

CHAPTER XCIII.

*An Act specifying the time, manner and place of electing
United States Senators.*March 3, 1869.**SECTION 1.** Manner of electing United States Senator.

1. When the two Houses to assemble in Joint Convention.
2. How to proceed in Joint Convention.
3. In case any one person having received a majority of all the votes in each House, he shall be declared elected—how to proceed in case any one person has not received such majority.
4. In case of vacancy in the United States Senate, to elect in manner provided in preceding Section.
5. Declaration by President of Joint Convention.
6. Duty of the Secretary of the Convention.
7. Certificate of election, how prepared.
8. Certificate to be deemed prima facie evidence of the election of said person as United States Senator.
9. Repeal of inconsistent acts.
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Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That on the second Tuesday after the meeting and organization of the two houses of the legislature of this state, at any regular session thereof, immediately preceding the expiration of the time for which any senator was elected to represent this state in the congress of the United States, the legislature shall proceed to, and elect a senator in the place of the senator so going out of office, at the place and in the manner as follows, that is to say: Each house shall openly, by a viva voce vote of each member present, name one person for senator in congress from this state, and the name of the person so voted for who shall have received a majority of all the votes cast in each house, a majority of all its members being present and voting, shall be entered in its journal by the proper clerk or secretary thereof, but if either house shall fail to give such majority to the same person, on that day such fact shall be entered in its journal.

Manner of electing United States Senator.

SEC. 2. At twelve o'clock, meridian, of the day following that on which proceedings are required to take place, as provided in the preceding section, the members of the two houses shall assemble in joint convention in the hall of the house of representatives.

When to meet in Joint Convention.

SEC. 3. On the assembling of such joint convention the speaker of the house shall call the convention to order, and act as the president thereof. The chief clerk of the house shall act as secretary, and call the roll of the members of the convention.

How to proceed in Joint Convention.

SEC. 4. If upon the calling of the roll a majority of the members of both houses be found to be present in such joint convention, then so much of the proceedings of the preceding day of each house as relates to the election of a senator to congress, shall thereupon be read by the clerk or secretary thereof, and if it be ascertained therefrom that the same person has received a majority of all the votes in each house, a majority of all its members having been present and voted, then such person shall be deemed to have been duly elected a senator to represent the state of Minnesota in the congress of the United States, but if the same person shall not have received a majority of all the votes in each house, or if either house shall have failed to take proceedings as required by this act, the joint convention thereupon shall then and there proceed to, and choose, by a viva voce vote of each member present, a person for senator in congress, and the person receiving a majority of all the votes of the joint convention, a majority of all the members of both houses being present and voting, shall be deemed to have been duly elected, and in case no person shall receive such majority on the first day then the joint convention shall meet at the same place at twelve o'clock, meridian, of each succeeding day during the then session of the legislature, and take at least one vote in manner as aforesaid, until a senator shall have been elected.

Who declared elected—how to proceed in case of no election.

SEC. 5. Whenever, on the meeting of the legislature of this state, a vacancy shall exist in the representation of the state in the senate of the United States, the legislature being then in session, shall, on the second Tuesday next after the commencement and organization of both houses thereof, proceed to and elect a person to fill such vacancy in the same manner as is hereinbefore provided for the election of a senator for a full term. And if a vacancy shall happen during any session of the legislature

Vacancy, how filled.

of this state, then on the second Tuesday after both houses thereof shall have been organized and shall have had notice of such vacancy, the legislature shall in like manner proceed to, and elect a person to fill such vacancy.

SEC. 6. The person who shall have been elected a senator to congress at the time and place, and in the manner provided by this act, shall, immediately after such result shall have been ascertained in joint convention, be declared by the president thereof to have been duly elected a member of the senate of the United States, from the state of Minnesota.

SEC. 7. The secretary of the joint convention shall enter the name of each of the members thereof, the result of the election and the declaration thereof, upon the journal of the convention.

SEC. 8. Upon the election of any senator, as provided by this act, the president and secretary of the joint convention, shall immediately make and sign a certificate of such election, specifying the time and place thereof, and the name of the person so elected, which said certificate, within three days after such election, shall, by the president of the convention, be presented to the governor, and immediately upon the presentation thereof to him, the governor shall execute a further certificate of such election, duly certifying the same to the president of the senate of the United States, which certificate shall also be attested by the secretary of state of this state, and have affixed thereto the great seal of the state of Minnesota.

SEC. 9. The certificate thus executed by the governor shall be forwarded to the president of the senate of the United States, and shall be held and deemed prima facie evidence that the person named therein as senator, has been duly elected, according to law.

SEC. 10. All laws of this state heretofore enacted that are repugnant to any of the provisions of this act, are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after its approval by the governor.

Approved March 3, 1869.

Duty of President.

Duty of Secretary.

Certificate of election how prepared.

What deemed evidence of election.

Repeal of inconsistent acts.

When act to take effect.