sale" license for the sale of intoxicating liquor. The fee for such license shall be determined by the village of Island View.

Sec. 2.   This act shall be effective upon its approval by a majority of the members of the governing body of the village of Island View and upon compliance with Minnesota Statutes 1961, Section 645.021.

[Became law without Governor's signature.]

Filed May 13, 1963.

CHAPTER 684—H. F. No. 1635

An act relating to elections; prescribing rules for counting ballots; amending Minnesota Statutes 1961, Section 204.22.

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

Section 1.   Minnesota Statutes 1961, Section 204.22, is amended to read:

204.22   **Elections; rules for counting ballots.**   In counting ballots a ballot may not be rejected for any technical error that does not make it impossible to determine the voter's choice even though the ballot may be slightly soiled or defaced. All ballots shall be counted for the persons for whom they were intended, so far as the intent can be clearly ascertained from the ballots themselves; and in determining the intent the following rules are applicable and shall be observed:

(a)   When a voter has placed a mark (X) against two or more names for the same office, where only one is to be elected, his vote may not be counted for either candidate, but the rest of his ballot shall be counted;

(b)   When a voter has written the name of a person in the proper place, his vote shall be counted for that person whether he makes a mark (X) in the square opposite the blank line or not;

(c)   When a voter has written the name of a person on a primary election ballot, the vote may not be counted for that office;

(d)   When a mark (X) is made out of its proper place, but *on or so near a name or space as to indicate clearly that the voter* intended to mark the name, the vote shall be counted as so intended;

(e)   When a number of persons are to be elected to the same

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

office, all cross marks in squares opposite names, not exceeding the whole number to be elected, including written names thereon, shall be counted. When less than the number to be elected are marked, only those so marked shall be counted;

(f)   The judges shall disregard misspelling or abbreviations of the names of candidates, if it can be clearly ascertained from the ballot for whom it was intended;

(g)   When the judges can determine from a ballot the voter's choice for only a part of the ~~officers~~ *offices*, the ballot shall be counted for that ~~party~~ *part* only;

(h)   When a voter uniformly uses a mark other than (X) in marking his ballot, clearly indicating his intent to mark against a name, and does not use (X) anywhere else on the ballot his vote shall be counted for each candidate so marked; *when a voter uses two or more distinct marks in expressing his vote on a ballot such as (X) and some other mark, the vote shall be counted for each candidate so marked, nonetheless, unless it is so marked by distinguishing characteristics so as to make the entire ballot defective as provided in (k);*

(i)   When a ballot shows that marks have been made against the names of two candidates, and an attempt made to erase or obliterate one of the marks, it shall be counted for the candidate for whom it was evidently intended;

(j)   All ballots marked as hereinbefore provided shall be counted for the candidates or proposition therein shown to be voted for;

(k)   When a ballot is so marked by distinguishing characteristics that it is evident that the voter intended to identify his ballot, the entire ballot is defective;

(l)   When the number of candidates is equal to the number to be elected to an office, and the voter has not marked against any name, no vote may be counted for that office.

Approved May 13, 1963.

CHAPTER 685—H. F. No. 1696

An act relating to lands or minerals and mineral rights becoming the property of the state under tax laws; amending Minnesota Statutes 1961, Section 93.335, Subdivision 1.

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