

ing body shall be and hereby is ratified and declared effectual and the warrants or orders so issued are hereby legalized and declared valid.

Sec. 2. **Application.**—This act shall not apply to or affect any action now pending in which the validity of such proceedings or of such warrants or orders is called in question.

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

Approved January 29, 1919.

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#### CHAPTER 5—S. F. No. 97.

*An act relating to special elections and primaries therefor.*

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

Section 1. **Nomination of candidates for special election.**—Whenever after the holding of a general election and before the termination of the next succeeding session of the legislature the governor shall issue a proclamation directing a special election to be held to fill a vacancy in either house of the legislature, candidates for election at such special election shall be nominated at a primary election held on the seventh day before the day appointed for such special election and on said seventh day before such special election there shall be held a primary election for the purpose of selecting two candidates to be voted for at the special election held to fill any such vacancy.

Sec. 2. **Precinct districts, election judges, and registers of preceding election to govern.**—It shall not be necessary to create any new precincts, appoint judges or make new registration of voters for any such special election or any primary therefor, but the registration for the last preceding general election shall be used, the precincts shall be the same as at the last preceding general election, the hours of opening and closing the polls shall be the same as such hours for general elections, the polling places shall be the same, as near as may be, and the judges of election at the last general election in any precinct shall serve as judges of election for such special election and the primary therefor, and vacancies of judges may be filled in the same manner as in the case of general elections and such judges shall have the right to take from the city clerk or other legal custodian and use at such special election, and the primary therefor, the registers used at said last general election, any names thereon being subject to challenge as at a general election. If any person whose name does not appear on said register shall ask to vote at said primary election, his name shall be entered upon such registers upon taking such oath, answering such questions and complying with such other provisions of the existing laws as required for registration.

**Sec. 3. Returns of primary election and canvassing of same.**—The returns of such primary election shall be returned to the county auditor of the county wherein such election is held and shall be canvassed on the next day—not a Sunday or a legal holiday—following such primary election by a canvassing board consisting of the county auditor, county treasurer, and clerk of the district court of such county. Such canvassing board shall meet and canvass the returns and determine the result of such primary election on such day as is herein designated for their meeting, and shall forthwith certify in writing the result of such canvass to the county auditor of such county who shall file the same and forthwith in writing notify the successful candidates of their nomination. Provided, however, that in senatorial and representative districts comprising more than one county, the canvassing board of each such county constituted as above shall meet and canvass the returns and determine the result of such primary election in such county on such day as is herein designated for their meeting, and each such canvassing board shall forthwith certify in writing the result of such canvass to the auditor of the county casting the highest number of votes for governor at the last preceding general election which auditor shall file the same and forthwith in writing notify the successful candidates of their nomination. The action of a majority of such canvassing board in making such canvass shall be legal and sufficient.

**Sec. 4. County auditor to give notice.**—The county auditor of each such county wherein such election is to be held shall forthwith upon receiving the governor's proclamation and at least fifteen days prior to the day set for such special election give notice of the time and places of holding such special election and the primary therefor, designating the vacancy or vacancies to be filled.

Notice of both said primary election and said special election may be given in one notice but no defect in such notice or failure to give such notice shall invalidate such election.

**Sec. 5. Filing of affidavits.**—All candidates for nomination at any such primary election must file their affidavit for such nomination and pay their fee therefor in the same manner as provided in the law governing primary elections for legislative offices and such filing shall be made and the fee therefor paid not later than the seventh day preceding any such primary election.

**Sec. 6. Declaration of nominees.**—The two persons receiving the highest number of votes for any office at such primary election shall be declared the nominees for such office and their names shall be placed on the ballot to be used at such special election and no other names shall appear on the ballot to be used at such special election except the names of the two candidates receiving the highest number of votes at such primary election for any such office. Provided, however, that in the event that not more

than two persons have filed as candidates for the nomination for each vacancy to be filled at such special election then and in such event no primary election shall be held but the two persons so filing shall be considered and shall be the nominees for such office and their names only shall be placed on the ballot to be voted on at such special election for the office to be filled.

Sec. 7. Returns and canvassing of vote at special election, and issuance of certificate of election.—The returns of such special election shall be delivered to the county auditor of each county wherein such special election shall be held and shall be canvassed on the first week day following such special election by the canvassing board hereinbefore provided for and constituted for the primary for such special election which board shall forthwith upon the completion of the canvass certify in writing the result of such canvass to the county auditor of the county wherein such election has been held, which county auditor shall file the same and forthwith issue a certificate of election to the person receiving the highest number of votes at the special election. Provided, however, that in legislative districts comprising more than one county the returns of such special election shall be canvassed separately in each county by the canvassing boards therein constituted as above and the result of such canvass by each such canvassing board shall be certified in writing to the auditor of such county who shall file the same and transmit a statement of the vote cast in his county at such special election to the secretary of the state, who shall canvass the statements as transmitted to him and issue a certificate of election to the person receiving the highest number of votes at such special election for any such office. The action of a majority of such canvassing board shall be legal and sufficient.

Sec. 8. Laws governing general elections to otherwise govern.—Except as otherwise provided herein the laws governing the conduct of general elections shall govern the conduct of such special election, as far as practicable.

Sec. 9. Inconsistent acts repealed.—All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved January 29, 1919.

### CHAPTER 6—H. F. No. 3.

*An act authorizing cities of Minnesota of over 50,000 inhabitants to issue and sell municipal bonds for certain public purposes. Be it enacted by the Legislature of the State of Minnesota:*

Section 1. \$700,000 bond issue, authorized for Minneapolis, for various purposes.—Every city of this state now or hereafter having over fifty thousand inhabitants and not governed by a charter adopted pursuant to section 36, article 4, of the State