

SEC. 3. The counties of Faribault, Martin, Jackson, Noble, Rock, Pipestone, Murray, Watonwan, Blue Earth, Nicollet, Brown, Redwood, Lyon, Lincoln, Yellow Medicine, Lac qui Parle, Chippewa and Cottonwood shall constitute the second (2d) congressional district. Second district

SEC. 4. The counties of Goodhue, Dakota, Rice, Scott, Le Sueur, Sibley, Carver, McLeod, Renville and Meeker shall constitute the third (3d) congressional district. Third district.

SEC. 5. The counties of Ramsey, Washington, Chisago, Isanti and Kanabec shall constitute the fourth (4th) congressional district. Fourth district.

SEC. 6. The county of Hennepin shall constitute the fifth (5th) congressional district. Fifth district.

SEC. 7. The counties of Cook, Lake, St. Louis, Itasca, Carlton, Aitkin, Crow Wing, Pine, Mille Lacs, Anoka, Sherburne, Wright, Stearns, Benton, Morrison, Todd, Cass, Wadena, Hubbard and Beltrami shall constitute the sixth (6th) congressional district. Sixth district.

SEC. 8. The counties of Kittson, Marshall, Polk, Norman, Clay, Wilkin, Traverse, Big Stone, Swift, Kandiyohi, Stevens, Pope, Douglas, Grant, Otter Tail and Becker shall constitute the seventh (7th) congressional district. Seventh district.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved April 17, 1891.

## CHAPTER 4.

[H. F. No. 129.]

### AN ACT TO REGULATE ELECTIONS.

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

SECTION 1. On the first (1st) Tuesday after the first (1st) Monday in November of each even-numbered year, an election shall be held in the several election districts of the state, which shall be known as the general election; and the several state and county officers, judges of the supreme and district courts, members of the legislature and representatives in congress of the United States shall be elected at the general election next preceding the expiration of the term of each of the said officers, respectively; and on a year when the president and vice president of the United States are to be chosen, a number of electors of president and vice president of the United States, equal to the number of senators and representatives to which this state is entitled in the congress of the United States, shall be elected at said election. General election  
in even-numbered years.

## ELECTION DISTRICTS.

**SEC. 2.** Every organized township, every incorporated village which is now a separate election district, and every ward of each incorporated city, shall form at least one (1) election district; but no election district in any incorporated city or village shall contain more than four hundred (400) voters, and whenever any such election district is found by the number of votes there cast at any election to contain more than four hundred (400) voters, it shall be the duty of the supervisors of the town or the common council, village, borough or municipal corporation of the city or village, to cause such district, at least six (6) weeks before the next ensuing general town or city election, to be divided into two (2) or more districts, each containing as nearly as may be an equal number of voters. When any ward shall be divided into two (2) or more districts in an incorporated city, the common council, village, borough or municipal corporation shall publish the same by making a map or description of such division, defining it by known boundaries, and keeping such map or description open for public inspection in the office of the clerk of such city, and also by posting up copies of each map or description in at least ten (10) of the most public places in every district of such ward; and the common council, village, borough or municipal corporation shall also, prior to the next election, furnish copies of such map or description to the judges of election in each district of such ward.

Not to exceed four hundred voters.

When districts to be divided.

Maps of each district to be made and posted.

Districts in unorganized counties.

Governor to publish list of all districts so established.

**SEC. 3.** Whenever any number of voters not less than eight (8), residing in an unorganized or partially organized county, shall, at least eight (8) weeks before any general and six (6) weeks before any special election, petition the governor to establish a new election district, designating the boundaries of the same, which shall not be within five (5) miles of the polling place of any existing district, it shall be the duty of the governor, and he is hereby authorized, to cause to be established such district, and shall select from the names of the petitioners or others three (3) persons, who shall be judges of election therein; *Provided*, That not more than two (2) of the judges so appointed shall belong to the same political party; such districts to be established at such place or places as the petitioners may require. The governor shall, within at least six (6) weeks before a general election, and within four (4) weeks before a special election, publish in some newspaper published in the state a list of all election districts by him so established, and the place where the elections are to be held, and the names of the judges of election.

JUDGES OF ELECTION.

SEC. 4. The township supervisors of each township are the judges of election, and the town clerk of each township shall act as one (1) of the clerks of election in their respective election districts, and the judges of election shall appoint an additional clerk of election, who shall be of an opposite political party (if practicable) to the town clerk. The city council of all incorporated cities, and municipal council of all incorporated villages, which constitute one (1) or more separate election districts, shall, at least twenty-five (25) days before any election, appoint three (3) qualified electors of each election district of said city or village, who shall be judges of election in their election districts, respectively, and who shall appoint two (2) qualified electors of their election districts as clerks of election. The election shall be held in such election district at the place where the last preceding election was held, except as hereinafter provided; but, if in any town a vote is taken to hold it elsewhere, the next ensuing election shall be held at the place designated by such vote. The city council of every incorporated city shall, by ordinance or resolution, appoint the place of holding the election in each election district in said city; and when in any township having over four hundred (400) electors the supervisors divide the same into two (2) or more election districts, they shall designate the boundaries thereof, and thereafter there shall be elected, at the annual town meeting of such township, three (3) judges of election and two (2) clerks of election in each district, and the place of holding said election in each district shall be designated by said town meeting, or, in default of such designation, shall be appointed by the judges of election thereof, in which case they shall make such designation at least twenty (20) days before election, and give notice thereof by posting proper notices in three (3) public places in the township. In case the supervisors divide the township into districts, as herein provided, and no town meeting is thereafter held, prior to the election, then the supervisors shall, twenty-five (25) days before election, appoint the judges and clerks for that election, and shall not themselves act. No more than two (2) judges and one (1) clerk of election, except where town supervisors and town clerks so act, shall belong to the same political party. No person shall be eligible as judge or clerk of election unless he be a qualified voter within the election district in which he sits, nor unless he can read, write and speak the English language understandingly.

Judges of election.

Clerks of election.

Place of holding elections.

Division of townships into election districts.

Political affiliations of judges and clerks.

SEC. 5. At least thirty (30) days before any election, the local city or village committees of the several parties participating at the last preceding election may furnish to the city council, or other appointing authorities, a list

List of names for judges of election by different political parties.

of qualified electors for the various election districts to act as judges of election, which lists shall be certified to by the several secretaries of such committees. Said judges of election shall be selected from the lists so submitted in the following manner:

Selecting judges from the political lists.

One (1) for each election district from each of said lists so recommended by the said different parties; the first to be selected from the list submitted by the party polling the largest number of votes in said city or village at the last preceding general election; the second from the list submitted by the party polling the second largest number of votes at the last preceding general election; the third from the list submitted by the party polling the third largest number of votes at the last preceding general election; and in case there are not three (3) lists submitted to such council, or other appointing authorities, then said council, or other appointing authorities, shall select one from each list submitted as above provided, and said council or other appointing authorities shall themselves select the remaining judge or judges, but in no case shall more than two (2) of such judges belong to the same political party.

Notices of officials to be elected.

SEC. 6. The secretary of state shall, between the first days of July and September in each year, direct and cause to be delivered to the auditor of each county a notice specifying all the officers in said county whose term of office will expire on the first Monday of January next succeeding, and specifying, also, the several officers to be chosen in such county at the next general election. The auditor to whom such notice is delivered shall, upon the receipt thereof, cause a like notice to be sent to each town, city and village clerk in his county. Every township, city and village clerk, at least fifteen (15) days before the holding of any general election, and twenty (20) days before the holding of any special election, shall give public notice of the time and place of holding such election by posting in three (3) public places in every election district three (3) notices containing a list of the officers to be elected at such election, one (1) of which notices shall be posted up at the place of holding the election. Said notices shall contain, also, the hours during which the polls will be open. *Provided*, That no failure of clerk to give such notice aforesaid shall invalidate an election.

Posting of notice and hours of voting.

Failure of judges or clerks of election to act —manner of selection.

SEC. 7. If either of the judges of election of any election district in the state shall fail to attend at the time and place appointed for correcting the lists of registers, or holding an election, or if either of said judges be a candidate at such election, or refuse to act as judge, the qualified electors of such election district present shall elect *viva voce* some qualified elector of said election district, of the same political party as the judge so absent, to act as judge instead of such judges absent, disqualified or refusing to act; and if any clerk of election be absent,

disqualified or refuse to act, the judges of election shall appoint some qualified elector of the same political party as the clerk so absent, disqualified or refusing to act, in place of such clerk; and before any judge or clerk of election enters upon the discharge of the duties imposed upon him by this chapter, he shall take and subscribe to the following oath, to-wit:

"I, A. B., [judge or clerk of election, as the case may be] do solemnly swear [or affirm] that I will perform the duties of judge [or clerk] of election [as the case may be] according to law and the best of my ability, and will studiously endeavor to prevent fraud, deceit and abuse in conducting this election, so help me God;" which said oath, so taken, subscribed and certified, shall be affixed to the said list or register provided for in sections eight (8) and eleven (11) of this act. If there be no person present authorized to administer oaths, then the judges of election may administer to each other, and to clerks, the oath provided.

Oath of judges  
and clerks.

REGISTRATION IN TOWNS AND VILLAGES, AND IN CITIES  
CONTAINING LESS THAN 12,000 INHABITANTS.

SEC. 8. The judges of election in each election district throughout the state (except in cities having over twelve thousand (12,000) inhabitants), at least twenty (20) days before any election, shall make a list or register of the names of all persons who are entitled to vote in their respective districts at such election, which list shall contain the surnames of such persons in their alphabetical order, and their places of residence. Three copies of said list shall, at least ten (10) days before such election, be posted in each election district, together with a notice of the time and place when and where the judges of election will be present for the purpose of making corrections in said list. The judges of election, on the Tuesday next preceding election, from the hour of nine (9) in the morning until the hour of four (4) in the afternoon of said day, and in cities containing a population of over two thousand (2,000) inhabitants and upwards, on Tuesday two (2) weeks preceding the election, and on the Tuesday next preceding such election, from nine (9) o'clock in the forenoon until nine (9) o'clock in the evening of said days, shall be present at the place appointed for the holding of such election in their respective election districts for the purpose of making such corrections in said list or register. In making such corrections said judges of election shall enter upon such lists the additional names of all persons properly shown to be entitled to vote in that election district at such election, and erase from said list or register the names of

Register of  
names 20 days  
before election.

Must be posted  
10 days before  
election.

Correction of  
list one week  
before election.

In cities of over  
2,000 inhabi-  
tants judges  
must meet two  
weeks before  
election.

Judges to consult last poll lists used.

Judges to sign names after each day's register.

Electors not on register—manner of receiving their votes.

If oath required, see section 60.

Challenging names on the register.

Two registers or lists at every election.

Determining residence of qualified electors.

all persons properly shown not to be entitled to vote in that district at such election. The said judges, on first making out said list, shall consult the poll lists used at the last preceding general election in their election district, and shall place in said list or register the names of persons whom they know, or can with reasonable diligence ascertain, to be entitled to vote at such election in their respective election districts. The register shall be corrected, certified to and filed at the close of registry day, as provided for in sections thirteen (13), fourteen (14) and fifteen (15) of this act, and in cities the judges may require the oath specified in section thirteen (13), but otherwise the provisions of such sections shall not apply. At such election no person shall vote whose name is not upon said list or register at the time of opening the polls; *Provided*, That if any person offering to vote, whose name is not upon said list or register, can produce evidence which satisfies a majority of the judges that he has the qualifications of an elector in said district, and is entitled to vote at such election, but whose name has been omitted from said list or register, then the name of such person shall be added to the lists or registers, and he shall be allowed to vote; and shall not, unless the judges require it, be obliged to make the oath or produce the evidence provided by section sixty (60) of this act. But if required by the judges he shall do so; nor shall the vote of any person be rejected whose name is upon said list at the time of opening the polls; *Provided*, That if evidence satisfying a majority of the judges be produced showing that the name was registered by mistake, and that the person so offering to vote has not the qualifications of an elector in said district, and is not entitled to vote at such election, then the name of such person shall be stricken from said list, and he shall not be allowed to vote; but in all such cases an entry shall be made opposite to each name added to or stricken from said lists or registers after the opening of the polls, and the judges of election shall make, or cause to be made, a duplicate of such lists or registers, so that there shall be two (2) registers or lists at every election. The population of the various grades of cities shall be determined by the last officially promulgated state or national census.

SEC. 9. The judges of election in all election districts throughout the state, in determining the residence of any person for the purpose of ascertaining who are qualified electors, shall be governed by the following rules, so far as they are applicable:

*First*—The place shall be considered and held to be the residence of a person in which his habitation is fixed, without any present intention of removing therefrom, and to which, whenever he is absent, he has the intention of returning.

*Second*—A person shall not be considered to have lost his residence who leaves his home to go into another state, or county in this state, for temporary purposes merely and with the intention of returning.

*Third*—A person shall not be considered to have gained a residence in any county into which he comes for temporary purposes merely, without the intention of making such county his home.

*Fourth*—If a person go into another state, with the intention of making it his residence, he loses his residence in this state.

*Fifth*—If any person remove to another state, with the intention of remaining there for an indefinite time as a place of residence, he loses his residence in this state, notwithstanding he entertains the idea of returning at some future time.

*Sixth*—The place where a man's family resides shall be held to be his place of residence; but if it be a place of temporary establishment for his family, or for transient purposes, it shall be otherwise.

*Seventh*—If a man have a family fixed in one place, and he do business in another, the former shall be considered his place of residence; but any man having a family, who has taken up his abode with the intention of remaining, and whose family refuses to reside with him, shall be regarded as a citizen and voter where he has taken up his abode.

*Eighth*—The mere intention to acquire a new residence, without the fact of removal, shall avail nothing, neither shall the fact of removal without the intention. And no person employed temporarily in the construction or repair of any railroad, canal, municipal or other work of public nature, shall acquire a residence in any election precinct into which he came for that purpose, so as to entitle him to vote therein; but this provision shall not be held to extend to station agents and section men who permanently reside in such election district. In any question that may arise as to the right of any person in the employment of any railroad corporation or employed upon public work as aforesaid, to be registered, or to vote in any election precinct, it must first satisfactorily appear to all the judges of such election that the said party is an actual *bona fide* resident of said election district, and not there for temporary purposes merely; and the mere affidavit of such person shall not be received as conclusive as to any fact necessary to entitle him to vote.

Temporary employment on railroads and public works.

*Ninth*—That any person being a permanent inmate of any soldiers' home in this state shall, for the purpose of this act, have a legal residence thereat.

Inmates of soldiers' homes.

SEC. 10. The polls in the several election districts in towns, villages and cities of less than four thousand (4,000) inhabitants shall be opened at nine (9) o'clock in the

Time of opening and closing polls.

morning and kept open until five (5) o'clock in the afternoon; but in cities of four thousand (4,000) or more and less than twelve thousand (12,000) inhabitants, the polls shall be opened at seven (7) o'clock in the morning and shall be kept open until six (6) o'clock in the evening; in cities of twelve thousand (12,000) inhabitants and over the polls shall be opened at six (6) o'clock in the morning and closed at seven (7) o'clock in the evening. No adjournment or intermission whatever shall take place until the same be closed and until all the votes cast at such poll have been counted and the result publicly announced.

REGISTRATION IN CITIES CONTAINING OVER 12,000 INHABITANTS.

SEC. 11. In all incorporated cities of over twelve thousand (12,000) inhabitants, the persons authorized by or appointed pursuant to law to act as judges and clerks of election in any such city, or in any ward or other election district in such city in this state, shall constitute a board of registry for their respective cities, wards or election districts, and shall meet on Tuesday three (3) weeks preceding any general, state or city election, and fourteen (14) days before any special election. Said board shall meet at nine (9) o'clock in the morning at a place where the last election was held, or such other place that may be lawfully designated for the polling place in the election district in which such board are judges and clerks, and shall continue in session until nine (9) o'clock in the afternoon; they shall proceed to make a registration as hereinafter prescribed of all persons entitled to vote at the ensuing election in such election districts. Such registration, when completed, shall constitute and be known as the register of electors of such election district. Two (2) such registers shall be made by said board. Such board shall have and exercise the same right to preserve order at their meetings as is given to judges of election to preserve order on election day, and vacancies in said board shall be filled in the same manner as such vacancies are filled at election.

SEC. 12. Said register shall be in form substantially as follows:

Board of registry, times of meeting.

Two registers to be made.



Printed form of register to be used in cities of over 12,000.

NAMES.	RESIDENCE.		Place of Nativity	COLOR.	LENGTH OF RESIDENCE.			NATURALIZED OR DECLARED INTENTION.	DATE OF PAPERS.	COURT OR PLACE.	ABLE TO READ OR WRITE ENGLISH.		WHERE LAST REGISTERED.		REMARKS.
	Number.....	Street or Avenue.			U. S.	State.	District.				Years.....	Years.....	Years.....	Days.....	
Anderson, John	213	Third Ave.	Norway.	White.	3	2		Yes.	Dec., 1886.	St. Paul.			2		
Allen, Thomas	1314	Grant.	Mass.	"	12	10		Native					3	6	1
Austin, Geo.	27	Superior.	Georgia.	Colored.				"					1	6	Not qualified.

Said board shall enter all names in said registers, alphabetically by surnames; they shall enter therein the name of all persons residing in their election district whose names appear in the poll list in said district at the last preceding election as having voted thereat, except such as are known to the board to have since died, removed from the district or become disqualified; and, so far as known to any of said board, the proper entries shall be made opposite each name in the different columns of said registry. In case the boundaries of the district have been changed since the preceding election at which such poll list was made, then the judges shall place on the registers only the names of persons appearing by such poll list to be residents within the new district in which they are sitting. In addition to the names on said poll list, the board shall enter in said registers the names of all persons who shall personally appear before them for registration, and also the name of any person who shall make and have presented to the board at any time while sitting to make or correct the registry lists as provided in this act, an affidavit in the form following, and also, if it appears by such affidavit that the affiant has removed from another election district or is registered elsewhere in the city, a certificate of removal from such other district, as provided in section sixteen (16) of this act.

Judges to copy from previous poll list names of all known qualified electors except in cities over 40,000.

Entry of new names of electors.

REGISTRY OATHS OF ABSENT PERSON.

I, ....., being first duly sworn, on oath say that I am twenty-one years of age, and a duly and legally qualified voter in the state of Minnesota. That I am [or am not] a native, have [or have not] been naturalized. [Date of naturalization papers. Court before which granted.] That I am a resident, and for ten days have been a resident, of the city of....., and reside, and for ten days have resided, at number....., in said city. That I cannot be present in person to register in the proper election district for the reason that..... That by occupation I am a..... That I voted at the last preceding election held in said city, and that at that time resided at number....., and believe that I am now registered in that election district, [or that I did not vote at the last preceding election in said city, and believe that I am not registered in said city.] That I make this affidavit that I may be registered in the proper election district where I now reside.

STATE OF..... }  
 COUNTY OF..... } ss.

On this.....day of....., 18...., before me, the subscriber, a.....in and for said county, personally appeared....., to me personally known, and being by me first duly sworn, subscribed and swore to the foregoing statement.

Such affidavit shall be subscribed and sworn to before some person qualified to administer oaths, who shall attach his official certificate thereto, according to the above form.

*Provided*, That in all cities of forty thousand (40,000) inhabitants and upward, there shall be no name of any person registered unless he shall appear personally before said judges or register by affidavit of absent person as provided by this section of this act, and that no copy shall be made of any names on the poll lists of any previous election; and that sections sixteen (16) and seventeen (17) of this act shall not apply to cities of forty thousand (40,000) inhabitants and upwards.

SEC. 13. One of the judges of election shall administer to all persons appearing personally before him for registration the following oath or affirmation: "You do solemnly swear [or affirm] that you will fully and truly answer such questions as shall be put to you touching your place of residence, place of birth, and your qualifications as an elector, and your right to register and vote under the laws of this state." One of the judges shall then ask each of the said persons appearing before them the questions necessary to properly fill out the spaces opposite the names of such persons in the various columns of the register. The clerk or other members of the board shall enter the names of such persons in the registers, and the answers to the questions in the appropriate columns therein. In the column headed "Residence" there shall be the name and number of the street or other location of the dwelling, if there be a definite number; if not, such clear and definite description of the place of such dwelling as shall enable it to be readily ascertained. If more than one family be residing in a house, there shall be entered the floor on which the applicant resides and the room or rooms occupied by him. The register shall be ruled, and one (1) name shall be written on each line, but no name shall be written between the lines, and if the name of any person be so written, such person shall not be entitled or allowed to vote, unless his name shall also appear properly on a line in said register. At the end of each day's register the board shall carefully compare the registers and make them to correspond and agree, and the judges of election shall sign their names at the end of the list on every page of such register, so that no new name can be added without discovery, and shall also sign and attach to such register a certificate in substance as follows: "We, the undersigned, judges of election in the ..... district of the ..... ward, of the city of ..... in the state of Minnesota, do jointly and severally certify that at the general registration of electors in said election district, on the ..... day of ....., 18...., there were registered by us in said election precinct the names which in this book are inserted, and that the number of registered and qualified voters was and is the number of....."

In cities of over 40,000 inhabitants an entire new registration must be made.

Every person registering must swear or affirm.

Questions to be asked.

Each page of register to be signed by the judges after each day's session.

Form of certificate.

Delivery of registers to recorders or city clerks.

[Number to be written in figures and words]. Such registers shall, before ten (10) o'clock in the forenoon of the next day, be deposited by one of said board in the office of the city clerk or recorder, whose duty it shall be to safely keep the same.

Second session of registration board.

SEC. 14. On Tuesday, two (2) weeks preceding any general election, and on the thirteenth (13th) day preceding any special election, said board of registration shall again meet at the same place as before, and remain in public session from nine (9) o'clock in the forenoon until nine (9) o'clock in the afternoon, for the purpose of registering all qualified voters whose names are not yet registered. They shall obtain from the city clerk or recorder and use the same registers as on the first day. The same forms shall be observed in regard to registration as were required upon the first day of registration. At the end of each day's registration the register shall be compared and made to agree, and shall be signed as at the first day's registration, and similar certificates attached thereto. It shall be the duty of the clerks of election composing said board, during the session of that day and before the board adjourns, to make a copy of all the names upon such registers, together with the addresses as indicated in such registers. Immediately after its completion, said copy shall be conspicuously posted up outside the place of registration, with a notice of the time when such board of registration will meet for a completion and final correction of its registers, and shall be accessible to any elector who may desire to examine or copy the same. The registers shall be returned by one (1) of said board to the office of the city clerk or recorder before ten (10) o'clock in the forenoon of the day succeeding the day of registration.

List of electors to be posted.

Return of registers to clerks, etc.

Last day's session of registration board.

SEC. 15. On the last Tuesday preceding the day of any general election and on the day one (1) week preceding any special election, said board of registration shall again meet at the same place for the completion and final correction of said registers. They shall again obtain the same registers before used from the city clerk or recorder's office, and shall be in session from twelve (12) o'clock noon until nine (9) o'clock in the afternoon. Any qualified elector not already registered may apply to said board to have his name inserted in said register; the same rule for registration required on previous days shall be observed by the board. It shall be the duty of said board to erase from the registers the name of any person inserted therein who shall be proven by the oath of two (2) qualified electors of such district, to the satisfaction of the board, to be in any way disqualified to vote in such district at the ensuing election. At the end of the session the registers shall be again compared and be made to agree and correspond, and shall be signed and certified by the board as before, and deposited in the city clerk or recorder's office; before the said

Erasure from registers of persons proven not qualified.

Final posting of names of electors.

board adjourn or separate they shall prepare a copy of all the names and their respective addresses appearing upon such registers, and post the same conspicuously forthwith outside the place of registration. *Provided*, That in all cities of forty thousand (40,000) inhabitants and upwards, there shall be no session of said board of registration on the last Tuesday preceding the day of any general election, but in lieu thereof there shall be a session of said board of registration on the second (2d) Saturday preceding the day of any general election, and another session on the last Wednesday preceding the day of any general election; and all provisions of this section, including hours and place of meeting, shall apply and be of full force and effect as to each of said sessions of said board of registration, save as to the day for holding the same above excepted.

Days of registration in cities of over 40,000 inhabitants.

SEC. 16. When it shall appear by the answer or affidavit of the applicant for registration, or shall be known to the board of registry, that the applicant has or is registered in another election district in the same city than the one at which he makes his application, the board shall not enter his name in said register until a certificate of removal is procured from the board of such other district, which may be in the following form: "This is to certify that the name of ....., heretofore residing at....., in this election district, has been by us, the board of registry of this district, stricken from the registration of this precinct at his request, upon his affidavit of removal. The following entries appear upon the register of this election district concerning him [add entries in various columns of register]. Signed by the board of registry of former place of registration." Except as hereinafter provided, the above certificate shall be granted by such board upon, and only upon, the applicant for registry making and subscribing the following affidavit, which shall be sworn to before such board, or before the board in the district to which the removal is to be made, and if made before the latter board, upon being presented to the former, such affidavit shall warrant such former board in issuing the above certificate to the bearer. "I, ....., do solemnly swear [or affirm] that I now reside at [street and number], in ward number ....., in the city of .....; that I am duly entered as a qualified voter in the registers of the ..... district, in the ..... ward, of said city, as residing at number..... [street or avenue]; that I have removed from the last mentioned residence, and do hereby request the proper entry and record to be made, and that my name be erased from the registers of the last mentioned district, and a certificate of removal furnished me." If a person remove from one place in a district to another place in the same district, his vote shall not be received at any election unless the registers are changed as herein provided. *Provided*, That whenever a "registry oath of an absent per-

Removal certificate in cities under 40,000 inhabitants.

Affidavit of elector for removal certificate.

son," specified in section twelve (12), is presented to the board in the district where such affidavit shows such person to have formerly resided, and such affidavit further shows the person subscribing the same to be a resident of and voter in another election district, then, if affiant's name appears upon the registers, the board shall erase it therefrom and give the person presenting the affidavit a certificate of removal for the person mentioned in the affidavit, making upon the registers the following entry: "Removed to ..... district, ..... ward, by affidavit presented by ....."

Affidavit for removal certificate goes with the judge's certificate.

SEC. 17. The judges in the district from which the removal in the case specified in the proviso to the last section is made shall not retain the affidavit so presented to them, but it, together with the certificate of removal, shall be deposited with the judges of election in the district to which the removal is made.

Every voter must be registered.

SEC. 18. The vote of no person whose name does not appear in said register as a qualified voter shall be received by the judges at any election, except the vote of a person whose name was registered and erased as provided in section fifteen (15), and who takes the oath as required by section sixty (60) of this act.

Restricting certain sections.

SEC. 19. Sections eleven (11), twelve (12), sixteen (16), seventeen (17) and eighteen (18) of this act, relating to registry, shall have no application except in cities containing over twelve thousand (12,000) inhabitants, and sections thirteen (13), fourteen (14) and fifteen (15) only such as is specified in section seven (7) of this act.

#### GENERAL PROVISIONS APPLYING TO ALL ELECTION DISTRICTS IN THE STATE.

Delivery of registers to the judges of election.

SEC. 20. *Opening Polls.*—On the day preceding any election the judges of election shall procure the registers provided for in this act from the office of the official with whom they are required to be deposited, one being procured by a judge representing one of the two leading political parties, and the other by a judge representing another leading political party; the ballot boxes and the ballots shall be delivered by the officer in whose custody they are to the judges of election in the respective districts, also the keys of such boxes and the poll books and all stationery and material necessary to such election. Such judges and clerks shall be held responsible for the safe keeping of said registers and ballots unaltered, as provided in section one hundred and eight (108) of this act, and shall have all of said ballots, boxes, registers, poll books, printed instruction and materials at the polling places in which they are the judges and clerks at the hour of the opening on the day of elections.

Delivery of ballot boxes and ballots.

SEC. 21. The judges of election, or one of them, immediately before the proclamation is made of the opening of the polls, shall open the ballot boxes in the presence of the people there assembled, and turn them upside down, so as to empty them of anything that is in them, and then lock them, and the key thereof shall be delivered to one of the judges, and the said boxes shall not be reopened until for the purpose of counting the ballots therein at the close of the polls; and the judges forthwith shall proclaim that the polls are open. Written notice of the hour of closing the polls shall be conspicuously posted up outside the polling place.

Examining ballot boxes before voting.

Written notice of hours of closing to be posted.

SEC. 22. The judges of election may appoint one (1) or more special constables to attend each place of election. It shall be the duty of the sheriff, constable or special constable to keep the surroundings of the polls quiet and orderly, and during voting hours to allow no person to approach within six (6) feet of the ballot boxes, or to pass behind the railing, or within six (6) feet of the booth or ballot compartments hereinafter provided for, except electors engaged in receiving, preparing or depositing their ballots, without permission of the judges of election. If any of 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 peace, to make arrests for breach of the peace. And any police officer or constable attending the 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; *Provided*, that no police officer shall remain within the voting room unless he shall be ordered to do so by the judges of election, and shall in no manner interfere with or seek to influence any voter, under the penalty hereafter provided.

Special constables authorized.

Arrest of disorderly persons.

SEC. 23. No elector shall vote except in the district in which he actually resides.

Elector must vote where he resides.

SEC. 24. The only method of voting at any election shall be by ballot, and all ballots hereafter voted at any election in the state of Minnesota shall be printed as hereafter provided.

Form of voting.

SEC. 25. *Ballots.*—There shall be one (1) plain white ballot, upon which shall be printed the names of all candidates for office who are to be voted for throughout the entire state, all amendments to the constitution, and all other questions or propositions that are to be submitted to the electors throughout the state. If the names of the candidates for presidential electors make a ballot too long for convenience, they may be printed upon a separate white ballot.

White ballots for state officers, etc.

Red ballots for city or municipal officers.

SEC. 26. There shall be one (1) ballot tinted red, upon which shall be printed the names of all candidates for office which are to be voted for in any city or municipality at a city or municipal election for city or municipal officers; and also all questions or propositions that are to be submitted to the electors of such city or municipality, and pertain to the same only.

Blue ballots for county officers, etc.

SEC. 27. There shall be one (1) ballot tinted blue, upon which shall be printed the names of all candidates for office other than those specified in the two (2) preceding sections, and also all questions or propositions to be submitted to the electors which are not properly to be placed upon the ballots specified in the two preceding sections.

White ballots to be furnished by secretary of state.

SEC. 28. *Printing of Ballots.*—The plain white ballots shall be printed by the secretary of state, and bound in blocks of one hundred (100) ballots to the block, the expense whereof shall be defrayed from the state treasury, and shall by the secretary of state be distributed to the auditors of the different counties in such quantities as shall be necessary to enable the city, village or township clerks to fully comply with the provisions of section thirty-one (31) of this act; such ballots to be furnished the county auditors at least eighteen (18) days before election, and a receipt, stating the number of ballots and the date on which they were received, shall be taken therefor. On the twenty-seventh (27th) day before election a sample ballot shall be printed and placed on file for examination.

Blue ballots by county auditors.

SEC. 29. The ballots tinted blue shall be printed by the county auditor of each county, and bound in blocks of one hundred (100) ballots to the block, the expense whereof shall be defrayed from the county treasury; and shall be distributed by the county auditor, together with the ballots received from the state auditor, to city, village and township clerks within his county in such quantities as shall be necessary to enable such clerks to fully comply with the provisions of section thirty-one (31) of this act; such ballots to be furnished such clerks at least eight (8) days before election, and receipts, stating the number and color of ballots and the date on which they were received, shall be taken therefor. On the tenth (10th) day before election a sample ballot shall be printed and placed on file for examination.

Red ballots by city clerk or recorder.

SEC. 30. The ballots tinted red shall be printed by the city clerk or recorder and bound in blocks of one hundred (100) ballots to the block, the expense whereof shall be defrayed from the city treasury; and shall, together with white and blue ballots, and printed instructions hereinafter provided for, be distributed by the city clerk to the judges of election for each polling place, and receipts, stating the number and color of ballots and the date on which they were received, shall be taken therefor. On the seventh (7th) day before election a sample ballot shall be printed and placed on file for examination.



SEC. 31. Each city, village and township clerk shall provide for each polling place or election district in his city, village or township seventy-five (75) ballots of each kind to be voted in the district for every fifty (50) or fraction of fifty (50) electors registered at the last preceding election in the district.

Number required for each district.

SEC. 32. It shall be the duty of the clerks of election to whom said blocks of ballots are given, to have them, together with the printed instructions, at the polling place in the district in which they are the judges, at the opening of the polls on the day of election.

Clerks to have ballots at polling places.

SEC. 33. *Form of Ballots.*—The form of the ballots shall be both in size and style substantially as printed in Exhibit "A," hereto annexed and made a part of this bill, with such headings as shall be appropriate. The name of the candidate for each office shall follow the name of the office in capital letters, in the order in which they are handed in. Before each candidate's name shall be repeated the name of the office for which he is running, and after his name his politics shall be designated. Opposite to each candidate's name in the margin to the right shall be left a vacant space, in which the elector shall designate his vote by a cross (X) mark. The lines separating the names shall be three-eighths ( $\frac{3}{8}$ ) of an inch apart, and the space at the right half ( $\frac{1}{2}$ ) an inch wide. There shall be left at the left end of the list of names of candidates for each office a blank space of the same dimensions as the other spaces, in which the voter may place the name of any other person for whom he desires to vote, whose name is not printed on the ballot.

Form of ballot.

SEC. 34. Whenever a constitutional amendment or other proposition is submitted to be voted on by the people, the substance of such amendment or proposition shall be clearly indicated upon the proper ballot, and two (2) spaces shall be left upon the margin, one for votes favoring the amendment or proposition, to be designated by the word "yes," and one for votes opposing the amendment or proposition, to be designated by the word "no." The elector shall designate his vote by a cross-mark, thus: (X).

Voting on constitutional amendments.

Proposed amendment to the constitution giving judges a life tenure of office and making them appointive.	Yes.	<input type="checkbox"/>
	No.	<input type="checkbox"/>

When a president and vice president of the United States are to be elected, the presidential electors of each political party shall be grouped together and placed on the ballots in the order of priority in which the several political conventions nominating the said electors were held, and the name of each of such presidential elector shall be followed as in other cases with the name of the party he represents,

Voting for presidential electors.

Location of names on ballot.

and also with the surname of the presidential candidate he represents, printed in bold type, and the groups of electors shall be separated from each other by a space at least an inch in width, and the words "vote for one only" omitted at the right.

In other cases, where several persons are to be voted for the same office, as judges of the supreme court, etc., the names shall be grouped and the ballots arranged substantially as above.

Certificates of nomination to office.

SEC. 35. *Nominations.*—Any assembly or convention of delegates, held for the purpose of making nominations to public office, and also electors to the number hereinafter specified, may nominate candidates for public office, to be filled by election within the state.

To be delivered to secretary of state.

Said nomination shall be made by delivering to and leaving with the officer charged in this act with printing the ballots upon which the name is to be placed, within the time prescribed by section thirty-eight (38) of this act, a certificate of nomination for each candidate. The certificate of nomination, which may consist of one or more writings, shall contain, first, the name of the person nominated; second, the office for which he is nominated; third, the party or political principle he represents (expressed in not more than three (3) words); fourth, his place of residence, with street and number thereon, if any. In case of electors of president and vice president of the United States, the names of the candidates for president and vice president may be added to the party or political appellation.

Form of certificate.

To be certified by president and secretary.

SEC. 36. The certificate of nomination of a candidate for office selected by any convention of delegates, as herein defined, shall be signed and certified by the presiding officer and secretary of said convention, who shall also take and subscribe an oath before some proper officer that the facts stated in the certificates are true, and the secretary shall immediately deliver such certificates of nomination to the officer charged with the printing of the ballots upon which the name is to be placed, and in case he shall neglect to do so he shall be guilty of a misdemeanor.

Assembly or convention defined.

An assembly or convention of delegates, within the meaning of this act, is an organized assemblage of delegates representing a political party, which, at the last election before the holding of such convention or assembly, hold at least one (1) per cent of the entire vote cast in the state, county or other division or district for which the nomination is made.

Nominations not made by an existing political party.

SEC. 37. The certificate of nomination of a candidate selected otherwise than by a convention of delegates, shall be signed by electors resident within the district or political division from which the candidate is presented, to a number equal to one (1) per cent of the entire vote cast at the last preceding election in the state, county or other political division or district from which the nomination is made;

*Provided, however,* that the number of signatures required in the case of any state officer shall not exceed two thousand (2,000).

No certificate of nomination shall contain the name of more than one (1) candidate. No person shall join by certificate signed by voters in nominating more than one (1) nominee for the same office. That the name of any person nominated by more than one (1) certificate for the same office shall be placed only once on the ballot, and opposite to the name of said person shall be placed the names of the several political parties or principles represented by him, and the vote for any one party he represents shall be designated a vote for such candidate.

Separate certificates for each nomination.

Name of candidate to be placed only once on ballot.

Following the facts required to be stated in each certificate of nomination to be signed by electors, shall be written or printed an oath in the following form: "I solemnly swear [or affirm] that I know the contents and purpose of this certificate, and assign the same of my free will." Each signer at the time of signing shall be sworn by some proper officer.

Affidavit of signers to nomination certificates.

SEC. 38. Names must be handed to and filed with the secretary of state, to be placed upon the white ballots, in accordance with the provisions of this act, at least twenty-eight (28) days before the day of election.

Time when names of candidates shall be filed.

Names must be handed to and filed with the county auditor, to be placed upon the ballot tinted blue, at least twelve (12) days before the day of election.

Names must be handed to and filed with the city clerk, to be placed upon the ballot tinted red, at least ten (10) days before election.

In all cases provided for in this section the secretary of state, county auditor, city clerk shall immediately give or send the person handing in any name or names to be placed upon the ticket an acknowledgment thereof upon the same day which it is received, and shall file and preserve such certificates, and they shall be subject to inspection like other records.

SEC. 39. In case of members of congress, judges of the district courts, and all other candidates voted for in any district or division smaller than the entire state, but larger than an entire county, whenever such candidate is nominated by any convention of delegates, as specified in section thirty-five (35) of this act, it shall be the duty of the president and secretary of such convention to file a certificate, as therein specified, with the county auditor of each county in the congressional, judicial or other district for which the nomination is made.

For members of congress, district judges, etc.

Whenever any such nomination in any such district is made by a certificate of nomination, as specified in section thirty-five (35), such original certificate containing the original signatures shall be filed with the county auditor in the county where the candidate resides, and the said auditor shall certify to as many correct copies of the same, if

presented to him, as there are other counties in the district, and one (1) of said certified copies shall be filed, within the proper time, with the county auditor of each said county in the district, and shall be authority for such auditors to place the name upon the blue ballot.

Fees to be paid on filing.

SEC. 40. The [secretary of] state and county auditors and city clerks shall respectively place upon the several ballots printed by them the name of each candidate for office, who shall have been nominated as hereinbefore provided, and whose certificate of nomination has been presented within the time specified, and on payment of the fee prescribed by law, which shall be as follows: For each name tendered to be placed on the white ballot, fifty (50) dollars, to be paid into the state treasury; for each name tendered to be placed upon the red ballot, five (5) dollars, to be paid into the city treasury; for each name tendered to be placed upon the blue ballot, ten (10) dollars, to be paid into the county treasury; *Provided*, That where the person whose name is to be placed upon the blue ballot is to be voted for in more than one county, as in case of members of congress, judges of district courts, etc., then the fee shall be twenty (20) dollars, and shall be divided among the several counties as nearly equal as may be, and the portion due each paid at the time and in the manner as provided for single counties.

Printing of ballots.

SEC. 41. Each officer shall place upon the ballot by him to be printed only the names of candidates who are nominated for offices properly to be placed upon such ballot by him to be printed under the provisions of this act. No ballot shall be furnished to any judges of election which contains the name of any candidate who is not properly to be voted for in the election district where such judges are to sit on the day of election.

Names on printed ballots.

The arrangement of names of candidates by their political principles shall correspond with the arrangement of the party principles at the head of the ballot. On the day succeeding the last day for the filing of nominations for candidates to be placed on the various ballots, the officer charged with the duty of preparing such ballots shall, in the presence of the representatives of the various political parties running candidates, proceed to draw lots for the position at the head of the ballot, and the political party the name of which is first drawn shall have the first place at the head of the ballot; the second name drawn, the second place, and so on until all the names or slips shall have been drawn.

Vacancies after nominations.

SEC. 42. In case a vacancy occurs from any cause after nominations have been made, as heretofore specified, such vacancy may be filled at any time before the ballots are printed by filing with the proper officer a certificate of nomination in form and substance as hereinbefore provided, containing the name of the person substituted to fill the vacancy; such substitutional certificate to be exe-

cuted by the chairman and secretary of the proper committee of the party making the nomination, the vacancy of which is to be filled, under such directions and regulations as the convention shall have specified, or in case none have been specified, then under the direction of the proper state, county, district or city committee, as the case may be.

SEC. 43. Whenever it shall appear by affidavit presented to any judge of the supreme or district courts of the state that an error or omission has occurred in the printing of the name or description of any candidate on official ballots, or any other error has been committed in printing the ballots, or that the president or secretary of any caucus or convention have failed to properly make or file any certificate of nomination, or the name of any person has been wrongfully placed upon said ballots as a candidate, such judge shall immediately, by order, require the officer or person charged with the error or neglect to forthwith correct the error or perform his duty, or to show cause forthwith why such error should not be corrected or such duty performed. Failing to obey the order of such judge shall be contempt.

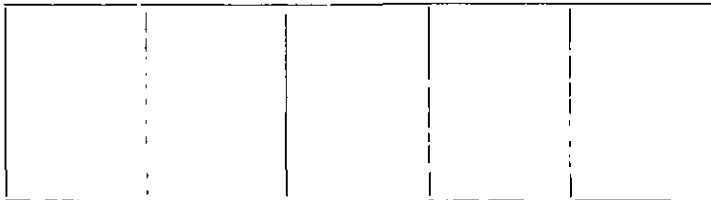
Error or omission in the ballots.

SEC. 44. *Arrangement at Polling Places.* — At the polling places the following arrangement shall be observed: There shall be provided boxes for voting, as many in number as the kind of ballots voted, one (1) ballot box painted white, one (1) painted red, and one (1) painted blue. There shall also be a separate box for each polling place where women are entitled to vote, in which shall be placed all ballots cast by women.

Four ballot boxes required.

There shall be provided in the room in which the inspectors of election sit, or immediately adjoining thereto, not less than two (2) booths or compartments for every hundred electors registered, according to the diagram below, so constructed that the voter can therein retire from observation, and there shall be placed in each of said compartments an indelible pencil to enable the voter to mark the ballot. Each compartment shall either be provided with a door or curtain, so that the voter while preparing his ballot may be shielded from observation, and shall be lighted.

Booths or compartments.



SEC. 45. In case the compartments shall be in the same room in which the judges of election sit to receive the

Space between booths and ballot boxes.

ballots, the place where they sit and the portion of the room where the compartments are constructed shall be separated from the rest of the room by a railing so constructed as to leave a space of at least six (6) feet in front of the compartments and ballot boxes.

Persons in the voting room.

SEC. 46. No person or persons shall be allowed in the room containing the ballot boxes; or in case the ballot boxes and compartments are in the same room, no person or persons shall be allowed to go or remain inside the railing mentioned in the preceding section, except members of the board, officers of the peace, one (1) representative for each of the parties represented on the ticket, and electors who are about to vote, except as provided in section fifty-seven (57).

The judges of election and ballot boxes shall at all times be in public view. The number of electors about to vote who shall be admitted at one time shall in no case exceed the number of compartments by more than three (3).

Exit to and entrance from room.

SEC. 47. The judges of election may make such arrangements for entrance to and exit from the room or place where the ballot boxes and compartments are situated, as to them may seem the most advantageous and convenient, providing they disregard none of the foregoing requirements. They may also make such regulations as they deem proper, limiting the time in which an elector may remain in the polling room or place while receiving, preparing and voting his ballot; and such limitation, however, shall not be less than three (3) nor more than ten (10) minutes, unless the delay is occasioned by the elector's vote being challenged, or is the fault of the judges.

Time of voter in marking ballots.

SEC. 48. The judges of election shall allow one (1) eligible voter of each political party casting one (1) per cent of the entire vote at the preceding election in that district, to be chosen by each of said parties respectively, to be in the room where the election is held, to act as challengers of voters at the election, and such challengers may remain with the board until the votes are all canvassed and the result declared.

Who may be challengers.

SEC. 49. All electors shall be allowed to go unmolested to the polling room for the purpose of voting, and to return therefrom in the same manner, but neither voters nor others shall be allowed to congregate in any numbers within one hundred (100) feet of the polling room in any election district.

Privileges of electors.

SEC. 50. One of the judges of election shall have charge of and hand to and receive the ballot or ballots from each elector voting. The other two (2) judges shall use and handle the two (2) registers delivered to the judges, as before specified, each using one (1), and shall make the use of them as hereinafter specified.

Duties as to receiving votes.

SEC. 51. Two (2) judges of opposite political parties shall, before the voting begins, or as soon thereafter as

Two judges to write initials on ballots.

possible, place their initials on the backs of all the ballots they have, in some uniform place and in a uniform manner, and shall not otherwise mark the same.

SEC. 52. *Method of Voting.*—When an elector presents himself for the purpose of voting, he shall give his name and residence, with street and number, if any, and it shall be first ascertained that his name is on both the registers, and not erased; that the residence given by the elector corresponds with the residence of such registers, and if challenged, as provided in section fifty-eight (58), that he is entitled to vote. Then the judge having charge of the ballots shall tear from the blocks a ballot of each kind that is to be voted, having the proper initials thereon, and hand the same to the voter, who shall retire alone to one of the booths or compartments above mentioned, and there prepare the ballot or ballots by placing a cross (X) mark opposite the name of each candidate for whom he wishes to vote, in the blank space at the right hand margin provided for that purpose.

Method of voting.

He shall then fold the ballots so that the face of the ballot will be concealed, but so that the proper initials may be seen upon the back, and coming from the compartment shall hand the same to the judge having charge of the ballots, who shall, without opening the same or permitting the same to be opened or examined, deposit the same in the proper boxes, indicated by the color thereof, and shall announce the name and residence of the elector in an audible voice. The judges having charge of the registers shall then, in a column prepared thereon, in the same line with the voter's name, mark "voted" or the letter "V."

Folding ballot with initials in sight.

The elector shall then retire from the voting room.

SEC. 53. If any elector, after having marked his ballot, shows it to any one, except as hereinafter provided, the judge of election shall refuse to receive or place in the ballot box such ticket.

Elector must not show his ballot.

SEC. 54. If the elector place a cross (X) mark opposite the name of two (2) or more persons running for the same office, said ballot shall not be counted for those officers, but shall be, as to those officers, null and void. If any elector inadvertently spoils a ballot, he may obtain another from the board by returning the spoiled ballot to the board, and the board shall preserve said ballot for return to the county auditor, clerk or recorder, as the character of the ballot may indicate.

Two or more candidates marked for same office, vote is lost.

Spoiled ballots returned to judges.

SEC. 55. The judge having charge of the ballots in the voting room shall not tear them off from the block upon which they are bound, except as they are required by the electors for voting, and the judges shall preserve the unused ballots, together with the ballots that have been spoiled, and return the white and blue ballots to the county auditor, and the red ballots to the city clerk or

Ballots spoiled and unused to be accounted for.

recorder, with a statement of the number of ballots used, and the county auditor and the city clerk or recorder shall respectively give the judges of election receipts therefor.

Ballot not to be distributed except to electors about to vote.

SEC. 56. No official ballot shall be distributed except in the voting room to electors about to vote, and no ballot which has not the initials of two (2) judges of election, in said judges' own handwriting, on the back thereof, shall be placed in the box. If any person, during the day of election and until the closing of the polls, remove from the polling room any of the ballots printed for that election, said person shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred (100) dollars, imprisonment not exceeding six (6) months, or both. Voters may be allowed to carry with them to the booths sample ballots for use in assisting them in marking the official ballots, but the same shall not be printed on red, white or blue paper, and it shall be a misdemeanor to print or distribute sample ballots printed upon such paper; *Provided, however,* That sample ballots may be printed in newspapers as matter of news.

Sample ballots may be used to aid in marking.

Electors who cannot read English.

SEC. 57. Whenever any elector shall make oath that he cannot read English, or that because of physical disability he cannot mark his ballot, he shall have the right to call to his aid one or more of the judges of election, or a qualified elector, who may read the ballot to and mark the ballot for such voter, in the presence of two (2) of the judges of election, of opposite political party; *Provided,* That no one person shall so mark the ballots of more than three (3) such electors in any one election district at one election; and *Provided further,* That such person shall mark the ballot of such voter as directed by such voter, and not otherwise.

No person can mark more than three ballots at one election.

SEC. 58. *Challenge of Voters.*—At any time before any registered person presenting himself to vote receives the ballots from the judge of election, as hereinbefore provided, each judge of election shall, and any other person in the voting room may, challenge the person about to vote at the election whom he knows or suspects to be not duly qualified as an elector.

If any such person so offering to vote at any election shall be challenged as to his right to vote at the election, by judge or other person, one of the judges shall tender him the following vote:

Oath by challenged elector.

“You do solemnly swear [or affirm] that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector at this election.”

Examination by judges.

The judges, or one of them, shall then proceed to question the person challenged regarding his name, his age, his then place of residence, how long he has resided in the town, ward or election district where the vote is offered; where was his last place of residence, before he came to



the town or ward; as to his citizenship, whether a native or naturalized citizen, and if the latter, when, where and what court, and before what officer he was naturalized; whether he came into the town or ward for the purpose of voting at that election, and how long he contemplates residing in the town or ward, and such other questions as tend to test his qualifications as a resident in the town or ward, and his right to vote at the polls.

SEC. 59. If the person so challenged refuse to answer the questions that are put to him, as aforesaid, the judges shall refuse to insert his name in the poll lists, and he shall not be allowed to vote.

Refusal to answer, vote shall not be received.

SEC. 60. If the challenge is not withdrawn after the person so offering to vote has answered the questions put to him as aforesaid, one of the judges of election shall tender him the following oath: "You do swear [or affirm] that you are a citizen of the United States, or that you have declared your intention to become such citizen conformably to the laws of the United States on the subject of naturalization; that you are twenty-one (21) years of age, and have been a resident of the United States for one year and an inhabitant of this state for four (4) months immediately preceding this election, and a natural resident of this election district for ten (10) days immediately preceding this election; that you have not voted at this election, and are a qualified voter in this election district."

Oath if challenge is not withdrawn.

Upon taking such oath such person shall be allowed to vote; *Provided*, That if it appear that the name of the person offering to vote has been registered and erased as in this act before specified, he shall not be allowed to vote, unless in addition to the above oaths he produces a person known to a majority of the judges, who makes and subscribes an oath before one of them, in their presence, as to the identity of the person so offering to vote, and as to his place of residence. Having done so, he shall be allowed to vote.

If name has been erased from register, voter must produce a known person to make affidavit.

SEC. 61. If any person refuse to take any of the oaths so tendered, or in the case so provided shall refuse to produce the person to swear to his identity and residence, then his name shall not be inserted in the poll list, and he shall not be allowed to vote.

Refusal to take any of the oaths debars the voter.

SEC. 62. *Poll Lists.*—Each clerk of the polls shall make a poll list, which shall contain one (1) column headed "Number," one (1) column headed "Residence," one (1) column headed "Names of voters," and as many additional columns as there are boxes kept at the election. The heading of each additional column shall correspond with the name of one of the boxes so kept, viz.: white, blue and red.

Clerks to keep a poll list.

SEC. 63. The name of each elector voting shall be entered by each clerk in the column of his poll list headed "Names of voters," the place of residence of each voter so

Entering names in poll list.

voting in the column headed "Residence," and when there shall be more than one box kept, opposite such name shall be written the figure one (1) in every remaining column of such poll list corresponding in heading with the name of each box in which a vote of the elector shall be deposited. In the column headed "Number," the clerk shall write consecutively the number of each person voting, the first vote being numbered one (1). Said clerk shall enter in a column opposite the name of each person not registered the words "Not registered," and if any vote is sworn in, such fact shall be noted.

Residence of elector to be given on voting.

SEC. 64. Every elector, at the time of offering his vote, shall truly state the name of the street in which he resides, and if the house, lodging or tenement where he resides is numbered, the number thereof. In case of his refusal to make the statement aforesaid the vote of the elector shall not be received.

Filing of poll lists and registers.

SEC. 65. After the canvass of the votes one (1) of said poll lists and registers so kept and checked as aforesaid shall be attached together, and on the following day shall be filed in the office of the city, town or village clerk; the other of said poll lists and registers and poll books so kept and checked shall be returned to the office of the county auditor in said district at the time the returns of the election are made. The register shall at all times be open to public inspection at the office of the authorities in which they shall be deposited without charge.

Printed instructions to be posted.

SEC. 66. *Printed Instructions.*—Uniform printed instructions to voters, printed in large type upon cards, shall be furnished by the secretary of the state to the county auditor of each county, containing any information that will enable the voters to quickly make and correctly designate their choice; also containing any proposed amendment to the constitution or other question to be submitted to the electors; and the county auditor shall furnish such cards to the city, village or township clerks in the county.

Such clerks shall furnish such cards to each polling place, one (1) of which shall be hung in each department, two (2) in the polling room and two (2) on the outside of the building in which the voting takes place. Whenever the county auditor of any county notifies the secretary of state that the printed instructions are also needed in a foreign language or languages, and such foreign language is stated, then it shall be the duty of the secretary of state to furnish such printed instructions in such foreign language or languages.

Closing the polls.

SEC. 67. *Closing Polls, Counting, etc.*—As soon as the polls are finally closed, of which closing proclamation shall be made by one of the judges thirty (30) minutes previous thereto, the judges shall proceed to canvass the votes taken at such election, and the said canvass shall be public and continued without intermission until complete and the re-

sult declared. Now the canvass shall commence by taking out of each box the ballots unopened (except so far as to ascertain whether every ballot is single), and counting the same to ascertain whether the number of ballots correspond to the number appearing on the poll list to have been cast in such box; if two (2) or more ballots be found to be so folded together as to present the appearance of a single ballot they shall be laid aside until the counting of ballots is completed; then if, on comparison of the said ballots with the number of ballots appearing to have been cast in such box, it appears that the two (2) ballots so found folded together were cast by one (1) elector, they shall be preserved, and laid to one side. If the ballots in any box are found to exceed in number the number of votes cast in such box, they shall be first examined to ascertain if they are all properly marked with the initials of the judges having charge of the ballots, and in case any are found not so marked, they shall be preserved and laid to one side. If there is still an excess of ballots above the registry of voters, they shall be replaced in the box, and one of the judges, without looking, shall draw from the box a number of ballots equal to such excess, and the same shall be laid aside. The number of ballots agreeing or being thus made to agree with the number of votes appearing in the columns of the poll list corresponding to the respective boxes, the list shall be signed by the judges and attested by the clerks, and the number of names thereon checked as aforesaid shall be stated in words and figures at the foot of said list and over the signatures of the judges and the attestation of the clerk in the manner hereinafter provided in the form of said lists. The ballots so laid aside as aforesaid shall be attached to a certificate made by the judges, stating the reason why the ballots were so laid aside, and the certificate and the ballots attached shall be sealed up in a separate envelope and, except the red ballots, returned to the county auditor with the other returns, and the red ballots returned to the city clerk or recorder.

Counting the ballots.

Signing the poll list after counting.

Form for poll lists.

SEC. 68. The lists of electors provided for herein shall be substantially in the following form, to-wit:

“List of qualified electors in the election district composed of the.....[township, ward or town, as the case may be] of....., in the county of....., state of Minnesota, for an election to be held in said election district, on the.....day of....., eighteen hundred and..... [The surnames to be inserted in alphabetical order.]

“The whole number of the above named persons who were present and voting at the above named election was [the number to be written in words and figures.] Signed by the judges of election, attested by the clerks of election.”

SEC. 69. After the said lists are thus signed, the judges shall proceed to count and ascertain the number of votes

Canvassing the votes and sealing boxes.

cast for each person voted for by counting each ballot separately, the ballots to be numbered consecutively as counted and duplicate numbers entered on counting lists, kept by the clerk, and the result shall then be distinctly read, and as soon as read and canvassed the tickets shall be strung by one of the judges upon a stout string and replaced in the proper ballot box, and then in the presence of all the judges each box shall be locked and sealed by pasting firm paper across the lid and body of each box in such a manner that the box cannot be opened without breaking the seal; and each judge shall write his name upon said paper in such place that the box cannot be opened without tearing the name. Each box, as soon as practicable, after the same is so sealed, shall be deposited in the office of the town, city or village clerk, and carefully preserved therein with unbroken seals until the next general election, unless sooner opened by the proper authority for a recount or for examination, and the clerk of election shall set down on a paper, to be known as the returns of election, the name of each person voted for, written out at length, the office for which such person received any votes, and the number of votes he received, the number being written out in words and also in figures. The said returns shall be as nearly as possible in the following form, to-wit:

Care of ballot boxes after election.

Form of return to be made by judges.

“At an [election] held at.....in the.....[number, if any] election district, composed of.....[township, ward or town, as the case may be], in the county of....., in the state of Minnesota, on the.....day of.....eighteen hundred ....., the following named persons received the number of votes opposite their respective names for the following described offices, to-wit: For [specifying the office], A. received [the number to be written in figures and also at length] votes [and likewise for every person voted for any office], to be signed by the judges of election and attested by the clerks of election.” Votes rejected by the judges and not counted for any reason shall be disposed of as hereinbefore provided. Tally sheets with names of candidates printed to be provided for the clerks.

Printed tally sheets for clerks.

Ballots in wrong box to be counted.

SEC. 70. No ballot appearing to be proper and regularly voted, found in a box other than the one in which it properly should be, shall be rejected, but shall be counted in the same manner as if found in the proper box; *Provided*, that the counting of such ballot or ballots shall not produce an excess of votes above the number of votes designated on the poll lists. The boxes used at such election shall be opened and the votes therein canvassed in the same manner above provided, but as nearly as may be in the following order: First—The box containing the white ballots. Second—The box containing the ballots tinted blue. Third—The box containing the ballots tinted red. The ballots in the box provided for women shall also be canvassed for such offices as they are entitled to vote for.

Order of opening boxes for canvassing.

SEC. 71. After the canvass is thus completed the judges of election, before they are dispersed, shall enclose the said returns in an envelope, seal the same and endorse thereon the following words: "Election returns of the election district of [naming the name of the town or ward or city], in the county of .....,," and direct the same to the county auditor of that county, and, in the case of a city election, to the city clerk or recorder; and the said returns shall forthwith be carried by one of said judges, to be chosen by lot if not otherwise agreed upon, and delivered to the said county auditor at his office; and in the case of city elections, to the city clerk or recorder at his office.

Enclosing returns for delivery to proper officers.

*Provided*, That the said returns of election in unorganized counties shall be made to the auditor of the county to which they are attached for election purposes; and the votes shall be canvassed and certificates of election issued to the persons elected in the same manner provided in this chapter for canvassing the votes and issuing certificates of election in organized counties.

Returns in unorganized counties.

*Provided further*, That in all cities of over twelve thousand (12,000) inhabitants the ballots in the ballot boxes, and all documents heretofore provided for, shall be forthwith carried by all of the judges and clerks to the office of the city clerk or recorder, and by them delivered to such officer. Said judges and clerks shall not stop at any place, or leave their ballots and returns at any place or with any person, before such delivery to such officer. Said city clerk or recorder, as the case may be, shall remain in his office to receive such returns or ballot boxes and ballots until all of the same from all of the election districts within his said city have been so returned to him. Said city clerk or recorder shall keep a book in which he shall enter in the presence of said judges and clerks the names of said judges and the hour at which they returned and delivered to him said returns and ballot boxes and ballots; which book shall be preserved by said officer as a public document for the same length of time as he is required to preserve the ballots cast at such election.

Election board to carry ballot boxes to city clerk.

City clerk to be present to receive the same.

*Provided further*, That the judges of all election districts, situate within fifty (50) miles of the county seat, shall file their election returns within twenty-four (24) hours after the time of closing the polls; and in all other cases the returns shall be filed within seventy-two (72) hours after the closing of the polls; and all judges failing to file returns as herein provided shall be deemed guilty of a misdemeanor.

Time of filing returns.

*And further provided*, That if any committees of the political parties represented on the ticket voted at such election, shall, on or before the day of election, apply to the legal custodian of the ballot box or ballot boxes for permission to affix additional seals and securities to the ballot boxes within the control of such custodian, said custodian shall give such permission, and immediately notify the party so

Additional seals on ballot boxes.

applying of the time when the same shall be done, which time shall not be later than two (2) days after election, and that said custodian shall forthwith, after receipt of such application, notify all parties represented upon such election ticket of the fact of such application, and the time when such seals will be affixed, and that at such time so designated, at the office of said custodian, in the presence of such custodian and of the representatives of the political parties upon said ticket, the party so applying shall have the right to affix additional seals and securities, and in any manner secure and mark the same, and that any of the other parties then present shall have the same right and privileges as the party so applying; and *Further provided*, That none of said parties shall in any manner injure and impair any of the seals on said box hereinbefore provided.

Returns to be filed with town, city or village clerk.

SEC. 72. A true copy of the returns made by the judges shall also be made and certified by them, and forthwith filed by them in the office of the town, city or village clerk within the time specified in the preceding section.

County auditor not to refuse returns.

SEC. 73. No election returns shall be refused by any auditor for the reason that the same are returned or delivered to him in any other than the manner directed herein, except that they must be sealed; nor shall the canvassing board of any county refuse to include any returns in their estimated votes on account of any informality in holding any election or making returns thereof, but all returns shall be received and the votes canvassed by such canvassing board, and included in its statements, provided there is a substantial compliance with the provision of this chapter.

Return for state officers and judges.

SEC. 74. *County Canvassing Board.*—The county auditor, the chairman of the board of county commissioners, and two (2) justices of the peace of the same county, of opposite political parties, if possible, to be selected by the auditor, shall constitute the county canvassing board, and on or before the tenth (10th) day after the election, said board shall proceed, after taking the usual oath of office, to openly and publicly canvass the returns made to the auditor's office. They shall make a separate statement containing the whole number of votes given in such county for the office of governor and lieutenant governor, chief or associate justices of the supreme court, secretary of state, auditor of state, treasurer of state, clerk of the supreme court, judges of the district court, and all other officers of the state, the names of the persons for whom such votes were given, and the number of votes given for each. They shall make another statement for all county officers voted for and the names of the persons for whom such votes were given; another statement of the votes for presidential electors, and the names of the persons for whom such votes were given; another statement of the votes given for representative in congress in each district, or any or either of them, and the names of the persons for whom such votes were given; another state-

County officers.

Presidential electors.

Representatives in congress.

ment of the votes upon any proposed change of county line or county seat, and another of the votes given for and against proposed amendments to the constitution. Such statements shall be signed and certified by the county canvassing board, and deposited in the said auditor's office, and two (2) copies thereof shall be certified under the official seal of the auditor, one (1) of which shall be enclosed and directed to the secretary of state and be forwarded to the seat of government by mail, and the other list shall be enclosed and forwarded to the secretary of state in a like manner as the first copy, but by different mail, and within five (5) days after such first copy shall have been so transmitted. In the event that neither of said copies so transmitted shall be received by the secretary of state within twenty (20) days after the election, the county auditor shall transmit, by messenger to be deputed by him, upon notification from the secretary of state, another copy of such statement. If within twenty (20) days after such election no such copy shall have been received by the secretary of state from each county in the state, it shall be his duty to immediately notify the auditor of each county from which such returns have not been received, of such fact. The county auditor shall endorse on the envelope inclosing each of such statements or copies, the name of the auditor and his official residence, and the words "Election returns."

Change of county lines.

Amendments to constitution.

Returns to secretary of state.

SEC. 75. Any three (3) of said county canvassing board shall constitute a quorum, and are authorized to make the canvass provided for in the last section.

Quorum of canvassing board.

SEC. 76. At the close of the canvass, as provided in section seventy-four (74), the board of canvassers shall declare the person having the highest number of votes for any county office duly elected, subject to an appeal to the district court of the proper county; and, in case said county contains a senatorial or representative district, then the persons having the highest number for senator or representative shall be declared by said board duly elected. In case of an appeal, notice thereof shall be entered with the clerk of said court within twenty (20) days after the day of election.

Public declaration of canvass.

SEC. 77. The county auditor shall make out for every county officer elected, and also for each of the senators and representatives elected to the legislature, if such county constitutes a senatorial or representative district, a certificate of such election, and shall deliver the same to the person entitled thereto, upon demand, without fee; and he shall also make out for any candidate or elector of his county a statement of votes, as provided in sections seventy-four (74), seventy-five (75) and seventy-six (76), upon being paid therefor one (1) dollar.

Certificate of election by county auditor

SEC. 78. The county auditor of each county which does not constitute a senatorial or representative district shall make out from the returns of his office a statement of the

Senatorial districts in more than one county.

votes for members of the senate and house of representatives, which he shall seal and direct to the county auditor of the senior county in each senatorial or representative district respectively, and if there be two (2) or more counties in such district of the same age, then the return shall be directed to the auditor of the county polling the greatest number of votes at the last preceding general election; and said auditor shall forward such statement to the proper auditor within fifteen (15) days after the election.

Canvass of senatorial districts.

SEC. 79. When two (2) or more counties are comprised in one (1) senatorial district, the auditor of the senior county, or of the county to which the returns are to be made, shall, on the twentieth (20th) day after election, with such other county auditor of the district as choose to attend at his office, call to his assistance two (2) justices and a chairman of the board of county commissioners of his county, and then and there open the returns of the votes given in the several counties, or portion of counties, comprising such senatorial districts; said auditor of the county to which the returns are made shall immediately make out certificates of election for the persons having the highest number of votes in such senatorial district for the members of the legislature, which certificates shall be delivered to the persons entitled thereto.

Corrections by canvassing board.

SEC. 80. If on proceeding to canvass the votes it shall appear to said board of canvassers, or a majority thereof, that in any statement produced certain matters are omitted in such statement that should have been inserted, or that any mistakes that are clerical merely exist, they shall cause the said statement to be sent by one of their number, or by messenger whom they shall depute for that purpose, to the county or district canvassers of the county, town or district from which such statements were received, to have the same corrected; and the person so deputed shall immediately proceed and give notice to the said county, town or district canvassers, whose duty it shall be forthwith to assemble together and make such corrections as the facts of the case may require; but such county, town or district canvassers shall not, at such meeting, change or alter any decision before made by them, but shall only cause their canvass to be correctly stated; and such board of canvassers are authorized to adjourn from day to day for the purpose of revising such statements, such adjournment not to exceed beyond ten (10) days.

State canvassing board—time of meeting.

SEC. 81. *State Canvassing Board.*—The secretary of state shall call to his assistance two (2) or more judges of the supreme court, and two (2) disinterested judges of the district court of the state, who shall constitute the state canvassing board; the secretary of state shall appoint a meeting of the state canvassing board to be held in his office the third (3d) Tuesday of December after each general election, and within thirty (30) days after a special election. If a ma-



majority of said board shall be unable or shall fail to attend on the day appointed, he shall select from the disinterested judges of the supreme court, and notify to attend, as many as may be necessary to constitute a required number. Upon being notified, said judges shall attend without delay, and with the officers attending shall form the board.

SEC. 82. The board, when formed, shall, upon the certified copies of the statements made by the county canvassing boards, proceed to make a statement of the whole number of votes given at such election for the various state officers, which statement shall contain the names of the persons to whom such votes have been given for any state office, and the whole number of votes given to each, distinguishing the several counties in which they are given. Said board shall certify such statement to be correct, and shall subscribe to the same with their proper names.

Statement of  
votes for state  
officers.

SEC. 83. At the same time said canvassing board shall open the returns made to the secretary of state for members of congress, and for electors of president and vice president of the United States, and shall forthwith proceed to make a statement of the number of votes given for the different persons voted for the said offices, and the person or persons having the highest number of votes for each office shall be considered duly elected; but if it appears that more than the number of persons to be elected as electors of president and vice president have the highest and an equal number of votes, the secretary of state, in the presence of the officers present, shall decide by lot which of the persons shall be elected as such electors, and to each person duly elected the governor shall give a certificate of election signed by him, sealed by the great seal and countersigned by the secretary of state, and shall transmit the said certificate to each person so elected, and shall cause the election of electors to be published in the newspapers printed at the seat of government, immediately after the said canvass is completed. If there shall be a tie in the number of votes received by candidates for representatives in congress who receive the highest number of votes, a special election shall be called, as hereinafter provided, for the election of a representative or representatives in congress, in the district or districts in which said tie vote occurred.

Statement of  
votes for mem-  
bers of congress  
and presidential  
electors.

SEC. 84. The electors chosen as aforesaid shall, at twelve (12) o'clock on the day directed by the congress of the United States, meet at the seat of government of this state and then and there perform the duties enjoined on them by the constitution and laws of the United States.

Duties of presi-  
dential electors.

SEC. 85. Every elector of president and vice president of the United States shall, before the hour of twelve (12) on the day next preceding the day fixed by law for congress to elect a president and vice president, give notice to the governor that he is at the seat of government and is

ready at the proper time to fulfill the duties of an elector; and the governor shall forthwith deliver to the electors present a certificate of all the names of the electors, and if any electors named therein fail to appear before nine (9) o'clock on the morning of the day of the election of president and vice president of the United States, the electors then present shall immediately proceed to elect by ballot, in the presence of the governor, persons to fill such vacancies.

Vacancies in  
presidential  
electors.

SEC. 86. If more than the number of persons required to fill such vacancies as aforesaid have the highest and an equal number of votes, the governor, in the presence of the electors attending, shall decide by lot which of said persons shall be elected; otherwise they, to the number required, having the greatest number of votes, shall be considered elected to fill such vacancies.

SEC. 87. Immediately after such choice is made, the names of the persons so chosen shall be certified to the governor by the electors making such choice, and the governor shall immediately cause notice to be given in writing to the electors so chosen, and to fill such vacancy, and the persons so chosen shall be electors and shall meet the other electors at the same time and place, and then and there discharge all and singular the duties enjoined on them as electors aforesaid by the constitution and laws of the United States and of this state.

#### SPECIAL ELECTIONS.

Special elections  
—how called.

SEC. 88. Whenever there is no election of any state or county officers, or of the required number of members of the house of representatives or senate, or of representatives in congress, by reason of any two (2) or more persons having an equal and the highest number of votes for any such office, or whenever any vacancy occurs in any of the said offices, which said vacancy is not otherwise provided for, the governor, within ten (10) days after he is informed of such vacancy or failure to elect, shall issue a proclamation directing that a special election be held in the proper election district or districts, at a time to be specified in the proclamation, not more than twenty (20) days from the date thereof, to fill such office, and said election shall be called in the manner hereinbefore provided for calling elections, and the same shall be held and conducted and the returns thereof made and canvassed in the same manner as general elections are held, conducted, and the returns thereof made and canvassed; *Provided*, That if the vacancy occur in the office of representative in congress, or state senator, or member of the house of representatives, and there be no session of the legislature or congress between the happening of such vacancy and the next general election occurring twenty-eight (28) or more days thereafter, such vacancy shall be filled at the general election.

SEC. 89. In elections to fill any vacancy specified in the preceding section, the auditor shall, within fifteen (15) days after such election, transmit statements of the votes given to the office of secretary of state, and take his receipt therefor, under the penalty of five hundred (500) dollars fine, to be recovered from him in a civil action in the name of the county, and the county treasurer, for the time being, shall sue for and recover the penalty for the use of the county.

Returns to secretary of state.

SEC. 90. If a vacancy occur in the senate or house of representatives for any cause, and if the county composing the district in which that vacancy occurs has been divided after the election of a member whose seat is vacant, such election shall be ordered in every county, or part of any county, of which such district was originally composed; but no person shall be permitted to vote at such election who does not at that time reside within the limits of the original county or district in which the vacancy occurred.

Vacancy in legislature.

SEC. 91. *Contesting Election.*—Any candidate or elector of the proper county, senatorial, judicial or election district, wishing to contest the validity of the election, or the right of any elector declared duly elected to the senate or house of representatives in this state, or to contest his right to a seat therein, shall give notice thereof in writing to the person whose election or right to a seat he intends to contest, or leave a written notice thereof where such person last resided, within twenty (20) days after the votes have been canvassed by the county canvassing board, specifying the points on which the election will be contested, and naming two (2) justices of the peace of the county in which he resides, who will officiate at the taking of the deposition, and when and where they will attend to take the same. All notices shall be served at least ten (10) days before the day designated therein for the taking of such depositions, but the time fixed for the taking of the same shall not exceed forty five (45) days from the day of the election.

Contesting election for senators or representatives.

SEC. 92. That said justices, or either of them, shall issue subpoenas to all persons whose testimony is required by either of the parties; and said two (2) justices shall take, under oath, all testimony relating to such contested election, and certify the same under seal to the presiding officer in that branch of the legislature where the person whose seat is contested is returned to serve at the next session.

SEC. 93. If a person whose election is contested desires to offer testimony upon points not specified in the notice of the contestant, he shall, within ten (10) days after the contestant's notice is served upon him as aforesaid, serve upon said contestant, in the manner provided in section ninety-one (91) of this act, a notice specifying such additional points and specifying a place and day (which shall not be more than ten (10) days later than the time fixed by the contestant in his notice for taking depositions), at which

Testimony by contestee.

Transmission  
of testimony by  
legislature.

time testimony therein will be taken before two (2) justices of the same county, which notice shall be served at least ten (10) days previous to the time of taking such testimony. No testimony shall be taken by the justices which does not relate to some point specified in said notice, copies of which shall be delivered to the justices taking testimony and by them transmitted to the presiding officer of that branch of the legislature where the contest is decided, with the other documents provided for by section ninety-two (92).

Proceedings on  
contested seats.

SEC. 94. In conducting any contested election in the house of representatives, the following rules shall be observed:

*First*—On the day and at the hour appointed for that purpose, the house, with proper officers, shall assemble at the usual place of meeting. The speaker of the house of representatives shall preside, but when he is a contestee a speaker *pro tem* shall be elected.

*Second*—The parties to the contest shall then be called by the clerk, and, if they answer, their appearance shall be recorded.

*Third*—The contestant shall then first introduce his testimony, and, after the testimony is closed on both sides, the contestant, by himself or by his counsel, may open the contest, and the officer elect may then proceed, by himself or counsel, to make his defense, and the contestant be heard in reply. After the argument of both parties is concluded, any member of the house may offer the reasons for the vote he intends to give.

*Fourth*—The clerk shall keep a regular journal of the proceedings.

*Fifth*—In deciding the contest the members shall vote *viva voce*, and the majority of the votes given shall decide; but no party to the contest shall vote, either upon the final decision or upon any preliminary question that has reference thereto.

*Sixth*—If the contest is in the senate it shall proceed as nearly as may be according to the rules above prescribed.

Contesting city  
or county elec-  
tions.

SEC. 95. Any candidate or elector of the proper city or county may contest the election of any person declared elected to any city or county office. He shall give notice thereof in the manner provided in section ninety-two (92) for service of such notice. If the person whose election is contested desires to offer testimony upon points not specified in the notice of the contestant, he shall, in the manner provided in section ninety-one (91), serve notice on the contestant, specifying such additional point; upon such notices, which are not to be taken as true until proved, and which may be amended if the court under all the circumstances deem it just, all testimony shall be taken as in civil actions, and all matters relating to said contest shall be heard and tried by the district court of the proper county

in the manner that civil actions are tried by the court. Said contest shall be brought on for hearing and the cost therein taxed by said district court in the manner that civil actions are conducted. Said district court at the next general or special term, after the expiration of thirty (30) days after the votes are canvassed, shall hear and determine the contest; and the judge of the said court, in case no general or special term occur within ninety (90) days after the canvass of the votes, shall appoint a special term of said court, to convene within ten (10) days after notice of such contest shall be given to him. When the judgment or decision of the district court shall be removed to the supreme court, the party removing the same shall file in the district court in a bond to the opposite party, in such sum not less than five hundred (500) dollars, and with such sureties as shall be approved by the judge, conditioned for the payment of all costs incurred by the respondent in case the appellant fail on his appeal. The return on said appeal shall be made, settled, certified and filed in the supreme court within fifteen (15) days after the date of service of notice of appeal, and upon perfecting said appeal the same may be brought on for hearing and determination before said supreme court at any time when the same shall be in session, and upon ten (10) days' notice from either party; and the same shall be heard and determined in a summary manner. Such notice of hearing may be served during the term or in vacation. This act shall not apply to any case now pending.

To be heard before the district court.

May be appealed to the supreme court.

SEC. 96. After a contest has been instituted, either party to the contest shall have the right to have the ballots referred to inspected for the purpose of enabling him to prepare his contest for trial; and, upon application by such party to the district court, upon a verified petition stating that he cannot prepare his case for trial without an examination and inspection of the ballots cast at the preceding election, the judges of said court shall appoint three (3) persons, one (1) to be selected by each of the parties to the contest, and these to select a third, to whom the inspection and examination of said ballots shall be referred; *Provided*, That said inspection and examination shall be had and conducted in the presence of the proper custodian of the ballots; and *Provided further*, That the party making such application shall file with the clerk of the district court a bond in the sum of two hundred and fifty (250) dollars, with two (2) sureties, to be approved by the judge of said court, conditioned that he will pay the cost and expense of such examination and inspection, in the event that he shall fail to maintain his contest. Should either party to the contest neglect or refuse to name the persons to whom said inspection shall be referred on his part, such person shall be selected and appointed by the judges of the district court to whom the application

The ballots may be inspected.

is made. On the trial of any contested election for any of the offices in the eighty-sixth (86th), ninety-first (91st) or ninety-fifth (95th) sections of this chapter named, the parties to the contest may introduce written or oral testimony, but no depositions shall be read at such trial, unless the other party has reasonable notice of the time and place of taking the same.

Contesting  
county seat  
election.

SEC. 97. In any county in which there is a vote for the removal of the county seat, or changing the county line of said county, or upon any other subjects which by law may be submitted to the vote of the people, any elector therein may contest the validity of such election as to the right of the place declared to be selected for the county seat to be such; or as to the result when the proposition to remove a county seat is declared defeated, or as to any county line declared established by said vote; or as to the result of any vote upon any subject submitted as aforesaid. Such elector shall give notice in writing of such contest to the county commissioners, or one (1) of them, in the county in which said vote was taken, by serving copies of said notices personally upon said commissioners within thirty (30) days after the result of said vote is declared or proclaimed. Such notice shall specify the points on which said election will be contested, and a copy thereof shall be filed with the clerk of the district court of the proper county within ten (10) days after the service thereof upon a county commissioner; and the district court at its first general or special term shall hear and determine on such contest upon the oral and written evidence of the parties; and depositions may be taken by any of the parties to the proceedings in the same manner as in civil actions, but no appeal to said district court shall be necessary in any such case. Such commissioners, or, upon their failure, any elector of the proper county, may appear and defend in such contest, and introduce evidence as in other actions.

#### GENERAL PROVISIONS.

Term of office.

SEC. 98. The regular term of office of all state and county officers shall commence on the first (1st) Monday of January next succeeding their election, unless otherwise provided by law.

Term of officer  
elected to fill va-  
cancy.

SEC. 99. Any state, county or district officer elected or appointed to fill a vacancy shall qualify and enter upon the duties of his office immediately thereafter; and, when elected, hold the same during the unexpired term for which he is elected, and until his successor is appointed and qualified; but if appointed to he shall hold his office until the next general election, when his successor for the remainder of the unexpired term shall be chosen, and until his successor is elected and qualified.

SEC. 100. During any day on which any general, special, town or charter election is held, no civil process shall be served upon any elector entitled to vote at any election.

No civil process  
on election day.

SEC. 101. The secretary of state shall provide uniform blanks for making lists or registers, required by law, and affidavits and all other blanks necessary to be used in the several election districts at any election; he shall also provide copies of this law and transmit the same to the auditor of each county at least thirty (30) days before any election, and the auditor shall forthwith deliver the clerk of every town and city in his county the necessary copies of each of said blanks, and one (1) copy of the said law for each election district in his town or city.

Blanks to be  
furnished by  
secretary of  
state.

SEC. 102. *Fees.*—Every auditor, chairman of the board of county commissioners and justices of the peace shall receive for services performed under this chapter the following fees: For making the statements for every one hundred (100) words, eight (8) cents; for every certificate, with seal attached, to statements, thirty (30) cents, which fees shall be allowed by the board of county commissioners of the proper county and paid by the county treasurer upon the warrant of the county auditor.

Fees to officers.

SEC. 103. There shall be paid out of the county treasury of each county, to the person carrying the returns of election to the auditor of the county, the sum of ten (10) cents for every mile necessarily traveled in going to and returning from the office of the county auditor for the purpose of carrying such returns; this provision to extend to unorganized counties, and to be paid out of the treasury of the county to which they are attached. All fees for carrying election returns shall be audited and allowed by the board of county commissioners of the proper county in the same manner as other claims are allowed, and may be paid upon the warrant of the county auditor.

Payment for  
carrying re-  
turns.

SEC. 104. Each presidential elector attending at the seat of government, as provided in this act, shall receive three (3) dollars for every day's attendance, and three (3) dollars for every twenty (20) miles traveled in going to and returning from the seat of government, estimated from his place of residence, by the most usual route. Such sums shall be allowed by the auditor upon the certificate of the governor, and paid by the state treasurer out of any money in the treasury not otherwise appropriated.

Payment to  
presidential  
electors.

SEC. 105. At all elections to be held under this chapter the judges and clerks of election shall receive as compensation for their services the sum of three (3) dollars each per day, and all special constables the sum of two (2) dollars each per day, and such fees and the expenses of providing ballot boxes and polling places shall be borne by the several townships, cities and villages where the election is

Payment to  
judges and  
clerks of elec-  
tion.

conducted; but the said judges and clerks shall not be allowed any pay except for actual services on registration and election days.

No election in a saloon or bar-room.

SEC. 106. *Regulations, Prohibitions, Penalties.*—No election shall be held, nor shall any election be appointed to be held, in any saloon or bar-room, or in any room contiguous with or adjoining thereto. Should any place be designated or appointed for holding an election in violation hereof, or become subject to such objection after having been so designated, the judges of election shall have power, and it shall be their duty, on or before the day of such election, and before the opening of the polls on such day, to procure a suitable place as near thereto as may be not subject to like objection. Said judges of election shall meet at the place first designated, at the time for opening the polls, and after any vacancies in their number shall have been filled, adjourn to the place chosen by them, and at the time of such adjournment give public notice by proclamation to the electors present of such change, and post in a conspicuous manner notice of the place where such election shall be held, and all expense attending such change shall be certified by such judges to the proper authorities, and shall be allowed and paid accordingly.

No liquors shall be allowed at the polling place.

SEC. 107. Any person or persons introducing in any way, upon election day, into a place where an election is being held any spirituous liquors, and any judge or clerk of election drinking any such liquors in such place, or being intoxicated therein, upon election day, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not exceeding one hundred (100) dollars, or by imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment, in the discretion of the court. No spirituous, malt or intoxicating liquor shall be sold or given away, nor shall any store, saloon or bar-room 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 eight (8) o'clock in the afternoon. Whoever violates the provisions of this section shall be fined not less than one hundred (100) dollars nor more than three hundred (300) dollars for each offense. 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 election to issue a proclamation that the provisions of this section will be strictly enforced. In case the mayor fail to perform the duties herein described, he shall be subject to a fine of one thousand (1,000) dollars, or imprisonment in the county jail for sixty (60) days, or both, in the discretion of the court.

No saloon or bar-room shall be open on election day

Care of ballots.

SEC. 108. If any judge or clerk of election, or any other officer, or any other person required by this chapter to



keep safely and produce the ballots intrusted to him on the day of election, or to perform any act or thing whatever, shall willfully fail or refuse to perform such act or thing, or shall be guilty of any fraud, corruption, partiality or misbehavior in canvassing or making any returns of votes, or shall wrongfully refuse to make or deliver any certificate of election, or shall willfully perform any act or thing falsely or corruptly in any manner, he shall be guilty of a felony, and, on conviction thereof, shall be punished by imprisonment in the state prison for a term not less than six (6) months nor more than one (1) year, or by a fine of not less than five hundred (500) dollars nor more than two thousand (2,000) dollars, or both, in the discretion of the court. The provisions of this section to apply in all cases coming within the provisions of this chapter where other punishment is not specifically provided for.

SEC. 109. Any judge of election, person marking the vote of an elector, or any other person who discloses to any person the name of any candidate for whom such elector has voted, or shall mark the vote of an elector in any other manner than directed by such elector, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not less than thirty (30) dollars nor more than two hundred (200) dollars, or by imprisonment in the county jail not less than ten (10) nor more than ninety (90) days, or both such fine and imprisonment, in the discretion of the court.

Penalty for disclosing the vote of an election.

SEC. 110. No person shall, during the election, remove or destroy any of the supplies or other conveniences placed in the booths or compartments aforesaid for the purpose of enabling the voter to prepare his ballot. No person shall, during an election, remove, tear down or deface the cards printed for the instruction of voters. Any person willfully violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

Misdemeanor for removing or destroying supplies.

SEC. 111. Whoever shall willfully take or carry away from the place where has been deposited, or shall deface or mutilate, damage or add to, any poll book, ballot, list or register, or any name or figure therein, shall, on conviction thereof, be fined in a sum not exceeding one thousand (1,000) dollars, or be imprisoned in the state prison not longer than one (1) year, or both, in the discretion of the court.

Penalty for willful injury to poll books, ballots, etc.

SEC. 112. Any person who shall take or deface any list of names posted by any board of registration as hereinbefore provided for, shall be guilty of a misdemeanor, and, on conviction thereof, be punished by a fine of fifty (50) dollars, or be imprisoned in the county jail for a term of sixty (60) days, or both, in the discretion of the court.

Penalty for defacing posted lists.

SEC. 113. Whoever aids, assists, counsels or advises another to vote, knowing that such person is not duly qualified to vote at the place where and at the time when the

Penalty for aiding or advising illegal voting.

vote is to be given, is guilty of a misdemeanor, and, on conviction thereof, shall be subject to a fine of not more than five hundred (500) dollars, nor less than one hundred (100) dollars, or be imprisoned in the county jail not less than one (1) month nor more than six (6) months.

Penalty for soliciting a voter in the polling rooms.

SEC. 114. It shall be unlawful for the judges of election or any of them, or any person in the polling rooms or compartments therewith connected, to persuade or to endeavor to persuade any person to vote for any particular candidate. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor for each and every person so approached, and, upon conviction thereof, shall be punished by a fine not exceeding one hundred (100) dollars, or by imprisonment not exceeding ninety (90) days.

Penalty for offering a fraudulent ballot.

SEC. 115. Whoever, after proclamation is made of the opening of the polls and at any time before the vote is fully canvassed, shall willfully offer or deliver to a judge of election, to be placed in a box or boxes, more than one (1) ballot of the same kind and color, or shall fraudulently put a ballot into any box or boxes, is guilty of a felony, and, on conviction thereof, shall be punished by imprisonment in the state prison for a term not less six (6) months, nor more than one (1) year.

Penalty for fraudulent register.

SEC. 116. Any person who shall cause his name to be registered in more than one (1) election district, or who shall cause his name to be registered knowing that he is not a qualified elector in the district where such registry is made, or who shall falsely personate any registered voter, and any person causing, aiding or abetting any person to do either of said acts, shall, upon conviction thereof, be punished for each offense by imprisonment in the state prison for a term not less than one (1) year. All intentional false swearing before a board of registration shall be deemed willful and corrupt perjury, and, on conviction thereof, punished as such.

Penalty for false swearing on being challenged.

SEC. 117. If any person challenged as unqualified to vote be guilty of false or corrupt swearing or affirmation in taking oath or affirmation prescribed by this chapter, he shall be deemed to have committed willful and corrupt perjury, and upon conviction thereof shall suffer the punishment attached by the laws of this state to the crime of perjury.

Penalty for voting in a district not the residence of elector.

SEC. 118. Whoever willfully votes in any election district in which he does not actually reside shall be guilty of a misdemeanor, and, on conviction thereof, be imprisoned in the county jail for a term of not less than one (1) month nor more than six (6) months.

Penalty for voting more than once at the same election.

SEC. 119. Whoever votes more than once at the same election shall be guilty of a felony, and, on conviction thereof, shall be punished by imprisonment in the state prison for a term not less than (1) year nor more than five (5) years.

SEC. 120. Any resident of another state who votes in this state is guilty of felony, and, on conviction thereof, shall be punished by imprisonment in the state prison for a term not less than one (1) month nor more than one (1) year.

Penalty for non-resident to vote.

SEC. 121. Whoever, not being a qualified voter, votes at any election with unlawful intent is guilty of felony, and, upon conviction thereof, shall be punished by imprisonment in the state prison not less than one (1) month nor more than one (1) year.

Penalty for any unqualified elector to vote.

SEC. 122. Whoever procures, aids, assists, counsels or advises another to go or come into any county, town or election district for the purpose of giving his vote therein, knowing that the person is not duly qualified to vote therein, is guilty of felony, and, on conviction thereof, shall be punished by imprisonment in the state prison for a term not less than six (6) months nor more than one (1) year.

Penalty for procuring an unqualified elector to vote.

SEC. 123. Whoever by threat or bribery attempts to influence any elector in giving his vote for any person or measure, or by such means attempts to deter him from voting for any person or measure, is guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than one hundred (100) dollars nor more than one thousand (1,000) dollars, and by imprisonment in the county jail not less than one (1) month nor more than six (6) months.

Penalty, by threat or bribery, for attempting to influence an elector.

SEC. 124. It shall be the duty of the county attorney in each county in this state to prosecute any person violating any of the provisions of this chapter, and to sue for and enforce all penalties incurred for a violation of this chapter, or any part thereof, upon his own motion, or upon the complaint of his county, accompanied by the requisite proof of such offense or offenses.

County attorneys to prosecute.

All fines incurred or collected under this chapter shall be paid into the county treasury where the offense is committed, for the use of the common schools of such county.

SEC. 125. The punishment of any of the offenses in this act declared to be misdemeanors, not herein specifically provided for, shall be a fine not exceeding two thousand (2,000) dollars, or imprisonment not exceeding two (2) years, or both such fine and imprisonment.

Punishment for offenses not specifically provided for.

SEC. 126. This act shall apply to all general and special elections in the state of Minnesota, except township and village elections, and shall be known as the General Election Law of the State.

Township and village elections excepted from this act.

SEC. 127. The forenoon of each day on which a general election in this state is held shall be a compulsory half-holiday, and all employes of every kind whatever shall be allowed such half day for the purpose of voting.

Compulsory half holiday the forenoon of general election day.

SEC. 128. Chapter four (4) of the general laws of one thousand eight hundred and eighty-seven (1887), chapter

Repeal of previous election laws.

three (3) of the general laws of one thousand eight hundred and eighty-nine (1889), and all other acts and parts of acts inconsistent with this act, are hereby repealed.

SEC. 129. This act shall take effect and be in force from and after June first (1st), one thousand eight hundred and ninety-one (1891).

Approved April 20, 1891.

EXHIBIT "A."—ELECTION LAW.

<b>BALLOT.</b>		↓
Put an "X" mark opposite the name of each candidate you wish to vote for in the spaces indicated by the arrow.		
Governor—CYRUS W. LUCE—Republican.		Vote for one only.
Governor—GEORGE L. YAPLE—Democrat.		
Governor—SAMUEL DICKIE—Alliance.		
Governor—		
Lieut. Governor—JAMES H. McDONALD—Republican.		Vote for one only.
Lieut. Governor—S. S. CURRY—Democrat.		
Lieut. Governor—CHARLES MOSHER—Alliance.		
Lieut. Governor—		
Secretary of State—GIL R. OSMUN—Republican.		Vote for one only.
Secretary of State—P. B. WACHTEL—Democrat.		
Secretary of State—JOHN EVANS—Alliance.		
Secretary of State—		
State Treasurer—GEORGE L. MALTZ—Republican.		Vote for one only.
State Treasurer—WM. G. BEARD—Democrat.	X	
State Treasurer—AARON C. FISHER—Alliance.		
State Treasurer—		
State Auditor—HENRY H. ALPIN—Republican.		Vote for one only.
State Auditor—JOHN D. FARRAR—Democrat.		
State Auditor—S. B. WILLIAMS—Alliance.	X	
State Auditor—		
Attorney General—MOSES TAGGART—Republican.		Vote for one only.
Attorney General—JOHN C. DONNELLY—Democrat.		
Attorney General—JAMES R. LAING—Alliance.		
Attorney General—		