

CHAPTER 201

REGISTRATION OF VOTERS

201.01 REGISTRATION IN CERTAIN CITIES.

HISTORY. 1923 c. 305 s. 3; G.S. 1923 s. 382; 1927 c. 390 s. 3; M.S. 1927 ss. 382, 393-3; 1929 c. 235 s. 2; 1939 c. 345 Pt. 2 c. 1 s. 1; M. Supp. ss. 393-3, 601-2(1).

The provision that a person cannot vote unless registered, though he cannot register within the 15 days immediately preceding an election, is reasonable and the statute is constitutional. State ex rel v Board of Education, 158 M 459, 466, 197 NW 964.

If the statute be so construed as to afford no opportunity to register for a municipal election during the period commencing 30 full days prior to the general election and continuing until after the municipal election it would prevent those becoming residents of the village after the beginning of such period but more than 30 days prior to such municipal election from voting thereat; and such construction would endanger the validity of the act. (Village holds its general municipal election on Dec. 4, 1928, following the general biennial election held on Nov. 6, 1928.)

Where one election follows another in such close order of time as not to afford a reasonable opportunity to register for the second election after the closed period for the first, qualified electors may register for the second election during the period closed to registration for the first, but not within the 30-day period next preceding such second election; but such registrations are not effective as to the first election. 1928 OAG 195.

Procedure in establishing. OAG May 5, 1932.

Application to a special election to fill a vacancy. 1940 OAG 81.

201.02 WHO MAY REGISTER.

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

The residence of a soldier and his wife is always a question of fact. OAG Sept. 29, 1944 (490K).

201.03 COMMISSIONER OF REGISTRATION.

HISTORY. 1923 c. 305 s. 1; G.S. 1923 s. 380; 1927 c. 390 s. 1; M.S. 1927 ss. 380, 393-1; 1931 c. 144 s. 1; 1939 c. 345 Pt. 2 c. 1 s. 3; M. Supp. ss. 393-1, 601-2(1)b.

The permanent registration law applies to all cities of the first, second and third classes, as well as to certain villages and certain cities of the fourth class. 1928 OAG 193.

The permanent registration law applies to school elections in Duluth upon the question of the issuance of bonds. The board of education created by Special Laws 1891, Chapter 312, was a part of the city organization. State ex rel v Board of Education, 158 M 459, 462, 197 NW 964.

201.04 COMPENSATION OF COMMISSIONER.

HISTORY. 1923 c. 305 s. 13; G.S. 1923 s. 392; 1927 c. 390 s. 1; M.S. 1927 ss. 392, 393-1; 1931 c. 144 s. 1; 1939 c. 345 Pt. 2 c. 1 s. 4; M. Supp. ss. 393-1, 601-2(1)c.

201.05 DUTIES OF COMMISSIONER.

HISTORY. 1923 c. 305 s. 4; G.S. 1923 s. 383; 1925 c. 375 s. 2; 1927 c. 390 s. 4; M.S. 1927 ss. 383, 383-1, 393-4; M. Supp. s. 601-2(1)d; 1939 c. 345 Pt. 2 c. 1 s. 5.

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The permanent registration act does not prescribe how many places of registration shall be provided in any city thereafter coming within its provisions or where they shall be located. The council should provide the commissioner of registration with the necessary funds, equipment, and facilities and he should proceed to establish places of registration and put the system into operation without delay. 1932 OAG 155, May 6, 1932.

Albert Lea, formerly a city of the fourth class, under the 1930 census became a city of the third class. It thereupon became compulsory that the city comply with the registration act for the primary and general elections of 1932. It was necessary for each voter to register under the permanent registration system in order to be entitled to vote at any future election in the city. 1932 OAG 155, May 6, 1932.

201.06 REGISTRATION OF VOTERS.

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

Applies to home rule charter cities. OAG March 23, 1929; May 6, 1932.

201.07 COMMISSIONER TO ESTABLISH REGISTRATION PLAN.

HISTORY. 1923 c. 305 s. 5; 1925 c. 390; G.S. 1923 s. 384; 1925 c. 375 s. 3; 1927 c. 390 s. 5; M.S. 1927 ss. 384, 384-1, 393-5; 1939 c. 345 Pt. 2 c. 2 s. 2; M. Supp. s. 601-2(2)a.

201.08 PRESENT REGISTRATION LISTS TO BE USED.

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

201.09 CHANGE OF BOUNDARIES OF ELECTION DISTRICTS.

HISTORY. 1939 c. 345 Pt. 2 s. 2 s. 4; M. Supp. s. 601-2(2)c.

201.10 RECORDS, FORM OF.

HISTORY. 1878 c. 84 s. 28; G.S. 1878 c. 1 s. 104; 1887 c. 4 s. 72; G.S. 1878 Vol. 2 (1888 Supp.) c. 1 s. 72; 1889 c. 3 s. 66; 1891 c. 4 s. 12; 1893 c. 4 ss. 63, 66, 67; 1923 c. 305 s. 6; G.S. 1923 s. 385; 1925 c. 390; 1927 c. 390 s. 6; M.S. 1927 ss. 385, 393-6; 1937 c. 264 s. 1; 1939 c. 345 Pt. 2 c. 2 s. 5; M. Supp. ss. 601-2(2)d, 393-6.

201.11 REMOVAL NOTICES.

HISTORY. 1887 c. 4 s. 76; G.S. 1878 Vol. 2 (1888 Supp.) c. 1 s. 76; 1889 c. 3 s. 69; 1891 c. 4 s. 16; 1893 c. 4 s. 64; 1923 c. 305 s. 6; G.S. 1923 s. 385; 1925 c. 390; 1927 c. 390 s. 6; M.S. 1927 ss. 385, 393-6; 1937 c. 264 s. 1; 1939 c. 345 Pt. 2 c. 2 s. 6; M. Supp. ss. 393-6, 601-2(2)e.

In any case where a voter removed from one place to another in the same election district within ten days before election, he should be treated as a challenged voter, and permitted to vote only upon compliance with the provisions to the proving of challenges. 1928 OAG 198.

201.12 DUPLICATE REGISTRATION LIST.

HISTORY. 1923 c. 305 s. 6; G.S. 1923 s. 385; 1925 c. 390; 1927 c. 390 s. 6; M.S. 1927 ss. 385, 393-6; 1937 c. 264 s. 1; 1939 c. 345 Pt. 2 c. 2 s. 7; M. Supp. ss. 393-6, 601-2(2)f.

201.13 COMMISSIONER MAY MAIL NOTICE.

HISTORY. 1923 c. 305 s. 6; G.S. 1923 s. 385; 1925 c. 390; 1927 c. 390 s. 6; M.S. 1927 ss. 385, 393-6; 1937 c. 264 s. 1; 1939 c. 345 Pt. 2 c. 2 s. 8; M. Supp. ss. 601-2(2)g, 393-6.

A challenge before the commissioner of registration is a challenge of the registration, whereas a challenge at the polls is a direct challenge of the right

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to vote. The permanent registration laws deal with the registration and do not affect or supersede other laws relating to voting at elections, except so far as may be necessary to carry the registration system into effect. 1928 El. Op. 168.

The provisions of the permanent registration law relating to challenging the right of the voter to register, cannot be construed as impairing the rights of challengers at the polls or the rights of the judges of election to require a voter to comply with all the requirements of the law before permitting him to vote. 1928 El. Op. 169.

201.14 REPORT OF DEATHS OF VOTERS.

HISTORY. 1923 c. 305 s. 6; G.S. 1923 s. 385; 1925 c. 390; 1927 c. 390 s. 6; M.S. 1927 ss. 385, 393-6; 1937 c. 264 s. 1; 1939 c. 345 Pt. 2 c. 2 s. 9; M. Supp. ss. 601-2(2)h, 393-6.

201.15 REPORT OF CHANGE OF NAME.

HISTORY. 1939 c. 345 Pt. 2 c. 2 s. 10; M. Supp. s. 601-2(2)i.

201.16 REPORT OF GUARDIANSHIPS, ETC.

HISTORY. 1939 c. 345 Pt. 2 c. 2 s. 11; M. Supp. s. 601-2(2)j.

While an insane person cannot vote, he may establish his sanity by competent proof. An order of commitment by the probate court is not *res judicata*. OAG Jan. 22, 1945 (183r).

201.17 APPLICATION FOR REGISTRATION.

HISTORY. 1923 c. 305 s. 7; G.S. 1923 s. 386; 1925 c. 278 s. 1; 1927 c. 390 s. 7; M.S. 1927 ss. 386, 393-7; 1939 c. 345 Pt. 2 c. 2 s. 12; M. Supp. s. 601-2(2)k.

An application may be mailed to an absent voter. OAG (639i) Oct. 10, 1936.

The first and the last days are excluded in computing time. OAG Feb. 23, 1933.

It has long been the established ruling of the attorney general's office that the closing of registration during the prescribed period before a particular election does not prohibit registration during that period for a subsequent election. 1928 OAG 194; OAG Sept. 30, 1940.

201.18 COMMISSIONER TO PERFECT ELECTION REGISTERS.

HISTORY. 1923 c. 305 s. 8; G.S. 1923 s. 387; 1925 c. 390; 1927 c. 390 s. 8; M.S. 1927 ss. 387, 393-8; 1939 c. 345 Pt. 2 c. 2 s. 13; M. Supp. s. 601-2(2)l.

The constitution fixes the qualifications of voters. *State ex rel v Board of Education*, 158 M 459, 466, 197 NW 964.

Since the general election is always held on Tuesday, the last day for the registration under this act will always be on Saturday, the seventeenth day preceding. 1928 OAG 194.

If the provisions of the permanent registration act operate to deprive a voter in an annexed territory of his right to register and vote at an election, then the provisions of such law to that extent, would be unconstitutional. OAG Sept. 12, 1934. Also OAG Feb. 23, 1933.

Persons who are permanently registered may vote at a special primary election, and voters may register for the general election during the time when registration is closed for special primary. 1940 OAG 81, Sept. 30, 1940 (183r).

201.19 COMMISSIONER TO CHECK REGISTRATION LIST.

HISTORY. 1923 c. 305 s. 9; G.S. 1923 s. 388; 1925 s. 390; 1927 c. 390 s. 9; M.S. 1927 ss. 388, 393-9; 1939 c. 345 Pt. 2 c. 2 s. 14; M. Supp. s. 601-2(2)m.

A person whose name has been removed from the permanent registration list by reason of a failure to vote has no right to re-register for any election within

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the 15-day period immediately preceding such election. If the name of a registered voter has been wrongfully removed from the list, he may appear at the election, have his name restored to the list, and be allowed to vote upon complying with the provisions of law relating to challenged voters. 1928 OAG 196.

The permanent registration law went into effect in a city of the first class in 1926. In that year there was a city election and a general election. In 1927 there was no election, except a school election, which must be disregarded as far as its effect on the administration of the system is concerned, the school district not being coterminous with the city. The commissioner was wrong in removing from the files the cards of all those who registered in 1926, but who did not vote at any election in 1926 or 1927. Since there were elections only in the even-numbered years in that city, there should be no checking up of the registration lists for the purpose of removing the names of those not voting until the end of the year 1930. 1928 OAG 197.

This section requires the list to be checked at the close of each calendar year. This means each calendar year when there is a possibility that there will be some names subject to removal. In a city where the elections are held only in alternate years, there would be no need to check the list at the close of any year in which there was no election. If a special election were held in an off year in a city where the regular elections were held only in alternate years, such city would be in the same class as cities where elections are regularly held every year, for the purpose of the next checking up of the registration list. 1928 El. Op. 172.

201.191 RIGHT OF MEMBERS OF ARMED FORCES TO RE-REGISTER.

HISTORY. 1943 c. 288 s. 2.

201.20 CHALLENGES TO VOTERS.

HISTORY. 1923 c. 305 s. 10; G.S. 1923 s. 389; 1927 c. 390 s. 10; M.S. 1927 ss. 389, 393-10; 1939 c. 345 Pt. 2 c. 2 s. 15; M. Supp. s. 601-2(2)n.

The commissioner of registration, as well as any other person, may challenge a registration under this section. 1928 El. Op. 168.

In the absence of any provision in this section as to the time for hearing upon a challenge or as to the time for giving notice, it is the duty of the commissioner to fix a time for the hearing as soon as possible after the making of the challenge and to give to the challenged person reasonable notice thereof. What is reasonable notice depends on the circumstances of each case. The challenged person should be given reasonable time to obtain such material evidence as he wishes to produce in support of his qualifications. 1928 El. Op. 168.

In case of a challenge the commissioner may pass upon the admissibility of the evidence submitted as well as determine the challenge. 1928 El. Op. 168.

The mere interposition of a challenge under this section does not suspend the registration or prevent the registrant from voting. The decision of the commissioner upon a challenge under this section, after due hearing and consideration of the evidence, takes effect at once and remains in force unless and until it is reversed by the district court upon appeal. 1928 El. Op. 168.

The taking of an appeal does not suspend the effect of the decision of the commissioner pending the determination of the appeal. 1928 El. Op. 168.

In the case of a challenge made within such a short time before election that there will not be time to have an appeal from the decision of the commissioner determined in the district court before election, it would be advisable for the commissioner to postpone the determination of the challenge until after the election, unless the evidence showing that the registrant is disqualified is practically conclusive. 1928 El. Op. 168.

201.21 VIOLATIONS; PENALTIES.

HISTORY. 1923 c. 305 s. 11; G.S. 1923 s. 390; 1927 c. 390 s. 11; M.S. 1927 ss. 390, 393-11; 1939 c. 345 Pt. 2 c. 3 s. 1; M. Supp. s. 601-2(3).

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201.22 OATH OF OFFICE.

HISTORY. 1923 c. 305 s. 12; G.S. 1923 s. 391; 1927 c. 390 s. 12; M.S. 1927 ss. 391, 393-12; 1939 c. 345 Pt. 2 c. 3 s. 2; M. Supp. s. 601-2(3)a.

201.23 EXPENSES.

HISTORY. 1923 c. 305 s. 13; G.S. 1923 s. 392; 1927 c. 390 s. 13; M.S. 1927 ss. 392, 393-13; 1939 c. 345 Pt. 2 c. 3 s. 3; M. Supp. s. 601-2(3)b.

201.24 JUDGES OR CLERKS MAY NOT BE REGISTRATION OFFICERS.

HISTORY. 1899 c. 349 s. 8; R.L. 1905 s. 188; G.S. 1913 s. 343; G.S. 1923 s. 302; 1925 c. 420 s. 1; M.S. 1927 s. 302; 1939 c. 345 Pt. 2 c. 3 s. 4; M. Supp. s. 601-2(3)c.

201.25 REGISTRATION IN CERTAIN MUNICIPALITIES.

HISTORY. 1933 c. 209 s. 1; 1939 c. 345 Pt. 2 c. 4 s. 1; M. Supp. ss. 393-15, 601-2(4).

See, OAG April 21, 1934; Feb. 25, 1937.

201.26 COMBINED REGISTRATION SYSTEM.

HISTORY. 1933 c. 209 s. 1; 1939 c. 345 Pt. 2 c. 4 s. 2; M. Supp. ss. 393-16, 601-2(4)a.

201.27 DUTIES OF COMMISSIONER.

HISTORY. 1933 c. 209 s. 1; 1939 c. 345 Pt. 2 c. 4 s. 3; M. Supp. ss. 393-17, 601-2(4)b.

The registrar may not designate the polls for a school election. OAG April 12, 1934.

201.28 ELECTION DISTRICTS.

HISTORY. 1933 c. 209 s. 1; 1939 c. 345 Pt. 2 c. 4 s. 4; M. Supp. ss. 393-18, 601-2(4)c.

201.29 CONDUCT OF ELECTION.

HISTORY. 1933 c. 209 s. 1; 1939 c. 345 Pt. 2 c. 4 s. 5; M. Supp. ss. 393-19, 601-2(4)d.

As to the necessity of bids where the articles are patented, see OAG April 12, 1934.

201.30 WHO MAY VOTE.

HISTORY. R.S. 1851 c. 5 s. 2; 1887 c. 4 ss. 15, 77; G.S. 1878 Vol. 2 (1888 Supp.) c. 1 s. 77; 1889 c. 3 s. 70; 1891 c. 4 ss. 18, 23; 1893 c. 4 s. 70; 1939 s. 345 Pt. 2 c. 5 s. 1; M. Supp. s. 601-2(5).

Existing registers may be used at special primary elections, even when they show a check mark from previous primary. 1940 OAG 85, Jan. 14, 1939 (183q).

201.31 OATH TO ELECTORS.

HISTORY. 1939 c. 345 Pt. 2 c. 5 s. 2; M. Supp. s. 601-2(5)a.
See, 1928 El. Op. 202.

201.32 DETERMINATION OF RESIDENCE.

HISTORY. 1860 c. 18 s. 49; 1861 c. 15 s. 62; G.S. 1866 c. 1 s. 55; G.S. 1878 c. 1 s. 58; 1887 c. 4 s. 7; G.S. 1878 Vol. 2 (1888 Supp.) c. 1 s. 7; 1889 c. 3 s. 5;

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1891 c. 4 s. 9; 1893 c. 4 s. 61; G.S. 1894 s. 66; R.L. 1905 s. 235; G.S. 1913 s. 416; G.S. 1923 s. 368; M.S. 1927 s. 368; 1939 c. 345 Pt. 2 c. 5 s. 3; M. Supp. s. 601-2(5)b.

Where a person has been married, but his wife had died, and his mother is keeping house for him, and he owns the stock and farming utensils upon the farm on which he lives, and the furniture in the house thereon, it is his home, the place where he lived and maintained a family. Any group constituting a distinct domestic body is a family. State ex rel v Hays, 105 M 399, 401, 117 NW 615.

The evidence sustains the finding of the court that a certain school teacher, who voted for the contestee, was not a legal voter in the precinct where she voted, and her vote was rightly deducted from the total counted for the contestee by the inspectors. Nelson v Bullard, 155 M 419, 194 NW 308.

One who commenced to move from the precinct in which his vote was cast into another precinct, but had not completed the moving, having moved some of his furniture and his bed into the other precinct, was entitled to vote in the precinct where he had not completed moving from. Pye v Hanzel, 200 M 135, 273 NW 611.

Residence was in village where home builder thought he was constructing his dwelling and where he intended to vote, though the boundary line between the two villages passed through his dwelling. OAG Feb. 14, 1936 (490j-1).

Men actually establishing their residence in a city have a right to vote though they are engaged in work of a temporary nature. OAG Nov. 6, 1936 (172c-5).

The residence, for voting purposes, of person employed by the federal government in Washington, is not lost because a tenant moved into the building where such person formerly lived. OAG Sept. 23, 1936 (490j-2).

A settlement for the purpose of relief has nothing to do with a residence for the purpose of voting. OAG Oct. 19, 1936 (490j).

Persons receiving poor relief are not disqualified to vote. OAG Oct. 17, 1936 (339r).

Persons living on tax exempt property may vote. OAG April 29, 1935.

Men in CCC camps may not vote unless permanent residents. OAG April 6, 1934; April 24, 1934; Oct. 24, 1934. Temporary employees of a utility company. OAG June 11, 1935.

Students and teachers. 1928 El. Op. 219; OAG Oct. 16, 1934; OAG Nov. 2, 1934.

Residence as relating to game licenses. 1942 OAG 2, Aug. 11, 1942 (209-H).

The wife of a soldier may vote where her husband resides. The judges of election may determine. The duty does not devolve on the county auditor. OAG Sept. 2, 1944 (639e).

Wife separated from husband. 1928 El. Op. 220.

Soldiers quartered in state. 1918 OAG 296.

Determination of residence. 1928 El. Op. 216. See 1928 El. Op. 217, Subd. 10 construed, 1928 El. Op. 218.

Residence of married women, soldiers and their wives. 1928 El. Op. 207.

Laws of domicile compared. 15 MLR 668.

201.33 ELECTION REGISTERS.

HISTORY. 1878 c. 84 s. 5; 1887 c. 4 ss. 21, 22; 1889 c. 3 ss. 45 to 47; 1939 c. 345 Pt. 2 s. 5 s. 4; M. Supp. s. 601-2(5)c.

See, also, annotations under section 201.32.

201.34 DISPOSITION OF REGISTERS.

HISTORY. 1878 c. 84 s. 35; 1887 c. 4 s. 24; 1889 c. 3 s. 48; 1939 c. 345 Pt. 2 s. 5 s. 5; M. Supp. s. 601-2(5)d.

Information in auditor's registry as to soldier and sailor voters is open to the public. OAG Aug. 23, 1944 (639e).