

CHAPTER 212

TOWN, VILLAGE, AND CERTAIN CITY ELECTIONS
TOWN MEETINGS**212.01 FIRST TOWN MEETING.**

HISTORY. 1860 c. 14 art. 1 s. 4; G.S. 1866 c. 10 s. 4; G.S. 1878 c. 10 s. 4; G.S. 1894 s. 917; R.L. 1905 s. 632; G.S. 1913 s. 1122; G.S. 1923 s. 1028; M.S. 1927 s. 1028; 1939 c. 345 Pt. 11 c. 1 s. 1; M. Supp. s. 601-11(1).

The corrupt practices act does not apply to town meetings. OAG April 23, 1932.

212.02 ANNUAL TOWN MEETING; DATE OF.

HISTORY. 1860 c. 14 art. 3 s. 1; G.S. 1866 c. 10 s. 12; 1870 c. 99 s. 1; G.S. 1878 c. 10 s. 13; 1879 c. 47 s. 1; G.S. 1894 s. 927; 1903 c. 26; R.L. 1905 s. 633; G.S. 1913 s. 1123; G.S. 1923 s. 1029; M.S. 1927 s. 1029; 1935 c. 156; 1939 c. 345 Pt. c. 1 s. 2; M. Supp. ss. 601-11(1)a, 1029.

Where the town meeting place was burned and rebuilt, the annual meeting might be held in the rebuilt building by petition. 1930 OAG 379.

Where a two-thirds vote is required there must be twice as many votes of those present at the meeting for a proposition as there are against it; and where a bare majority is required one vote difference in favor of the proposition is sufficient. OAG June 7, 1930.

Where the roads are so impassable that a town meeting cannot be held, there should be a subsequent meeting pursuant to section 212.19, and if only old officers are present at a town meeting they should not attempt to elect new officers. OAG March 4, 1936 (434b-13a).

The statute is mandatory as to the time and place of holding an annual town meeting and it is immaterial that the roads are impassable on that date, but a special meeting may be called in place of the annual meeting by a proper posted notice by freeholders. OAG March 4, 1936 (434b-13a).

Omission of notice of time of holding does not invalidate. OAG April 15, 1933.

The notice need not list the offices or candidates. OAG April 16, 1933.

In the absence of fraud or other reason whereby the will of the electors is not carried out, a meeting is not invalid because only nine days' notice was given. OAG May 27, 1933.

Meeting is without power to fix the hours or the rate of labor. OAG May 3, 1934.

Neither the corrupt practices act nor the contest statute applies. OAG April 13, 1935.

The date for holding the annual town meeting can be changed in no way but by legislative enactment. OAG March 23, 1944 (434b-13e).

212.03 SPECIAL TOWN MEETINGS TO FILL VACANCIES.

HISTORY. 1860 c. 14 art. 3 s. 5; G.S. 1866 c. 10 s. 16; G.S. 1878 c. 10 s. 17; G.S. 1894 s. 931; R.L. 1905 s. 634; G.S. 1913 s. 1124; G.S. 1923 s. 1031; M.S. 1927 s. 1031; 1939 c. 345 Pt. 11 c. 1 s. 3; M. Supp. s. 601-11(1)b.

The power to call a special town meeting is vested solely with the town clerk. Upon him is imposed the duty of making a call whenever the requisite written statement, provided by this section, is filed in his office. Whether it is such a

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statement as is herein provided, is a matter alone for him to determine, in the honest exercise of his best judgment upon the information before him, and such as may lawfully be presumed to be within his reach and possession. State v Town of Line, 23 M 521, 525.

The separation of town from village cannot be considered at a meeting called under this section, but must be determined at an annual meeting. OAG June 3, 1930.

There is no limit to the number of special meetings that may be called to consider a given proposition. OAG June 7, 1930.

The question of providing fire protection, purchasing fire apparatus, and determining the amount of money to be raised may be considered only at an annual town meeting, and not at a special meeting. OAG March 18, 1931.

Where a village is organized and the town supervisors residing within the proposed village resign, it is discretionary with the town board as to whether the vacancies should be filled by appointment or by calling a special town meeting. OAG May 19, 1931.

The electors may increase the levy for town road and bridge purposes at a special meeting duly called. OAG June 10, 1931.

A special town meeting may revise, amend, or reduce the tax levy made at the annual town meeting. OAG Oct. 8, 1931.

A town can, at a special town meeting, reduce the annual tax levy if action is taken in proper time. OAG Nov. 10, 1931.

A town constructing a hall on leased land could not buy land and move the building to it without a vote of the electors. OAG April 27, 1935.

A town may sell land to the United States, if authorized. OAG July 3, 1935.

Erection or purchase of a village hall, either singly or in conjunction with the town, may be authorized at a special meeting following proper notice. OAG May 1, 1944 (434c-2).

212.04 NOTICES; PUBLICATION.

HISTORY. 1860 c. 14 art. 3 ss. 6, 7; G.S. 1866 c. 10 ss. 17, 18; G.S. 1878 c. 10 ss. 18, 19; G.S. 1894 ss. 932, 933; R.L. 1905 s. 635; G.S. 1913 s. 1125; G.S. 1923 s. 1032; M.S. 1927 s. 1032; 1939 c. 345 Pt. 11 c. 1 s. 4; M. Supp. s. 601-11(1)c.

No business can be transacted at a special town meeting except that which is set forth in the notice of the meeting. OAG Nov. 10, 1931.

When the notice must be published in a newspaper. OAG Nov. 10, 1931.

Effect of insufficient notice. OAG May 27, 1933; April 15, 1933.

212.05 HOW MEETING ORGANIZED.

HISTORY. 1860 c. 14 art. 4 s. 1; G.S. 1866 c. 10 s. 19; G.S. 1878 c. 10 s. 20; G.S. 1894 s. 934; R.L. 1905 s. 636; G.S. 1913 s. 1126; G.S. 1923 s. 1033; M.S. 1927 s. 1033; 1935 c. 147 s. 1; 1939 c. 345 Pt. 11 c. 1 s. 5; M. Supp. ss. 601-11(1)d, 1033.

The annual meeting cannot be held between 8:00 A. M. and 9:00 P. M. OAG Feb. 18, 1929.

If the town clerk is not present at a town meeting, the voters may elect a chairman by acclamation and then, in the same manner, choose a moderator. OAG Nov. 17, 1931.

If the voters at a town meeting are to vote on any question, the polls shall be open between 9:00 A. M. and 10:00 A. M., proclamation of which shall be previously made by the moderator, and proclamation shall likewise be made of an adjournment, and the opening and closing of the polls thereafter. OAG Nov. 17, 1931.

Special, as well as annual, town meetings must be called to order between 9:00 A. M. and 10:00 A. M. OAG Nov. 17, 1931.

A town meeting is without authority to pay a moderator for services at such meeting. OAG Oct. 13, 1934.

The polls may remain open during the time the business meeting is being held. OAG Feb. 26, 1945 (434b-18).

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Voting recess until afternoon. See 1940 OAG 86.

212.06 CLERK OF MEETING.

HISTORY. 1860 c. 14 art. 4 ss. 1, 5; G.S. 1866 c. 10 ss. 19, 23; G.S. 1878 c. 10 ss. 20, 24; G.S. 1894 ss. 934, 938; R.L. 1905 s. 637; G.S. 1913 s. 1127; G.S. 1923 s. 1034; M.S. 1927 s. 1034; 1939 c. 345 Pt. 11 c. 1 s. 6; M. Supp. s. 601-11(1)e.

Only one clerk is necessary at a town election. OAG May 27, 1933.

There is no statute authorizing a town board to pay the cost of publishing the proceedings of board meetings out of town funds. OAG March 26, 1936 (442a-20).

212.07 ORDER OF BUSINESS.

HISTORY. 1860 c. 14 art. 4 s. 2; G.S. 1866 c. 10, s. 20; G.S. 1878 c. 10 s. 21; G.S. 1894 s. 935; R.L. 1905 s. 638; G.S. 1913 s. 1128; G.S. 1923 s. 1035; M.S. 1927 s. 1035; 1939 c. 345 Pt. 11 c. 1 s. 7; M. Supp. s. 601-11(1)f.

A motion for reconsideration requires a majority of all the qualified electors entered upon the poll list at the election at which the proposition was originally adopted. OAG March 19, 1937 (434b-13a).

A motion to reconsider must be made at the annual meeting at which the original proposition was adopted. OAG March 19, 1937 (434b-13a).

212.08 WHO MAY VOTE.

HISTORY. 1860 c. 14 art. 4 ss. 3, 4; G.S. 1866 c. 10 ss. 21, 22; G.S. 1878 c. 10 ss. 22, 23; G.S. 1894 ss. 936, 937; R.L. 1905 s. 639; G.S. 1913 s. 1129; G.S. 1923 s. 1036; M.S. 1927 s. 1036; 1939 c. 345 Pt. 11 c. 1 s. 8; M. Supp. s. 601-11(1)g.

Women may vote at town meetings and at town elections for offices, such as supervisors, road boss, and any other office. OAG March 3, 1933.

212.09 JUDGES OF ELECTION.

HISTORY. 1860 c. 14 art. 4 s. 1; G.S. 1866 c. 10 s. 19; G.S. 1878 c. 10 s. 20; G.S. 1894 s. 934; R.L. 1905 s. 640; G.S. 1913 s. 1130; G.S. 1923 s. 1037; M.S. 1927 s. 1037; 1939 c. 345 Pt. 11 c. 1 s. 9; M. Supp. s. 601-11(1)h.

As to ballots, tally books, and method of tallying votes, see 1940 OAG 72.

A member of the town board may be paid for his services as a member of the election board though such payments will increase his yearly compensation to more than the maximum amount provided for the compensation of a town supervisor. OAG Feb. 24, 1937(183k).

In an election in connection with the annexation of territory to a village, substitutes may be elected by the electors on election day, where the regularly appointed inspectors refuse to serve. OAG April 23, 1932.

212.10 HOURS POLLS OPEN.

HISTORY. 1860 c. 14 art. 5 s. 1; G.S. 1866 c. 10 ss. 19, 24; G.S. 1878 c. 10 ss. 20, 25; G.S. 1894 ss. 934, 939; R.L. 1905 s. 641; G.S. 1913 s. 1131; G.S. 1923 s. 1038; M.S. 1927 s. 1038; 1939 c. 345 Pt. 11 c. 1 s. 10; M. Supp. s. 601-11(1)i; 1943 c. 562 s. 1.

Time for opening and closing the polls is set out by Laws 1943, Chapter 562, Section 1.

Not illegal because meeting not opened until 2:00 P.M., where no one was deprived of an opportunity to vote. OAG May 27, 1933.

The time for closing the polls is a matter for determination by the voters, and proclamation thereof made. OAG April 13, 1935.

Polls open between 9 and 10 o'clock, A.M. and remain open until 5 P.M. Voters should vote in a closed booth. A police officer may be selected to be present. The judges, if necessary, may call in legal counsel while the vote is being counted. 1942 OAG 98, Aug. 19, 1941 (59-A-1).

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212.11 OFFICERS TO BE ELECTED BY BALLOT; EXCEPTIONS.

HISTORY. 1860 c. 14 art. 5 s. 2; 1861 c. 7 s. 1; G.S. 1866 c. 10 s. 25; G.S. 1878 c. 10 s. 26; G.S. 1894 s. 940; R.L. 1905 s. 642; G.S. 1913 s. 1132; G.S. 1923 s. 1039; M.S. 1927 s. 1039; 1939 c. 345 Pt. 11 c. 1 s. 11; M. Supp. s. 601-11(1)j.

One filing for office March 2 for March 12 election files in time. OAG March 12, 1935.

All town officers are now elected under the Australian ballot system. See sections 212.30, 212.31.

A drawing by lot, in case of a tie vote, must be done on the day of the annual town meeting, otherwise there is a vacancy to be filled by appointment. OAG March 14, 1936 (185a-7).

No canvass of the votes is permitted. 1940 OAG 70.

212.12 ELECTION REGISTERS.

HISTORY. 1860 c. 14 art. 5 s. 4; G.S. 1866 c. 10 ss. 27, 28; G.S. 1878 c. 10 ss. 29, 30; G.S. 1894 ss. 943, 944; R.L. 1905 s. 644; G.S. 1913 s. 1134; G.S. 1923 s. 1041; M.S. 1927 s. 1041; 1939 c. 345 Pt. 11 c. 1 s. 12; M. Supp. s. 601-11(1)k.

212.13 JUDGES TO CANVASS VOTES.

HISTORY. 1860 c. 14 art. 5 s. 6; G.S. 1866 c. 10 s. 29; G.S. 1878 c. 10 s. 31; G.S. 1894 s. 945; R.L. 1905 s. 645; G.S. 1913 s. 1135; G.S. 1923 s. 1042; M.S. 1927 s. 1042; 1939 c. 345 Pt. 11 c. 1 s. 13; M. Supp. s. 601-11(1)l.

212.14 MANNER OF CANVASSING.

HISTORY. 1860 c. 14 art. 5 s. 7; G.S. 1866 c. 10 s. 30; 1876 c. 76 s. 1; G.S. 1878 c. 10 s. 32; G.S. 1894 s. 946; R.L. 1905 s. 646; G.S. 1913 s. 1136; G.S. 1923 1043; M.S. 1927 s. 1043; 1939 c. 345 Pt. 11 c. 1 s. 14; M. Supp. s. 601-11(1)m.

A tie vote at the village election should have been determined by lot immediately after the canvass. The proper authorities having failed to determine the tie by lot at the close of the canvass, they cannot, at a later time, convene and do so. In so far as the office in question is concerned, the election has been without result. The present incumbent holds over until a successor is chosen. 1928 El. Op. 189.

Where two candidates at a town election received the same number of votes, and a drawing was had, and the successful candidate was afterwards found to be a non-resident of the district, the unsuccessful candidate is not entitled to the office, but there is a vacancy to be filled by the town board. 1930 OAG 383.

The voters at the annual town meeting may not bind the town board by a resolution that no new roads should be built, but the board may not spend more money than has been raised at the annual meeting. OAG March 17, 1933.

212.15 CLERK TO RECORD RESULTS.

HISTORY. 1860 c. 14 art. 5 s. 8; G.S. 1866 c. 10 s. 31; G.S. 1878 c. 10 s. 33; G.S. 1894 s. 947; R.L. 1905 s. 647; G.S. 1913 s. 1137; G.S. 1923 s. 1044; M.S. 1927 s. 1044; 1939 c. 345 Pt. 11 c. 1 s. 15; M. Supp. 601-11(1)n.

212.16 CLERK TO REPORT TO COUNTY AUDITOR.

HISTORY. 1907 c. 26 s. 1; G.S. 1913 s. 1138; G.S. 1923 s. 1045; M.S. 1927 s. 1045; 1939 c. 345 Pt. 11 c. 1 s. 16; M. Supp. s. 601-11(1)o.

212.17 NOTICE TO SPECIFY EACH PROPOSITION TO BE VOTED ON.

HISTORY. R.L. 1905 s. 648; G.S. 1913 s. 1139; G.S. 1923 s. 1046; M.S. 1927 s. 1046; 1939 c. 345 Pt. 11 c. 1 s. 17; M. Supp. s. 601-11(1)p.

A resolution for the dissolution of a town must be adopted by a majority of the voters present and voting upon such question. OAG March 7, 1933.

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Town board may purchase snow removal equipment without a vote of the electors, if there is sufficient money on hand, plus taxes levied and in the process of collection, for such purpose. OAG March 20, 1937 (434a-5).

If a proposal to provide fire protection and raise money for that purpose is to be acted on at the meeting, due notice must be given. 1942 OAG 140, Feb. 10, 1941 (688-K).

On the question of fire protection the town meeting vote may be oral, but the amount of money to be raised must be by ballot. The manner of implementing the authority granted is vested entirely in the board. OAG Dec. 8, 1944 (688k).

212.18 MEETINGS MAY BE ADJOURNED.

HISTORY. R.L. 1905 c. 649; G.S. 1913 s. 1140; G.S. 1923 s. 1047; M.S. 1927 s. 1047; 1939 c. 345 Pt. 11 c. 1 s. 18; M. Supp. s. 601-11(1)q.

212.19 FAILURE TO ELECT OFFICERS.

HISTORY. 1860 c. 14 art. 7 s. 3; G.S. 1866 c. 10 s. 47; G.S. 1878 c. 10 s. 50; G.S. 1894 s. 965; R.L. 1905 s. 650; G.S. 1913 s. 1141; G.S. 1923 s. 1048; M.S. 1927 s. 1048; 1939 c. 345 Pt. 11 c. 1 s. 19; M. Supp. s. 601-11(1)r.

Where the highways are impassable and it is impossible to hold the annual town meeting, a special town meeting may be called by ten freeholders. OAG March 4, 1936 (434b-13a).

Where the result of the town election for assessor is a tie vote and the judges do not draw lots, the incumbent holds over until a successor is elected or appointed under this section; and, if no successor is so elected or appointed, then his successor is chosen in an odd-numbered year at the annual election. OAG April 1, 1933.

212.20 OFFICERS ELECTED AT ANNUAL MEETING.

HISTORY. 1860 c. 14 art. 5 s. 2; 1861 c. 7 s. 2; G.S. 1866 c. 10 s. 13; G.S. 1878 c. 10 s. 14; G.S. 1894 s. 928; 1903 c. 64; 1905 c. 243 s. 1; 1907 c. 103 s. 1; G.S. 1913 s. 1162; G.S. 1923 s. 1074; 1927 c. 251 ss. 1, 2; M.S. 1927 ss. 1074, 1074-4, 1074-5; 1939 c. 345 Pt. 11 c. 1 s. 20; M. Supp. s. 601-11(1)rr.

A person convicted in a federal court cannot vote or hold the office of town clerk. OAG April 3, 1930.

A town cannot be divided into three districts for the purpose of having one supervisor elected from each district. OAG March 23, 1931.

Members of town board, owning property in town, do not vacate their offices by removing to a village within the town unless the village is a separate election precinct and the removal is permanent. 1930 OAG 382.

A town treasurer appointed assessor automatically vacated his position as treasurer by qualifying as assessor, and it was immaterial that the town board refused to accept his resignation as treasurer. OAG May 11, 1931.

A town constable may not be paid for doing general police duty in a thickly settled portion of a town. OAG July 23, 1931.

The resident of a village not separated from the town may hold the office of justice of the peace of the town. OAG Feb. 24, 1933.

The offices of game warden and constable are not incompatible. OAG Aug. 25, 1932.

The offices of town clerk and justice of the peace are compatible. OAG March 10, 1933.

The constable of the town may be dispensed with at an election and the judges of election have authority to appoint special peace officers to meet an emergency. OAG April 11, 1933.

A town board may not employ an attorney at a monthly salary. OAG April 19, 1933.

Town road overseers are to be appointed by the town board. OAG Sept. 25, 1933.

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A resident of a village separated from the town is not authorized to hold the office of town justice. OAG July 27, 1935.

The Ramsey county assessors are selected in accordance with special laws 1875, Chapter 90. OAG May 1, 1944 (434c-2).

212.21 CERTAIN TOWNS MAY BE DIVIDED INTO DISTRICTS.

HISTORY. 1931 c. 265 s. 1; 1937 c. 147 s. 1; 1939 c. 345 Pt. 11 c. 1 s. 21; M. Supp. ss. 601-11(1)s, 1074-3½.

212.22 DISTRICT ELECTION BOARDS TO CERTIFY TO TOWN BOARD.

HISTORY. 1931 c. 265 ss. 2, 3; 1939 c. 345 Pt. 11 c. 1 s. 22; M. Supp. ss. 601-11(1) ss. 1074-3½a, 1074-3½b.

212.23 TOWN CLERK TO GIVE NOTICE OF ELECTION.

HISTORY. 1860 c. 14 art. 5 s. 9; G.S. 1866 c. 10 s. 32; G.S. 1878 c. 10 s. 34; G.S. 1894 s. 948; R.L. 1905 s. 669; G.S. 1913 s. 1164; G.S. 1923 s. 1076; M.S. 1927 s. 1076; 1939 c. 345 Pt. 11 c. 1 s. 23; M. Supp. s. 601-11(1)t.

212.24 OFFICERS TO TAKE OATH OF OFFICE.

HISTORY. 1860 c. 14 art. 6 s. 2; G.S. 1866 c. 10 s. 34; G.S. 1878 c. 10 s. 36; G.S. 1894 s. 950; R.L. 1905 s. 670; G.S. 1913 s. 1165; G.S. 1923 s. 1077; M.S. 1927 s. 1077; 1939 c. 345 Pt. 11 c. 1 s. 24; M. Supp. s. 601-11(1)tt.

Failure to take office within the time specified by law does not ipso facto create a vacancy which will prevent an officer from qualifying thereafter, if it is done before any steps are taken to declare a vacancy. OAG May 11, 1931.

The failure of village treasurer to qualify by filing bonds does not ipso facto create a vacancy. OAG Feb. 18, 1937 (456g).

The failure of the town clerk to give a bond results in a vacancy. OAG March 5, 1935.

212.25 SHALL FILE OATH AND BOND.

HISTORY. 1860 c. 14 art. 6 ss. 6, 8, 9; G.S. 1866 c. 10 ss. 35, 36; G.S. 1878 c. 10 ss. 37, 38; G.S. 1894 ss. 951, 952; R.L. 1905 s. 671; G.S. 1913 s. 1166; G.S. 1923 s. 1078; M.S. 1927 s. 1078; 1939 c. 345 Pt. 11 c. 1 s. 25; M. Supp. s. 601-11(1)u.

The failure of the treasurer to qualify creates a vacancy which may be filled by appointment. 1930 OAG 390.

As to what constitutes a vacancy, see OAG June 21, 1935.

212.26 CERTAIN OFFICERS TO FILE ACCEPTANCES WITH TOWN CLERK.

HISTORY. 1860 c. 14 art. 6 s. 5; G.S. 1866 c. 10 s. 37; G.S. 1878 c. 10 s. 39; G.S. 1894 s. 953; R.L. 1905 s. 672; G.S. 1913 s. 1167; G.S. 1923 s. 1079; M.S. 1927 s. 1079; 1939 c. 345 Pt. 11 c. 1 s. 26; M. Supp. s. 601-11(1)v.

212.27 PENALTY FOR ASSUMING OFFICE WITHOUT FILING OATH.

HISTORY. 1860 c. 14 art. 6 s. 14; G.S. 1866 c. 10 s. 38; G.S. 1878 c. 10 s. 40; G.S. 1894 s. 959; R.L. 1905 s. 673; G.S. 1913 s. 1168; G.S. 1923 s. 1080; M.S. 1927 s. 1080; 1939 c. 345 Pt. 11 c. 1 s. 27; M. Supp. s. 601-11(1)w.

VILLAGE ELECTIONS

212.28 PRESENT LAWS TO GOVERN VILLAGE ELECTIONS.

HISTORY. 1885 c. 145 s. 1; G.S. 1878 Vol. 2 (1888 Supp.) c. 10 s. 204; 1893 c. 187 s. 1; G.S. 1894 s. 1198; R.L. 1905 s. 698; G.S. 1913 s. 1202; 1917 c. 355 s. 1; G.S.

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1923 s. 1109; M.S. 1927 s. 1109; 1939 c. 345 Pt. 11 c. 2 s. 1; M. Supp. s. 601-1(2); 1943 c. 117 s. 1.

Village elections are within the provisions of the contest statute. State ex rel v District Court, 107 M 437, 120 NW 894.

Since the enactment of Laws 1943, Chapter 117, Section 1, all villages are governed by the provisions of Revised Laws 1905, chapter 9.

212.285 TERMS OF CERTAIN VILLAGE OFFICERS.

HISTORY. 1943 c. 117 ss. 3, 4; 1943 c. 222 s. 2.

212.29 JUSTICES OF THE PEACE.

HISTORY. 1911 c. 29 s. 1; G.S. 1913 s. 1250; G.S. 1923 s. 1167; M.S. 1927 s. 1167; 1939 c. 345 Pt. 11 c. 2 s. 2; M. Supp. s. 601-11(2)a.

No justice of the peace should be elected in villages which have municipal court. OAG Nov. 2, 1944 (266b-14).

212.30 ELECTIONS TO BE BY AUSTRALIAN BALLOT.

HISTORY. 1913 c. 210 s. 1; G.S. 1913 s. 359; G.S. 1923 s. 1136; M.S. 1927 s. 1136; 1939 c. 345 Pt. 11 c. 2 s. 3; M. Supp. s. 601-11(2)b.

Australian ballot system governs town elections. OAG Feb. 9, 1944 (434b-4).

When voting to annex territory to the city of Mankato the polls must open between nine and ten A.M. and close at five o'clock; closed booths must be provided for voters; a special police officer may be appointed and present; and possibly the city attorney if requested aid needed. 1942 OAG 98, Aug. 19, 1941 (59A-1).

The general election laws govern the compensation of judges of election in town elections. OAG March 15, 1945 (183k).

212.31 CANDIDATES SHALL FILE AFFIDAVIT OF CANDIDACY; FEE.

HISTORY. 1913 c. 210 s. 2; G.S. 1913 s. 360; 1915 c. 315 s. 2; G.S. 1923 s. 1137, 1140; 1925 c. 298; M.S. 1927 ss. 1137, 1140; 1939 c. 345 Pt. 11 c. 2 s. 4; M. Supp. s. 601-11(2)c.

In the village of Hibbing candidates may file at least two weeks before election. Auro v Brandt, 211 M 294, 1 NW(2d) 381.

Where a town clerk permitted a filing after the legal date, it was too late to raise the question of the irregularity. 1942 OAG 64, March 25, 1941 (434B-2); OAG March 29, 1944 (434b-2).

The personal appearance of the candidate is unnecessary. 1928 El. Op. 110.

Disposition of fees, 1928 El. Op. 111.

Last day for filing, 1928 El. Op. 117.

Regarding a change of filing, see 1940 OAG 78.

Also, see annotations under section 202.03.

212.32 PROVISIONS OF GENERAL ELECTION LAW TO APPLY.

HISTORY. 1913 c. 210 s. 3; G.S. 1913 s. 361; G.S. 1923 s. 1138; M.S. 1927 s. 1138; 1939 c. 345 Pt. 11 c. 2 s. 5; M. Supp. s. 601-11(2)d.

212.33 APPLICATION OF SECTIONS 212.34 AND 212.35.

HISTORY. 1929 c. 413 s. 1; 1939 c. 345 Pt. 11 c. 2 s. 6; M. Supp. ss. 601-11(2)e, 1152-9.

212.34 VILLAGE OFFICERS.

HISTORY. 1929 c. 413 s. 2; 1937 c. 137 s. 1; 1939 c. 345 Pt. 11 c. 2 s. 7; M. Supp. s. 601-11(2)f, 1152-10; 1943 c. 222 s. 1.

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Richfield is a separate election district, and the election for a village assessor must be held in each odd-numbered year. *Maffett v Turnbull*, 212 M 385, 3 NW(2d) 674.

The Village of Pine City may pay the expense of its assessor in attending the school for assessors at the University. 1942 OAG 187, Nov. 13, 1941 (12B-1).

One of the constables elected at the 1940 election, having failed to qualify within the legal time, the council declared his office vacant, and then appointed him to fill the vacancy. He holds office until the end of the two year term. 1942 OAG 230, Nov. 25, 1941 (847A-3).

In a village where elections are legally held in even numbered years, an election to fill a vacancy in the office of treasurer in an odd-numbered year is irregular, and the one elected is merely defacto treasurer, and a vacancy exists. OAG Jan. 20, 1944 (456g).

A village officer may qualify within a reasonable time and what is a reasonable time is a question of fact. OAG Feb. 4, 1944 (456g).

Even though a village has a full time police department, constables must be elected. OAG Feb. 29, 1944 (847a-3).

The offices of school board members, and village constable are incompatible. OAG Aug. 16, 1944 (358f).

Where a village clerk resigned in August effective September 1, his successor may be elected in August, and if the council fails to elect, the president of the council may appoint. OAG Sept. 14, 1944 (470L).

The incumbent in the office of village assessor was defeated for reelection, but the elected candidate refused to qualify. The council must fill the vacancy by appointment. OAG Jan. 20, 1945 (12b-5).

212.35 DATE OF ELECTION; TERMS.

HISTORY. 1929 c. 413 s. 4; 1939 c. 345 Pt. 11 c. 2 s. 8; M. Supp. ss. 601-11(2)g, 1152-12; 1941 c. 13.

See as to date of election. *Aura v Brandt*, 211 M 294, 1 NW(2d) 381; *Maffett v Turnbull*, 212 M 385, 3 NW(2d) 674.

212.36 CANVASSING OF VOTES.

HISTORY. 1885 c. 145 s. 16; G.S. 1878 Vol. 2 (1888 Supp.) c. 10 s. 219; 1889 c. 125; G.S. 1894 s. 1216; 1901 c. 60; R.L. 1905 s. 713; G.S. 1913 s. 1253; G.S. 1923 s. 1170; M.S. 1927 s. 1170; 1939 c. 345 Pt. 11 c. 2 s. 9; M. Supp. s. 601-11(2)h.

The canvassing board has no right to inspect the ballots. 1928 El. Op. 175.

See annotations under section 212.14.

212.37 SPECIAL ELECTIONS.

HISTORY. 1885 c. 145 s. 17; G.S. 1878 Vol. 2 (1888 Supp.) c. 10 s. 220; G.S. 1894 s. 1217; 1901 c. 85; R.L. 1905 s. 715; G.S. 1913 s. 1255; G.S. 1923 s. 1172; M.S. 1927 s. 1172; 1939 c. 345 Pt. 11 c. 2 s. 10; M. Supp. s. 601-11(2)i.

This section is not applicable to the filling of vacancies in the council. OAG June 20, 1931.

Village councils may not hold special elections to submit to the voters the question of whether or not public dances shall be held on Sunday nights. OAG June 22, 1931.

A special election may be called for the purpose of voting upon who shall be the members of the village police force. OAG March 14, 1933.

A petition is mandatory. OAG May 10, 1938 (476B-15).

The procedure and forms for special election for the erection of a waterworks system and issuing bonds, discussed. OAG Aug. 17, 1933.

See, *An Outline of Municipal Bond Procedure in Minnesota*, 20 MLR 583.

212.375 HOURS OF ELECTION IN CERTAIN VILLAGES.

HISTORY. 1941 c. 28 s. 1.

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TOWN, VILLAGE AND CERTAIN CITY ELECTIONS 212.47

212.38 TOWN MEETING LAWS APPLY.

HISTORY. 1885 c. 145 s. 17; G.S. 1878 Vol. 2 (1888 Supp.) c. 10 s. 220; G.S. 1894 s. 1217; R.L. 1905 s. 714; G.S. 1913 s. 1254; G.S. 1923 s. 1171; M.S. 1927 s. 1171; 1939 c. 345 Pt. 11 c. 2 s. 11; M. Supp. s. 601-11(2)j.

212.381 PRIMARY ELECTIONS IN CERTAIN VILLAGES.

HISTORY. 1945 c. 179.

The corrupt practices act so far as it relates to corrupt practices applies to village elections. *Aura v Brandt*, 211 M. 293, 1 NW(2d) 381.

SPECIAL ELECTIONS, CITIES OF THIRD CLASS

212.39 SPECIAL ELECTIONS.

HISTORY. 1939 c. 345 Pt. 11 c. 3 s. 1; M. Supp. s. 601-11(3).

Any election law must operate uniformly in all cities of the class affected. *Hiler v City of East Grand Forks*, 189 M 618, 250 NW 579.

212.40 TO FILL VACANCIES.

HISTORY. 1909 c. 180 s. 1; G.S. 1913 s. 306; G.S. 1923 s. 1665; M.S. 1927 s. 1665; 1939 c. 345 Pt. 11 c. 3 s. 2; M. Supp. s. 601-11(3)a.

212.41 NOMINATION OF CANDIDATES.

HISTORY. 1909 c. 180 s. 2; G.S. 1913 s. 307; 1917 c. 26; G.S. 1923 s. 1666; M.S. 1927 s. 1666; 1939 c. 345 Pt. 11 c. 3 s. 3; M. Supp. s. 601-11(3)b.

212.42 NOMINATION FEES TO BE PAID TO CITY TREASURER.

HISTORY. 1909 c. 180 s. 3; G.S. 1913 s. 308; G.S. 1923 s. 1667; M.S. 1927 s. 1667; 1939 c. 345 Pt. 11 c. 3 s. 4; M. Supp. s. 601-11(3)c.

212.43 JUDGES OF GENERAL ELECTION TO ACT AS JUDGES OF SPECIAL ELECTION.

HISTORY. 1909 c. 180 s. 4; G.S. 1913 s. 309; G.S. 1923 s. 1668; M.S. 1927 s. 1668; 1939 c. 345 Pt. 11 c. 3 s. 5; M. Supp. s. 601-11(3)d.

212.44 COMPENSATION OF OFFICIALS

HISTORY. 1909 c. 180 s. 5; G.S. 1913 s. 310; G.S. 1923 s. 1669; M.S. 1927 s. 1669; 1939 c. 345 Pt. 11 c. 3 s. 6; M. Supp. s. 601-11(3)e.

212.45 ELECTION GOVERNED BY GENERAL LAWS.

HISTORY. 1909 c. 180 s. 6; G.S. 1913 s. 311; G.S. 1923 s. 1670; M.S. 1927 s. 1670; 1939 c. 345 Pt. 11 c. 3 s. 7; M. Supp. s. 601-11(3)f.

212.46 ELECTIONS MAY BE HELD UNDER PRIMARY ELECTION SYSTEMS.

HISTORY. 1921 c. 13 s. 1; G.S. 1923 s. 1671; M.S. 1927 s. 1671; 1931 c. 2; 1939 c. 345 Pt. 11 c. 3 s. 8; M. Supp. s. 601-11(3)g, 1671.

212.47 DATE OF PRIMARY.

HISTORY. 1921 c. 13 s. 2; G.S. 1923 s. 1672; M.S. 1927 s. 1672; 1939 c. 345 Pt. 11 c. 3 s. 9; M. Supp. s. 601-11(3)h.

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212.48 TOWN, VILLAGE AND CERTAIN CITY ELECTIONS

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212.48 FILING BY CANDIDATES.

HISTORY. 1921 c. 13 s. 3; G.S. 1923 s. 1673; M.S. 1927 s. 1673; 1939 c. 345 Pt. 11 c. 3 s. 10; M. Supp. s. 601-11(3)i.

212.49 CONDUCT OF PRIMARY, CANVASS.

HISTORY. 1921 c. 13 s. 4; G.S. 1923 s. 1674; M.S. 1927 s. 1674; 1939 c. 345 Pt. 11 c. 3 s. 11; M. Supp. s. 601-11(3)j.

212.50 VACANCIES AFTER PRIMARY.

HISTORY. 1921 c. 13 s. 5; G.S. 1923 s. 1675; M.S. 1927 s. 1675; 1939 c. 345 Pt. 11 c. 3 s. 12; M. Supp. s. 601-11(3)k.

When a legal holiday falls on Sunday, the following Monday does not become a legal holiday so as to prevent the holding of a primary on that day. 1940 OAG 82.

ELECTIONS, CERTAIN CITIES OF FOURTH CLASS.

212.51 APPLICATION OF SECTIONS 212.52 TO 212.64.

HISTORY. 1939 c. 345 Pt. 11 c. 4 s. 1; M. Supp. s. 601-11(4).

212.52 ELECTIONS; WHEN HELD.

HISTORY. 1939 c. 345 Pt. 11 c. 4 s. 2; M. Supp. s. 601-11(4)a.

212.53 NUMBER OF WARDS.

HISTORY. 1939 c. 345 Pt. 11 c. 4 s. 3; M. Supp. s. 601-11(4)b.

212.54 ELECTIVE OFFICERS.

HISTORY. 1939 c. 345 Pt. 11 c. 4 s. 4; M. Supp. s. 601-11(4)c.

212.55 REMOVAL FROM OFFICE.

HISTORY. 1939 c. 345 Pt. 11 c. 4 s. 5; M. Supp. s. 601-11(4)d.

212.56 VACANCIES IN OFFICE OF ALDERMAN.

HISTORY. 1939 c. 345 Pt. 11 c. 4 s. 6; M. Supp. s. 601-11(4)e.

212.57 ELECTIONS, BALLOT, TIE VOTE.

HISTORY. 1939 c. 345 Pt. 11 c. 4 s. 7; M. Supp. s. 601-11(4)f.

212.58 WHO MAY VOTE AT ELECTIONS.

HISTORY. 1939 c. 345 Pt. 11 c. 4 s. 8; M. Supp. s. 601-11(4)g.

212.59 JUDGES OF ELECTION.

HISTORY. 1939 c. 345 Pt. 11 c. 4 s. 9; M. Supp. s. 601-11(4)h.

212.60 RETURNS AND CANVASS.

HISTORY. 1939 c. 345 Pt. 11 c. 4 s. 10; M. Supp. s. 601-11(4)i.

212.61 GENERAL ELECTION LAWS TO COVER SPECIAL ELECTION.

HISTORY. 1939 c. 345 Pt. 11 c. 4 s. 11; M. Supp. s. 601-11(4)j.

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TOWN, VILLAGE AND CERTAIN CITY ELECTIONS 212.70

212.62 WHEN OFFICE IS DEEMED VACANT.

HISTORY. 1939 c. 345 Pt. 11 c. 4 s. 12; M. Supp. s. 601-11(4)k.

212.63 TERMS OF ELECTIVE OFFICERS.

HISTORY. 1939 c. 345 Pt. 11 c. 4 s. 13; M. Supp. s. 601-11(4)L.

212.64 FAILURE TO ELECT.

HISTORY. 1939 c. 345 Pt. 11 c. 4 s. 14; M. Supp. s. 601-11(4)m.

ELECTIONS, CITIES OF FOURTH CLASS

212.65 CITIES OF FOURTH CLASS.

HISTORY. 1923 c. 317 s. 1; G.S. 1923 s. 1805; M.S. 1927 s. 1805; 1939 c. 345 Pt. 11 c. 4 s. 15; M. Supp. s. 601-11(4)n.

212.66 AFFIDAVIT OF CANDIDACY.

HISTORY. 1923 c. 317 s. 2; G.S. 1923 s. 1806; M.S. 1927 s. 1806; 1939 c. 345 Pt. 11 c. 4 s. 16; M. Supp. s. 601-11(4)o; 1943 c. 59 s. 2.

In cities of the fourth class candidates may file at any time prior to 15 days before the election. OAG Feb. 15, 1944 (911a-1).

212.67 BALLOTS, PREPARATION, PRINTING.

HISTORY. 1923 c. 317 s. 3; G.S. 1923 s. 1807; M.S. 1927 s. 1807; 1939 c. 345 Pt. 11 c. 4 s. 17; M. Supp. s. 601-11(4)p; 1943 c. 59 s. 3.

212.68 POLLS, JUDGES, NOTICES OF ELECTION.

HISTORY. 1923 c. 317 s. 4; G.S. 1923 s. 1808; M.S. 1927 s. 1808; 1939 c. 345 Pt. 11 c. 4 s. 18; M. Supp. s. 601-11(4)q; 1943 c. 59 s. 4.

212.69 TO USE AUSTRALIAN BALLOT SYSTEM.

HISTORY. 1923 c. 317 s. 5; G.S. 1923 s. 1809; M.S. 1927 s. 1809; 1939 c. 345 Pt. 11 c. 4 s. 19; M. Supp. s. 601-11(4)r; 1943 c. 59 s. 5.

212.70 GENERAL ELECTION LAWS TO APPLY.

HISTORY. 1923 c. 317 s. 7; G.S. 1923 s. 1811; M.S. 1927 s. 1811; 1939 c. 345 Pt. 11 c. 4 s. 20; M. Supp. s. 601-11(4)s 1943 c. 59 s. 6.

Pertinent parts of the absent or disabled voters law apply to city elections. OAG March 15, 1944 (639L).