

CHAPTER 388—S. F. No. 366.

An Act to reimburse Henry A. Green for moneys paid to the state for buildings and improvements made by, and the property of, said Henry A. Green.

WHEREAS, on November 20th, 1911, Henry A. Green purchased a forty-acre tract of land from the state of Minnesota, separate and apart from the improvements made thereon by himself, which forty-acre tract is described, as follows:

Lot three (3) (N. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$) of section thirty-six (36), township one hundred and forty-eight (148), range twenty-nine (29), Itasca county, Minnesota; and

WHEREAS, these improvements have been appraised to be of the worth and value of the sum of one hundred and fifty dollars (\$150.00), which sum was added to and became part of the purchase price for said land, and which improvements have never been in any sense the property of the state of Minnesota, although the said Green has been compelled to pay for the same,

NOW THEREFORE, be it enacted by the Legislature of the State of Minnesota:

Section 1. **\$150 for Henry A. Green.**—That when the final payment is made on the contract between the state of Minnesota and said Henry A. Green for said forty-acre tract of land, that the said Henry A. Green be credited with the sum of one hundred and fifty dollars (\$150.00), and that the purchase price of said tract of land as contained in said contract be reduced in this amount.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 19, 1913.

CHAPTER 389—S. F. No. 412.

An Act to amend Section 181 and 182 of the Revised Laws 1905, as amended by Chapter 2 of the General Laws, Special Session 1912, Section 184 of the Revised Laws 1905, as amended by Chapter 226, General Laws 1907, and Chapter 95, General Laws 1909, and Chapter 2, General Laws, Special Session 1912, Section 187, Revised Laws 1905, Section 200, Revised Laws 1905, Section 213, Revised Laws 1905, and Section 217, Revised Laws 1905, all as amended by Chapter 2, General Laws, Special Session 1912, and to repeal a part of Section 18 of Chapter 2, Special Session 1912.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **State wide primaries to be held on the third Tuesday in June.**—That Section 181 of the Revised Laws of

1905, as amended by Chapter 2 of the General Laws, Special Session, 1912, be and the same is hereby amended so as to read as follows:

"Section 181. *On the third Tuesday in June, preceding any general election and seven weeks preceding any city election in cities of the first and second class held for the purpose of electing city officers only,* an election of nominees, hereinafter designated as the "primary election," shall be held in each election district for the selection of party and other candidates for all elective offices within the state, to be filled at such election except offices of towns, villages and cities of the third and fourth class, and members of school, park and library boards, in cities having less than one hundred thousand (100,000) inhabitants, and except presidential electors *and the office of county surveyor.* Every town, city and village clerk shall give at least fifteen days' posted notice of the time and place of holding the same, of the hours during which the polls will be open, and of the offices for which candidates are to be nominated. The day for such primary election shall be the first day of registration in all election districts, except in cities of the first class."

Sec. 2. **Members of the legislature and all elective county officers in non-partisan class—Where only two persons file for nomination names to be omitted from ballot—Nominations for county surveyor.**—That Section 182, Revised Laws 1905, as amended by Chapter 2 of the General Laws, Special Session 1912, be and the same is hereby amended so as to read as follows:

"Section 182. A political party, within the meaning of this chapter, is one which shall have maintained in the district or territorial division in question a party organization, and presented candidates for election at the last preceding general election one or more of which candidates shall have been voted for in each county within the state at such election and shall have received in the state not less than five (5) percentum of the total vote cast for all candidates for governor at such election or whose members to a number equal to at least five (5) percentum of the total number of votes cast at the preceding general election in the county where the application is made shall present to the county auditor a petition for a place on the primary election ballot. Candidates for office shall be chosen at such primary election by voters of several political parties and not otherwise; provided, however, that the chief justice and the associate justices of the supreme court and judges of the district, probate and municipal courts *and all members of the state legislature,* and all elective county officers, and municipal officers in cities of the first *and second* class, shall be nominated upon separate non-partisan ballots, as hereinafter provided. Provided further, that all qualified and duly registered voters may participate in the choosing of candidates for city office as provided for in the

city charter of cities having home-rule charters; the names of all candidates for nomination for the office of chief justice, associate justice of the supreme court, judges of the district court, probate and municipal courts and all members of the state legislature, *and all elective county officers*, and all municipal offices in cities of the first *and second* class, shall be placed upon a separate primary ballot hereinafter designated as "non-partisan primary ballot."

No party or other designation, except as above, shall be placed on such ballot except as herein provided, nor shall any candidate filing for nomination on said non-partisan primary ballot be permitted or required to state his party affiliation. All provisions of law relating to the nomination of party candidates as to the form of ballot, including rotation of names, the endorsement thereon, voting, marking ballots, counting, returning and canvassing results shall apply to nomination of said officers except that the tally sheets and returns shall be made separately, *and except that non-partisan offices shall not be classified on the ballot or otherwise*. Each voter shall be entitled to vote a non-partisan primary ballot without reference to his party affiliation.

The two candidates for nomination for every such non-partisan office who shall receive the highest number of votes, ascertained as provided by this act, shall be declared the nominees and their names shall be placed upon the election ballot, without party designation, and when two or more persons are to be elected for the same office, at a general election running at large in a city, county, district or in this state, *the non-partisan nominees to be placed upon the general election ballot shall be the number of candidates not exceeding twice the number of such persons to be elected for the same office which shall receive the highest number of votes at such primary election; provided that when only two persons file for the nomination for any non-partisan office, or not more than twice the number of persons to be elected to any non-partisan office file for the nomination thereof, their names shall not be placed upon the non-partisan primary ballot but said persons shall be considered and shall be the nominees for such office and their names shall be placed upon the general election ballot as such non-partisan nominees*. But nothing herein shall prevent the nomination of candidates by groups, individuals or so-called political parties which cannot be recognized as such, by certificate of voters to the number hereafter specified. The names of candidates nominated by certificate for offices hereinabove *designated* as non-partisan shall have no party or other designation on the certificate or on the election ballot.

Where there are two or more offices to be filled by candidates running at large in a city, county, district or in the state, *except for offices hereinabove designated as non-partisan*, such offices

shall be classified and numbered one, two, etc., using as many classes and numbers as there are offices at large to be filled, which said classification, numbers and the manner in which the same shall appear on the primary ballot shall be substantially as follows:

CLASS NO. 1.

(Designated Office)	First Choice. Vote for One.	Second Choice. Vote for One.
A. B.		
C. D.		
E. F.		
G. H.		

CLASS NO. 2.

(Designated Office)	First Choice. Vote for One.	Second Choice. Vote for One.
A. B.		
C. D.		
E. F.		
G. H.		

The officer preparing said ballot shall provide as many classes and numbers as there are offices at large to be filled. Every person when filing as a candidate for the nomination for any such office shall designate in his affidavit the number and class in which he desires to file and become a candidate and his name shall be placed on the ballot in such designated number and class. Such classes shall be rotated upon the ballots in the same manner as provided by law for the rotation of names of candidates.

The name of the candidate who has filed for such office, or who shall file for the same, shall not be placed on the ballot if he shall fail, neglect or refuse to designate the class and number in which he desires to file and become a candidate, as hereinbefore provided.

The nomination of candidates for the office of county surveyor shall be made as follows:

On or before Tuesday, seven weeks preceding any general election, and not sooner than Tuesday, fourteen weeks preceding any general election, any person eligible and desirous of having his name placed upon the election ballot as a non-partisan candidate for the office of county surveyor shall file his affidavit with the county auditor of his county, stating his residence, that he is a qualified voter in such county, and the said office for which he desires to be a candidate.

The fee required for filing certificates of nomination as provided by law shall be paid at the time of filing such affidavit.

Such nominations may also be made upon petition by affidavit of not less than fifty and not more than one hundred electors of such county, substantially in the form hereinbefore provided, filed in the same manner and consented to in writing by the party so to be nominated. Provided, that such petitioners shall not be eligible to sign more than one petition for the same office. The persons so nominated shall have their names printed upon the official ballot prepared for the ensuing general election without party designation, upon the payment of the fee as herein provided."

Sec. 3. To file with secretary of state when to run in more than one county—With county auditor when to run in only one county.—That Section 184 of the Revised Laws 1905, as amended by Section 226 of the General Laws of Minnesota for 1907, and Chapter 95, General Laws of Minnesota for 1909, and Chapter 2 of the General Laws, Special Session 1912, be and the same is hereby amended so as to read as follows:

"Section 184. At least forty days before the primary election any party eligible and desirous of having his name placed upon the primary ballot as a candidate for chief justice or associate justice of the supreme court, judge of the district court, state or congressional office or member of the state legislature,

shall file his affidavit with the secretary of state when to be voted for in more than one county, and with the county auditor when in a single county, stating his residence, that he is a qualified voter in the sub-division where he seeks a nomination, the name of his party, if for a party office, and the office for which he desires to be a candidate; and if for a party office that he affiliated with said party at the last general election, and, either that he did not vote thereat or voted for a majority of the candidates of said party at such election and intends to so vote at the ensuing election; provided, that all candidates for offices not enumerated above in this section shall file their affidavit as herein provided, not less than twenty days before said primary election. Upon payment by such candidate to the secretary of state of twenty dollars (\$20.00), if for any office to be voted for in more than one county, or if for any office to be voted for in only one county, upon payment of ten dollars (\$10.00) to the county auditor thereof, the county auditor shall place the name of such candidate upon the primary election ballot of the party designated except where only one person has filed as a candidate for any one office in any one party the name of such candidate shall not be placed upon the primary ballot but shall be considered and shall be the nominee for such office for the party under which such candidate filed and his name shall be placed upon the general election ballot as the nominee of such party for such office; provided, however, that candidates for the legislature shall pay ten dollars (\$10.00) only to the secretary of state when the affidavit or petition is filed with him and ten dollars (\$10.00) to the county auditor when filed with him, provided that the name of any eligible person may also be placed upon the non-partisan primary election ballot as a candidate for chief justice or associate justice of the supreme court or judge of the district court, upon petition in writing of electors filed within the same time and at the same place and upon payment of the same fee as is provided in case of filing of affidavits by candidates as follows:

For chief justice or associate justice of the supreme court, upon petition of five hundred (500) electors residing within the state; for judge of the district court upon the petition of two hundred fifty (250) electors residing within the district. Such petition shall be in writing and signed by each of the electors joining therein and shall be by each of them acknowledged before an officer authorized by law to administer an oath. Upon the compliance with such requirement, such names shall be placed upon the non-partisan primary election ballot. No petition shall contain more than double the number of signatures herein required and no officer shall receive for filing or file any petition containing more than double the number of signatures so required. Any person whose name is so presented and filed

may withdraw the same by filing an affidavit of withdrawal thereof in the same office in which such petition is filed. Provided, each candidate for state offices, congressmen-at-large, and judges of the supreme court shall pay to the secretary of state the sum of fifty dollars (\$50.00) each at the time of filing his affidavit with said officer."

Sec. 4. Offices for which no candidate is to be voted for to be omitted from ballot.—That Section 187 of the Revised Laws 1905, as amended by Chapter 2, General Laws, Special Session 1912, be and the same is hereby amended so as to read as follows:

"Section 187. The auditor of each county in which said primary election is held shall have printed a sufficient number of separate primary election ballots, varied as may be necessary for the several districts and wards. Said primary election ballot shall be in the same general form as to size and kind of type to be used, as is provided for the general election ballot, so far as is practicable. The names of candidates under headings properly designating each official position, shall be rotated upon the ballot in the printing so that the names of all candidates for each office shall be so alternated on the ballots used in each election district that they shall appear thereon substantially an equal number of times at the top, at the bottom, and in each intermediate place, if any, of the list or group in which they belong. All officers charged with the preparation and distribution of such ballots shall cause the printer's forms to be so transposed and the blocks of the ballots to be so made up as to carry out the intent hereof. There shall be no printing on the back of the ballots, or any mark to distinguish them, except the initials of the judge or clerk, *provided that all offices for which no candidate is to be voted for at such primary election shall be omitted from the ballot.* Provided, that in all city primary elections in cities having home rule charters, the officers designated in said charters shall prepare primary ballots for such city elections as provided in said charters, and this section shall apply there only in so far as it does not conflict with the provisions of said charters."

Sec. 5. Certain paragraph of Sec. 200, R. L. 1905, as amended by Chap. 2, G. L. 1912, repealed.—That the words "*Provided further that if less than three persons file for a non-partisan office such lesser number shall be the nominee or nominees as the case may be for such office,*" appearing in and constituting the last paragraph of Section 200, Revised Laws 1905, as amended by Chapter 2 of the General Laws, Special Session 1912, be and the same is hereby repealed.

Sec. 6. Petition nomination prohibited for non-partisan office, unless for vacancy.—That Section 213 of the Revised Laws 1905, be and the same is hereby amended so as to read as follows:

"Section 213. The certificate of nomination of a candidate selected otherwise than by a convention of delegates shall be signed only after the holding of the regular primary election by electors resident within the district or political division from which the candidate is presented, as follows: If for a state office on a state ticket equal to one per cent of the entire vote of the state cast at the last preceding general election; if for a congressional or judicial district office, by five per cent of the entire vote cast in any such district at the last preceding general election; and if for a county, legislative or municipal office, by ten per cent of the entire vote cast in any such county, city, village, ward or other election district at the last preceding general election. Provided, that the number of signatures required shall not exceed two thousand (2,000) for any state office, nor five hundred (500) for any congressional or judicial district, nor for any other office, *provided that no person shall be nominated by petition pursuant to this section for any office now or hereafter declared to be a non-partisan office except in case of vacancy.*"

Sec. 7. Repeal of provision for selection of county and precinct committeemen.—That sub-division (b) of Section 18 of Chapter 2, General Laws, Special Session 1912, reading as follows: "*The nominees for state legislature and the several county officers and such senators and county officers whose terms of office extend beyond the first Monday in January next ensuing of each political party, shall meet on the first Tuesday after said primary election at the court house in their respective counties, at twelve o'clock noon, at which time they shall elect a county committee of such size as they shall, at said time determine, and shall provide for the selection of such precinct and other committees within their respective counties as they shall determine to be necessary.*" be and the same is hereby repealed.

Sec. 8. Vacancy after nomination.—Section 217 of the Revised Laws 1905, as amended by Chapter 2 of the General Laws, Special Session 1912, be and the same is hereby amended so as to read as follows:

"Section 217. If a vacancy occurs after nominations have been made () it may be filled at any time before the general election by filing with the proper officer a nomination certificate in form and substance as hereinbefore provided, executed by the chairman and secretary of the proper committees of the party whose voters make the original nomination, under the direction of such committee, and the chairman and secretary when so filing such certificate must attach *hereto* an affidavit to the effect that such candidate has been duly selected by said committee and that the persons signing said certificate and making such affidavit as such, are the duly authorized chairman and secretary of said committee. If there is no proper committee to fill such va-

cancy, as above provided, then in that event the person receiving the next highest number of votes for such office at such primary election shall be the candidate for such office and if there is no other candidate for such office and a vacancy exists by reason of this fact, the vacancy may be filled by the proper officer placing upon the ballot the name or names of such candidates as are nominated by petition in the manner provided in Sections 213, 214, 215 and 216, Revised Laws 1905, provided that every registered voter of such party who was qualified and participated in the primary election is eligible to sign a petition choosing a nominee to fill said vacancy."

Sec. 9. Not to apply to cities having preferential system of voting.—*The provisions of this act shall not apply to general city elections in cities of the first class operating under a home rule charter, where, by the terms of such charter, a preferential system of voting is provided, with no primary election.*

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved April 19, 1913.

CHAPTER 390—S. F. No. 414.

An Act relating to sheriffs and their deputies and other assistants in counties having an area of more than twenty-five hundred square miles, and a population of more than fifteen thousand (15,000) and less than nineteen thousand (19,000) inhabitants, and to the salaries, fees, mileage, charges and expenses of such officers, and to the appointment of such deputies and other assistants.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Certain sheriffs to receive salary of \$3,000 per annum.—In each county having an area of more than twenty-five hundred square miles, and now or hereafter having a population of more than fifteen thousand (15,000) and less than nineteen thousand (19,000) inhabitants according to the then next preceding state or federal census, the sheriff shall receive an annual salary of three thousand dollars (\$3,000.00).

Sec. 2. To perform all work for county without additional compensation.—The sheriff in any such county shall perform all the duties and services now or which may hereafter be required by law to be performed by him, and in addition shall serve all papers and post all notices named by law to be served or posted in behalf of the state or county for which he is elected, including all papers to be served or notices to be posted by the board of county commissioners, the county auditor or any other county officer.