

CHAPTER 210

PENAL PROVISIONS

210.01 FALSE REGISTRATION.

HISTORY. G.S. 1866 c. 1 ss. 57 to 62, 71; 1878 c. 84 s. 39; G.S. 1878 c. 1 ss. 60 to 65, 74; 1887 c. 4 ss. 82 to 87, 91, 95, 99; G.S. 1878 Vol. 2 (1888 Supp.) c. 1 ss. 82 to 87, 91, 95, 99; 1889 c. 3 ss. 75 to 77, 83, 86; 1891 c. 4 ss. 113, 116 to 121; 1893 c. 4 ss. 71, 73, 112, 113; G.S. 1894 s. 76; 1895 c. 277 s. 5; R.L. 1905 s. 359; G.S. 1913 s. 610; G.S. 1923 s. 580; M.S. 1927 s. 580; 1939 c. 345 Pt. 9 c. 1 s. 1; M. Supp. s. 601-9(1).

See OAG Nov. 2, 1933; March 18, 1935.

210.02 OFFERING DUPLICATE BALLOTS.

HISTORY. 1861 c. 15 s. 66; G.S. 1866 c. 1 s. 60; G.S. 1878 c. 1 s. 63; 1889 c. 3 ss. 78 to 80, 82; 1891 c. 4 s. 115; 1893 c. 4 ss. 111 to 114, 117; G.S. 1894 ss. 116 to 119, 122; R.L. 1905 s. 360; G.S. 1913 s. 611; G.S. 1923 s. 581; M.S. 1927 s. 581; 1939 c. 345 Pt. 9 c. 1 s. 2; M. Supp. s. 601-9(1)a.

A defendant may properly be convicted of the felony of voting more than once at the same election, although it appears from the indictment that, in casting the second vote, he also committed a misdemeanor, by voting in an election district in which he did not actually reside. *State v Welch*, 21 M 22; *State v Davis*, 22 M 423.

210.03 BRIBERY.

HISTORY. 1889 c. 3 s. 81; 1891 c. 4 s. 123; 1893 c. 4 s. 115; 1895 c. 277 s. 1; R.L. 1905 s. 361; G.S. 1913 s. 612; G.S. 1923 s. 582; M.S. 1927 s. 582; 1939 c. 345 Pt. 9 c. 1 s. 3; M. Supp. s. 601-9(1)b.

The evidence sustains a finding that the defendant promised public employment in order to aid and promote his election. *Berg v Penttila*, 173 M 512, 217 NW 935.

Applies to county seat removal election (offer of free site for court-house). 1928 El. Op. 42, 50.

Applies to an offer to work free, to return a part of salary, and to gifts of lead pencils, etc. 1928 El. Op. 50, 51, 52.

Offer to serve for less than the legal salary by a candidate in the course of his campaign is a violation of this statute, but one holding office may accept a reduction in salary. OAG Jan. 29, 1932.

A voluntary acceptance of reduced salaries by public officials applies to town officers. OAG March 4, 1932.

An agreement by official to accept a salary cut not illegal unless made to influence voters. OAG March 20, 1933.

While candidates for county elective offices may not accept reduction in pay to influence election, county elective officials may, after election, voluntarily accept a pay reduction, if such reduction is not accepted with intent to influence voters at a subsequent election. OAG March 22, 1933.

Acceptance of a cut in salary pursuant to a resolution of the county board would not be a violation of the corrupt practices act or this section. OAG July 27, 1933.

Whether an article upon which campaign literature is printed is a thing of value is not determined by the cost of producing the article, but its value to the recipient for the purposes intended. 1930 OAG 235.

Whether tire cover a thing of value. OAG March 8, 1933.

Useful information on the back of a campaign card is not forbidden. 1940 OAG 77.

210.04 ADVANCING MONEY UNLAWFULLY.

HISTORY. 1889 c. 3 s. 26; 1895 c. 277 s. 2; R.L. 1905 s. 362; G.S. 1913 s. 613; G.S. 1923 s. 583; M.S. 1927 s. 583; 1939 c. 345 Pt. 9 c. 1 s. 4; M. Supp. s. 601-9(1)c.

See 1928 El. Op. 50.

210.05 IMPROPERLY INFLUENCING OR COERCING VOTERS GROSS DEMEANOR.

HISTORY. G.S. 1866 c. 1 ss. 63, 64; G.S. 1878 c. 1 ss. 66, 67; 1887 c. 4 ss. 88, 89; G.S. 1878 Vol. 2 (1888 Supp.) c. 1 ss. 88, 89; 1891 c. 4 ss. 114, 122; 1893 c. 4 ss. 108, 115 to 117; G.S. 1894 ss. 113, 120, 121; 1895 c. 277 s. 4; R.L. 1905 s. 364; G.S. 1913 s. 615; G.S. 1923 s. 585; M.S. 1927 s. 585; 1939 c. 345 Pt. 9 c. 1 s. 5; M. Supp. s. 601-9(1)d.

See 1928 El. Op. 59.

210.06 DEFACING POLL LISTS OR REMOVING BALLOTS.

HISTORY. 1878 c. 84 s. 26; G.S. 1878 c. 1 s. 102; 1887 c. 4 ss. 93, 99; G.S. 1878 Vol. 2 (1888 Supp.) c. 1 ss. 93, 99; 1889 c. 3 s. 43; 1891 c. 4 ss. 110, 111; 1893 c. 4 ss. 72, 90, 110, 160; G.S. 1894 s. 115; R.L. 1905 s. 365; G.S. 1913 s. 616; G.S. 1923 s. 586; M.S. 1927 s. 586; 1939 c. 345 Pt. 9 c. 1 s. 6; M. Supp. s. 601-9(1)e.

210.07 DAMAGING ELECTION EQUIPMENT.

HISTORY. 1887 c. 4 ss. 93, 94, 99; G.S. 1878 Vol. 2 (1888 Supp.) c. 1 ss. 93, 94, 99; 1889 c. 3 ss. 43, 85; 1891 c. 4 s. 112; 1893 c. 4 ss. 110, 160; G.S. 1894 s. 165; R.L. 1905 s. 366; G.S. 1913 s. 617; G.S. 1923 s. 587; M.S. 1927 s. 587; 1939 c. 345 Pt. 9 c. 1 s. 7; M. Supp. s. 601-9(1)f.

210.08 FAILURE TO DELIVER CERTIFICATE OF NOMINATION A MISDEMEANOR.

HISTORY. 1893 c. 4 s. 33; G.S. 1894 s. 38; R.L. 1905 s. 368; G.S. 1913 s. 619; G.S. 1923 s. 589; M.S. 1927 s. 589; 1939 c. 345 Pt. 9 c. 1 s. 8; M. Supp. s. 601-9(1)g.

210.09 NEGLIGENTLY PRINTING BALLOTS.

HISTORY. 1893 c. 4 s. 30; G.S. 1894 s. 35; R.L. 1905 s. 369; G.S. 1913 s. 620; G.S. 1923 s. 590; M.S. 1927 s. 590; 1939 c. 345 Pt. 9; M. Supp. s. 601-9(1)h.

The town clerk placed a person's name on the affidavit ballot though he had not filed within the statutory time. The candidate was elected. This did not invalidate the election. Irregularities in an official ballot due to error of an election officer do not vitiate the vote of an elector innocent of any wrong, unless such irregularity has been declared fatal by statute or unless the irregularity serves as a distinguishing mark. 1942 OAG 64, March 25, 1941 (424B-2).

210.10 DEFAMATORY CIRCULARS.

HISTORY. 1893 c. 4 ss. 194, 195; G.S. 1894 s. 199; 1901 c. 88 s. 4; R.L. 1905 s. 370; G.S. 1913 s. 621; G.S. 1923 s. 591; M.S. 1927 s. 591; 1939 c. 345 Pt. 9 c. 1 s. 10; M. Supp. s. 601-9(1)i.

Although defamatory of supporters of a candidate, a campaign document was not defamatory of the candidate himself and so is no violation of the corrupt practices act. *Dart v Erickson*, 188 M 313, 248 NW 706.

Certain circulars considered. 1918 OAG 273, 1928 El. Op. 93.

210.11 REFUSING EMPLOYEE ELECTION PRIVILEGE.

HISTORY. 1893 c. 4 s. 109; G.S. 1894 s. 114; R.L. 1905 s. 371; G.S. 1913 s. 622; G.S. 1923 s. 592; M.S. 1927 s. 592; 1939 c. 345 Pt. 9 c. 1 s. 11; M. Supp. s. 601-9(1)j.

MINNESOTA STATUTES 1945 ANNOTATIONS

210.12 PENAL PROVISIONS

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210.12 ONLY ELECTION OFFICIALS MAY HANDLE BALLOTS.

HISTORY. 1893 c. 4 s. 123; G.S. 1894 s. 128; 1897 c. 242; R.L. 1905 s. 372; G.S. 1913 s. 623; G.S. 1923 s. 593; M.S. 1927 s. 593; 1939 c. 345 Pt. 9 c. 1 s. 12; M. Supp. s. 601-9(1)k.

210.13 MISMARKING BALLOTS; DISCLOSING HOW MARKED.

HISTORY. 1887 c. 4 s. 19; G.S. 1878 Vol. 2 (1888 Supp.) c. 1 s. 19; 1893 c. 4 s. 103; G.S. 1894 s. 108; R.L. 1905 s. 373; G.S. 1913 s. 624; G.S. 1923 s. 594; M.S. 1927 s. 594; 1939 c. 345 Pt. 9 c. 1 s. 13; M. Supp. s. 601-9(1)L.

210.14 NEGLECT OF OFFICIALS.

HISTORY. R.S. 1851 c. 5 ss. 32, 44; P.S. 1858 c. 6 ss. 30, 42; 1861 c. 15 ss. 19, 39, 44; G.S. 1866 c. 1 ss. 18, 36, 41; 1878 c. 84 ss. 19 to 22, 24, 25; G.S. 1878 c. 1 ss. 22, 39, 44, 95 to 98, 101; 1887 c. 4 s. 81; G.S. 1878 Vol. 2 (1888 Supp.) c. 1 s. 81; 1889 c. 3 ss. 40 to 42, 74; 1891 c. 4 ss. 108, 109; 1893 c. 4 ss. 16, 18, 30, 87, 103, 108, 156, 159; G.S. 1894 s. 164; R.L. 1905 s. 374; G.S. 1913 s. 625; G.S. 1923 s. 595; M.S. 1927 s. 595; 1939 c. 345 Pt. 9 c. 1 s. 14; M. Supp. s. 601-9(1)m.

See 1934 OAG 398.

210.15 ELECTION MESSENGER'S FAILURE TO DELIVER RETURNS.

HISTORY. G.S. 1878 Vol. 2 (1888 Supp.) Penal Code s. 488; G.S. 1894 s. 6788; R.L. 1905 s. 375; G.S. 1913 s. 626; G.S. 1923 s. 596; M.S. 1927 s. 596; 1939 c. 345 Pt. 9 c. 1 s. 15; M. Supp. s. 601-9(1)n.

210.16 UNLAWFUL EXPENDITURES.

HISTORY. 1895 c. 277 s. 3; R.L. 1905 s. 376; G.S. 1913 s. 627; G.S. 1923 s. 597; M.S. 1927 s. 597; 1939 c. 345 Pt. 9 c. 1 s. 16; M. Supp. s. 601-9(1)o.

210.17 FILING STATEMENTS BY TREASURER.

HISTORY. 1895 c. 277 s. 2; R.L. 1905 s. 377; G.S. 1913 s. 628; G.S. 1923 s. 598; M.S. 1927 s. 598; 1939 c. 345 Pt. 9 c. 1 s. 17; M. Supp. s. 601-9(1)p.

210.18 FAILURE OF TREASURER TO KEEP ACCOUNTS.

HISTORY. 1895 c. 277 s. 22; R.L. 1905 s. 378; G.S. 1913 s. 629; G.S. 1923 s. 599; M.S. 1927 s. 599; 1939 c. 345 Pt. 9 c. 1 s. 18; M. Supp. s. 601-9(1)q.

210.19 FAILURE BY CANDIDATE TO FILE STATEMENT.

HISTORY. 1895 c. 277 s. 8; R.L. 1905 s. 379; G.S. 1913 s. 630; G.S. 1923 s. 600; M.S. 1927 s. 600; 1939 c. 345 Pt. 9 c. 1 s. 19; M. Supp. s. 601-9(1)r.

Within the meaning of the corrupt practices act, a political aspirant becomes a candidate at the time of filing his affidavit of intention of becoming a candidate for a specified office. The verified statement which he is required by law to file need not include items of expense incurred or paid anterior to the time of filing such affidavit. *State ex rel v Bates*, 102 M 104, 112 NW 1026.

In mandamus, where the relator, a candidate for a public office, has violated a provision of the statute so as to render it unlawful for the auditor to issue to him a certificate of election, the writ will be denied, however meritorious the application may be on other grounds. *Dale v Johnson*, 143 M 225, 173 NW 417.

210.20 CONTRIBUTIONS BY CORPORATIONS; PENALTIES.

HISTORY. 1905 c. 291 s. 1; G.S. 1913 s. 631; G.S. 1923 s. 601; M.S. 1927 s. 601; 1939 c. 345 Pt. 9 c. 1 s. 20; M. Supp. s. 601-9(1)s.