

## CHAPTER 216.

H. F. No. 33

*An act to amend chapter three hundred forty-nine (349), General Laws one thousand eight hundred ninety-nine (1899), providing for the selection of candidates for election by popular vote, and relating to elections.*

Amendment  
Primary  
elections.

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

SECTION 1. That section one (1) of chapter three hundred forty-nine (349), General Laws one thousand eight hundred ninety-nine (1899), be amended so as to read as follows:

Section 1. On Tuesday seven (7) weeks preceding any election (except town, village or special elections) at which officers in this state are to be elected, a primary election shall be held in the several election districts comprised within the territory for which such officers are to be elected, in accordance with this act, which shall be known as the primary election, for the purpose of choosing candidates for all elective district, county and city officers, and elective members of school boards, park boards, library boards, in cities having over 50,000 inhabitants, and all other officers which are to be chosen wholly by electors within any subdivision of this state, except state officers who are chosen wholly by the electors of the entire state, and elective members of school boards, park boards, and library boards in towns and villages and in cities of this state having 50,000 inhabitants or less, at said ensuing election, and said primary election day shall be and constitute the first day of registration of electors for the next ensuing election in all election districts of counties which are subject to the provisions of this act, and shall be in lieu of the first day now provided by law for the registration of electors in such districts; but nothing herein shall be construed to affect the date of the second or subsequent registration days now provided by law.

When to  
be held.Officers to be  
voted for.First regis-  
tration day.

For all other official positions within the gift of the people by ballot such other provisions as are provided by law shall apply.

SEC. 2. That section four (4) of chapter three hundred forty-nine (349) of General Laws one thousand eight hundred ninety-nine (1899), be amended so as to read as follows:

Section 4. At least twenty (20) days before the primary election day, any person who shall be eligible to an office which he seeks shall appear before or file with the

Filing nom-  
inations by  
candidates.

**Fees.** secretary of state, if an office to be voted for in more than one county, or the county auditor, if to be voted for in a single county, with an affidavit to the effect that it is bona fide his intention to run for the nomination for any specified office, and upon payment to the secretary of state of twenty (20) dollars, if for any other office to be voted for in more than one county, and if to be voted for in only one county ten (10) dollars to the county auditor thereof, a receipt for which shall be given him; the county auditor shall place his name upon the primary election ballot of his party, as hereinafter provided.

**Disposition of fees.** The secretary of state and county auditor shall number each affidavit so filed with them in numerical order as received. Such fee of ten (10) dollars, in case of a candidate for a city office, shall be immediately paid into the city treasury by the county auditor, in case of fees received by him, and in other cases of fees received by him, shall be so paid into the county treasury, but no fee shall be required from any person who is a candidate for any office to which no compensation is authorized to be paid.

In case of fees paid to secretary of state as aforesaid, he shall immediately after the last day for filing nomination affidavits with him has expired, divide the amounts of the fees of candidates equally between the counties within which such candidates are to run for office, and issue warrants for said amounts to the state treasurer, who will remit and pay the same at once to the treasurers of said counties respectively.

Said affidavit may be in substantially the following form:

I, A..... B..... being duly sworn (or affirmed), say that I reside at Number..... street ..... (city or town) of ..... County of ..... State of Minnesota, and am a qualified voter therein, and a ..... (name of party), that I am a candidate for nomination to the office of ..... to be made at the primary election of said party to be held on ..... and hereby request that my name be printed upon the official primary ballot, as provided by law, as a candidate of the ..... party.

Subscribed and sworn (or affirmed) to before me.... date.....

**SEC. 3.** That section five (5) of chapter three hundred forty-nine (349), General Laws of one thousand eight hundred ninety-nine (1899), be amended so as to read as follows:

Section 5. The method of voting at such primary election shall be by ballot, and all ballots voted shall be printed as herein provided.

On the nineteenth (19th) day before the primary election the secretary of state shall certify to the county auditors of the several counties the names of all qualified candidates of the several political parties to be voted for within such counties, whose affidavits have been filed with him as in this act provided; and on the fourteenth (14th) day before the primary election each county auditor shall group all the candidates for each party by themselves, and shall prepare at once in writing a separate ballot for each party for public inspection, which he shall post in a conspicuous place in his office, and shall publish the same twice, before said primary election day, in the official paper of his county, said publications being made one week apart. He shall then proceed to have printed a separate primary election ballot for each political party which has qualified as hereinbefore provided, these ballots to be prepared in the following manner:

Each party ticket shall be absolutely uniform in color and size, shall be white and printed in black ink. Across the head of each ballot shall be printed in plain black type, first, the name of the political party on each ticket, following the words, "Primary Election Ballot." On the next line and in smaller type shall be printed the words, "List of Candidates for Nominations to be Voted for in District ....." (naming the district that certain ballot is intended for) ..... Ward (naming the ward that certain ballot is intended for), followed by the name of the city, town or village in which the ballot is to be used.

On the next line, and to the right on the ballot, shall be a fac simile of the signature of the county auditor making up the tickets, followed by the words "County Auditor."

The balance of the ticket is to be made up in the same manner as the ballots used at general election, except that: The tickets are to be made up under the head in two (2) columns, with a design of parallel or filigree rules one-quarter (1/4) inch wide to separate the columns.

At the top of each column shall appear the words, "To vote for a person mark a cross, X, in the square at the right of the name of the person for whom you desire to vote."

Each one of these sentences at the head of each column shall be enclosed in a rule, the same as the names of each candidate, and at its end shall be a square directly over the

Form of  
ballot.

Separate  
ballot for  
each party.

How printed.

squares in which marks are to be made, that square to have a black cross, X, which shall show the voter how to mark the ballot.

Beginning at the top of the left hand column at the left of the line, in black type, shall appear the position for which the names following are candidates, and to the extreme right of the same line the words "vote for," then the word "one," "two," or a spelled number designating how many persons under that head are to be voted for.

Following this shall come the names of each candidate for that position, enclosed in a light-face rule, with a square to the extreme right, the parallel rules containing the names to be three-sixteenths (3-16) of an inch apart.

Each position with the names running for that position shall be separated from the following one by a black-face rule to separate each position clearly.

The positions shall be arranged as follows, provided nominees for such positions are to be selected in said county under the provisions of this act hereinafter provided:

First, judicial; next, congressional; next, legislative next, county officers; next, city officers; in all cases following under each heading given, the rotation used in the make-up of the various ballots at the general election.

SEC. 4. That section sixteen (16) of chapter three hundred forty-nine (349), General Laws one thousand eight hundred ninety-nine (1899), be amended so as to read as follows:

Section 16. All persons entitled to registration as voters in the election district on the day of the primary election, for the purpose of voting at the ensuing election, shall be entitled to participate in the primary election, but no voter shall receive a primary ballot or be entitled to vote until he shall have first been duly registered as a voter then and there in the manner provided by law, upon which registration (unless challenged, and if challenged, then only in event that the challenge is determined in favor of the voter), he shall be entitled forthwith, but not later, to receive a ballot of the political party with which he then declares (under oath, if his right thereto is challenged) that he affiliated, and whose candidates he generally supported at the last general election, and with which party he proposes to affiliate at the next election: *provided*, that a first voter shall not be required to declare his past political affiliation. Such ballot shall be indorsed with the initials of two of the judges upon the back of the ballot at the bottom edge. A judge of election shall instruct the

Positions of candidates.

Who may vote at primary elections.

Affiliation with parties.

voter that he is to vote for his choice for each office using only the ballot of the party with which he affiliates, and that he must return the ballot folded with the edges upon which are the initials of the judges uppermost.

SEC. 5. That section eighteen (18) of chapter three hundred forty-nine (349), General Laws of one thousand eight hundred ninety-nine (1899), be amended so as to read as follows:

Section 18. When an elector has prepared his ballot he shall fold the same with the edges upon which are the initials of the judges uppermost, and so folded as to conceal the face thereof, and all marks thereon, and shall hand the same to the judge of the primary election who is in charge of the ballot boxes.

The folded ballot, when returned, shall be placed in the proper ballot box, and the name of the voter shall be checked off upon said registers in the column headed primary election.

Except as herein otherwise provided, the following sections of said general election law are hereby made applicable to primary elections held under this act, to wit: Sections seventy-one (71), seventy-two (72), eighty-nine (89), ninety (90), ninety-one (91), ninety-two (92), ninety-three (93), ninety-four (94), ninety-seven (97), ninety-eight (98), ninety-nine (99), one hundred one (101), one hundred two (102), one hundred three (103), one hundred four (104), one hundred five (105), one hundred six (106), one hundred seven (107), one hundred eight (108), one hundred nine (109), one hundred ten (110), one hundred eleven (111), one hundred twelve (112), one hundred thirteen (113), one hundred fourteen (114), one hundred fifteen (115), one hundred sixteen (116), one hundred seventeen (117), one hundred eighteen (118).

SEC. 6. That section twenty (20) of chapter three hundred forty-nine (349), General Laws one thousand eight hundred ninety-nine (1899), be amended so as to read as follows:

Section 20. Upon the completion of the matters prescribed in the last section, the clerks and judges of registration shall immediately open the ballot boxes at each polling place and proceed to take therefrom the ballots. Said officers shall count the number of ballots cast by each party, at the same time bunching the tickets cast for each party together in separate piles, and shall then fasten each pile separately by means of a brass clip, or may use any means which shall effectually fasten each pile together at the top of each ticket.

Folding  
ballot.

Sections of  
general elec-  
tion law  
to apply.

Canvassing  
votes.

As soon as the clerks and judges shall have sorted and fastened together the ballots of each separate party, then they shall take the tally sheets provided by the county auditor and shall count all the ballots for each party separately until the count is completed, and shall certify to the number of votes cast for each candidate for each office upon the ticket of each party. They shall then place the counted ballots in the box, but in no case shall they separate them from each other. After all have been counted and certified to by the clerks and judges they shall seal the returns for all parties in one envelope, to be returned to the county auditor.

Sections of  
general elec-  
tion law  
to apply  
to canvass  
of votes.

Except as herein otherwise provided, the matters pertaining to the canvass of votes shall be conducted in the manner prescribed by the following sections, as amended, of such general election law, and the same are hereby made applicable to primary elections held under this act, to wit:

Sections one hundred and twenty-three (123), one hundred twenty-five (125), one hundred twenty-six (126), one hundred twenty-seven (127), one hundred twenty-eight (128), one hundred twenty-nine (129), one hundred thirty-four (134), one hundred thirty-five (135), one hundred thirty-six (136), one hundred thirty-seven (137), one hundred thirty-eight (138), one hundred forty-eight (148), one hundred forty-nine (149).

SEC. 7. That section twenty-three (23) of chapter three hundred and forty-nine (349), General Laws of 1899, be amended so as to read as follows:

Section 23. The clerk of the district court of the county, the county auditor, the chairman of the board of county commissioners, and two justices of the peace of the same county, of opposite political parties from that of the majority of the other members of the canvassing board, if possible, to be selected by the judge or judges of the district court, shall constitute the county canvassing board for the purposes of the primary election, and shall meet at the court house in the county at ten o'clock in the morning of the second day after said primary election, and shall proceed, after taking the usual oath of office, to openly and publicly canvass the primary election returns made to the county auditor.

Canvassing  
board.

Candidate  
not eligible  
for canvass-  
ing board.

*Provided, however,* that no person who shall be a candidate at any primary election shall be eligible to act as a member of said canvassing board, and if any vacancy occurs in said canvassing board by reason of the ineligibility of any of the hereinbefore mentioned persons to serve, said vacancy shall be filled by the judges of the dis-

trict court of the county wherein the said primary election is held, by appointing to fill such vacancy some duly qualified elector of said county, who is not a public officeholder

Any three of said canvassing board shall constitute a <sup>Quorum.</sup> quorum, and are authorized to make the canvass herein provided and to certify the results thereof.

The canvassing board shall not wait until all the returns are at hand before beginning, but after filling out their sheets with the names and number of the election districts, they shall take such election returns as are at hand and fill in the results there shown, and when the returns are not at hand they shall leave a space until the missing returns are brought in. <sup>Procedure.</sup>

Said canvass shall be completed by the said county canvassing board as to all candidates being voted for in other counties, by the evening of the third day following said primary election, and the result certified to the secretary of state immediately, as hereinafter provided.

SEC. 8. That the last subdivision of section twenty-four (24) of chapter three hundred forty-nine (349), General Laws one thousand eight hundred ninety-nine (1899), be amended so as to read as follows:

3. A statement of the whole number of electors registered and the number of ballots cast, male and female, separately at such primary election.

If two or more candidates for the same political party are "tied" for the same office, the "tie" shall be determined by lot to be cast then and there by and as the canvassing board may determine. It shall be the duty of the county auditor, upon the completion of its canvass by said canvassing board to certify to the secretary of state the vote as shown by such statement for all candidates to be voted for in more than one county on or before ten (10) o'clock of the morning of the fourth day following said primary election, and to mail or deliver in person to each candidate to be voted for in his county alone, by said statement shown to be so nominated, a notice of such fact, that his name will be placed upon the official ballot at the ensuing election; *provided*, a fee to be named therein is paid on or before the day to be named therein, in each case the same to be named in accordance with the fee and date required by said general election law, and a notice further that his name will not be placed upon the ballot if said fee is not paid by such time. <sup>In case of tie vote.</sup> <sup>Return of vote and notice to candidate.</sup>

The officers who are charged by law with the duty of canvassing returns of general elections made to the secretary of state shall also open and canvass the returns made

<sup>Duty of state canvassing board.</sup>

**Secretary of state to certify nominations.** to him of any primary election, under this act, at the usual time and place, meeting for the purpose on the seventh (7th) day following said primary election. They shall determine any "ties" between candidates in the same manner as in their canvass for general elections. Upon the completion of said canvass, it shall be the duty of the secretary of state to certify to the several county auditors the names of the persons found to be nominated for all the offices to be printed upon their county tickets, and to mail to each candidate shown by such state canvass to be nominated for any office a notice of the fact, and that his name will be printed upon the proper official ballot for the ensuing election, upon the payment by such candidate for the proper nomination fee to the proper officer, as provided by the general election law.

**SEC. 9.** That section twenty-five (25) of chapter three hundred and forty-nine (349), General Laws of one thousand eight hundred and ninety-nine (1899), be amended so as to read as follows:

**Section 25.** The persons whose names are so properly placed in said nominated statement shall be and constitute the nominees of the several political parties in which they were candidates, and such names shall be printed upon the official ballot prepared for the ensuing election in like manner as if such persons had been duly nominated by a party convention of delegates, with the certificate thereof filed as required by said general election law; *provided*, no name shall be placed upon the ballot for said ensuing election unless the further fee required by said general election law is paid within the time therein required, as in case of filing certificates of nomination from conventions. No names of candidates, when name was upon the primary election ballot under the provisions of section 4 of this act, shall be placed upon the official election ballot unless such candidates have been chosen in accordance with this act, except in case of a vacancy occasioned by the death, removal or resignation of any candidate so chosen or arising otherwise, and in such event the campaign or party committee of the same political party, or if there be no such committee, then a mass convention of such party, may fill such vacancy, the name of such new candidate to be certified under oath to the secretary of state or county auditor or auditors, or both, as the case may be, by the chairman and secretary of such committee or convention.

**SEC. 10.** All acts and parts of acts inconsistent with this act are hereby repealed.

**The nominees.**

**Non-primary candidates prohibited at general elections. Vacancies.**

SEC. 11. This act shall take effect and be in force from and after September 1st, 1901.

Approved April 10th, 1901.

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### CHAPTER 217.

H. F. No. 356.

*An act relating to the addition of territory for public park or cemetery purposes to all villages incorporated under the General Laws of the State of Minnesota.*

Villages.  
Territory for  
cemeteries  
and parks.

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

SECTION 1. Whenever any village incorporated under the General Laws of the State of Minnesota acquires the title of any territory adjacent to and adjoining such village for public park or cemetery purposes, the village council of any such village may by ordinance declare the same to be an addition to such village, and thereupon such territory shall become a part of such village as effectually as if it had been originally a part thereof.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 10th, 1901.

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### CHAPTER 218.

H. F. No. 357.

*An act to amend section one (1) of chapter one hundred and twenty-two (122) of the General Laws of Minnesota for the year one thousand eight hundred and eighty-seven (1887), being an act entitled "An act defining school holidays."*

Amendment.  
School  
holidays.

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

SECTION 1. That section one (1) of chapter one hundred and twenty-two (122) of the General Laws of Minnesota for the year one thousand eight hundred and eighty-seven (1887), being an act entitled, "An act defining school holidays," be amended so as to read as follows:

Section 1. In every contract between any teacher and board of trustees or board of education, a school month shall be construed and taken to be twenty (20) days, or four (4) weeks of five (5) school days each. And no teacher shall be required to teach school on Christmas