delivery of the things required to be delivered to him; or until 24 hours have elapsed since the closing of the polls, whichever occurs first. The clerk of every first class city shall keep a book in which, in the presence of the delivery judges, he shall make a record of all things delivered to him, and the time of delivery, and the names of the judges so delivering them. The book shall be preserved in his office for the same period as the ballots.

Sec. 28. [204.28] Noncompliance with law. Subdivision 1. **Failure of judges to make delivery.** Whenever the judges fail to make and deliver returns as provided by law, the auditor or municipal clerk to whom the returns should have been made shall dispatch a special messenger to obtain them, and the messenger is entitled to the same compensation

as a judge for like service, and he is subject to the same penalties.

Subd. 2. Irregularities, not fatal. An officer to whom election returns are required to be made may not refuse to receive them because they are returned or delivered to him in any manner other than that prescribed by law, except that the returns must be sealed. A canvassing board may not refuse to include any returns in its canvass of votes on account of any informality in holding the election or making returns thereof. All returns shall be received and the votes canvassed by the canvassing board and included in its statements where there is a substantial compliance with the provisions of the Minnesota Election Law.

Sec. 29. [204.29] County canvassing board. Subdivision 1. **Membership.** The county canvassing board shall consist of the county auditor, the clerk of the district court, two members of the county board to be selected by the board from among its members who are not candidates for nomination or election to any office, and the mayor or president of the most populous municipality in the county. If any of these persons fails or refuses to serve on the canvassing board and in the absence of any selection by the county board from among its own members, the county auditor shall appoint a qualified voter of the county who may not hold or be a candidate for any public office, to take the place of the person on the canvassing board. Three members shall constitute a quorum and when sworn shall have the power to act.

Subd. 2. County canvass, primary election information required. The board shall meet at the auditor's office at 10:00 A.M. on or before the third day after the primary election, take the oath of office, and publicly canvass the returns of the election made to the county auditor. The board shall complete the canvass by the evening of the sixth day following the election, and it shall forthwith make the following report and file the same with the county auditor:

- (a) A statement for each political party showing the names of all candidates thereof voted for at the primary election, the number of votes received by each, in each precinct and in the county, and for what office;
- (b) A statement showing the names of candidates of each political party who are nominated;
- (c) A statement of the total number of person who

voted at the election in the county, and in each precinct, and the number of ballots counted in each precinct, and in the county; and

- (d) A statement of the votes received by each of the non-partisan candidates in each precinct in the county and the names of the non-partisan candidates nominated.

If any candidates receive an equal number of votes for the same nomination, the canvassing board shall determine the tie by lot. Upon completion of the canvass, the county auditor shall forthwith certify to the secretary of state the vote, as shown by the report of the county canvassing board, for all candidates to be voted for in more than one county, and he shall mail or deliver to each nominee who is to be voted for in his county only, a notice of his nomination and that his name will be placed upon the general election ballot.

Subd. 3. County canvass, general election, information required. The canvassing board shall meet at the auditor's office within ten days after the general election, take the oath of office, and publicly canvass the returns of the general election made to the county auditor. The board shall complete the canvass without unnecessary delay, and it shall forthwith make the following report and file the same with the county auditor:

- (a) A statement of the number of persons who voted at the election in each precinct in the county and the total number of persons who voted at the election in the county; and the number of white, pink, and canary ballots counted in each precinct in the county, and the total number of white, pink, and canary ballots counted in the county;
- (b) A statement of the names of all candidates for state offices, representatives and senators in the legislature, representatives and senators in congress, judges of the district court, and county offices; and the number of votes received by each in each precinct and in the whole county;
- (c) A statement of the total number of votes counted for and against any proposed change of county lines or county seat; and
- (d) A statement of the number of votes counted for and against any constitutional amendment or other

proposition in any precinct, and the total number of votes counted therefor in the county.

In case of a tie, the canvassing board shall determine the result by lot. Upon completion of the canvass, the board shall declare the person receiving the highest number of votes for each county office duly elected thereto; and when the county constitutes or contains a senatorial or representative district in the legislature, it shall declare the person receiving the highest number of votes for each office in the legislature duly elected.

Subd. 4. **County canvass, returns, to secretary.** Two copies of each of the statements required in this section shall be made and certified under the official seal of the auditor; each enclosed in an envelope directed to the secretary of state, with the auditor's name and official address and the words, "Election Returns," endorsed thereon, and forwarded by different mails within five days of each other. If neither copy is received by the secretary of state within 20 days after the election, he shall immediately notify the auditor of that fact, and the auditor shall transmit another copy thereof to the secretary by special messenger deputed by him.

Sec. 30. [204.30] **Errors in counting, correction.**
Subdivision 1. **Inspection.** If in conducting the canvass of votes at any election as provided by law, any county canvassing board determines by a four-fifths' vote that an obvious error in the counting and recording of the vote for any particular office has been made by the judges in any precincts, then the county canvassing board shall refuse to count the returns of that precinct for that office, and they shall order an inspection of the ballots and the returns of the precinct for the purpose of correcting the obvious error, which error shall be specified by written resolution of the board.

Subd. 2. **Ballots, inspection.** The inspection shall be made by the canvassing board in the presence of all the candidates for the office or their representatives.

Subd. 3. **Inspection, time, place.** The inspection shall be conducted as soon as practicable at the office of the county auditor, and the auditor shall set the time of meeting, and give notice to the candidates a sufficient time before the meeting.

Subd. 4. **Canvass, not delayed.** The report of the canvassing board as to other offices on the ballot may not be delayed because of the inspection provided for in this section. Appropriate notation and report of the action taken with

reference to the office in regard to which inspection has been ordered shall be made on the regular report of the canvassing board.

Subd. 5. Canvassing board, report. As soon as practicable after the board has re-examined the ballots and returns, it shall report to the county auditor. The report shall be signed by all the members of the canvassing board, and it shall contain the following information:

- (a) A copy of the resolution of the board specifying the error to be corrected;
- (b) A statement of the minutes of the meeting of the board for purposes of correcting the errors, showing the time, date, and place of the meetings, and appearances entered by or on behalf of the candidates;
- (c) A copy of the notice of the meeting given to each candidate with proof of service;
- (d) A statement showing action of the board with reference to the conduct of the inspection and re-examination; and
- (e) A statement showing results of the action of the canvassing board.

Subd. 6. Canvassing board, declaration, notification. The canvassing board shall make its declaration of election with reference to the office in question. The report and declaration of election shall be filed by the auditor, and he shall mail a certified copy thereof to each candidate. The auditor immediately shall notify the secretary of state by registered or certified mail of the action of the county canvassing board.

Sec. 31. [204.31] State canvassing board. Subdivision 1. **Membership.** The secretary of state shall call to his assistance two judges of the supreme court and two judges of the district court none of whom may be candidates at the election, and the judges together with the secretary of state shall constitute the state canvassing board. The board shall meet at the office of the secretary of state on the second Tuesday after the primary and general election, except as otherwise provided for special elections. When a vacancy in the membership of the state canvassing board occurs by reason of the failure of any judge to attend the meeting of the board on the day appointed, the secretary of state shall fill the vacancy by selecting another disinterested judge from

either court, but not more than two judges of the supreme court shall serve upon the canvassing board at any one time.

Subd. 2. State canvass, primary election. After the primary election the canvassing board shall canvass the returns of the election that were made to the secretary of state; and upon the completion of the canvass, the secretary of state shall forthwith certify to the several county auditors the names of the persons found to be nominated and mail to each nominee a notice of his nomination.

Subd. 3. State canvass, general election. After the general election, the canvassing board shall canvass the certified copies of the statements made by the county canvassing boards, and they shall prepare therefrom a statement of the following information:

- (a) A statement of the whole number of votes counted for candidates for state offices, congressional offices, and such other candidates as shall be voted for in more than one county, specifying the several counties in which they were cast;
- (b) The names of the persons receiving the votes and the number received by each, specifying the several counties in which they were cast; and
- (c) The number of votes counted for and against each constitutional amendment, specifying the several counties in which they were cast.

In case of a tie vote for any office, the result of which is to be certified by the state canvassing board, the board shall determine the tie by lot.

Subd. 4. State canvassing board, certification and declaration of results. All members of the state canvassing board shall subscribe their names to the statement and certify to its correctness; and within three days after the completion of the canvass, the board shall declare the result.

Sec. 32. [204.32] Certificates of election. Subdivision 1. **Preparation, delivery.** The auditor of each county, and the secretary of state where the candidates for office are voted for in more than one county, shall make for every person elected a certificate of his election and deliver the certificate to the person entitled thereto upon demand, and without fee. The auditor of any county also shall make for any candidate or voter of his county, a certified copy of any

statement of votes made by the county canvassing board upon payment or tender of one dollar therefor.

Subd. 2. **Certificates of election, issuance, contest.** The auditor of any county and the secretary of state may not issue a certificate of election to any person declared elected by the canvassing board of the county or the state canvassing board until 12 days after the canvassing board has canvassed the returns and declared the result of the election. In case of a contest, the certificate may not be issued until the proper court has determined the contest.

ARTICLE VI

MUNICIPAL ELECTIONS

Section 1. [205.01] **Definitions.** The words used in this article have the meanings prescribed to them in article I.

Sec. 2. [205.02] **Application.** Except as provided in this article all of the provisions of the Minnesota Election Law are applicable to municipal elections, so far as practicable.

Sec. 3. [205.03] **Hours for voting.** Subdivision 1. **Resolution.** In all municipal elections the governing body of any municipality, by resolution adopted prior to the giving of notice of the election, may designate the time, and in no event less than three hours, during which the polls shall remain open for the next succeeding and all subsequent municipal elections, until the resolution is revoked.

Subd. 2. **Municipal elections, candidates, time for withdrawal.** In any municipality candidates for municipal elective offices may withdraw from the election by filing an affidavit of withdrawal with the clerk of the municipality until 12 o'clock Noon of the day after the last day for filing affidavits of candidacy; and thereafter no candidate may file an affidavit of withdrawal.

Sec. 4. [205.04] **Austrailian ballots system.** At every municipal election in which officers are chosen or questions are determined, the voting shall be by secret ballot and according to the laws relating to general elections, so far as practicable.

Sec. 5. [205.05] **Town and village elections, candidates, affidavits.** Subdivision 1. **Affidavits.** At every town and village regular and primary election, candidates for offices shall file an affidavit of candidacy not more than six nor less than four weeks before the election with the town

or village clerk as the case may be. An application also may be signed by not less than five voters, and filed on behalf of any qualified voter of the municipality whom they desire to be a candidate; provided that service of a copy of the application shall be made on the candidate and proof of service endorsed on the application before filing. No affidavit or application may be accepted by the proper officer until a fee of two dollars is paid to him. The affidavit shall be substantially the same as that required of the candidates for state offices. Upon receipt of the affidavit and filing fee, the clerk shall place the candidate's name on the official ballot for the election.

Subd. 2. Ballots, preparation, posting. The town or village clerk shall prepare and have printed at the expense of his municipality the necessary tally books and returns and ballots for the election. The ballots shall be printed on light green colored paper. The ballots may not contain any partisan designation for any candidate, and the names of the candidates for each office shall be arranged on the ballot alphabetically, according to the surname of each candidate. A sample ballot shall be posted at every polling place and in the office of the clerk at least four days before the election, by the clerk.

Sec. 6. [205.06] Town and village elections, returns.
Subdivision 1. Count, returns. After the polls close, the judges for town and village elections shall forthwith count the votes cast, proclaim the results, and record the same in a tally book provided for that purpose. The tally book and returns and the ballots cast shall then be returned to the clerk of the municipality.

Subd. 2. Town and village elections, canvass, results. Within two days after the election the governing body of the municipality shall meet as a canvassing board, and declare the results of the election appearing from the returns. A plurality of votes shall elect; and in case of a tie, the election shall be determined by lot in the presence of the canvassing board and under its direction. If a canvassing board adjourns without deciding the results of a tie vote, any voter may demand, by notice in writing to the clerk of the municipality, that the board meet and determine the successful candidate by lot. Upon receiving such demand, the clerk shall notify the candidates concerned of the time and place of determining the tie, and the candidates or their representatives may be present at the meeting of the board.

Subd. 3. Certificate of election, contest, ballots. After the canvass is completed, the clerk of the municipality shall issue to each successful candidate a certificate of his election;

except that no certificate may be issued until after the time for contesting elections, and in case of a contest, the certificate may not be issued until the contest has been determined by the proper court. The clerk shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election.

Sec. 7. [205.07] Village election. Subdivision 1. **Date.** The regular village election shall be held annually on the first Tuesday after the first Monday in December every year; except that the governing body of every village may, by ordinance passed at a regular meeting held before September 1, elect to hold the election on the first Tuesday after the first Monday in November. Whenever the time for holding the village election is changed, the village clerk immediately shall notify in writing the county auditor and secretary of state of the change of date; and thereafter the regular village election shall be held on the first Tuesday after the first Monday in November until the ordinance is revoked.

Subd. 2. Notice. The village clerk shall cause ten days' posted notice and may also cause two weeks' published notice of the annual village election to be given, specifying the time and place thereof, the offices to be filled, and the questions, if any, to be determined by vote.

Sec. 8. [205.08] Special village election, petition, notice. Special village elections may be ordered by the village council upon its own motion, or on a question that has not been submitted to the voters in an election within six months previously, upon a petition signed by a number of voters equal to 20 percent of the votes cast at the last annual village election. At least ten days' posted notice and two weeks' published notice of the election shall be given by the clerk, clearly stating the questions to be determined. No question so submitted shall be deemed carried without such a majority in its favor as may be required by law in the particular instance. In case of a tie the proposal shall be deemed to have failed. Otherwise the election shall be held in the same manner provided for annual village elections.

Sec. 9. [205.09] Village primary election. Subdivision 1. **Procedure.** Any village and any town containing a village may hold an election of nominees hereinafter designated as the "primary election" for the purpose of nominating candidates for village officers or town offices, respectively, by adopting one of the following methods:

- (a) By resolution of four-fifths vote of the governing

body of the village or a two-thirds vote of the town board of the town; or

- (b) By a petition signed by at least ten percent of the voters at the last regular municipal election, addressed to the governing body of said village, or at least ten percent of the voters of the town, addressed to the governing body of the town, requesting that said governing body submit to the voters thereof the determination of the question as to whether said village or town, as the case may be, shall have a primary election system for the purpose of nominating candidates for village offices of the village or town offices of the town, at a special election to be held for that purpose. Within 15 days after receiving the petition, the governing body shall provide for the special election and shall give ten days' posted notice and two weeks' published notice thereof. The form of question to be voted on shall be as follows: "Shall the Village of adopt the primary election system for the nomination of candidates for village offices (inserting "town" for "village" in the case of a town election)." If a majority of the voters at the special election vote in the affirmative, the primary election system shall be deemed to be in force and effect in the village or town, as the case may be.

A primary election system adopted either by resolution or vote as provided in this section shall be in force until it is revoked in the same manner in which it was first adopted.

Subd. 2. Primary election, time. The primary election shall be held not less than 10 days nor more than 14 days preceding the village election, and the time shall be determined by the governing body; except that whenever the annual village election is to be held on the day of the state general election, the governing body may provide that the village primary election shall be held on the day of the state primary election. The governing body of any village holding its annual election on the first Tuesday after the first Monday in December may provide that the village primary election shall be held on the first Tuesday after the first Monday in November. The village clerk shall give notice of the village primary election in the same manner provided for notice of the annual village election.

Subd. 3. Primary election results, nomination. The judges of election shall certify the results of the primary election to the governing body of the municipality, which shall

forthwith canvass the vote and shall issue certificates for each office receiving the highest number of votes, and their names shall be placed on the official ballot for the regular election without payment of an additional fee.

Sec. 10. [205.10] Special city elections. The council of any city, however organized, may, by ordinance or resolution, elect to hold special elections for any purpose, and when held they shall be conducted and the returns made in the manner provided for the regular municipal election; except that this section is not applicable to any city the charter of which specifically prohibits or limits the holding of special elections.

Sec. 11. [205.11] City primary elections, second, third, and fourth class. Subdivision 1. Resolution or ordinance. The council of any city of the second, third, or fourth class, however organized, may, by ordinance or resolution adopted at least six weeks before the time of holding the next regular municipal election, elect to choose nominees for city offices by a primary election system as provided in this section, except that this section is not applicable to any city the charter of which specifically prohibits or provides for a city primary election. The resolution or ordinance, when adopted, shall be effective for all ensuing municipal elections until revoked.

Subd. 2. City primary election date. The city primary election shall be held two weeks before the regular municipal election or at such other time as may be designated by the council in the ordinance or resolution adopting the city primary election system.

Subd. 3. City primary election, candidates, filing. Not more than six nor less than four weeks before the primary election any person eligible and desiring to have his name placed on the primary election ballot as a candidate for office shall file his affidavit of candidacy with the city clerk. The affidavit shall be substantially the same form as required of candidates for state offices. Upon payment of the proper filing fee to the clerk, the clerk shall place the name of the candidate upon the primary election ballot without partisan designation. When not more than twice the number of persons to be elected to a city office file for the nomination thereof, their names may not be placed upon the primary ballot, and their names shall be placed on the regular municipal election ballot as the nominees for that office. Blank spaces may not be provided on the ballot for writing in the names of candidates.

Subd. 4. Primary election results, nominees. The city

primary election shall be conducted and the returns made in the manner provided for the state primary election so far as practicable. The council of the municipality shall canvass the returns of the city primary election, and the two candidates for each office who receive the highest number of votes, or a number of candidates equal to twice the number of persons to be elected to the office, who receive the highest number of votes, shall be the nominees for the office named; and their names shall be certified to the city clerk who shall place them on the regular municipal election ballot without partisan designation and without payment of an additional fee.

Subd. 5. Vacancy in nomination. When a vacancy occurs in a nomination made at a city primary election, the vacancy shall be filled in the manner provided for filling vacancies after the state primary election.

Sec. 12. [205.12] City elections. In all cities, however organized, the regular election held for choosing public officials for the municipality and deciding public questions relating to the municipality shall be held as provided in sections 12 to 17 of this article; except that sections 12 to 17 of this article are not applicable to any city the charter of which or other law under which it is organized provides for the manner of holding its regular municipal election.

Sec. 13. [205.13] City election, candidates, filing. Unless a city holds a primary election for nominating candidates for the municipal election, not more than six nor less than four weeks before the municipal election any person eligible and desiring to have his name placed on the official ballot as a candidate for an office to be voted for at the election shall file his affidavit of candidacy with the city clerk. The affidavit shall be substantially the same form as required of candidates for state offices. Upon payment of the proper filing fee to the clerk, the clerk shall place the name of the candidate on the official ballot without partisan designation. Unless a candidate has filed an affidavit of candidacy and paid a filing fee, his name may not be placed upon the official ballot for the municipal election.

Sec. 14. [205.14] City election, procedure. Subdivision 1. **Materials, ballots.** The city clerk shall prepare and cause to be printed the necessary election materials, including the ballots, for the municipal election.

Subd. 2. Election, conduct. The election shall be held and the returns made in the manner provided for the general election.

Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** The council shall canvass the returns and declare the results of the election. The city clerk shall issue a certificate of election to the candidate who receives the highest number of votes for each office. In case of a tie vote, the council shall determine the result by lot. The city clerk shall be the final custodian of the ballots.

Sec. 15. [205.15] **City elections, filing fees.** Unless the charter of a city provides the amount of the fee to be paid upon filing an affidavit of candidacy for city office the filing fee for city offices shall be as follows:

- (a) In first class cities, the sum of \$10;
- (b) In second and third class cities, the sum of \$5; and
- (c) In fourth class cities, the sum of \$2.

Sec. 16. [205.16] **City elections, notice.** Subdivision 1. **Publication and posting.** In all cities, however organized, for every election held within the city for municipal purposes, the city clerk shall cause two weeks' published notice, and may also cause ten days' posted notice, of the election, stating the time and place thereof, the location of each polling place, the offices to be filled, and all propositions or questions to be voted upon at the election. The city clerk shall also post a copy of the notice in his office for public inspection; except that this subdivision is not applicable to any city the charter of which provides the manner in which notice of an election is given.

Subd. 2. **Sample ballot, notice.** In all cities, however organized, for every election held within the city for municipal purposes, the city clerk shall, at least one week before the election, publish a sample ballot in the official newspaper of the city and post a sample ballot in his office for public inspection.

Sec. 17. [205.17] **City election, ballots, form.** Subdivision 1. **Printing, content.** In all cities, however organized, for the regular municipal election, the city clerk shall prepare and cause to be printed in blocks of 50 on light green paper the official ballot upon which the names of all candidates for city offices shall be printed. The ballot shall be headed "City Election Ballot," and shall state the name of the city, the date of the election, and otherwise shall conform to the white ballot used at the general election. Unless the charter or law under which the city is organized specifically prohibits the rotation of names of candidates on the ballot or unless the

council provides otherwise by resolution, the names shall be arranged thereon in the manner provided for the state elections.

Subd. 2. City primary election, ballots. The city primary election ballot shall conform as far as practicable with the regular municipal election ballot except that it shall be printed on white paper, and blank spaces may not be provided for writing in the names of candidates.

Subd. 3. City election, questions, bonds, charters. All questions relating to the adoption of a city charter or amendments thereto, or any proposition for the issuance of bonds, and all other questions and propositions relating to city affairs submitted at any election to the electors of the municipality, shall be printed on one separate blue colored ballot and shall be prepared, printed and distributed under the direction of the city clerk at the same time and in the same manner as other city ballots. The ballots, when voted, shall be deposited in a separate ballot box, painted blue, to be procured by the local authorities for each voting precinct. The ballots shall be canvassed, counted, and returned in the same manner as other city ballots, and the tally books and returns shall provide appropriate blank spaces for the counting, canvassing and returning of the results of the questions submitted on the blue ballot.

Sec. 18. [365.50] First town meeting. The first town meeting in each new town shall be held within 20 days after it is organized, at a time and place to be designated by the county board, and the county auditor shall cause ten days' posted notice thereof to be given in each such town. The voters present at such meeting, between 9:00 A.M. and 10:00 A.M. or such other time as shall be set by the town board, shall choose one of their number as moderator, two others as judges of election, and one as clerk who shall severally take and subscribe the oath required of judges of a general election, which may be administered to the judges by the moderator, and to the moderator by one of the judges. They shall thereupon conduct the proceedings of such meeting, and the voters shall possess the same powers as at other town meetings.

Sec. 19. [365.51] Annual town meeting, date of. There shall be an annual town meeting held in each town on the second Tuesday of March at the place of holding the last town meeting, or at such other place in the town, or in a city or village within or adjoining the same, designated by the annual town meeting. The clerk shall give ten days' published notice in a qualified newspaper having general circulation within the town, or by posted notice, or both, as the voters at

the annual town meeting may direct, specifying the time and place, but if the town meeting shall fail to direct the manner of giving such notice, the town board shall direct the manner of giving notice and all town officers required by law to be elected shall be chosen thereat, and such other business done as is by law required or permitted.

Sec. 20. [365.52] Special town meetings. A special town meeting may be held for the purpose of election to fill a vacancy when the town board has failed to fill the vacancy by appointment, or for transacting any other lawful business whenever the supervisors, town clerk, and justices of the peace, or any two of them, together with at least 12 other freeholders of the town, file in the office of the town clerk a written statement setting forth the reasons and necessity for such meeting and the particular business to be transacted thereat and that the interests of the town require that such meeting be held.

Sec. 21. [365.53] Notices—Publication. When such statement is so filed, the clerk shall record the same, and cause ten days' posted notice thereof to be given, specifying the purpose for which it is to be held, and if a newspaper is published in the town cause one week's published notice of such meeting to be given. If a vacancy in an office is to be filled, the notice shall specify in what office it exists, how it occurred, who was the last incumbent, and when the legal term of such office expires.

Sec. 22. [365.54] Organization of meeting: moderator. The voters present between 9:00 A.M. and 10:00 A.M. or such other time as shall be set by the town board on the day of the annual or any special town meeting shall be called to order by the town clerk, if present; if not, the voters present may elect a chairman by acclamation. They shall then in the same manner choose a moderator of such town meeting. The moderator may be paid \$2.50 for such work, or such amount as may be allowed by the town board.

Sec. 23. [365.55] Clerk of meeting. The town clerk shall be clerk of the town meeting, and keep full minutes of its proceedings, in which he shall enter at length every order or direction and all rules and regulations made by the meeting. If the town clerk is absent, the voters present shall elect a clerk of the meeting. The minutes of such meeting shall be subscribed by the clerk of the meeting and judges, and filed in the office of the town clerk within two days after the meeting.

Sec. 24. [365.56] Order of business. At the open-

ing of every town meeting the moderator shall state the business to be transacted, which in case of a special meeting shall be limited to the business specified in the notice of such meeting, and the order in which it will be entertained, and no proposition to vote a tax shall be acted on out of the order of business stated by the moderator; and no proposition to reconsider any vote shall be entertained at any town meeting unless made within one half hour from the time such vote was passed, or the motion for such reconsideration is sustained by a number of voters equal to a majority of all the names entered upon the election register at such election up to the time such motion is made; and all questions upon motions made at town meetings shall be determined by a majority of the electors voting, and the moderator shall ascertain and declare the result on each such question.

Sec. 25. [365.57] Who may vote. Every person qualified to vote at a general election may vote at any town meeting in the town where he resides. If a voter is challenged, the judges shall proceed thereupon as in the case of challenges at a general election, adopting the oath to the circumstances of the case.

Sec. 26. [365.58] Meetings may be adjourned. Any town meeting may be adjourned to any other day, and from time to time, for the purpose of transacting any business of the town except the election of officers.

Sec. 27. [365.59] Failure to elect officers. When any town fails to organize or to elect town officers at the time fixed by law, 12 freeholders thereof may call a town meeting for such purpose by giving ten days' posted notice thereof, setting forth its time, place and object. If no such notice is given in such case within 30 days after the time for holding annual town meetings, the county board, on the affidavit of any freeholder of such town, filed with the county auditor, setting forth the facts, shall appoint officers for such town, who shall have all the powers of officers duly elected, and shall hold their offices until their successors qualify.

Sec. 28. [367.03] Officers elected at annual meeting — vacancies. Subdivision 1. **Officers, terms.** There shall be elected in each town three supervisors as provided in this section. Where a new town has been or may be organized and supervisors have been or may be elected for such town at a town meeting prior to the annual town meeting, such supervisors shall serve only until the next annual town meeting at which meeting three supervisors shall be elected, one for three years, one for two years, and one for one year, so that the

term of one shall expire each year. The number of years for which each is elected shall be indicated on the ballot. At all other annual town meetings one supervisor shall be elected for three years to fill the place of the one whose term expires at that time. There shall also be elected at each annual town meeting one town clerk, one treasurer, one assessor, two justices of the peace, and two constables. Each of these officers shall hold office for a term of two years and until their successors are elected and qualified. The town assessor shall be elected in odd-numbered years except in towns operating under special laws. All terms shall commence on the first secular day of April following the election except when a vacancy has been filled.

Subd. 2. Vacancies. When a vacancy occurs in any town office the town board shall fill the same by appointment. The person so appointed shall hold his office until the next annual town meeting and until his successor qualifies; provided, that a vacancy in the office of supervisor shall be filled by the remaining supervisors and the town clerk until the next annual town meeting, when his successor shall be elected to hold for the unexpired term.

Sec. 29. [367.25] Oath of office; bond; filing; penalties. **Subdivision 1. Requirement, fee.** Every person elected or appointed to a town office, within ten days after receiving a certificate or notice of his election or appointment, shall take and subscribe the oath required by law. If taken before the town clerk or a justice of the peace, such oath shall be administered and certified without fee.

Subd. 2. Bond and oath, violations. Before entering upon his duties, the person taking the oath shall file the same with the town clerk. Failure to file his oath and bond within the time required shall be deemed a refusal to serve.

Subd. 3. Oath, violations. Any town officer who enters upon the duties of his office before taking the oath required shall forfeit to the town the sum of \$50.00.

Sec. 30. [412.02] Village elections, officers, vacancies. **Subdivision 1. Terms, vacancies.** Village elective officers shall consist of the following: in every village, the mayor and two constables; in every village where a municipal court has been organized, municipal judges as provided by law, and in every other village, two justices of the peace; in villages operating under the standard plan of village government, the clerk, treasurer, three trustees and, if the village is a separate assessment district, an assessor; and in villages operating un-

der an optional plan of village government, four trustees. Municipal judges shall serve for terms of four years, trustees for terms of three years, and all other officers for terms of two years, each commencing on the first business day of January following the election at which the officer is chosen. All officers chosen and qualified as such shall hold office until their successors qualify. Vacancies in office shall be filled for the remainder of the term by the council; in case of a tie, the mayor shall fill the vacancy by appointment for the unexpired term. When a vacancy in the office of assessor is not filled by appointment as provided in this section before the first day of May following its occurrence, the county auditor shall appoint some resident of the county as assessor for such village.

Subd. 2. **Village elective officers.** The mayor, one constable, one trustee, and, if elective, the treasurer, shall be elected in each odd-numbered year. One constable, one trustee, and, if elective, the assessor and clerk shall be elected in each even-numbered year; and an additional trustee shall be elected every third year in every village operating under an optional plan of government. Terms of present incumbents not conforming to this subdivision shall be extended for one year.

Subd. 3. **Village judges and justices of the peace, terms not affected.** The existing succession of terms of municipal judges and justices of the peace shall be continued, and their successors shall be elected at the village election preceding the expiration of their respective terms.

ARTICLE VII

VOTING MACHINES

Section 1. [206.01] **Definitions.** The words used in this article have the meanings prescribed to them in article I.

Sec. 2. [206.02] **Municipalities may provide for voting machines.** The governing body of any municipality, at any regular meeting thereof, or at any special meeting called for that purpose, may provide for the use of voting machines in any one or more precincts thereof, at all elections to be held therein. No such machine shall be adopted or used unless it be so constructed and operated as to insure the secrecy of each vote, and to automatically register and count all votes given, and to conceal the number of votes for each candidate and upon each proposition from the opening of the polls to the closing thereof.

Sec. 3. [206.03] **May use experimental machines.** The governing body of any municipality may provide for the

experimental use of voting machines in one or more precincts without formal adoption thereof; and the use of voting machines at such election shall be as valid for all purposes as if the machines had been permanently adopted.

When the governing body of any municipality shall determine to use such machines, it shall, at a regular or special meeting held not less than 30 days before the election, prescribe suitable rules and instructions, not inconsistent with the provisions of this article, for using the same, submit the same to the attorney general for his approval, and, when approved by him, a printed copy of such rules and instructions shall be posted in a prominent place in the polling place and remain open to inspection by the voters throughout the election days.

Sec. 4. [206.04] Bond for upkeep of machines. No payment shall be made upon the purchase price of any such machine until the vendor thereof shall have filed with the secretary of state a bond with sufficient sureties, specifying such machine by its number, and conditioned to keep the same in good working order, at his own expense, for five years. The penalty of such bond shall be at least \$200.00; and upon a breach thereof the amount of such penalty shall be the measure of damages recoverable by the purchaser.

Sec. 5. [206.05] Judges. The judges shall enforce the rules prescribed for the use of such voting machines, and carry out all of the provisions of this article relating to the elections, except such as are rendered inapplicable by the use of such machines.

Sec. 6. [206.06] May use machines in one of all precincts. The governing body of any municipality in this state may provide for the use of voting machines in all or one or more precincts thereof at all elections to be held therein; and at 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, that the adoption, examination, purchase and use of such machines and their use at such elections, shall be subject to the provisions herein contained.

Sec. 7. [206.07] Candidates, arrangement of names.
Subdivision 1. Placement. Where voting machines are authorized and employed, the titles of offices may be arranged horizontally with the names of the candidates arranged vertically under the title of the office, of the titles of the offices

may be arranged vertically with the names of the candidates arranged horizontally opposite the respective titles. On the non-partisan ballot prepared for primary elections, and on the county and district ballot prepared for primary elections, and on the county and district ballot prepared for the general election, the names of nominees, or names of candidates for election, as the case may be, for state senate or state house of representatives, shall be placed first on said voting machine ballots. More than one column or row may be used for the same office or party. Questions, constitutional amendments or other propositions shall be placed on the machines in the space provided for that purpose and shall be arranged in the manner which the construction of the machine requires.

Subd. 2. Alternation. The provisions of the election laws requiring the alternation of the names of candidates shall be observed so far as practicable by changing the order of the names on the voting machines in the various precincts so that each name shall appear upon the several machines used in a given municipality substantially an equal number of times at the top, at the bottom, and in each intermediate place, of any of the list or group in which they belong; provided, however, that the arrangement of the names shall be the same on each voting machine used in the same precinct.

Subd. 3. Presidential electors. For presidential electors one device may be provided for voting for all the candidates of one political party at one time by the use of such device, under or adjacent to which shall be a ballot on the machine containing only the names of the candidates for president and vice president of that party, preceded by the party's name, and a vote registered of the candidates for presidential electors of such party.

Subd. 4. Voting machines. 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 devices connected with the mechanism of the machine, for any person for any office elective by the voters of his precinct 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 machines 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 candidate 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 been registered thereon. No machine which does not comply with these requirements shall be approved, authorized or employed; except that machines may be used which are not so constructed as to permit a voter to change from one party to another in a party primary or to retract a vote cast on the irregular ballot device. In such cases the voter shall be required to first return all voting levers to the unvoted position and remove, cross out or erase any vote recorded on the irregular ballot device, as the case may be, and shall then call upon the election officials to witness that it has been done, and they shall then cause the voting machine to be returned to the original unvoted position and shall permit the voter to begin from the beginning once more. Such operation of the voting machine under such conditions as in this paragraph mentioned shall be designated as a spoiled voting machine ballot and the election officials present shall make out and sign a certificate stating the facts for each such case which shall be returned with the official returns of the election.

Sec. 8. [206.08] Minnesota voting machine commission created. 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.

There shall be appointed as members of the commission, two competent and responsible persons, who shall be master mechanics or graduates of a school of mechanical engineering.

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

None of the members of the commission shall, directly or indirectly, have any pecuniary interest in any voting machine. The 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 the commission. The members of the commissions 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.

Any person, company, or corporation, owning or being interested in any voting machine may apply to the 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 the electors. The commission shall thereupon examine the machine so submitted, and make and file its report thereon. The examination shall not be required as to each individual machine, but only as to each particular kind of type of machine, before its adoption, use or purchase as provided herein.

The report of the 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.

If, from the report, it shall appear that, in the opinion of the commission, the kind of machine so examined complies with the requirements of this article and can be used safely at elections in this state, under the conditions prescribed by this article, and by the laws of the state where the same do not conflict herewith, then the said machine shall be deemed approved by the 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.

As the examination fee herein, the application shall be accompanied by the sum of \$150. After there has been deducted and paid out of such sum all expenses incurred by the 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 the commission other than the attorney general as full compensation for their services and expense herein.

Sec. 9. [206.09] Ballot labels; diagrams for voting machines. The same authorities as are charged with providing paper ballots when such are used shall be required to provide all ballot labels, diagrams, sample ballots, return sheets and all other necessary supplies needed for the voting machines.

In state and county general elections the county auditor of each county in which voting machines are used shall provide

all ballot labels and other necessary printed forms and supplies needed for the voting machines, including all such forms needed for placing on such voting machines, all offices, candidates and constitutional amendments and other questions and propositions, the ballots for which are required by the election laws to be provided by the state when paper ballots are used. The total cost of printing and providing all such forms shall be prorated by each county auditor so that the state and county will pay each its proportionate share based on the total number of candidates and questions under the jurisdiction of each. The state shall pay to the county its proportionate share of such cost as herein provided, all provisions of the statutes of this state notwithstanding.

Except as herein provided, all ballots (or ballot labels) shall be printed in black ink on clear white material of such size as will fit the ballot frame of the voting machine, and in as plain clear type as the space will reasonably permit. Candidates' names may be set in as large type as the length of the majority of such names of all candidates on the ballot permits and the remaining candidates' names may be set in such smaller sizes or styles of type as the length of each such name requires based upon the available space in the frame of the voting machine. Constitutional amendment ballots (or ballot labels) shall be printed on material tinted pink in a prominent place on such ballots, there shall be conspicuously printed a notice stating in substance that if a voter fails to vote on a constitutional amendment he votes, in effect, in the negative. Ballots (or ballot labels) for other questions shall be printed on material so tinted as to conform with the laws relating to paper ballots.

The authorities charged with the duty of providing ballots for any polling place where voting machines are used shall provide therefor at least two sample ballots which shall be arranged in the form of a diagram showing such part of the face of the voting machine as shall be in use at that election for voting for all candidates whose names are entitled to be placed on the ballot at such election and shall also show such part of the face of the voting machine as shall be in use for voting for all referendum questions, constitutional amendments, or other propositions. Candidates' names shall not be rotated on such sample ballots but shall be arranged in alphabetical order for all offices where rotation of names on the official ballots on the voting machines is required by law. Such sample ballots shall be either in full or reduced size and shall contain suitable illustrated directions for voting on the voting machine. Not less than two such sample ballots shall be posted in a promi-

ment place in the polling place and shall remain open to inspection by the voters throughout the election day.

Sec. 10. [206.095] Ballots used upon adoption or rejection of an ordinance. In any city of the first class operating under a home rule charter, wherein voting machines are used in the elections, when the question at issue in an election is the adoption or rejection of an ordinance proposed by petition of the voters of said city, or where an ordinance passed by the council has been referred for submission to the voters of said city based on a petition of the voters for that purpose, or in any case when by voluntary reference the council submits an ordinance to the vote of the people, as provided in the home rule charter of any city, the ballots used in voting upon such measure shall state briefly the general nature thereof without the necessity of setting forth the full title of said ordinances, said ballots to be colored in the same manner as constitutional amendments.

Sec. 11. [206.10] May purchase voting machines. The governing body of each municipality in this state is hereby authorized to purchase for the use of each precinct 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.

Sec. 12. [206.11] Precincts may be changed. The precincts in which voting machines are to be used may be enlarged, reduced or reformed, in the manner prescribed in article IV, so that each precinct shall when so first formed, contain not to exceed 600 registered voters for each voting machine to be used therein. More than one voting machine may be used in any precinct.

Sec. 13. [206.12] Payment for machines. Payment of such machines may be provided for in such manner as is deemed for the best interests of the political division adopting and purchasing them, and each municipality is hereby authorized, for that 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 municipality 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 may be issued by a majority vote of the governing body of the municipality adopting and purchasing such voting machines, notwith-

standing any provision contained in any home rule charter or law of this state.

The bonds or certificates of indebtedness so issued may bear interest at a rate not exceeding six percent per annum and may be made payable at such time not exceeding 20 years from the date thereof, as may be determined by the resolution or ordinance authorizing the issue thereof, and may be issued exclusive of and in addition to any limit of indebtedness fixed by the charter of such municipality, or by the laws of this state for such municipality, but such bonds or certificates of indebtedness shall not be issued or sold at less than par and accrued interest thereon.

Each municipality may, by a majority vote of its governing body, enter into a contract for the purchase of voting machines on a rental-purchase or deferred payment plan. Such contracts may provide for the annual rental of the voting machines at a definite amount with such annual rentals applied towards the purchase price of the voting machines.

Sec. 14. [206.13] Not to affect laws applicable. All laws and parts of laws now in force in this state relating to state, county, city, village and town elections 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 election precinct wherein such voting machines are used, so long as the same shall be used therein.

Sec. 15. [206.14] Wilful injury or destruction of machine to be felony. Any person who shall wilfully injure or attempt to injure, or render ineffectual, any voting machine provided in accordance with the provisions of this article, or who shall violate any of the provisions hereof, shall be guilty of a felony and punished accordingly.

Sec. 16. [206.15] May be used at all elections. Where voting machines shall be provided in the manner permitted by law, such voting machines may be used at all elections, insofar as the use of the same is applicable, and not inconsistent with this article. If the mechanism of such machines will not permit the voter to record his vote in the manner provided by this article said machines may be used in the manner now provided by law so far as is applicable, and as to offices to which such voting machines will not apply, separate paper ballots conforming with the law shall be used. All votes on voting machines shall be recorded and counted and the results thereof ascertained, canvassed and returned as provided by this article.

Sec. 17. [206.16] **Custodian of machines.** Immediately after the installation of voting machines in any municipality the governing body thereof shall appoint as many custodians as may be necessary for the proper preparation of the machines for an election and for their maintenance, storage and care. Such custodian or custodians, under the direction of the governing body of the municipality installing the voting machines, together with the proper officials of such municipality having charge of the conduct of elections therein, shall have charge of and represent these authorities during the preparation of the voting machines and shall serve at the pleasure of the governing body of the municipality. It shall be the duty of the custodian or custodians, after the machines have been prepared for the election, to cause the same to be delivered to each of the respective polling places in which they are to be used at least 12 hours before the time set for the opening of the polls and set them in proper manner for use at the election. The custodians of voting machines shall be paid for their services commensurate with the work required and their compensation shall be fixed by the governing body of the municipality appointing them.

Sec. 18. [206.17] **Officials to prepare machines for use.** It shall be the duty of the proper authority having direct charge of elections in each municipal corporation where voting machines are to be used to cause the proper ballot labels to be placed on the voting machines and to place the machines in proper order for voting. These ballot labels shall have printed on the face thereof the words "Official Ballot," the date of the election, a facsimile of the signature of the officer under whose direction the ballot is printed. The authorities shall examine all voting machines before they are sent out to the different polling places, to see that all the registering counters are set at zero (000), to lock all voting machines so that the counting mechanism cannot be operated, and to seal each voting machine with a numbered seal and to make a written record thereof.

Before preparing the voting machines for any election written notices shall be mailed to the chairman of the county committee of each political party, who have theretofore presented the name of the chairman to the county auditor, stating the times when and the place or places where the voting machines will be prepared, at which times and places one representative of each such political party designated by the respective chairman of such county committee of such party shall be entitled to be present and see that the machines are properly prepared and placed in proper condition and order for use at

the election. In non-partisan primaries and elections each candidate may designate one representative who shall have the same powers as the political party representatives.

When the machines have been prepared for the election it shall be the duty of the custodians and political party or candidate representatives to make a certificate in writing which shall be filed in the office of the proper authority having charge of the conduct of elections in such municipality, stating the serial number of each machine, whether or not all registering counters have been set at zero (000), the number registered on the protective counter and the number on the metal seal with which the machine is sealed.

Sec. 19. [206.18] Canvassing board to inspect machines. It shall be the duty of the canvassing board in any municipality of this state wherein voting machines shall be used in any election, at the time it convenes to canvass the election returns of any election wherein voting machines shall have been used within such municipality, or as soon thereafter as it conveniently can do so, and before it proceeds to canvass such returns, to inspect the registering counter, or other mechanical recording device on any such voting machine showing the number of votes cast for any candidate or proposition voted on at any such election and any irregular ballots recorded thereon or therein and to compare the number of votes so shown by such voting machines to have been cast for each candidate voted for on and by such voting machines and each proposition submitted to the voters voting thereon or thereby with the returns made by the election officers of the several precincts in which the voting machines were used at such election and in case there is a discrepancy between the returns so made by such election officers and the number of votes shown by such voting machines on such inspection then and in such case it shall be the duty of such canvassing board to correct such returns as to all candidates and propositions, the returns with reference to which are to be canvassed by it, so made by such precinct election officers, so as to make such election returns conform to the vote so shown by such machines on such inspection as aforesaid and such corrected returns shall thereupon and thereafter be regarded and deemed by such canvassing board as the true and correct return of the number of votes cast for each candidate voted for and each proposition voted on, in the precinct the returns from which shall have been so corrected by such canvassing board. After correcting such returns the canvassing board shall proceed to the performance of its duties as now provided by law.

In case of any election contest the returns of the election officers, as corrected by the canvassing board as aforesaid, shall be prima facie evidence of the vote cast for each candidate and on each proposition voted on at any election, to the same extent and in the same manner and not otherwise, as is the return of the election officers in precincts where voting machines are not used. For the purpose of inspecting such voting machines such canvassing board may adjourn its sessions from time to time as occasion may require and may hold its sessions at any place within the county where the voting machines are usually kept and stored.

Sec. 20. [206.19] **Instructions to judges.** Not more than 21 days before each election and primary at which a voting machine is to be used, there shall be held under the direction of the proper authority having charge of the conduct of the elections, a meeting or meetings for the purpose of instructing the judges about the operation of the voting machine and the duties of election officials when voting machines are used. Each judge serving in a precinct where voting machines are used, shall attend one such meeting preceding each election at which such judge is to serve, and shall receive a certificate showing that he has attended such instruction meeting and has been found qualified to serve. Each judge, who shall attend such instruction meeting and shall qualify and serve at an election, shall receive the sum of \$1 for the time spent in receiving such instruction, in addition to car or railroad fare in going to or returning from such meeting, which shall be paid at the same time and in the same manner as the payment for serving on election day. Such certificate shall not be issued to any person unless he has attended an instruction meeting and been found qualified and no person shall be eligible to serve as judge unless he has first received a certificate as herein provided. In case of emergency, when an insufficient number of certified judges is available for the proper conduct of the election, there shall be appointed a sufficient number of judges to conduct such election, although such judges have not received the required certificate; provided that no person shall be appointed a judge who is not a qualified voter in the precinct to which he is appointed as such judge, except as otherwise provided by law.

The authorities in charge of elections shall provide adequate facilities for the instruction of voters prior to an election and cause to be placed in one or more convenient locations a voting machine with sample ballot labels affixed for the purpose of instructing voters in the operation of the machine. If the ballot labels that are used for this purpose are

the same that will be used for the succeeding election the counting mechanism of the machine shall be concealed from view until the machine is prepared for the election and if the machine or machines are not used at the election the counting mechanism shall remain concealed from view until after the election.

The judges of each precinct shall meet at the polling place at least one hour before the time for opening the polls. The keys to the voting machines shall be delivered to one of the judges at least one hour before the time set for opening the polls in a sealed envelope on which shall be recorded the location and number of the voting machine, the number of the seal, and the number registered on the protective counter as reported by the custodian. The envelope containing the keys shall not be opened until the election officers of the precinct have examined the same to see that it has not been opened and shall have ascertained that the number registered on the protective counter and the numbers on the seals with which the machine is sealed correspond with the numbers recorded on the envelope containing the keys. If the envelope appears to have been opened, or if the numbers do not agree, or if the numbered metal seal is broken or has been tampered with, or if any other discrepancy is found, the judges shall immediately notify the custodian or other authorized person who shall present himself at the polling place and re-examine such machine and if found to be properly arranged and in order to so certify. If the numbers on the seals and on the protective counter are found to agree with the numbers on the envelope, the judges shall then open the door concealing the registering counters, and carefully examine every counter to see that it registers zero (000) and shall also allow the watchers to examine them. The judges shall then compare the ballot labels on the voting machine with the statements of canvass furnished, and see that the names and numbers, and letters, if any, thereon agree. The judges shall then sign a certificate showing the delivery of the keys in a sealed envelope, the number on the seal or seals, the number registered on the protective counter, that all the registering counters are set at zero (000), and that the ballot labels are properly placed in the machine.

Sec. 21. [206.20] Accessibility; instructions; assistance to voters. The voting machine or machines shall be so placed and protected that each machine shall be accessible to only one voter at a time and in full view of all of the election officers and watchers at the polling place. A judge shall inspect the face of each voting machine after each voter has

voted to see that the ballot labels are in their proper places and that the machine has not been injured or tampered with. During elections the door or other compartment of the machine shall not be locked or opened or the counters exposed except by a custodian or other authorized person, a statement of which shall be made and signed by the custodian or authorized person and attached to the returns.

For the instruction of the voters there shall be, so far as practicable in each polling place, at least one mechanical model being a mechanical reproduction of a portion of the face of the voting machine. Such model furnished shall be located during the election in some place which the voter must pass to reach the machine and every voter before entering the booth shall be instructed regarding its operation and such instruction illustrated on the model and the voter given the opportunity to personally operate the model. The voter's attention shall also be called to the diagram on the face of the machine so that the voter become familiar with the location of the questions and the names of the offices and candidates. At least one judge shall remain in constant attendance at the instruction model and diagram and occupy himself at all times with the duties of instructing the voters. If any voter after entering the voting machine booth shall ask for additional instruction in operating the machine such instruction shall be given him by two judges belonging to opposite political parties, if such there be. After giving such instruction such judges shall retire from the voting machine booth and such voter shall thereafter proceed to vote alone and in secrecy. If any voter at a primary election after entering the voting machine booth and setting the primary lever of a party so as to release the candidates of such party for voting, and turning down levers over the names of candidates, but before recording the votes for any candidates, shall state to the judges that he wishes to enter the primary of a different political party, the entire election board shall go to such machine and shall see that all voting levers have been returned to the unvoted position so that no votes may be cast for any candidates or for or against any questions or other propositions, and such voter shall then be permitted to return the operating lever to its original position and start from the beginning once more. In each such case the entire election board shall sign a certificate stating what was done and such certificate shall be returned with the official returns of the primary.

When any voter states under oath that he cannot read English, or that he is physically unable to operate the voting

machine in order to record his vote thereon, he may call to his aid one or more of the judges, who shall prepare his ballot on the machine as he may desire, and in as secret a manner as circumstances permit. When he also states that he cannot speak the English language or understand it when spoken, the judges may select two persons from different political parties to act as interpreters, who shall take an oath similar to that taken by the judges, and assist such person in voting. When the voter shall prefer, he may call to his aid any voter of the same precinct, who, unaccompanied by a judge, may retire with him to the voting machine booth and prepare such voter's ballot on such voting machine for him; but no such person shall prepare the ballot of more than three such voters at one election. Before registering his vote such voter may show his ballot, as prepared for recording, privately to a judge to ascertain that it is prepared as directed. No judge or other person so assisting a voter shall in any manner request, persuade, or induce, or attempt to persuade such voter to vote for or against any particular political party, candidate or question, but shall prepare the ballot as requested, and shall not reveal to any other person the name of any candidate for whom the voter has voted, or anything that took place while so assisting him.

The judges shall admit but one voter to the voting machine at one time and only after it has been ascertained that he is entitled to vote. The voting on the voting machine shall be secret except as herein provided for voters needing assistance and no voter shall remain within the voting machine booth longer than three minutes and if he shall refuse to leave it after the lapse of three minutes he shall be removed by the judges.

If the official ballots at a precinct at which a voting machine is to be used are not delivered at the time required, or if after delivery they shall become lost, destroyed or stolen the judges shall immediately notify the clerk or other authority under whose direction the ballots are printed who shall cause other ballots to be prepared, printed, or written as nearly in the form of the official ballot as practicable. The judges shall cause such substituted ballots to be used in the same manner as the official ballots.

Ballots cast for persons not nominated by the use of the machine device provided for that purpose shall be designated irregular ballots.

If any voting machine being used in any election shall become out of order during such election it shall be repaired

if possible or another machine substituted as promptly as possible. In case such substitution or repair cannot be made, paper ballots printed or written, and of any suitable form may be used for the taking of votes and for such purpose voting machine sample ballots may be used.

Sec. 22. [206.21] Locking of machines; proclamation of results: statements of canvass: opening of machines; irregular ballots: custody and care of machines. Subdivision 1. Reading and recording results. As soon as the polls of the election are closed, the judges shall immediately lock or lock and seal each voting machine against voting. The judges shall then sign a certificate stating that each machine has been locked against voting or locked and sealed; the number of voters as shown on the public counter; the number on the seal; the number registered on the protective counter. The judges shall then open the counter compartment in the presence of the watchers and any other persons who may lawfully be present in the polling place, giving full view of all the counter numbers. One of the judges shall, under the scrutiny of the judge of a different political party, if such there be, if more than three judges be serving in such precinct, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the designating number and letter, if any, on each counter for each candidate's name, the result as shown by the counter numbers, and shall then read the votes recorded for each office on the irregular ballots. He shall also in the same manner announce the vote on each constitutional amendment, proposition, or other question. As each vote total is announced from the counter of the machine, it shall immediately be entered on the duplicate statements of canvass, in figures only, in ink, by two judges of difference political parties, if such there be, in the same order on the space which has the same designating number and letter, if any, after which the figures shall be verified by being called off from the counters in the same manner as heretofore by a judge who recorded the totals on a statement of canvass during the original canvass of the results. If more than three judges are serving in such precinct, the other judge who recorded the totals on a statement of canvass during the original canvass shall act as watcher at the machine counters during the verification of the results. Each judge shall then sign a certificate which shall be a part of the statement of canvass stating that the results as shown on the statement of canvass are the true and correct results of the election, that the canvass has been completed in accordance with the law as herein provided. After the proclama-

tion of the vote, ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine and any necessary corrections shall then and there be made by the judges. If absent voters' ballots have been voted, such ballots shall be canvassed and counted, the vote thereon for each candidate announced and added to the vote as recorded on the statement of canvass of votes cast by machine. Absent voters' ballots and irregular ballots, enclosed in properly sealed packages respectively, and properly endorsed, shall be filed with the original statement of canvass. The judge filing the returns shall deliver to the board or officer from whom they were received, the keys to each voting machine, enclosed in a sealed envelope having endorsed thereon a certificate, the judges stating the number of each machine, the district where it has been used, the number of the seal, if any, and the number of the protective counter.

Subd. 2. Statements of canvass. In each district where voting machines are used, statements of canvass shall be printed to conform with the type of voting machine used. The designating number and letter, if any, on the counter for each candidate shall be printed next to the candidate's name on the statements of canvass. The arrangement of the names on the statement of canvass for each precinct shall conform exactly with the arrangement of the names on the voting machines to be used in such precinct. Such statements of canvass shall provide for the entry of the number of votes for each candidate and the "yes" and "no" of each question as shown on each machine used in the precinct; also for the absent voters' ballots and total number of votes, by such ballots and by machine, for each candidate and upon each question. Upon completion of the canvass the election judges shall enclose the statements of canvass in sealed envelopes without sewing with twine or sealing with wax. Such official statements of canvass may be opened by the authorities in charge of elections before the official canvass for the purpose of checking additions and compiling the unofficial returns and preparing the official records. Such official statements of canvass shall be used in lieu of the summary sheets which shall be dispensed with when voting machines are used.

Subd. 3. Opening of machines. The voting machines shall remain locked against use for a period of at least 30 days and as much longer as may be necessary or advisable because of any existing or threatened contest over the result of the election, except that at any time, upon the order of any judge of a court having jurisdiction any voting machine

may be opened and all data and figures therein examined; provided, that any voting machine used at a primary election may be opened ten days following such primary election if such opening becomes necessary in order to prepare the voting machine so used at such primary election for an election which is to be held on a day which is within 45 days after the day upon which such primary election is held; provided, further, that any voting machine used at a primary election, or a general election, in a village may be opened 10 days following such primary election and 20 days following such general election if such opening becomes necessary in order to prepare the voting machines so used at such primary election or general election for a village election which is to be held on a day which is within 30 days after the day upon which such primary or general election is held.

Subd. 4. **Irregular ballots.** Irregular ballots shall be preserved for six months after such election and the packages thereof may be opened and the contents thereof examined only upon an order of a judge of a court having jurisdiction, and after the expiration of such time, such ballots may be disposed of in the discretion of the officer or board having charge of them.

Subd. 5. **Custody of machines, keys.** The municipality adopting the machines shall have the custody thereof when not in use at an election and shall preserve and keep them in repair. All keys for voting machines shall be securely preserved under lock and key by the officer having them in charge. A public officer, who by any provision of law is entitled to the custody of the machine for any period of time, shall be entitled to the keys therefor of such machines in his charge. It shall be unlawful for an unauthorized person to have in his possession any keys of any voting machine; and all election officers or persons entrusted with such keys for election purposes or in preparation of the machine therefor shall not retain them longer than necessary to use them for such legal purpose.

Sec. 23. [206.22] **Definitions.** The word "ballot" or "ballot labels," as used in this article, shall be defined as that portion of the cardboard, paper or other material, within the ballot frames, containing the names of the candidate, the official title, party designation, or a statement of a proposed constitutional amendment or other question or proposition, with the word "Yes" for voting for any question or the word "No" for voting against any question.

The term "question" means a statement of any constitu-

tional amendment, proposition or other question appearing on the machine and to be submitted to the voters at any election.

The term "protective counter" means the separate counter built into the voting machine which cannot be reset, and which records the total number of movements of the operating mechanism.

The term "public counter" means the counter which shows during any period of voting the total number of voters who have operated the machine during the period of voting.

The term "primary lever" means the lever which the voter must operate in a political party primary to unlock the voting levers assigned to the candidates of the political party in the primary of which the voter wishes to vote.

The term "voting lever" means the lever which the voter must turn down over the name of the candidate and leave there in order to cast a vote for the candidate.

The term "operating lever" means the lever which the voter must move to the right to close the curtains of the machine and to unlock the machine to permit voting thereon, and which the voter must move to the left to open the curtains of the machine and to record his vote.

Sec. 24. [206.23] **Violations-penalties.** Any person who shall violate any of the rules and regulations adopted by the governing body of any municipality where voting machines are used, providing for the conduct of elections and primaries, or who shall violate any of the provisions of this article shall be guilty of a felony; and, upon conviction, punished by a fine of not more than \$1,000, or by imprisonment in the state prison for not more than one year.

ARTICLE VIII

ABSENT AND DISABLED VOTERS

Section 1. [207.01] **Definitions.** The words used in this article have the meanings prescribed to them in article I.

Sec. 2. [207.02] **Voting by mail.** Any person entitled to vote at any general election, any primary election, any city election, or any village or town election in villages or towns operating under the "Australian Ballot System," who is absent on the day such election is held from the precinct in which he is entitled to vote, or who by reason of illness or physical disability or because of religious discipline or observance of a religious holiday is unable to go to the polling

place of such precinct, may vote therein by having his ballot delivered by mail to the election board of such precinct on the day of such election, by complying with the provisions of this article. No person residing in a municipality now or hereafter having permanent registration of voters, as provided by article II, shall be permitted to so vote unless he has registered as a voter in accordance with such provisions.

Sec. 3. [207.03] Application for ballots. At any time not more than 45 days or less than one day before the day of holding any election, any person may make application in writing subscribed by him to the auditor of the county in which he is a resident for ballots and envelopes, by mailing to or filing with such auditor an application substantially in the following form:

“APPLICATION FOR BALLOTS

The undersigned, a duly qualified voter in the County of State of Minnesota, residing at (here insert street and number) in said city, village or town, because of (absence from home), (illness), (physical disability), (because of religious discipline or observance of a religious holiday) hereby makes application for the ballots to be voted upon in said precinct at the next election. Please mail said ballots and accompanying envelope to me at (insert post office address to which to be sent)

Dated, 19.....

.....
 (Signature of Applicant)”

Any person who shall wilfully make or sign any false certificates specified herein; any person who shall wilfully make any false or untrue statement in any “Application for Ballots”; any person who shall wilfully exhibit to any other person any ballot marked by him; any person who shall in any way wilfully do any act contrary to the terms and provisions of this article with intent to cast an illegal vote in any precinct or to aid another in so doing shall be guilty of a felony.

Sec. 4. [207.04] County auditor to be supplied with ballots. The several officers charged by law with the preparation, printing, and distribution of ballots shall, at least 15 days before any election, print and deliver to the county auditor a sufficient number of the ballots printed under their supervision, respectively, to enable the auditor to comply with the provisions of this article. It shall be the duty of the county

auditor to prepare and print the ballots prepared under his direction at least 15 days before such election.

Sec. 5. [207.05] Applications filed with auditor; delivery of ballots. Subdivision 1. Application, delivery. If any application is made either in person or by mail more than 30 days before election, the auditor shall file the same and forthwith on the delivery to him of the ballots, shall mail to the applicant without charge, at the address specified in the application one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelope hereinafter specified. If the application is made within 30 days of the election, he shall forthwith upon receipt of such application, mail, or deliver to the applicant, without charge, if he apply therefor in person, and fill out and sign the application blank specified in section 2 of this article, one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelopes hereinafter specified.

Subd. 2. Air mail. If an application requests delivery of ballots to a point outside the continental limits of the United States, ballots shall be transmitted by air mail, and the transmitting and return envelopes shall be marked with the words, printed thereon, "OFFICIAL ELECTION BALLOTING MATERIAL — VIA AIR MAIL."

Subd. 3. Priority in mailing. Priority in mailing shall be given to all ballots to be sent outside the United States. In the event the government of the United States or any branch, department, agency or other instrumentality thereof shall make provision for sending of any voting matter through the mails postage free, or otherwise, the election officials of the several counties of the state are authorized to make use thereof.

Subd. 4. Restrictions. No envelope, return envelope or explanatory note shall contain the name of any person who is a candidate at the election to which the enclosed ballot pertains.

Sec. 6. [207.06] Fees. The expense of such extra clerical assistance as may be required for the performance by the auditor of the duties imposed by this article; the cost of furnishing and printing the application blanks specified in section 6 of this article; the cost of furnishing and printing the envelopes and voters' certificates herein specified; the cost of postage both in forwarding and for the return of the ballots as herein specified and in delivering to the judges of the several precincts in his county the applications after the same

have been endorsed by him as herein specified, shall be paid by the county.

Sec. 7. [207.07] Auditor may employ additional help. Each county auditor is hereby authorized to employ such assistants, additional to those now authorized by law, as may be necessary to the carrying into effect of the provisions of this article, and the expense of such additional clerical assistance shall be paid by the county.

Sec. 8. [207.08] "Return" and "Ballot" Envelopes, "Directions to Voters". The auditor of each of the several counties shall mail or deliver to the applicant with the ballots two envelopes and "Directions to Voters." One envelope shall be known as the "Return Envelope" herein described, to conveniently enclose and contain the "Ballot Envelope" herein described. There shall be printed or written across the left hand end of this envelope, by the auditor, before delivery thereof to the applicant, the words:

"Return Envelope

Postmaster to deliver on Election Day."

The auditor shall also cause this "Return Envelope" to be addressed to the "Judges of Election" in the precincts in which the applicant is entitled to vote, such address shall be in a substantial conformity to one of the illustrations herein set forth and as the facts may require:

"To the Judges of Election,
Seventh Precinct, Third Ward,
City of Minneapolis,
Hennepin County,
Minnesota."

"To the Judges of Election, Rosedale Town,

.....
(Here insert name of post-office nearest voting place)
Hennepin County, Minnesota."

"To the Judges of Election, Village of Excelsior,
Excelsior, Hennepin County, Minnesota."

The auditor may vary any such form for addressing "Return Envelope" as the facts may require, but shall adopt such form of address as will best insure the prompt delivery of such envelope and contents to the judges on election day.

The county auditor shall also affix to this "Return Envelope" postage stamps sufficient in amount to pay the postage on the "Return Envelope," after the ballot envelope and voter's certificate herein prescribed have been enclosed therein.

There shall be printed on the back of this "Return Envelope" a certificate which shall be substantially in the following form:

"VOTER'S CERTIFICATE

County of)
State of) ss

I do swear that I am a citizen of the United States; that I am 21 years of age, and have been a legal resident of the State of Minnesota continuously during the six months last past; that I am an actual resident of the election precinct named in my application; that on the date of the ballots contained herein I will have legally resided therein for more than 30 days; that I do not intend to abandon my residence in said precinct prior to such date; that at said time I will be a qualified voter in said precinct.

(Signed)
(Voter)

Subscribed and sworn to before me this day of A.D., and I hereby certify that the affiant exhibited the enclosed ballots to me unmarked; that he then in my presence and in the presence of no other person, and in such manner that I could not see his vote, marked such ballots and enclosed and sealed the same in the ballot envelope; or that he was physically incapacitated from marking his ballots and that at his request I marked the ballots for him; that the affiant was not solicited or advised by me for or against any candidate or measure.

(Attesting Witness)

(Official Title)

(Here write name of office or official character of attesting witness, such as notary public, postmaster, etc.)"

The return envelope shall be so made as to open on the left hand end and the certificate above set forth shall be printed on the right hand three-fourths of the back of the envelope.

The following "Directions to Voters" shall be printed and furnished to each voter at the time such ballots are mailed or delivered in person.

"DIRECTIONS TO VOTERS

- (1) You may mark and mail your ballot at any place.
(2) The ballot must be marked and sealed in the "Ballot

Envelope" in the presence of an attesting witness, but in such a manner as to prevent such witness or any other person from knowing or learning how you have voted as to any candidate or proposition except that if you are physically incapacitated, you may request another to mark your ballots in the manner you intend to vote.

- (3) After marking and enclosing ballot in the "Ballot Envelope" you and attesting witness must each sign your respective names to the "Voter's Certificate" on back of the return envelope.
- (4) Enclose "Ballot Envelope" in "Return Envelope," seal the letter, you must sign and have attesting witness sign certificate on back of "Return Envelope" and then deposit same in the mail in presence of, or by the attesting witness.
- (5) The ballot may be marked and mailed at any time after you receive it from the county auditor; it should, however, be marked and mailed so as to arrive at your voting place on or before election day. If not there by that day it will not be counted.
- (6) Any Notary Public, United States postmaster, assistant United States Postmaster, United States postal supervisor, Clerk in charge of a contract postal station, or any officer having authority to administer an oath or take an acknowledgment may be an attesting witness.

If a postmaster, or assistant postmaster, or postal supervisor, or clerk in charge of a contract postal station acts as an attesting witness, his signature on the "Voter's Certificate" must be authenticated by the cancellation stamp of their respective post-offices. If one or the other officers named acts as attesting witness his signature on the "Voter's Certificate" must be authenticated with his official seal.

- (7) Remember that the officers above named are not bound to act as attesting witness for you.
- (8) Fold each ballot separately before placing it in "Ballot Envelope"; fold so that cross mark cannot be seen without unfolding, but so that facsimile signature of officer (secretary of state; county auditor, or city clerk) under whose direction the ballot is printed and appearing on the back of the ballot, can

be seen without unfolding the ballot. Do not put your name, initials or any other identifying mark on the ballot.

Sec. 9. [207.09] Application to be certified and sealed. The county auditor on mailing or delivering to an applicant ballots as hereinbefore specified, shall sign or cause to be signed by his deputy, and date the certificate printed on the application for ballots and shall authenticate such certificate with his official seal. All applications shall be preserved by the auditor and arranged by him according to precincts and the initial letter of the surname of the applicant. At the time he delivers the state and county ballots to the town, village and city clerks within his county, he shall also deliver to the respective town, village, and city clerks the applications theretofore received by him and endorsed by him. Such town, village and city clerks shall in turn deliver said applications so endorsed to the respective judges of the several precincts.

Sec. 10. [207.10] Voter to mail ballot. Any qualified voter of any precinct of this state to whom ballots have been delivered by the county auditor, may mark and mail the ballots so delivered to him at any place, the same to be marked and mailed in the manner specified in the directions to voters, set forth in section 8 of this article, and before an attesting witness belonging to one of the classes specified in the directions to voters.

Sec. 11. [207.11] Judges to receive and count ballots. The judges in the several precincts at any election shall receive all ballots delivered to them on election day by officers or employees of the United States postoffice department in due course of the business of that department and as herein provided, and deposit the same in the appropriate ballot box provided that they are satisfied that the person is a voter in such precinct and entitled to vote therein at such election; provided, further, that the conditions precedent hereinafter set forth, exist. Ballots so deposited shall be counted, canvassed and returned in the same manner and shall be given the same force and effect as the votes of other duly qualified voters who vote in person.

Upon a "Return Envelope" being delivered to the judges they shall open the same in such a manner as not to cut or mutilate the contents or deface or damage certificate or the signatures thereto on the outside thereof. They shall compare the signature of the voter on the outside of the "Return Envelope" with the signature on the "Application for Ballots" delivered to them as provided herein. If the judges or a majority

of them, shall be satisfied that the signature of the voter subscribed to the "Voter's Certificate" is the genuine signature of the person who made the "Application for Ballots," and if the signature of the voter has been properly authenticated as prescribed in the "Directions to Voters" set forth in this article, the judges, or one or more of them shall write the word "Received" on such "Ballot Envelope" and under such word his or their name or initials, provided that in municipalities in which registration of voters is required such ballots shall not be so marked unless the voter mailing in such ballots has been theretofore duly registered in such precinct, nor shall said ballots be so marked with the word "Received" if it appears from the registration file that such voter has already voted at such election, either in person or by mail. If the ballots are not received for the reason that the voter has failed to comply with the requirements herein set forth or has previously voted at such election, then such "Ballot Envelope" shall be marked "Rejected" and placed in the "Return Envelope" and placed with and returned to the county auditor with the unused ballots. No person who voted by mail as herein provided shall be permitted to thereafter vote in person in the same election.

If the "Ballot Envelope" is marked with the word "Received" as herein provided, the judges in charge of the register shall make an appropriate notation on the register of voters indicating that the voter has voted by mail; this shall be done by placing the letters "V.M." in the appropriate column opposite the voter's name.

The "Ballot Envelope" marked "Received" as aforesaid shall be carefully kept by the judges until the closing of the polls on the election day, but before any of the ballot boxes are opened, at which time the said "Ballot Envelope" shall be opened and the ballots therein taken therefrom and deposited by the judges in the proper ballot box. If there be more than one ballot of any kind enclosed in said "Ballot Envelope," then and in such case neither of such ballots of such kind shall be deposited in the ballot box, but all such kinds shall be placed with the spoiled ballots and returned as is provided for by law with reference to such spoiled ballots. The judges before depositing said ballots in the ballot boxes shall write their initials thereon in the same manner as is provided by law with reference to ballots delivered by them to voters in person.

Sec. 12. [207.12] Clerk to notify postoffice of precinct addresses. It shall be the duty of the clerk of each municipality having more than two voting precincts therein

to furnish to the postmaster of said municipality, at least two days before the day on which any election is held, a certified tabulated list of the polling places in each of the precincts of the municipality, describing the same by ward and precinct number and opposite each such description shall be set forth the respective location by street and number, of such polling place, this for the guidance of postoffice employees in delivering the "Return Envelopes."

Sec. 13. [207.13] County auditor to prepare applications. The county auditor shall prepare and print a suitable number of blanks for the "Application for ballots" described herein and deliver a copy thereof to any voter applying therefor.

Sec. 14. [207.14] Violations. Any person who shall wilfully make or sign any false certificates specified herein; any person who shall wilfully make any false or untrue statement in any "Application for Ballots"; any person who shall wilfully exhibit to any other person any ballot marked by him; any person who shall in any way wilfully do any act contrary to the terms and provisions of this article with intent to cast an illegal vote in any precinct or to aid another in so doing shall be guilty of a felony.

Sec. 15. [207.15] Disposition of fees. In the case of city elections in all cities, or village elections in all villages operating under the "Australian Ballot System," voter's applications for ballots shall be filed with the city or village clerk, no fees shall be required to be paid therefor, and the duties prescribed in this Part for the county auditor shall be performed by the city or village clerk, provided, however, that such duties may be, upon agreement, combined and performed by one of such officers. The cost of carrying out the provisions of this article for any such city or village election shall be paid by the city or village in which the same is held.

Sec. 16. [207.16] Declaration of policy. In recognition of the state's responsibility to facilitate so far as practicable the voting by its qualified electors who are serving in the armed forces of the United States, at elections held within the state, the legislature by sections 16 to 29 of this article makes necessary adjustments in the absent voting law to provide for the preparation and transmission of ballots to such electors within and without the United States and for the return of such ballots to be recorded at such elections. All county and local clerks and all election officials throughout the state are directed to cooperate to the fullest possible extent in

order to effectively carry out the purpose and intent of sections 16 to 29 of this article.

Sec. 17. [207.17] **Application of Minnesota Election Law.** Except as modified by sections 16 to 29 of this article, the provisions of the Minnesota Election law shall remain in full force and effect.

Sec. 18. [207.18] **Armed forces defined.** The term "armed forces" as used in sections 16 to 29 of this article shall refer to and include the Army and Navy, the Air Force, the Marine Corps and the Coast Guard of the United States, or the Merchant Marine of the United States, or the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots, the Salvation Army, the United Service Organizations and all other persons connected in any capacity with the Army or Navy of the United States, or the spouses or dependents of such persons if actually accompanying such persons and residing with them.

Sec. 19. [207.19] **Registration: request: ballot.** Subdivision 1. Registration for the primary and general elections may be made by or for any member of the armed forces over 21 years of age or who will attain the age of 21 years on or before the date of the next primary or general election occurring after such registration by the member of the armed forces himself or by a parent, spouse, or a brother, sister, or child over the age of eighteen years, by filing in the office of the county auditor of the county of which he was a resident prior to his entrance into the armed forces, a request for ballot is substantially the following form, whether said request for ballot is upon a form prepared and distributed by the war and navy departments or otherwise:

REQUEST FOR BALLOTS

To the County Auditor of County, Minnesota,
United States of America:

The name of the person for whom ballots are requested is He is a member of the armed forces of the United States. He expects to be absent from his place of residence in Minnesota on the primary or general election date. Request is therefore made that ballots be furnished to him to be used by him in voting at such elections and be sent to him at the address herein stated. He is a citizen of the United States. He is a resident of the State of Minnesota and has been such resident for more than six months last past. He was born on the day of

in the year His home and place of residence is and on said election days will be at in the (Town, City or Village) of County of, State of Minnesota.

His voting precinct according to the best information of the undersigned is (Give precinct and ward number or name of precinct if you know it.) Ballots are to be sent to said member of the armed forces at the following address:

.....

(If this request is signed by the spouse, parent, or a brother, sister, or child over the age of 18 years, of the member of the armed forces, fill in the following paragraph.) The relative who signs this request is the of said voter above-named, and is of the age of 18 years or over.

.....
 (signature of members of armed forces or relative)

Subscribed and sworn to before me this day of 19..... (State title of office. If officer of armed forces, must be a commissioned, non-commissioned, or petty officer not below rank of sergeant or its equivalent. Affix seal, if any.)

Subd. 2. Any such communication on request filed with or received by the county auditor shall be registered by the county auditor in a permanent record kept by him for such purpose, and the entry of said name in such register shall constitute the only registration necessary to entitle any member of the armed forces to vote at a primary or general election. Registrations under sections 16 to 29 of this article may be challenged in the manner provided for in law, except that the county auditor shall not be required to give notice to the voter, and all reasonable doubt shall be resolved in favor of the validity of such registration. If it appears from the communication or request that the applicant is not qualified to vote at the primary election but will be qualified to vote at the general election, then no primary ballot shall be forwarded to the applicant, but such communication or request shall nevertheless constitute a request for ballot for the general election. Should any such request or a communication in the form thereof be addressed to the secretary of state or any other

election official, the same shall immediately upon its receipt by said election official be forwarded to the county auditor of the county of residence of such registrant, as specified in such request, and shall have the same force and effect as if it were addressed to the county auditor. The county auditor shall, in no event, send more than one set of ballots to any member of the armed forces for each election.

Subd. 3. Every county auditor shall forthwith prepare at the expense of his county a sufficient supply of blank forms to be used to request that ballots be furnished a member of the armed forces and shall furnish such blanks to any person applying therefor.

Sec. 20. [207.20] **County auditor; duties.** Subdivision 1. The county auditor shall, as promptly as possible, mail an official ballot, or ballots if more than one are to be voted at the election, to every absent member of the armed forces who has been registered in accordance with the foregoing provisions. Registration for the primary election shall entitle the registrant to receive a general election ballot without further application, notwithstanding that the registrant may have failed to vote in the primary election. Said ballot or ballots shall be mailed by air mail, postage prepaid, in an envelope upon which shall be printed "OFFICIAL BALLOT." There shall also be sent in the same envelope a return air mail, stamped envelope addressed to the county auditor of the county in which said vote is to be cast, upon which shall be printed "OFFICIAL BALLOT" and upon the back of which shall be an affidavit in the following form:

THIS FORM MUST BE COMPLETED IN ORDER THAT
THE ENCLOSED BALLOT BE COUNTED:

I, do solemnly swear that I am over the age of 21 years or will be 21 years on or before (the date of the next primary or general election in Minnesota); that I am a citizen of the United States; that for more than six months prior to my entrance into the armed forces I was a resident of the state of Minnesota: that for more than thirty days prior thereto I resided at; that I have not cast another vote or returned another ballot for this election to any voting precinct; and that I am otherwise qualified to vote the enclosed ballot which I personally marked and sealed in this envelope without exhibiting it to any other person, or which, in case of my physical incapacity,

has been marked for me and sealed in this envelope under my personal direction.

Subscribed and sworn to before me
this.....day of.....19.....

(State title of office. If officer of armed forces, must be a commissioned, non-commissioned or petty officer (not below the rank of Sergeant or its equivalent). Affix seal, if any.) NOTE: Temporary change of dwelling place made necessary by military service does not affect the voter's residence.

Subd. 2. Priority in mailing shall be given to all ballots to be sent outside the United States. In the event the government of the United States or any branch, department, agency or other instrumentality thereof shall make provision for sending of any voting matter provided for in sections 16 to 29 of this article through the mails postage free, or otherwise, the election officials of the several counties of the state are authorized to make use thereof.

Subd. 3. No envelope, return envelope or explanatory note shall contain the name of any person who is a candidate at the election to which the enclosed ballot pertains.

Sec. 21. [207.21] Affidavit, how executed. Any affidavits made by an absent voter pursuant to the provisions of sections 16 to 29 of this article may be executed before a commissioned officer, warrant officer or non-commissioned officer not lower in grade than sergeant or its equivalent navy rating, or any other person authorized to administer oaths.

Sec. 22. [207.22] Ballot conform to provisions of the Minnesota Election Law. The ballots used under this section conform to the requirements of the Minnesota Election Law, except that if modification of the size of ballot or envelope, or weight or color of paper, is necessary to conform to mailing requirements of the federal authorities, state and county officials in charge of the preparation of such ballots and envelopes shall cause such modifications to be made. Ballots shall be marked pursuant to instructions contained thereon and shall be returned in the return envelope provided therefor.

Sec. 23. [207.23] Return of ballot. Upon receipt of the returned ballot, the county auditor shall stamp upon the ballot envelope the date of its receipt in his office and shall check the elector's name with his temporary registration

book to insure that the ballot is from a voter entitled to vote and that he has not already returned another ballot for the same election. Any discrepancy or disqualifying fact shall be noted by the county auditor on the envelope. In other respects the provisions of the Minnesota Election Law, as to deposit and counting of such ballots shall apply, except that failure to return unused ballots shall not invalidate the marked ballot, which shall be counted, and no ballot contained in a return envelope in which the affidavit upon the back thereof is not properly executed shall be counted. All ballots received by the county auditor before the closing hours of the polls shall be delivered by him to the proper polling places.

Sec. 24. [207.24] Cast of ballot in person, effect. If any person entitled to vote under the provision of sections 16 to 29 of this article casts his ballot in person on election day, then no absentee ballot shall be counted for such elector. If more than one absentee ballot is received from any elector entitled to vote under the provisions of sections 16 to 29 of this article, the ballot of such elector bearing the latest county auditor's date stamp shall be cast.

Sec. 25. [207.25] Death of voter. Whenever it shall be made to appear by due proof to the judges of election that any elector who has marked and forwarded his ballot as provided in sections 16 to 29 of this article, has died prior to the opening of the polls on the date of the election, then the ballot of such deceased elector shall be returned by the judges of election in the same manner as provided for rejected ballots; but the casting of the ballot of a deceased elector shall not invalidate the election.

Sec. 26. [207.26] Separate record. A separate record of the ballots of absent voters under sections 16 to 29 of this article shall be kept in the various voting precincts.

Sec. 27. [207.27] No time limit. There shall be no limitation of time for filing and receiving applications for ballots under sections 16 to 29 of this article.

Sec. 28. [207.28] Expense chargeable to general revenue. The county auditors of the several counties may incur such expenses and expend such amounts for clerk hire, postage and other expenses as are necessary to carry out the provisions of sections 16 to 29 of this article, the same to be paid from the general revenue funds of the counties.

Sec. 29. [207.29] Provisions exclusive. The provisions of sections 16 to 29 of this article shall constitute the

exclusive requirements for absentee voting by members of the armed forces.

ARTICLE IX PRESIDENTIAL ELECTORS

Section 1. [208.01] **Definitions.** The words used in this article have the meanings prescribed to them in article I.

Sec. 2. [208.02] **Election of presidential electors.** Presidential electors shall be chosen at the general election held in the year preceding the expiration of the term of the president of the United States.

Sec. 3. [208.03] **Nomination of presidential electors.** Presidential electors for the several political parties of this state shall hereafter be nominated by delegate conventions called and held under the supervision of the respective state central committees of the several parties of this state. The names of the persons nominated as presidential electors shall be certified to the secretary of state by the chairman of such convention for the office of presidential elector.

Sec. 4. [208.04] **Preparation of ballots.** When presidential electors are to be voted for, a vote cast for the party candidates for president and vice-president shall be deemed a vote for that party's electors as filed with the secretary of state. The secretary of state shall cause the names of the candidates of each political party to be printed in capital letters, set in ten-point type, before the party designation. To the left of, and on a line of such surnames, near the margin, shall be placed a square or box, in which the voter may indicate his choice by marking an "X", and one such mark opposite the candidate's name of any one party shall be counted as a vote for each elector in the party group on file with the secretary of state.

The form for the Presidential Ballot shall be as follows:

Put an (X) opposite the name of the Presidential Candidate you wish to vote for, in the box indicated by the arrow.

PRESIDENTIAL BALLOT

Mark you (X) in one Box Only

STEVENSON and KEFAUVER - Democratic-Farmer-Labor
EISENHOWER and NIXON - Republican

The relative position of the several candidates shall be determined by the rules applicable to other state officers. The

state ballot, with the required heading, shall be printed below the presidential ballot with a blank space between one inch in width.

Sec. 5. [208.05] **State canvassing board.** The state canvassing board at its meeting on the second Tuesday after each such general election shall open and canvass the returns made to the secretary of state for presidential electors, and prepare a statement of the number of votes cast for the several persons receiving votes for these offices, and declare the person or persons receiving the highest number of votes for each office duly elected. When it appears that more than the number of persons to be elected as presidential electors have the highest and an equal number of votes, the secretary of state, in the presence of the board shall decide by lot which of such persons shall be declared elected. The governor shall transmit to each person so declared elected a certificate of election, signed by him, sealed with the state seal, and countersigned by the secretary of state; and immediately after the canvass is completed he shall cause a statement of their election to be published in one or more of the newspapers printed at the state capitol.

Sec. 6. [208.06] **Electors to meet at capitol—filling of vacancies.** Every presidential elector, before 12:00 M. on the day next preceding that fixed by congress for such electors to vote for president and vice president of the United States, shall notify the governor that he is at the state capitol, and ready at the proper time to fulfill his duties as such elector. The governor shall thereupon deliver to the electors present a certificate of the names of all the electors, and if any elector named therein fails to appear before 9:00 A.M. on the day, and at the place, fixed for voting for president and vice president of the United States, the electors then present shall, in the presence of the governor, immediately elect by ballot a person to fill such vacancy. If more than the number of persons so required have the highest and an equal number of votes, the governor, in the presence of the electors attending, shall decide by lot which of the persons shall be elected.

Sec. 7. [208.07] **Certificate of electors.** Immediately after such vacancies have been filled, the electors present originally chosen shall certify to the governor the names of the persons so elected to complete their number, and the governor shall at once cause written notice to be given to each person so elected to fill a vacancy; and the persons so chosen shall be presidential electors, and meet and act with the other electors.

Sec. 8. [208.08] **Electors to meet at state capitol.** Such original and substituted presidential electors, at 12:00 M., shall meet in the executive chamber, at the state capitol, and then and there perform all and singular the duties imposed upon them as such electors by the constitution and laws of the United States and this state.

ARTICLE X ELECTION CONTESTS

Section 1. [209.01] **Definitions.** The words used in this article have the meanings prescribed to them in article I.

Sec. 2. [209.02] **Who may institute contest.** Any 25 voters of the state, or of any political subdivision thereof, may contest the right of any person to nomination, position, or office for which these voters had the right to vote, on the ground of deliberate, serious, and material violation of the provisions of the Minnesota Election law or of any other provisions of law relating to nominations and elections. Any defeated candidate for a nomination, position, or office may make the contest. The proceeding shall be commenced by petition filed in the district court of the county in which the candidate whose election is contested resides, and the contest shall be carried on according to law.

In case of contests over nomination, the court shall pronounce whether the incumbent or contestant was duly nominated, and the person so declared nominated shall have his name printed on the official ballots.

Sec. 3. [209.03] **Watchers for ballot boxes.** In counties having a population of 200,000 or more, and in all cities of the first class any candidate for office at any election, upon demand made upon the custodian of the ballots, shall be entitled, either by himself, or his duly authorized agent, or agents, not exceeding two at any one time, to maintain continuous, visual watch over these boxes at all hours of the day and night until the expiration of the time for instituting contests; and, in case of the instituting of contest or contests, either party to such contest, upon demand upon the custodian of the ballots and upon notice to the opposing party to such contest, shall be entitled by himself, or his duly authorized agent or agents, not exceeding two at any one time, to maintain an actual, visual watch over such ballot boxes at all hours of the day and night. In event of such demand, either by candidate or party to a contest, the custodian of such ballots shall be authorized to appoint some suitable

person as watchman over such ballot boxes during such hours as he shall deem necessary, in order to prevent leaving the same in the sole custody of such candidate or contestant, or his agent or agents.

Sec. 4. [209.04] Candidate may file contest — notice. Any candidate for the office of senator or representative for any legislative district may contest the validity of the election of any person declared elected to such office, by filing with the clerk of the district court of the county of the residence of the contestee, and upon the official authorized to issue the certificate of election, within ten days after the canvass is completed, a written notice of contest, specifying the points upon which the contest will be made.

The notice shall be served upon the contestee, within five days thereafter, in the manner provided for the service of a summons in a civil action, or within the time and in the manner prescribed for serving notices in section 8 of this article. The contestee may, within ten days after the service of such notice, serve upon the contestant a notice specifying additional points upon which he desires to offer evidence upon the right to hold such office.

Sec. 5. [209.05] Inspection of ballots. An inspection of ballots may be had upon the application of either party to the contest, in accordance with section 9 of this article, which shall apply to contests under this section insofar as section 9 of this article may be applicable, including the provision of furnishing a bond for the sum of \$250. Three inspectors of ballots shall be appointed, as provided for in section 9 of this article, in the case of a contest for a county office. The inspectors shall recanvass the votes and ballots cast for the parties to the contest in accordance with the rules for counting ballots provided in the Minnesota Election Law. They shall make a written report of such recount and recanvass, and report the number of votes cast for each of the parties to the contest in each voting precinct and report any disputed ballots upon which the inspectors cannot agree.

Sec. 6. [209.06] Trial. The contest proceedings shall be brought on for trial, as provided in section 8 of this article, within 20 days after the filing of the notice of contest. The only questions to be tried by the court shall be as to which of the parties to the contest received the highest number of votes legally cast at the election, and as to who is entitled to receive the certificate of election. The judge trying the proceedings shall make findings upon the questions so tried. Further evidence upon the points specified in the notices shall

be taken and preserved by the judge trying the contest, or under his direction by some person appointed by him for that purpose.

When a contest is instituted under this article, the county auditor and secretary of state shall refrain from issuing a certificate of election until the final determination of the question as to which of the parties is entitled to the certificate of election. He shall then issue the certificate to the one so found to be entitled to the certificate.

Either party may appeal to the supreme court from the determination of the district court in accordance with the provisions of section 10 of this article, within five days after notice of filing the decision.

Upon application of either of the parties to the contest, the clerk of the district court shall transmit all the files and records of the proceedings with all the evidence taken to the presiding officers of the house by which the contest is to be tried.

Sec. 7. [209.07] Conduct of contest. In hearing the contest, the house shall proceed as follows:

1. At the time appointed, the parties shall be called, and, if they appear, their appearance shall be recorded;
2. If the presiding officer be a party, a speaker pro tem shall be elected to preside;
3. The contestant's evidence shall be submitted first, followed by that of the contestee, and the contestee shall open the argument, and close the same after the contestee has been heard;
4. The vote upon the contest shall viva voce, any member may offer reasons for the vote he intends to give, and a majority of the votes given shall decide; but no party to the contest shall vote upon any question relative thereto; and
5. The clerk or secretary shall enter the proceedings in the journal.

Sec. 8. [209.08] Voter may contest election. Any voter may contest the election of any person for or against whom he had the right to vote, who is declared elected to a state, county or municipal office, or the declared result upon a constitutional amendment or other question submitted to popular vote, by proceeding as follows: He shall file with the clerk of the district court of the county of his residence, with-

in ten days after the canvass is completed a written notice of contest, specifying the points upon which the contest will be made, and cause a copy thereof to be served within said period upon the contestee and upon the official authorized to issue the certificate of election, when the contest relates to the election of an officer, upon the secretary of state when it is a matter submitted to popular vote which affects the entire state, or any subdivision thereof larger than a county, upon the auditor when it effects a single county, and in all cases upon the municipality affected. In case of a contest as to a state office, the notice may be filed in any district court of the state, but the place of trial may be changed as in civil actions. When the contestee desires to offer testimony on points not specified in contestant's notice, he shall file and serve on the contestant notice thereof specifying such additional points. Such notices shall be treated as the pleadings in the case, and may be amended in the discretion of the court. All notices provided for herein shall be served in such manner and within such times as the court may by order direct, and the testimony shall be taken, and the matter tried and determined, in the same manner as such actions are tried by the court, at a general or special term, in any, occurring within 30 days after such canvass. When no term is already fixed, the judge shall seasonably appoint a special term to be held within such time.

Sec. 9. [209.09] Inspection of ballots. After a contest has been instituted, either party may have the ballots inspected before preparing for trial. The party applying for such inspection shall file with the clerk a verified petition, stating that he cannot properly prepare his case for trial without an inspection of such ballots, and thereupon the judge of the court shall appoint three persons, for a county or municipal office, or other question submitted to popular vote in any county or municipality, one selected by each of the parties and a third by those two by whom such inspection shall be made. If the contest relates to a state office, or to the declared result upon a constitutional amendment or other question submitted to popular vote throughout the state a judge of the court shall issue an order directing that all ballots pertaining to such contest be forthwith transmitted to the secretary of state by the several county auditors of the state. Such ballots, together with the sealed envelopes in which they were returned by the judges, shall be properly boxed and sealed before shipment. They shall be shipped by express and it shall be the duty of the transportation company having in charge the transportation of such ballots to properly safeguard the

same from the time they are received until they are delivered to the secretary of state. The order may be served upon the several county auditors by registered mail. Such order may be modified as to the most populous counties and provision made for inspecting the ballots of such counties at the county seats thereof. Before such order is issued the applicant therefor shall deposit with the secretary of state a sum of money sufficient to pay all expenses connected with the transportation of such ballots. No compensation shall be allowed the county auditor for his services in preparing such ballots for shipment. In state contests the judge of the court shall appoint as many sets of three persons as may be necessary to expeditiously count and inspect the ballots in the office of the secretary of state, or elsewhere. Such inspectors shall be selected in the same manner as for county or municipal contests. Contests for district judge, or other offices not specifically provided for herein, shall be conducted under this section, the procedure therefore to be fixed by the court. Inspection of ballots shall be conducted in the presence of the legal custodian of the ballots and the party applying therefor shall file with the clerk a bond in the sum of \$250, if the contest be within a single county; otherwise such bonds shall be in a sum to be fixed by the court in its discretion, with two sureties, and conditioned that he will pay the costs and expenses of such in case he fails to maintain his contest. If the contestant prevails in his contest the cost shall be taxed against the contestee. In case either party neglects or refuses to name an inspector, he shall be named by the judge. The compensation of inspectors shall be the same as for referees, unless otherwise stipulated. Any court of proper jurisdiction may order the return of any ballots to the county from which they were sent, after inspection, if necessary to be used in any other contest proceeding. The secretary of state shall preserve any ballots in his possession until the next general election, unless otherwise directed by order of court.

Sec. 10. [209.10] **Appeal — bond.** When an appeal is taken to the supreme court from the determination of the district court in any contest instituted under section 8 of this article, the party appealing shall file in the district court a bond in such sum, not less than \$500, and with such sureties, as shall be approved by the judge, conditioned for the payment of all costs incurred by the respondent in case appellant fails on his appeal. The return of such appeal shall be made, certified, and filed in the supreme court within 15 days after service of notice of appeal. The appeal may be brought on for hearing in the court at any time when it is in session,

upon ten days' notice from either party, which may be served during term time or in vacation; and it may be heard and determined summarily by the court.

Sec. 11. [209.11] Determination of contest. When in any contested election the tribunal hearing the contest shall determine that the ballots used in any precinct by reason of the omission, addition, misplacing, misspelling or misstatement of one or more titles of offices, names of candidates, or parties or policies represented by them, were so defective, as to the office in contest, as to be calculated to mislead the voters in regard to any of the candidates for the office, and that the defective condition of the ballots may have affected the result of the entire election for such office, the election shall be declared invalid as to that office.

ARTICLE XI

Penal Provisions

Section 1. [210.01] Definitions. The words used in this article have the meanings prescribed to them in article I.

Sec. 2. [210.02] False registration. Every person who causes or attempts to cause his name to be registered in more than one precinct, or in any precinct, knowing that he is not a qualified voter thereof, or who falsely represents himself to be a person other than he is, when attempting to register for the purpose of voting at any election, or when applying for a ballot or offering his ballot to be deposited in a ballot box, or when offering to vote by means of a voting machine or otherwise, whether the person he represents himself to be is living or dead, or a fictitious person, and every person who aids, abets, counsels, or procures any other person to do any of the acts herein mentioned, shall be guilty of a felony.

Sec. 3. [210.03] Offering duplicate ballots. Every person who wrongfully delivers to a judge, to be placed in a box, more than one ballot of the same kind and color, or who fraudulently puts a ballot into any box, or who, not being a qualified voter, votes at any election with unlawful intent, or who votes more than once at the same election, or who procures, aids, assists, or advises another to go into any county, town or precinct for the purpose of voting, knowing that such person is not qualified to vote therein, shall be guilty of a felony.

Sec. 4. [210.04] Bribery. Every person who wil-

fully, directly or indirectly, pays, gives, or lends any money or other thing of value, or who offers, promises, or endeavors to procure any money, place, employment, or other valuable consideration, to or for any voter, or to or for any other person, in order to induce any voter to refrain from voting, or to vote in any particular way, at any election, shall be guilty of a felony.

Sec. 5. [201.05] Advancing money unlawfully. Every person who directly or indirectly advances, pays, contributes, furnishes, or pledges any valuable thing or consideration, or cause the same to be done, to or for the use of any other person, with the intent that such advancement, payment, contribution, pledge, or any part thereof, shall be expended or used in bribery at any election, or in fulfillment of any promised bribe, shall be guilty of a felony.

Sec. 6. [210.06] Improperly influencing or coercing voters. Every judge, officer, or other person, who, within or without any polling place, directly or indirectly uses or threatens to use any force, violence, or restraint, or causes or threatens to cause any damage, harm, or loss to any person, with intent to induce, or in any way attempts to induce or compel, such person, or any other person, to vote or refrain from voting at any election, or to vote in any particular way, or who within any polling room, or in any booth or room connected therewith, or within 100 feet from the entrance to any such polling place, asks, persuades, or endeavors to persuade any person to vote for or against any particular candidate, party, or proposition, or who, by abduction, duress, or any fraudulent device or contrivance, impedes or prevents the free exercise of the franchise at any election, or who by any such means, compels, induces, or prevails upon any voter either to give or refrain from giving his vote at any election, shall be guilty of a gross misdemeanor.

Sec. 7. [210.07] Defacing poll lists or removing ballots. Every person who tears down, mutilates, defaces, or otherwise injures any file of names or card of instructions to voters posted or otherwise placed outside or inside of any polling place or booth by any board of registration or other official, or who, before the closing of the polls, removes from the polling place any ballots printed for use at such election, or any supplies or conveniences placed in or about any booth for the use of voters in preparing their ballots, shall be guilty of a gross misdemeanor.

Sec. 8. [210.08] Damaging election equipment. Every person who shall wilfully take or carry away from any

polling place, or deface, mutilate, damage, or add to any ballot, file, or election register or any name or figure therein, shall be guilty of a felony.

Sec. 9. [210.09] Failure to deliver certificate of nomination. Every secretary of a delegate convention who fails or neglects to immediately deliver, to the officer charged with the printing of the ballots upon which the name of a candidate of such convention is to be placed, the certificate of nomination of such candidate, shall be guilty of a misdemeanor.

Sec. 10. [210.10] Negligently printing ballots. Every person authorized to print, or employed in printing, official ballots, who knowingly gives or delivers any of such ballots to, or knowingly permits any of the same to be taken by, any person other than the official under whose direction they are being printed, or knowingly prints or causes or permits to be printed any ballot in a form other than that prescribed by law, or with any other names thereon, or with the names spelled or the names of officers arranged thereon in any way other than that authorized and directed by said official, shall be guilty of a felony.

Sec. 11. [210.11] Defamatory circulars. Every person who writes, prints, posts, or distributes, or causes to be written, printed, posted, or distributed, any circular, poster, or other written or printed matter which is designed or tends to injure or defeat any candidate for nomination or election to a public office by reflecting on his personal or political character or acts, shall be guilty of a gross misdemeanor.

Sec. 12. [210.12] Refusing employee election privilege. Every person who as principal or as an official or agent of any other person, shall directly or indirectly refuse, abridge, or in any manner interfere with any of the election privileges or immunities of any employee of himself or his principal, shall be guilty of a misdemeanor.

Sec. 13. [210.13] Only election officials may handle ballots. Every person, except a judge, who during any canvass of votes shall handle, touch, or interfere with any of the ballots being canvassed, and every judge permitting the same to be done shall be guilty of a misdemeanor.

Sec. 14. [210.14] Mismarking ballots—disclosing how marked. Every election official or other person who marks the ballot of any voter, except in the cases and in the manner provided by law, or who informs any person other than such voter how any such ballot was marked, shall be guilty of a gross misdemeanor.

Sec. 15. [210.15] **Neglect of officials.** Every election officer or other person required by law to safely keep and produce on election day the ballots entrusted to him or to perform any other act, who wilfully fails or refuses to do the thing so required, or who is required by law to abstain from any act, and wilfully does such act, or who in either of such cases is guilty of any fraud, corruption, partiality or misbehavior in conducting or aiding in the conduct of any election, or in canvassing or making returns of votes, or who wrongfully refuses to make or deliver any certificate of election, or who falsely or corruptly performs any required act, the punishment whereof has not been otherwise expressly provided for by law, shall be guilty of a felony.

Sec. 16. [210.16] **Election messenger's failure to deliver returns.** Every messenger appointed by authority of law to receive and carry a report, certificate, or certified copy of any statement relating to the result of any election, who shall wilfully mutilate, tear, deface, obliterate, or destroy the same, or do any other act which shall prevent the delivery of it as required by law, and every person who shall accept or take away from such messenger any such report, certificate, or copy, with intent to prevent its delivery, or who shall wilfully do any injury or act herein specified, shall be guilty of a felony.

Sec. 17. [210.17] **Unlawful expenditures.** Every candidate for nomination or election to a public office, who within ten days before any primary held to nominate, or to elect delegates to a convention called to nominate, a candidate for such office or who within 60 days before the election at which an incumbent is to be chosen for such office, directly or indirectly, gives or provides, or pays, wholly or partly, or promises to pay, wholly or partly, the expense of giving or providing any food, drink, or entertainment to or for any person with intent to corruptly influence such person, or any other person, to give or refrain from giving his vote at such election, or to vote or refrain from voting in a particular way, shall be guilty of a misdemeanor.

Sec. 18. [210.18] **Filing statements by treasurer.** Every treasurer or other person who receives any money to be applied to any of the election purposes for which expenditures are permitted by law, who fails to file the statement and account respecting the same required by article XII within the time prescribed, shall be guilty of a misdemeanor.

Sec. 19. [210.19] **Failure of treasurer to keep accounts.** Every such treasurer or other person who receives

any money to be applied to the purposes aforesaid, who fails to keep a correct book of account containing all the statements and details required by law, with intent to conceal the receipt or disbursement of any sum of money received or disbursed by him or by any other person, or the purpose for which the same was received or disbursed, or to conceal the existence of any unpaid debt or obligation, or the amount thereof, or to whom the same is due, in detail, or who shall mutilate, deface, or destroy such book with like intent, shall be guilty of a misdemeanor.

Sec. 20. [210.20] Failure by candidate to file statement. Every candidate for nomination or election to any elective office, who fails to make and file the verified statement of moneys contributed, disbursed, expended, or promised by him, or by any other person, committee, or organization for him, so far as he can learn, in the manner, within the time, and with the details required by law, or who enters upon the duties of any such office, or receives any salary or emolument therefrom, before he has so filed such statement, and every officer who issues a commission or certificate of election to any person before such statement shall have been so filed, shall be guilty of a gross misdemeanor.

Sec. 21. [210.21] Contributions by corporations—penalties. It shall be unlawful for any corporations organized for pecuniary profit that are the subjects of public supervision to make a contribution of moneys from its corporation funds to any political committee or to any person for the purpose of aiding in carrying on any political canvass for the nomination or election of any person or persons to any office whatever. Any officer, stockholder, agent or employee of any such corporation who shall take part in or consent to the making of a contribution of moneys or of any other thing of value contrary to the provisions of article XII shall be guilty of a felony and fined not exceeding \$1,000 or be imprisoned in the state prison not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

ARTICLE XII

CORRUPT PRACTICES

Section 1. [211.01] Definitions. Subdivision 1. The words used in this article have the meanings prescribed to them in article I; and the words defined in this section are applicable for the purpose of construing this article.

Subd. 2. Any act shall be deemed to have been for

“political purposes” when the act is of a nature, is done with the intent, or is done in such way, as to influence or tend to influence, directly or indirectly, voting at any primary or election or on account of any person having voted, or refrained from voting, or being about to vote or refrain from voting at any election or primary.

Subd. 3. “Candidate” means every person for whom it is contemplated or desired that votes may be cast at any election or primary, and who either tacitly or expressly consents to be so considered, except candidates for president and vice president of the United States.

Subd. 4. “Disbursements” means every act by or through which any money, property, office, or position or other thing of value passes or is directly or indirectly conveyed, given, promised, paid, expended, pledged, contributed, or lent, and also any money, property, office, or position or other thing of value so given, provided, paid, expended, promised, pledged, contributed, or lent.

Subd. 5. “Filing office”, when used with reference to any candidate, shall be construed to mean the officer who is authorized by law to issue a certificate of nomination or election to such candidate if he be successful. If there be no officer authorized to issue such certificate of nomination or election, then such terms shall be construed to mean the clerk of the town, city, or village in which such candidate resides.

Subd. 6. “Personal campaign committee” means any committee appointed by a candidate for any election.

Subd. 7. “Party Committee” means any committee appointed or elected to represent any political party with a party organization in this state.

Subd. 8. Every two or more persons elected or appointed by any political party or association for the purpose, wholly or partly, of raising, collecting, or disbursing money, or directing the raising, collecting or disbursing thereof, for nomination or election purposes, and every two or more persons who shall co-operate in the raising, collecting, or disbursing of money used, or to be used for or against the election to public office of any person or any class or number of persons, or for or against the adoption of any law, ordinance, or constitutional amendment, shall be deemed a “political committee” within the meaning of this article.

Subd. 9. “Committee” means any personal campaign

committee, party committee, or political committee, unless the intent is clearly shown to be otherwise.

Sec. 2. [211.02] **Legal expenses.** No candidate for nomination or election to any elective office in this state coming within the provisions of this article shall directly or indirectly pay, expend, or contribute any money or other valuable thing, or promise to do so, except for the following purposes, which are hereby declared to be legal expenses:

(1) For the candidates' necessary personal traveling expenses, for postage, telegraph, telephone, or other public messenger service;

(2) For rent and necessary furnishing of hall or room during such candidacy, for the delivery of speeches, and for radio broadcasting, relative to principles or candidates;

(3) For payment of speakers and musicians at public meetings, and their necessary traveling expenses;

(4) Printing and distribution of lists of candidates, sample ballots, pamphlets, newspapers, circulars, cards, hand bills, posters and announcements relative to candidates, or public issues or principles;

(5) For copying and classifying election registers, for making canvasses of voters and for challengers at the polls;

(6) For filing fees to the proper public officer, and if nominated at any primary for contributions to the party committee;

(7) For campaign advertising in newspapers, periodicals, or magazines pursuant to the provisions of section 32 of this article.

Sec. 3. [211.03] **Paid advertisements in newspapers.** No publisher of a newspaper, periodical, or magazine shall insert either in the advertising columns of such newspaper, magazine, or periodical, or elsewhere therein, any matter paid or to be paid for which is intended or tends to influence directly or indirectly any voting at any primary or general election unless at the head of the matter is printed in pica capital letters the words "Paid Advertisement," and unless there is a statement at the head of the matter of the amount paid or to be paid therefor, or a statement that the same is to be paid at regular advertising rates, the name and address of the candidate in whose behalf the matter is inserted and of any other person, if any, authorizing the publication and the name of the author thereof.

Sec. 4. [211.04] Shall not be interested in newspaper — exception. Every candidate and every member of any personal campaign or party committee, who shall either in his own name or in the name of any other person, own any financial interest in any newspaper or periodical circulating in part or in whole in Minnesota, shall, before such newspaper or periodical shall print any matter otherwise than as is provided in section 3 of this article, which is intended or tends to influence directly or indirectly any voting at any election or primary in this state, file in the office of the auditor of the county in which he resides a verified declaration, stating definitely the newspaper or periodical in which or over which he has such financial interest or control, and the exact nature and extent of such interest or control. The editor, manager, or other person controlling the publication of any such newspaper or article, who shall print or cause to be printed any such matter contrary to the provisions of this article, prior to the filing of such verified declaration from any person required by this section to file such declaration, shall be guilty of a violation hereof.

Sec. 5. [211.05] Compensation except for "paid ad" prohibited. No owner, publisher, editor, reporter, agent, or employee of any newspaper or periodical shall directly or indirectly solicit, receive, or accept any payment, promise, or compensation, nor shall any person pay or promise to pay, or in any manner compensate any such owner, publisher, editor, reporter, agent, or employee directly or indirectly for influencing or attempting to influence through any printed matter in such newspaper or periodical any voting at any election or primary through any means except through the matter inserted in such newspaper or periodical as "PAID ADVERTISEMENT," and so designated as provided by this article.

Sec. 6. [211.06] Expenditures, limit. No disbursement shall be made and no obligation, express or implied, to make such disbursement, shall be incurred by or on behalf of any candidate for any office under the constitution or laws of this state, or under the ordinance of any municipality of this state in his campaign for nomination and election, which shall be in the aggregate in excess of the amounts herein specified:

- (1) For governor, \$7,000;
- (2) For other state officers, \$3,500;
- (3) For state senator, \$800;

(4) For member of house of representatives, \$600;

(5) For presidential elector-at-large, \$500; and for presidential elector for any congressional district, \$100;

(6) For any county, city, village, or town officer, for any judge or for any officer not hereinbefore mentioned, who, if nominated and elected, would receive a salary, a sum not exceeding one-third of the salary to which each person would, if elected, be entitled during the first year of his incumbency in such office. If such person, when nominated and elected, would not receive a salary, a sum not exceeding one-third of the compensation which his predecessor received during the first year of such predecessor's incumbency. If such officer, when nominated and elected, would not receive a salary and if such officer had no predecessor, and in all cases not specifically provided for, \$100, and no more.

Sec. 7. [211.07] Solicitation of contributions prohibited. No person shall demand, solicit, ask, or invite any payment or contribution to any religious, charitable, or other causes or organizations, supposedly to be primarily for the public good, from any candidate for nomination or election, or to subscribe for the support of any club, or organization, or to buy tickets to any entertainment or ball or to pay for space in any book, program, periodical, or publication, nor shall such demand or solicitation be made upon any committee. This shall not apply to the solicitation of any business advertisement in periodicals in which the candidate was a regular contributor, prior to his candidacy, nor to ordinary business advertisements, nor to regular payments of any organization religious, charitable, or otherwise, of which he was a member, or to which he was a contributor for more than six months before his candidacy, nor to any ordinary contributions at church services.

Sec. 8. [211.08] Campaign literature matter must include names. Any person or committee who shall publish, issue, or circulate, or cause to be published, issued, or circulated, otherwise than in a newspaper, as provided in section 3 of this article, any literature or any publication tending to influence voting at any primary or election which fails to bear on the face thereof the name and address of the author, the name and address of the candidate in whose behalf the same is published, issued, or circulated, and the name and address of any other person or committee causing the same to be published, issued or circulated, and any person, firm, corporation or committee who shall knowingly make or publish or cause to be published, any false statement in relation to any candi-

date or proposition to be voted upon, which statement is intended to or tends to affect any voting at any primary or election, shall be guilty of a misdemeanor; provided, nothing herein contained shall be construed as modifying or repealing any of the provisions of section 10 of this article.

Sec. 9. [211.09] Certain solicitations prohibited. No person shall solicit, receive, or accept any money, property, or other thing of value, or any promise or pledge thereof, constituting a disbursement prohibited by this article.

Sec. 10. [211.10] Shall not induce person to become a candidate or refrain therefrom. No person shall pay, or promise to reward another in any manner or form for the purpose of inducing him to be or refrain from or cease being a candidate, and no person shall solicit or receive any payment, promise, or reward from another for such purpose.

Sec. 11. [211.11] Treating by candidates prohibited. No person or candidate shall, either by himself or by any other person, while such candidate is seeking a nomination or election, directly or indirectly, give, provide, or pay, wholly or in part, the expenses of giving or providing any meat, drink or other entertainment or provisions, clothing, liquors, cigars, or tobacco, to or for any person for the purpose of or with intent to influence that person or any other person to give or refrain from giving his vote at such primary or election to or for any candidate or political party ticket, or measure before the people or on account of such person or other person having voted or refrained from voting for any candidate or the candidates of any political party or organization or measure before the people, or being about to vote, or refrain from voting, at such election. No elector shall accept any such meat, drink, entertainment, provision, clothing, liquor, cigars, or tobacco, and such acceptance shall be a ground of challenge to his vote and of rejecting his vote on a contest.

Sec. 12. [211.12] Undue influence by candidates prohibited. No person shall directly or indirectly by himself or any other person in his behalf, make use of or threaten to make use of any force, coercion, violence, restraint, or undue influence, or inflict or threaten to inflict by himself, or any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting for any candidate or the ticket of any political party, or any measure before the people, nor shall by abduction, duress, or any fraudulent contrivance, impede or prevent the free exercise of the franchise

of any voter at any primary or election, or compel, induce, or prevail upon any elector to give or to refrain from giving his vote at any primary or election.

Sec. 13. [211.13] Making of wagers prohibited. Any candidate who, before or during any primary or election campaign, makes any bet or wager of anything of pecuniary value, or in any manner becomes a party to any such bet or wager on the result of the primary or election in his electoral district, in any part thereof, or on any event or contingency relating to any pending primary or election, or who provides money or other valuable thing to be used by any person in betting or wagering upon the results of any pending primary or election, shall be guilty of violation of this article. Any person who, for the purpose of influencing the result of any primary or election, makes any bet or wager of anything of pecuniary value on the result of such primary or election, in his electoral district or any part thereof, or of any pending primary or election, or on any event or contingency relating thereto, shall be guilty of a violation of this article and, in addition thereto, any such act shall be a ground of challenge against his right to vote.

Sec. 14. [211.14] Not to pay for time lost at polls. It shall be unlawful for any person to pay another for any loss or damage due to attendance at the polls, or in registering. No person shall pay for personal service to be performed on the day of a caucus, primary, convention, or any election, for any purpose connected therewith, tending in any way, directly or indirectly, to effect the result thereof, except for the hiring of persons whose sole duty it is to act as challenger and watch the count of official ballots. No person shall buy, sell, give, or provide any political badges, buttons, or other insignia to be worn at or about the polls on the day of any primary or election and no such political badge, button, or other insignia shall be worn at or about the polls on any primary or election day. No person or committee, or organization shall convey or furnish any vehicle for conveying or bear any portion of any expense of conveying any voter to or from the polls, but this provision shall not apply to persons in the same household, nor shall it prohibit two or more voters from providing joint transportation for themselves by mutual agreement at their own expense.

Sec. 15. [211.15] Soliciting near polling places prohibited. It shall be unlawful for any person within 100 feet of the building in which any polling place is situated on the day of any primary or election to ask, solicit, or in any man-

ner try to induce or persuade any voter on such primary or election day to vote for or refrain from voting for any candidate or the candidates of any political party or organization, or any measure submitted to the people; and, upon conviction thereof, he shall be punished by a fine of not less than \$5 nor more than \$100 for the first offense, and for the second and each subsequent offense occurring on the same or different election days, he shall be punished by a fine as aforesaid or by imprisonment in the county jail for not less than five nor more than 30 days or by both such fine and imprisonment.

Any person who shall at any place on the day of any primary or election circulate or distribute, or cause to be circulated or distributed, any campaign cards, candidates' cards, placard or campaign literature of any kind whatsoever shall be guilty of a misdemeanor. Nothing herein contained shall be construed as modifying or repealing the provisions of section 5 of article XI.

Sec. 16. [211.16] **Disbursements by candidate.** No candidate shall make any disbursement for political purposes except under his personal direction which for any purpose shall be considered his act, through his party committee, or through a personal campaign committee, whose authority to act shall be filed, as provided in this article.

Sec. 17. [211.17] **Personal campaign committees.** Any candidate may select a single personal campaign committee to consist of one or more persons. Before any personal campaign committee shall make any disbursement in behalf of any candidate, or shall incur any obligation, expressed or implied, to make any disbursement in his behalf, such candidate shall file with the filing officer of such candidate a written statement signed by such candidate, setting forth that such personal campaign committee has been appointed and giving the name and address of each member thereof and of the secretary thereof. If the campaign committee consists of only one person, such person shall be deemed the secretary thereof. Any candidate may revoke the selection of any member of such personal campaign committee by a revocation in writing which, with proof of personal service on the member whose selection is so revoked, shall be filed with the filing officer of such candidate. Such candidate may fill the vacancy thus created in the manner in which an original appointment is made. In civil actions and proceedings brought under this article, the acts of every member of such personal campaign committee shall be presumed to be with the knowledge and approval of the candidate until it has been clearly proved that

the candidate did not have knowledge of and approve the same, and that, in the exercise of reasonable care and diligence, he could not have had knowledge of and opportunity to disapprove the same.

Sec. 18. [211.18] Limit of expenditures by campaign committees. No personal campaign or party committee shall make any disbursement except:

- (1) For maintenance of headquarters and for hall rentals incident to the holding of public meetings;
- (2) For necessary stationery, postage, telegraph, telephone, radio broadcasting, messenger and clerical assistance to be employed at a candidate's headquarters or at the headquarters of the committee, incident to the writing, addressing and mailing of letters and campaign literature;
- (3) For necessary expenses, incident to the furnishing and printing of badges, banners and other insignia, to the printing and posting of handbills, posters, lithographs and other campaign literature, and the distribution thereof through the mails or otherwise;
- (4) For campaign advertising in newspapers, periodicals, or magazines, as provided in this article;
- (5) For wages, and actual necessary personal expenses of public speakers, organizers, and musicians;
- (6) For traveling expenses of members of the committee; and
- (7) For preparing election registers and for challengers at the polls.

Sec. 19. [211.19] Bills, when rendered and paid. Every person who shall have any bill, charge, or claim upon or against any personal campaign or party committee or any candidate, for any disbursement made, services rendered, or thing of value furnished, for political purposes, or incurred in any manner in relation to any primary or election, shall render in writing to such committee or candidate such bill, charge, or claim within ten days after the day of the primary or election in connection with which such bill, charge, or claim was incurred. No candidate and no personal campaign or party committee shall pay any bill, charge, or claim so incurred prior to any primary or election, which is not so presented within ten days after such primary or election.

Sec. 20. [211.20] Must file verified statement of ex-

penditures. Every candidate, and the secretary of every personal campaign and party committee, shall, on the last Monday in August, on or before the tenth day following the primary, on the third Monday in October, and on or before the tenth day following the general election, file a financial statement verified by the candidate or the secretary of the committee, as the case may be, which shall show in itemized detail all transactions, all disbursements, and all obligations to make disbursements, for political purposes. Each statement, after the first, shall contain a summary of all preceding statements.

The statement of any candidate and the statement of his personal campaign committee shall be filed with the filing officer of such candidate. The statement of every state committee and of every congressional committee shall be filed with the secretary of state. The statement of every party committee for a legislative district shall be filed with the filing officer of the candidate for senator or representative in such legislative district. The statement of every other party committee shall be filed in the office of the county auditor of the county within which, or for a subdivision within which, such disbursements were made. Each statement shall give in full detail:

- (1) Every sum of money and all property, and every other thing of value, received by such candidate or committee during such period from any source whatsoever which he or it uses or has used, or is at liberty to use for political purposes, together with the name of every person or source from which each was received and the date when each was received, together with the total amount received from all sources in any amount or manner;
- (2) Every promise or pledge of money, property, or other thing of value, received by such candidate or committee during such period, the proceeds of which he uses or has used, or is at liberty to use for political purposes, together with the names of the persons by whom each was promised or pledged, the special purposes for which each was promised or pledged, and the date when each was so promised or pledged, together with the total amount promised or pledged from all sources in any amounts or manner;
- (3) Every disbursement by such candidate or committee for political purposes during such period, together with the name of every person to whom the dis-

bursement is made, the specific purpose for which each was made, and the date when each was made, together with the total amount of disbursements made in any amounts or manner ; and

- (4) Every obligation, expressed or implied, to make any disbursement incurred by such candidate or committee for political purposes during such period, together with the names of the person or persons to or with whom each such obligation has been incurred, the specific purposes for which each was made, and the date when each was incurred, together with the total amount of such obligations made in any amounts or manner.

Statements shall also be made by any other political committee showing the total amount of receipts and disbursements, and for what purpose such disbursements were made. Such statement shall be filed with the auditor of the county in which such committee has its headquarters within 30 days after any primary or election.

Every candidate for nomination at a primary municipal election, or at a special municipal election, or at a general municipal election in cities of the first class, and the secretary of every personal campaign committee or campaign committee, on the second Saturday occurring after such candidate or personal campaign committee or campaign committee has first made a disbursement or first incurred any obligation, expressed or implied, to make a disbursement for political purposes, and thereafter, on the second Saturday of each calendar month, until all disbursements shall have been accounted for, and also on the Saturday preceding any primary municipal election, special municipal election, or general municipal election in cities of the first class, shall file a financial statement, verified upon the oath of such candidate, such personal campaign committee, or campaign committee, as the case may be, which statement shall cover all transactions not accounted for and reported upon in statements theretofore filed. Each statement after the first shall contain a summary of all preceding statements and summarize all items theretofore reported under the provisions of this section. Blanks for all these statements shall be prepared by the secretary of state, and copies thereof, together with a copy of this section, shall be furnished, through the auditor, or otherwise, as the secretary of state may deem expedient, to the secretary of every committee and to every candidate, upon the filing of nomination papers by such candidate, and to all other persons

required by the charter of such municipalities or any election law applicable to such municipality, in which any municipal primary election, special municipal election, or general municipal election is being held or is to be held under the provisions of any such municipal charter, or applicable law, and to all other persons required by law to file such statements who may apply therefor. The provisions hereof relating to the filing of verified statements of expenditures shall be in addition to requirements contained in the charter of any municipalities requiring the filing of verified statements of expenditures in connection with any municipal primary election, special municipal election, or general municipal election held or to be held in cities of the first class under any such municipal charter or applicable law. The verified statements so required shall be filed with the proper filing officer of any such municipality.

Sec. 21. [211.21] Statement of expense, blanks; digest of laws. Subdivision 1. Blanks for all statements required by this article shall be prepared by the secretary of state and copies thereof shall be furnished through the county auditor or otherwise, as the secretary of state may deem expedient, to the secretary of every committee, and to every candidate upon filing of nomination papers, and to all other persons required by law to file such statements who may apply therefor.

Subd. 2. The secretary of state, with the approval of the attorney general, shall prepare and print an easily understandable digest of the sections of this article, complete with annotations thereof.

The secretary of state shall distribute such digest in the same manner as the blanks for statements authorized by subdivision 1.

Sec. 22. [211.22] Names of candidates shall not be printed on ballot unless statement is filed. The name of a candidate chosen at a primary election, or otherwise, shall not be printed on the official ballot for the ensuing election, unless there has been filed by or on behalf of the candidate and by his personal campaign committee, if any, the statements of accounts and expenses relating to nomination required by this article.

Sec. 23. [211.23] May not promise appointments. No person shall, in order to aid or promote his nomination or election, directly or indirectly, himself, or through any other person, appoint or promise to appoint any person, or secure

or promise to secure or aid in securing the appointment, nomination, or election of any person to any public or private position or employment, or to any position of honor, trust, or emolument. Nothing herein contained shall prevent a candidate from stating publicly his preference for or support of any other candidate for any office to be voted for at the same primary or election; nor prevent a candidate, for any office in which the person elected will be charged with the duty of participating in the election or the nomination of any person as a candidate for any office, from publicly stating or pledging his preference for or support of any person for such office or nomination.

Sec. 24. [211.24] May not influence employees. No person being an employer or acting for or in behalf of any employer shall give, distribute or cause to be given or distributed to any of his employees, any printed or written matters containing any threat, notice or information, or make any threat, verbal or otherwise, that in case any particular ticket or a political party or organization or candidate shall be elected or not elected or any measure referred to a vote of the people shall be adopted or not adopted, work in his place or establishment will cease, in whole or in part, or his place or establishment will be closed up, or the salaries or wages of the workmen or employees be reduced, or other threats, expressed or implied, intended or calculated to influence the political opinion or action of his workmen or employees.

Sec. 25. [211.25] May authorize disbursements by campaign committee. Any candidate may delegate to his personal campaign committee or to any party committee of his party in writing duly subscribed by him, the expenditure of any portion of the total disbursements which are authorized to be incurred by him or on his behalf by the provisions of this article, but the total of all disbursements by himself and by his personal campaign committee in his behalf shall not exceed in the aggregate the amounts in this article specified, except as provided herein.

Sec. 26. [211.26] Limitation of disbursements by committee. Subdivision 1. No disbursement shall be made and no obligation, expressed or implied, to make such disbursement, shall be incurred by or in behalf of any personal campaign committee, exceeding in the aggregate the total amounts theretofore delegated to such committee in writing, duly subscribed as provided herein.

Subd. 2. The state central committee of any political party entitled by law to have the names of its candidates

placed upon the official ballot in a general election may, in addition to the disbursements and obligations to make disbursements provided for in subdivision 1 hereof, make further disbursements in connection with any general election, not exceeding in the aggregate the sum of \$10,000.

Subd. 3. Nothing contained in this article shall be construed to authorize the state central committee of any political party, to make disbursements in connection with any election, in excess in the aggregate of \$10,000, and every disbursement by any such committee in excess of such amount is forbidden.

Sec. 27. [211.27] **Corporations not to contribute to political campaign.** No corporation doing business in this state shall pay or contribute, or offer, consent, or agree to pay or contribute, directly or indirectly, any money, property, free service of its officers or employees or thing of value to any political party, organization, committee, or individual for any political purpose whatsoever, or to promote or defeat the candidacy of any person for nomination, election, or appointment to any political office. If any corporation shall be convicted of violating any of the provisions of this article, it shall be subject to a penalty in the amount not exceeding \$10,000 to be collected as other claims or demands for money are collected; and, if a domestic corporation, in addition to that penalty, it may be dissolved; and, if a foreign or non-resident corporation, in addition to that penalty, its right to do business in this state may be declared forfeited.

Sec. 28. [211.28] **Violations—penalties.** Any officer, employee, agent, or attorney or other representatives of any corporation, acting for or in behalf of such corporation who shall violate the provisions of this article shall be punished upon conviction by a fine of not less than \$100 nor more than \$5,000 or by imprisonment in the state prison for a period of not less than one nor more than five years or by both such fine and imprisonment.

Sec. 29. [211.29] **Violation by officer to be construed as violation of corporation.** The violation of the provisions of this article by any officer of such corporation shall be prima facie evidence of violation by such corporation. All fines or forfeitures recovered under the provisions of this article shall when collected be paid into the treasury of the county for the use of the road and bridge fund, and it is hereby made the duty of the county attorney of each county to conduct prosecutions under this article on proper complaint.

Sec. 30. [211.30] **Aiding violation a gross misde-**

meanor. Any person or persons who shall aid, abet, or advise a violation of the provisions of this article shall be guilty of a gross misdemeanor; and, upon conviction thereof, be punished as provided in this article.

Sec. 31. [211.31] Prosecutions — where made. Violations of the provisions of this article may be prosecuted in the county where such payment or contribution is made or services rendered or in any county wherein such money has been paid or distributed.

Sec. 32. [211.32] Filing officers shall notify candidate or committee. The officer with whom the expense account of any candidate for public office or committee is required to be filed by the provisions of this article, shall notify such candidate or committee of the failure to comply with such law, immediately upon the expiration of the time fixed by any law of this state for filing of the same, and shall notify the county attorney of the county where such candidate resides or in which the headquarters of the committee is located, of the fact of the failure to file such expense account and the county attorney shall thereupon notify such candidate or the secretary of the committee of such delinquency and if the provisions of this article shall not be complied with within ten days after the mailing of such notice, the county attorney shall thereupon prosecute such candidate or the officer of the committee required by law to file such statement.

Sec. 33. [211.33] County attorney to inquire into violations. If the county attorney of the county shall be notified by any officer or other person of any violation of any of the provisions of this article, it shall be his duty forthwith to diligently inquire into the facts of such violation, and if there be reasonable ground for instituting a prosecution, it shall be the duty of such county attorney to present the charge, with all the evidence which he can procure, to the grand jury of such county. If any county attorney shall fail or refuse to faithfully perform any duty imposed upon him by the provision of this article, he shall be guilty of a misdemeanor; and, on conviction thereof, shall forfeit his office. It shall be the duty of the county attorney, under the penalty of forfeiture of his office, to prosecute any and all persons guilty of any violation of the provisions of this article, the penalty of which is fine or imprisonment, or both, or removal from office. Any citizen may employ an attorney to assist the county attorney to perform his duties under the provisions of this article, and such attorney shall be recognized by the county attorney and the court as associate counsel in the proceeding; and no prose-

cution, action, or proceeding shall be dismissed without notice to, or against the objection of, such associate counsel until the reasons of the county attorney for such dismissal, together with the objections thereto of the associate counsel, shall have been filed in writing, argued by counsel, and fully considered by the court, with such limitation as to the time of filing such reasons and objections as the court may impose.

Sec. 34. [211.34] Violations by unauthorized person not to forfeit nomination. When upon the trial of any action or proceedings under the provisions of this article, it shall appear from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means were taken by such candidate at such election, or were taken by or on behalf of the candidate, or that the offenses complained of were trivial or unimportant, and that in all respects his candidacy and election were free from all offensive or illegal acts, or that any act or omission of any candidate complained of arose from accidental miscalculation or from some other reasonable cause of like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be unjust that the candidate shall forfeit his nomination, position or office, then the nomination or election of such candidate shall not by reason of such offense complained to be void, nor shall the candidate be removed from nor deprived of his nomination, position, or office.

Sec. 35. [211.35] Contest — when commenced. Any proceeding under the provisions of this article contesting any nomination or election must be commenced within ten days after the day of the primary or 30 days after a general election, unless the ground of action is discovered from the statements filed under this article, in which event the action must be commenced within ten and 30 days after such discovery, respectively. Any proceeding to annul any nomination or election of any person for office mentioned in this article, must be filed in the district court of the county in which the person resides whose right to the nomination, position, or office is contested.

Sec. 36. [211.36] Disqualified candidate not to hold position. A candidate elected to an office, and whose election thereto has been annulled and set aside for any offense mentioned in this article, shall not, during the period fixed by law as the term of such office, be appointed to fill any vacancy which may occur in such office. A candidate or other

person who is removed from or deprived of his office for any offense mentioned in this article, shall not, during the period remaining as the unexpired term of such office, or during the period fixed by law as the next ensuing term of such office, be appointed to fill any vacancy which may occur in such office. Any appointment to an office made in violation of or contrary to the provisions of this section shall be void.

Sec. 37. [211.37] Judgments — to whom transmitted. If any person shall in a criminal action be judged to have been guilty of any violation of the provisions of this article while a candidate for any office under the constitution or laws of the state, or under any ordinance of any municipality therein, other than the office of state senator or member of the house of representatives, the court shall, after entering the adjudication of guilty, enter a supplemental judgment, declaring such person to have forfeited the office in the conduct of the campaign for the nomination or election to which he was guilty of such violation, and shall transmit to the filing officer of such candidate a transcript of such supplemental judgment, and thereupon such office shall be deemed vacant and shall be filled as provided by law.

If any person shall, in a criminal action, be adjudicated guilty of any violation of the provisions of this article, committed while he was a candidate for the office of state senator, member of the house of representatives, United States senator, or representative in Congress, or while he was a member of the personal campaign committee of any such candidate, the court, after entering such adjudication, shall forthwith transmit to the presiding officer of the legislative body as a member of which such officer was a candidate when such violation occurred, a certificate setting forth such adjudication of guilty.

Sec. 38. [211.38] May employ counsel. Nothing contained in this article shall prevent any candidate from employing counsel to represent him in any action or proceeding, affecting his rights as a candidate, nor from paying all costs and disbursements necessary incidental thereto. No sum so paid or incurred shall be deemed a part of the campaign expenses of any such candidate.

Sec. 39. [211.39] Penalties for violation. Any person violating any provisions of this article, except as otherwise provided herein, shall, upon conviction thereof, be punished by imprisonment in the county jail for a period of not less than one month nor more than one year or by imprisonment in the state prison for a period of not less than one year

nor more than three years or by a fine of not less than \$25 nor more than \$1,000 or by both such fine and imprisonment; and no person so convicted shall be permitted to take or hold office to which he was elected, if any, or receive the emoluments thereof.

ARTICLE XIII REPEALS AND CONSTRUCTION

Section 1. Minnesota Statutes 1957, Chapters 200 to 212, and section 367.03, are hereby repealed, except that sections 201.25, 201.26, 201.27, 201.28, 201.29, 202.011 and 205.04 are not repealed.

Sec. 2. Laws 1957, Chapter 197, is hereby repealed.

Sec. 3. The provisions of this act shall be considered to be reenactments of existing laws, and in construing this act the sections thereof shall be deemed to be continuations of and subject to the same interpretations as existing laws wherever they are the same.

Sec. 4. This act takes effect on January 1, 1960.

Approved April 24, 1959.

CHAPTER 676—H. F. No. 1424

An act relating to the distribution of taxes upon the gross earnings of taconite railroad companies; amending Minnesota Statutes 1957, Sections 294.28 and 294.26.

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

Section 1. Minnesota Statutes 1957, Section 294.28, is amended to read:

294.28 **Deductions from permissible levies.** The amount distributed to any city, village or school district under the provisions hereof shall be included in computing the permissible levies of such city, village or school district under Minnesota Statutes, Sections 275.11 or 275.12, *provided, in computing the deduction from permissible levies of cities or villages by reason hereof effect shall be given to the cost of living adjustment allowed by section 275.11, subdivision 2, regardless of whether or not more than 50 percent of the assessed valuation consists of iron ore. On or before October 10 of each calendar year each taconite railroad company shall file with the commissioner of taxation, county auditor of each*