

# GENERAL LAWS OF MINNESOTA,

PASSED AND APPROVED AT THE EXTRA SESSION OF THE STATE LEGISLATURE  
COMMENCING SEPTEMBER NINTH, ONE THOUSAND EIGHT HUNDRED AND  
SIXTY-TWO, AND TERMINATING SEPTEMBER TWENTY-NINTH, ONE THOUSAND  
EIGHT HUNDRED AND SIXTY-TWO.

## CHAPTER I.

*An Act to enable citizens of this State, who are or may be engaged in the Military or Naval service of the United States, to vote in the Election Districts where they reside, at the General Election to be held in the month of November, 1862, and at all subsequent General Elections, during the continuance of the present war.*

- SECTION 1. Rights of citizens engaged in the military or naval service of the United States.  
2. Manner of Voting.  
3. Duty of commissioners—form of oath—commissioners certificate.  
4. Manner of depositing ballot.  
5. Duty of judges of election.  
6. Commissioners—how appointed—to subscribe oath for faithful performance of duty.  
7. Vacancy—how filled.  
8. Penalty for non compliance with the provisions of this act.  
9. Compensation of commissioners.  
10. Appropriations for carrying out provisions of this act.  
11. Act, when to take effect.

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

SECTION 1. That all persons who now are, or may hereafter be, regularly enlisted into the military or naval service of the United States, or who have volunteered into the military service of this State, and who have been for the space of ten days next preceding the time when they were mustered into the service of the United States, or of this State, resident of any election district in this State, and entitled to vote therein, or who were

Rights of citizens engaged in the military or naval service of the United States

actual residents at the time of enlistment, and who have since arrived at the age of twenty-one years, and whose names are or may be entered upon the registry list of such district, shall be entitled to vote in such district at the next ensuing annual election, and at all subsequent elections during the continuance of the present war, for all officers which are or may be elected at such annual election, in the following manner :

Manner of voting

Sec. 2. Such person, whether within or without this State, shall deposit his ballot, printed or written, or partly printed and partly written, and properly folded, in an envelope and seal the same with sealing wax, and shall direct such envelope to the judges of election of the election district where he resided at the time of his entering the service of the United States, or of the State of Minnesota, together with the name of a post office in said election district, and in case there is no post office in said election district, then the name of the post office at which the mails for said election district are usually received, and shall endorse thereon his name, with a designation of the company, regiment, or service to which he is attached. He shall take the said envelope, so sealed, endorsed and directed before a commissioner, to be appointed as hereinafter provided, and shall acknowledge the same to be his free and voluntary vote to be cast at the election to be designated by him.

Duty of commissioners

Sec. 3. The said commissioners, or one of them, shall, upon presentation of the envelope containing the ballot of any person claiming the right to vote under the provisions of this act, before receiving and certifying the envelope containing the ballot of such person so claiming the right to vote under the provisions of this act, tender to and require such person to make oath (which oath either of said commissioners are authorized to administer) in the following form :

Form of oath

"You do swear (or affirm, as the case may be,) that you are a citizen of the United States, of the age of twenty-one years, or have declared your intention to become such citizen, conformably to the laws of the United States on the subject of naturalization, that you have been an inhabitant of this State (or Minnesota) for four months immediately preceding this election (at which you offer to vote,) and an actual resident of this election district (in which you offer to vote,) for the ten days imme-

diately preceding this election (at which you offer to vote.)”

And thereupon, in case said oath is taken and not otherwise, said commissioners shall certify, without fee, upon the back of such envelope in the following form:

Headquarters, [specifying the regiment, battalion, detachment or service,] I, [insert name of commissioner,] certify that [insert the name of person proposing to vote,] whose name is endorsed on this envelope, is the identical person who is engaged in the [insert military or naval, as the case may be,] service of the United States, from the State of Minnesota, and that he has personally acknowledged before me, that the enclosed ballot is his free and voluntary vote which he desires to cast at the general election to be held on [here insert the date,] in the State of Minnesota, and that he has taken the oath prescribed by this act.

Commissioners  
certificate

Dated at [insert place] this            day of            A. D.

[Signature of commissioner.]

And thereupon such person shall be entitled to vote at such election, and his vote shall be received, notwithstanding he may have been challenged before the judges of the election.

Sec. 4. The person desiring to vote shall then deposit the said envelope, sealed, directed, endorsed and certified as aforesaid, with said commissioners, who shall deposit the same, with the postage pre-paid, in any post office, or deliver the same to the judges of election of the election district where such voter resided at the time of his entering the service of the United States, or of this State. The judges, upon receiving the said envelope, shall keep the same unopened until the opening of the polls, at the said election, when they shall examine the registry list of their district, and upon finding the name of the person endorsed upon such envelope, on said registry list, they shall open the said envelope, and unless the person whose name is endorsed upon the envelope shall have died after the certifying of the same, shall deposit the ballot contained therein, unopened, in the proper box or boxes, and canvass the same with the other votes cast at such election, in no way distinguishing the same from the other votes cast, and shall deposit the envelopes, with the direction and certificates uninjured, in the office of the town clerk of the district, and it shall be the

Manner of depositing ballot

duty of the judges of election in each election district, on the day next preceding such election, to make diligent inquiries at each post office in such district, or to which letters are usually directed for such district, for any mail matter which may be directed to them as such judges of election and receive the same.

Duty of Judges  
of election

SEC. 5. It shall be the duty of the judges of election in the several election districts of this State in making up the registry list for any general election, to insert therein the names of all persons qualified to vote at such election in their respective election districts, although such persons be at the time absent in the service of the United States, or of this State, at the same time and in the same manner as the names of other electors are entered under the general election law. And if any such absent person whose name is put upon such registry list, or whose name is proposed to be put thereon, shall be challenged as having no right to be put thereon, the judges of election shall strike such name from said list, or refuse to enter the same therein, as the case may be, unless the person so challenged is known to each of the judges to be a qualified elector in such district, or unless some qualified elector shall, before the day of election, make oath before such judges that the person challenged is known to him to be a citizen of the United States, of the age of twenty-one years, or has declared his intention to become such citizen, conformably to the laws of the United States, on the subject of naturalization, that he has been an inhabitant of the State of Minnesota for four months immediately preceding such election, and an actual resident of such election district for ten days immediately preceding the election, in either of which excepted cases the name of the person so challenged shall remain on, or be placed upon the registry list, as the case may be, and he shall be allowed to vote at such election. *Provided, however,* That the name of any absent elector whose vote shall be received by such judges, accompanied with the certificate of the oath provided by section three of this act, shall be inserted in said registry list on the day of election, and such elector shall be allowed to vote, whether challenged under this section or not.

SEC. 6. That there shall be appointed by the Governor, by and with the advice and consent of the Senate, two commissioners for the eastern and middle States and

for such of the southern States as lie east of the western line of the States of Virginia, and North and South Carolina; two for the western and the remainder of the southern States, and two for this State; said commissioners to be selected equally from the two recognized political parties of the State, whose duty it shall be to visit the several regiments, battalions, and service within the jurisdictions for which they may be respectively appointed in which are found volunteers or other soldiers from this State, for the purpose of carrying out the provisions of this act. Each of the said commissioners shall before entering upon the duties of his office take and subscribe an oath to be filed with the Secretary of State, *to honestly, faithfully and impartially discharge all the duties imposed upon him under this act, and that he will not directly or indirectly attempt to influence the vote of any soldier entitled to vote under the provisions of this act.* The said commissioners shall take with them to the regiments, companies and detachments they visit, a sufficient number of the ballots of the different candidates to be voted for at the next election, so far as the same may be furnished them free of expense, and also a sufficient quantity of envelopes, paper and sealing wax to be furnished at the expense of the State, and shall deliver to each of the persons who propose to vote under this act one ballot of each of the several candidates; provided, that the number of ballots furnished shall be sufficient therefor; and the persons voting shall select and deposit his ballot in the envelope, in such manner that the character of the same shall be known to himself only.

Appointment of commissioners, how—to subscribe oath for faithful performance of duty

Sec. 7. In case the office of any commissioner shall at any time become vacant, the same shall be filled by the appointment of some suitable person by the Governor.

Vacancy—how filled

Sec. 8. Any person who shall forward a ballot in the manner aforesaid, and who is not entitled to vote at the said election, in the election district to which he may send the same; and any and every person who shall open any such envelope (except in the manner prescribed in this act) or shall detain, mutilate or destroy the same, or the ballot therein contained, and every judge of election or commissioner who shall fail to comply with the provisions of this act, shall be deemed guilty of a felony, and upon conviction thereof, shall be imprisoned in the

Penalty for non-compliance with the provisions of this act

State prison for a term not exceeding one year, or fined, at the discretion of the court, in a sum not less than five hundred dollars.

Compensation of  
commissioners

Sec. 9. Each of the commissioners who may be appointed in pursuance of this act, shall receive the sum of three dollars per day for each day he may be employed in the discharge of his duty under this act, and the sum of five cents per mile for each mile he may necessarily travel in the discharge of his duty under this act, to be audited and allowed by the State Auditor.

Appropriations  
for carrying out  
provisions of this  
act

Sec. 10. The sum of twelve hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the payment of the per diem, compensation and travel of the commissioners, and the other expenses necessarily incurred under this act.

Sec. 11. This act shall take effect and be in force from and after its passage.

Approved, September 27th, 1862.

## CHAPTER II.

*An Act to amend an act entitled "an act to regulate elections in this State."*

SECTION 1. Change of time of holding annual elections.  
2. Repeal of acts inconsistent with this act.  
3. Act, when to take effect.

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

SECTION 1. That section one (1) of chapter XV of the General Laws of 1861 be amended so as to read as follows:

Sec. 1. On the first Tuesday after the first Monday of November, in the year one thousand eight hundred