

Elections

CHAPTER 200

GENERAL PROVISIONS AND DEFINITIONS

200.01 CITATION.

HISTORY. 1939 c. 345 Pt. 1 c. 1 s. 1; M. Supp. s. 601-1(1).

Laws 1939, Chapter 345, repeals numerous sections of the statutes and except for school elections enacts a complete new election law. 24 MLR 249.

200.02 ELECTION.

HISTORY. 1923 c. 305 s. 2; G.S. 1923 s. 381; 1927 c. 390 s. 2; M.S. 1927 ss. 381, 393-2; 1939 c. 345 Pt. 1 c. 1 s. 2; M. Supp. s. 601-1(1)a.

Voting machines may be used at consolidated city and school elections in Duluth. 1942 OAG 83, March 15, 1941 (518).

200.03 GENERAL ELECTION.

HISTORY. 1849 c. 3 s. 1; 1849 c. 21 s. 1; 1849 c. 22 s. 1; R.S. 1851 c. 5 s. 3; P.S. 1858 c. 6 s. 1; Ex. 1862 p. 18; G.S. 1866 c. 6 s. 1; G.S. 1878 c. 1 s. 1; 1885 c. 30; 1887 c. 4 s. 1; G.S. 1878 Vol. 2 (1888 Supp.) c. 1 s. 1; 1889 c. 3 s. 1; 1891 c. 4 s. 1; 1893 c. 4 s. 1; G.S. 1894 s. 6; R.L. 1905 s. 153; G.S. 1913 s. 298; 1917 c. 68 s. 1; 1917 c. 120; 1923 c. 108; G.S. 1923 ss. 255, 496; 1925 c. 289 s. 1; M.S. 1927 ss. 255, 496; 1939 c. 345 Pt. 1 c. 1 s. 3; M. Supp. s. 601-1(1)b.

200.04 PRIMARY.

HISTORY. 1887 c. 4 s. 103; G.S. 1878 Vol. 2 (1888 Supp.) c. 1 s. 103; 1889 c. 3 s. 93; 1939 c. 345 Pt. 1 c. 1 s. 4; M. Supp. s. 601-1(1)c.

200.05 MUNICIPAL ELECTION.

HISTORY. R.L. 1905 s. 154; G.S. 1913 s. 299; G.S. 1923 s. 256; M.S. 1927 s. 256; 1933 c. 71 ss. 1, 2; 1939 c. 345 Pt. 1, c. 1 s. 3; M. Supp. ss. 601-1(1)d, 255-1, 255-2.

200.06 SPECIAL ELECTION.

HISTORY. 1939 c. 345 Pt. 1 c. 1 s. 6; M. Supp. 601-1(1)dd.

200.07 SPECIAL PRIMARY.

HISTORY. 1939 c. 345 Pt. 1 c. 1 s. 7; M. Supp. s. 601-1(1)e.

200.08 POLITICAL PARTY.

HISTORY. 1889 c. 3 s. 22; 1899 c. 349 s. 2; R.L. 1905 s. 182; Ex. 1912 c. 2 s. 1; 1913 c. 389 s. 1; G.S. 1913 s. 336; 1915 c. 167 s. 3; 1919 c. 230; 1923 c. 127 s. 2; G.S. 1923 s. 294; M.S. 1927 s. 294; 1939 c. 345 Pt. 1 c. 1 s. 8; M. Supp. s. 601-1(1)ee.

Absent statutory restraint, a political party may make its own reasonable rules for self-government; and the statute does not prevent a state central committee from delegating authority to its state chairman to change the date of a convention. *Holmes v Holm*, 217 M 264, 14 NW(2d) 312.

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A party may nominate a candidate by petition where regular nominations fail for lack of required vote. (See *Gallagher v Erickson*, 213 M 151, 6 NW(2d) 43. 1942 OAG 78, Sept. 28, 1942 (28B-3); 1942 OAG 79, Oct. 8, 1942 (28B-3).

Independent progressive party. OAG Jan. 7, 1944 (672b-7).

200.09 CITY.

HISTORY. R.L. 1905 c. 154; G.S. 1913 s. 299; G.S. 1923 s. 256; M.S. 1927 s. 256; 1939 c. 345 Pt. 1 c. 1 s. 9; M. Supp. s. 601-1(1)f.

200.10 FIRST CLASS.

HISTORY. 1939 c. 345 Pt. 1 c. 1 s. 10; M. Supp. 1. 601-1(1)ff.

200.11 SECOND CLASS.

HISTORY. 1939 c. 345 Pt. 1 c. 1 s. 11; M. Supp. s. 601-1(1)g.

200.12 THIRD CLASS.

HISTORY. 1939 c. 345 Pt. 1 c. 1 s. 12; M. Supp. s. 601-1(1)gg.

200.13 FOURTH CLASS.

HISTORY. 1939 c. 345 Pt. 1 c. 1 s. 13; M. Supp. s. 601-1(1)h.

200.14 VILLAGE.

HISTORY. R.L. 1905 s. 154; G.S. 1913 s. 299; G.S. 1923 s. 256; M.S. 1927 s. 256; 1939 c. 345 Pt. 1 c. 1 s. 14; M. Supp. s. 601-1(1)i.

A village, as defined by this section, as well as by the law generally, is a municipality. *State ex rel v District Court*, 107 M 437, 120 NW 894.

200.15 MUNICIPALITY.

HISTORY. R.L. 1905 s. 154; G.S. 1913 s. 299; G.S. 1923 s. 256; M.S. 1927 s. 256; 1939 c. 345 Pt. 1 c. 1 s. 15; M. Supp. s. 601-1(1)ii.

An "incorporated" place is either a city, village, or borough. A town is not such a place; neither is a county; each is an area, as distinguished from a place. "Council" means the governing body of a municipality. That term is applicable only to an incorporated city, village, or borough; there is no such thing as a council of a county or of a town. The former is governed by a board of county commissioners, and the latter by a town board.

"Municipal corporation" is a broader term than "municipality". Cities, villages, boroughs, counties, and towns are municipal corporations, as is also a school district; but only the first three named are municipalities. *Danculovic v Zimmerman*, 184 M 370, 238 NW 695.

Municipality defined. *Johnson v DuBois*, 208 M 561, 294 NW 839.

Use of voting machines. 1942 OAG 83, March 15, 1941 (518).

200.16 MUNICIPAL CORPORATION.

HISTORY. R.L. 1905 s. 154; G.S. 1913 s. 299; G.S. 1923 s. 256; M.S. 1927 s. 256; 1939 c. 345 Pt. 1 c. 1 s. 16; M. Supp. s. 601-1(1)j.

200.17 COUNCIL.

HISTORY. R.L. 1905 s. 154; G.S. 1913 s. 299; G.S. 1923 s. 256; M.S. 1927 s. 256; 1939 c. 345 Pt. 1 c. 1 s. 17; M. Supp. s. 601-1(1)jj.

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200.18 JUDGE AND CLERK.

HISTORY. R.L. 1905 s. 154; G.S. 1913 s. 299; G.S. 1923 s. 256; M.S. 1927 s. 256; 1939 c. 345 Pt. 1 c. 1 s. 18; M. Supp. s. 601-1(1)k.

200.19 PEACE OFFICER.

HISTORY. R.S. 1851 c. 5 s. 26; P.S. 1858 c. 6 s. 24; R.L. 1905 s. 154; G.S. 1913 s. 299; G.S. 1923 s. 256; M.S. 1927 s. 256; 1939 c. 345 Pt. 1 c. 1 s. 19; M. Supp. s. 601-1(1)L.

200.20 DISTRICT.

HISTORY. R.L. 1905 s. 154; G.S. 1913 s. 299; G.S. 1923 s. 256; M.S. 1927 s. 256; 1939 c. 345 Pt. 1 c. 1 s. 20; M. Supp. s. 601-1(1)m.

200.21 VOTER.

HISTORY. R.L. 1905 s. 154; G.S. 1913 s. 299; G.S. 1923 s. 256; M.S. 1927 s. 256; 1939 c. 345 Pt. 1 c. 1 s. 21; M. Supp. s. 601-1(1)n.

One, whose parents though residing in Washington, D. C. for 20 years, retain their legal residence in Minnesota, cannot vote in Minnesota when he himself resides in Washington, D. C. and has never resided here. OAG April 10, 1944 (490j-2).

200.22 POLLS.

HISTORY. R.L. 1905 s. 154; G.S. 1913 s. 299; G.S. 1923 s. 256; M.S. 1927 s. 256; 1939 c. 345 Pt. 1 c. 1 s. 22; M. Supp. s. 601-1(1)o.

200.23 POPULATION AND INHABITANTS.

HISTORY. 1939 c. 345 Pt. 1 c. 1 s. 23; M. Supp. s. 601-1(1)p.

200.24 CONVENTION.

HISTORY. 1893 c. 4 s. 34; 1923 c. 125 s. 10; G.S. 1923 s. 327; M.S. 1927 s. 327; 1939 c. 345 Pt. 1 c. 1 s. 24; M. Supp. s. 601-1(1)pp.

200.25 CONTESTANT.

HISTORY. R. L. 1905 s. 154; G.S. 1913 s. 299; G.S. 1923 s. 256; M.S. 1927 s. 256; 1939 c. 345 Pt. 1 c. 1 s. 25; M. Supp. s. 601-1(1)q.

200.26 CONTESTEE.

HISTORY. R.L. 1905 s. 154; G.S. 1913 s. 299; G.S. 1923 s. 256; M.S. 1927 s. 256; 1939 c. 345 Pt. 1 c. 1 s. 26; M. Supp. s. 601-1(1)r.

200.27 SENATOR.

HISTORY. R.L. 1905 s. 154; G.S. 1913 s. 299; G.S. 1923 s. 256; M.S. 1927 s. 256; 1939 c. 345 Pt. 1 c. 1 s. 27; M. Supp. s. 601-1(1)rr.

200.28 REPRESENTATIVE.

HISTORY. R.L. 1905 s. 154; G.S. 1913 s. 299; G.S. 1923 s. 256; M.S. 1927 s. 256; 1939 c. 345 Pt. 1 c. 1 s. 28; M. Supp. s. 601-1(1)s.

200.29 COMMISSIONER.

HISTORY. 1939 c. 345 Pt. 1 c. 1 s. 29; M. Supp. s. 601-1(1)ss.

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200.30 ELECTION BOARD.

HISTORY. 1939 c. 345 Pt. 1 c. 1 s. 30; M. Supp. s. 601-1(1)t.

200.31 TERMS OF OFFICE.

HISTORY. 1849 c. 3 s. 3; 1849 c. 4 ss. 1, 2; R.S. 1851 c. 5 ss. 1, 45; P.S. 1858 c. 6 s. 43; 1861 c. 15 s. 45; G.S. 1866 c. 1 s. 42; G.S. 1878 c. 1 s. 45; 1885 c. 30; 1887 c. 4 s. 64; G.S. 1878 Vol. 2 (1888 Supp.) c. 1 s. 64; 1891 c. 4 s. 98; 1893 c. 4 s. 2; G.S. 1894 s. 7; R.L. 1905 s. 155; G.S. 1913 s. 300; G.S. 1923 s. 257; M.S. 1927 s. 257; 1939 c. 345 Pt. 1 c. 2 s. 1; M. Supp. s. 601-1(2).

The official year commences on the first Monday of January, at which time all terms of office terminate. *State v Frizzell*, 31 M 460, 18 NW 316; *State v O'Leary*, 64 M 207, 66 NW 264; *State ex rel v McIntosh*, 109 M 18, 122 NW 462.

The law does not recognize fractions of a day, and the official year begins with the beginning of the day, 12 o'clock midnight. *State ex rel v McIntosh*, 109 M 18, 122 NW 462.

The constitution contemplates that the new officers shall have a reasonable opportunity to qualify and assume the duties of office after the opening of business hours on that day, and in case of necessity may qualify at any time during the day. *State ex rel v McIntosh*, 109 M 18, 122 NW 462.

The office of the clerk of the district court is elective, the term is for four years, it commences and terminates on the first Monday in January, and upon its termination there is a vacancy and not a right in the incumbent to hold over. *State ex rel v Berg*, 132 M 426, 157 NW 652.

When an officer dies between the day of his election and the first of January following, he cannot be considered as having been in possession of or an incumbent of the office, and his death does not cause a vacancy therein. *State v Benedict*, 15 M 198 (153). See, also, *Territory v Smith*, 3 M 240 (164); *O'Leary v Steward*, 46 M 126, 48 NW 603.

200.32 EQUAL SUFFRAGE.

HISTORY. Ex. 1919 c. 58 s. 1; 1939 c. 345 Pt. 1 c. 2 s. 2; M. Supp. s. 601-1(2)a.

200.33 APPLICATION LAWS.

HISTORY. Ex. 1919 c. 58 s. 2; 1939 c. 345 Pt. 1 c. 2 s. 3; M. Supp. s. 601-1(2)b.

200.34 CHANGE OF NAME OF POLITICAL PARTY.

HISTORY. 1913 c. 406 s. 1; G.S. 1913 s. 337; G.S. 1923 s. 295; M.S. 1927 s. 295; 1939 c. 345 Pt. 1 c. 2 s. 4; M. Supp. s. 601-1(2)c.

Procedure for changing a name. *Holmes v Holm*; 217 M 264, 14 NW(2d) 312. Non-partisan candidates. OAG Sept. 17, 1934.

Filing by petition, long and short term. OAG July 28, 1936.

Applicable to primaries in village. OAG Oct. 6, 1936.

200.35 COMPENSATION FOR ELECTION SERVICES.

HISTORY. R.S. 1851 c. 5 ss. 26, 40; 1858 c. 86 s. 11; P.S. 1858 c. 6 ss. 24, 38, 67; 1861 c. 15 ss. 8, 30, 41, 57; G.S. 1866 c. 1 ss. 8, 28, 38, 54; 1878 c. 84 s. 37; G.S. 1878 c. 1 ss. 12, 31, 41, 57; 1881 c. 39; 1883 c. 33; 1885 c. 27; 1887 c. 4 ss. 36, 37, 48, 68; G.S. 1878 Vol. 2, (1888 Supp.) c. 1 ss. 36, 37, 48, 68; 1889 c. 3 ss. 60, 64; 1891 c. 4 ss. 102 to 105; 1893 c. 4 ss. 157, 158, 172, 173, 180; G.S. 1894 ss. 162, 163, 177, 178, 185; R.L. 1905 s. 341; 1913 c. 395 s. 2; G.S. 1913 s. 534; 1919 c. 330 s. 2; G.S. 1923 s. 493; M.S. 1927 s. 493; 1939 c. 345 Pt. 6 c. 13 s. 1; M. Supp. s. 601-6(13); 1943 c. 491 s. 1; 1943 c. 555 s. 1; 1945 c. 533 s. 1.

Clerks and judges of election are entitled to receive 40 cents for each hour necessarily spent in registering voters and receiving votes, and 50 cents for each hour spent in counting and canvassing ballots. OAG April 11, 1933.

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The compensation of the judges and clerks of election and peace officers cannot be diminished or increased by any other except the legislature. OAG April 11, 1933.

The city may not furnish meals at city expense for election judges and clerks. OAG May 14, 1932.

Population shall be determined according to the last census. 1934 OAG 385.

There is no requirement that the compensation allowed peace officers at election shall be uniform throughout the county. 1942 OAG 81, Dec. 14, 1942 (185a-5).

200.36 EXPENSES TO BE PAID BY STATE.

HISTORY. R.S. 1851 c. 5 ss. 26, 40; 1858 c. 86 s. 11; P.S. 1858 c. 6 ss. 24, 38, 67; 1861 c. 15 ss. 8, 30, 41, 57; G.S. 1866 c. 1 ss. 8, 28, 38, 54; G.S. 1878 c. 1 ss. 12, 31, 41, 57; 1887 c. 4 ss. 36, 37, 48, 68; G.S. 1878 Vol. 2 (1888 Supp.) c. 1 ss. 36, 37, 48, 68; 1889 c. 3 ss. 60, 64; 1893 c. 4 ss. 157, 158, 172, 173, 180; G.S. 1894 ss. 162, 163, 177, 178, 185; R.L. 1905 s. 342; G.S. 1913 s. 535; G.S. 1923 s. 494; M.S. 1927 s. 494; 1939 c. 345 Pt. 6 c. 13 s. 2; M. Supp. s. 601-6(13)a.

If no money is available in the town treasury to pay election costs, it may issue warrants. OAG May 23, 1934.

The village of Dennison is required to pay the election expenses in connection with the holding of a special election in that part of the village situated in Rice county on the question of the issuance of bonds to build a court-house. OAG June 20, 1931.

NOTE: Compensation for carrying ballots and returns, how paid, 1928 El. Op. 121. Compensation for obtaining ballots and supplies, 1928 El. Op. 122-125; in cities, 1928 El. Op. 126. Judges and clerks, compensation at special elections, 1928 El. Op. 127; may not exceed statutory rate, 1928 El. Op. 128, 129; in towns, not included in limit of pay as supervisor, 1928 El. Op. 130.

200.37 APPLICATION OF CHAPTERS 200 TO 212.

HISTORY. 1887 c. 4 s. 71; G.S. 1878 Vol. 2 (1888 Supp.) c. 1 s. 71; 1891 c. 4 s. 126; 1893 c. 4 ss. 198, 199; G.S. 1894 ss. 203, 204; 1895 c. 139; R.L. 1905 s. 343; G.S. 1913 s. 536; G.S. 1923 s. 495; M.S. 1927 s. 495; 1939 c. 345 Pt. 6 c. 13 s. 3; M. Supp. s. 601-6(13)b.

The canvassing board, in the case of city elections, is the city council, and an appeal from their decision must stand, in contemplation of law, exactly the same as in the case of a county canvassing board; the officer for whose election the votes are canvassed by the city council, and the result by it declared, stands exactly the same towards it as does a county officer toward the county canvassing board, and his election, as so declared, is to be appealed from, and notice of contest given, in exactly the same way as in the case of county officers. *Duryeas v Sibley*, 76 M 55, 58, 78 NW 865.

200.38 RIGHTS SAVED.

HISTORY. 1939 c. 345 Pt. 12 c. 1 s. 2; M. Supp. s. 601-12a.

The repealing statute declares that its provisions shall be deemed continuations of those by it repealed only so far as they are the same. But the statute in question is not the same as the old one. The change in the requirement for filing statements is so radical, that section 200.38 has no application. *Aura v Brandt*, 211 M 294, 1 NW(2d) 381.

The prior law was repealed and then reenacted without change, so section 200.38 fully applies. *Enger v Holm*, 213 M 164, 6 NW(2d) 101.