

CHAPTER 564—H. F. No. 138

[Coded]

An act relating to elections; providing for the correction of erroneous statutory references and typographical errors in the Minnesota election law; amending Laws 1959, Chapter 675, Article II, Section 26; Article III, Section 9, Subdivision 1; Article IV, Section 17, Subdivision 1; Article V, Section 24, Subdivision 1; Article VIII, Section 15; Article X, Section 7.

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

Section 1. Laws 1959, Chapter 675, Article II, Section 26, is amended to read:

Sec. 26. [201.26] **Residence, determination.** The commissioner in determining the residence of any person desiring to register, shall be governed by the following rules, so far as they are applicable:

(a) The residence of any person shall be held to be in that place in which his habitation is fixed, without any present intention of removing therefrom, and to which, whenever he is absent, he intends to return;

(b) A person shall not be considered to have lost his residence who leaves his home to go into another state, or county in this state, for temporary purposes only;

(c) A person shall not be considered to have gained a residence in any county into which he has come for temporary purposes only, without the intention of making such county his home;

(d) If a person goes into another state with the intention of making it his residence, he shall be considered to have lost his residence in this state;

(e) If a person removes to another state with the intention of remaining there for an indefinite time as a place of residence, he shall be considered to have lost his residence in this state, notwithstanding he intends to return at some future time;

(f) The place where a man's family resides shall be considered his residence, but *if* it is a temporary establishment for his family, or for transient purposes, it shall not be so considered;

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

(g) If a man has his family living in one place and he does business in another, the former shall be considered his residence, but when a man has taken up his abode at any place with the intention of remaining there, and his family refuses to reside with him, then such place shall be considered his residence;

(h) The residence of a single man shall be considered to be where he usually sleeps;

(i) The mere intention to acquire a new residence, without the fact of removal, shall avail nothing, neither shall the fact of removal without the intention;

(j) No person employed temporarily for the purpose of cutting timber, or in the construction or repair of any railroad, canal, municipal, or other work of public nature, shall acquire a residence in any precinct into which he came for such purpose, but this provision shall not be held to extend to station agents or sectionmen who permanently reside in such precinct, and in determining the right of any person employed by railroad company or upon any public work to register, the commissioner shall be satisfied that he is a bona fide resident of the precinct and not there for temporary purposes only, and his unsupported affidavit shall not be held conclusive as to any fact necessary to entitle him to register;

(k) Any permanent inmate of a ~~soldier's~~ *soldiers'* home shall be considered a resident of the precinct in which the same is located.

Sec. 2. Laws 1959, Chapter 675, Article III, Section 9, Subdivision 1, is amended to read:

Sec. 9. [202.09] **Nominating petitions.** Subdivision 1. **Number of signers.** After the holding of the regular primary election]a petition for nomination of a candidate may be signed by electors resident within the district or political division from which the candidate is presented, as follows:

(a) If for a state office on a state ticket, equal to one percent of the entire vote of the state cast at the last preceding general election, or 2,000, whichever is the lesser;

(b) If for a congressional or judicial district office, by five percent of the entire vote cast in the district at the last preceding general election, or 1,000, whichever is the lesser;

(c) If for a county or legislative office, by ten percent

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

of the entire vote cast in the county, ward, or other election precinct *district* at the last preceding general election, or 500, whichever is the lesser.

Sec. 3. Laws 1959, Chapter 675, Article IV, Section 17, Subdivision 1, is amended to read:

Sec. 17. [203.17] **Instructions to voters, furnished by secretary.** Subdivision 1. **Cards.** Except where voting machines are used, the secretary of state shall furnish to each county auditor uniform instructions to voters, printed in large type upon cards or heavy paper and containing such information *as* will enable the voters quickly and correctly to designate their choice. The cards shall be sufficient in number to allow two for each precinct. The clerk of each municipality in the county shall secure from the county auditor the cards and shall have them posted in a conspicuous manner at the polling place.

Sec. 4. Laws 1959, Chapter 675, Article V, Section 24, Subdivision 1, is amended to read:

Sec. 24. [204.24] **Ballots, disposition.** Subdivision 1. **Envelopes.** Except in first *class* cities and in counties having a population of 200,000 or more, after the canvass has been completed and in the presence of all the judges, the ballots cast shall be removed from the ballot boxes and placed in envelopes and sealed. Each judge shall write his name upon the envelope over the sealed part in such a way that the envelope cannot be opened without disturbing the continuity of the lines in the writing. The envelopes shall be of a heavy paper reinforced by cloth at all folds, of the same color as the ballots to be placed therein, and of a size suitable to hold all the ballots without folding. The official charged with printing the ballots shall furnish the envelopes required in this section. The number of ballots in each envelope, the kind thereof, the name of the town, village, or city, and the number of the precinct shall be plainly written upon the envelopes. The unused and spoiled ballots or returns may not be placed in the envelopes.

Sec. 5. Laws 1959, Chapter 675, Article VIII, Section 15, is amended to read:

Sec. 15. [207.15] **Disposition of fees.** In the case of city elections in all cities, or village elections in all villages operating under the "Australian Ballot System," voter's applications for ballots shall be filed with the city or village clerk, no fees shall be required to be paid therefor, and the

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

duties prescribed in ~~this Part~~ *Laws 1959, Chapter 675, Article VIII*, for the county auditor shall be performed by the city or village clerk, provided, however, that such duties may be, upon agreement, combined and performed by one of such officers. The cost of carrying out the provisions of ~~this article~~ *Laws 1959, Chapter 675, Article VIII*, for any such city or village election shall be paid by the city or village in which the same is held.

Sec. 6. *Laws 1959, Chapter 675, Article X, Section 7*, is amended to read:

Sec. 7. [209.07] **Conduct of contest.** In hearing the contest, the house shall proceed as follows:

1. At the time appointed, the parties shall be called, and, if they appear, their appearance shall be recorded;

2. If the presiding officer be a party, a speaker pro tem shall be elected to preside;

3. The contestant's evidence shall be submitted first, followed by that of the ~~contestant~~ *contestee*, and the ~~contestee~~ *contestant* shall open the argument, and close the same after the contestee has been heard;

4. The vote upon the contest shall *be viva voce*, any member may offer reasons for the vote he intends to give, and a majority of the votes given shall decide; but no party to the contest shall vote upon any question relative thereto; and

5. The clerk or secretary shall enter the proceedings in the journal.

Approved April 20, 1961.

CHAPTER 565—H. F. No. 139

[Coded]

An act relating to the school district of the city of Minneapolis; providing for the correction of statutory references; amending Laws 1959, Chapter 462, Sections 1; 3, Subdivision 11; and 5, Subdivision 2.

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

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.