

ELECTIONS

CHAPTER 200

GENERAL PROVISIONS AND DEFINITIONS

200.01 CITATION.

In the instant case contesting a school district election, the district court was without jurisdiction. Absent statutory authorization, the courts are without jurisdiction to hear and determine election contests. The revised election law, effective August 1, 1939, contains no provision authorizing election contests in school district elections. The petition does not allege corrupt practices. *Johnson v Du-Bois*, 208 M 557, 294 NW 839.

Contest for irregularities in conduct of an election is based on the acts and omissions of those in charge of the election, while contest under corrupt practices act is based upon the conduct of the candidate or those for whom he is personally responsible. *Johnson v DuBois*, 208 M 557, 294 NW 839.

Provisions of sections 202.19 and 202.26 have no application to filling a vacancy in the office of United States senator where the vacancy occurs after the primary for the reason that elections to fill vacancies in that office are governed exclusively by section 205.05. An election held without authority of law is void although it is fairly and honestly conducted. *Howard v Holm*, 208 M 589, 296 NW 30.

Statutes relating to primaries and elections do not confer rights of qualified persons to become candidates for office, but merely regulate the exercise of such rights in an orderly way. *Flakne v Erickson*, 213 M 146, 6 NW(2d) 40.

Where a vacancy occurs in the office of associate justice of the supreme court more than 30 days before the regular election at which the office is to be filled in the ordinary course of elections, the vacancy is to be filled in the regular course of election and not by election to fill vacancy under Minnesota Constitution, Article 6, Section 10. *Enger v Holm*, 213 M 154, 6 NW(2d) 101.

200.08 POLITICAL PARTY.

Absent statutory restraint, a political party may make its own rules for self government. *Holmes v Holm*, 217 M 264, 14 NW(2d) 312.

200.18 JUDGE AND CLERK.

Where a judge of election was elected to a village by "write in" votes, his election was valid. OAG Dec. 27, 1945 (472-J).

200.31 TERMS OF OFFICE.

Judges of municipal courts are state officers, and not officers of the municipality electing them; and as to term of office, state laws, and not municipal charters or ordinances, govern. *State ex rel v Bensel*, 194 M 57, 259 NW 389.

200.34 CHANGE OF NAME OF POLITICAL PARTY.

Absent statutory restraint, a political party may make its own rules for self-government. Section 200.34 does not prevent a state central committee from delegating authority to its state chairman to change the date of the convention called under the provisions of the section. *Holmes v Holm*, 217 M 264, 14 NW(2d) 312.

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200.35 COMPENSATION FOR ELECTION SERVICES.

Amended by L. 1947 c. 499 s. 1.

Judges of election at town elections receive the same compensation as judges at a general election. OAG March 15, 1945 (183-K).

Clause (5) of section 200.35 applies to constables. OAG July 1, 1945 (183-K).

Under clause (3) a member of the canvassing board may recover mileage for one trip only. OAG July 15, 1945 (183-C).

200.38 RIGHTS SAVED.

Absent legislative manifestation of contrary intention, the reenactment of a statute without change after it has received a practical construction by executive or administrative departments of government over a long period of time adopts the prior construction. Bemis Bag Co. v Wallace, 197 M 216, 266 NW 690; Christgau v Woodlawn, 208 M 273, 293 NW 619; Aura v Brandt, 211 M 281, 1 NW(2d) 381; Enger v Holm, 213 M 164, 6 NW(2d) 101; Bowen v Johnston, 59 SC 442, 306 US 19.