

wherever used in this act shall mean that the appropriation or appropriations listed thereunder shall be available for the year ending June 30, 1944.

APPROPRIATIONS
Available for the
year ending June 30:
1944

Sec. 2. For the payment of the salaries of the Lieutenant Governor and the salary and the mileage of the members of the Legislature and for the per diem of the officers and employees of and all the other expenses of the Legislature, including payment of necessary supplies therefor.....\$ 50,000

Sec. 3. General contingent fund.....\$ 40,000
The above appropriation to be expended by the Governor after consultation with the Legislative Advisory Committee as provided by law.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 11, 1944.

CHAPTER 2—H. F. No. 1

An act relating to elections and to facilitate voting by Minnesota electors serving in the armed forces of the United States at the primary and general elections of 1944, making an appropriation therefor and repealing certain laws.

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

Section 1. To facilitate voting at elections by electors in armed forces of the United States. In recognition of the state's responsibility to enact appropriate legislation to facilitate so far as practicable the voting by its qualified electors who are serving in the armed forces of the United States, at elections held within the state, the legislature by this enactment makes necessary adjustments in the absent voting law and in the election statutes to provide adequate time for the preparation

and transmission of ballots to such electors within and without the United States and for the return of such ballots in due time to be recorded at such elections. All county and local clerks and all election officials throughout the state are directed to cooperate to the fullest possible extent in order to effectively carry out the purpose and intent of this act.

Sec. 2. Application. This act applies only to the primary and general elections to be held in 1944.

Sec. 3. Election laws in force as modified. Except as modified by this act, the provisions of Chapter 345, Laws 1939 and acts amendatory thereof, and other statutes relating to elections shall remain in full force and effect.

Sec. 4. "Armed forces" defined. The term "armed forces" as used herein shall refer to and include the Army and Navy of the United States, or the Merchant Marine of the United States, or the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots, the Salvation Army, the United Service Organizations and all other persons connected in any capacity with the Army or Navy of the United States.

Sec. 5. Registration, how made. Registration for the primary and general elections to be held in 1944 may be made by or for any member of the armed forces over 21 years of age or who will attain the age of 21 years on or before July 10, 1944 desiring to vote at the primary election on said date, and any member of the armed forces over the age of 21 years or who will attain the age of 21 years on or before November 7, 1944 desiring to vote at the general election, by the member of the armed forces himself or by a parent, spouse, or a brother, sister, or child over the age of eighteen years, by filing in the office of the County Auditor of the county of which he was a resident prior to his entrance into the armed forces, a request for ballot in substantially the following form, whether said request for ballot is upon a form prepared and distributed by the War and Navy Departments or otherwise:

REQUEST FOR BALLOTS

To the County Auditor of County,
Minnesota, United States of America:

The name of the person for whom ballots are requested is
. He is a member of the armed
forces of the United States. He expects to be absent from

his place of residence in Minnesota on the primary and general election dates. Request is therefore made that ballots be furnished to him to be used by him in voting at such elections and be sent to him at the address herein stated. He is a citizen of the United States. He is a resident of the State of Minnesota and has been such resident for more than six months last past.

He was born on the.....day of.....in the year..... His home and place of residence is and on said election days will be at..... in the..... of..... (Town, City or Village)

County of..... State of Minnesota. His voting precinct or district according to the best information of the undersigned is..... (Give precinct and ward

..... number or name of precinct if you know it)

Ballots are to be sent to said member of the armed forces at the following address:

.....
.....
.....

(If this request is signed by the spouse, parent, or a brother, sister, or child over the age of 18 years, of the member of the armed forces, fill in the following paragraph.)

The relative who signs this request is the..... of said voter above-named, and is of the age of 18 years or over.

..... (Signature of member of armed forces or relative)

Subscribed and sworn to before me this..... day of 1944.

..... (State title of office. If officer of armed forces, must be a commissioned, non-commissioned or petty officer not below the rank of Sergeant or its equivalent. Affix seal, if any.)

Any such communication or request filed with or received by the County Auditor after January 1, 1944 shall be registered by the County Auditor in a permanent record kept by him

for such purpose, and the entry of said name in such register shall constitute the only registration necessary to entitle any member of the armed forces to vote at the primary or general elections to be held in the year 1944. Registrations under this act may be challenged in the manner provided for in Laws of 1939, Chapter 345, except that the County Auditor shall not be required to give notice to the voter, and all reasonable doubt shall be resolved in favor of the validity of such registration. If it appears from the communication or request that the applicant is not qualified to vote at the primary election but will be qualified to vote at the general election, then no primary ballot shall be forwarded to the applicant, but such communication or request shall nevertheless constitute a request for ballot for the general election. Should any such request or a communication in the form thereof be addressed to the Secretary of State or any other election official, the same shall immediately upon its receipt by said election official be forwarded to the County Auditor of the county of residence of such registrant, as specified in such request, and shall have the same force and effect as if it were addressed to the County Auditor. The County Auditor shall, in no event, send more than one set of ballots to any member of the armed forces for each election.

Every County Auditor shall forthwith prepare at the expense of his county a sufficient supply of blank forms to be used to request that ballots be furnished a member of the armed forces and shall furnish such blanks to any person applying therefor.

Sec. 6. Mailing of official ballots by County Auditors. The County Auditor shall, as promptly as possible, mail an official ballot, or ballots if more than one are to be voted at the election, to every absent member of the armed forces who has been registered in accordance with the foregoing provisions. Registration for the primary election shall entitle the registrant to receive a general election ballot without further application, notwithstanding that the registrant may have failed to vote in the primary election. Said ballot or ballots shall be mailed by air mail, postage prepaid, in an envelope upon which shall be printed "OFFICIAL BALLOT". There shall also be sent in the same envelope a return envelope addressed to the County Auditor of the county in which said vote is to be cast, upon which shall be printed "OFFICIAL WAR BALLOT" and upon the back of which shall be an affidavit in the following form:

THIS FORM MUST BE COMPLETED IN ORDER THAT THE ENCLOSED BALLOT BE COUNTED:

I, do solemnly swear that I am over the age of 21 years or will be 21 years on or before July 10, 1944.....or on or before November 7, 1944..... (check one); that I am a citizen of the United States; that for more than six months prior to my entrance into the armed forces I was a resident of the State of Minnesota; that for more than thirty days prior thereto I resided at.....; that I have not cast another vote or returned another ballot for this election to any voting district; and that I am otherwise qualified to vote the enclosed ballot which I personally marked and sealed in this envelope without exhibiting it to any other person, or which, in case of my physical incapacity, has been marked for me and sealed in this envelope under my personal direction.

.....
Subscribed and sworn to before me

this..... day of 1944.

.....
(State title of office. If officer of armed forces, must be a commissioned, non-commissioned or petty officer (not below the rank of Sergeant or its equivalent). Affix seal, if any.)

NOTE: Temporary change of dwelling place made necessary by military service does not affect the voter's residence.

Priority in mailing shall be given to all ballots to be sent outside the United States. In the event the Government of the United States or any branch, department, agency or other instrumentality thereof shall make provision for sending of any voting matter provided for in this act through the mails postage free, or otherwise, the election officials of the several counties of the state are authorized to make use thereof.

No envelope, return envelope or explanatory note shall contain the name of any person who is a candidate at the election to which the enclosed ballot pertains.

Sec. 7. Affidavits, how executed. Any affidavits made by an absent voter pursuant to the provisions of this act may be executed before a commissioned officer, warrant officer or non-

commissioned officer not lower in grade than Sergeant or its equivalent navy rating, or any other person authorized to administer oaths.

Sec. 8. Requirements as to ballots modified. The ballots used under this section shall conform to the requirements of Chapter 345, Laws 1939 and acts amendatory thereof, except that if modification of the size of ballot or envelope, or weight or color of paper, is necessary to conform to mailing requirements of the federal authorities, state and county officials in charge of the preparation of such ballots and envelopes shall cause such modifications to be made. Ballots shall be marked pursuant to instructions contained thereon and shall be returned in the return envelope provided therefor.

Sec. 9. Returned ballots, duties of County Auditor. Upon receipt of the returned ballot, the County Auditor shall stamp upon the ballot envelope the date of its receipt in his office and shall check the elector's name with his temporary registration book to insure that the ballot is from a voter entitled to vote and that he has not already returned another ballot for the same election. Any discrepancy or disqualifying fact shall be noted by the County Auditor on the envelope. In other respects the provisions of Chapter 345, Laws 1939 and acts amendatory thereof as to deposit and counting of such ballots shall apply, except that failure to return unused ballots shall not invalidate the marked ballot, which shall be counted; except that no ballot contained in a return envelope in which the affidavit upon the back thereof is not properly executed shall be counted. All ballots received by the County Auditor before the closing hours of the polls shall be delivered by him to the proper polling places.

Sec. 10. When absentee ballot not to be cast. If any person entitled to vote under the provisions of this act casts his ballot in person on election day, then no absentee ballot shall be counted for such elector. If more than one absentee ballot is received from any elector entitled to vote under the provisions of this act, the ballot of such elector bearing the latest County Auditor's date stamp shall be cast.

Sec. 11. Death of voter before election. Whenever it shall be made to appear by due proof to the judges of election that any elector who has marked and forwarded his ballot as provided in this act, has died prior to the opening of the polls on the date of the election, then the ballot of such deceased elector shall be returned by the judges of election in the same manner as provided for rejected ballots, but the casting of the ballot of a deceased elector shall not invalidate the election.

Sec. 12. Separate record. A separate record of the ballots of absent voters under this act shall be kept in the various voting districts.

Sec. 13. Applications for ballots filed at any time. There shall be no limitation of time for filing and receiving applications for ballots under this act.

Sec. 14. Dates for performance of certain acts. The dates for the performance of acts in preparation for and the holding of the primary and general elections are changed as follows:

March 15—First day for filing for primary.

April 17—Last day for filing for primary.

April 20—Last day to withdraw.

Not later than April 25—Secretary of State to certify names to County Auditors.

Not later than April 28—Ballots to be in hands of printers.

Not later than May 10—Ballots to be in hands of County Auditors.

July 10—Primary date. The polls at the primary election shall remain open until 9:00 P.M.

Not later than July 11—Local judges to report returns to County Auditors.

July 12—County Canvassing Boards meet.

July 17—Primary election returns reported to Secretary of State.

July 18—State Canvassing Board meets.

July 21—First day for filing nominations by petition.

Petition for recount proceedings must be made not later than July 22nd.

August 1—Last day for filing nominations by petition.

Not later than August 3—Withdrawals by nominees must be filed.

Not later than August 10—Vacancies in nominations must be filled.

August 15—Secretary of State to certify names to County Auditors.

Not later than August 21—Ballots to be in hands of printers.

Not later than September 6—Ballots to be in hands of County Auditors.

November 7—General election date.

All other dates or times for the performance of acts in preparation for the primary or general election, including the meeting of any State Central Committee, are advanced proportionately when necessary to conform to the changes in dates made in this section. The Secretary of State shall determine what advancements of such dates or time are necessary and give such notice as he may deem advisable.

Sec. 15. Fees paid to Secretary of State for nominations, when paid to County Auditors. Payment by the Secretary of State to the various counties of nomination fees of candidates filed in his office shall, for the year 1944, be made on July 1st in the manner otherwise provided by law.

Sec. 16. Appropriation to Secretary of State. There is hereby appropriated out of the funds in the state treasury not otherwise appropriated, the sum of \$5,500 to the Secretary of State for election expense, including the printing and distribution of such information as the Secretary of State deems advisable to publicize the change in the date of primary election and changes in dates or times for the performance of acts in connection with the elections to which this act applies.

Sec. 17. Authorizing expenditures by County Auditors. The County Auditors of the several counties are hereby authorized and empowered to incur such expenses and expend such amounts for clerk-hire, postage and other expenses as are necessary to carry out the provisions of this act, the same to be paid from the general revenue funds of the counties.

Sec. 18. Provisions exclusive. The provisions of this act shall constitute the exclusive requirements for absentee voting by members of the armed forces.

Sec. 19. Repeal. Chapter 554, Laws 1943, is hereby repealed.

Sec. 20. Manner of holding elections in 1945. Elections to be held in the year 1945 shall be carried on and held in the same manner as though this act had not been passed.

Approved March 13, 1944.