

SESSION LAWS  
OF  
MINNESOTA

ENACTED AT THE SPECIAL SESSION OF THE  
LEGISLATURE, OCTOBER TWENTY-EIGHT  
1916

CHAPTER 1—S. F. No. 1.

*An act to appropriate money for the payment of the mileage of the Members of the Legislature and the per diem of the Officers and Employes and all other expenses of the Legislature incident to the holding of the Special Session beginning October 28, 1916.*

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

Section 1. **\$8,000 appropriated for mileage and expenses.**—That the sum of eight thousand dollars (\$8,000), or so much thereof as may be found necessary, be and the same hereby is appropriated from the revenue fund for the payment of the mileage of the members of the legislature and for the payment of the per diem of the officers and employes thereof, and all the other expenses of the legislature for its special session beginning October 28, 1916.

Approved Oct. 28, 1916.

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CHAPTER 2—H. F. No. 1.

*An act to provide a method by which legal voters of Minnesota in the service of the United States as members of the Minnesota National Guard may vote.*

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

Section 1. **Application.**—Whenever the Minnesota National Guard, or a majority of any regiment thereof, on the day of a general election in this State, is outside of the State of Minnesota and in the service of the United States, the provisions of this act shall apply to the voting of the members thereof.

Section 2. **Duties of county auditor.**—The auditors of the several counties of this State are hereby directed and required; first: to ascertain at least twenty (20) days before any election to be held on the Tuesday after the first Monday of November in any even numbered year, and if any law be passed less than twenty (20) days before such election is to be held, then forthwith after notice of the passage of the law, and forthwith after the passage

of this act, the name of every member of the Minnesota National Guard in the active service of the United States entitled to vote within any precinct within his county, and the place (including name, street number or other description of the election district) where such person is entitled to vote; and, second; To mail to the Secretary of State, not later than the evening of the second Monday before election, all such information as he then has, and also to mail the evening of the next day to said Secretary of State any other such information as he may gain during the next day, with relation to the residence, if any, of any members of the National Guard residing within his said county. Every county auditor shall exercise all possible diligence to obtain such information and to transmit the same to the Secretary of State. Each county auditor shall with the first aforesaid information send to the said Secretary of State two proper county ballots for each such member of the National Guard found to be a resident and voter of his county, and two proper city ballots for each such voter of any city within such county, which city ballots shall be furnished to said county auditor by the clerk of each said city eight days before such election.

**Section 3. Duties of Adjutant General.**—The Adjutant General of the State of Minnesota shall transmit to the Secretary of State at least one week before the date of such general election, all such relevant facts as the muster rolls of the Minnesota National Guard show relative to the names of members of such National Guard who are voters in the State of Minnesota and the residence of each, stated with as much detail as the muster rolls show.

**Section 4. Duties of Secretary of State.**—The Secretary of State shall forthwith, and at least five (5) days before the date of such general election in such state, prepare a list of the legal voters in each regiment of the National Guard, so outside the State and shall also furnish for each person named in said list all such ballots as that person might use in voting were he at the place of his residence; which ballots shall be furnished said Secretary of State by the Legal State, County or Municipal Custodians thereof, respectively; a small envelope, printed on the back with the following words: (No name of any person is to be put on this envelope).

Precinct .....

Ward .....

Village, City or Town .....

County .....

A blank affidavit, the body of which shall be as follows:

State of .....

County of .....

} ss.

.....being duly sworn says  
 that he is a member of Company (or Battery).....  
 Regiment of Infantry or Artillery, Minnesota National Guard;  
 that he is.....years old; that he is entitled to vote in the  
 .....precinct, .....ward, .....  
 (City, Village or Town)  
 of.....County, Minnesota.

Subscribed and sworn to before me this.....  
 day of November, 191.....

.....  
 (state official rank) .....Regiment, M. N. G.

Also a larger envelope which shall contain the smaller en-  
 velopé, ballots, and the blank affidavit; and upon this larger en-  
 velopé shall be printed: -

Voting papers of.....  
 Company (or Battery).....Regiment, M. N. G. or M. F. A.,  
 Residence: State....., County.....  
 City....., Ward.....Precinct.....

The larger envelope with the contents hereinbefore indicated  
 for each soldier of each regiment of the National Guard shall be  
 delivered to a Voting Commissioner, to be appointed and hold  
 office as hereinafter provided.

**Section 5. Governor to appoint voting commissioners, and  
 duties of.**—The Governor shall appoint one voting commissioner  
 or more for each regiment of the National Guard, a majority of  
 which is likely to be out of the State of Minnesota at the date of  
 any such general election. The commissioner so appointed shall  
 qualify and then obtain from the Secretary of State the large  
 envelope and contents hereinabove described for each member of  
 the regiment of the National Guard entitled to vote, for which  
 he is appointed voting commissioner. He shall proceed to the  
 place of location of the members of the regiment of the National  
 Guard for which he has been appointed voting commissioner so  
 as to reach said place at least by nine (9) o'clock of the day before  
 the date of such general election and shall arrange for and attend  
 to the distribution of the large envelopes and contents herein-  
 before described to each of the soldiers of the National Guard to  
 whom such envelopes respectively belong. On the day of such  
 general election in Minnesota he shall arrange for and attend to  
 the receiving back of the said envelopes, sealed, blanks on back  
 properly filled, and shall provide for and attend to the transmittal  
 of said envelopes and the contents to the Secretary of State,  
 State of Minnesota, with all due speed, and shall deliver the  
 same to the said Secretary of State.

Section 6. **Appointment of challengers and powers.**—The voting commissioner shall appoint one man to act as challenger selected from each company of his regiment of the Minnesota National Guard belonging to each political party represented in said company. Such challenger shall be selected by the voters of each political party in such company and each such challenger shall have the right to challenge any member of his company attempting to deliver to the voting commissioner the larger envelope and contents hereinbefore described on any ground which would disqualify the person so attempting to vote for voting in the precinct in which he is attempting to vote. If a challenge is interposed, the voting commissioner shall have the power given to the judges of election and shall proceed as provided by Sections 457 and 458 of the General Statutes of Minnesota 1913. When a challenge is interposed and allowed the voting commissioner shall state that fact on the end of the envelope of the challenged person and transmit all such envelopes separately to the Secretary of State.

Section 7. **Marking and returning of ballots by soldiers.**—The soldier who shall receive a large envelope containing the ballots, small envelope and the affidavit blank, as aforesaid shall, prior to delivering the same back to the voting commissioner, examine the same carefully, mark the ballots as he would mark them were he present and voting physically in the polling place in the precinct in which he is entitled to vote, and he shall on the day of the date of such general election, at the place and between the hours fixed by the voting commissioner, deliver to him the large envelope duly sealed and endorsed, containing the affidavit, and the small envelope, sealed, with the ballots, one of each kind, properly marked, contained therein, and a description of the voter's precinct endorsed thereon, which small envelope shall not show the name or any identifying mark of the person who marked the ballots contained therein, but only, and on its back, the precinct where the soldier marking the ballots within is entitled to vote. In the larger envelope, shall be (1) The sealed smaller envelope containing the votes; (2) The affidavit above referred to of his right to vote and membership in the National Guard. The said larger envelope, as well as the smaller envelope, shall be sealed by said soldier before delivery to the voting commissioner.

Section 8. **Secretary of State to send small envelope to county auditors.**—As soon as the envelopes containing the affidavits and ballots of the members of the Minnesota National Guard shall have been delivered to the Secretary of State, he shall open the larger envelope, examine and file the affidavit of membership and residence, and transmit, unopened, the

smaller envelope to the auditor of the county of affiant's residence as shown by the affidavit.

**Section 9. Canvass by county auditors and adding of vote or votes to resident precincts of soldiers.**—The county auditor of the county of the residence of the voting soldier whose ballots he receives, shall open the envelope and canvass the ballots as the ballots would have been canvassed by the regular canvassing board of the precinct of the voting soldier's residence, and shall file his canvass of said vote with the canvass of the vote of such precinct and present the same, with the vote of the precinct, to the county canvassers, or other proper canvassing board, who shall treat the same in all respects as a part of the precinct return. The county or municipal canvassing board, as the case may be, shall not close the canvass of any precinct in which any member of the National Guard resides until more than one week after the date of such general election unless the vote of each member of said National Guard residing in said county voting hereunder, shall have been sooner received and canvassed.

**Section 10. Right to administer oath.**—Any commissioned officer and the voting commissioners are hereby authorized to administer oaths to each and every member of the regiment of Minnesota-National Guard with which such commissioned officers or voting commissioner is connected. The voting commissioner may vote the same as a member of said regiment. Any staff officer (not regimental) and members of Brigade Headquarters may vote with any regiment, and the members of detachments attached to a regiment will vote with that regiment. In case of the inability of an appointed commissioner to act, the commanding officer of the regiment may designate a member of the regiment as a substitute who shall have all the powers of the voting commissioner. Any legal voter qualified to vote under this act may swear in his vote as provided by law without complying with any registration act. The affidavit provided for by Section 4, of this act shall be sufficient unless the voter be challenged.

**Section 11. Fees to be allowed various officials.**—The following fees shall be allowed to the several persons who are required by this act to perform services in connection with such voting of members of the National Guard, to-wit: County auditor: five cents for each name of a soldier so transmitted to the secretary of state and one dollar; also ten cents for each voter whose vote is canvassed. Adjutant General: Twenty-five dollars for entire services. Secretary of State: Twenty-five dollars for services before election and Twenty-five dollars for services after election. Voting Commissioners: Ten dollars per day for all time necessarily employed in the duties herein-

before assigned to them. The adjutant general, the secretary of state, the voting commissioners and the several county auditors and city clerks upon whom duties under this act are imposed are hereby authorized to employ such additional assistants and messengers as may be required for the performance by them of their respective duties under the provisions of this act; and the expenses therefore, as well as all charges for printing, stationery, postage, telegraph and telephone, messages, express and other necessary charges shall be paid,—as to the secretary of state, voting commissioners, and adjutant general, by the State; and as to county auditors and city clerks, by their respective counties and cities. Claims for such expense shall be presented, audited and paid in the same manner as other charges against the State, counties and cities, respectively.

**Section 12. Voting for municipal officers.**—Any municipality having a municipal election on any other day than the day of the general election in which any company of the Minnesota National Guard has been organized may avail itself of this law to the extent of having the members of such company vote for municipal officers in the manner prescribed in this law, provided such municipality shall adopt an ordinance to that effect and shall provide for the payment by such municipality of the expenses incident to the conducting of such election. When such proceedings are taken in the field as are in this act provided for, any voters of such municipality in other companies of the National Guard than that organized in such municipality but within distance to avail themselves of said voting, may do so.

**Section 13. Act to be liberally construed.**—This act shall be liberally construed for the purpose of enabling citizen soldiers of the State of Minnesota, entitled to vote therein, to vote with the same effect as they would vote were they bodily within the State of Minnesota, at the time of holding such election therein, to the end that they may not, through serving their country be disfranchised.

**Section 14. Failure to perform duty a gross misdemeanor.**—Any officer herein mentioned who shall fail to perform the duties assigned to him by this act, faithfully, shall be guilty of a gross misdemeanor; and any person who shall reveal, disclose, or tell how any soldier voted, or shall interfere with any person attempting to vote according to this law shall be guilty of a felony.

Approved Oct. 30, 1916.