

CHAPTER 211

CORRUPT PRACTICES

211.01 DEFINITIONS AND CONSTRUCTION OF TERMS.

HISTORY. Ex. 1912 c. 3 s. 40; G.S. 1913 s. 606; G.S. 1923 s. 577; M.S. 1927 s. 577; 1939 c. 345 Pt. 10 c. 1 s. 1; M. Supp. s. 601-10(1).

The corrupt practices act does not apply to town or school district elections. *Johnson v Du Bois*, 208 M 557, 294 NW 839; *Danculovic v Zimmerman*, 184 M 370, 238 NW 695; *Anderson v Firle*, 173 M 333, 219 NW 284; *Mathison v Meyer*, 159 M 438, 199 NW 173; 1916 OAG 250; 1928 El. Op. 44.

Formerly it was assumed to apply to town elections. *Miller v Maier*, 136 M 231, 161 NW 513; 1914 OAG 72; 1928 El. Op. 46.

In so far as it can be made to do so, the corrupt practices act applies to village elections. *Auro v Brandt*, 211 M 281, 1 NW(2d) 381; 1940 OAG 76.

The corrupt practices act applies to a constitutional amendment campaign. 1928 El. Op. 40; 1928 El. Op. 43; 1916 OAG 241.

Also to county seat removal election. 1916 OAG 244; 1928 El. Op. 41, 42, 50.

Applies to candidates for congress and U. S. Senate. *Flaten v Kvale*, 146 M 463; 179 NW 213; 1922 OAG 248, 249, 250.

The purpose of unlawfully influencing voters is the poison at which the corrupt practices act is directed. Absent that purpose, there is no violation of the act. *Englebart v Tuttle*, 185 M 608, 242 NW 425; *Effertz v Schimelfenig*, 207 M 324, 291 NW 286.

A candidate for a non-partisan elective office may procure the endorsement and support of his candidacy from a political party. *Moon v Halverson*, 206 M 331, 288 NW 579.

See 1928 El. Op. 40, 64, 70, 81, 82.

211.02 LEGAL EXPENSES.

HISTORY. Ex. 1912 c. 3 s. 1; G.S. 1913 s. 567; G.S. 1923 s. 538; M.S. 1927 s. 538; 1939 c. 345 Pt. 10 c. 1 s. 2; M. Supp. s. 601-10(1)a.

As to the use of cards and blotters, see 1928 El. Op. 47, 48, 49.

In a proceeding to remove, held that defendant officer was deprived of his constitutional rights against self-incrimination. *Berg v Pentilla*, 173 M 512, 217 NW 935.

Refusal to testify upon the ground that his testimony might incriminate did not justify an inference of guilt. *Berg v Pentilla*, 173 M 512, 217 NW 935.

Evidence held sufficient to support the finding that candidate's attendance and presentation of gifts at showers in honor of young people about to be married, was not done for the purpose of influencing voters. *Engelbert v Tuttle*, 185 M 608, 242 NW 425.

Evidence supports the finding that candidate did not patronize church bazaar and return prize there won to influence voters. *Engelbert v Tuttle*, 185 M 608, 242 NW 425.

Does not apply to town elections. OAG April 23, 1932.

Does not apply to election in connection with annexation of territory to village. OAG April 23, 1932.

A candidate for office may properly spend money in preparing and distributing tire covers containing his name and name of office. OAG Oct. 22, 1932.

A tire cover containing the name of a candidate, is a poster. OAG March 8, 1933.

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

In regard to limitations on payments for stationery, etc., by a candidate, see 1928 El. Op. 54, 55.

A candidate may pay for canvassing. 1928 El. Op. 53.

As to various expenditures, see 1928 El. Op. 61 to 91.

May not establish headquarters or employ clerical help. 1928 El. Op. 55.

211.03 PAID ADVERTISEMENTS IN NEWSPAPERS.

HISTORY. Ex. 1912 c. 3 s. 2; G.S. 1913 s. 568; G.S. 1923 s. 539; M.S. 1927 s. 539; 1931 c. 37; 1939 c. 345 Pt. 10 c. 1 s. 3; M. Supp. ss. 539, 601-10(1)aa.

A failure to insert in an advertisement the amount paid therefore in violation of the corrupt practices act was not ground for forfeiture of office, being trivial and limited in character. *Engelbert v Tuttle*, 185 M 608, 242 NW 425.

Subjoining a statement that the document was "prepared and paid for by volunteer committee" was not a compliance with the requirement that the words "paid advertisement" should appear "at the head". *Dart v Erickson*, 188 M 313, 248 NW 706.

In newspaper advertisements, the amount payable must be stated. 1928 El. Op. 51.

A statement of authorship is required. 1928 El. Op. 98, 99, 100, 102.

There is no law fixing the rates for political advertisements. 1928 El. Op. 101.

The affidavit of ownership of newspaper, when and where to be filed. 1928 El. Op. 103, 104, 105; 1928 OAG 186.

The provisions of the corrupt practices act are applicable to a special election in the city of St. Paul upon the question of granting a franchise. OAG Dec. 21, 1931.

A voluntary committee known as pro-airport ordinance committee must comply with the corrupt practices act. Holdings as to various particulars of the act. 1942 OAG 69, Oct. 14, 1942 (627B-1).

211.04 SHALL NOT BE INTERESTED IN NEWSPAPER; EXCEPTION.

HISTORY. Ex. 1912 c. 3 s. 3; G.S. 1913 s. 569; G.S. 1923 s. 540; M.S. 1927 s. 540; 1939 c. 345 Pt. 10 c. 1 s. 4; M. Supp. s. 601-10(1)b.

The statute does not require a mere dues-paying member of a political party, which publishes a newspaper for political propaganda and not for profit, to file an affidavit of financial interest in such newspaper upon becoming a candidate for office. *Trones v Olson*, 197 M 21, 265 NW 806.

211.05 COMPENSATION EXCEPT FOR "PAID AD" PROHIBITED.

HISTORY. Ex. 1912 c. 3 s. 4; G.S. 1913 s. 570; G.S. 1923 s. 541; M.S. 1927 s. 541; 1939 c. 345 Pt. 10 c. 1 s. 5; M. Supp. s. 601-10(1)bb.

See 1928 El. Op. 40; 1928 OAG 186.

211.06 LIMIT OF EXPENDITURES.

HISTORY. Ex. 1912 c. 3 s. 5; G.S. 1913 s. 571; G.S. 1923 s. 542; M.S. 1927 s. 542; 1939 c. 345 Pt. 10 c. 1 s. 6; M. Supp. s. 601-10(1)c.

The verified statement which a candidate is required by law to file need not include items of expense incurred or paid anterior to the time of filing his affidavit of intention of becoming a candidate. *Brady v Bates*, 102 M 104, 112 NW 1026.

"Salary", as used in the corrupt practices act, is used in its broad sense of compensation, embracing both "salary" and "fees". *Spokely v Haaven*, 183 M 467, 237 NW 11.

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A political committee can collect and disburse money in a campaign for lawful purposes only. The amount which it may so receive and disburse is not definitely limited by the corrupt practices act. *Mariette v Murray*, 185 M 620, 242 NW 331.

A contest on the ground of excessive expenditures. *Rees v Nash*, 142 M 260, 171 NW 781.

As to expenditures by a voluntary committee, see 1928 El. Op. 69.

Candidates for Congress and the United States Senate are not limited by the state law as to the amount of their expenditures, but must file their expense accounts with the secretary of state and otherwise comply with the state law. 1922 OAG 250; 1928 El. Op. 61, 62, 63.

For the federal limitation on committee expenditures, see 2 U. S. C. A. s. 241.

As to expenditures in various cases, see 1928 El. Op. 61 to 91.

211.07 SOLICITATIONS OF CONTRIBUTIONS PROHIBITED.

HISTORY. Ex. 1912 c. 3 s. 6; G.S. 1913 s. 572; G.S. 1923 s. 543; M.S. 1927 s. 543; 1939 c. 345 Pt. 10 c. 1 s. 7; M. Supp. s. 601-10(1)cc.

211.08 CAMPAIGN LITERATURE MATTER MUST INCLUDE NAMES.

HISTORY. Ex. 1912 c. 3 s. 7; G.S. 1913 s. 573; G.S. 1923 s. 544; M.S. 1927 s. 544; 1939 c. 345 Pt. 10 c. 1 s. 8; M. Supp. s. 601-10(1)d.

Publishing and distributing a circular to influence voting which falsely accuses a candidate of trickery and deceit in his campaign, and falsely imputes to him disreputable private and official conduct, is a violation of the corrupt practices act which cannot be disregarded as immaterial or trifling. *Olsen v Billberg*, 129 M 160, 151 NW 550.

Evidence sustains a finding that contestee, in a contest for a nomination at a primary election, published, within the meaning of this section, certain false statements relative to his opponent, tending and intended to affect voting at such primary. *Flaten v Kvale*, 146 M 463, 179 NW 213.

The absence of an authorship clause on cards held trivial. *Miske v Fischer*, 193 M 514, 259 NW 18.

The mailing of anonymous letter held not a violation of the corrupt practices act. *Effertz v Schimelpfenig*, 207 M 324, 291 NW 286.

Whether blotters violate the corrupt practices act is a question of fact. OAG April 26, 1934.

A candidate for office may include the word "lawyer" on a campaign card, but such a card must contain the address of the author or the candidate, while a card containing a mere statement that a person is a candidate for office, without anything in the way of an appeal or argument, does not need to state its authorship. OAG March 16, 1936 (627j-1).

Election stickers are not invalid as campaign literature because the name thereon contains a cross after the name. 1930 OAG 252.

Small packets or books of matches bearing picture of candidate and a brief statement of his qualifications, constitute campaign literature within this section. 1930 OAG 235.

As to a newspaper article reprint, see 1928 El. Op. 98.

Regarding sample ballots, see 1928 El. Op. 96.

As to photographs, see 1928 El. Op. 95.

As to moving picture slides, see 1928 El. Op. 94.

Where an election has been held and the results thereof declared, and there may be a contest, the attorney general will not determine whether there has been a violation of the corrupt practices act. OAG Nov. 28, 1934.

211.09 CERTAIN SOLICITATIONS PROHIBITED.

HISTORY. Ex. 1912 c. 3 s. 8; G.S. 1913 s. 574; G.S. 1923 s. 545; M.S. 1927 s. 545; 1939 c. 345 Pt. 10 c. 1 s. 9; M. Supp. s. 601-10(1)dd.

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A candidate may spend in excess of \$50.00 personally. 1928 El. Op. 85; 1928 OAG 186; 1934 OAG 381.

For the meaning of contribute, see OAG May 16, 1934.

211.10 SHALL NOT INDUCE PERSON TO BECOME A CANDIDATE OR REFRAIN THEREFROM.

HISTORY. Ex. 1912 c. 3 s. 9; G.S. 1913 s. 575; G.S. 1923 s. 546; M.S. 1927 s. 546; 1939 c. 345 Pt. 10 c. 1 s. 10; M. Supp. s. 601-10(1)e.

211.11 TREATING BY CANDIDATES PROHIBITED.

HISTORY. Ex. 1912 c. 3 s. 10; G.S. 1913 s. 576; G.S. 1923 s. 547; M.S. 1927 s. 547; 1939 c. 345 Pt. 10 c. 1 s. 11; M. Supp. s. 601-10(1)ee.

Giving a drink of liquor to four voters by a candidate for office as an act of hospitality, and not to influence or with the intention of influencing voters, is not a violation of the corrupt practices act. *Engelbert v Tuttle*, 185 M 608, 242 NW 425.

See 1928 El. Op. 40.

See 1 MLR 451.

211.12 UNDUE INFLUENCE BY CANDIDATES PROHIBITED.

HISTORY. Ex. 1912 c. 3 s. 11; G.S. 1913 s. 577; G.S. 1923 s. 548; M.S. 1927 s. 548; 1939 c. 345 Pt. 10 c. 1 s. 12; M. Supp. s. 601-10(1)f.

A judgment that contestee's attempted coercion of voters on public relief, by threats that he, as chairman of the emergency relief board, would have them removed from relief if they did not support him in his campaign for county commissioner, was limited in character and that his election was free from offensive and illegal acts is reversed and judgment directed that contestee's election be annulled and set aside. *Fritz v Henzel*, 195 M 640, 263 NW 10.

211.13 MAKING OF WAGERS PROHIBITED.

HISTORY. Ex. 1912 c. 3 s. 12; G.S. 1913 s. 578; G.S. 1923 s. 549; M.S. 1927 s. 549; 1939 c. 345 Pt. 10 c. 1 s. 13; M. Supp. s. 601-10(1)ff.

211.14 NOT TO PAY FOR TIME LOST AT POLLS.

HISTORY. Ex. 1912 c. 3 s. 13; G.S. 1913 s. 579; G.S. 1923 s. 550; M.S. 1927 s. 550; 1939 c. 345 Pt. 10 c. 1 s. 14; M. Supp. s. 601-10(1)g.

Regarding transportation to the polls. 1928 El. Op. 59, 106, 107, 108.

Men may not be compelled to attend voting place. OAG March 3, 1933.

League of women voters, nor anyone else are allowed to furnish transportation to voters to the polls. 1942 OAG 70, Oct. 21, 1942 (627-L).

See 1928 OAG 201.

211.15 SOLICITING NEAR POLLING PLACES PROHIBITED.

HISTORY. Ex. 1912 c. 3 s. 14; G.S. 1913 s. 580; G.S. 1923 s. 551; M.S. 1927 s. 551; 1939 c. 345 Pt. 10 c. 1 s. 15; M. Supp. s. 601-10(1)gg.

The distribution of campaign cards by a candidate on election day, in the event of his election, gives occasion for the forfeiture of his right to the office. In re Election Contest of Christian, 170 M 465, 213 NW 48.

A communication, printed on a blue card, accompanying a bunch of campaign cards, held of such a character as to constitute a letter, and not to violate the requirements of the corrupt practices act applicable to campaign cards. *Engelbert v Tuttle*, 185 M 608, 242 NW 425.

What acts are prohibited on election day. 1918 OAG 272; 1928 El. Op. 59.

As the solicitation of votes on election day, see 1928 El. Op. 40.

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Regarding display of banners on election day, see 1928 El. Op. 56.

See, as to the wearing of badges on election day, 1928 El. Op. 60.

Regarding the distribution of stickers on election day, see 1918 OAG 279; 1928 El. Op. 58, 185.

Campaign activities are not prohibited on the day preceding election day. 1928 El. Op. 57.

A sticker with nothing more on it than names of persons for whom votes are desired is not a campaign card, but a sticker with the words added "for representative in state legislature" would constitute a campaign card which could not be distributed on election day. OAG Oct. 20, 1936 (184a).

It is unlawful to deposit campaign literature in the mail at such a time that it will not be delivered until election day. OAG April 1, 1932.

211.16 DISBURSEMENTS BY CANDIDATE.

HISTORY. Ex. 1912 c. 3 s. 15; G.S. 1913 s. 581; G.S. 1923 s. 552; M.S. 1927 s. 552; 1939 c. 345 Pt. 10 c. 1 s. 16; M. Supp. 1. 601-10(1)h.

211.17 PERSONAL CAMPAIGN COMMITTEES.

HISTORY. Ex. 1912 c. 3 s. 16; G.S. 1913 s. 582; G.S. 1923 s. 553; M.S. 1927 s. 553; 1939 c. 345 Pt. 10 c. 1 s. 17; M. Supp. s. 601-10(1)hh.

The finding that the political committee was in fact the personal campaign committee of the appellant held not sufficiently sustained by the evidence. *Mariette v Murray*, 185 M 620, 242 NW 331.

A candidate for a nonpartisan elective office is not prohibited from procuring the endorsement and support of his candidacy from a political party; nor is he prevented from engaging in political activities. *Moon v Halverson*, 206 M 331, 288 NW 579.

A candidate for a nonpartisan elective office may state his party affiliations, except with reference to filing for nomination and upon the ballot. *Moon v Halverson*, 206 M 331, 288 NW 579.

211.18 LIMIT OF EXPENDITURES BY CAMPAIGN COMMITTEES.

HISTORY. Ex. 1912 c. 3 s. 17; G.S. 1913 s. 583; G.S. 1923 s. 554; M.S. 1927 s. 554; 1939 c. 345 Pt. 10 c. 1 s. 18; M. Supp. s. 601-10(1)i.

A political committee can collect and disburse money in a campaign for lawful purposes only. *Mariette v Murray*, 185 M 620, 242 NW 331.

The expenditure by a bar association of money to defray the expense of a bar plebescite and furnishing the services of its officers in managing the same does not constitute a payment or contribution of money, property, or services to a political party, committee, or individual for political purposes. *La Belle v Hennepin County Bar Ass'n*. 206 M 290, 288 NW 788.

An announcement to the public by a bar association of the result of a bar plebescite showing the preference of the bar for judicial candidates, which is published in newspapers without expense to the bar association, is not prohibited by the corrupt practices act. *La Belle v Hennepin County Bar Ass'n*. 206 M 290, 288 NW 788.

Expenditure by a voluntary committee. 1928 El. Op. 69.

211.19 BILLS, WHEN RENDERED AND PAID.

HISTORY. Ex. 1912 c. 3 s. 18; G.S. 1913 s. 584; G.S. 1923 s. 555; M.S. 1927 s. 555; 1939 c. 345 Pt. 10 c. 1 s. 19; M. Supp. s. 601-10(1)ii.

211.20 MUST FILE VERIFIED STATEMENT OF EXPENDITURES.

HISTORY. Ex. 1912 c. 3 s. 19; G.S. 1913 s. 585; G.S. 1923 s. 556; 1927 c. 75; M.S. 1927 s. 556; 1939 c. 345 Pt. 10 c. 1 s. 20; M. Supp. s. 601-10(1)j.

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The verified statement which a candidate is required to file need not include items of expense incurred or paid anterior to the time he became a candidate by filing his affidavit of intention of becoming a candidate. *Brady v Bates*, 102 M 104, 112 NW 1026. See *Rees v Nash*, 142 M 260, 171 NW 781.

The respondent did not violate this section in failing to report, in his verified election statements, the value of the time consumed in broadcasting over radio stations during his campaign, the evidence showing that a volunteer committee, with whom respondent had no connections, had purchased time for broadcasting, and had notified the respondent that it had allocated a certain amount thereof for respondent's use. *Trones v Olson*, 197 M 21, 265 NW 806.

The evidence failed to show that respondent violated this section in omitting from his verified election statements the value of space in "The Leader", a newspaper published by the Farmer-Labor Association, a political party, devoted to the respondent's election as governor; there being no evidence that respondent, directly or indirectly, controlled what was published in "The Leader" during his candidacy. *Trones v Olson*, 197 M 21, 265 NW 806.

The provisions of the corrupt practices act requiring candidates to file verified itemized statements of their expenditures, do not apply to the village of Hibbing. *Aura v Brandt*, 211 M 281, 1 NW(2d) 381.

As to distinguishing marks the holding of the supreme court in the following cases differ, the first being overruled by the latter. *Aura v Brandt*, 211 M 281, 1 NW(2d) 381; *Murray v Floyd*, 216 M 69, 11 NW(2d) 780.

Section 211.20 was intended to apply only to candidates in cities of the first class. 1942 OAG 71, March 10, 1941 (627B-8).

When first statement must be filed. 1928 El. Op. 81, 82.

Expenditures by unauthorized or voluntary political committees, 1918 OAG 275.

Expenditures by candidates for Congress, 1928 El. Op. 61, 62, 63.

See, as to delinquent statements, 1928 El. Op. 74, 75, 76, 77; 1928 OAG 186.

211.21 BLANKS FOR FILING STATEMENT OF EXPENSE.

HISTORY. Ex. 1912 c. 3 s. 20; G.S. 1913 s. 586; G.S. 1923 s. 557; M.S. 1927 s. 557; 1939 c. 345 Pt. 10 c. 1 s. 21; M. Supp. s. 601-10(1)jj.

211.22 NAMES OF CANDIDATES SHALL NOT BE PRINTED ON BALLOT UNLESS STATEMENT IS FILED.

HISTORY. Ex. 1912 c. 3 s. 21; G.S. 1913 s. 587; G.S. 1923 s. 558; M.S. 1927 s. 558; 1939 c. 345 Pt. 10 c. 1 s. 22; M. Supp. s. 601-10(1)k

In mandamus, where the relator, a candidate for a public office, has violated a provision of the statute as to filing verified itemized statements of expenditures so as to render it unlawful for the auditor to issue to him a certificate of election, the writ will be denied. *Dale v Johnson*, 143 M 225, 173 NW 417.

See, as to delinquent statements, 1918 OAG 277, 278; 1928 El. Op. 74, 75, 76, 77.

211.23 MAY NOT PROMISE APPOINTMENTS.

HISTORY. Ex. 1912 c. 3 s. 22; G.S. 1913 s. 588; G.S. 1923 s. 559; M.S. 1927 s. 559; 1939 c. 345 Pt. 10 c. 1 s. 23; M. Supp. s. 601-10(1)L.

The finding that one running for office promised to reward certain voters by giving them employment in return for their work and influence, held sustained by the evidence. *Mariette v Murray*, 185 M 620, 242 NW 331.

211.24 MAY NOT INFLUENCE EMPLOYEES.

HISTORY. Ex. 1912 c. 3 s. 23; G.S. 1913 s. 589; G.S. 1923 s. 560; M.S. 1927 s. 560; 1939 c. 345 Pt. 10 c. 1 s. 24; M. Supp. s. 601-10(1)m.

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211.25 MAY AUTHORIZE DISBURSEMENTS BY CAMPAIGN COMMITTEE.

HISTORY. Ex. 1912 c. 3 s. 24; G.S. 1913 s. 590; G.S. 1923 s. 561; M.S. 1927 s. 561; 1939 c. 345 Pt. 10 c. 1 s. 25; M. Supp. s. 601-10(1)n.

211.26 LIMITATION OF DISBURSEMENTS BY COMMITTEE.

HISTORY. Ex. 1912 c. 3 s. 25; G.S. 1913 s. 591; G.S. 1923 s. 562; M.S. 1927 s. 562; 1939 c. 345 Pt. 10 c. 1 s. 26; M. Supp. s. 601-10(1)nn.
See, 1928 El. Op. 61 to 91.

211.27 CORPORATIONS NOT TO CONTRIBUTE TO POLITICAL CAMPAIGN.

HISTORY. Ex. 1912 c. 3 s. 26; G.S. 1913 s. 592; G.S. 1923 s. 563; M.S. 1927 s. 563; 1939 c. 345 Pt. 10 c. 1 s. 27; M. Supp. s. 601-10(1)o.

Plaintiffs in a stockholder's action, themselves former directors of the corporation, held barred by acquiescence therein from complaining of unlawful expenditures, an expense fund appropriated to the president of the corporation to be paid as political contributions to certain political parties and candidates, by the management which were made pursuant to fixed policies of the company established and long maintained as such while plaintiffs were directors, no objection having been made before the institution of the action. *Barrett v Smith*, 183 M 431, 237 NW 15.

211.28 VIOLATIONS; PENALTIES.

HISTORY. Ex. 1912 c. 3 s. 27; G.S. 1913 s. 593; G.S. 1923 s. 564; M.S. 1927 s. 564; 1939 c. 345 Pt. 10 c. 1 s. 28; M. Supp. s. 601-10(1)p.

211.29 VIOLATION BY OFFICER TO BE CONSTRUED AS VIOLATION OF CORPORATION.

HISTORY. Ex. 1912 c. 3 s. 28; G.S. 1913 s. 594; G.S. 1923 s. 565; M.S. 1927 s. 565; 1939 c. 345 Pt. 10 c. 1 s. 29; M. Supp. s. 601-10(1)pp.

211.30 AIDING VIOLATION A GROSS MISDEMEANOR.

HISTORY. Ex. 1912 c. 3 s. 29; G.S. 1913 s. 595; G.S. 1923 s. 566; M.S. 1927 s. 566; 1939 c. 345 Pt. 10 c. 1 s. 30; M. Supp. s. 601-10(1)q.

211.31 PROSECUTIONS; WHERE MADE.

HISTORY. Ex. 1912 c. 3 s. 30; G.S. 1913 s. 596; G.S. 1923 s. 567; M.S. 1927 s. 567; 1939 c. 345 Pt. 10 c. 1 s. 31; M. Supp. s. 601-10(1)r.

211.32 FILING OFFICERS SHALL NOTIFY CANDIDATE OR COMMITTEE.

HISTORY. Ex. 1912 c. 3 s. 31; G.S. 1913 s. 597; G.S. 1923 s. 568; M.S. 1927 s. 568; 1939 c. 345 Pt. 10 c. 1 s. 32; M. Supp. s. 601-10(1)rr.

211.33 COUNTY ATTORNEY TO INQUIRE INTO VIOLATIONS.

HISTORY. Ex. 1912 c. 3 s. 32; G.S. 1913 s. 598; G.S. 1923 s. 569; M.S. 1927 s. 569; 1939 c. 345 Pt. 10 c. 1 s. 33; M. Supp. s. 601-10(1)s.

Generally, there is no provision requiring the county attorney to take any official action in the investigation or prosecution of alleged law violations unless evidence sufficient to justify such action is presented to him in the manner prescribed or contemplated by law. Even under section 211.33 the county attorney is not required to act as detective or police officer, nor institute proceed-

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ings unless sufficient evidence is properly brought to his attention. 1942 OAG 189, Nov. 10, 1942 (121B-7).

211.34 VIOLATIONS BY UNAUTHORIZED PERSON NOT TO FORFEIT NOMINATION.

HISTORY. Ex. 1912 c. 3 s. 34; G.S. 1913 s. 600; G.S. 1923 s. 571; M.S. 1927 s. 571; 1939 c. 345 Pt. 10 c. 1 s. 34; M. Supp. s. 601-10(1)ss.

Where a candidate for public office carries a political advertisement in a newspaper but fails to insert "a statement at the head of said matter of the amount paid or to be paid therefor," as required by section 211.03, there is a violation of the corrupt practices act; but, in so far as being ground for a forfeiture of the office by the candidate is concerned, such violation is construed as trivial, unimportant, and limited in character, within the meaning of this section. *Engelbert v Tuttle*, 185 M 608, 242 NW 425.

The court properly refused to find that the charges made, promising public employment in order to aid and promote his election, were trivial, unimportant, and limited in character, within the meaning of the corrupt practices act. *Berg v Penttila*, 173 M 512, 217 NW 935.

"Unjust" is synonymous with "unlawful". *Dart v Erickson*, 188 M 313, 248 NW 706.

Certain violations of the corrupt practices act held to be trivial and unimportant, within the meaning of this section. *Miske v Fischer*, 193 M 514, 259 NW 18. See *Effertz v Schimelpfenig*, 207 M 324, 291 NW 286.

211.35 CONTEST; WHEN COMMENCED.

HISTORY. Ex. 1912 c. 3 s. 35; G.S. 1913 s. 601; G.S. 1923 s. 572; M.S. 1927 s. 572; 1939 c. 345 Pt. 10 c. 345 Pt. 10 c. 1 s. 35; M. Supp. s. 601-10(1)t.

Questions arising out of disputes on filing of nomination petitions must be presented to court promptly so they may be considered properly. *Johnson v Holm*, 198 M 192, 269 NW 405.

A candidate for election for county commissioner, meeting two or three neighbors on the road on election day, carried them to the polls in his automobile. The finding below that this action was trivial and unimportant, under this section, will not be disturbed on appeal. *Sweno v Gutches*, 191 M 24, 252 NW 839.

211.36 DISQUALIFIED CANDIDATE NOT TO HOLD POSITION.

HISTORY. Ex. 1912 c. 3 s. 36; G.S. 1913 s. 602; G.S. 1923 s. 573; M.S. 1927 s. 573; 1939 c. 345 Pt. 10 c. 1 s. 36; M. Supp. s. 601-10(1)tt.

The legislature may regulate the exercise of the right to vote. This section does not add to the constitutional qualifications for holding office. *Saari v Gleason*, 126 M 378, 148 NW 293.

Where the mayor of Winona was removed from office for a violation of the corrupt practices act the vacancy should be filled by the council under the city charter, chapter 2, section 11, and it is not necessary to call a special election under section 12 of that chapter. OAG June 9, 1931.

211.38 JUDGMENTS; TO WHOM TRANSMITTED.

HISTORY. Ex. 1912 c. 3 s. 38; G.S. 1913 s. 604; G.S. 1923 s. 575; M.S. 1927 s. 575; 1939 c. 345 Pt. 10 c. 1 s. 38; M. Supp. s. 601-10(1)v

211.39 MAY EMPLOY COUNSEL.

HISTORY. Ex. 1912 c. 3 s. 39; G.S. 1913 s. 605; G.S. 1923 s. 576; M.S. 1927 s. 576; 1939 c. 345 Pt. 10 c. 1 s. 39; M. Supp. s. 601-10(1)w.

211.40 PENALTIES FOR VIOLATION.

HISTORY. Ex. 1912 c. 3 s. 41; G.S. 1913 s. 607; G.S. 1923 s. 578; M.S. 1927 s. 578; 1939 c. 345 Pt. 10 c. 1 s. 40; M. Supp. s. 601-10(1)x.