

such notice. The time for giving such notice does not include the time, not exceeding 90 days, during which the person injured is incapacitated by the injury from giving the notice.

**Subd. 2. EXCEPTIONS TO THE NOTICE REQUIREMENT.** Notice shall not be required to maintain an action for damages for or on account of any loss or injury within the scope of section 466.02 if such injury or loss:

(a) arises out of an intentional tort committed by an officer, employee or agent of the municipality; or

(b) involves a motor vehicle or other equipment owned by the municipality or operated by an officer, employee or agent of the municipality.

**Subd. 2-3 . CLAIMS FOR WRONGFUL DEATH; NOTICE.** When the claim is one for death by wrongful act or omission, the notice may be presented by the personal representative, surviving spouse, or next of kin, or the consular officer of the foreign country of which the deceased was a citizen, within one year after the alleged injury or loss resulting in such death; ~~but~~ if the person for whose death the claim is made has presented a notice that would have been sufficient had he lived an action for wrongful death may be brought without any additional notice.

Approved March 28, 1974.

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**CHAPTER 312—S.F.No.735**  
[Coded in Part]

*An act relating to elections; permitting the contest of elections under certain circumstances; amending Minnesota Statutes 1971, Sections 209.02, by adding a subdivision; 204.29, Subdivisions 2 and 3; 204.31, Subdivisions 2 and 3; and 204.32, Subdivision 1.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1971, Section 209.02, is amended by adding a subdivision to read:

**Subd. 8. ELECTIONS; CONTEST OF ELECTIONS.** When the notice of contest questions only which candidate received the highest number of votes legally cast at the election, the contestee may also serve notice of contest on any other ground during the three days following expiration of the time for appeal after filing of the final order of the district court on the contest relating to the number of votes. Notice of contest pursuant to this subdivision shall otherwise be made in ac-

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cordance with this section.

Sec. 2. Minnesota Statutes 1971, Section 204.29, Subdivision 2, is amended to read:

**Subd. 2. COUNTY CANVASS, PRIMARY ELECTION INFORMATION REQUIRED.** The board shall meet at the auditor's office at 10:00 A.M. on or before the third day after the primary election, take the oath of office, and publicly canvass the returns of the election made to the county auditor. The board shall complete the canvass by the evening of the sixth day following the election, and it shall forthwith make the following report and file the same with the county auditor:

(a) A statement for each political party showing the names of all candidates thereof voted for at the primary election, the number of votes received by each, in each precinct and in the county, and for what office;

(b) A statement showing the names of candidates of each political party who are nominated;

(c) A statement of the total number of persons who voted at the election in the county, and in each precinct, and the number of ballots counted in each precinct, and in the county; and

(d) A statement of the votes received by each of the nonpartisan candidates in each precinct in the county and the names of the nonpartisan candidates nominated.

If the difference between the votes of two or more candidates for legislative office which lies within a single county is 100 or less and the difference determines one or more nominations, the canvassing board shall recount the votes. A recount shall not delay any other part of the report of the board and shall be reported and certified as soon as possible. Time for notice of a contest of an election which is recounted shall begin to run upon completion of the recount and canvass for that office. If any candidates receive an equal number of votes for the same nomination, the canvassing board shall determine the tie by lot. Upon completion of the canvass, the county auditor shall forthwith certify to the secretary of state the vote, as shown by the report of the county canvassing board, for all candidates to be voted for in more than one county, and he shall mail or deliver to each nominee who is to be voted for in his county only, a notice of his nomination and that his name will be placed upon the general election ballot.

Sec. 2. Minnesota Statutes 1971, Section 204.29, Subdivision 3, is amended to read:

**Subd. 3. COUNTY CANVASS, GENERAL ELECTION, INFORMATION REQUIRED.** The canvassing board shall meet at the auditor's office on or before the third day after the general election, take the oath

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of office, and publicly canvass the returns of the general election made to the county auditor. The board shall complete the canvass without unnecessary delay, and it shall forthwith make the following report and file the same with the county auditor:

(a) A statement of the number of persons who voted at the election in each precinct in the county and the total number of persons who voted at the election in the county; and the number of white, pink, and canary ballots counted in each precinct in the county, and the total number of white, pink, and canary ballots counted in the county;

(b) A statement of the names of all candidates for state offices, representatives and senators in the legislature, representatives and senators in congress, judges of the district court, and county offices; and the number of votes received by each in each precinct and in the whole county;

(c) A statement of the total number of votes counted for and against any proposed change of county lines or county seat; and

(d) A statement of the number of votes counted for and against any constitutional amendment or other proposition in any precinct, and the total number of votes counted therefor in the county.

If the difference between the votes of the candidates for legislative office which lies within a single county is 100 votes or less the canvassing board shall recount the votes. A recount shall not delay any other part of the report of the board and shall be reported and certified as soon as possible. Time for notice of a contest of an election which is recounted shall begin to run upon completion of the recount and canvass for that office.

In case of a tie, the canvassing board shall determine the results by lot. Upon completion of the canvass, the board shall declare the person receiving the highest number of votes for each county office duly elected thereto; and when the county constitutes or contains a senatorial or representative district in the legislature, it shall declare the person receiving the highest number of votes for each office in the legislature duly elected.

Sec. 3. Minnesota Statutes 1971, Section 204.31, Subdivision 2, is amended to read:

Subd. 2. **STATE CANVASS, PRIMARY ELECTION.** After the primary election the canvassing board shall canvass the returns of the election that were made to the secretary of state; and upon the completion of the canvass, the secretary of state shall forthwith certify to the several county auditors the names of the persons found to be nominated and mail to each nominee a notice of his nomination.

If the difference between the votes of two or more candidates for

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legislative office to be certified by the secretary of state is 100 or less and the difference determines one or more nominations, the canvassing board shall recount the votes. A recount shall not delay any other part of the canvass and the nominees shall be certified as soon as possible. Time for notice of a contest of an election which is recounted shall begin to run upon completion of the recount and canvass for that office.

Sec. 4. Minnesota Statutes 1971, Section 204.31, Subdivision 3, is amended to read:

**Subd. 3. STATE CANVASS, GENERAL ELECTION.** After the general election, the canvassing board shall canvass the certified copies of the statements made by the county canvassing boards, and they shall prepare therefrom a statement of the following information:

(a) A statement of the whole number of votes counted for candidates for state offices, congressional offices, and such other candidates as shall be voted for in more than one county, specifying the several counties in which they were cast;

(b) The names of the persons receiving the votes and the number received by each, specifying the several counties in which they were cast; and

(c) The number of votes counted for and against each constitutional amendment, specifying the several counties in which they were cast.

If the difference between the votes of the candidates for a legislative office to be certified by the state canvassing board is 100 or less the board shall recount the votes. A recount shall not delay any other part of the canvass and the results shall be certified as soon as possible. Time for notice of a contest of an election which is recounted shall begin to run upon completion of the recount and canvass for that office.

In case of a tie vote for any office, the result of which is to be certified by the state canvassing board, the board shall determine the tie by lot.

Sec. 5. Minnesota Statutes 1971, Section 204.32, Subdivision 1, is amended to read:

**204.32 CERTIFICATES OF ELECTION; PREPARATION, DELIVERY.** Subdivision 1. **PREPARATION, DELIVERY.** 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 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. No certificate of election shall be made or delivered while a recount is being

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done by a canvassing board because the difference between votes is 100 or less. 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.

Approved March 28, 1974.

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**CHAPTER 313—S.F.No.852**

*An act relating to taxation; assessment and valuation of property; property used for refining of crude petroleum; repealing Minnesota Statutes 1971, Section 273.13, Subdivision 13.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **TAXATION; VALUATION OF PROPERTY USED FOR REFINING CRUDE PETROLEUM.** Minnesota Statutes 1971, Section 273.13, Subdivision 13 is repealed.

Sec. 2. This act is effective for taxes assessed and levied in 1974 and thereafter, and payable in 1975 and thereafter.

Approved March 28, 1974.

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**CHAPTER 314—S.F.No.1079**

*An act relating to local improvements; assessment procedures; notice of assessment; amending Minnesota Statutes 1971, Sections 429.061, Subdivision 1; and 429.021, Subdivision 3.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1971, Section 429.021, Subdivision 3, is amended to read:

Subd. 3. **LOCAL IMPROVEMENTS; ASSESSMENT PROCEDURES; RELATION TO CHARTER AND OTHER LAWS.** When any portion of the cost of an improvement is defrayed by special assessments, the procedure prescribed in this chapter shall be followed unless the council determines to proceed under charter provisions; but this chapter does not prescribe the procedure to be followed by a municipality in making improvements financed without the use of special assessments.

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