

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

Section 1. **Certain changes in county ditch systems legalized.**—Where the County Board of any county of this State has heretofore located, established and caused to be constructed a County Ditch System in pursuance of Chapter 230, of the Laws of 1905, and the acts amendatory thereof or supplemental thereto, and the County Board of said County, or the Town Board of any Town in said County wherein a portion of such ditch system is located, or such County Board and such Town Board, jointly, shall have attempted to remedy defects in the design or construction of such ditch system, or of any branch or lateral thereof, by widening or deepening any branch or lateral of such ditch system, and extending such branch or lateral, so widened and deepened, beyond the point to which it was originally located, established and constructed, so as to form a new or better outlet for such branch or lateral, and no proceedings for the widening, deepening or extension of said ditch have been taken as required by the statutes of this State, now in force, or in force at the time such changes were made, such changes are hereby legalized and validated for all purposes, as though such County Board and such Town Board had due authority to make the same in the first instance.

Sec. 2. **Not to affect pending actions.**—This Act shall not affect any such changes the validity of which is questioned in any litigation now pending.

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

✓ Approved April 13, 1933.

CHAPTER 244—H. F. No. 66

An act to amend Mason's Minnesota Statutes of 1927, Sections 297, 300, 304, 306, 307, 308, and 310, relating to primary elections.

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

Section 1. **Names placed on primary ballot—fees—non-partisan ballot.**—That Mason's Minnesota Statutes of 1927, Section 297, be and the same hereby is amended to read as follows:

"297. At least forty 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 congres-

sional office or member of the state legislature, 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 sub-division 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 twenty days before said primary election. Upon payment by such candidate to the secretary of state of twenty dollars (\$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 ten dollars (\$10.00) to the county auditor thereof, the county auditor shall place the name of such candidate upon the primary election ballot *in the ticket* 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 ten dollars (\$10.00) only to the secretary of state when the affidavit or petition is filed with him and ten dollars (\$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 five hundred (500) electors residing within the state; for judge of the district court upon the petition of two hundred fifty (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 officer 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 fifty dollars (\$50.00) each at the time of filing his affidavit with said officer."

Sec. 2. **Voting at primary election to be by ballot—form of ballots.**—That Mason's Minnesota Statutes of 1927, Section 300, be and the same hereby is amended to read as follows:

"300. All voting at a primary election shall be by ballot. *There shall be one ballot for all party candidates, grouped by parties, and a separate ballot for all candidates to be nominated without party designation.* On the nineteenth day 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 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 *sample party ballot* and a separate *non-partisan ballot*. The names shall be arranged alphabetically according to the surname and each county auditor shall post the *sample ballots* in a conspicuous place in his office and give one week's published notice thereof in the official newspaper of his county. One *sample party ballot only* and one *sample non-partisan ballot only* shall be printed for any county, and thereon shall be placed the names of all candidates to be voted for in such county. The party ballot shall be headed by the words '*Consolidated Primary Election Ballot,*' the same to be printed in 60 point, Caps if practicable. Under the said heading shall appear the fac-simile of the official signature of the auditor preparing it. Each political party shall have a separate ticket on the said Consolidated Ballot, under which the names of all the candidates of the said party shall be grouped. The said party ballot shall be printed in the manner and form now regulating the form of election ballots. The said party tickets shall be arranged in columns and each column shall be substantially the same in width, type and appearance. In the first column on the left shall be placed the names of the political party which polled the highest average vote at the last General Election in said county, and in the second column the names of the candidates of the political party which polled the next highest average vote at such election, and so on. Each party ticket shall be headed by the words, '..... party ticket,' to be in 30 point type, giving the party name. At the head of each individual party ballot shall be printed in 18 point, bold face type 'You cannot split your ballot. If you vote for

candidates of more than one party, your ballot will be rejected.' Such individual party ballots shall be separated by a 12 point solid rule line. The non-partisan ballot shall be headed 'Primary Election Ballot Candidates to be Nominated Without Party Designation,' and otherwise the same as the party ballot. 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 party ballot and one form of sample non-partisan ballot 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 fully 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 elections in the official newspaper of the city, and post a sample printed copy in his office for public inspection."

Sec. 3. Polling places—peace officers—ballot boxes.—That Mason's Minnesota Statutes of 1927, Section 304, be and the same hereby is amended to read as follows:

"304. So far as they shall be applicable, all provisions of this chapter relating to the location and arrangement of polling places, peace officers, procuring registers, ballots, boxes, and other supplies, opening polling places, challengers, and gatekeepers, and in reference to returns, including return of ballots, used and unused, shall apply to primary elections; except that one ballot box shall be used for party ballots, and one for non-partisan ballots."

Sec. 4. Persons entitled to register and vote—manner of voting.—That Mason's Minnesota Statutes of 1927, Section 306, be and the same hereby is amended to read as follows:

"306. Every person qualified as a voter may register therein and vote at such primary election. *No voter shall be required to declare his party affiliation.* Having registered, and, in case of challenge, the same having been determined in his favor, he shall be entitled to a party ballot and a non-partisan ballot. Such ballots shall be so endorsed with the initials of two of the judges that the same will show when folded. He shall be instructed by one of

the judges as to the proper method of marking and folding his ballots, and shall then retire to an unoccupied booth, and without undue delay mark the same *as provided by laws*. If he shall spoil or deface such a ballot he shall at once return the same and receive another. Provided, that in cities of the first class operating under a home rule charter, no voter shall be allowed to vote unless such voter has registered in accordance with the provisions of the registration act relating to cities of the first class."

Sec. 5. **Marking primary ballots.**—That Mason's Minnesota Statutes of 1927, Section 307, be and the same hereby is amended to read as follows:

"307. The voter shall designate his choice on the ballot by marking a cross (X) in the small square opposite the name of each candidate for whom he wishes to vote. If he shall mark more names than there are candidates to be nominated for any office, or if for any reason it be impossible to determine his choice for any office, his ballot shall not be counted for such office; but the rest of his ballot, if properly marked shall be counted; *provided that if he shall vote upon his party ballot for candidates of more than one party his entire party ballot shall be void*. No ballot shall be rejected for any technical error which does not render it impossible to determine the voter's choice, even though such ballot be somewhat soiled or defaced."

Sec. 6. **Folding and depositing ballots.**—That Mason's Minnesota Statutes of 1927, Section 308, be and the same hereby is amended to read as follows:

"308. When a voter has marked his ballots, he shall fold *each one separately* so that its face will be concealed and only the initials on the back be visible, and hand the same to the judge in charge of the boxes. *Each* such folded ballot shall be placed in the proper box, and the name of the voter checked upon the register in the column headed "Primary Election" *but no entry or notation shall be made in the register or otherwise showing to which party any voter belonged or which party ballot he voted nor shall the judges knowingly permit any other person within the polling place to make such an entry or notation*. The voter shall fold and deposit his ballots in the box *provided therefor, without disclosing to anyone which party ballot he voted*. No voter, judge or clerk of election or other person shall at any time place any mark as a means of identification upon any ballot handed to or cast by any voter or upon any spoiled or discarded ballot *except the initials of the judges on the backs of the ballots and the marks indicating the voter's choice of candidates made in the manner provided by law, and any violation of this provision shall be a gross misdemeanor*. So far as

applicable, all provisions of this chapter relating to false registration, defacing posted lists, time allowed employes for voting, ballots, voting room, removal from district, regulations at polling places, challenge of voters, rules for marking ballots, methods of voting, violations of such provisions, and penalties, shall be observed and enforced."

Sec. 7. **Canvass of votes.**—That Mason's Minnesota Statutes of 1927, Section 310, be and the same hereby is amended to read as follows:

"310. Canvass of votes on primary ballots shall be made in the same manner and by the same officers as is provided by Chapter 6, of the Revised Laws of 1905, except as herein otherwise provided. The ballots shall be counted in the following manner: The election officers shall take the ballots from the boxes, count those cast for *the candidates of each political party* and for non-partisan candidates, place *the party ballots and non-partisan ballots* in separate piles and fasten *them* together.

Such officer's tally sheets on which the county has been so entered shall be included in the returns of such election. The officers of election shall on blanks to be provided for that purpose make full and accurate returns of the votes cast for each candidate.

The officers shall seal the returns and return the same to the auditor in the manner and as provided by the primary and general election laws."

Approved April 15, 1933.

CHAPTER 245—H. F. No. 92

An act amending Mason's Minnesota Statutes of 1927, Section 2689, as amended by Laws 1931, Chapter 17, relating to the penalties for delay in registration of motor vehicles.

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

Section 1. **Transfer of ownership—procedure—fees.**—That Mason's Minnesota Statutes of 1927, Section 2689, as amended by Laws 1931, Chapter 17, be amended to read as follows:

"2689. Every owner or transferor of a motor vehicle who fails or delays for more than seven days to surrender the registration certificate and existing number plates as herein provided, before he