

CHAPTER 270—H. F. No. 1329

An act to amend Mason's Minnesota Statutes of 1927, Sections 280, 289, 348, 349, 405, 423, 439, 441, 450, 459, 460, 466, 467 and 494 relating to elections.

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

Section 1. India tint ballots—contents.—That Mason's Minnesota Statutes of 1927, Section 280, is hereby amended so as to read as follows:

"280. There shall be one ballot on *india tint* paper, called in this chapter the "*india tint* ballot," upon which shall be printed the names of all candidates for office, and all questions and propositions to be submitted, except those required to be placed on other ballots. It shall be prepared under the direction of the county auditor, and together with the white and pink ballots, shall be delivered by such auditor to the proper clerks in sufficient quantities to enable them to comply with the provisions of this chapter. The auditor shall give timely notice by mail to the clerks of the time when the official ballots will be ready; and such clerks, on the Thursday next preceding election day, shall go to the county seat and receive them, and give receipts therefor, stating the number of each and the date when received. On the second Thursday preceding election day, the auditor shall file a sample of such ballot in his office for public inspection."

Sec. 2. Law amended.—That Mason's Minnesota Statutes of 1927, Section 289, is hereby amended so as to read as follows:

"289. **Form of other ballots.**—The *india tint* and red ballots shall be prepared and printed as nearly as may be in the same manner as the white, and, when a general election is to be held at the same time, the several tickets shall be arranged in the same order as on the white ballots, regardless of the vote polled in any particular county or municipality. When not held in conjunction with a general election, the local party tickets shall be placed on the ballot in the order of the vote polled by the parties at the last general election within the territory in which the election is to be held."

Sec. 3. Law amended.—That Mason's Minnesota Statutes of 1927, Section 348, is hereby amended so as to read as follows:

"348. **Filing certificates.**—Certificates of nomination shall be filed as follows: With the secretary of state, of the names to be placed on the white ballots, on or before the fifth Saturday preceding the day of election; with the county auditor, to be placed upon the *india tint* ballots, on or before the third Tuesday preceding the day of election; with the city clerk or other proper officer, to be placed on the red ballots, on or before the second Saturday preceding the day of

election. In each case the officer with whom such certificate is filed shall give or send to the person filing the same an acknowledgment thereof upon the same day it is received, and shall file and preserve such certificates, subject to public inspection. But no filing of any certificate shall be effectual unless at the time thereof the prescribed fee shall be paid or tendered to such officer."

Sec. 4. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 349, is hereby amended so as to read as follows:

"349. **Fees for placing names on ballots.**—In cities of the first class operating under a home rule charter, the city clerk, shall upon the payment of ten dollars (\$10.00), place on the city primary ballot, prepared by him, the names of all candidates for city offices, who have been duly presented for city office in the form and manner prescribed by the city charter; in cities other than the first class operating under a home rule charter, the secretary of state, county auditor and city clerks shall place upon the ballots prepared by them, respectively, the names of all candidates duly nominated, whose certificates of nominations have been duly filed, accompanied by fees, as follows:

1. If to appear upon the white ballots, fifty dollars.
2. If upon the red ballot for a city of more than three thousand inhabitants, five dollars; if less, two dollars.
3. If upon the *india tint* ballot, ten dollars, in case the candidate is to be voted for in one county only; otherwise, twenty dollars; provided, however, that candidates for the legislature shall in all cases pay ten dollars and candidates for county commissioner, whose compensation is less than three hundred dollars, five dollars.

But if no compensation be provided by law for the office or if the office be that of presidential elector, no nomination fee shall be required."

Sec. 5. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 405, is hereby amended so as to read as follows:

"405. **Arrangement.**—Each polling place shall be provided with one white, one pink, one *india tint* and one red ballot box, and, where women are entitled to vote, a separate box for ballots cast by them. As many of these 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 aperture, to receive and contain all the ballots likely to be placed therein. Each polling place shall consist of a single room, containing at least two booths for every one hundred voters registered. 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, and be

provided with a door or curtain so that the voter may be free from observation while marking his ballot. It shall at all times when in use be provided with cards of instruction, an indelible pencil, and other supplies needful in marking the ballots. A guard rail shall be so placed that only persons who are inside thereof can approach within six feet of the ballot boxes or the booths, but the boxes, booths, judges, and clerks shall be in open public view. Such guard rail shall be so constructed as to provide a separate entrance and exit for voters."

Sec. 6. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 423, is hereby amended so as to read as follows:

"423. **Voter to retire to booth alone.**—When the judges are satisfied that the person applying therefor is a voter, the judge having charge of the ballots shall tear from the blocks one ballot of each kind that is to be voted, having the proper initials thereon, and hand the same to the voter, who shall retire alone to one of the booths and there prepare such ballot or ballots. Voters may be allowed to carry with them to the booths sample ballots to assist them in marking the official ballots, but the same shall not be printed on white, pink, *india tint* or red paper; and it shall be a misdemeanor to print or distribute sample ballots printed upon such paper. Sample ballots may be printed in newspapers as matter of news."

Sec. 7. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 439, is hereby amended so as to read as follows:

"439. **Poll lists—statements attached to.**—Every poll list shall be headed by the designation of the district, and the election at which it is used, and, as soon as the polls are finally closed the judges shall attach thereto a statement substantially as follows: "The number of persons whose names appear above and who were present and voted at the above named election was; the number of white ballots cast was; the number of pink ballots cast was; the number of *india tint* ballots cast was; the number of red ballots cast was; the number of lavender ballots cast was" The blanks in such form shall be filled by the proper numbers, written in words and figures, the figures in parentheses. Such statement shall be signed by each judge and attested by each clerk, and immediately thereafter they shall prepare, sign and attest a statement at the end of each of the registers, substantially as follows: "The whole number of the above named persons who were present and voted at the above named election was (in words and figures). The state-

ment provided for herein to be attached to poll list shall, in cities of the first class operating under a home rule charter, be attached to the back of the tally sheet."

Sec. 8. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 441, is hereby amended so as to read as follows:

"441. **Opening of ballot boxes, counting of votes and declaration of results.**—The ballot boxes shall be opened, the votes counted, and the results declared, one box at a time as follows: First, the white box; second, the pink; third, the *india tint*; and fourth, the red. The returns shall not be prepared until the votes in all the boxes have been counted so as to allow corrections in case any errors have occurred by reason of the deposit of ballots in the wrong boxes. But in any city of the first class the council may require the judges to insert, on forms prepared by the city clerk, a preliminary statement of any class of ballots cast, as soon as the count of that class has been completed. Such statement shall be signed by one or more of the judges, and delivered forthwith to a special messenger designated by such city clerk, who shall take the same to him at once; but such statement shall not be deemed an official return."

Sec. 9. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 450, is hereby amended so as to read as follows:

"450. **Tally sheets for india tint and red ballots.**—The form of tally sheets furnished by the county auditors shall be the same as those furnished by the secretary of state, except that the word "*india tint*" shall be substituted for the word "white" or "pink" in the heading; and those furnished by the officials charged with the printing of the red ballots shall be the same, except the word "red" shall be substituted for the word "white" in said heading, and the names of candidates may be printed or written, or partly printed and partly written."

Sec. 10. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 459, is hereby amended so as to read as follows:

"459. **Statement of votes cast.**—After the polls have been closed, a judge shall attach to the register, at the end thereof, a statement in substance as follows: "The whole number of the above-named persons who were present and received ballots for the purpose of voting was The number of persons returning spoiled ballots and receiving others was the spoiled ballots being: White ballots,; pink ballots,; *india tint* ballots,; red ballots,; Lavender ballots,; total," The blanks shall be filled by both words and figures. Such statement shall be certified by

the judges and attested by the clerks. Provided, however, that in cities of the first class operating under a home rule charter such statement shall be attached to the back of the tally sheet."

Sec. 11. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 460, is hereby amended so as to read as follows:

"460. **Ballots by whom canvassed and counted.**—The ballot judge and one of the regular judges, not of the same political party, and the ballot clerks, shall canvass and count the white and pink ballots and make out the returns therefor, and the other judges and clerks the *india tint* ballots. When there is a red box, unless special judges and clerks have been appointed for that purpose, the ballots therein shall be canvassed and counted, and the returns made out by the canvassers first completing their other work; or the canvassers may relieve one another, as they see fit. But in every case the memoranda provided for in this chapter shall be kept, the canvassing and counting done, and the returns made, the same as where no ballot judge or clerks are appointed; and all the judges and clerks shall sign the returns. Each political party shall be entitled to one watcher for each set of canvassers."

Sec. 12. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 466, is hereby amended so as to read as follows:

"466. **Returns to be sealed and delivered to auditors—unused and spoiled ballots—statements of totals of votes cast.**—Before separating, the judges shall include one set of such returns in each of two envelopes, one of which envelopes shall then be sewed by drawing twice through it and the return therein a substantial twine, tying the ends thereof together and then sealing said envelope in three places with wax and stamp furnished by the county auditor, one of which places shall be over the knot in said twine, then indorse said envelope in the following form: "Election returns of the election district

..... in the county of" and direct one of such envelopes to the auditor and the other to the proper town, village, or city clerk. In towns, villages, and cities of the fourth class, one set of such returns, together with all unused and spoiled white, pink, and *india tint* ballots, shall be delivered to the auditor at his office, by a judge chosen by lot or agreement, and the other, in like manner, to the clerk of the municipality. The judges also shall make a summary statement of the total votes cast for each person for any office, and for and against each proposition voted upon, and cause the same to be filed with the auditor in county, state and general elections, and with the city clerk in city elections, with such returns where it shall remain open to public inspection."

Sec. 13. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 467 is hereby amended so as to read as follows:

"467. **Delivery of returns and unused ballots.**—In towns, villages, and cities of the fourth class, the judges in all districts within fifty miles of the county seat shall file their election returns within twenty-four hours after the polls close, and, when the distance is more than fifty miles, within seventy-two hours. In cities of the first, second, and third classes, immediately after the canvass has been completed and the returns prepared, the judges and clerks, before separating and without stopping at any place or leaving any of their ballot boxes, returns, or ballots at any place or with any person, shall deliver to the city clerk, at his office, one set of such returns, the ballot boxes, all unused and spoiled red ballots, and all other things in this chapter required to be delivered by them to such clerk; and the clerk shall remain in his office to receive the same until all have been delivered. The clerk shall keep a book in which, in their presence, he shall enter the names of the judges and clerks, and the hour at which such delivery was made, which book shall be preserved in his office for the same period as the ballots. The judges in each such district shall forthwith choose one of their number, by lot or agreement, to deliver the other copy of such returns, and the unused and spoiled white, pink and *india tint* ballots, to the auditor. The judge so chosen shall deliver such returns, ballots, and all other things in this chapter required to be so delivered, to such auditor, at his office, within twenty-four hours after delivery of the ballot boxes and returns to the city clerk."

Sec. 14. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 494 is hereby amended so as to read as follows:

"494. **Compensation and other expenses, how paid.**—The compensation prescribed in Section 493, subdivisions 1, 2, 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 493, subdivision 4, the cost of printing the *india tint* ballots, and all necessary expenses incurred by auditors in connection with elections, shall be paid by the respective counties. That prescribed in the remaining subdivisions thereof, the cost of printing the red ballots, of providing ballot boxes and polling places, and equipping the same, and all necessary expenses of the clerks of municipal corporations 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."

Approved April 17, 1937.