

CHAPTER 203

ELECTIONS, GENERAL AND SPECIAL

<p>Sec. 203.01 Definition 203.02 General election, when held 203.03 Officers chosen 203.04 Notice of election, time 203.05 Notice of election, posting 203.06 Election precincts 203.061 Metropolitan area districts 203.07 Unorganized territory, election precincts 203.08 Polling places designated 203.09 Illegal polling places 203.10 Polling place, restrictions 203.11 National flag displayed 203.12 Conduct in polling place, peace officers 203.13 Polling place, use of intoxicating liquor in 203.14 Voters, lingering near polling place 203.15 Ballot boxes 203.16 Blank forms, instructions for officials, furnished by secretary 203.17 Instructions to voters, furnished by secretary 203.18 Election supplies, duty of judges 203.19 Failure of judges to secure supplies 203.20 Substitute ballots 203.21 Judges of election 203.22 Election judges, eligibility 203.23 Election board, chairman 203.24 Vacancies in judges 203.25 Judges, oath 203.26 Violations, penalties 203.27 Ballots 203.28 White and pink ballots 203.29 County and district canary ballot</p>	<p>Sec. 203.30 Ballots, form 203.31 Back of ballot 203.32 Party name 203.33 Ballots, names on 203.34 General election ballot, nonpartisan offices, rotation of names 203.35 Primary ballots 203.36 Names on ballots, identical descriptive words 203.37 General election ballot, candidates nominated at primary 203.38 Errors and omissions, remedy 203.39 Ballots, records, disposition 203.40 Public official, name 203.41 Supreme and district court office 203.42 Compensation 203.43 Expenses 203.44 Vacancy, congress, legislature, special election 203.45 Vacancies in certain cases 203.46 Candidates to fill vacancies 203.47 Nominations; vacancy 203.48 Nominations by petition 203.49 Writ of election 203.50 Affidavits of candidacy 203.51 Ballots, names on 203.52 Special election, precincts, judges, voters 203.53 Special election returns 203.54 Congressional or legislative district, change in boundaries 203.55 General election laws, applications 203.56 United States senator, vacancy</p>
--	---

203.01 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

203.01 **DEFINITION.** The words in this chapter have the meanings prescribed to them in chapter 200.

[1959 c 675 art 4 s 1]

203.02 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

203.02 **GENERAL ELECTION, WHEN HELD.** An election which shall be known and designated as the "general election" shall be held in the several election precincts of the state on the first Tuesday after the first Monday in November in each even-numbered year.

[1959 c 675 art 4 s 2]

203.03 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

203.03 **OFFICERS CHOSEN.** All elective, state and county officers, judges of the supreme and district courts, members of the legislature, and senators and representatives in congress shall be elected at the general election next before the respective terms thereof shall expire, and at the general election held in the year preceding the expiration of a term of a president of the United States presidential electors shall also be chosen.

[1959 c 675 art 4 s 3]

203.04 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

203.04 **NOTICE OF ELECTION, TIME.** Between June 1 and July 1 in each election year the secretary of state shall cause a notice to be delivered to the auditor of each county, specifying all the officers whose certificates of nomination are issued by the secretary to be voted for in the county at the next general election; and each auditor, within ten days after receipt thereof, shall cause a notice to be delivered to each town, city, and village clerk in his county of all officers to be voted for in the county at the election.

[1959 c 675 art 4 s 4; 1967 c 243 s 1]

203.05 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

203.05 **NOTICE OF ELECTION, POSTING.** At least 15 days before the time of holding any general or primary election a notice stating the officers to be nominated or elected, the location of each polling place in the municipality, and the hours during which the polls will be open shall be posted in the office of the several town, village, and city clerks by the clerk of each municipality. The governing body of each municipality also may elect to provide published notice in addi-

# MINNESOTA STATUTES 1969

2341

ELECTIONS, GENERAL AND SPECIAL 203.09

tion to the posted notice. Failure to give the notice required in this section does not invalidate a general election or primary.

[1959 c 675 art 4 s 5]

203.06 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

**203.06 ELECTION PRECINCTS.** Subdivision 1. **Boundaries.** Each town, each village that is separated from the town for election purposes, and each city ward, shall constitute at least one election precinct. The council of each municipality shall prescribe the boundaries of the precincts and the number of voters therein, and may rearrange the precincts from time to time. All changes shall be made by resolution adopted at least 90 days before the next ensuing election, and 60 days' posted notice thereof in the office of the clerk shall be given before the change may take effect.

Subd. 2. **Change of precinct boundaries, description.** When the boundaries of a precinct are changed the council shall make a map or description of each precinct, defining it by known boundaries, and file the same with the clerk, who shall keep the same open for inspection at all times. The council shall furnish copies thereof to the judges for use at elections.

Subd. 3. **Municipality in two counties, common voting place.** When a city or village is situated in two or more counties, the council of the village or city may, by resolution adopted at least 30 days prior to any election, designate a single voting place in the city or village in which election for the entire city or village shall be held, and one set of election officials presiding thereat shall be sufficient; provided, that a separate ballot box for each precinct shall be furnished, in which the votes of the precinct shall be deposited and separate record thereof kept. When a single voting place has been so designated, it shall continue until changed by resolution of the council adopted at least 30 days prior to a subsequent election.

[1959 c 675 art 4 s 6]

**203.061 METROPOLITAN AREA DISTRICTS.** Notwithstanding the provisions of any law to the contrary each village and each town located within the metropolitan area as defined in Minnesota Statutes, Section 473.02, Subdivision 5, shall constitute a separate election district.

[1963 c 234 s 1]

203.07 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

**203.07 UNORGANIZED TERRITORY, ELECTION PRECINCTS.** Whenever any part of a county is not organized into towns, the county board, at their meetings in either January or July, upon the petition of not less than ten legal voters residing more than ten miles from the polling place in any established precinct, shall create and establish out of such unorganized territory an election precinct, and designate a polling place therein at such point as will be most convenient for the persons residing in the precinct, but no such polling place shall be located within ten miles of any other existing polling place.

[1959 c 675 art 4 s 7]

203.08 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

**203.08 POLLING PLACES DESIGNATED.** The council of every municipality shall, by ordinance or resolution, designate the place of holding the election for each precinct; otherwise the election shall be held as near as may be to the place where the preceding election was held, subject to change before the opening of the polls as provided by law. In any village or in any city of the third or fourth class, having more than one precinct, the council of the municipality may, by ordinance or resolution, provide for the holding of all elections in the municipality in some building centrally located therein, and the voters of the municipality may vote at such place so designated, irrespective of whether the voting place is actually located in their precinct or not. At the place so designated there shall be provided separate statutory voting facilities for each precinct, and the voting shall otherwise be conducted in the same manner as though the voting places were located in the respective precincts. The council of any municipality may, by ordinance or resolution, designate a polling place for holding of elections for a specific precinct in a building outside the precinct, provided that the building must be located within 1500 feet of the precinct.

[1959 c 675 art 4 s 8]

203.09 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

**203.09 ILLEGAL POLLING PLACES.** Subdivision 1. **Change of place.** When

any place designated for holding an election does not comply with the provisions of this chapter the judges, on or before the opening of the polls on election day, shall procure a suitable place, subject to the approval of the municipal clerk, as near the designated place as may be, which is not subject to the objection, and shall notify the municipal clerk at once of the change.

**Subd. 2. Polling place changed.** When a change of the place of election has been determined, the judges shall meet at the place first designated and, after filling any vacancies in their number, adjourn to the new place selected, first publicly announcing the change to the electors present and posting in a conspicuous place at the first designated place a notice of the change made by them. They also shall post a similar notice at the new voting place. They shall certify to the proper authorities the expenses attending the change, which shall be allowed and paid as part of the election expenses.

[1959 c 675 art 4 s 9]

**203.10 M.S. 1957** [Repealed, 1959 c 675 art 13 s 1]

**203.10 POLLING PLACE, RESTRICTIONS.** Subdivision 1. **Bar room.** No election shall be held or appointed to be held in any place where intoxicating liquors or non-intoxicating malt beverages are served, or in any room used or occupied as a place of resort for idlers or disreputable persons, or in any room adjoining either. Nor shall any election be held in any room wherein the requirements of this chapter cannot be substantially complied with.

**Subd. 2. Booths, equipment.** Each polling place shall consist of a single room, containing a number of booths in proportion to the number of voters in the precinct. Each booth shall be six feet high, three feet deep, and at least two feet wide, with a shelf, at least one foot wide, extending from side to side at a convenient height for writing, to be provided with a door or curtain so that the voter may be free from observation while marking his ballot. At all times when in use it shall be provided with instructions, an indelible pencil, and other supplies needful in marking the ballots. The boxes, booths, and judges shall be in open public view.

[1959 c 675 art 4 s 10]

**203.11 M.S. 1957** [Repealed, 1959 c 675 art 13 s 1]

**203.11 NATIONAL FLAG DISPLAYED.** The council of every municipality shall cause the national flag to be displayed on a suitable staff at the entrance to each polling place therein during all the hours of voting. The cost thereof shall be included in the general election expenses. The judges shall see that the flag is so placed and displayed, and willful failure on their part to do so shall cause a forfeiture of their compensation for the time of the failure. They shall make a statement of the number of hours the flag was so placed and maintained, and include the same with the payroll statement.

[1959 c 675 art 4 s 11]

**203.12 M.S. 1957** [Repealed, 1959 c 675 art 13 s 1]

**203.12 CONDUCT IN POLLING PLACE, PEACE OFFICERS.** During the voting hours no person other than those receiving, marking, and depositing ballots shall be permitted to approach within six feet of the booths, unless by consent of the judges, given by authority of law. Any person guilty of riotous or disorderly conduct shall be arrested upon refusal to desist when warned. The judges may appoint a special peace officer when necessary. No peace officer may remain in the polling place unless so ordered by the judges, nor may a peace officer interfere in any manner with the voters.

[1959 c 675 art 4 s 12]

**203.13 M.S. 1957** [Repealed, 1959 c 675 art 13 s 1]

**203.13 POLLING PLACE, USE OF INTOXICATING LIQUOR IN.** It is a misdemeanor to bring any malt or spiritous liquors into a place where an election is being held, or to drink any malt or spiritous liquors or to be intoxicated in a place where an election is being held.

[1959 c 675 art 4 s 13]

**203.14 M.S. 1957** [Repealed, 1959 c 675 art 13 s 1]

**203.14 VOTERS, LINGERING NEAR POLLING PLACE.** All voters shall be allowed to go to the polling place for the purpose of voting, and to return therefrom, without molestation, but neither voters nor others shall be allowed to congregate in any number within 100 feet of any polling place. Only election officers

# MINNESOTA STATUTES 1969

2343

ELECTIONS, GENERAL AND SPECIAL 203.18

and voters who are waiting to vote shall be permitted to stand within 50 feet of the entrance to a polling place.

[1959 c 675 art 4 s 14]

**203.15 M.S. 1957** [Repealed, 1959 c 675 art 13 s 1]

**203.15 BALLOT BOXES.** Each polling place shall be provided with one white, one pink, one canary, and one light green ballot box. As many of these ballot boxes shall be used at any election as there are kinds of ballots to be voted. Each box shall be of sufficient size, and with a sufficient opening, to receive and contain all the ballots likely to be placed therein.

[1959 c 675 art 4 s 15]

**203.16 M.S. 1957** [Repealed, 1959 c 675 art 13 s 1]

**203.16 BLANK FORMS, INSTRUCTIONS FOR OFFICIALS, FURNISHED BY SECRETARY.** Subdivision 1. At least 15 days before every state election the secretary of state shall transmit to each county auditor a sufficient number of suitable blank forms for lists, registers and affidavits, and such other blanks as are required in preparation for the conduct of the election.

Subd. 2. On or before January 1 of every even-numbered year the secretary of state shall furnish to the county auditor sufficient copies of the Minnesota election law. The secretary of state also may prepare and transmit to the county auditors guides for election officers in pamphlet form, for the conduct of their duties as prescribed by law.

[1959 c 675 art 4 s 16]

**203.17 M.S. 1957** [Repealed, 1959 c 675 art 13 s 1]

**203.17 INSTRUCTIONS TO VOTERS, FURNISHED BY SECRETARY.** Subdivision 1. **Cards.** Except where voting machines are used, the secretary of state shall furnish to each county auditor uniform instructions to voters, printed in large type upon cards or heavy paper and containing such information as will enable the voters quickly and correctly to designate their choice. The cards shall be sufficient in number to allow two for each precinct. The clerk of each municipality in the county shall secure from the county auditor the cards and shall have them posted in a conspicuous manner at the polling place.

Subd. 2. **Pamphlets.** The secretary of state also may prepare and distribute to election officials printed instructions to voters in pamphlet form, containing material of impartial nature relating to registration and election procedure.

Subd. 3. **Election supplies, duty of clerks.** At least one week before every state election, the clerk of each city and town and each village that is separated from the town for election purposes, shall secure from the county auditor the necessary copies of each of the blanks and forms as are required in preparation for the conduct of the election, printed instruction cards, two copies of the Minnesota election law and any other instructions for election officers, for each precinct, and sufficient quantities of the necessary official ballots, ballot boxes, registers, and other supplies and materials so that the judges of the election precincts may comply with the provisions of the Minnesota election law. If it is more convenient, and in lieu of complying with the foregoing provisions of this subdivision, the auditor may furnish such election supplies to the person entitled thereto in the same manner as such supplies are furnished in unorganized territory. If there are election precincts in unorganized territory, the county auditor shall send by registered or certified mail, insured parcel post, express, or deliver to the judges in these precincts the supplies that are enumerated in this subdivision.

Subd. 4. **Instruction meetings for election officials.** Before each state primary election, the auditor of each county shall require the clerks of the municipalities and the chairmen of the several election boards within the county to meet with him at the time the clerks are required to secure the election supplies from him; and the auditor shall conduct the meeting in such manner as he deems proper to instruct the clerks and chairmen of the several election boards as to election procedures including, but not to be restricted to, duties of municipal clerks and election judges. The expenses incidental to attending the meeting with the county auditor shall be borne by the municipalities.

[1959 c 675 art 4 s 17; 1961 c 564 s 3; 1963 c 416 s 2; 1965 c 21 s 1]

**203.18 M.S. 1957** [Repealed, 1959 c 675 art 13 s 1]

**203.18 ELECTION SUPPLIES, DUTY OF JUDGES.** Before 9:00 P.M. on the day preceding an election, at least one judge shall procure the election registers and other supplies provided for in this chapter from their legal custodian. The custodian of the ballot boxes and ballots shall deliver the same to the judges of

the respective precincts together with their keys, stationery and materials required at the election. The judges shall be responsible for the safekeeping of the election registers and ballots unaltered, and shall have all such ballots, ballot boxes, election registers, printed instructions to voters, and materials at the polling places in their respective precincts at the opening of the polls on the day of election.

[1959 c 675 art 4 s 18]

**203.19 M.S. 1957** [Repealed, 1959 c 675 art 13 s 1]

**203.19 FAILURE OF JUDGES TO SECURE SUPPLIES.** In case none of the judges appears at the office of the custodian of the ballots, as provided in the previous section, the custodian shall send forthwith to the proper precinct the ballots therefor, securely wrapped, tied, and sealed, by special messenger, who shall deliver the same forthwith to the judges, or one of them; or if unable to do so, he shall deliver them at the polling place at the hour for opening the polls. He shall take a receipt for the ballots and promptly file the same with the custodian together with his affidavit stating when, where, and to whom he made the delivery. The judges, and each of them, shall be chargeable with all expense incident to the delivery and report, together with mileage, the same as allowed to sheriffs for service of process, but nothing herein shall relieve any judge from the penalty provided by law for neglect of duty.

[1959 c 675 art 4 s 19]

**203.20 M.S. 1957** [Repealed, 1959 c 675 art 13 s 1]

**203.20 SUBSTITUTE BALLOTS.** Subdivision 1. **Official ballots.** If the ballots are not delivered, or are stolen or destroyed and sufficient regular ballots cannot be seasonably had, the county auditor or other proper official shall cause other ballots to be immediately prepared as nearly in the form prescribed as practicable, with the word, "Substitute" printed in brackets immediately over the word "Official Ballot," as endorsed on regular ballots, and, when practicable, with the facsimile signature of the officer preparing the same, accompanied by his affidavit that the same have been so prepared and furnished by him, and that the original ballots have not been received, or have been destroyed or stolen, as the case may be. The judges shall cause the substituted ballots to be used at the election.

Subd. 2. **Unofficial ballots.** When no official or substitute ballots are ready for distribution at any polling place, or if the supply is exhausted before the polls are closed, unofficial ballots, printed or written as nearly as practicable in the form of the official ballots, or of any ticket or tickets forming a part or parts thereof, may be used until substitutes prepared by the proper official can be printed and delivered; and the fact shall be certified and accompany the returns of election.

[1959 c 675 art 4 s 20]

**203.21 M.S. 1957** [Repealed, 1959 c 675 art 13 s 1]

**203.21 JUDGES OF ELECTION.** Subdivision 1. **Appointment, qualification.** Except in cities of the first class the council of each municipality and the county board in unorganized territory shall appoint, in the manner provided for in this section, qualified voters in each precinct therein to be judges of election. The appointments shall be made at least 25 days before any election. The appointments shall be made from a list of qualified voters provided for in this section subject to the limitations of section 203.22, subdivision 1. The council or county board may make such rules as it deems necessary including the examination of applicants, to determine the qualification of judges.

At least 65 days before any election for a partisan political office, the county chairman of each of the two political parties as defined in section 200.02, subdivision 7, shall furnish to the county auditor of his county of residence, a list of qualified voters for the various election precincts in municipalities in which 1000 or more votes were cast in the last general state election to act as election judges. At least 55 days before the date of the election, the county auditor shall furnish to each of the several appointing authorities of judges for the various election precincts, a list of the appropriate names for each election precinct. Separate lists shall be so submitted by the county auditor for each of the two leading political parties. If any county chairman of a political party shall fail to submit a list to the county auditor as herein before provided, the appointing authorities shall select and appoint qualified electors as herein or otherwise provided by law.

**Subd. 2. Appointment, first class cities.** In cities of the first class judges shall be appointed by the city clerk at least 25 days before an election from a list of qualified voters in each precinct certified by the civil service commission of the municipality. At least 60 days before an election, the civil service commissioner shall receive applications on verified forms prepared by the commission from persons qualified to act as judges, in which application the applicant shall state his party affiliation; and the commission shall conduct such inquiry, investigation and examination as it deems necessary to establish the qualifications of the applicants. The commission shall set up such rules and regulations as it deems necessary for carrying out the provisions of this section. At least 30 days before the first election in any calendar year wherein elections are held the civil service commission shall certify to the city clerk a list of persons in each precinct who have satisfied the commission of their qualifications to act as judges. The commission shall certify the names of persons having the highest rating from each political party for each precinct. From the certified list the city clerk shall appoint judges for each precinct. If there are not enough persons from each political party for each precinct, he may appoint judges for the proper party from the list of civil service judges certified for other precincts within the city; or he may appoint for the proper party a sufficient number of qualified voters of the precinct to act as judges. Vacancies in the office of judges shall be filled by the city clerk from the list certified by the civil service commission. The commission shall certify additional names to the city clerk when the eligible list for any precinct is exhausted.

**Subd. 3. Number of judges.** Except as provided in subdivision 4, the council of each municipality and the county board in unorganized territory shall provide that there is one judge for every 150 voters in each precinct therein, provided that there shall be at least three judges in each precinct for every election. Before any election the council of each municipality and the county board in unorganized territory shall determine how many judges there shall be for each precinct therein, considering the number of votes expected to be cast in each precinct at the next election, so that the provisions of this section shall be complied with. The council of each municipality and the county board in unorganized territory may provide for additional judges in any precinct in excess of one judge for every 150 voters who voted in the last general election, and they also may provide for additional judges to count the votes after the polls close. At general elections and state primary elections the council, or county board in unorganized territory, shall provide, in precincts having over 300 voters at the last such election, additional qualified judges to count the votes after the polls close, the new judges to replace the previously acting judges. The additional judges provided for in this subdivision are not required in precincts where voting machines are used.

**Subd. 4. Number of judges, number of voting machines.** In precincts where one voting machine is used three judges shall be appointed, and in precincts where more than one voting machine is used one or more additional judges may be appointed.

**Subd. 5. Election judges, certain cases, towns and villages.** In towns the members of the town board and the town clerk, and in the villages the members of the village council and the village clerk, may be judges of election if the municipality has only one election precinct.

[1959 c 675 art 4 s 21; 1963 c 416 s 1; 1963 c 624 s 1; 1965 c 12 s 1; 1969 c 116 s 1]  
203.22 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

**203.22 ELECTION JUDGES, ELIGIBILITY.** Subdivision 1. **Party balance.** No more than half of the number of judges in any precinct may be members of the same political party, except where the election board consists of an odd number of judges in a precinct, the number of judges belonging to one political party may be one more than the number of judges belonging to the other political party.

**Subd. 2. Eligibility of judges, relationship.** No judge may bear the relationship of husband, wife, parent, child, brother, or sister to any other judge in the same precinct, a candidate, or any member of the council of the municipality in which he is a judge or of the county board if he is a judge in an unorganized territory.

**Subd. 3. Eligibility of judges, other employment.** No person may be a judge while he is receiving compensation as an employee or officer of the United States.

the state, or any municipality or county within the state, except as provided in subdivision 5 of section 203.21; nor may any person be a judge at any election at which he is a candidate for elective public office.

Subd. 4. **Eligibility of judges, literacy.** No person may be a judge unless he can read, write, and speak the English language understandingly.

[1959 c 675 art 4 s 22]

203.23 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

**203.23 ELECTION BOARD, CHAIRMAN.** At the time the judges are appointed, the city clerk in cities of the first class, the council of all other municipalities, and the county board in unorganized territory shall designate one of the appointed judges in each precinct as chairman of the election board. The chairman shall distribute the duties of election judges among the several judges, including himself, and he shall be responsible for the completion of forms, obtaining signatures, and the performance of all duties required of the election judges.

[1959 c 675 art 4 s 23]

203.24 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

**203.24 VACANCIES IN JUDGES.** When any judge fails to attend at the time and place appointed for holding an election, within 30 minutes after the opening of the polls, or after entering upon the discharge of his duties, becomes unable, or for any reason fails or refuses, to complete the performance of his duties, the remaining judges of the precinct shall elect a qualified person from the precinct to fill the vacancy.

[1959 c 675 art 4 s 24]

203.25 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

**203.25 JUDGES, OATH.** Before any judge enters upon the discharge of his duties, he shall subscribe the following oath: "I.....judge of election, do solemnly swear that I will perform the duties of judge of election according to law and the best of my ability and will studiously endeavor to prevent fraud, deceit and abuse in conducting this election, so help me God." The oath shall be affixed to the election register or returned with the election returns. If there is no person present authorized to administer oaths, the judges may administer it to each other. The judges, subsequent to the opening of the polls, shall constitute the election board.

[1959 c 675 art 4 s 25]

203.26 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

**203.26 VIOLATIONS, PENALTIES.** Any person who serves as judge in violation of any of the provisions of sections 203.21 to 203.25 is guilty of a misdemeanor.

[1959 c 675 art 4 s 26]

203.27 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

**203.27 BALLOTS.** Subdivision 1. **Preparation.** Except where voting machines are used and except as otherwise provided by law, all ballots for every election held in this state shall be prepared in the manner provided in this chapter.

Subd. 2. **Number.** At least 100 ballots of each kind to be voted at the ensuing election shall be provided by the clerk for each precinct for every 85 votes cast and counted therein at the last election for the same offices or on similar questions, except that where voters are registered under a permanent registration system the clerk is not required to prepare ballots in excess of the number of registered voters in each precinct.

[1959 c 675 art 4 s 27]

203.28 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

**203.28 WHITE AND PINK BALLOTS.** Subdivision 1. **State white ballot.** There shall be one ballot upon plain white paper, hereinafter called the "white ballot," upon which shall be printed names of all candidates for offices to be voted for throughout the state, including, but not to be restricted to, candidates for senator and representative in congress. The candidates for senator in congress shall be first on the white ballot, and the candidates for representative in congress shall be second on the white ballot. The candidates for state offices shall follow the candidates for congressional offices.

Subd. 2. **State pink ballot.** There shall be one ballot on pink paper, hereinafter called the "pink ballot," upon which all propositions and questions to be voted upon throughout the state shall be printed so that the voters may indicate

by a mark (X) either a negative or affirmative vote. In preparing the pink ballot the secretary of state shall apply an appropriate title to each proposition and question, which title shall be approved by the attorney general, and shall consist of not more than one printed line above the proposition or question to which it refers. At the head of the ballot or in some other prominent place on the ballot there shall be printed conspicuously a notice stating in substance that a voter's failure to vote on a constitutional amendment has the effect of a negative vote. The pink ballots shall be deposited in a separate pink ballot box. They shall be counted, canvassed and returned as in the case of white ballots, and the tally books and return blanks shall provide suitable columns and spaces therefor. The total of the "yes" votes, the total of the "no" votes, and the total number of votes cast shall be reported in the returns.

**Subd. 3. Preparation.** The white ballot and the pink ballot shall be prepared under the direction of the secretary of state and bound in blocks of 50, and a sufficient number thereof to enable the clerks to comply with the provisions of subdivision 2 of section 203.27 shall be forwarded by him by express to the auditor of each county at least 15 days before the general election, and receipts taken therefor, stating the number and date when received. Four weeks before the general election the secretary of state shall file sample copies of the state ballots in his office for public inspection, and three weeks before the election the secretary shall mail to the auditor of each county sample copies of the state ballots.

**Subd. 4. Form.** The white ballot and the pink ballot shall be headed by the words, "State Ballot." The white ballot shall contain the official title of all offices proper to be placed thereon in such order of precedence as the secretary of state shall direct, in conformity with the laws relating to ballots. Directly underneath the title of the office shall be printed the words, "Vote for One," or more, according to the number to be elected, followed by the names of the candidates for each office.

[1959 c 675 art 4 s 28]

**203.29 COUNTY AND DISTRICT CANARY BALLOT.** Subdivision 1. **Canary ballot.** There shall be one ballot on canary paper, hereinafter called the "canary ballot," upon which shall be printed the names of all candidates for office and all questions and propositions to be submitted that are not required by law to be placed on other ballots, including but not to be restricted to, the candidates for all county elective offices, the candidates for senator and representative in the legislature, and the candidates for the district and probate court offices.

**Subd. 2. Form of canary ballot.** The canary ballot shall be prepared under the direction of the county auditor, and the ballot shall be headed, "County and District Ballot." The candidates for senator in the legislature shall be first on the canary ballot, and the candidates for representative in the legislature shall be second on the canary ballot.

**Subd. 3. Sample ballots, notice.** Two weeks before the general election the auditor shall file a sample of the canary ballot in his office for public inspection, and two weeks before the general election the auditor shall give one week's published notice of the contents of the official state ballot and the county and district ballot.

[1959 c 675 art 4 s 29]

**203.30 BALLOTS, FORM.** Subdivision 1. **Type.** All ballots shall be printed with black ink on paper of sufficient thickness to prevent the printing thereon from being discernible from the back. All ballots of the same color shall be substantially uniform as to style of printing, size, thickness, and shade of color, and whenever the same kind of ballots are printed on paper of the same general tint, but varying in shade, those used in any one precinct shall be of the same shade. All ballots shall be printed in type of such form, width, weight, and size as to be easily legible, with suitable lines for divisions between candidates, offices, instructions, and other matter proper to be printed on ballots. The same type shall be used for the names of all candidates on the same ballot, and the name of each candidate shall be printed in capital letters. The name of a candidate may not appear on a ballot in any way which gives that candidate an advantage over his opponent except as otherwise provided by law. The officer in charge of preparing the ballots shall do so in such a manner as to enable the voter to understand which questions are to be voted upon and what and how many candidates are to be voted for in each office, and to designate his choice easily and accurately.



**Subd. 2. Candidates and offices.** On all ballots the name of each candidate shall be printed at right angles with the length of the ballot. In the general election, except in the case of presidential electors, each name shall be followed on the same line in upper and lower case letters, by the political party designation of the candidate, or in the case of nonpartisan offices, each name shall be followed by the words, "Nominated without party designation." At the general election, below the name of the last candidate for each office shall be placed as many blank lines as there are offices of that kind to be filled, and on the blank lines the voter may write the names of persons not printed on the ballot for whom he desires to vote, and when no person has filed for an office to be filled, the title of the office shall be printed on the ballot with as many blank lines below the title as there are offices to be filled, on which the voter's choice may be written. On the left side of the ballot and on a line with the names of the candidates and the blank lines, there shall be placed a square, each square to be of the same size, in which the voter may designate his choice by a mark (X). Above the first name on each ballot shall be printed the words, "Put an (X) opposite the name of each candidate you wish to vote for, in the square indicated by the arrow," and on a line with the words and directly above the squares shall be printed a small arrow, or point, pointing downward. Directly underneath the official title of each office shall be printed the words, "Vote for one," or more, according to the number to be elected.

**Subd. 3. Question, form of ballot.** When a proposition or question is to be submitted to a vote, a concise statement of the nature thereof shall be printed on the ballot, and to the left of the statement shall appear the words, "YES" and "NO." To the left of and on the same line with each of the words shall be printed a square so that the voter may indicate by a mark (X) either a negative or affirmative vote. Suitable instructions also shall appear on the ballot directing the voter to put an (X) in the square before the word "YES" if the voter desires to vote for the proposition or question, or to put an (X) before the word "NO" if the voter desires to vote against the proposition or question.

**Subd. 4. Questions, reminder on mechanical voting machines.** When a proposition or question is to be voted upon, each mechanical voting machine shall have a prominent notice following the last office title, if adequate space is available thereon. If adequate space is not available following the last office title, the officer preparing the ballot shall provide for placement in the next available column. Such notice shall contain one or more arrows pointing toward the question or proposition and shall also contain whichever of the following language is appropriate in type of the same size as the office titles used on the ballot:

"See constitutional amendment or referendum on row above." Or "See constitutional amendment or referendum in upper right hand corner."

[1959 c 675 art 4 s 30; 1967 c 576 s 1]

**203.31 BACK OF BALLOT.** On the back of all ballots shall be printed the words, "Official Ballot," the date of the election, a facsimile of the official signature of the officer under whose direction the ballot is printed, and lines for the initials of two judges. The printing shall be so placed as to be visible when the ballot is properly folded for deposit.

[1959 c 675 art 4 s 31]

**203.32 PARTY NAME.** Subdivision 1. **Change.** Any political party as defined in the Minnesota election law may change its name by complying with the following conditions:

The state central committee of the party may call a convention, and shall state in its call that a convention is called for a certain time and place, for the purpose of changing the name of the party to some specific name given in the call. The convention shall be held before the termination of the time for filing for nomination for primary elections preceding the state general election, and the change shall be agreed upon by resolution of a majority of the convention. A copy of the resolution determining the change of the name, certified by the chairman and secretary of the convention, shall be filed with the secretary of state within five days after the holding of the convention. Thereafter the political party shall be known by the new name called for by the resolution, and the party under its new name shall have all the rights that it had under its former name.

**Subd. 2. Right to use.** A political party, as defined in the Minnesota election law, which has adopted a party name, is entitled to the exclusive use of the name for the designation of its candidates on all ballots, and no candidate of any other

# MINNESOTA STATUTES 1969

2349

## ELECTIONS, GENERAL AND SPECIAL 203.35

political party is entitled to have printed on a ballot as a party designation any part of that name.

Subd. 3. **Candidates of party.** No person may be named on any ballot as the candidate of more than one political party, or any political party other than that whose certificate of his nomination was first properly filed.

[1959 c 675 art 4 s 32]

**203.33 BALLOTS, NAMES ON.** Subdivision 1. **Candidates.** Only the names of duly nominated candidates may be placed upon the ballots, and no ballot shall be furnished to the judge of any precinct which contains the name of a candidate who cannot properly be voted upon therein.

Subd. 2. **Ballots, candidates nominated by petition.** At the general election, and in the case of partisan offices only, the names of candidates nominated by petition shall follow those of candidates nominated at primaries in the order in which the petitions are filed.

Subd. 3. **Ballot, party position.** At the general election, and in the case of partisan offices only, the first name printed for each office, or group of names if more than one is to be voted for, for the same office, shall be that of the candidate of the political party which at the last preceding general election polled the largest number of votes, the same to be determined by the average vote cast for that party's candidates for partisan offices except representatives in congress. In like manner the second and succeeding lines shall be filled with the names of the candidates of the other political parties receiving the next highest number of votes respectively. For the purposes of this subdivision, the average vote of the party shall be computed by determining the total number of votes counted in the state for all of the party's candidates on the general election ballot except representatives in congress, and dividing that sum by the number of the party's candidates, except representatives in congress, appearing on the general election ballot.

[1959 c 675 art 4 s 33]

**203.34 GENERAL ELECTION BALLOT, NONPARTISAN OFFICES, ROTATION OF NAMES.** Subdivision 1. At the general election, and in the case of nonpartisan offices only, the names of all candidates for the same office shall be rotated on the ballots in the manner provided for primary election ballots by subdivision 5 of section 203.35, and all the provisions of subdivisions 5 and 6 of section 203.35 are applicable to general election ballots, so far as practicable.

Subd. 2. In both the general election and the primary election, there may not be any rotation of offices on the ballots.

[1959 c 675 art 4 s 34; 1965 c 51 s 38]

**203.35 PRIMARY BALLOTS.** Subdivision 1. **Form.** Except as provided in this section, the primary election ballots shall be printed in the same general manner as is provided for the general election ballots, so far as practicable. The auditor of each county shall have printed a sufficient number of separate primary election ballots, varied as may be necessary for the several precincts and wards. The consolidated primary election ballot shall be on white paper, the nonpartisan primary ballot shall be on canary paper, and any municipal primary ballot shall be on light green paper.

Subd. 2. **Partisan and nonpartisan, sample.** At least two weeks before the primary election each auditor shall group all the nonpartisan candidates and the candidates of each political party by themselves and prepare for public inspection a sample party ballot and a separate nonpartisan ballot. On the sample ballots only, the names of the candidates shall be arranged alphabetically according to the surname. Only one sample party ballot and one sample nonpartisan ballot shall be printed for any county, and the names of all candidates to be voted upon in the county shall be placed thereon. Each county auditor shall post the sample ballots in a conspicuous place in his office and give one week's published notice thereof in the official newspaper of his county.

Subd. 3. **Nonpartisan offices, no contest.** All nonpartisan offices for which no candidate is to be voted at the primary election shall be omitted from the ballot.

Subd. 4. **Write-ins.** No blank spaces may be provided for writing in the names of candidates on primary election ballots whether or not any candidate has filed for the office.

Subd. 5. **Rotation of names.** On the primary election ballots for partisan and nonpartisan offices the name of each candidate for office shall be rotated with the names of the other candidates for the same office so that the name of each can-

didate appears substantially an equal number of times at the top, at the bottom, and at each intermediate place in the group of candidates for that office.

Subd. 6. **Rotation, printing.** The official charged with the preparation and distribution of the primary election ballots shall prepare instructions to the printer for rotating, laying, and tabbing the ballots, which instructions first shall be approved by the legal advisor of the official before delivery to the printer. Before any printer is awarded any contract for printing ballots, he shall furnish a good and sufficient bond in such sum as the official awarding the contract shall designate which shall not be less than \$1000 nor more than \$5000, conditioned that he will print the ballots in conformity with the law and the instructions to him.

Subd. 7. **Primary party ballot.** The party ballot shall be headed by the words, "Consolidated Primary Election Ballot." Each political party shall have a separate ticket on the consolidated ballot, under which the names of all the candidates of the political party shall be grouped. Each political party ticket shall be headed by the words, ".....Party Ticket," giving the party name. Below the party name shall be printed the words, "You cannot split your ballot. If you vote for candidates of more than one party, your ballot will be rejected." Each party ticket shall be separated by a 12-point solid rule line.

Subd. 8. **Primary party ballot, place of ticket.** The party tickets shall be arranged in columns, and each column shall be substantially the same in width, type and appearance. In the first column on the left shall be placed the names of the candidates of the political party which polled the highest average vote at the last general election in the county, and the second column the names of the candidates of the political party which polled the next highest average vote at that election in the county, and so on. For the purpose of this subdivision, the average vote of the party shall be computed by determining the total number of votes counted in the county for all of the party's candidates on the general election ballot, and dividing that sum by the number of the party's candidates appearing on the general election ballot.

Subd. 9. **Primary nonpartisan ballot, form.** The nonpartisan ballot shall be headed, "Primary Election Ballot Candidates to be Nominated Without Party Designation," and otherwise the same as the party ballot. At the top of the nonpartisan ballot the auditor shall place the names of the candidates for nomination for senator in the legislature and next, the candidates for representative in the legislature.

[1959 c 675 art 4 s 35; 1967 c 243 s 2]

**203.36 NAMES ON BALLOTS, IDENTICAL DESCRIPTIVE WORDS.** When the similarity of surnames of two or more candidates for the same office at an election may cause confusion to voters, the candidates with such names may have added to each of their surnames on the ballot no more than three words to indicate the occupation or office of the candidate, or his residence, or any combination thereof if they can be stated in no more than three words. If the candidate furnishes the identifying words on or before the time limit set by statute for withdrawal of candidacies, to the filing officer, the officer shall have the identifying words printed on the ballot immediately after the candidate's name; otherwise the words may not be printed on the ballot.

[1959 c 675 art 4 s 36; 1963 c 625 s 1]

**203.37 GENERAL ELECTION BALLOT, CANDIDATES NOMINATED AT PRIMARY.** Every candidate for public office who has been duly nominated at any primary election and who has paid the filing fee required by law is entitled to have his name placed on the general election ballot for the general election after the primary, as a nominee, without payment of an additional fee.

[1959 c 675 art 4 s 37]

**203.38 ERRORS AND OMISSIONS, REMEDY.** Subdivision 1. When it shall appear by affidavit to any judge of the supreme court in the case of a state election, or of the district court of the proper county in the case of a county election:

- (a) That an error or omission in the placing or printing of the name or description of any candidate on official primary or general election ballots has occurred or is about to occur; or
- (b) That any other error in preparing or printing the ballots has occurred or is about to occur; or
- (c) That any officer of a political party or political party committee has failed to properly make or file a certificate of nomination; or

(d) That any wrongful act, neglect, or error by any election judge, county auditor, canvassing board or member thereof, secretary of state, or other person charged with any duty concerning an election, has been or is about to be done,

then the judge immediately shall order the officer, person, or board charged with the error, wrong, neglect, or failure to correct the same or perform the duty forthwith or show why he should not do so. Failure to obey the order is contempt of court.

Subd. 2. If in conducting the canvass of votes at any election as provided by law the majority of the county canvassing board believes that an obvious error in the counting and recording of the vote for any particular office has been made by the judges in any precinct, then the county canvassing board shall forthwith notify the candidates for such particular office of their belief. They shall at the same time notify the candidates in writing what is the obvious error they believe has been made. Such candidates may without unreasonable delay apply to the district court of the county within which the precinct is located for an order determining whether or not an obvious error has been made. Such application shall set forth the facts and such evidence may be submitted as the court may direct. If the court finds that an obvious error appears to exist it shall specify the error and direct the board to make an inspection of the ballots and the returns of the precinct for the purpose of correcting the obvious error and to further proceed in accordance with section 204.30 or as it may otherwise direct.

If any candidate believes that an obvious error in the counting and recording of the vote for any particular office has been made by the judges in any precinct, then such candidate may without unreasonable delay apply to the district court of the county within which the precinct is located for an order determining whether or not an obvious error has been made. If such application is made by a candidate the procedures otherwise provided for in this subdivision shall be applicable.

Whenever a proceeding is commenced in the district court pursuant to the provisions of this subdivision the county canvassing board and all candidates for the office affected shall be given notice thereof as the court may direct.

Subd. 3. (1) When all the candidates for a particular office concur in writing that an obvious error in the counting or recording of the vote for such office has been made by the judges in any precinct then the county canvassing board shall correct the obvious error as concurred in by the candidates.

(2) When all of the candidates for a particular office concur in writing that an obvious error in the counting and recording of the vote for such office has been made by the county canvassing board they shall jointly notify the county auditor thereof who shall reconvene the county canvassing board. The county canvassing board shall forthwith correct such obvious error as concurred in by the candidates and file an amended report in connection therewith with the county auditor. The county auditor shall forthwith certify the amended result to the secretary of state. When an obvious error is corrected in conformity with this paragraph the county canvassing board and the county auditor shall also perform such other duties in connection therewith in order to conform with the requirements of Minnesota Statutes, Section 204.29.

(3) When all of the candidates for a particular office concur in writing that an obvious error in the counting and recording of the vote for such office has been made by the state canvassing board, they shall jointly notify the secretary of state, and if a certificate of election has not been issued, he shall reconvene the state canvassing board. The state canvassing board shall forthwith correct such obvious error as concurred in by the candidates and file an amended statement and certification in connection therewith. When an obvious error is corrected in conformity with this paragraph the state canvassing board and the secretary of state shall also perform such other duties in connection therewith to conform with the requirements of Minnesota Statutes, Section 204.31.

[1959 c 675 art 4 s 38; 1965 c 81 s 1; 1969 c 85 s 1]

**203.39 BALLOTS, RECORDS, DISPOSITION.** The auditor of any county and the clerk of any municipality may destroy all ballots, voters' certificates, and election returns, except the abstract of the canvassing board, at any time after one year from the date of the election wherein the ballots and election returns were used, except that all election returns involved in a contested election may not be destroyed until the contest has been finally determined.

[1959 c 675 art 4 s 39]

# MINNESOTA STATUTES 1969

**203.40 PUBLIC OFFICIAL, NAME.** Every person elected to public office may use the name given in his affidavit of candidacy or nominating petition in transacting official business in the ensuing term of office.

[1959 c 675 art 4 s 40]

**203.41 SUPREME AND DISTRICT COURT OFFICE.** Subdivision 1. **Notice of election.** Each justice of the supreme court and each district judge is deemed to hold a separate nonpartisan office. When one or more justices of the supreme court or one or more judges in a judicial district are to be nominated at the same primary election or elected at the same general election, the notice of election shall state the name of each justice or judge whose successor is to be nominated or elected.

Subd. 2. **Ballot, form.** The official ballot shall contain the names of all candidates for each judicial office, and it shall state the number of candidates for whom an elector may vote. The official ballot shall designate each office as:

"For the office of associate (or chief justice) of the supreme court to which ..... was elected for the regular term," or  
name of justice

"to which ..... was appointed."

name of justice

or in the case of the district court:

"for the office of judge of the district court of ..... number

judicial district to which ..... was elected for the  
name of judge

regular term," or "to which ..... was appointed,"

name of judge

as the case may be. The ballots for both the primary and general elections shall show the names of the justice or judge whose successor is to be elected at the general election, and in the case of a district court judge, the number of the judicial district, in the spaces provided for that purpose. Where voting machines are used and the statements provided in this section cannot be inserted because of length, the designation shall be:

"Successor to ..... elected (or appointed)."

name

The office of judge of the district court of Hennepin county, Juvenile Court Division, shall also be designated on the ballot in conformity with section 260.021.

Subd. 3. **Incumbent, designation.** In any case when the chief justice, associate justice, or judge is a candidate to succeed himself, the word, "incumbent" shall be printed after his name where it appears among the names of the candidates for the office.

[1959 c 675 art 4 s 41; 1961 c 606 s 14; 1965 c 210 s 1]

**203.42 COMPENSATION.** The compensation for services performed under the Minnesota election law shall be as follows:

(a) To presidential electors, \$10 for each day's attendance at the capitol, and an amount for each mile necessarily traveled in going to and returning from St. Paul, equal to the amount allowed for state employees in accordance with regulation under section 15A.20, subdivision 1;

(b) To persons carrying ballots from, and returns to, the county auditor's office, \$2 for each hour necessarily spent and an amount for each mile of necessary travel, equal to the amount allowed for state employees in accordance with regulation under section 15A.20, subdivision 1;

(c) To members of county canvassing boards, \$5 for each eight hours of service as members of the canvassing board and seven and one half cents for each mile of necessary travel each day; provided that in counties now or hereafter having a population of 600,000 or more the members of the county canvassing boards in those counties shall be paid \$12 for each eight hours of service as members of the canvassing board, and mileage;

(d) The compensation for election judges shall be fixed by the governing body of the municipality and in the case of judges in unorganized territory, by the county board, except that the compensation for election judges in the case of townships shall be fixed at the annual town meeting.

(e) To special peace officers, an amount for each hour of service rendered by direction of the judges, to be fixed as in the case of judges of election.

[1959 c 675 art 4 s 42; 1963 c 387 s 1; 1969 c 843 s 1]

# MINNESOTA STATUTES 1969

2353

ELECTIONS, GENERAL AND SPECIAL 203.46

**203.43 EXPENSES.** The compensation prescribed in section 203.42, clause (a), the cost of printing the white and pink ballots, and all necessary expenses incurred by the secretary of state in connection with elections, shall be paid by the state out of moneys not otherwise appropriated. That prescribed in section 203.42, clauses (b) and (c), the cost of printing the county and district canary ballots, and all necessary expenses incurred by auditors in connection with elections, shall be paid by the respective counties. That prescribed in section 203.42, clauses (d) and (e), the cost of printing the municipal light green ballots, of providing ballot boxes and polling places, and equipping the same, and all necessary expenses of the clerks of municipalities on account of elections, shall be paid by the respective towns, villages, or cities where the elections are held. All disbursements hereunder shall be presented, audited, and paid as in the case of other public expenses.

[1959 c 675 art 4 s 43]

**203.44 VACANCY, CONGRESS, LEGISLATURE, SPECIAL ELECTION.** Every vacancy in the office of representative in congress or member of the state legislature shall be filled for the unexpired term by election upon the writ of the governor as provided by sections 203.44 to 203.56. If there will not be any session of the congress or the legislature before the expiration of the term in which the vacancy exists, it shall not be necessary to fill the office.

[1959 c 675 art 4 s 44]

**203.45 VACANCIES IN CERTAIN CASES.** Subdivision 1. **Vacancy filled at general election.** When a vacancy occurs more than 150 days before the next general election, and if there will not be any session of the congress or the legislature before the time fixed by law for the final canvass of the general election returns, the governor shall issue his writ directing that the vacancy be filled at the general election and that nominations therefor be made as provided in subdivision 1 of section 203.46.

Subd. 2. **Vacancy filled at special election.** If the congress or the legislature will be in session so that a person elected as provided by this section could take office and exercise the functions thereof immediately after his election, the governor shall issue and file his writ within five days after the vacancy occurs, calling the special election for the earliest possible time thereafter which will permit the giving of notice of the special election and the primary therefor as provided in subdivision 3 of section 203.46, and in any event not more than 28 days after the issuance of the writ.

Subd. 3. **Vacancy filled at special or other election.** In all cases other than those provided in subdivision 1 and 2, the governor shall issue his writ seasonably calling the special election for such time that the person elected may take office at the opening of the next session of the congress or of the legislature so that candidates for the special election may be nominated as provided in section 203.46.

Subd. 4. **Vacancies filled at special or other elections, manner.** Two or more vacancies may be filled at the same election and candidates therefor may be nominated at the same primary. Any special election or special primary held pursuant to sections 203.44 to 203.55 may be held on the same day as any other election or primary, using the same polling places and election officials. Separate ballots and ballot boxes shall be used, except where voting machines are used, in which case, it shall be treated as a separate election.

[1959 c 675 art 4 s 45]

**203.46 CANDIDATES TO FILL VACANCIES.** Subdivision 1. **Nominations at regular primary election.** Candidates for nomination to fill a vacancy shall be nominated at the regular primary election when the vacancy is to be filled at the next general election as provided in subdivision 1 of section 203.45.

Subd. 2. **Nomination at special primary on day of regular primary.** Candidates for nomination to fill a vacancy shall be nominated at a separate special primary election on the day of the regular primary election when the vacancy is to be filled at a special election to be held more than 14 days after the regular primary election.

Subd. 3. **Nomination at special primary on other day.** In all cases other than those provided on subdivisions 1 and 2 a special primary for the nomination of candidates shall be held on a date specified in the governor's writ not later than the fourteenth day before the election at which the vacancy is to be filled.

[1959 c 675 art 4 s 46]

**203.47 NOMINATIONS; VACANCY.** Subdivision 1. **Nonpartisan office.** In the case of nonpartisan offices, the two candidates receiving the highest number of votes at the primary election for each office to be filled shall be nominated.

Subd. 2. **Partisan offices.** In the case of partisan offices, one candidate for each office to be filled may be nominated at the primary for each political party, and the candidate of each political party receiving the highest number of votes at the primary shall be nominated without any reference to the number of votes cast by that party at the last general election.

Subd. 3. **No primary, when.** If not more than twice the number of persons to be elected to a nonpartisan office file for the nomination thereof, or if in the case of a partisan office only one person from each party files as a candidate for the nomination of his party, then the persons who have filed therefor shall be nominated, and no primary may be held to make the nominations.

[1959 c 675 art 4 s 47]

**203.48 NOMINATIONS BY PETITION.** Subdivision 1. **Conditions and manner.** Candidates also may be nominated by petition under the conditions and in the manner provided by law relating to nominating petitions so far as applicable.

Subd. 2. **Nominating petitions, time for filing.** When the vacancy is to be filled at the general election and, (a) candidates for nomination to fill the vacancy are to be nominated at the regular primary election, or, (b) candidates for nomination to fill the vacancy are to be nominated at a special primary held at least seven days before the expiration of the time prescribed for filing petitions for candidates for like offices at the general elections, the nominating petitions shall be filed within the time prescribed for filing petitions for candidates for like offices at the general election.

Subd. 3. **Nominating petitions, time for filing.** In all cases other than those provided in subdivision 2, nominating petitions shall be filed not later than the seventh day preceding the election at which the vacancy is to be filled.

[1959 c 675 art 4 s 48]

**203.49 WRIT OF ELECTION.** Subdivision 1. **Filing, transmittal.** Every writ issued by the governor under sections 203.44 to 203.55 shall be filed immediately with the secretary of state, who shall transmit immediately a certified copy thereof by registered mail to the auditor of each county in which candidates for the vacancy are to be voted upon.

Subd. 2. **Writ, posting.** At least five days before the expiration of the time for filing affidavits of candidates specified in the writ, the auditor of each county concerned shall post a copy of the writ at his office.

Subd. 3. **Notice of election, posting.** The auditor also shall direct posted notice of the primary and of the election to be given in the manner provided in section 203.05 at least seven days before the primary and at least 14 days before the election; but in any case where the primary is to be held on the fourteenth day before the election both may be included in the same notice to be posted seven days before the primary.

Subd. 4. **Notice of election, included in other notice.** When either the primary or the election is to be held on the same day as any other election, notice of the primary or election to be held to fill a vacancy may be included in the notice of other election, if practicable.

Subd. 5. **Failure of notice.** No omission of or defect in any notice required to be given by this section shall invalidate any primary or election held to fill a vacancy.

[1959 c 675 art 4 s 49]

**203.50 AFFIDAVITS OF CANDIDACY.** Subdivision 1. **Filing.** Candidates at the primary for nomination to fill a vacancy shall file their affidavits within the time prescribed in this section with the same officers and in the same manner and shall pay the same fees as provided by law for candidates for like offices at the regular primary election.

Subd. 2. **Affidavits, filed at regular time.** When the nominations are to be made on the regular primary election day, the writ shall be issued and shall state that the affidavits may be filed within the time prescribed by law for the regular primary election, and all the affidavits shall be so filed.

Subd. 3. **Affidavits, filed at other times.** In all cases other than those provided in subdivision 2 the writ shall state that the affidavits may be filed not later than the seventh day before the primary, and all the affidavits shall be so filed.

Subd. 4. **Affidavits filed with the secretary, disposition, fees.** If the affidavits

are filed with the secretary of state, he shall certify the names of the candidates to the auditors of all counties in which they are to be voted upon within 24 hours after the close of the time for filing, and all filing fees received by the secretary of state shall be paid to the state treasurer.

[1959 c 675 art 4 s 50]

**203.51 BALLOTS, NAMES ON.** Subdivision 1. **Names.** Only the names of candidates who have duly filed shall be placed upon the ballots for any primary held under sections 203.44 to 203.55, and only names of candidates who have been duly nominated shall be placed upon the ballots for any final election held under sections 203.44 to 203.55. Blank spaces for writing in names shall be provided upon the final election ballots as upon general election ballots, but not upon the primary ballots.

Subd. 2. **Special election ballots, form.** Except as provided in subdivision 3 the auditor of each county concerned shall prepare special ballots for every election and primary held under sections 203.44 to 203.55. The ballots shall be headed, "Special Election Ballot" or, "Special Primary Ballot," as the case may be, followed by the date of the election or primary. Immediately below the title of each office to be filled there shall be printed the words, "To fill vacancy in term expiring ....." with the date of expiration of the term and such other information as may be necessary to distinguish the office from any other office to be voted upon at the same election or primary. Otherwise the ballots shall conform, as far as practicable, with the laws relating to ballots for general elections and regular primary elections. The county auditor shall post a sample of each ballot in his office as soon as prepared and not later than four days before the election or primary, as the case may be, but he need not publish any sample ballot.

Subd. 3. **Ballots, use of regular ballots.** In any case where candidates are to be voted for under sections 203.44 to 203.55 on the general election day or are to be nominated on the regular primary election day, as the case may be, and where the canvass of the returns is to be made by the regular county canvassing board, as provided in section 203.53, and where the ballots for the general election or primary have not been printed when the names of the candidates under sections 203.44 to 203.55 have been finally determined, the county auditor shall place the names of the candidates upon the regular ballots used for like offices at the general election or primary, designating the office to be filled in the same manner as provided in subdivision 2 for special ballots.

[1959 c 675 art 4 s 51]

**203.52 SPECIAL ELECTION, PRECINCTS, JUDGES, VOTERS.** The election precincts and officials for any special election or primary held under sections 203.44 to 203.55 shall be the same as the last preceding general election unless changed according to law. In any municipality having a permanent registration system under the Minnesota election law no person may vote at any special election or special primary unless he is registered under the system.

[1959 c 675 art 4 s 52]

**203.53 SPECIAL ELECTION RETURNS.** Subdivision 1. **Canvass.** The returns of any special election or primary held under sections 203.44 to 203.55 shall be transmitted forthwith, when completed, to the auditor of the county wherein the special election or primary is held, and the returns shall be canvassed and certified to the secretary of state on the next day other than a Sunday or a legal holiday following the special election or primary by the county canvassing board, except as provided in subdivisions 2, 3, and 4.

Subd. 2. **Canvass, special election, held on regular days.** When the special primary is held on the regular primary election day and the special election is to be held on the next general election day, the returns of the special primary shall be canvassed by the county canvassing board at their regular meeting.

Subd. 3. **Canvass, special primary on regular day, special election on other day.** When the special primary is held on the regular primary election day and the special election will be more than 13 days after the regular primary, the returns of the special primary shall be canvassed by the county canvassing board at their regular meeting.

Subd. 4. **Canvass, vacancy filled at general election.** When the special election is held on the general election day and the governor's writ has not required that the special election be held as a separate election on that day, the returns of the special election shall be canvassed and the results thereof declared and certified by the county and state canvassing boards together with, and in the same manner as,



# MINNESOTA STATUTES 1969

## 203.54 ELECTIONS, GENERAL AND SPECIAL

2356

the returns of the general election for officers of the same kind as those to be filled at the special election.

Subd. 5. **Canvass, special primary, state canvassing board.** The state canvassing board shall complete its canvass of the special primary, and not later than four days after the returns of the county canvassing boards are certified to the secretary of state he shall certify to the county auditors the name of the nominated persons and notify each nominee.

Subd. 6. **Canvass, special congressional election, state canvassing board.** Except as provided in subdivision 4 the state canvassing board shall complete its canvass of a special congressional election and declare the results within seven days after the returns of the county canvassing boards are certified to the secretary of state.

Subd. 7. **Special congressional election contest, conduct.** In case of a contest of a congressional election held under sections 203.44 to 203.55 the notice of contest shall be filed within five days after the canvass is completed, and the contest otherwise shall proceed in the manner provided by law for contesting elections.

Subd. 8. **Certificate of congressional election.** No certificate of election in a congressional election held under sections 203.44 to 203.55 may be issued by the auditor of any county or by the secretary of state to any person declared elected by the canvassing board of the county or by the state canvassing board until seven days after the canvassing board has canvassed the returns and declared the results of the election. In case of a contest the certificate may not be issued until the district court has determined the contest.

Subd. 9. **Canvass, special legislative election, state canvassing board.** Except as provided in subdivision 4 the state canvassing board shall complete its canvass of a special legislative election and declare the results within two days, excluding Sundays and legal holidays, after the returns of the county canvassing boards are certified to the secretary of state.

Subd. 10. **Special legislative election contest, conduct.** In case of a contest of a legislative election held under sections 203.44 to 203.55, the notice of contest shall be filed within two days, excluding Sundays and legal holidays, after the canvass is completed, and the contest otherwise shall proceed in the manner provided by law for contesting elections.

Subd. 11. **Certificate of legislative election.** A certificate of election in a legislative election held under sections 203.44 to 203.55 shall be issued by the auditor of a county or by the secretary of state to the person declared elected by the canvassing board of the county or by the state canvassing board two days, excluding Sundays and legal holidays, after the county canvassing boards have canvassed the returns.

In case of a contest the certificate shall not be issued until the district court has determined the contest.

[1959 c 675 art 4 s 53; 1969 c 99 s 1]

**203.54 CONGRESSIONAL OR LEGISLATIVE DISTRICT, CHANGE IN BOUNDARIES.** No change in the boundaries of any congressional or legislative district is effective as to any election to fill a vacancy in the representation therefrom when the term of the office which has become vacant commenced before the change was made.

[1959 c 675 art 4 s 54]

**203.55 GENERAL ELECTION LAWS, APPLICATIONS.** Except as provided in sections 203.44 to 203.55 all of the provisions of the Minnesota election law are applicable to election held to fill vacancies, so far as practicable.

[1959 c 675 art 4 s 55]

**203.56 UNITED STATES SENATOR, VACANCY.** Upon failure to choose a senator in congress or upon a vacancy in the office the vacancy shall be filled for the unexpired term at the following biennial state election, provided said vacancy occurs not less than 60 days prior to the date of the primaries for nominating candidates to be voted for at such election, otherwise at the biennial state election next following. Pending such election the governor shall make a temporary appointment to fill the vacancy, and the person so appointed shall serve until the election and qualification of the person duly elected to fill such vacancy; provided, that there may not be an election to fill the unexpired term at any biennial election occurring in a year immediately preceding the expiration of such term and in that event the person appointed by the governor to fill the vacancy shall serve until the expiration of such term.

[1959 c 675 art 4 s 56]