

taxable cost in the action.

Sec. 2. Laws 1967, Chapter 223, Section 1, is amended to read:

Section 1. **POLK COUNTY; LAW LIBRARY.** Notwithstanding any provisions to the contrary of Laws 1939, Chapter 325, or any act amendatory thereof, each of the law library fees prescribed in sections 4, 5, and 6 of Laws 1939, Chapter 325, for the acquisition and maintenance of a county law library established pursuant to said act shall be ~~\$2~~ \$5 rather than \$1 in Polk County, if and so long as a county law library established pursuant to said act is maintained in said county.

Sec. 3. Section 2 of this act is effective upon approval by the board of county commissioners of Polk County and compliance with Minnesota Statutes, Section 645.021.

Approved May 15, 1979.

CHAPTER 89—S.F.No.444

An act relating to fences; providing for the compensation of fence viewers; amending Minnesota Statutes 1978, Section 344.18.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1978, Section 344.18, is amended to read:

344.18 **COMPENSATION OF VIEWERS.** ~~Each Fence viewer viewers~~ shall be paid for ~~his~~ their services by the person employing ~~him~~ them at the rate of ~~\$5~~ \$15 ~~each~~ for each day's employment and the sum of ~~\$5~~ \$60 shall be deposited with the town treasurer before ~~such~~ the service is performed. Upon completion of the service, any portion of the \$60 not expended for compensation of the fence viewers shall be returned to the depositor.

Sec. 2. **EFFECTIVE DATE.** This act is effective the day following final enactment.

Approved May 15, 1979.

CHAPTER 90—S.F.No.484

An act relating to elections; requiring recounts in county, municipal and school district elections under certain circumstances; setting a time limit for appeal of a district court determination in a school district election contest; clarifying provisions concerning return of absentee ballots; regulating elections in the city of Duluth and Independent School District No. 709; amending Minnesota Statutes 1978, Chapter 204A, by adding a section; Sections 123.32; Subdivision 25, and by adding a subdivision; 205.11, by adding a subdivision; 205.14,

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by adding a subdivision; Section 207.08, Subdivision 2, and by adding a subdivision; and 207.11, by adding a subdivision: repealing Minnesota Statutes 1978, Section 207.10.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1978, Chapter 204A, is amended by adding a section to read:

[204A.515] RECOUNTS IN COUNTY AND MUNICIPAL ELECTIONS. A losing candidate for nomination or election to a county or municipal office may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is:

(a) Five votes or less when the total vote cast for nomination or election to that office is 100 votes or less;

(b) Ten votes or less when the total vote cast for nomination or election to that office is more than 100 but not more than 500 votes;

(c) Twenty votes or less when the total vote cast for nomination or election to that office is more than 500 but not more than 2,000 votes;

(d) One percent of the votes or less when the total vote cast for nomination or election to that office is more than 2,000 but less than 10,000 votes; or

(e) 100 votes or less when the total vote cast for nomination or election to that office is 10,000 votes or more.

Candidates for county offices shall file a written request for the recount with the county auditor. Candidates for municipal offices shall file a written request with the municipal clerk. All requests shall be filed during the time for notice of contest of the primary or election for which a recount is sought.

Upon receipt of a request made pursuant to this section, the county auditor shall recount the votes for a county office at the expense of the county and the governing body of the municipality shall recount the votes for a municipal office at the expense of the municipality.

A losing candidate for nomination or election to a county or municipal office may request a recount in the manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by clauses (a) to (e). The votes shall be recounted as provided in this section if the requesting candidate files with the county auditor or municipal clerk a bond, cash or surety in an amount set by the governing body of the jurisdiction for the payment of the recount expenses.

Time for notice of contest of a nomination or election to a county office which is recounted pursuant to this section shall begin to run upon certification of the results of

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the recount by the county canvassing board. Time for notice of contest of a nomination or election to a municipal office which is recounted pursuant to this section shall begin to run upon certification of the results by the governing body of the municipality.

Sec. 2. Minnesota Statutes 1978, Section 205.11, is amended by adding a subdivision to read:

Subd. 4a. RECOUNT. A losing candidate at the municipal primary may request a recount of the votes for that nomination subject to the requirements of section 1.

Sec. 3. Minnesota Statutes 1978, Section 205.14, is amended by adding a subdivision to read:

Subd. 4. RECOUNT. A losing candidate at a municipal election may request a recount of the votes for that office subject to the requirements of section 1.

Sec. 4. Minnesota Statutes 1978, Section 123.32, is amended by adding a subdivision to read:

Subd. 8a. A losing candidate for any school district office may request a recount of the votes cast for that office if the difference between the vote cast for that candidate and for a winning candidate for that office is:

(a) Five votes or less when the total vote cast for that office is 100 votes or less;

(b) Ten votes or less when the total vote cast for that office is more than 100 but not more than 500 votes;

(c) Twenty votes or less when the total vote cast for that office is more than 500 but not more than 2,000 votes;

(d) One percent of the votes or less when the total vote cast for that office is more than 2,000 but less than 10,000 votes; or

(e) 100 votes or less when the total vote cast for that office is 10,000 votes or more.

The request shall be made in writing to the school board during the time for notice of contest of the election for which the recount is sought. Upon receipt of a request made pursuant to this section the school board shall recount the votes for that office at the expense of the school district.

A losing candidate for nomination or election to a school district may request a recount in the manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by clauses (a) to (e). The votes shall be recounted as provided in this section if the requesting candidate files with the school board a bond, cash or surety in an amount set by the board for the payment of the recount expenses.

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Time for notice of contest of an election which is recounted pursuant to this subdivision shall begin to run upon certification of the results of the recount by the school board.

Sec. 5. Minnesota Statutes 1978, Section 123.32, Subdivision 25, is amended to read:

Subd. 25. (a) Any voter may contest the election of any person for or against whom he had the right to vote, who is declared elected to a school district office, or other questions submitted to public vote, by proceeding as follows:

He shall file with the clerk of the district court of the county in which the administrative office of the school district is located, within ten days after the canvass is completed, a written notice of contest specifying the points upon which the contest will be made, and cause a copy thereof to be served within said period as follows:

(1) If the contest be upon the election of any person, then upon the person whose election he is contesting and the official authorized to issue the certificate of election;

(2) If the contest be upon the question of consolidation or reorganization, then upon the county auditor authorized by law to issue the order;

(3) If the contest be upon any other question, by serving a copy upon the clerk of the district.

When the contestee desires to offer testimony on points not specified in contestant's notice, he shall file and serve on the contestant notice thereof specifying such additional points. Such notices shall be treated as the pleadings in the case and may be amended in the discretion of the court in such manner and within such times as the court may by order direct. Thereafter the matter shall be tried and determined by the court at a time set by the court within 30 days after such canvass. So far as consistent with this section, the Rules of Civil Procedure shall apply.

(b) When an appeal is taken to the supreme court from the determination of the district court in any contest instituted under this code, the party appealing shall file in the district court a bond in such sum, not less than \$500, and with such sureties, as shall be approved by the judge, conditioned for the payment of all costs incurred by the respondent in case appellant fails on his appeal. The notice of appeal shall be served and filed no later than ten days after the entry of the determination of the district court in the contest. The return of such appeal shall be made, certified, and filed in the supreme court within 15 days after service of notice of appeal. The appeal may be brought on for hearing in the court at any time when it is in session, upon ten days' notice from either party, which may be served during term time or in vacation; and it may be heard and determined summarily by the court.

Sec. 6. Minnesota Statutes 1978, Section 207.08, is amended by adding a subdivision to read:

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Subd. 1a. An eligible voter who receives absentee ballots as provided in this chapter shall mark them in the manner specified in the directions for casting the absentee ballots. The return envelope containing marked ballots may be mailed as provided in the directions for casting the absentee ballots or may be left with the county auditor or municipal clerk who transmitted the absentee ballots to the voter.

Sec. 7. Minnesota Statutes 1978, Section 207.08, Subdivision 2, is amended to read:

Subd. 2. When absentee ballots are mailed to the absent voter, The county auditor or municipal clerk shall provide for the return of the ballots to judges in the precinct in which the voter is eligible to vote by one of the following methods address the return envelopes to allow direct mailing of the absentee ballots to:

(a) by mail to The county auditor or municipal clerk who sent the ballots to the voter and delivery by the auditor or clerk to the judges :

(b) by mail to The clerk of the town or city in which the absent voter is eligible to vote and delivery by that clerk to the judges : or

(c) by mail directly to The judges of election : or ,

(d) any other method authorized by rules adopted by the secretary of state:

The county auditor or municipal clerk shall in all cases affix sufficient postage to return envelopes to assure return of the ballots to the judges by election day. When absentee ballots are delivered by election judges pursuant to section 207.31, the ballots shall be returned in person to the municipal clerk by the judges who delivered them ~~and the clerk shall deliver the ballots to the judges in the precincts .~~

Subd. 3. When absentee ballots are returned to a county auditor or town or city clerk, that official shall stamp and date the return envelope with an official seal of the office and place it in a secure location with other return envelopes received by that office. The county auditor or town or city clerk shall deliver them to the appropriate election judges on election day.

Subd. 4. The secretary of state shall adopt rules establishing the procedures to be used for each method of returning ballots permitted by clauses (a) to (e); including procedures necessary followed by county auditors and town and city clerks to assure accurate and timely delivery return of absentee ballots by the United States postal service , and may authorize additional methods and procedures of return in addition to those specified in this section .

Sec. 8. Subdivision 1. Notwithstanding Minnesota Statutes, Section 205.13 or any other general or special law or charter provision to the contrary, any eligible person desiring to have his name placed on the ballot for any office to be voted for at the Duluth municipal primary election or the primary election for Independent School District No. 709 shall file his affidavit for candidacy with the Duluth city clerk not more than 70 days nor less than 56 days before the primary election.

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Subd. 2. This section is effective upon approval by the Duluth city council and the governing body of Independent School District No. 709 and compliance with Minnesota Statutes, Section 645.021.

Subd. 3. This section shall expire one year after final enactment.

Sec. 9. Minnesota Statutes 1978, Section 207.11, is amended by adding a subdivision to read:

Subd. 6. ELECTRONIC VOTING SYSTEM PRECINCTS. Paper absentee ballots delivered to the election judges in precincts which use an electronic voting system shall be counted in the manner provided in this section. No duplicate ballot cards shall be prepared. The paper ballot vote totals for each candidate and on each question shall be added to the results obtained from the electronic tabulating equipment in each precinct.

Sec. 10. **REPEALER.** Minnesota Statutes 1978, Section 207.10, is repealed.

Sec. 11. This act is effective the day following its final enactment.

Approved May 15, 1979.

CHAPTER 91—S.F.No.144

An act relating to taxation; repealing obsolete references to a tax on money and credits; repealing Minnesota Statutes 1978, Chapter 285.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1978, Sections 285.01; 285.02; 285.021; 285.023; 285.03; 285.04; 285.05; 285.06; 285.07; 285.08; 285.09; 285.095; 285.096; 285.10; 285.11; 285.12; 285.13; 285.14; 285.143; and 285.15, are repealed.

Approved May 17, 1979.

CHAPTER 92—S.F.No.276

An act relating to workers' compensation; prohibiting the refusal to cover under accident or health policy because of certain workers' compensation option; defining "closely held corporation"; providing for coverage of certain business owners upon election; amending Minnesota Statutes 1978, Chapter 62A, by adding a section; Sections 176.011, by adding a subdivision; 176.012; and 176.041, Subdivision 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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