

CHAPTER 172—H. F. No. 572

An act to amend Mason's Minnesota Statutes of 1927, Section 297, and Section 300.

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

Section 1. **Date of filing for public office.**—That Mason's Minnesota Statutes of 1927, Section 297, be and the same hereby is amended so as to read as follows:

"297. At least 40 days before the primary election any party eligible and desirous of having his name placed upon the primary ballot as a candidate for chief justice or associate justice of the supreme court, judge of the district court, state or congressional office or member of the state legislature, *or county office*, shall file his affidavit with the secretary of state when to be voted for in more than one county, and with the county auditor when in a single county, stating his residence, that he is a qualified voter in the subdivision where he seeks a nomination, the name of his party, if for a party office, and the office for which he desires to be a candidate; and if for a party office that he affiliated with said party at the last general election, and either that he did not vote thereat or voted for a majority of the candidates of said party at such election and intends to so vote at the ensuing election; provided, that all candidates for offices not enumerated above in this section shall file their affidavit as herein provided, not less than *forty* days before said primary election. Upon payment by such candidate to the secretary of state of \$20.00, if for any office to be voted for in more than one county, or if for any office to be voted for in only one county, upon payment of \$10.00 to the county auditor thereof, the county auditor shall place the name of such candidate upon the primary election ballot of the party designated except where only one person has filed as a candidate for any one office in any one party the name of such candidate shall not be placed upon the primary ballot but shall be considered and shall be the nominee for such office for the party under which such candidate filed and his name shall be placed upon the general election ballot as the nominee of such party for such office; provided, however, that candidates for the legislature shall pay \$10.00 only to the secretary of state when the affidavit or petition is filed with him and \$10.00 to the county auditor when filed with him, provided that the name of any eligible person may also be placed upon the non-partisan primary election ballot as a candidate for chief justice or associate justice of the supreme court or judge of the district court upon petition in writing of electors filed within the same time and at the same place and upon payment of the same fee as is provided in case of filing of affidavits by candidates as follows:

For chief justice or associate justice of the supreme court, upon petition of 500 electors residing within the state; for judge of the district court upon the petition of 250 electors residing within the district. Such petition shall be in writing and signed by each of the electors joining therein and shall be by each of them acknowledged before an officer authorized by law to administer an oath. Upon the compliance with such requirement, such names shall be placed upon the non-partisan primary election ballot. No petition shall contain more than double the number of signatures herein required and no office shall receive for filing or file any petition containing more than double the number of signatures so required. Any person whose name is so presented and filed may withdraw the same by filing an affidavit of withdrawal thereof in the same office in which such petition is filed. Provided, each candidate for state offices, congressmen-at-large, and judges of the supreme court shall pay to the secretary of state the sum of \$50.00 each at the time of filing his affidavit with said officer."

Sec. 2. **Ballots.**—That Mason's Minnesota Statutes of 1927, Section 300 be and the same hereby is amended so as to read as follows:

"300. All voting at a primary election shall be by ballot. *As soon as practicable after the expiration of the time for filing and not later than thirty days* 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 or before* 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 fac-simile of the official signature of the auditor preparing it. The non-partisan ballot shall be headed as provided in Section 294, General Statutes 1923. 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, *those* to be voted for in any single ward being indicated by the words and figures 'First Ward' and so on."

In city primary elections in cities having home rule charters, primary election ballots on white paper 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 full as practicable. The city clerk at least one week before the city primary election, shall publish a sample of the city primary ballot for city election in the official newspaper of the city, and post a sample printed copy in his office for public inspection.

Approved April 8, 1933.

CHAPTER 173—S. F. No. 639

An act to amend Mason's Minnesota Statutes 1927, Sections 4127 and 4128, relating to penalty for failure to pay wages.

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

Section 1. **Penalty for failure to pay wages promptly.**—That Mason's Minnesota Statutes for 1927, Section 4127, be and the same hereby is amended to read as follows:

"4127. Whenever any person, firm, company, association or corporation employing labor within this state discharges a servant or employe from his employment, the wages *and/or commissions* actually earned and unpaid at the time of such discharge shall become immediately due and payable upon demand of such employe, at the usual place of payment, and if not paid within twenty-four hours after such demand, whether such employment was by the day, hour, week, month or piece *or by commissions*, such discharged employe may charge and collect *the amount of his average daily earnings* at the rate agreed upon in the contract of employment, for such period, not exceeding fifteen days (after the expiration of said twenty-four hours) as the employer is in default, until full payment or other settlement, satisfactory to said discharged employe, is made.