

CHAPTER 276.

S. F. No. 549.

An act relating to primary elections.

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

95 C 276
97 - 125
97 - 137

SECTION 1. A primary election within the meaning of this act, is an election held in any county or city in the state of Minnesota by any political party to elect delegates to political conventions.

Primary elections.

SEC. 2. When any political party desires to hold a primary election, in any county or city it shall be the duty of the duly authorized committee of such political party for such county or city to publish a notice once a week for at least two consecutive weeks, the first publication of which shall be at least twenty days previous to the day appointed that such primary election will be held.

Definition. Notice.

Said notice shall be published in a newspaper of general circulation printed and published in the county in which the primary election is to be held. The notice shall give the date when the primary election will be held, the number of delegates each election district is entitled to in convention, the purpose for which the election is called and the offices for which candidates are to be nominated in convention. In case there is no paper of general circulation in the county where the primary election is to be held, then it shall be the duty of the duly authorized committee of the political party holding the primary election to post said notices in at least three places in such city or county at least twenty days before the date at which the primary election is to be held. At least six days before the primary election is held in any election district or precinct the duly authorized committee of the political party holding said primary election shall cause proper notices to be posted in three public places in said precinct giving the time and place of holding the said primary election in said precinct.

SEC. 3. None but regularly qualified voters shall be allowed to take part in any primary election, and it shall be unlawful for any person not affiliated at the last general election with the political party holding its primary election or for any person who has not resided for at least thirty days in the election district where the primary election is held, to vote or take part in such primary election.

Who may vote.

SEC. 4. Such primary election shall be held between two and nine o'clock p. m., at an hour to be fixed by

When held.

the committee calling the same: and shall be held open not less than one hour.

How conducted

All primary elections of a political party for each city or county held in the different election districts of a city or county for the purpose of electing delegates to the same political convention shall be held on the same day and at the same hour. When the hour for holding a primary election in any election district has arrived, the primary shall be called to order by the chairman or secretary of the precinct committee, or in their absence by some other qualified voter of the party holding such primary election, and the qualified voters members of the political party holding the primary election, present, shall choose from their number a chairman, a clerk of election and two judges of election, selected as far as possible from the known friends of the different candidates for office to be filled at the city or county convention. *Provided*, however, the said officers may be so selected by the duly authorized governing committee of such political party for such county or city. The officers of a primary election may be chosen by a viva voce vote, but all delegates to a political convention shall be elected by ballot, and each qualified voter at such primary shall place on his ballot which may be written or printed, or partly written and partly printed, as many names for delegates as such precinct is entitled to in convention, *provided*, that if any ballot contains more names than such precinct is entitled to delegates, such ballot shall be wholly void. Those persons who receive the highest number of votes in any precinct shall be declared elected and a plurality shall elect.

Delegates.

Duty of chairman.

SEC. 5. It shall be the duty of the chairman to preside over the primary election, to administer oaths of office to the judges and clerks of election, and to any voter whose vote is challenged, all of which he is hereby authorized to do. And *provided further*, that, in case any voter makes oath that he has changed his political affiliation to the political party holding said primary election, after the last preceding general election, his vote shall be received; *provided* the judges find such statements to be true. It shall be the duty of the mayor of each incorporated city having twenty election districts or more to provide one regular or special policeman or more if necessary at each primary election polling place to preserve order during such election.

Duty of clerk.

It shall be the duty of the clerk of election to keep minutes of the proceedings of the primary election and administer the oath of office to the chairman, which he is hereby authorized to do. It shall be the duty of the judges of election to receive the votes of all voters duly

qualified to vote under the provisions of this act and to make a record of the name and address of every voter at said primary election before he is allowed to vote, and in case a vote is challenged by any qualified voter present, the judge shall refuse to receive the vote so challenged until the voter makes oath before the chairman that he is a qualified voter, that he voted with the political party holding the primary election at the last election, that he intends to vote for and support the nominees of the convention, composed of the delegates chosen at such primary election, and that he resides in the election district where the primary election is being held, giving the number or location of his place of residence. *Provided*, however, that in case any voter makes oath that he did not vote at the last election because he was not of age or because he did not reside in the state, or because of sickness or other reason satisfactory to the judges, his vote shall nevertheless be received, if he makes oath that he affiliates with the political party holding the primary elections. No person shall during any one calendar year vote at the primary election of more than one political party.

Record—challenges.

One party per year.

SEC. 6. Before entering upon their duties of office, the chairman, clerk and judges of election shall take the same oath of office as that required by the general election law of the state of Minnesota for the officers of a general election. At the time hereinbefore fixed for the closing of the polls, it shall be the duty of the judges to count the votes and report the same to the chairman who shall announce the result of the vote cast and declare the candidate or candidates receiving a plurality of all the votes cast, elected as a delegate as the case may be. It shall then be the duty of the chairman and clerk to furnish the delegates selected with proper credentials certifying to their election, and also to furnish the chairman of the committee calling the primary election a list of the names and places of residence of the electors voting at said primary election.

Oath of officers

Counting.

Credentials.

SEC. 7. The duly authorized committee of a political party, in issuing the call for a primary election in a city or county containing a population of less than two thousand persons may treat such city or county in the call as one election district, and the primary election in such case shall be held and conducted as one primary election for that political party in such city or county, *provided*, that none of the provisions of this law shall apply to village, township or school district, local elections or caucuses.

Call.

SEC. 8. The duly authorized committee of a political party in any county or city, may call a delegate conven-

Delegate convention.

tion for the election of delegates to another convention, the call shall be issued under the provisions of this act, and the primary elections for the election of delegates to such convention, shall be conducted under the provisions of this act. *Provided* this act shall not apply to any political party in any county, city or district polling less than five per centum of the votes cast at the last general election.

Vacancies—
how filled.

SEC. 9. In case any elector duly elected a delegate to a political convention, fails for any cause to serve, he shall not give a proxy to another elector, but the vacancy caused by his failure to serve shall be filled from the qualified electors of such election district by the delegation in which the vacancy occurs. In case any delegation fails to serve, the convention to which such delegation has been elected shall select qualified electors, if such be present at said convention, residing in the same election district from which said delegation was chosen, to act in lieu thereof. In case no qualified elector of the election district represented by the delegation is present, to fill the vacancy caused by the failure of one or more delegates to serve, then the delegates present, shall have the right to cast the full vote of the delegation.

Penalty for
violation.

SEC. 10. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five (\$25) dollars and not exceeding five hundred (500) dollars or imprisonment for not less than thirty days and not exceeding six months.

SEC. 11. This act shall take effect and be in force from and after the first day of July, A. D. eighteen hundred and ninety-five.

Approved April 25th 1895.

S. F. No. 22.

CHAPTER 277.

Corrupt prac-
tice act.

95 C 277
102-M - 104
112-NW 1026

An act to prevent corrupt practices in elections, to limit the expenses of candidates, to prescribe the duties of candidates and political committees, and provide penalties and remedies for violation of this act.

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

Bribery—defi-
nition—who
guilty of

SECTION 1. The following persons shall be deemed guilty of bribery at elections and shall be punished as in this section provided.

First—Every person who shall directly or directly,