

CHAPTER 67—S. F. No. 441.

An act amending Section 1, of Chapter 40, General Laws of Minnesota for 1913, fixing the times of holding general terms of the district court in the Fourteenth Judicial District of Minnesota as amended by Chapter 43, General Laws of Minnesota for 1915.

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

That section 1, of Chapter 40 of the General Laws of Minnesota for 1913, as amended by chapter 43 of the General Laws of Minnesota for 1915, be and the same hereby is amended so that the same shall read as follows:

Section 1. **Change of time for holding court in Kittson, Pennington and Red Lake counties in 14th Judicial District.**—The general terms of the district court shall be held each year in the several counties constituting the Fourteenth Judicial District of Minnesota, at the times herein prescribed, as follows:

Kittson County, on the *third* Monday in June and the second Monday in December.

Marshall County, on the fourth Monday in May and the fourth Monday in November.

Norman County, on the second Monday in May and the second Monday in November.

Pennington County, on the fourth *Tuesday* in June and the *first Tuesday* in February.

Mahnomen County, on the fourth Tuesday in October.

Polk County, on the first Monday in June, and the first Monday after the first day of January.

Red Lake County, on the fourth Monday in March and the *third* Monday in November.

Roseau County, on the third Monday in May and the fourth Monday in October.

Sec. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

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

Approved March 12, 1917.

CHAPTER 68—S. F. No. 3.

An act authorizing voters absent from the election district of which they are residents on the day when any general election is held to vote therein by having their marked ballots delivered to the judges of election therein through the agency of the United States Post Office Department; prescribing the manner in which the official ballots shall be obtained, marked and delivered to the election judges; imposing certain duties upon

the officers charged by law with preparing, printing and distributing election ballots and election supplies; regulating the time of making nominations of candidates for office to be voted for at any such general election and declaring it to be a felony to do certain acts prohibited therein.

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

Section 1. Absent voters given right to cast ballot on general election day.—Any person entitled to vote at any general election who is absent on the day such general election is held, from the election district in which he is entitled to vote, may vote therein by having his ballot delivered by mail to the election judges of such district on the day of such general election, by complying with the provisions of this act, provided, however, that no person residing in a city of the first, second or third class shall be permitted to so vote, unless he has duly registered in said district prior to such election day. The word "general election" as used in this act shall be construed to include the election held in the several election districts on the first Tuesday after the first Monday in November in each even numbered year and also any city election and any county option election, so-called, held under the provisions of Chapter 23, Laws 1915, and any act or acts supplementary thereto or amendatory thereof, held in any county, but shall not include a primary election.

Sec. 2. Application to be made to county auditor for ballots and form of application.—At any time not more than thirty (30) or less than seven (7) days before the day of holding any general election, any person may make application in writing subscribed by him to the county auditor of the county in which he is a resident for ballots and envelopes, and at the time of making such application, he shall subscribe and swear to the oath hereinafter directed to be printed on the back of application for ballots. Such oath shall be taken before an officer authorized to administer oaths and the jurat thereof shall be authenticated with the official seal of such officer, if he have a seal.

If the applicant for ballots be a resident of a city of the first, second or third class, the application for ballots shall be in the following form :

APPLICATION FOR BALLOTS.

"The undersigned, a duly qualified and registered voter of the _____ precinct of the _____ ward of the

(In case a ward constitutes an election district strike out the word "precinct.")

City of _____ in the County of _____
_____, State of Minnesota, residing at _____

_____, in said
(Here insert street and number)

city, hereby makes application for the ballots to be voted upon in said election district at the next general election. Please mail said ballots and accompanying envelopes to me at.....

(Here insert postoffice address to which to be sent)

Dated....., 191.....

(Signature of Applicant) ”

If the applicant for ballots be not a resident of a city of the first, second or third class, the application for ballots shall be in the following form:

“The undersigned, a duly qualified voter of the.....

(Here insert name of town, village or other description of the election district)

residing at..... in the.....

(Town, village or city of the fourth class)

hereby makes application for the ballots to be voted for in said district at the next general election. Please mail said ballots to me at.....

(Here insert postoffice address to which to be mailed)

Dated at....., this..... day of....., 191.....

(Signature of Applicant) ”

There shall be printed on the back of each of said forms the following:

“This is to certify that ballots were—mailed—delivered in person as per enclosed application, this.....day of....., 19.....

County Auditor.

Per.....

Deputy. ”

OATH.

County of.....) ss.
State of.....)

I do swear that I am a citizen of the United States; that I am twenty-one years of age, and have been a resident of the State of Minnesota continuously during the six months last past; that I am an actual resident of the election district named in the within application; that on the.....day of....., 19....., I will have resided therein for more than thirty (30) days; that I do not intend to abandon my residence in said district prior to the.....day of....., 19.....;

that at said time I will be a qualified voter in said district.

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 19____.

(Signature of officer)

(Description of officer)

Sec. 3. Ballots to be delivered to county auditor 15 days before election day.—The several officers charged by law with the preparation, printing, and distribution of ballots shall at least fifteen days before a general election, print and deliver to the county auditor a sufficient number of the ballots printed under their supervision respectively, to enable the auditor to comply with the provisions of this act. It shall be the duty of the county auditor to prepare and print the ballots prepared under his direction at least fifteen days before election.

Sec. 4. Auditor to mail or deliver ballots to applicant.—If an application is made either in person or by mail more than fifteen days before election, the auditor shall file the same and forthwith on the delivery to him of the ballots, shall mail to the applicant at the address specified in the application one each of the several ballots the applicant is entitled to vote upon at the next general election; also the envelopes hereinafter specified. If the application is made within fifteen days (but not within seven days) of the election, he shall forthwith upon receipt of such application, mail or deliver to the applicant, if he apply therefor in person, and fill out and sign the application blank specified in section 2 hereof, one each of the several ballots the applicant is entitled to vote upon at the next general election; also the envelopes hereinafter specified.

Sec. 5. Fee of 35 cents to be paid by applicant—auditor to name assistants, if necessary.—The applicant for such ballots shall pay to the county auditor at the time he makes such application, a fee of thirty-five cents. The money so received by said county auditor shall be kept in a separate fund and shall be expended by said auditor in paying the expense of such extra clerical assistance as may be required for the performance by him of the duties imposed by this act; the cost of furnishing and printing the application blanks specified in Section 2 hereof; the cost of furnishing and printing the envelopes and voters' certificate hereinafter specified; the cost of postage both in forwarding and for the return of the ballots as hereinafter specified and in delivering to the judges of election of the several districts in his county the applications after the same have been endorsed by him as hereinafter specified. Any surplus of the moneys so

received shall be paid into the county treasury and credited to the general revenue fund.

The county auditor of each of the several counties is hereby authorized to employ such assistants, additional to those now authorized by law, as may be necessary to the carrying into effect of the provisions of this act, but the expense of such additional clerical assistance shall be paid only from the money derived from the fees aforesaid remaining after the payment of postage and the cost of envelopes and voters' certificates herein provided for.

Sec. 6. Forms for ballot and return envelopes, and other blanks—directions for voter.—The county auditor of each of the several counties shall mail or deliver to the applicant with the ballots two envelopes and a voter's certificate. One envelope shall be known as the "Return Envelope" and shall be sufficiently larger than the "Ballot Envelope" hereinafter described, to conveniently enclose and contain the "Ballot Envelope," hereinafter described. There shall be printed or written across the left hand end of said envelope by the Auditor, before delivery thereof to the applicant, the words:

"Return Envelope."

"Postmaster deliver on Election Day."

The auditor shall also cause said "Return Envelope" to be addressed to the "Judges of Election" in the election district in which the applicant has certified in his application he is entitled to vote, such address shall be in substantial conformity to one of the illustrations hereinafter set forth and as the facts may require, to-wit:

"To the Judges of Election,
7th Precinct, Third Ward,
City of Minneapolis,
Hennepin County,
Minnesota."

"To the Judges of Election, Rosedale Town

(Here insert name of postoffice nearest voting place)
Hennepin County,
Minnesota."

"To the Judges of Election, Village of Excelsior,
Excelsior,
Hennepin County,
Minnesota."

The auditor may vary any such form for addressing "Return Envelope" as the facts may require, but shall adopt such form of address as will best insure the prompt delivery of such envelope and contents to the judges of election on election day.

The county auditor shall also affix to said "Return Envelope" postage stamps sufficient in amount to pay the postage on said "Return Envelope," after the ballot, ballot envelope and voter's certificate herein prescribed have been enclosed therein, from any postoffice within the territorial limits of the United States, other than the over-sea possessions of the United States, to the place to which it is addressed. He shall also place thereon a ten cent special delivery stamp, or if a special delivery stamp be not obtainable, additional postage stamps aggregating in amount to ten cents, in which latter case he shall also write or stamp on the address side of such envelope in a conspicuous place the words "Special Delivery."

There shall be printed on the back of said "Return Envelope" a certificate which shall be substantially in the following form, to-wit:

"This is to certify that _____
after marking and enveloping the enclosed ballots as set forth in the enclosed certificate by me attested, enclosed the said ballot envelope in this return envelope in my presence without opening the said ballot envelope or permitting me or any other person to know or learn how he had voted as to any candidate or proposition and that this return envelope was sealed in my presence and after being sealed was deposited in my presence in the United States Postoffice at _____
without being opened.

Dated this _____ day of _____, 19_____

Attesting Witness."

The return envelope shall be so made as to open on the left hand end and the certificate above set forth shall be printed on the right hand three-fourths of the back of said envelope.

The auditor shall also furnish to the applicant with the ballots, a "Voter's Certificate" which certificate shall be substantially in the following form, where the applicant is a resident of a city of the first, second or third class:

VOTER'S CERTIFICATE.

"The undersigned hereby certifies that he is a qualified and duly registered voter in the _____precinct of the _____ward of the City of _____

(Strike out the word "Precinct" if the ward or wards constitute an election district.)

and that the ballots enclosed in the "Ballot Envelope" herewith enclosed in the "Return Envelope" was exhibited by me to the attesting witness named below before the same was marked by me and that thereafter I marked the same in the presence of said witness, but in such a way that neither he or any other

person could see or learn for what candidates or propositions thereon I voted; that thereupon and in his presence I folded said ballots and without showing the same to any person, enclosed the same in the "Ballot Envelope" and sealed said "Ballot Envelope."

Dated at _____ this _____ day of _____, 19_____

Voter."

CERTIFICATE OF ATTESTING WITNESS.

"I certify that I have read the foregoing certificate and know the contents thereof and that the same is true.

Dated at _____ this _____ day of _____, 19_____

Attesting Witness.

(Here write name of office or official character such as post-master, clerk of court, etc.)"

If the applicant is a resident of a town, village or city of the fourth class, the auditor shall furnish with the ballots a "Voter's Certificate" which shall be substantially in the following form, to-wit:

VOTER'S CERTIFICATE.

"The undersigned hereby certifies that he is a qualified voter in the _____

(Here describe voting district, if more than one)

of the _____ (Name of town, village or city of fourth class)

County of _____, State of Minnesota; that the ballots enclosed in the "Ballot Envelope" was exhibited by me to the attesting witness named below before the same was marked by me; that at the time I so exhibited the same to said attesting witness there were no cross marks opposite the names of any candidates, or propositions to be voted on, that thereafter I marked the same in the presence of said attesting witness, but in such a way that neither he or any other person could see or learn for what candidate or propositions thereon I voted; that thereupon in his presence I folded said ballots and without showing the same to any person, enclosed the same in the "Ballot Envelope" and sealed said "Ballot Envelope."

Dated at _____ this _____ day of _____, 191_____

Voter."

CERTIFICATE OF ATTESTING WITNESS.

"I hereby certify that I have read the foregoing certificate and know the contents thereof and that the same is true.

Dated at _____, this
_____ day of _____, 19____.

Attesting Witness.

(Here write name of office or official character of attesting witness, such as postmaster, etc.)"

Printed on the back of the voter's certificate shall be the following directions to voters, to-wit:

DIRECTIONS TO VOTER.

(a) You may mark and mail your ballot at any place within the United States other than Alaska and the island possessions of the United States.

(b) The ballot must be marked and sealed in the "Ballot Envelope" in the presence of an attesting witness, but in such a manner as to prevent such witness or any other person from knowing or learning how you have voted as to any candidate or proposition.

(c) After marking and enclosing ballot in the "Ballot Envelope" you and attesting witness must each sign your respective names to the "Voters Certificate" and "Certificate of Attesting Witness."

(d) Do not put "Voters Certificate" in "Ballot Envelope" but enclose same in "Return Envelope."

(e) Enclose "Ballot Envelope" and "Voters Certificate" in "Return Envelope," seal the latter, have attesting witness sign certificate on back of "Return Envelope" and then deposit same in the United States Post Office in presence of the attesting witness.

(f) The ballot may be marked and mailed at any time after you receive it from the county auditor; it should, however, be marked and mailed so as to arrive at your voting place on or before election day. If not there by that day it will not be counted.

(g) The attesting witness who signs the voters certificate must also sign the certificate on the back of the "Return Envelope."

(h) Any United States postmaster, assistant United States postmaster, or any county, village, or city officer having an official seal may be an attesting witness.

If a postmaster or assistant postmaster acts as attesting witness, his signature on the "Certificate of Attesting Witness"

should be authenticated by the cancellation stamp of their respective postoffices. If one of the other officers named as attesting witness his signature on the "Certificate of Attesting Witness" should be authenticated with his official seal. It is not necessary to thus authenticate the signature to the certificate on the back of the "Return Envelope."

(i) Remember that the officers above named are not bound to act as an attesting witness for you, but if they do, do so only as a favor.

(j) Fold each ballot separately before placing in "Ballot Envelope"; fold so that cross marks cannot be seen without unfolding, but so that fac simile signature of officer (secretary of state, county auditor, or city clerk) under whose direction the ballot is printed and appearing on the back of the ballot, can be seen without unfolding the ballot. Do not put your name, initials or any other identifying mark on the ballot or "Return Envelope."

Sec. 7. Applications to be delivered to town, village or city clerks.—The county auditor on mailing or delivering to an applicant ballots as hereinbefore specified, shall sign or cause to be signed by his deputy, and dated the certificate printed on the back of the application for ballots and shall authenticate such certificate with his official seal. All applications shall be preserved by the auditor and arranged by him according to election districts and the initial letter of the surname of the applicant. At the time he delivers the state and county ballots to the town, village and city clerks within his county, he shall also deliver to the respective town, village and city clerks the applications theretofore received by him and endorsed by him. Such town, village and city clerks shall in turn deliver said applications so endorsed to the respective election judges of the several election precincts.

Sec. 8. Ballots may be marked and mailed anywhere within the United States, and may be challenged when received at voting precinct.—Any qualified voter of any election district of this state to whom ballots have been delivered by the county auditor, may mark and mail the ballots so delivered to him at any place within the territorial jurisdiction of the United States, exclusive of Alaska and the so-called island possessions of the United States, the same to be marked and mailed in the manner specified in the directions to voters, set forth in section 6 hereof, and before an attesting witness belonging to one of the classes specified in said directions to voters. At any time before the ballots are so deposited in the ballot boxes by the election judges, the vote of any absent voter may be challenged for any cause, and the election judges shall have all the power and authority given by law, to hear and determine the legality of such ballot.

Sec. 9. Judges of election to receive and canvass ballots delivered to them by postoffice employees, under certain restrictions.—The judges of election in the several election districts at a general election shall receive all ballots delivered to them on election day by officers or employes of the United States Postoffice department in due course of the business of that department and as herein provided, and deposit the same in the appropriate ballot box provided that they are satisfied that the person mailing the same is a duly qualified voter in such election district and entitled to vote therein at such election, provided further that the conditions precedent hereinafter set forth, exist. Ballots so deposited shall be counted, canvassed and returned in the same manner and shall be given the same force and effect as the votes of other duly qualified voters who vote in person.

Upon a "Return Envelope" being delivered to the judges of election they shall open the same in such a manner as not to cut or mutilate the contents or deface or damage the signature of the attesting witness on the outside thereof. They shall then take from the "Return Envelope" the "Voters Certificate" and "Certificate of Attesting Witness"; they shall compare the signature of the "Attesting Witness" on the outside of the "Return Envelope" with the signature on the certificate enclosed therein and shall also compare the signature on the "Voters Certificate" with the signature on the "Application for Ballots" delivered to them as provided for in section 7 hereof. If the judges or a majority of them are satisfied that the signatures of the "Attesting Witness" on the outside of the "Return Envelope" is the genuine signature of the person that signed the "Certificate of Attesting Witness" enclosed in the "Return Envelope" and if the signature of such witness on said certificate shall be authenticated as prescribed in the "Direction to Voters" set forth in section 6 hereof, and if the judges or a majority of them shall be satisfied that the signatures of the voter subscribed to the "Voters Certificate" is the genuine signature of the person who made the "Application for Ballots," the judges, or one or more of them shall write the word "Received" on such "Ballot Envelope" and under such word his or their name or initials, provided that in cities of first, second or third class such ballot shall not be so marked unless the voter mailing in such ballot has been theretofore duly registered in such election district, nor shall said ballot be so marked with the word "Received" if it appears from the registration list that such voter has already voted at such general election, either in person or by mail. If the ballots are not received for the reason that the voter has failed to comply with the requirements hereinbefore set forth or has previously voted at such election, then "Ballot Envelope"

shall be marked "Rejected" and placed in the "Return Envelope" with the "Voters Certificate" and placed with and returned to the county auditor with the unused ballots. No person who has voted by mail as herein provided shall be permitted to thereafter vote in person.

If the "Ballot Envelope" is marked with the word "Received" as hereinbefore provided, the judges in charge of the register shall make an appropriate notation on the register of voters indicating that the voter has voted by mail; this shall be done by placing the letters "V. M." in the appropriate column opposite the voter's name.

The "Ballot Envelope" marked "Received" as aforesaid shall be carefully kept by the judges until the closing of the polls on the election day, but before any of the ballot boxes are opened, at which time the said "Ballot Envelope" shall be opened and the ballots therein taken therefrom and deposited by the judges in the proper ballot box. If there be more than one ballot of any one kind enclosed in said "Ballot Envelope," then and in such case neither of such ballots of such kind shall be deposited in the ballot box, but all such kinds shall be placed with the spoiled ballots and returned as is provided for by law with reference to such spoiled ballots. The judges before depositing said ballots in the ballot boxes shall write their initials thereon in the same manner as is provided by law with reference to ballots delivered by them to voters voting in person.

Sec. 10. City clerks to furnish postmasters lists of polling places.—It shall be the duty of the city clerk of every city having more than two voting precincts therein to furnish to the postmaster of said city, at least two days before the day on which a general election is held, a certified tabulated list of the polling places in each of the several voting districts of said city; describing the same by ward and precinct number and opposite each such description shall be set forth the respective location, by street and number, of such polling place. This for the guidance of postoffice employes in delivering the "Return Envelopes."

Sec. 11. City clerks to furnish to Registration Boards blank application for ballots.—It shall be the duty of the city clerk of cities of the first, second and third class to furnish the Board of Registration in the several election districts of their respective cities with a suitable number of blank "Application for Ballots" first described in section 2 hereof.

The Board of Registration shall furnish a copy of such application blank to any voter applying therefor on any registration day.

The county auditor shall prepare and print a suitable number of blanks for the "Application for Ballots" last described in

section 2 hereof and deliver a copy thereof to any voter applying therefor.

Sec. 12. False certificates or statements deemed a felony.—Any person who shall wilfully make or sign any false certificates specified herein; any person who shall wilfully make any false or untrue statement in any "Application for Ballots"; any person who shall wilfully exhibit to any other person any ballot marked by him; any person who shall in any way wilfully do any act contrary to the terms and provisions of this act with intent to cast an illegal vote in any election district or to aid another in so doing shall be guilty of a felony.

Sec. 13. Nominations to close within 30 days before holding the general election.—No nominations for any office shall be made, either by petition or otherwise within thirty days of the time of holding a general election, except nominations to fill a vacancy in a nomination previously made, or to nominate a candidate for an office in which a vacancy has occurred and for which no person is a candidate.

Sec. 14. Inconsistent acts repealed.—All acts and parts of acts inconsistent herewith, are hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its passage.

Approved March 14, 1917.

CHAPTER 69—H. F. No. 443.

An act to amend the title to and Section 1 of Chapter 182, Laws of 1915, which chapter is entitled, "An act to authorize the county auditor and county treasurer in counties having a population of less than one hundred and fifty thousand inhabitants to pay claims against the county, for labor and for the use of teams, without the same having been first audited and allowed by the county board where the claim is for manual labor on public roads or for the use of teams in the construction, improvement or maintenance of public roads."

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

Section 1. Title amended so as to make chapter 182, Session Laws 1915, conform to St. Louis County.—That the title to chapter 182, Laws of 1915, be and the same hereby is amended so as to read as follows:

"An act to authorize the county auditor and county treasurer in counties having a population of less than two hundred thousand inhabitants to pay claims against the county, for labor and for the use of teams, without the same having been first audited and allowed by the county board where the claim is for manual labor on public roads or for the use of teams in the construction, improvement or maintenance of public roads."