

of abandoned gravel pits or deposits of gravel, which is hereby created in the county treasury, and is hereinafter referred to as the reserve fund.

Subd. 2. All moneys deposited and credited as provided in subdivision 1 of this section shall be expended only for the maintenance of roads travelled by trucks hauling gravel or for the restoration of abandoned gravel pits or deposits of gravel, as the case may be. The board of county commissioners shall determine where, when, and how such moneys shall be expended but such moneys in the reserve fund shall be expended only upon lands to which the county holds title or upon lands forfeited to the state of Minnesota as trustee, for nonpayment of taxes.

Sec. 6. For all purposes of this act the word "person" shall be construed to include individuals, copartnerships, companies, corporations, and all associations, however and for whatever purpose organized.

Sec. 7. This act shall become effective only after its approval by a majority of the members of the board of county commissioners of Clay county and upon compliance with the provisions of Laws 1959, Chapter 368.

Approved April 20, 1961.

CHAPTER 606—H. F. No. 995

[Coded]

An act relating to elections; amending Laws 1959, Chapter 675, Article II, Section 17; Article III, Section 4, Subdivision 1, Section 6, Subdivision 1, Section 9, Subdivision 1, Section 10, Section 11, Subdivision 2, Section 12, Subdivision 1, Section 13, Subdivisions 1 and 3; Article IV, Section 41, Subdivision 2; Article V, Section 24, Subdivision 1; Article VII, Section 1, Section 7, Subdivision 3, Sections 10 and 21, Section 22, Subdivisions 2 and 3; Article VIII, Section 5, Subdivision 1, Sections 15 and 18; and Article IX, Sections 4 and 5; repealing Laws 1959, Chapter 675, Article III, Section 11, Subdivision 3, and Section 12, Subdivision 2; and Article VII, Section 23.

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

Changes or additions indicated by *italics*; deletions by ~~strikeout~~.

Section 1. Laws 1959, Chapter 675, Article III, Section 10, is amended to read:

Sec. 10. [202.10] **Nominating petition, form.** The nominating petition may consist of one or more writings and shall contain the name of the person nominated, the office for which he is nominated, the party or political principle he represents, expressed in not more than three words, and his place of residence, with street and number thereof, if any. *In case of presidential electors, the names of the candidates for president and vice-president shall be added to the party or political designation. Only one petition shall be required for the nomination of each group of presidential electors which shall be the number to which the state is entitled.*

Sec. 2. Laws 1959, Chapter 675, Article IX, Section 4, is amended to read:

Sec. 4. [208.04] **Preparation of ballots.** When presidential electors are to be voted for, a vote cast for the party candidates for president and vice-president shall be deemed a vote for that party's electors as filed with the secretary of state. The secretary of state shall cause the names of the candidates of each political party *and those nominated by petition* to be printed in capital letters set in ten-point type, before the party designation. To the left of, and on a line of such surnames, near the margin, shall be placed in a square or box, in which the voter may indicate his choice by marking an "X", and one such mark opposite the candidate's name of any one party shall be counted as a vote for each elector in the party group on file with the secretary of state.

The form for the Presidential Ballot shall be as follows:

Put an (X) opposite the name of the Presidential Candidate you wish to vote for, in the box indicated by the arrow.

PRESIDENTIAL BALLOT

Mark *you your* (X) in one Box Only

STEVENSON and KEFAUVER - Democratic-Farmer-Labor

EISENHOWER and NIXON - Republican

The relative position of the several candidates shall be determined by the rules applicable to other state officers. The state ballot, with the required heading, shall be printed

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below the presidential ballot with a blank space between one inch in width.

Sec. 3. Laws 1959, Chapter 675, Article IX, Section 5, is amended to read:

Sec. 5. [208.05] **State canvassing board.** The state canvassing board at its meeting on the second Tuesday after each such general election shall open and canvass the returns made to the secretary of state for presidential electors, and prepare a statement of the number of votes cast for the several persons receiving votes for these offices, and declare the person or persons receiving the highest number of votes for each office duly elected. When it appears that more than the number of persons to be elected as presidential electors have the highest and an equal number of votes, the secretary of state, in the presence of the board shall decide by lot which of such persons shall be declared elected. The governor shall transmit to each person so declared elected a certificate of election, signed by him, sealed with the state seal, and countersigned by the secretary of state; and immediately after the canvass is completed he shall cause a statement of their election to be published in one or more of the newspapers printed ~~at the state capitol in the county of the state capital and in one or more newspapers printed and published in a city of the first class contiguous to the city containing the state capitol.~~

Sec. 4. Laws 1959, Chapter 675, Article VII, Section 1, is amended to read:

Section 1. [206.01] **Definitions.** *Subdivision 1.* The words used in this article have the meanings prescribed to them in article I.

Subd. 2. The word "ballot" or "ballot labels," as used in this article, shall be defined as that portion of the card-board, paper or other material, within the ballot frames, containing the names of the candidate, the official title, party designation, or a statement of a proposed constitutional amendment or other question or proposition, with the word "Yes" for voting for any question or the word "No" for voting against any question.

Subd. 3. The term "question" means a statement of any constitutional amendment, proposition or other question appearing on the machine and to be submitted to the voters at any election.

Changes or additions indicated by italics, deletions by strikeout.

Subd. 4. The term "protective counter" means the separate counter built into the voting machine which cannot be reset, and which records the total number of movements of the operating mechanism.

Subd. 5. The term "public counter" means the counter which shows during any period of voting the total number of voters who have operated the machine during the period of voting.

Subd. 6. The term "primary lever" means the lever which the voter must operate in a political party primary to unlock the voting levers assigned to the candidates of the political party in the primary of which the voter wishes to vote.

Subd. 7. The term "voting lever" means the lever which the voter must turn down over the name of the candidate and leave there in order to cast a vote for the candidate.

Subd. 8. The term "operating lever" means the lever which the voter must move to the right to close the curtains of the machine and to unlock the machine to permit voting thereon, and which the voter must move to the left to open the curtains of the machine and to record his vote.

Sec. 5. Laws 1959, Chapter 675, Article VII, Section 7, Subdivision 3, is amended to read:

[206.07] **Subd. 3. Presidential electors.** For presidential electors one device may be provided for voting for all the candidates of one political party or those nominated by one petition at one time by the use of such device, under or adjacent to which shall be a ballot on the machine containing only the names of the candidates for president and vice president of that party or other political group, preceded by the party's or group's name, and a vote registered or recorded by the use of such device shall be counted for each of the candidates for presidential electors of such party or group.

Sec. 6. Laws 1959, Chapter 675, Article VII, Section 10, is amended to read:

Sec. 10. [206.095] **Ballots used upon adoption or rejection of an ordinance.** In any city of the first class operating under a home rule charter, wherein voting machines are used in the elections, when the question at issue in an election is the adoption or rejection of an ordinance proposed

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by petition of the voters of said city, or where an ordinance passed by the council has been referred for submission to the voters of said city based on a petition of the voters for that purpose, or in any case when by voluntary reference the council submits an ordinance to the vote of the people, as provided in the home rule charter of any city, the ballots used in voting upon such measure shall state briefly the general nature thereof without the necessity of setting forth the full title of said ordinances; ~~said ballots to be colored in the same manner as constitutional amendments.~~

Sec. 7. Laws 1959, Chapter 675, Article VII, Section 21, is amended to read:

Sec. 21. [206.20] **Accessibility; instructions; assistance to voters.** *Subdivision 1.* The voting machine or machines shall be so placed and protected that each machine shall be accessible to only one voter at a time and in full view of all of the election officers and watchers at the polling place. A judge shall inspect the face of each voting machine after each voter has voted to see that the ballot labels are in their proper places and that the machine has not been injured or tampered with. During elections the door or other compartment of the machine shall not be ~~locked~~ *unlocked* or opened or the counters exposed except by a custodian or other authorized person, a statement of which shall be made and signed by the custodian or authorized person and attached to the returns.

Subd. 2. For the instruction of the voters there shall be, so far as practicable in each polling place, at least one mechanical model being a mechanical reproduction of a portion of the face of the voting machine. Such model furnished shall be located during the election in some place which the voter must pass to reach the machine and every voter before entering the booth shall be instructed regarding its operation and such instruction illustrated on the model and the voter given the opportunity to personally operate the model. The voter's attention shall also be called to the diagram on the face of the machine so that the voter becomes familiar with the location of the questions and the names of the offices and candidates. At least one judge shall remain in constant attendance at the instruction model and diagram and occupy himself at all times with the duties of instructing the voters. If any voter after entering the voting machine booth shall ask for additional instruction in operating the machine such instruction shall be given him by two judges belonging to

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opposite political parties, if such there be. After giving such instruction such judges shall retire from the voting machine booth and such voter shall thereafter proceed to vote alone and in secrecy. If any voter at a primary election after entering the voting machine booth and setting the primary lever of a party so as to release the candidates of such party for voting, and turning down levers over the names of candidates, but before recording the votes for any candidates, shall state to the judges that he wishes to enter the primary of a different political party, the entire election board shall go to such machine and shall see that all voting levers have been returned to the unvoted position so that no votes may be cast for any candidates or for or against any questions or other propositions, and such voter shall then be permitted to return the operating lever to its original position and start from the beginning once more. In each such case the entire election board shall sign a certificate stating what was done and such certificate shall be returned with the official returns of the primary.

Subd. 3. When any voter states under oath that he cannot read English, or that he is physically unable to operate the voting machine in order to record his vote thereon, he may call to his aid one or more of the judges, who shall prepare his ballot on the machine as he may desire, and in as secret a manner as circumstances permit. When he also states that he cannot speak the English language or understand it when spoken, the judges may select two persons from different political parties to act as interpreters, who shall take an oath similar to that taken by the judges, and assist such person in voting. When the voter shall prefer, he may call to his aid any voter of the same precinct, who, unaccompanied by a judge, may retire with him to the voting machine booth and prepare such voter's ballot on such voting machine for him; but no such person shall prepare the ballot of more than three such voters at one election. Before registering his vote such voter may show his ballot, as prepared for recording, privately to a judge to ascertain that it is prepared as directed. No judge or other person so assisting a voter shall in any manner request, persuade, or induce, or attempt to persuade such voter to vote for or against any particular political party, candidate or question, but shall prepare the ballot as requested, and shall not reveal to any other person the name of any candidate for whom the voter has voted, or anything that took place while so assisting him.

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Subd. 4. The judges shall admit but one voter to the voting machine at one time and only after it has been ascertained that he is entitled to vote. The voting on the voting machine shall be secret except as herein provided for voters needing assistance and no voter shall remain within the voting machine booth longer than three minutes and if he shall refuse to leave it after the lapse of three minutes he shall be removed by the judges.

Subd. 5. If the official ballots at a precinct at which a voting machine is to be used are not delivered at the time required, or if after delivery they shall become lost, destroyed or stolen the judges shall immediately notify the clerk or other authority under whose direction the ballots are printed who shall cause other ballots to be prepared, printed, or written as nearly in the form of the official ballot as practicable. The judges shall cause such substituted ballots to be used in the same manner as the official ballots.

Subd. 6. Ballots cast for persons not nominated by the use of the machine device provided for that purpose shall be designated irregular ballots.

Subd. 7. If any voting machine being used in any election shall become out of order during such election it shall be repaired if possible or another machine substituted as promptly as possible. In case such substitution or repair cannot be made, paper ballots printed or written, and of any suitable form may be used for the taking of votes and for such purpose voting machine sample ballots may be used.

Sec. 8. Laws 1959, Chapter 675, Article VII, Section 22, Subdivision 2, is amended to read:

[206.21] *Subd. 2. Statements of canvass.* In each ~~district~~ *precinct* where voting machines are used, statements of canvass shall be printed to conform with the type of voting machine used. The designating number and letter, if any, on the counter for each candidate shall be printed next to the candidate's name on the statements of canvass. The arrangement of the names on the statement of canvass for each precinct shall conform exactly with the arrangement of the names on the voting machines to be used in such precinct. Such statements of canvass shall provide for the entry of the number of votes for each candidate and the "yes" and "no" of each question as shown on each machine used in the precinct; also for the absent voters' ballots and total number of votes, by such ballots and by machine, for

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each candidate and upon each question. Upon completion of the canvass the election judges shall enclose the statements of canvass in sealed envelopes without sewing with twine or sealing with wax. Such official statements of canvass may be opened by the authorities in charge of elections before the official canvass for the purpose of checking additions and compiling the unofficial returns and preparing the official records. Such official statements of canvass shall be used in lieu of the summary sheets which shall be dispensed with when voting machines are used.

Sec. 9. Laws 1959, Chapter 675, Article VII, Section 22, Subdivision 3, is amended, to read:

Subd. 3. **Opening of machines.** The voting machines shall remain locked against use for a period of at least 30 days and as much longer as may be necessary or advisable because of any existing or threatened contest over the result of the election, except that at any time, upon the order of any judge of a court having jurisdiction any voting machine may be opened and all data and figures therein examined; provided, that any voting machines used at a ~~primary an~~ election may be opened ten days following such ~~primary~~ election for an election which is to be held on a day which is within ~~45~~ 50 days after the day upon which such ~~primary~~ election is held; provided, further, that any voting machine used at a primary election, or a general election, in a village may be opened ~~10~~ ten days following such primary election and 20 days following such general election if such opening becomes necessary in order to prepare the voting machines so used at such primary election or general election for a village election which is to be held on a day which is within 30 days after the day upon which such primary or general election is held.

Sec. 10. Laws 1959, Chapter 675, Article VIII, Section 5, Subdivision 1, is amended to read:

[207.05] Subdivision 1. **Application, delivery.** If any application is made either in person or by mail more than 30 days before election, the auditor shall file the same and forthwith on the delivery to him of the ballots, shall mail to the applicant without charge, at the address specified in the application one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelope hereinafter specified. If the application is made within 30 days of the election, he shall forthwith upon receipt of such application *or as soon thereafter as ballots*

Changes or additions indicated by italics, deletions by strikeout.

are available, mail, or delivery to the applicant, without charge, if he apply therefor in person; and fill out and sign the application blank specified in section 2 3 of this article, one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelopes hereinafter specified.

Sec. 11. Laws 1959, Chapter 675, Article II, Section 17, is amended to read:

Sec. 17. [201.17] **Failure to vote, registration removed.** *Subdivision 1. Not voting in four years.* At the close of each calendar year the commissioner shall check the registration file for the purpose of eliminating excess names; and, to that end, shall examine the registration file, and whenever it appears that a registered voter has not voted at an election at least once in four consecutive calendar years his card shall be taken from the original and duplicate registration files and destroyed, and a printed postal card notice of these facts, and that the voters must register in order to vote in the precinct at any ensuing election, shall be sent to the last known address of the voter.

Subd. 2. Late absentee ballots, registration saved. *The county auditor in each county wherein any municipality has voter registration shall report to the commissioner of registration any absentee ballots received by the auditor and not counted for any reason in the election for which the ballot was intended, furnishing the name and address of such absentee voter, and when so reported the commissioner shall credit the voter with participation in such election for all purposes set forth in this section.*

Sec. 12. Laws 1959, Chapter 675, Article VIII, Section 15, is amended to read:

Sec. 15. [207.15] **Absent voting, municipal elections, duties of clerks.** In the case of city elections in all cities, or village or town elections in all villages and towns operating under the "Australian Ballot System," ~~voter's~~ voters' applications for ballots shall be filed with the city or village or town clerk, no fees shall be required to be paid therefor, and the duties prescribed in this ~~Part~~ article for the county auditor shall be performed by the city or village or town clerk, provided, however, that such duties may be, upon agreement, combined and performed by one of such officers. The cost of carrying out the provisions of this article for any such city or village or town election shall be paid by the city or village or town in which the same is held.

Changes or additions indicated by italics, deletions by strikeout.

Sec. 13. Laws 1959, Chapter 675, Article VIII, Section 18, is amended to read:

Sec. 18. [207.18] **Armed forces defined.** The term "armed forces" as used in sections 16 to 29 of this article shall refer to and include the Army and Navy, the Air Force, the Marine Corps and the Coast Guard of the United States, or the Merchant Marine of the United States, or the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots, the Salvation Army, the United Service Organizations and all other persons connected in any capacity with the Army or Navy of the United States, *including all civilian employees of the United States Government outside the United States* or the spouses or dependents of such persons if actually accompanying such persons and residing with them.

Sec. 14. Laws 1959, Chapter 675, Article IV, Section 41, Subdivision 2, is amended to read:

[203.41] 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 justices or judges to be elected and 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
name of justice

for the regular term," or "to which
name of justice
was appointed."

or in the case of the district court:

"for the office of judge of the district court of
..... judicial district to which
number name of judge
was elected for the 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 of 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 pro-

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vided 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 Laws 1959, Chapter 685, Section 3.

Sec. 15. Laws 1959, Chapter 675, Article V, Section 24, Subdivision 1, is amended to read:

[204.24] Subdivision 1. **Envelopes.** Except in *cities of the first cities class* and in counties having a population of 200,000 or more, after the canvass has been completed and in the presence of all the judges, the ballots cast shall be removed from the ballot boxes and placed in envelopes and sealed. Each judge shall write his name upon the envelope over the sealed part in such a way that the envelope cannot be opened without disturbing the continuity of the lines in the writing. The envelopes shall be of a heavy paper, ~~reinforced by cloth at all folds~~, of the same color as the ballots to be placed therein, and of a size suitable to hold all the ballots without folding. The official charged with printing the ballots shall furnish the envelopes required in this section. The number of ballots in each envelope, the kind thereof, the name of the town, village, or city, and the number of the precinct shall be plainly written upon the envelopes. The unused and spoiled ballots or returns may not be placed in the envelopes.

Sec. 16. Laws 1959, Chapter 675, Article III, Section 4, Subdivision 1, is amended to read:

Subdivision 1. **Filing, date.** Not more than 90 nor less than ~~50~~ 56 days before the primary election any eligible person who desires to have his name placed on the primary ballot as a candidate for any elective office to be filled at the general election, except presidential electors, 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 to be voted for in a single county stating the following:

(a) That he is a qualified voter in the subdivision where he seeks nomination;

(b) The name of his political party if for a partisan office;

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(c) The office for which he desires to be a candidate;

(d) That he has not filed as a candidate for any other office at the same primary election;

(e) If for a partisan office, that he affiliated with his political party at the last general election, and either that he did not vote thereat or voted for a majority of the candidates of the political party at the election, and intends to so vote at the ensuing election.

Sec. 17. Laws 1959, Chapter 675, Article III, Section 6, Subdivision 1, is amended to read:

[202.06] Subdivision 1. Affidavit of withdrawal. No candidate may withdraw his name from the primary ballot unless he files an affidavit with the secretary of state or with the county auditor, as the case may be, within *five six* days after the last day for filing for the office, requesting the officer to withdraw affiant's name from the ballot.

Sec. 18. Laws 1959, Chapter 675, Article III, Section 9, Subdivision 1, is amended to read:

[202.09] Subdivision 1. Number of signers. ~~After the holding of the regular primary election~~ A petition for nomination of a candidate may be signed by electors resident within the district or political division from which the candidate is presented, as follows:

(a) If for a state office on a state ticket, equal to one percent of the entire vote of the state cast at the last preceding general election, or 2,000, whichever is the lesser;

(b) If for a congressional or judicial district office, by five percent of the entire vote cast in the district at the last preceding general election, or 1,000, whichever is the lesser;

(c) If for a county or legislative office, by ten percent of the entire vote cast in the county, ward, or other election precinct at the last preceding general election, or 500, whichever is the lesser.

Sec. 19. Laws 1959, Chapter 675, Article III, Section 11, Subdivision 2, is amended to read:

[202.11] Subd. 2. Time of signing. ~~No person may sign a nominating petition until after the date of the primary election.~~ *Nominating petitions for partisan offices*

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may be signed and filed during the period allowed by law for the filing of affidavits of candidacy by candidates at the state primary election, and no nominating petition may be signed or filed thereafter except in the case of a vacancy in a nomination. With respect to candidates for presidential electors, nominating petitions may be filed up to and including primary election day.

Sec. 20. Laws 1959, Chapter 675, Article III, Section 12, Subdivision 1, is amended to read:

[202.12] Subdivision 1. **Address, oath.** After the signature of each signer there shall be written his post office address. Following the facts required to be stated in each petition signed by the voter shall be an oath in the following form: "I solemnly swear (or affirm) that I know the contents and purpose of this petition, that I ~~did~~ *do not intend to vote at the preceding primary election for the office for which this nominating petition is made,* and that I signed the same of my own free will." No signature shall require notarization or certification before any officer, but each signer in so signing shall be guilty of perjury for making a false oath therein.

Sec. 21. Laws 1959, Chapter 675, Article III, Section 13, Subdivision 1, is amended to read:

[202.13] Subdivision 1. **Filing, acknowledgement of filing, fee.** Nominating petitions for names to be placed on the state white ballot shall be filed with the secretary of state ~~on or before 20 days before the general election.~~ The secretary of state shall give or send to the person filing the petition an acknowledgement thereof on the same day it is received, and he shall file and preserve the nominating petitions, subject to public inspection. No filing of any nominating petition is effective unless at the time thereof the prescribed fee is paid or tendered.

Sec. 22. Laws 1959, Chapter 675, Article III, Section 13, Subdivision 3, is amended to read:

[202.13] Subd. 3. **Time.** *Except with respect to the nomination of candidates for presidential electors,* no nomination for any office may be made either by nominating petition or otherwise later than ~~20 days before the general election~~ *the last day for filing affidavits of candidacy at the state primary election,* except nominations to fill a vacancy in a nomination previously made.

Changes or additions indicated by italics; deletions by ~~strikeout~~.

Sec. 23. **Repealer.** *Laws 1959, Chapter 675, Article III, Section 11, Subdivision 3, Section 12, Subdivision 2, and Article VII, Section 23, are hereby repealed.*

Approved April 20, 1961.

CHAPTER 607—H. F. No. 996

[Coded]

An act relating to elections; amending laws 1959, Chapter 675, Article X, Sections 2, 3, 7, 9, and 10; repealing laws 1959, Chapter 675, Article X, Sections 4, 5, 6, and 8, and Article XI, Section 35.

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

Section 1. Laws 1959, Chapter 675, Article X, Section 2, is amended to read:

Sec. 2. [209.02] **Election contests.** ~~Any 25 voters of the state, or of any political subdivision thereof, may contest the right of any person to nomination, position, or office for which these voters had the right to vote, on the ground of deliberate, serious, and material violation of the provisions of the Minnesota Election law or of any other provisions of law relating to nominations and elections. Any defeated candidate for a nomination, position, or office may make the contest. The proceeding shall be commenced by petition filed in the district court of the county in which the candidate whose election is contested resides, and the contest shall be carried on according to law.~~

~~In case of contests over nomination, the court shall pronounce whether the incumbent or contestant was duly nominated, and the person so declared nominated shall have his name printed on the official ballots.~~

Subdivision 1. Contest, who may institute, grounds. Any voter, including a candidate, may contest the nomination or election of any person for whom he had the right to vote, who is declared nominated or elected to a state, county, legislative, or municipal, or district court office, or the declared result of a constitutional amendment or other question voted upon at an election by proceeding as provided in this article. The contest may be brought over an irregularity in the conduct of an election or canvass of votes or on the

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