

CHAPTER 372

CHANGING COUNTY SEATS.

372.01 PETITION.

"Legal voters" defined as persons qualified to vote. This does not take into consideration the matter of registration. OAG March 6, 1946 (106-E).

372.07 CONDUCT OF ELECTION.

For the purpose of determining the number of "votes cast" at an election under the county seat removal act of 1889, all of the ballots cast, unintelligible as well as intelligible, must be considered; and to effect a removal, it must affirmatively appear that at least 55 per cent of all the votes or ballots cast were in favor thereof. *Smith v Board*, 64 M 16, 65 NW 956.

372.09 ELECTIONS HELD ONLY ONCE IN FIVE YEARS.

Where a petition for the change of a county seat, in due form and in fact containing the required number of signatures, has been presented, no competing petition can be received or acted on until an election has been held on the first petition and until the expiration of five years thereafter, or until it has been withdrawn without an election. *Streissguth v Geib*, 67 M 360, 69 NW 1097.

372.11 ONE PLACE ONLY VOTED FOR.

Voters who first give notice of intention to circulate (section 372.02) a petition for the removal of a county seat have the exclusive right of way for the consideration and disposition of their petition before any other such petition can be filed and considered by the county board. *Moore v Mayer*, 174 M 397, 219 NW 458.