

## CHAPTER 3—S. F. No. 5.

*An Act entitled "An Act relating to corrupt practices at primaries and elections, and candidates to be voted for therein, and providing for punishments for violations thereof."*

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

**Legal expenses designated.**—Section 1. No candidate for the nomination or election to any elective office in this state coming within the provisions of this act shall directly or indirectly pay, expend or contribute any money or other valuable thing, or promise to do so, except for the following purposes, which are hereby declared to be legal expenses.

(1) For the candidates' necessary personal traveling expenses; for postage, telegraph, telephone, or other public messenger service.

(2) For rent and necessary furnishing of hall or room during such candidacy, for the delivery of speeches, relative to principles or candidates.

(3) For payment of speakers and musicians at public meetings, and their necessary traveling expenses.

(4) Printing and distribution of list of candidates, sample ballots, pamphlets, newspapers, circulars, cards, hand bills, posters and announcements relative to candidates, or public issue or principles.

(5) For copying and classifying poll lists, for making canvasses of voters and for challengers at the polls.

(6) For filing fees to the proper public officer, and if nominated at any primary for contributions to the party committee.

(7) For campaign advertising in newspapers, periodicals, or magazines pursuant to the provisions of Section 2.

**Designation of political advertisements in newspapers—Publisher to file statement with Secretary of State.**—Sec. 2. No publisher of a newspaper, periodical or magazine shall insert either in the advertising columns of such newspaper, magazine or periodical, or elsewhere therein any matter paid or to be paid for which is intended or tends to influence directly or indirectly any voting at any primary or general election unless at the head of said matter is printed in pica capital letters the words "Paid Advertisement," and unless there is also a statement at the head of said matter of the amount paid or to be paid therefor, the name and address of

the candidate in whose behalf the matter is inserted and of any other person, if any, authorizing the publication and the name of the author thereof. No publisher of any newspaper, periodical or magazine published within this state shall insert therein either in the advertising column of such newspaper, magazine, periodical, or elsewhere therein, any matter whatsoever of a political nature, or any political editorial relative to a candidate for any public office, unless the publisher thereof shall file in the office of the secretary of state of this state within six months before the holding of any primary or general election, or within ten days after the calling of and before the holding of any special election, a sworn statement which shall contain the names of the owners of such paper, and if such paper be a corporation, the names and addresses of the owners of the shares of stock of such corporation.

**Publisher's statement to be filed with County Auditor.**—Sec. 3. Every candidate and every member of any personal campaign or party committee, who shall either in his own name or in the name of any other person, own any financial interest in any newspaper or periodical, circulating in part or in whole in Minnesota, shall, before such newspaper or periodical shall print any matter otherwise than as is provided in Section 2, which is intended or tends to influence, directly or indirectly, any voting at any election or primary in this state, file in the office of the auditor of the county in which he resides a verified declaration, stating definitely the newspaper or periodical in which or over which he has such financial interest or control, and the exact nature and extent of such interest or control. The editor, manager or other person controlling the publication of any such newspaper or article, who shall print or cause to be printed any such matter contrary to the provisions of this act, prior to the filing of such verified declaration from any person required by this section to file such declaration, shall be deemed guilty of a violation hereof.

**Soliciting by publisher or candidate prohibited.**—Sec. 4. No owner, publisher, editor, reporter, agent or employe of any newspaper or other periodical, shall, directly or indirectly, solicit, receive or accept any payment, promise or compensation, nor shall any person pay or promise to pay, in any manner compensate any such owner, publisher, editor, reporter, agent or employe, directly or indirectly, for influencing or attempting to influence through any printing matter in such newspaper any voting at any election or

primary through any means whatsoever, except through the matter inserted in such newspaper or periodical as "Paid Advertisement," and so designated as provided by this act.

**Maximum expenditure of candidates.**—Sec. 5. No disbursement shall be made and no obligation, express or implied, to make such disbursement, shall be incurred by or on behalf of any candidate for any office under the constitution or laws of this state, or under the ordinance of any town or municipality of this state in his campaign for nomination and election, which shall be in the aggregate in excess of the amounts herein specified, namely:

1. For governor, seven thousand dollars.
2. For other state officers, thirty-five hundred dollars.
3. For state senator, six hundred dollars.
4. For member of house of representatives, four hundred dollars.
5. For presidential elector-at-large, five hundred dollars, and for presidential elector for any congressional district, one hundred dollars.

6. For any county, city, village or town officer, for any judge or for any officer not hereinbefore mentioned, who, if nominated and elected, would receive a salary, a sum not exceeding one-third of the salary to which such person would, if elected, be entitled during the first year of his incumbency in such office. If such person, when nominated and elected, would not receive a salary, a sum not exceeding one-third of the compensation which his predecessor received during the first year of such predecessor's incumbency. If such officer, when nominated and elected, would not receive a salary and if such officer had no predecessor, and in all cases not specifically provided for, one hundred dollars, and no more.

**Soliciting by certain organizations forbidden.**—Sec. 6. No person shall demand, solicit, ask or invite any payment or contribution of any religious, charitable or other causes or organization, supposedly to be primarily for the public good, from any candidate for nomination or election, or to subscribe for the support of any club, or organization, or to buy tickets to any entertainment or ball or to pay for space in any book, program, periodical or publication, nor shall such demand or solicitation be made upon any committee. Provided, however, this shall not apply to the solicitation of any business advertisement in periodicals in which the candi-

date was a regular contributor, prior to his candidacy, nor to ordinary business advertisements, nor to regular payments of any organization, religious, charitable or otherwise, of which he was a member, or to which he was a contributor for more than six months before his candidacy, nor to any ordinary contributions at church services.

**Campaign literature must bear name of author.**—Sec. 7. Any person or committee who shall publish, issue or circulate, or cause to be published, issued or circulated, otherwise than in a newspaper, as provided in Section 2 of this act, any literature or any publication tending to influence voting at any primary or election which fails to bear on the face thereof the name and address of the author, the name and address of the candidate in whose behalf the same is published, issued or circulated, and the name and address of any other person or committee causing the same to be published, issued or circulated, and any person, firm, corporation or committee who shall knowingly make or publish or cause to be published, any false statement in relation to any candidate or proposition to be voted upon, which statement is intended to or tends to affect any voting at any primary or election, shall be guilty of a misdemeanor; provided, nothing herein contained shall be construed as modifying or repealing any of the provisions of Section 370, Revised Laws 1905.

**Certain soliciting and disbursing prohibited.**—Sec. 8. (1) No person shall solicit, receive or accept any money, property or other thing of value, or any promise or pledge thereof, constituting a disbursement prohibited by this act.

(2) No person, firm or co-partnership shall disburse, expend or contribute in any manner whatsoever for political purposes during any primary or election, a sum of money in excess of fifty dollars, except through a political committee.

**Inducing of persons to become or not to become candidates prohibited.**—Sec. 9. No person shall pay, or promise to reward another in any manner or form for the purpose of inducing him to be or refrain from or cease being a candidate, and no person shall solicit any payment, promise or reward from another for such purpose.

**Candidate and elector prohibited from treating, or receiving entertainment.**—Sec. 10. No person or candidate shall, either by

himself or by any other person, while such person or candidate is seeking a nomination or election, directly or indirectly, give or provide, or pay, wholly or in part, the expenses of giving or providing any meat or drink or other entertainment or provision, clothing, liquors, cigars or tobacco, to or for any person for the purpose of or with intent or hope to influence that person or any other person to give or refrain from giving his vote at such primary or election to or for any candidate or political party ticket, or measure before the people or on account of such person or other person having voted or refrained from voting for any candidate or the candidates of any political party or organization or measure before the people, or being about to vote, or refrain from voting, at such election. No elector shall accept or take any such meat, drink, entertainment, provision, clothing, liquor, cigars, or tobacco, and such acceptance shall be a ground of challenge to his vote and of rejecting his vote on a contest.

**Undue influence defined and prohibited.**—Sec. 11. No person shall directly or indirectly by himself or any other person in his behalf, make use of or threaten to make use of any force, coercion, violence, restraint, or undue influence, or inflict or threaten to inflict by himself, or any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel such person to vote or refrain from voting for any candidate or the ticket of any political party, or any measure before the people, nor shall by abduction, duress, or any fraudulent contrivance, impede or prevent the free exercise of the franchise of any voter at any primary or election, or compel, induce or prevail upon any elector to give or to refrain from giving his vote at any primary or election.

**Wagering declared a violation.**—Sec. 12. Any candidate who, before or during any primary or election campaign, makes any bet or wager of anything of pecuniary value, or in any manner becomes a party to any such bet or wager on the result of the primary or election in his electoral district, in any part thereof, or on any event or contingency relating to any pending primary or election, or who provides money or other valuable thing to be used by any person in betting or wagering upon the results of any impending primary or election, shall be guilty of a violation of this act. Any person, who for the purpose of influencing the result of any primary or election, makes any bet or wager of anything of pecuniary

value on the result of such primary or election, in his electoral district or any part thereof, or of any pending primary or election, or on any event or contingency relating thereto, shall be guilty of a violation of this act, and in addition thereto, any such act shall be a ground of challenge against his right to vote.

**Payment of personal service, use of buttons and payment of vehicles on election day prohibited.**—Sec. 13. It shall be unlawful for any person to pay another for any loss or damage due to attendance at the polls, or in registering. No person shall pay for personal service to be performed on the day of a caucus, primary, convention, or any election, for any purpose, connected therewith, tending in any way, directly or indirectly, to affect the result thereof, except for the hiring of persons whose sole duty it is to act as challenger and watch the count of official ballots. No person shall buy, sell, give or provide any political badges, buttons or other insignia to be worn at or about the polls on the day of any primary or election, and no such political badge, button or other insignias shall be worn at or about the polls on any primary or election day. No person or committee, or organization shall convey or furnish any vehicle for conveying or bear any portion of any expense of conveying any voter to or from the polls, but this provision shall not apply to persons of the same household, nor shall it prohibit two or more voters from providing joint transportation for themselves by mutual agreement at their own expense.

**Soliciting of votes within one hundred feet of polling places and distribution of campaign cards, etc., on election day prohibited.**—Sec. 14. (1) It shall be unlawful for any person within one hundred feet of the building in which any polling place is situated on the day of any primary or election to ask, solicit or in any manner try to induce or persuade any voter on such primary or election day to vote for or refrain from voting for any candidate or the candidates or ticket of any political party or organization, or any measure submitted to the people, and upon conviction thereof he shall be punished by a fine of not less than five dollars nor more than one hundred dollars for the first offense, and for the second and each subsequent offense occurring on the same or different election days, he shall be punished by a fine as aforesaid, or by imprisonment in the county jail for not less than five nor more than thirty days or by both such fine and imprisonment.

(2) Any person who shall at any place on the day of any primary or election circulate or distribute, or cause to be circulated or distributed, any campaign cards, candidates' cards, placard or campaign literature of any kind whatsoever, shall be guilty of a misdemeanor. Provided, nothing herein contained shall be construed as modifying or repealing the provisions of Section 364, Revised Laws 1905.

**Disbursements to be made only under personal direction of candidate.**—Sec. 15. No candidate shall make any disbursement for political purposes except under his personal direction which for any purpose shall be considered his act, through a party committee, or through a personal campaign committee, whose authority to act shall be filed, as provided in this act.

**Selection of single personal campaign committees.**—Sec. 16. Any candidate may select a single personal campaign committee to consist of one or more persons. Before any personal campaign committee shall make any disbursement in behalf of any candidate, or shall incur any obligation, expressed or implied, to make any disbursement in his behalf, such candidate shall file with the filing officer of such candidate a written statement signed by such candidate, setting forth that such personal campaign committee has been appointed and giving the name and address of each member thereof and of the secretary thereof. If the campaign committee consists of only one person, such person shall be deemed the secretary thereof. Any candidate may revoke the selection of any member of such personal campaign committee by a revocation in writing which, with proof of personal service on the member whose selection is so revoked, shall be filed with the filing officer of such candidate. Such candidate may fill the vacancy thus created in the manner in which an original appointment is made. In civil actions and proceedings brought under this act, the acts of every member of such personal campaign committee shall be presumed to be with the knowledge and approval of the candidate until it has been clearly proved that the candidate did not have knowledge of and approve the same, and that, in the exercise of reasonable care and diligence, he could not have had knowledge of and opportunity to disapprove the same.

**Disbursements by personal campaign or party committee.**—Sec. 17. No personal campaign or party committee shall make any disbursement except:

(1) For maintenance of headquarters and for hall rentals incident to the holding of public meetings.

(2) For necessary stationery, postage, telegraph, telephone, messenger and clerical assistance to be employed at a candidate's headquarters or at the headquarters of the committee, incident to the writing, addressing and mailing of letters and campaign literature.

(3) For necessary expenses, incident to the furnishing and printing of badges, banners and other insignia, to the printing and posting of handbills, posters, lithographs and other campaign literature, and the distribution thereof through the mails or otherwise.

(4) For campaign advertising in newspapers, periodicals or magazines, as provided in this act.

(5) For wages, and actual necessary personal expenses of public speakers, organizers and musicians.

(6) For traveling expenses of members of the committee.

(7) For preparing poll lists and for challengers at the polls.

**Bills to be rendered within ten days after primary election date.**

—Sec. 18. Every person who shall have any bill, charge or claim upon or against any personal campaign or party committee or any candidate, for any disbursement made, services rendered, or thing of value furnished, for political purposes, or incurred in any manner in relation to any primary or election, shall render in writing to such committee or candidate such bill, charge or claim within ten days after the day of the primary or election in connection with which such bill, charge or claim was incurred. No candidate and no personal campaign or party committee shall pay any bill, charge or claim so incurred prior to any primary or election, which is not so presented within ten days after such primary or election.

**Statements of disbursements—Where filed—What to contain.—**

Sec. 19. (1) Every candidate, and the secretary of every personal campaign and party committee shall, on the second Saturday occurring after such candidate or committee has first made a disbursement or first incurred any obligation, expressed or implied, to make a disbursement for political purposes, and thereafter, on the second Saturday of each calendar month, until all disbursements shall have been accounted for and also on the Saturday preceding any election or primary, file a financial statement verified upon the oath of such candidate or upon the oath of the secretary



of such committee, as the case may be, which statement shall cover all transactions not accounted for and reported upon in statements theretofore filed. Each statement after the first shall contain a summary of all preceding statements, and summarize all items theretofore reported, under the provisions of this act.

(2) The statement of any candidate and the statement of his personal campaign committee shall be filed with the filing officer of such candidate. The statement of every state committee, and of every congressional committee shall be filed with the Secretary of State. The statement of every party committee for a state senatorial district, or for state representative district, shall be filed with the filing officer of the candidate for state senator or state representative in such district. The statement of every other party committee shall be filed in the office of the County Auditor of the county within which, or for a subdivision within which such disbursements were made.

(3) Each statement shall give in full detail:

(a) Every sum of money and all property, and every other thing of value, received by such candidate or committee during such period from any source whatsoever which he or it uses or has used, or is at liberty to use for political purposes, together with the name of every person or source from which each has received and the date when each was received, together with the total amount received from all sources in any amount or manner whatsoever.

(b) Every promise or pledge of money, property or other thing of value, received by such candidate or committee during such period, the proceeds of which he uses or has used, or is at liberty to use for political purposes, together with the names of the persons by whom each was promised or pledged, the special purposes for which each was promised or pledged and the date when each was so promised or pledged, together with the total amount promised or pledged from all sources in any amounts or manner whatsoever.

(c) Every disbursement by such candidate or committee for political purposes during such period, together with the name of every person to whom the disbursement is made, the specific purpose for which each was made, and the date when each was made, together with the total amount of disbursements made in any amounts or manner whatsoever.

(d) Every obligation, expressed or implied, to make any disbursement incurred by such candidate or committee for political purposes during such period, together with the names of the person or persons to or with whom each such obligation has been incurred, the specific purpose for which each was made, and the date when each was incurred, together with the total amount of such obligations made in any amounts or manner whatsoever.

(e) Statements shall also be made by any other political committee showing the total amount of receipts and disbursements, and for what purpose such disbursements were made. Such statement shall be filed with the auditor of the county in which such committee has its headquarters within thirty days after any primary or election.

**Blanks to be prepared by Secretary of State.**—Sec. 20. Blanks for all statements required by this act shall be prepared by the Secretary of State and copies thereof, together with a copy of this act, shall be furnished through the County Auditor or otherwise, as the Secretary of State may deem expedient, to the secretary of every committee, and to every candidate upon the filing of nomination papers, and to all other persons required by law to file such statements who may apply therefor.

**Name of candidate not to be placed on official ballot until statement of disbursements has been filed.**—Sec. 21. The name of a candidate chosen at a primary election or otherwise shall not be printed on the official ballot for the ensuing election, unless there has been filed by or on behalf of said candidate and by his personal campaign committee, if any, the statements of accounts and expenses relating to nominations required by this act.

**Promises of appointment or to aid in appointment prohibited.**—Sec. 22. No person shall, in order to aid or promote his nomination or election, directly or indirectly, himself, or through any other person, appoint or promise to appoint any person, or secure or promise to secure or aid in securing the appointment, nomination or election of any person to any public or private position or employment, or to any position of honor, trust or emolument. Nothing herein contained, however, shall prevent a candidate from stating publicly his preference for or support of any other candidate for any office to be voted for at the same primary or election; nor prevent a candidate, for any office in which the person elected will be charged with the duty of participating in the election or the

nomination of any person as a candidate for any office, from publicly stating or pledging his preference for or support of any person for such office or nomination.

**Employer prohibited from attempting to influence employe.—**

Sec. 23. No person being an employer or acting for or in behalf of any employer shall give, distribute or cause to be given or distributed to any of his employes, any printed or written matter containing any threat, notice or information, or make any threat, verbal or otherwise, that in case any particular ticket or a political party or organization or candidate shall be elected or any measure referred to a vote of the people shall be adopted, work in his place or establishment will cease, in whole or in part, or his place of establishment will be closed up, or the salaries or wages of the workmen or employes be reduced or other threats, expressed or implied, intended or calculated to influence the political opinion or actions of his workmen or employes.

**Candidate may delegate expenditures to personal campaign committee.—**Sec. 24. Any candidate may delegate to his personal campaign committee or to any party committee of his party in writing duly subscribed by him, the expenditure of any portion of the total disbursements which are authorized to be incurred by him or on his behalf, by the provisions of this act but the total of all disbursements by himself and by his personal campaign committee in his behalf shall not exceed in the aggregate the amounts in this act specified, except as provided herein.

**Expenditures by campaign committees.—**Sec. 25. (1) No disbursement shall be made and no obligation, expressed or implied, to make such disbursement, shall be incurred by or on behalf of any personal campaign committee, exceeding in the aggregate the total amounts theretofore delegated to such committee in writing, duly subscribed as provided herein.

(2) The state central committee of any political party entitled by law to have the names of its candidates placed upon the official ballot in a general election may, however, in addition to the disbursements and obligations to make disbursements provided for in sub-section 1 hereof, make further disbursements in connection with any general election, not exceeding in the aggregate the sum of ten thousand dollars.

(3) Nothing contained in this act shall be construed to authorize the state central committee of any political party, to make disbursements in connection with any election, in excess in the aggregate of ten thousand dollars, and every disbursement by any such committee in excess of such amount is forbidden.

**Corporations prohibited from making contributions.—Sec. 26.** No corporation doing business in this state shall pay or contribute, or offer, consent, or agree to pay or contribute, directly or indirectly, any money, property, free service of its officers or employes or thing of value to any political party, organization, committee or individual for any political purpose whatsoever, or to promote or defeat the candidacy of any person for nomination, election or appointment to any political office. If any corporation shall be convicted of violating any of the provisions of this act, it shall be subject to a penalty in the amount of not exceeding ten thousand (10,000) dollars to be collected as other claims or demands for money are collected; and if a domestic corporation, in addition to said penalty, it may be dissolved; and if a foreign or non-resident corporation, in addition to said penalty, its right to do business in this state may be declared forfeited.

**Penalty for violation by officers, etc., of corporations.—Sec. 27.** Any officer, employe, agent or attorney or other representative of any corporation, acting for or in behalf of such corporation who shall violate this act, shall be punished upon conviction by a fine of not less than one hundred nor more than five thousand dollars, or by imprisonment in the state prison for a period of not less than one nor more than five years, or by both such fine and imprisonment in the discretion of the court or judge before whom such conviction is had.

**Violations prima facie evidence—disposition of fine.—Sec. 28.** The violation of this act by any officer, of such corporation, shall be prima facie evidence of said violation by such corporation. All fines or forfeitures recovered under the provisions of this act shall when collected be paid into the treasury of the county for the use of the road and bridge fund, and it is hereby made the duty of the county attorney of each county to conduct prosecutions under this act on proper complaint.

**Aiding in violation of act a gross misdemeanor.—Sec. 29.** Any person or persons who shall aid, abet, or advise a violation of this

act, shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished as provided in this act.

**Where prosecuted.**—Sec. 30. Violations of this act may be prosecuted in the county where such payment or contribution is made or services rendered or in any county wherein such money has been paid or distributed.

**Filing officers to notify candidates or committees of failure to make compliance—duty of county attorney.**—Sec. 31. The officer with whom the expense account of any candidate for public office or committee is required to be filed by this act, shall notify such candidate or committee of the failure to comply with such law, immediately upon the expiration of the time fixed by any law of this state for the filing of the same, and shall notify the county attorney of the county where such candidate resides or in which the headquarters of the committee is located, of the fact of the failure to file such expense account and said county attorney shall thereupon notify such candidate or the secretary of said committee of such delinquency and if the provisions of this act shall not be complied with within ten days after the mailing of such notice, the county attorney shall thereupon prosecute such candidate or the officer of the committee required by law to file such statement.

**Presentation to grand jury—Refusal of county attorney to act a misdemeanor—Attorney may be employed to assist county attorney.**—Sec. 32. If the county attorney of the county shall be notified by any officer or other person of any violation of any of the provisions of this act, it shall be his duty forthwith to diligently inquire into the facts of such violation, and if there is reasonable ground for instituting a prosecution, it shall be the duty of such county attorney to present the said charge, with all the evidence which he can procure, to the grand jury of such county. If any county attorney shall fail or refuse to faithfully perform any duty imposed upon him by this act, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall forfeit his office. It shall be the duty of the county attorney, under the penalty of forfeiture of his office, to prosecute any and all persons guilty of any violation of the provisions of this act, the penalty of which is fine or imprisonment, or both, or removal from office. Any citizen may employ an attorney to assist the county attorney to perform his duties under this act, and such attorney shall be recognized by the county attorney and the court as associate counsel in the proceed-

ing; and no prosecution, action or proceeding shall be dismissed without notice to, or against the objection of, such associate counsel until the reasons of the county attorney for such dismissal, together with the objections thereto of said associate counsel, shall have been filed in writing, argued by counsel, and fully considered by the court, with such limitation as to the time of filing such reasons and objections as the court may impose.

Twenty-five voters may contest right of nomination on ground of violation of this act.—Sec. 33. Any twenty-five voters of the state, or of any political division thereof, may contest the right of any person to nomination, position, or office for which said voters had the right to vote, on the ground of deliberate, serious and material violation of the provisions of this act or of any other provisions of law relating to nominations and elections. Any defeated candidate for said nomination, position or office may make said contest. Said procedure shall be commenced by petition filed in the district court of the county in which the candidate whose election is contested resides, and the contest shall be carried on according to law.

In case of contests over nominations, the court shall pronounce whether the incumbent or contestant was duly nominated, and the person so declared nominated shall have his name printed on the official ballots.

District court to determine merits of case.—Sec. 34. When upon the trial of any action or proceedings under this act it shall appear from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means were taken by such candidate at such election, or were taken by or on behalf of the candidate, or that the offenses complained of were trivial, unimportant or limited in character, and that in all respects his candidacy and election were free from all offensive or illegal acts, or that any act or omission of any candidate complained of arose from accidental miscalculation or from some other reasonable cause of like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be unjust that the candidate shall forfeit his nomination, position or office, then the nomination or election of such candidate shall not by reason of such offense complained of to be void, nor shall the candidate be removed from nor deprived of his nomination, position or office.

**Contest to commence within ten days after primary or thirty days after a general election.**—Sec. 35. Any proceeding under this act contesting any nomination or election must be commenced within ten days after the day of the primary or thirty days after a general election, unless the ground of action is discovered from the statements filed under this act, in which event the action must be commenced within ten and thirty days after such discovery, respectively. Any proceeding to annul any nomination or election of any person for office mentioned in this act, must be filed in the district court of the county in which the person resides whose right to the nomination, position or office is contested.

**Disqualification of candidate.**—Sec. 36. A candidate elected to an office, and whose election thereto has been annulled and set aside for any offense mentioned in this act, shall not, during the period fixed by law as the term of such office, be appointed to fill any vacancy which may occur in such office. A candidate or other person who is removed from or deprived of his office for any offense mentioned in this act, shall not, during the period remaining as the unexpired term of such office, or during the period fixed by law as the next ensuing term of such office, be appointed to fill any vacancy which may occur in such office. Any appointment to an office made in violation of or contrary to the provisions of this section shall be void.

**One provision of act not to invalidate remainder.**—Sec. 37. In event that any provision or paragraph or part of this act shall be questioned in any court and shall be held to be invalid, the remainder of the act shall not be invalidated, but shall remain in full force and effect.

**Criminal procedure.**—Sec. 38. (1) If any person shall in a criminal action be judged to have been guilty of any violation of this act while a candidate for any office under the constitution or laws of the state, or under any ordinance of any town or municipality therein, other than the office of state senator or member of the house of representatives, the court shall, after entering the adjudication of guilty, enter a supplemental judgment, declaring such person to have forfeited the office in the conduct of the campaign for the nomination or election to which he was guilty of such violation, and shall transmit to the filing officer of such candidate a transcript of such supplemental judgment, and thereupon such office shall be deemed vacant and shall be filled as provided by law.

(2.) If any person shall, in a criminal action, be adjudicated guilty of any violation of this act, committed while he was a candidate for the office of state senator, member of the house of representatives, United States senator, or representative in congress, or while he was a member of the personal campaign committee of any such candidate, the court, after entering such adjudication, shall forthwith transmit to the presiding officer of the legislative body as a member of which such officer was a candidate when such violation occurred, a certificate setting forth such adjudication of guilty.

**Employment of counsel.**—Sec. 39. Nothing contained in this act shall prevent any candidate from employing counsel to represent him in any action or proceeding, affecting his rights as a candidate, nor from paying all costs and disbursements necessary incidental thereto. No sum so paid or incurred shall be deemed a part of the campaign expenses of any such candidate.

**Construction of terms.**—Sec. 40. The following words and phrases as used in this act shall be construed as follows:

(1) Any act shall be deemed to have been for "political purposes" when the act is of a nature, is done with the intent, or is done in such a way, as to influence or tend to influence, directly or indirectly, voting at any primary or election or on account of any person having voted, or refrained from voting, or being about to vote or refrain from voting at any election or primary.

(2) The term "candidate" shall mean and include every person for whom it is contemplated or desired that votes may be cast at any election or primary, and who either tacitly or expressly consents to be so considered, except candidates for president and vice-president of the United States.

(3) The term "disbursement" shall mean and include every act by or through which any money, property, office or position or other thing of value passes or is directly or indirectly conveyed, given, promised, paid, expended, pledged, contributed or lent, and also any money, property, office or position or other thing of value so given, provided, paid, expended, promised, pledged, contributed or lent.

(4) The term "filing office," when used with reference to any candidate, shall be construed to mean the officer who is authorized by law to a certificate of nomination or election to such candidate if he be successful. If there be no officer authorized to issue such



certificate of nomination or election, then such term shall be construed to mean the clerk of the town, city or village in which such candidate resides.

(5) The term "primary" shall mean and include any primary election law held under the general election laws of this state.

(6) The term "election" shall mean and include all general, special or other elections, provided for under the general election laws of the state, or under the election laws governing any election in any district, county, town, city, village or other municipality therein.

(7) The term "personal campaign committee" shall mean any committee appointed by a candidate at any primary election.

(8) The term "party committee" shall mean any committee appointed or elected to represent any political party with a party organization in this state.

(9) Every two or more persons elected or appointed by any political party or association for the purpose, wholly or partly, of raising, collecting, or disbursing money, or directing the raising, collecting or disbursing thereof, for nomination or election purposes, and every two or more persons who shall co-operate in the raising, collecting, or disbursing of money used, or to be used for or against the election to public office of any person or any class or number of persons, or for or against the adoption of any law, ordinance, or constitutional amendment, shall be deemed a "political committee" within the meaning of this chapter.

(10) The term "committee" shall mean any personal campaign committee, party committee, or political committee unless the intent is clearly shown to be otherwise.

**Penalty for violation.**—Sec. 41. Any person violating any provisions of this act except as otherwise provided herein, shall upon conviction thereof be punished by imprisonment in the county jail for a period of not less than one month nor more than one year, or by imprisonment in the state prison for a period of not less than one year nor more than three years, or by a fine of not less than twenty-five dollars nor more than one thousand dollars, or by both such fine and imprisonment; and no person so convicted shall be permitted to take or hold office to which he was elected, if any, or receive the emoluments thereof.

**Ten thousand dollars appropriated for use of Attorney General in enforcement of act.**—Sec. 42. That the sum of \$10,000.00 or as

much of the same as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the fiscal year ending July 31, 1913, and biennially thereafter, the same to be placed at the disposal of the Attorney General for the purpose of enforcing the provisions of this act.

**Certain sections repealed.**—Sec. 43. Sections 348 to 358, Revised Laws of Minnesota for 1905, and all other acts or parts of acts inconsistent with the provisions of this act, except as herein provided, are hereby repealed.

Approved June 20, 1912.

---

#### CHAPTER 4—H. F. No. 25.

*An Act to authorize villages and cities of the third and fourth class to aid in the purchase of sites for and the construction and erection of armories.*

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

**Certain villages and cities authorized to appropriate money for armories.**—Section 1. That all villages, also cities of the third and fourth class, when so authorized by a vote of their respective municipalities, are hereby authorized to appropriate a sum of money, not exceeding one per cent of their respective last assessed real estate valuations, to aid in the purchase of sites for and the construction and erection of armories therein, as provided by chapter 302, General Laws 1911.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved June 17, 1912.