

CHAPTER 162—S. F. No. 612.

An act relating to legislative contests in case of persons declared elected to the state legislature, and to the issuing of certificate of election to the one found to receive the highest number of votes, and to the taking and returning of evidence to the legislature.

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

Section 1. Contest for seat of senator or representative—proceedings and filings.—Any candidate for the office of senator or representative for any district, may contest the validity of the election of any person declared elected to such office, by filing with the clerk of the district court of the county of the residence of the contestee, within ten days after the canvas is completed, a written notice of contest, specifying the points upon which the contest will be made.

The notice shall be served upon the contestee, within five days thereafter, in the manner provided for the service of a summons in a civil action, or within the time and in the manner prescribed for serving notices in section 529, General Statutes 1913. The contestee may, within fifteen days after the service of such notice, serve upon the contestant a notice specifying additional points upon which he desires to offer evidence upon the right to hold such office.

Sec. 2. Inspection of ballots.—An inspection of ballots may be had upon the application of either party to the contest, in accordance with section 530, General Statutes 1913, which shall apply to contests under this section insofar as said section may be applicable, including the provision for furnishing a bond for the sum of two hundred fifty dollars. Three inspectors of ballots shall be appointed as provided for in said section 530, in the case of a contest for a county office. The inspectors shall recanvass the votes and ballots cast for the parties to the contest in accordance with law and with section 491, General Statutes 1913. They shall make a written report of such recount and recanvass, and shall report the number of votes cast for each of the parties to the contest in each voting district and shall report any disputed ballots upon which the inspectors cannot agree.

Sec. 3. To be brought within 30 days and question to be tried by court—duties of county auditors or secretary of state—appeal.—The contest proceedings shall be brought on for trial as provided in said section 529, within thirty days after the filing of the notice of contest. The only questions to be tried by the court shall be as to which of the parties to the contest received the highest number of votes legally cast at the election, and as to who is entitled to receive the certificate of election. The judge trying the proceedings shall make findings upon the questions so tried. Further evidence upon the points specified in the notices shall be taken and preserved by the judge trying the contest, or under his direction by some person appointed by him for that purpose.

The county auditor or secretary of state shall make and deliver to the one so found to have the highest number of legal votes, a certificate of election. Whenever a contest is instituted under this act, the county auditor and secretary of state shall refrain from issuing a certificate of election until the final termination of the question as to which of the parties is entitled to the certificate of election. He shall then issue the certificate to the one so found to be entitled to the certificate.

Either party may appeal to the supreme court from the determination of the district court in accordance with the provisions of section 531, General Statutes 1913, within five days after notice of filing the decision.

Upon application of either of the parties to the contest, the clerk of the district court shall transmit all the files and records of the proceedings with all the evidence taken to the presiding officer of the house by which the contest is to be tried.

Sec. 4. Certain acts repealed.—Sections 525, 526, and 527, General Statutes 1913, and all acts amendatory thereof, and all acts and parts of acts inconsistent with this act are hereby repealed.

Approved April 2, 1919.

CHAPTER 163—S. F. No. 833.

An act to amend Section 879, General Statutes 1913, as amended by Chapter 80, Laws 1917, relating to the compensation of county treasurer in certain counties.

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

Section 1. Salary of county treasurer in certain counties.—That section 879, General Statutes, 1913, as amended by chapter 80, Laws 1917, be and the same hereby is amended so as to read as follows:

879. In all counties of this state having a population of 24,000 or more inhabitants where the salary of the county treasurer is by special law fixed at the sum of one thousand dollars (\$1,000) or less, the county treasurer of such county shall hereafter receive as salary in addition to the said sum provided by such special law the sum of fourteen hundred dollars (\$1,400) annually, payable in monthly installments.

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

Approved April 2, 1919.