

corporation the charter of which has been declared forfeited by the final judgment of any court of competent jurisdiction of this state, or to any corporation as to which there is pending any action or proceedings in any of the courts of this state for forfeiture of its charter, nor shall this act affect any action or proceeding now pending in any of the courts of this state in relation to any corporation described in section 1 of this act.

Approved January 29, 1965.

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### CHAPTER 3—S. F. No. 36

*An act relating to primary elections; amending Minnesota Statutes 1961, Section 202.02.*

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

Section 1. Minnesota Statutes 1961, Section 202.02, is amended to read:

**202.02 Elections; date of primary.** On the ~~second~~ *first* Tuesday ~~after the second Monday~~ in September preceding any general election an election of nominees hereinafter designated as the "primary election" shall be held in each election precinct for the selection of party and other candidates for all elective offices to be filled at the general election except presidential electors.

Approved February 5, 1965.

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### CHAPTER 4—S. F. No. 38

[Coded in Part]

*An act relating to voting by mail by certain voters including members of the armed forces; amending Minnesota Statutes 1961, Sections 207.02; 207.08; 207.11; 207.12; 207.20, Subdivision 1; and 207.23; and Minnesota Statutes 1961, Chapter 207, by adding sections.*

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

Section 1. Minnesota Statutes 1961, Section 207.02, is amended to read:

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

**207.02 Voting by mail.** Any person entitled to vote at any general election, any primary election, any city election, or any village or town election in villages or towns operating under the "Australian Ballot System," who is absent on the day such election is held from the precinct in which he is entitled to vote, or who by reason of illness or physical disability or because of religious discipline or observance of a religious holiday is unable to go to the polling place of such precinct, may vote therein by having his ballot delivered **by mail** to the election board of such precinct on the day of such election, *either by mail or by the clerk of the municipality in which such precinct is situated as provided for in sections 2 and 3*, and by complying with the provisions of this chapter. No person residing in a municipality now or hereafter having permanent registration of voters, as provided by chapter 201, shall be permitted to so vote unless he has registered as a voter in accordance with such provisions.

Sec. 2. Minnesota Statutes 1961, Section 207.08, is amended to read:

**207.08 "Return" and "ballot" envelopes, "directions to voters."** The auditor of each of the several counties shall mail or deliver to the applicant with the ballots two envelopes and "Directions to Voters." One envelope shall be known as the "Return Envelope" herein described, to conveniently enclose and contain the "Ballot Envelope" herein described. There shall be printed or written across the left hand end of this envelope, by the auditor, before delivery thereof to the applicant, the words:

*"Return Envelope  
Postmaster to deliver on Election Day."*

The auditor shall also cause this "Return Envelope" to be addressed to the "Judges of Election" in the ~~precincts~~ *precinct* in which the applicant is entitled to vote, *if he knows or can ascertain such precinct*; such address shall be in a substantial conformity to one of the illustrations herein set forth and as the facts may require:

*"To the Judges of Election.  
Seventh Precinct, Third Ward,  
City of Minneapolis,  
Hennepin County,  
Minnesota."*

*"To the Judges of Election, Rosedale Town,  
.....  
(Here insert name of post-office nearest voting place)  
Hennepin County, Minnesota."*

**Changes or additions indicated by italics, deletions by strikeout:**

**“To the Judges of Election, Village of Excelsior,  
Excelsior, Hennepin County, Minnesota.”**

*If the auditor does not know or cannot ascertain the precinct in which the applicant is entitled to vote he shall cause the Return Envelope to be addressed to the clerk of the municipality in which the applicant is entitled to vote. Such address shall be in substantial conformity to one of the illustrations herein set forth and as the facts may require:*

***“To the City Clerk of the City of Minneapolis  
For the Judges of Election of the Precinct  
in which 3217 Elm Street is situated.  
Courthouse, City of Minneapolis  
Hennepin County, Minnesota.”***

***“To the Town Clerk of the Town of Fisher  
For the Judges of Election of the Precinct  
in which Box 32, Route 3, Fisher, Minnesota is situated.  
Town Hall, Town of Fisher,  
Blue Earth County, Minnesota.”***

***“To the Town Clerk of the Town of White  
For the Judges of Election of the Precinct  
in which Route 3, Aurora, Minnesota is situated.  
Village of Aurora  
St. Louis County, Minnesota.”***

***“To the Village Clerk of the Village of Roseville  
For the Judges of Election of the Precinct  
in which 1787 North Victoria is situated.  
City of St. Paul,  
Ramsey County, Minnesota.”***

The auditor may vary any such form for addressing “Return Envelope” as the facts may require, but shall adopt such form of address as will best insure the prompt delivery of such envelope and contents to the judges on election day. *If the Return Envelope is addressed to the clerk of a municipality it shall contain a notation in bold face type reading substantially as follows:*

***“Clerk of .....;  
(Here insert name of municipality)  
Deliver this envelope to the correct Election Precinct immediately upon receipt thereof.”***

The county auditor shall also affix to this “Return Envelope” United States postage stamps sufficient in amount to pay the *required* United States postage on the “Return Envelope,” after the ballot en-

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velope and voter's certificate herein prescribed have been enclosed therein.

There shall be printed on the back of this "Return Envelope" a certificate which shall be substantially in the following form:

"VOTER'S CERTIFICATE

County of ..... )
State of ..... ) ss

I do swear that I am a citizen of the United States; that I am 21 years of age, and have been a legal resident of the State of Minnesota continuously during the six months last past; that I am an actual resident of the election precinct named indicated by my address in my application; that on the date of the ballots contained herein I will have legally resided therein for more than 30 days; that I do not intend to abandon my residence in said precinct prior to such date; that at said time I will be a qualified voter in said precinct.

(Signed).....
(Voter)

Subscribed and sworn to before me this ..... day of ..... A.D. ...., and I hereby certify that the affiant exhibited the enclosed ballots to me unmarked; that he then in my presence and in the presence of no other person, and in such manner that I could not see his vote, marked such ballots and enclosed and sealed the same in the ballot envelope; or that he was physically incapacitated from marking his ballots and that at his request I marked the ballots for him; that the affiant was not solicited or advised by me for or against any candidate or measure.

(Attesting Witness)

(Official Title)

(Here write name of office or official character of attesting witness, such as notary public, postmaster, etc.)"

The Return Envelope shall be so made as to open on the left hand end and the certificate above set forth shall be printed on the right hand three-fourths of the back of the envelope.

The following "Directions to Voters" shall be printed and furnished to each voter at the time such ballots are mailed or delivered in person.

Changes or additions indicated by italics, deletions by strikeout.

## "DIRECTIONS TO VOTERS

(1) You may mark and mail your ballot at any place *Locate a Notary Public, United States Postmaster, Assistant United States postal supervisor, clerk in charge of contract postal station, or any officer having authority to administer an oath or take an acknowledgment.*

(2) The ballot must be marked and sealed in the "Ballot Envelope" in the presence of an attesting witness; but in such a manner as to prevent such witness or any other person from knowing or learning how you have voted as to any candidate or proposition except that if you are physically incapacitated; you may request another to mark your ballots in the manner you intend to vote *Exhibit the ballots to be voted on to such person unmarked.*

(3) After marking and enclosing ballot in the "Ballot Envelope" you and attesting witness must each sign your respective names to the "Voter's Certificate" on back of the Return Envelope *In his presence mark the ballots in such a manner that he cannot see your vote. If you are physically incapacitated, you may ask him to mark your ballot for you.*

(4) Enclose "Ballot Envelope" in "Return Envelope;" seal the letter; you must sign and have attesting witness sign certificate on back of "Return Envelope" and then deposit same in the mail in presence of; or by the attesting witness *Fold each ballot separately so that your cross marks cannot be seen without unfolding, but so that facsimile signature of officer (Secretary of State, County Auditor, or Municipal Clerk) on back of ballot can be seen without unfolding ballot. Do not put your name, initials, or any other identifying mark on the ballots.*

(5) The ballot may be marked and mailed at any time after you receive it from the county auditor; it should; however; be marked and mailed so as to arrive at your voting place on or before election day. If not there by that day it will not be counted *Enclose all the ballots in the "Ballot Envelope" and seal the envelope.*

(6) Any Notary Public; United States Postmaster; Assistant United States Postmaster; United States postal supervisor; clerk in charge of a contract postal station; or any officer having the authority to administer an oath or take an acknowledgment may be an attesting witness. If a postmaster; or assistant postmaster; or postal supervisor; or clerk in charge of a contract postal station acts as an attesting witness; his signature on the "Voter's Certificate" must be authenticated by the cancellation stamp of their respective postoffices. If one of the other officers named acts as attesting witness his signature on the "Voter's Certificate" must be authenticated with his official seal *Sign*

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*your name on back of the "Return Envelope." The person taking your acknowledgment must sign his name as attesting witness, indicate his official title, insert proper date, and affix his official seal, or, in the case of postal authorities previously mentioned, the cancellation stamp of their respective post offices. Insert the "Ballot Envelope" in the "Return Envelope" and seal the "Return Envelope".*

(7) Remember that the officers above named are not bound to act as attesting witness for you *Deposit the "Return Envelope" in the mail in the presence of the attesting witness or have him do it for you.*

(8) Fold each ballot separately before placing it in "Ballot Envelope"; fold so that cross mark cannot be seen without unfolding, but so that facsimile signature of officer (secretary of state, county auditor, or city clerk) under whose direction the ballot is printed and appearing on the back of the ballot, can be seen without unfolding the ballot. Do not put your name, initials or any other identifying mark on the ballot. *The ballots may be marked and mailed at any time after you receive them from the County Auditor. However, they must be marked and mailed so that they can be delivered by the post office to the judges of election at your polling place before the polls close on election day.*

Sec. 3. Minnesota Statutes 1961, Chapter 207, is amended by adding a section to read:

**[207.101] Clerk of municipality to deliver absent and disabled voters and armed forces ballots in certain cases.** *Any clerk of a municipality who receives "Return Envelopes" as provided for in sections 2 and 6 by mail before the closing hours of the polls shall forthwith deliver them to the judges of election of the appropriate precincts in his municipality. "Return Envelopes" not delivered as provided herein shall promptly be sent to the county auditor by the clerk with a notation on the "Return Envelope" of the reason for nondelivery.*

Sec. 4. Minnesota Statutes 1961, Section 207.11, is amended to read:

**207.11 Judges to receive and count ballots.** The judges in the several precincts at any election shall receive all ballots delivered to them on election day by officers or employees of the United States postoffice department in due course of the business of that department *or by the clerk of the municipality*, and as herein provided, and deposit the same in the appropriate ballot box provided that they are satisfied that the person is a voter in such precinct and entitled to vote therein at such election; provided, further, that the conditions precedent hereinafter set forth, exist. Ballots so deposited shall be counted,

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canvassed and returned in the same manner and shall be given the same force and effect as the votes of other duly qualified voters who vote in person.

Upon a "Return Envelope" being delivered to the judges they shall open the same in such a manner as not to cut or mutilate the contents or deface or damage *the* certificate or the signatures thereto on the outside thereof. They shall compare the signature of the voter on the outside of the "Return Envelope" with the signature on the "Application for Ballots" delivered to them as provided herein. If the judges or a majority of them, shall be satisfied that the signature of the voter subscribed to the "Voter's Certificate" is the genuine signature of the person who made the "Application for Ballots," and if the signature of the voter has been properly authenticated as prescribed in the "Directions to Voters" set forth in this chapter, the judges, or one or more of them shall write the word "Received" on such "Ballot Envelope" and under such word his or their name or initials, provided that in municipalities in which registration of voters is required such ballots shall not be so marked unless the voter mailing in such ballots has been theretofore duly registered in such precinct, nor shall said ballots be so marked with the word "Received" if it appears from the registration file that such voter has already voted at such election, either in person or by mail. If the ballots are not received for the reason that the voter has failed to comply with the requirements herein set forth or has previously voted at such election, then such "Ballot Envelope" shall be marked "Rejected" and placed in the "Return Envelope" and placed with and returned to the county auditor with the unused ballots. No person who voted by mail as herein provided shall be permitted to thereafter vote in person in the same election.

If the "Ballot Envelope" is marked with the word "Received" as herein provided, the judges in charge of the register shall make an appropriate notation on the register of voters indicating that the voter has voted by mail; this shall be done by placing the letters "V.M." in the appropriate column opposite the voter's name.

The "Ballot Envelope" marked "Received" as aforesaid shall be carefully kept by the judges until the closing of the polls on the election day, but before any of the ballot boxes are opened; ~~at which time~~ the said "Ballot Envelope" shall be opened and the ballots therein taken therefrom and deposited by the judges in the proper ballot box. If there be more than one ballot of any kind enclosed in said "Ballot Envelope," then and in such case neither of such ballots of such kind shall be deposited in the ballot box, but all such kinds shall be placed with the spoiled ballots and returned as is provided for by law with reference to such spoiled ballots. The judges before depositing said ballots *in the ballot boxes shall write their initials thereon in the same*

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manner as is provided by law with reference to ballots delivered by them to voters in person.

Sec. 5. Minnesota Statutes 1961, Section 207.12, is amended to read:

207.12 **Clerk to notify postoffice of precinct addresses.** It shall be the duty of the clerk of each municipality having more than two voting precincts therein to furnish to the postmaster of said municipality, at least two days before the day on which any election is held, a certified tabulated list of the polling places in each of the precincts of the municipality, describing the same by ward and precinct number and opposite each such description shall be set forth the respective location by street and number, of such polling place, this for the guidance of postoffice employees in delivering the "Return Envelopes;" and "Official Ballot Return Envelopes" addressed in conformity with section 2.

Sec. 6. Minnesota Statutes 1961, Section 207.20, Subdivision 1, is amended to read:

207.20 **County auditor; duties.** Subdivision 1. 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 air mail, stamped envelope addressed to the county auditor of the county in which said vote is to be cast; upon which shall be printed "OFFICIAL BALLOT" and, labeled "Official Ballot Return Envelope" and addressed in conformity with the requirements of the "Return Envelope" prescribed in section 2; upon the back of which the "Official Ballot Return Envelope" 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 .....

(the date of the next primary or general election in Minnesota) 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 30 days prior thereto I resided at .....; (Insert street or route number and city, village, or town)

**Changes or additions indicated by italics, deletions by strikeout;**



that I have not cast another vote or returned another ballot for this election to any voting precinct; 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 ..... 19.....

(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.

Sec. 7. Minnesota Statutes 1961, Chapter 207, is amended by adding a section to read:

[207.221] *At the time the county auditor delivers the state and county ballots to the town, village, and city clerks within his county he shall also deliver to them a copy, certified by him, of his registration records as kept in conformity with Minnesota Statutes 1961, Section 207.19, Subdivision 2. If members of the armed forces are registered after such ballots have been delivered to such clerks certified copies of such additional registration records shall forthwith be delivered by the county auditor to the appropriate town, village, or city clerk. Such town, village, and city clerks shall in turn deliver such registration records to the respective judges of the several precincts.*

Sec. 8. Minnesota Statutes 1961, Section 207.13, is amended to read:

207.23 **Return of ballot.** Upon receipt of the returned ballot, the ~~county auditor shall stamp upon the ballot envelope the date of its receipt in his office and~~ *judges of election shall check the elector's name with his temporary registration book the copy of the registration records 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 judges of election on the envelope. In other respects the provisions of the Minnesota election law, 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, and no ballot contained in a Return Envelope an Official Ballot Return Envelope in which the affidavit upon the back thereof is not properly*

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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. 9. *This act shall be effective on January 1, 1966.*

Approved February 8, 1965.

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#### CHAPTER 5—H. F. No. 21

*An act relating to natural resources and recreation; appropriating moneys in connection therewith; amending Laws 1963, Chapter 790, Article X, Section 1.*

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

Section 1. Laws 1963, Chapter 790, Article X, Section 1, is amended to read:

Section 1. **[86.61] Natural resources and recreation; appropriations.** All moneys expended pursuant to any appropriation made by this act are subject to the provisions of Minnesota Statutes 1961, Chapter 16, and any act amendatory thereof. *None of the provisions of this section however shall apply to any appropriation made to the Minnesota outdoor recreation resources commission established by Laws 1963, Chapter 790, Article II, Section 2.*

Sec. 2. *The sum of \$25,000 is appropriated from the natural resources fund in the state treasury to the Minnesota outdoor recreation resources commission. This appropriation is in addition to the appropriation made to such commission by Laws 1963, Chapter 790, Article VIII, Section 2.*

Sec. 3. *This act is in effect from and after its final enactment.*

Approved February 10, 1965.

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#### CHAPTER 6—H. F. No. 59

[Not Coded]

*An act authorizing the city of Moorhead to establish and maintain a department of business development.*

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

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