

Sec. 2. Laws 1967, Chapter 909, Section 1, Subdivision 4, is amended to read:

Subd. 4. There is hereby appropriated annually the sum of ~~\$35,000~~ \$25,000 from the general ~~revenue~~ fund of the state treasury to the land exchange commission for the purposes of this act, including the payment of consultants' charges.

Sec. 3. Laws 1967, Chapter 909, Section 2, is amended to read:

Sec. 2. The commission herein created and the appropriation herein provided shall expire July 1, ~~1971~~ 1973.

Approved June 4, 1971.

CHAPTER 733—S.F.No.627

[Coded in Part]

An act relating to elections; amending Minnesota Statutes 1969, Sections 203.45, by adding a subdivision; 204.32; 209.02, Subdivision 3, and by adding a subdivision; 209.03; 209.07; 209.09 and 209.10, Subdivision 1.

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

Section 1. Minnesota Statutes 1969, Section 203.45, is amended by adding a subdivision to read:

Subd. 5. ELECTIONS; CONTESTS. Notwithstanding subdivisions 1, 2, 3 and 4, if a vacancy is the result of a successful election contest, the governor shall issue his writ calling a special election 22 days after the first day of the legislative session unless the house in which the contest may be tried has passed a resolution which states that it will review the court's determination of the contest or which states that it will not review the court's determination of the contest in which case the governor shall issue his writ calling a special election within five days of the passage of such resolution.

Sec. 2. Minnesota Statutes 1969, Section 204.32, is amended to read:

204.32 CERTIFICATES OF ELECTION; PREPARATION, DELIVERY. Subdivision 1. The auditor of each county, and the secretary of state where the candidates for office are voted for in more than one county, shall make for every person declared elected

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by the canvassing board of the county or the state canvassing board a certificate of his election and deliver the certificate to the person entitled thereto upon demand, and without fee. The auditor of any county also shall make for any candidate or voter of his county, a certified copy of any statement of votes made by the county canvassing board upon payment or tender of one dollar therefor. In case of a contest, the court may invalidate and revoke the certificate, pursuant to chapter 209.

Subd. 2. **CERTIFICATES OF ELECTION, ISSUANCE, CONTEST.** The auditor of any county and the secretary of state may not issue a certificate of election to any person declared elected by the canvassing board of the county or the state canvassing board until 12 days after the canvassing board has canvassed the returns and declared the result of the election. In case of a contest, the certificate may not be issued until the proper court has determined the contest. This subdivision shall not apply to candidates elected to the office of state senator or representative.

Sec. 3. Minnesota Statutes 1969, Section 209.02, Subdivision 3, is amended to read:

Subd. 3. **NOTICE OF CONTEST, FILING, SERVICE.** The notice of contest shall be filed within seven days after the canvass is completed, except that if the contest relates to a primary election, the time for filing the notice of contest shall be limited to five days. Within the same period copies thereof shall be served upon the candidate whose election is contested and upon the official authorized to issue the certificate of election. When the contest relates to a constitutional amendment or other question to be voted for statewide or to a question to be voted for in more than one county, the secretary of state shall be designated the contestee, and a copy of the notice of contest shall be served upon him within seven days, or five days in the case of a primary, after the canvass is completed. When the contest relates to a question that affects a single county or a single municipality, the county auditor or the clerk of the municipality, as the case may be, shall be designated the contestee, and a copy of the notice of contest shall be served upon him within seven days, or five days in the case of a primary, after the canvass is completed. In all cases where the contest relates to an irregularity in the conduct of the election or canvass of votes a copy of the notice of contest shall also be served within seven days, or five days in the case of a primary, after the canvass is completed upon the county auditor of the county in which the irregularity is said to have existed.

Sec. 4. Minnesota Statutes 1969, Section 209.02, is amended by adding a subdivision to read:

Subd. 4a. NOTICE OF CONTEST, CERTAIN LEGISLATIVE CONTESTS, HOW SERVED. In legislative contests, notice of

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contest shall be filed and served as provided in subdivisions 2 to 4, except that the clerk of district court with whom the notice, and answer, if any, has been filed shall, within three days of receipt of each, submit by certified mail one copy thereof to the chief justice of the supreme court. Upon receipt of the notice of contest, the chief justice shall, within five days, submit to the parties a list of all the district judges in the state, having stricken any judges involved in a trial with which serving as judge in the election contest would interfere and having stricken the name of any judge whose health precludes service as judge in the election contest. The parties shall within two days after receiving the list of judges meet together and, in cases where an unfair campaign practice is alleged, by alternating strikes remove the names of all judges until but one remains who shall then proceed to hear the contest in the manner provided in section 209.10. In cases where no unfair campaign practice is alleged, the parties shall follow the same procedure using only the names of judges of the judicial district or districts covering the area served by the contested office. The judge shall, within 15 days after notice has been filed, convene at an appropriate place within the county, or, if the district includes all or portions of more than one county, a county within the legislative district and hear testimony of the parties, under the ordinary rules of evidence for civil actions. If the contestant does not proceed within the time provided for herein his action shall be dismissed and the judge shall transmit a copy of his order for dismissal to the chief clerk of the house of representatives or the secretary of the senate, as appropriate.

Sec. 5. Minnesota Statutes 1969, Section 209.03, is amended to read:

209.03 CONTESTEE, ANSWER. When the notice of contest questions only which of the parties to the contest received the highest number of votes legally cast at the election, the contestee need not file an answer. For all other election contests or in any contest in which the contestee desires to offer testimony on points not specified in contestant's notice, he shall file and serve on the contestant notice thereof specifying such additional points an answer to the notice of contest. The answer shall so far as practicable, conform to the rules for pleading in civil actions . If the contest relates to a primary election service of such notice the answer shall be made within the time fixed by the court, but not exceeding five days after service of contestant's notice upon him; if the contest relates to a general election, service of such notice the answer shall be made within ten seven days after service of contestant's notice upon him. Service of such notices the answer shall be made in the same manner as provided for service of an answer in civil actions or in such manner as the court may by order direct . Any other notices shall be served in such manner and within such times as the court may by order direct.

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Sec. 6. Minnesota Statutes 1969, Section 209.07, is amended to read:

209.07 CONTEST, DETERMINATION. Upon a determination of the contest by the court, after the time for appeal has expired or in case of an appeal, after the final judicial determination of the contest, if the contestant succeeds in the contest, the court may invalidate and revoke any election certificate which has been issued to the contestee, and the official authorized to issue the certificate of election shall issue the certificate to the person entitled thereto; except that if a contestant succeeds in a contest where there is no question as to which of the candidates received the highest number of votes cast at the election, the contestant shall not, by reason of the disqualification of the contestee, be entitled to the certificate of election.

Sec. 7. Minnesota Statutes 1969, Section 209.09, is amended to read:

209.09 APPEAL TO SUPREME COURT. When an appeal is taken to the supreme court from the determination of the district court in any contest instituted under this chapter, the party appealing shall file in the district court a bond in such sum, not less than \$500, and with such sureties, as shall be approved by the judge, conditioned for the payment of all costs incurred by the respondent in case appellant fails on his appeal. The notice of appeal shall be served and filed no later than ten days in case of a general election and no later than five days in case of a primary election after the entry of the determination of the district court in the contest. The return of such appeal shall be made, certified, and filed in the supreme court as soon as practicable and in any event within 15 days after service of notice of appeal. The appeal may be brought on for hearing in the court at any time when it is in session, upon such notice from either party, as the court may determine which notice may be served during term time or in vacation; and it may be heard and determined summarily by the court. The appeal from a determination of an election contest relating to the office of state senator or representative shall take precedence over all other business on the supreme court docket, and shall be disposed of with all convenient dispatch. A copy of the decision shall be forwarded to the chief clerk of the house of representatives or the secretary of the senate, as appropriate.

Sec. 8. Minnesota Statutes 1969, Section 209.10, Subdivision 1, is amended to read:

209.10 CONTEST OF LEGISLATIVE OFFICE. Subdivision 1. **LEGISLATIVE CONTEST, DUTIES OF COURT, TRANSMITTAL TO PROPER HOUSE.** When the contest relates to the office of state senator or representative, ~~the only question to be tried by the court, notwithstanding any other provision of law, shall be the question as~~

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~~to which of the parties to the contest received the highest number of votes legally cast at the election, and as to who is entitled to receive the certificate of election.—The judge trying the proceedings shall make findings of fact and conclusions of law upon the question so tried. Further evidence upon the points specified in the notices, including but not limited to the question as to the right of any person to nomination or office on the ground of deliberate, serious, and material violation of the provisions of the Minnesota election law, shall be taken and preserved by the judge trying the contest, or under his direction by some person appointed by him for that purpose, but the judge shall make no finding or conclusion thereon. After the time for appeal has expired, or in case of an appeal, after the final judicial determination of the contest, upon application of either of the parties to the contest, the clerk of the district court shall transmit all the files and records of the proceedings with all the evidence taken to the presiding officer of the house by which the contest is to be tried judge trying the proceedings shall determine the contest, issue appropriate orders, and make written findings of fact and conclusions of law. Unless appealed to the supreme court, the judge shall, by the first day of the legislative session, transmit the findings, conclusions and orders to the chief clerk of the house of representatives or the secretary of the senate, as appropriate, together with the files and records of the proceedings. The provisions of this chapter shall not be construed as limiting the constitutional power of the legislature to be the judge of the election returns and eligibility of its own members.~~

Approved June 4, 1971.

CHAPTER 734—S.F.No.715

[Coded]

An act relating to the disposal and reuse of abandoned motor vehicles and other scrap metal; prescribing duties and powers of the Minnesota pollution control agency relating thereto; and providing fees for administration thereof; imposing a tax; providing a penalty; and repealing Minnesota Statutes 1969, Sections 345.15, Subdivision 2; and 471.196.

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

Section 1. [168B.01] MOTOR VEHICLES; DISPOSAL AND REUSE OF ABANDONED VEHICLES; PURPOSE. Abandoned motor vehicles constitute a hazard to the health and welfare of the people of the state in that such vehicles can harbor noxious diseases, furnish shelter and breeding places for vermin, and present physical dangers to the safety and well being of children and other citizens. Abandoned motor vehicles and other scrap metals also constitute a

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