

CHAPTER 84.

AN ACT TO PROVIDE FOR ELECTIONS AND REGISTRATIONS OF ELECTORS IN INCORPORATED CITIES, OF OVER TWELVE THOUSAND (12,000) INHABITANTS ACCORDING TO THE CENSUS OF EIGHTEEN HUNDRED AND SEVENTY-FIVE. (1875.)

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

SECTION 1. The common council of each incorporated city of over twelve thousand (12,000) inhabitants, shall, twenty days before a general or special election, appoint three qualified electors of each election precinct or district of said city, who shall be the judges in their election district respectively; said judges shall be of an opposite party, if practicable; said judges shall appoint two qualified electors of their election districts, as clerks of such election; of an opposite party, if practicable. The election shall be held in each election district at the place where last preceding election was held, unless otherwise ordered by the common council.

Confined to cities of over 12,000 inhabitants—judges of election.

SEC. 2. The sheriff or judges of election may appoint one or more special constables, to attend each place of holding elections. It shall be the duty of police officers or constables, to keep an open space of at least six feet square, from the place of voting, so that the person voting, can do so, unmolested by any other person. If the above named officers neglect to perform that duty, then the judges of election shall swear in enough private citizens to enforce order, who shall have power, as constables or conservators of the peace, to make arrests for breach of the peace.

Special constables—open space near polls.

SEC. 3. Any police officer or constable attending such election may call to his aid, a sufficient number of citizens to arrest any disorderly person, or suppress any riot or disorder during the election. Whoever conducts himself in a riotous or disorderly manner at any election, and persists in such conduct after being warned to desist, may be arrested without warrant.

Riot or disorder.

SEC. 4. The polls shall be opened at the hour of nine (9) o'clock in the forenoon, and continued open until five (5) o'clock in the afternoon of the same day, at which time the polls shall be closed; but if the judges shall not attend at the hour of nine o'clock in the forenoon, or if it be necessary, for the electors present to appoint judges to conduct the election as herein before prescribed, the polls may in that case, be opened at any hour before the time for closing the same shall arrive, as the case may require.

Opening and closing polls—judges present.

Clerks of election—poll lists.

SEC. 5. Each clerk of election, shall keep a poll list, which shall contain a column headed "number," and another headed "names of voters." The name of each elector voting shall be entered upon each of the poll books by the clerks, in regular succession under the proper headings, and the number of each voter placed, opposite his name in the column headed "number."

Description of ballot.

SEC. 6. The manner of voting shall be by ballot. [The ballot] shall be printed or written, or partly printed and partly written upon plain, white paper, with the names of each candidate voted for, and the title of the offices; when the ballot is printed, the same shall be printed upon plain, white paper, in plain type, in straight lines, with a blank space below each name, of a width of not less than equal to the width of the line in which the name is printed. No ballot shall be used or voted at any election containing any cut or device on its face, or any cut or device, or any written or printed matter on the back, or in any other way made to distinguish one ballot from another.

Single ballot for all officers.

SEC. 7. The names of all candidates for which the elector intends to vote, shall be written or printed upon the same ballot, and the office, to which he desires each to be elected, shall be designated upon the ballot.

Manner of voting.

SEC. 8. The ballots shall be folded by the voter, and delivered to one of the judges of election, who shall forthwith lay the same on the top of the ballot box, at the same time in an audible voice proclaim the name of the person offering to vote, to the board, and if the judges be satisfied according to the evidence as herein described, that the person offering the vote is a legal voter, the clerks of election shall enter the name of the voter and his number under the proper heading in the poll book, and the judges shall endorse on the back of the ticket offered, the number corresponding with the number of the voter on the poll book, and shall immediately put his ticket into the ballot box.

No adjournment or recess.

SEC. 9. After the opening of the polls no adjournment shall be had, nor shall any recess be taken until all the votes cast at such election shall have been counted and the result publicly announced.

Canvassing the votes.

SEC. 10. Immediately upon closing the polls, the judges shall proceed to canvass the votes polled. They shall first count the whole number of ballots [in the box, without opening the ballots.] If the ballots shall be found to exceed the number of names entered on each of the poll lists, they shall reject the ballots, if any be found upon which no number is marked; if the number of ballots still exceeds the number of names on each poll list, they shall be replaced in the box, and the box closed and well shaken and again opened, and one of the judges with his face averted, shall publicly draw out one by one and destroy so many ballots unopened, as shall be equal to such excess; and the ballots or poll lists agreeing or being made to agree, the board shall proceed to

count and estimate and publish the votes; and when the judges of election shall open and read the tickets, they shall read and announce each ballot separately and proclaim to the clerks the name of each candidate voted for, each clerk shall carefully mark down upon the tally list, the votes so proclaimed each candidate receives, in a separate column prepared for that purpose, with the name of such candidate at the head of such column and the office designated by the votes, such candidate shall fill. In case of the judges or the clerks willfully or corruptly failing to count the votes or record the same as provided in this section, the said judges or clerks so offending shall be subject to a fine of one thousand dollars (\$1,000), or imprisonment in the State prison one year, or both in the discretion of the court.

Canvassing the votes.

SEC. 11. If more persons are designated for any office than there are candidates to be elected, or if more votes, or parts of votes are designated on any ballot for representative, or other offices than the voter is entitled to cast, such part of the ticket shall not be counted for either of the candidates.

Extra names on ballots.

SEC. 12. All the ballots counted by the judges of election, shall after, being read, be strung upon a strong thread or twine, in the order in which they have been read, and shall then be carefully enveloped, and sealed up, with sealing wax by the judges, who shall direct the same, endorsed with the name of the district voted, to the officer to whom by law they are required to return the poll books, and shall be delivered together with the poll books, to such officer, who shall carefully preserve said ballots for six (6) months, and at the expiration of that time, shall destroy them, by burning, without the package being previously opened. *Provided*, If any contest of election shall be pending at such time, in which such ballots may be required as evidence, the same shall not be destroyed, till such contest is finally determined.

Preservation of the ballots.

SEC. 13. In all cases of contested elections, the parties contesting the same, shall have the right to have the said package of ballots opened, and said ballots referred to by witnesses, for the purpose of such contest. But said ballots shall only be so examined and referred to, in the presence of the officer having the custody thereof.

Contested elections.

SEC. 14. The judges of election shall allow at least one, and not more than two legal voters of each party to the contest, to be chosen by the parties respectfully, [respectively,] into the room where the election is held, to act as challengers of voters at such election; and such challengers may remain with the board of election until the votes are all canvassed, and the result declared.

Challengers at elections.

SEC. 15. Whenever at any general or special election, in any precinct or district, any person offering to vote is not personally known to all of the judges of election, to have the qualifications of a voter, if his vote is challenged by a legal voter at such election, he shall make and subscribe an affidavit in the following form, (blanks to be furnished by the

Challenged votes.

proper officer,) which shall be retained by the judges of election and returned by them with the poll books :

STATE OF MINNESOTA, }
COUNTY [OF] _____ } ss.

Affidavit of
challenged
voter.

I, _____, do solemnly swear (or affirm,) that I have resided in the United States one year, and in this State for four months next preceding this election, and for ten days next preceding this election in this election district, that I am a citizen of the United States, or have declared my intentions to become such; that I now reside at (here give the particular house or place of residence, the street and number) in this election district; that I am twenty-one (21) years of age, and have not voted at this election, so help me God (or this I do solemnly and sincerely affirm, as the case may be).

Subscribed and sworn to before me, this _____ day of _____ A. D. 18 _____

Additional
evidence re-
quired.

SEC. 16. In addition to such an affidavit, the person so challenged shall produce a witness personally known to the judges of election, and resident in the precinct or district, or who shall be proved by some legal voter of such precinct or district, known to the judges to be such, who shall take the oath following, viz :

Oath required.

I do solemnly swear (or affirm) that I am a resident of this election precinct (or district) and entitled to vote at this election, and that I have been a resident herein for four months last past, and am well acquainted with the person whose vote is now offered, that he is an actual and *bona fide* resident of this election precinct (or district), and has resided here ten (10) days, and as I verily believe, four (4) months next preceding this election.

Who may ad-
minister the
oath.

SEC. 17. The oath in each case, may be administered by either of the judges of election, or by any officer resident in the precinct or district authorized by law to administer oaths.

Saloons to be
closed on elec-
tion day.

SEC. 18. No spirituous, malt, vinous or intoxicating liquor, shall be sold or given away, at retail, nor shall any saloon, or bar room, or place where such liquor is sold, or given away, be open on any general or special election day, from the hour of five (5) o'clock in the forenoon, to the hour of six (6) o'clock in the afternoon, within the limits of any incorporated city. Whoever violates the provisions of this section, shall be fined in a sum not less than twenty-five dollars (\$25), nor more than one hundred dollars (\$100), for each and every offence. It shall be the duty of the mayor, sheriff, constable and other officers and magistrates, to see that the provisions of this section are enforced. And it shall be the duty of the mayor, on the day next preceding any elec-

tion, to issue his proclamation in a public manner, that the provisions of this section will be strictly enforced. In the case that the mayor fails to perform the duty herein described, he shall be subject to a fine of one thousand dollars (\$1,000), or imprisonment in the county jail for sixty days, or both, in the discretion of the court.

Mayor must issue his proclamation to enforce the law.

SEC. 19. If any judge of any election, shall permit a person to vote, whose vote is challenged, without the proof required in this act, or

Judges of election, what they must not do.

2nd.—Shall knowingly and willfully permit a person to testify as a witness contrary to the provisions of this act, or

3rd.—Shall knowingly permit a person to vote who is not qualified according to law, or

4th.—Shall knowingly receive and count more than one vote from the same person at the same election for the same office, or

5th.—Shall refuse to receive the vote of a qualified elector at such election who will make the affidavit and proof required by this act, or

6th.—Shall be guilty of any fraud, corruption, partiality or manifest misbehavior, or

7th.—Shall open or unfold any ballot when the same is presented, to be deposited in the ballot box, or

8th.—Shall willfully neglect to perform any of the duties required of him by this act, shall, on conviction thereof, be fined in a sum not exceeding one thousand dollars, or imprisoned in the State prison not exceeding one year or both in the discretion of the court.

SEC. 20. If any judge or clerk of election shall willfully or corruptly ascertain by comparisons of the poll book with the ballot, or shall allow any other person to ascertain by such comparison, or otherwise, or shall willfully publish or reveal how any elector voted at an election, he shall, on conviction thereof be fined in any sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding one year, or both in the discretion of the court.

Violating the secrecy of the ballot by judges and clerks.

SEC. 21. If any person shall willfully, or corruptly ascertain, or publish, or reveal how any elector voted at any election, he shall, on conviction thereof, be fined in any sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding one year, or both in the discretion of the court.

By any other person.

SEC. 22. If any clerk of an election shall willfully neglect to perform any duty required of him as clerk of election, or shall be guilty of fraud, corruption, or misbehavior as such clerk, he shall, on conviction, be fined in a sum not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or both in the discretion of the court.

Clerks of election—neglect of duty.

SEC. 23. If any judge, clerk, or messenger after having been deputed by the judges of election to carry the poll books,

Neglect to deliver poll books promptly.

tally lists and votes of such election, to the place where, by law, they are required to be canvassed, willingly or negligently, fails to deliver such poll books, tally lists or ballots, within the time prescribed by law, with the seal unbroken, he shall, upon conviction be find in a sum not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, or both in the discretion of the court,

Neglect or refusal of city clerks or auditors.

SEC. 24. If the city clerk or county auditor, willfully neglects or refuses to perform any duty required of them by this act or any other act relating to elections, he or they each one of them, upon conviction, shall be fined in a sum not exceeding five hundred dollars (\$500), and shall be liable to the person injured by reason of such neglect or refusal, in an amount not exceeding five hundred dollars (\$500), to be recovered in an action on the case.

Fraud or misdemeanor by these officers.

SEC. 25. If any city clerk, county auditor or justice of the peace shall be guilty of any fraud, corruption or misbehavior in canvassing the votes or making any abstract of votes, or issuing any certificate of election, he shall, on conviction be fined in any sum not exceeding five hundred dollars (\$500), or imprisoned in the State prison not exceeding one (1) year, or both in the discretion of the court.

Safe keeping of poll books etc.

SEC. 26. Whoever shall willfully take or carry away from the place where it has been deposited for safe keeping, or deface, mutilate, or change any poll book, ballot or tally list, or any name or figures therein, shall, on conviction be fined in a sum not exceeding one thousand dollars (\$1,000), or imprisoned in the State prison not exceeding one (1) year, or both in the discretion of the court.

Board of registry—where to meet etc.

SEC. 27. That the persons authorized by law, or appointed pursuant to any law of incorporated cities by ordinance or otherwise to act as judges or clerks of election in any city, ward, or other election precinct or district in this State, shall constitute a "board of registry" for their respective cities, wards, precincts or districts, and shall meet on Tuesday, two weeks preceding any general city or State election, and at the same time for all special elections, if said special election is held on Tuesday; but if any special election is called on any other day of the week, said board of registry shall meet two (2) weeks preceding said special election and perform the same duty as for general election. Said board shall meet at nine (9) o'clock A. M. and proceed to make a list as hereinafter prescribed, of all persons qualified, and entitled to vote at the ensuing election, in the election district of which they are judges or clerks; which list, when completed, shall constitute and be known as the "register" of electors of said election district.

Election registry.

SEC. 28. Said registers shall each contain a list of the persons so qualified and entitled to vote in said election district, alphabetically arranged according to their respective surnames, so as to show, in one column, the name at full length, and in another column, the residence by the number

Election register—what it shall contain—duties of the board.

of the dwelling, if there be a number and the name of the street, or other location of the dwelling of each person, and name of the head of the household where there is no number. It shall be the duty of said board to enter in said lists, the names of all persons residing in their election district, whose name appears as having voted on the poll list kept in said district at the last preceding election; the number of the dwelling and the name of the street or other location, if the same shall be known to, or can be ascertained by such board, and for this purpose said board are authorized to take from the office in which they are filed, the poll lists made and filed by the judges of such district of the persons voting, at the election, held next prior to the making of such register. In making said list, the board shall enter thereon in addition to the names on the poll lists, the names of all persons, who shall personally appear before said judges and satisfy them, that they are well known to be electors in said district, and the names of all persons on the poll list, who have died or removed from the district, shall be omitted from the register. The said board shall complete, as far as practicable, the said register on the day of their meeting aforesaid, and shall make two copies thereof, and certify the register and each of the copies to be a true list of the voters in their district so far as the same are known. Within two days thereafter, the said original list together with the list taken from the office as aforesaid, shall be filed by said board, [in the office of the city clerk, and one copy] of said list shall be kept by one of said judges, and carefully preserved by him for their use on the day or days, hereinafter mentioned, for the revision and correction of the same. One copy of said list shall immediately after its completion be posted in some conspicuous place, where the last preceding election in said district was held, with a notice of the time when the judges will meet for final correction of the poll books, and be accessible to any elector, who may desire to examine the same or make copies thereof. Any person who shall take down, tear down, or deface any list so posted, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of fifty dollars (\$50), or by imprisonment in the county jail for the term of sixty days, or both fine and imprisonment.

When register to be filed

Where to be posted.

Mutilation of posted registers.

Poll lists for new districts.

SEC. 29. In case a new election precinct or district shall be formed, the judges of the election in the new district thus formed may make their registry of the electors on the day prescribed by this act in such manner as a majority of them may direct, and for that purpose may make a list or cause to be made a certified copy of the poll list or lists of the district in which such new district is situated, or they may dispense with such list or lists, and proceed to make a register of electors from the best means at their command. Said lists shall only embrace the names of such persons as are known to them to be electors in their district, and shall be posted up

and copies thereof made as prescribed in the preceding section and shall be corrected in the same manner that other lists are corrected.

Second meeting of board of registry. SEC. 30. The said board shall again meet on Tuesday of the week preceding any general or special election held on Tuesday, and seven days next preceding any special election held on any other day of the week, in their respective election districts, at the place designated for holding the polls of the election, for the purpose of reviewing, correcting and completing said lists, and for this purpose they shall meet at eight o'clock in the morning and remain in session until nine o'clock P. M.

Proceedings to be open. SEC. 31. The proceedings of said board shall be open, and all persons residing and entitled to vote in said district shall be entitled to be heard by said board in relation to corrections or additions to said register. One of the lists, so kept by the judges as aforesaid, shall be used by them on the day or days of making corrections or additions, for the purpose of completing the register for such district.

Erasing names from the list. SEC. 32. It shall be the duty of said board, at their meeting for revision and correcting said lists, to erase therefrom the name of any person inserted therein who shall be proved by the oath of two legal voters of said district to the satisfaction of said board to be nonresidents of said district, or otherwise not entitled to vote in said district. At the election next to be held, any elector residing in said district and entitled to vote therein, may appear before said board and require his name to be recorded on said alphabetical list. Any person so requiring his name to be so entered on said list, shall make the same statement as to the street and number thereof, and where he resides, with the name of the household, required by the provisions of this act of persons offering their votes at elections, and shall be subject to the same penalties for refusing to give such information, or for falsely giving the same, and shall also be subject to challenge on election day, either by the judges or by any other elector whose name appears on said alphabetical list; and the same oaths may be administered by the judges as now provided in case of persons offering to vote at an election; and in case no challenge is made of any person requiring his name to be entered on said alphabetical list, or in case of challenges, if such person shall make oath that would entitle him to vote in case of challenge at an election, then the name of any such person shall be added to the alphabetical poll list.

Adding names to the list. SEC. 33. After said lists shall have been fully completed, the said board shall within three days thereafter cause two (2) copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of their district, one (1) of which shall be filed in the office of the city clerk, and one (1) of which copies shall be delivered to one (1) of said judges. It shall be the duty of said judges

Completed lists of voters.

so receiving such list carefully to preserve the said list for their use on election day, and to designate two (2) of their number, at the opening of the polls, to check the name of every voter voting in such district whose name is on the register; and it shall be the duty of said judges, after the final result of the canvass, to draw a line with red ink across the name of every person on said register not voting at such election. No vote shall be received at any general election, if the name of the person offering to vote be not on said register, made on the Tuesday next preceding such election, or at any special election, the person offering to vote be not on said register, made seven days before such election; unless the person offering to vote shall furnish to the judges of the election his affidavit in writing stating therein that he is an inhabitant of said district and entitled to vote therein at such election, and prove by the oath of a householder and registered voter of the district, giving the residence of such person within said district. The oath may be administered by one (1) of the judges of the election at the poll where the vote shall be offered, or by any other person authorized to administer oaths, but no person shall be authorized to receive compensation for administering the oath; said oath shall be preserved and filed in the office of the city clerk. Any person may be challenged, and the same oaths shall be put as now are, or hereafter may be prescribed by law.

SEC. 34. The clerks at each poll, in addition to the duties now prescribed by law, shall enter on the poll list kept by them, in columns prepared for that purpose, opposite the name of each person voting, the same statement or minute as hereinbefore required of the board in making the registry; but such entry is not to be made by them if the registry contains correctly the name and residence of such voter; and in all cases said clerk shall enter in a column opposite the name of each person not registered the words "not registered." Every elector, at the time of offering his vote, shall truly state the street in which he resides; and if the house, lodging or tenement in which he resides is numbered, the number thereof, and the name of the head of the household, and the clerks of the polls, in case the name of such elector is not registered, shall truly enter in the appropriate column of the poll list, opposite the name of the elector, the street in which the elector resides, and the number, in case the house, lodging or tenement is numbered, and name of the head of household; and if the same is not numbered, then the clerk shall enter "not numbered" in the column of the poll list for entering the number. In case of refusal to make the statement as aforesaid, the vote of such elector shall not be received. Any person who shall wilfully make any false statement in relation thereto, shall be deemed guilty of misdemeanor, and shall, upon conviction, be punished with a fine of fifty (\$50) dollars, or by imprisonment in the county jail for a period of ten (10) days, or by both such fine and imprisonment.

No vote to be received if not on the register, except by affidavit—to be further sustained by the oath of a registered voter.

Clerks of election—further duties.

Electors must give residence.

Refusal to give residence—penalty.

Poll list to be filed in clerk's office.

SEC. 35. After the canvass of the votes, one of said poll lists and said register so kept and checked as aforesaid, shall be attached together, and shall on the following day be filed in the City Clerk's office; the other of said poll lists and registers so kept and checked shall be returned to the office of the County Auditor in the county in which said district may be, at the same time the returns of election are made.

Registers open to public inspection.

SEC. 36. The registers shall at all times be open to public inspection at the office of the authorities in which they shall be deposited, without charge.

Fees of registration board.

SEC. 37. That the members of the board of registration shall each receive two dollars (\$2.00) per day for each day actually employed in the making and completion of the registry, and holding election, not exceeding five days, to be paid to them by city or county treasurer, as the law directs.

Preserving order—vacancies.

SEC. 38. The said board shall have and exercise the same power in preserving order at their meetings, under this act, as are given to judges of election for preserving order on election days; and vacancies in said board shall be filled in the same manner that vacancies are now filled at elections.

Duplicate registering, or false registering—false swearing.

SEC. 39. Any person who shall cause his name to be registered in more than one election district, or who shall cause his name to be registered knowing that he is not a qualified voter in the district where said registry is made, or who shall falsely personate any registered voter, and any person causing, aiding or abetting any person in any manner in either of said acts, shall be punished for each and every offence by imprisonment in the state prison for not less than one year. All intentional false swearing before said board of registration shall be deemed wilful and corrupt perjury, and on conviction, punished as such. If any member or officer of said board shall wilfully violate any of the provisions of this act, or be guilty of any fraud in the execution of the duties of his office, he shall be punished for each and every offence by imprisonment in the state prison for not less than one year.

Blanks to be furnished by secretary of state.

SEC. 40. The necessary blanks for making the registers required by law shall be prepared by the Secretary of State, and transmitted to the persons entitled to receive them, in the same manner that blank returns of election are now transmitted.

Inconsistent acts repealed.

SEC. 41. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 42. This act shall take effect and be in force from and after its passage.

Approved March 12, 1878.