

(50,000) inhabitants and not having a home rule charter, its board of park commissioners shall on and after the first Monday in January, 1917, consist of one commissioner from each senatorial district in the city, the mayor of its city, the chairman of the committee on roads and bridges of its city and the chairman of the committee on public grounds and buildings of its city, all ex-officio members thereof and four commissioners at large from the whole city.

Sec. 2. **To be elected in 1916.**—At the General Election of the year 1916, each senatorial district of such city shall elect one commissioner; the odd numbered districts shall elect their commissioners for a term of two years, and the even numbered districts shall elect their commissioners for a term of four years; their successors in office in each instance shall be elected at such elections for ever afterwards for a term of four years, and the four commissioners at large shall be elected for the term of four years, each.

Sec. 3. **When to enter upon duties.**—Each of such commissioners shall enter upon the duties of his office on the first Monday of January next following his election, and serve until his successor is elected and qualified.

Sec. 4. **Vacancy to be filled by board.**—Whenever a vacancy occurs in the office of an elected commissioner, it shall be filled by the board.

Sec. 5. **Inconsistent acts repealed.**—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved April 17, 1915.

CHAPTER 167—S. F. No. 767.

An Act to amend Sections 305, 334, 336, 341, 342, 345, 348, 351, 354, 355, 358, 500, 501, 514, 520, and 530, General Statutes 1913, relating to primary and general elections; and repealing Sections 348, 516, 517, 518, 392, General Statutes 1913, and all other acts or parts of acts inconsistent with this act.

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

Section 1. That Section 305, General Statutes 1913, be amended so as to read as follows:

Sec. 305. **Special elections, when and how called and conducted.**—Whenever, any vacancy occurs in any office, the filling of which is not otherwise provided for, the governor, within ten days after he is informed of such vacancy, shall issue a proclamation directing a special election to be held, at a time therein specified not more than twenty days from the date thereof, to fill such office. One copy of such proclamation shall be mailed to

the auditor of each county wherein such special election is to be held. But if the vacancy occurs in the office of representative in congress, or member of the legislature, and there be no session of the congress or legislature between the happening thereof and the next general election the vacancy shall be filled at such general election. Such special election shall be called, held and conducted, and the returns thereof made and canvassed in the same manner as in the case of general elections; and within fifteen days thereafter the auditor shall transmit a statement of the vote cast thereat to the secretary of state.

Sec. 2. That Section 334, General Statutes 1913, be amended so as to read as follows:

Sec. 334. **Rotation of names—when required.**—Whenever two or more persons are to be elected to the same office, the names of all candidates of the several political parties for such office *and of all non-partisan candidates, shall be rotated on the ballots used in each election district in the manner provided for primary election ballots by Section 342, General Statutes 1913, and all the provisions of said Section shall be applicable to general election ballots so far as practicable;* provided, that nothing in this section shall apply to the office of presidential elector.

Sec. 3. That Section 336, General Statutes 1913, be amended so as to read as follows:

Sec. 336. **Political party defined—nominations, how made—non-partisan primary ballot—certain candidates to run in classes—county surveyors.**—A political party, within the meaning of this chapter, is one which shall have maintained in the district or territorial division in question a party organization, and presented candidates for election at the last preceding general election one or more of which candidates shall have been voted for in each county within the state at such election and shall have received in the state not less than five (5) percentum of the total vote cast for all candidates at such election or whose members to a number equal to at least (5) percentum of the total number of votes cast at the preceding general election in the county where the application is made shall present to the county auditor a petition for a place on the primary election ballot. Candidates for office shall be chosen at such primary election by voters of several political parties and not otherwise; provided, however, that the chief justice and the associate justices of the supreme court and judges of the district, probate and municipal courts and all members of the state legislature, and all elective county officers, and municipal officers in cities of the first and second class, shall be nominated upon separate non-partisan ballots, as hereinafter provided. Provided further that all qualified and duly registered voters may participate in the choosing of candidates for city office as provided for in the

city charter of cities having home rule charters; the names of all candidates for nomination for the office of chief justice, associate justice of the supreme court, judges of the district court, probate and municipal courts and all members of the state legislature, and all elective county officers, and all municipal offices in cities of the first and second class, shall be placed upon a separate primary ballot hereinafter designated as "non-partisan primary ballot."

No party or other designation, except as above, shall be placed on such ballot except as herein provided, nor shall any candidate filing for nomination on said non-partisan primary ballot be permitted or required to state his party affiliation. All provisions of law relating to the nomination of party candidates as to the form of ballot, including rotation of names, the endorsement thereon, voting, marking ballots, counting, returning and canvassing results, shall apply to nomination of said officers except that the tally sheets and returns shall be made separately, and except that non-partisan offices shall not be classified on the ballot or otherwise. Each voter shall be entitled to vote a non-partisan primary ballot without reference to his party affiliation.

The two candidates for nomination for every such non-partisan office who shall receive the highest number of votes, ascertained as provided by this act, shall be declared the nominees and their names shall be placed upon the election ballot, without party designation, and when two or more persons are to be elected for the same office, at a general election running at large in a city, county, district or in this state, the non-partisan nominees to be placed upon the general election ballot shall be the number of candidates not exceeding twice the number of such persons to be elected for the same office which shall receive the highest number of votes at such primary election; provided that when only two persons file for the nomination for any non-partisan office, or not more than twice the number of persons to be elected to any non-partisan office file for the nomination thereof, their names shall not be placed upon the non-partisan primary ballot, but said persons shall be considered and shall be the nominees for such office and their names shall be placed upon the general election ballot as such non-partisan nominees. But nothing herein shall prevent the nomination of candidates by groups, individuals or so-called political parties which cannot be recognized as such, by certificate of voters to the number hereafter specified. The names of candidates nominated by certificates for offices hereinabove designated as non-partisan shall have no party or other designation on the certificate or on the election ballot.

The nomination of candidates for the office of county surveyor shall be made as follows:

On or before Tuesday, seven weeks preceding any general election, and not sooner than Tuesday, fourteen weeks preceding any general election, any person eligible and desirous of having his name placed upon the election ballot as a non-partisan candidate for the office of county surveyor shall file his affidavit with the county auditor of his county, stating his residence, that he is a qualified voter in such county, and the said office for which he desires to be a candidate.

The fee required for filing certificates of nomination as provided by law shall be paid at the time of filing such affidavit.

Such nominations may also be made upon petition by affidavit of not less than fifty and not more than one hundred electors of such county, substantially in the form hereinbefore provided, filed in the same manner and consented to in writing by the party so to be nominated. Provided, that such petitioners shall not be eligible to sign more than one petition for the same office. The persons so nominated shall have their names printed upon the official ballot prepared for the ensuing general election without party designation, upon the payment of the fee as herein provided.

Sec. 4. That Section 341, General Statutes 1913, be amended so as to read as follows:

Sec. 341. Voting is to be by ballot—Sample ballot—Form of primary ballot.—All voting at a primary election shall be by ballot. On the nineteenth day before a primary election, the secretary of state shall certify to the auditors of the several counties the names of all nominees to be voted for within such counties whose certificates have been properly filed with him, and on the fourteenth day before such primary each auditor shall group all the non-partisan candidates and the candidates of each political party by themselves, and prepare for public inspection a non-partisan ballot and a separate sample ballot for each political party. The names shall be arranged alphabetically according to the surname, and each county auditor shall post the sample ballot in a conspicuous place in his office and give one week's published notice thereof in the official newspaper of his county. One sample ballot only of non-partisan candidates and of each political party, shall be printed for any county, and thereon shall be placed the names of all candidates to be voted for in such county. Each ballot shall be headed by the party name, the words "Primary Election Ballot," the names of the county and state, the facsimile of the official signature of the auditor preparing it. The non-partisan ballot shall be headed as provided in Section 336, *General Statutes 1913*. Otherwise, the ballots shall be arranged in the same general manner as the ballot used at general elections, with suitable divisions and explanatory notes. Only one form of sample ballot for each political party

need be printed for any city and thereon shall be placed the names of all the candidates to be voted for in the entire city, these to be voted for in any single ward being indicated by the words and figures "First Ward" and so on. At the foot of the ballot shall be placed the heading "Ballot for Women," under which shall be placed the names of candidates to be voted for by women.

In city primary elections in cities having home rule charters sample primary election ballots shall be prepared carrying out the intent of said charters in said cities, placing all names of candidates for city office on one ballot in each city without any party designation whatever, if the charter so provide. In such cities, except for the omitting of all party designation, the provisions of this section shall be followed as fully as practicable.

Sec. 5. That Section 342, General Statutes 1913, be amended so as to read as follows:

Sec. 342. Preparation of ballots—Rotation of names—City having home rule charters.—The auditor of each county in which said primary election is held shall have printed a sufficient number of separate primary election ballots, varied as may be necessary for the several districts and wards. Said primary election ballot shall be in the same general form as to size and kind of type to be used, as is provided for the general election ballot, so far as is practicable. The names of candidates under headings properly designating each official position, shall be rotated upon the ballot in the printing so that the names of all candidates for each office shall be so alternated on the ballots used in each election district that they shall appear thereon substantially an equal number of times at the top, at the bottom, and in each intermediate place, if any, of the list or group in which they belong.

The official charged with the preparation and distribution of such ballots shall prepare instructions to the printer for rotating, laying and tabbing such ballots, which shall first be approved by the legal advisor of said official before delivery to the printer. In computing the method for making the rotation of names the least common multiple of the number of names in each of the several groups of candidates shall be used and the number of changes made in the printer's forms in printing such ballots shall correspond with said multiple; provided, that groups of more than five candidates shall not be considered in making such computation, and such groups may vary sufficiently in rotating to conform to the rotation for groups of five or less. Before any printer is awarded any contract for printing such ballots he shall be required to furnish a good and sufficient bond in such sum as the official awarding such contract shall designate, which shall not be less than one thousand dollars nor more than five thousand

dollars, conditioned that he will print such ballots in conformity with the law and such instructions. There shall be no printing on the back of the ballots, except the necessary ruled lines for the initials, or names of the judges with the proper official designation printed under such lines; provided, that all offices for which no candidate is to be voted for at such primary election shall be omitted from the ballot; provided, that in all city primary elections in cities having home rule charters the officers designated in such charters shall prepare primary ballots for such city elections as provided in said charters, and this section shall apply there only in so far as it does not conflict with the provisions of said charters.

Section 6. That Section 345, General Statutes 1913, be amended so as to read as follows:

Sec. 345. Polling places—Peace officers—Ballot boxes.—So far as they shall be applicable, all provisions of this chapter relating to the location and arrangement of polling places, peace officers, procuring registers, ballots, boxes, and other supplies, opening polling places, challengers, and gatekeepers, *and in reference to returns, including return of ballots, used and unused, shall apply to primary elections; except that one ballot box shall be used for partisan ballots, one for non-partisan ballots and one for women.*

Sec. 7. That Section 348, General Statutes 1913, is hereby repealed and a new section substituted therefor to bear the same number, as follows:

Sec. 348. Marking primary ballots.—*The voter shall designate his choice on the ballot by marking a cross (X) in the small square opposite the name of each candidate for whom he wishes to vote. If he shall mark more names than there are candidates to be nominated for any office, or if for any reason it be impossible to determine his choice for any office, his ballot shall not be counted for such office; but the rest of his ballot, if properly marked, shall be counted. No ballot shall be rejected for any technical error which does not render it impossible to determine the voter's choice, even though such ballot be somewhat soiled or defaced.*

Section 8. That Section 351, General Statutes 1913, be amended so as to read as follows:

Sec. 351. Canvass of votes.—Canvass of votes on primary ballots shall be made in the same manner and by the same officers as is provided by Chapter 6, of the Revised Laws of 1905, except as herein otherwise provided. The ballots shall be counted in the following manner: The election officers shall take the ballots from the boxes, count those cast for each political party and for non-partisan candidates, place them in separate piles and fasten together.

Such officer's tally sheets on which the count has been so entered shall be included in the returns of such election. The officers of election shall on blanks to be provided for that purpose make full and accurate returns of the votes cast for each candidate.

The officers shall seal the returns and return the same to the auditor in the manner and as provided by *the primary and general election laws*.

Sec. 9. That Section 354, General Statutes, 1913, be amended so as to read as follows:

Sec. 354. Reports of county canvassing board—Auditor to certify to the secretary of state.—The canvassing board shall prepare, sign and file with the county auditor the following report:

1. A separate statement of each political party of the names of all candidates thereof voted for at the primary election, *with* the number of votes received by each and for what office.

2. A separate statement of the names of the candidates of each political party who are nominated.

3. A statement of the whole number of votes registered and the number of ballots cast at such primary election, men and women separately.

4. A separate statement of the votes received by each of the non-partisan candidates and the names of the non-partisan candidates nominated.

Whenever two or more candidates receive an equal number of votes for the same nomination, the board shall determine the tie by lot. Upon completion of the canvass and on or before ten o'clock A. M. of the fourth day succeeding the canvass, the auditor shall certify to the secretary of state the vote, as shown by such report, for all candidates to be voted for in more than one county, and shall mail or deliver to each nominee to be voted for in his county alone, a notice of his nomination, and that his name will be placed upon the official ballot; provided, that in primary elections for city officers in cities having home rule charters said canvassing board shall file such statement as will show the persons nominated for each office under the provisions of said charter, with as complete details as are provided for in this section, omitting all party designation, if so provided in said charters.

Sec. 10. That Section 355, General Statutes 1913, be amended so as to read as follows:

Sec. 355. Canvassing by state canvassing board—Secretary of state to certify to nominees—Rules for determining nominees.—The state canvassing board, as constituted for canvassing the returns of general elections, shall open and canvass the returns of a primary election made to the secretary of state, at the usual

place and hour of meeting, on the seventh day after such primary election. Upon the completion of the canvass, the secretary of state shall certify to the several auditors the names of the persons found to be nominated, and mail to each nominee a notice of his nomination.

1. The state, county and city boards of canvassers shall be guided by the following rules, except as herein otherwise provided:

(a) Any tie shall be decided by lot by the canvassers.

(b) The person receiving the highest vote at such primary election, as the candidate of any political party for an office shall be the nominee of that party for such office. Candidates on non-partisan ballots receiving the highest and next highest votes, shall be the nominees for the office for which they are candidates; *provided, however, that if the number of votes cast for any candidate or candidates of any party for any office at such primary election shall aggregate the number of votes equal to ten per cent or more of the average vote cast for state officers of that party at the last general election in the territory within which such candidates are to be voted for, then all candidates of that party within that territory shall be deemed to be the party nominees of such party; otherwise no candidates of that party within that territory shall be deemed nominated and in such case, such party candidates of such party may be nominated by petition as provided for in Secs. 213 to 216 inclusive, Revised Laws 1905 (371-374), and the candidates of any such party failing to receive such ten per cent of such vote shall be eligible for nomination under the terms of this provision. The term "State officers" as used in this act for the purpose of computing the average vote to determine the ten per cent vote as above provided shall be and is hereby defined to be the following officers: Governor, lieutenant governor, secretary of state, state treasurer and attorney general.*

Sec. 11. That Section 358, General Statutes 1913, be amended so as to read as follows:

Sec. 358. **Contests for nomination.**—Any candidate at a primary election desiring to contest the nomination of another candidate for the same office *shall proceed in the manner prescribed for general election contests, and the same proceedings shall be had, so far as practicable, as for such contests.*

Sec. 12. That Section 500, General Statutes 1913, be amended so as to read as follows:

Sec. 500. **Disposal of ballots after canvass.**—As soon as practicable after the canvass has been completed *and before the board separates or adjourns and in the presence of all the judges, the ballots cast shall be removed from the boxes and placed in envelopes of the same color as the ballots and of a size to hold the*

ballots of each box without folding. *Heavy envelopes suitable for this purpose, reinforced with cloth at all folds, shall be furnished by the county auditor to each election precinct. After the ballots are in place, the envelopes shall be carefully sealed and each election judge shall write his name upon the envelope over the sealed part in such a way that the envelope cannot be opened without disturbing the continuity of the lines in the writing. The number of ballots in each envelope, the kind thereof, and the name of the election precinct shall also be plainly written upon the envelope. No unused ballots or returns shall be placed in the envelopes.*

Sec. 13. That Section 501, General Statutes 1913, be amended so as to read as follows:

Sec. 501. **Return of ballots to county auditor.**—As soon as the ballots have been placed in their envelopes and properly sealed and one of the judges has been chosen to deliver election returns to the county auditor, the envelopes shall be delivered by such judge and he shall personally deliver, or by registered mail or express, send the same to the county auditor. *If sent by registered mail or express the envelopes shall be securely wrapped in such a manner that such envelopes and the seals shall be properly protected. The county auditor shall file all envelopes containing ballots thus transmitted to him in his office and shall keep them in a safe place with seals unbroken, unless previously opened by proper authority for examination or recount, in which event the auditor shall cause the envelopes to be again securely sealed with the names of the persons making such inspection or recount endorsed thereon in the manner provided for endorsement by election judges; provided, that such envelopes may be opened by the county canvassing board if necessary to procure any election returns which may have inadvertently been sealed up with said returns by the election judges, but such envelopes shall again be sealed in the manner herein provided.*

Sec. 14. That Section 514, General Statutes 1913, be amended so as to read as follows:

Sec. 514. **County canvassing board to declare persons elected.**—The board having completed its canvass, shall declare the person receiving the highest number of votes for each county office duly elected thereto. When such county constitutes or contains a senatorial or representative district, it shall declare the persons receiving the highest number of votes, respectively, for senator or representative, duly elected. *In case of tie, the result shall be determined by lot by the canvassing board.*

Sec. 15. That Section 520, General Statutes 1913, be amended so as to read as follows:

Sec. 520. **Statement of votes—Declared result.**—Such board shall open and canvass the certified copies of the statements

made by the county canvassing boards, prepare therefrom a statement of the whole number of votes cast at such election for candidates for the several state offices, *and for such candidates for state senator or representative as shall be voted upon in more than one county*, the names of the persons receiving such votes and the number received by each, specifying the several counties in which they were cast. Such board shall subscribe and certify to the correctness of such statement, and within three days after such canvass declare the result. *In case of tie vote for any state or legislative office, or for any other office, the result of which is to be certified by the state canvassing board, the election shall be determined by lot cast by such board.*

Sec. 16. That Section 530, General Statutes 1913, be amended so as to read as follows:

Sec. 530. **Inspection of ballots on contest, whether for office or proposition submitted to vote.**—After a contest has been instituted, either party may have the ballots inspected before preparing for trial. The party applying for such inspection shall file with the clerk a verified petition, stating that he cannot properly prepare his case for trial without an inspection of such ballots, and thereupon the judge of said court shall appoint three persons, *if for a county or municipal office, or other question submitted to popular vote in any county or municipality*, one selected by each of the parties and a third by those two, by whom such inspection shall be made. If the contest relates to a state office, or to the declared result upon a constitutional amendment or other question submitted to popular vote throughout the state, a judge of said court shall *issue an order directing that all ballots pertaining to such contest be forthwith transmitted to the secretary of state by the several county auditors of the state. Such ballots, together with the sealed envelopes in which they were returned by the election judges, shall be properly boxed and sealed before shipment. They shall be shipped by express and it shall be the duty of the transportation company having in charge the transportation of such ballots to properly safeguard the same from the time they are received until they are delivered to the secretary of state. The said order may be served upon the several county auditors by registered mail. Such order may be modified as to the most populous counties and provision made for inspecting the ballots of such counties at the county seats thereof. Before such order is issued the applicant therefor shall deposit with the secretary of state a sum of money sufficient to pay all expenses connected with the transportation of such ballots. No compensation shall be allowed the county auditor for his services in preparing such ballots for shipment. In state contests, the judge of said court shall appoint as many sets of three persons as may be necessary to expeditiously count and inspect the*

ballots in the office of the secretary of state, or elsewhere. Such inspectors shall be selected in the same manner as for county or municipal contests. Contests for district judge, or other offices not specifically provided for herein, shall be conducted under this section, the procedure therefor to be fixed by the court. Inspection of ballots shall be conducted in the presence of the legal custodian of the ballots and the party applying therefor shall file with the clerk a bond in the sum of two hundred and fifty dollars if the contest be within a single county; otherwise such bonds shall be in a sum to be fixed by the court in its discretion, with two sureties, and conditioned that he will pay the costs and expenses of such in case he fails to maintain his contest. If the contestant prevails in his contest the cost shall be taxed against the contestee. In case either party neglects or refuses to name an inspector, he shall be named by the judge. The compensation of inspectors shall be the same as for referees, unless otherwise stipulated. Any court of proper jurisdiction may order the return of any ballots to the county from which they were sent, after inspection, if necessary to be used in any other contest proceeding. The secretary of state shall preserve any ballots in his possession until the next general election, unless otherwise directed by order of court.

Sec. 17. Sections 516, 517, 518 and 392 General Statutes 1913 are hereby expressly repealed.

Sec. 18. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved April 17, 1915.

CHAPTER 168—H. F. No. 120.

An Act to amend Chapter 458 General Laws of Minnesota for 1918, entitled "An Act to fix the terms of certain county officers."

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

Section 1. **Election of clerks of court in 1918.**—In every county in this state there shall be elected at the general election in 1918 a county auditor, county treasurer, sheriff, register of deeds, county attorney, clerk of the district court, court commissioner, coroner, county surveyor and county superintendent of schools.

Sec. 2. **Present officials to hold until 1919.**—The terms of office of the said county officers shall be four (4) years and until their successors are elected and qualified, and shall begin on the first Monday in January next succeeding said election, and said offices shall be filled by election every four (4) years thereafter.