

Notwithstanding any other law or rule to the contrary, an individual who is arrested on a charge of assaulting his spouse or other person with whom he resides shall be brought to the police station or county jail. The officer in charge of the police station or the county sheriff in charge of the jail shall issue a citation in lieu of continued detention unless it reasonably appears to the officer or sheriff that detention is necessary to prevent bodily harm to the arrested person or another, or there is a substantial likelihood the arrested person will fail to respond to a citation.

If the arrested person is not issued a citation by the officer in charge of the police station or the county sheriff, he shall be brought before the nearest available judge of the county court or county municipal court in the county in which the alleged assault took place without unnecessary delay, but no more than 24 hours after his arrest, exclusive of Sundays and legal holidays.

Subd. 2. JUDICIAL REVIEW; RELEASE; BAIL. The judge before whom the arrested person is brought shall review the facts surrounding the arrest and detention. The arrested person shall be ordered released pending trial or hearing on his personal recognizance or on an order to appear or upon the execution of an unsecured bond in a specified amount unless the judge determines that release will be inimical to public safety, will create a threat of bodily harm to the arrested person or another, or will not reasonably assure the appearance of the arrested person at subsequent proceedings. If the judge so determines, he may impose any conditions of release which will reasonably assure the appearance of the person for subsequent proceedings, or may fix the amount of money bail without other conditions upon which the arrested person may obtain his release.

Subd. 3. RELEASE AFTER 24 HOURS. If the arrested person is not issued a citation by the officer in charge of the police station or the county sheriff pursuant to subdivision 1, and is not brought before a judge within the time limits prescribed in subdivision 1, he shall be released by the arresting authorities, and a citation shall be issued in lieu of continued detention.

Sec. 4. This act is effective the day following final enactment.

Approved April 5, 1978.

CHAPTER 725-S.F.No.744

[Coded in Part]

An act relating to elections; defining member of a political party; regulating candidate designations on the ballot; altering various provisions relating to publication of constitutional amendment explanation, ballots, judges, summary statements, canvasses and returns; amending Minnesota Statutes 1976, Chapter 204A, by adding a section; and Sections 3.21; 200.02, by adding a subdivision; 202A.22, Subdivision 1; 204A.18, Subdivision 1; 204A.32, Subdivision 4; 204A.42, Subdivision 1; 204A.45, Subdivision 1; 204A.46, Subdivisions 1, 2, 3 and 4; 204A.47; and 204A.51, Subdivisions 2 and 3; and Minnesota Statutes, 1977

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Supplement, Section 204A.06, Subdivision 1; repealing Minnesota Statutes 1976, Sections 204A.45, Subdivision 2; and 204A.48.

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

Section 1. Minnesota Statutes 1976, Section 3.21, is amended to read:

3.21 NOTICE. At least four months preceding ~~such the~~ election, the attorney general shall furnish to the secretary of state a statement of the purpose and effect of all amendments proposed showing clearly the form of the existing sections, and of the same as they will read if amended, except that when any section to which an amendment is proposed exceeds 150 words in length, the statement shall show that part of the section in which a change is proposed, both in its existing form and as it will read when amended, together with ~~such~~ portions of the context as the attorney general deems necessary to an understanding of the proposed amendment. In the month of October prior to the election, the secretary of state shall give two weeks published notice of ~~such the~~ statement in all legal newspapers of the state. The secretary of state shall furnish ~~such the~~ statement to ~~such the~~ newspapers in plate, mat, or reproduction black and white paper form from reproducible form approved by the secretary of state, set in seven-and-one-half-point type on an eight-point slug body. The maximum rate for ~~such~~ publication shall be 16 cents per standard line for the two publications. If any newspaper shall refuse the publication of the amendments, this refusal and failure of the publication shall have no effect on the validity of the amendments. The secretary of state shall also forward to each county auditor copies of ~~such the~~ statement, in poster form, in quantities sufficient to supply each election district of his county with two copies thereof. The auditor shall cause two copies to be conspicuously posted at or near each polling place on election day. Wilful or negligent failure by any official named to perform any duty imposed upon him by this section shall be deemed a misdemeanor.

Sec. 2. Minnesota Statutes 1976, Section 200.02, is amended by adding a subdivision to read:

Subd. 27. POLITICAL PARTY MEMBER. The words "member of a political party" mean a person who: (a) supports the general principles of a political party as stated in that party's constitution, (b) voted for a majority of that party's candidates in the last general election, or (c) intends to vote for a majority of a party's candidates in the next general election.

Sec. 3. Minnesota Statutes 1976, Section 204A.18, Subdivision 1, is amended to read:

204A.18 ELECTION JUDGES, ELIGIBILITY. Subdivision 1. PARTY BALANCE. No more than half of the number of judges in any precinct may be members of the same political party; except where the election board consists of an odd number of judges in a precinct, the number of judges belonging to one who are members of the same political party may be one more than half the number of judges belonging to the other political party in that precinct.

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Sec. 4. Minnesota Statutes 1976, Section 202A.22, Subdivision 1, is amended to read:

202A.22 AFFIDAVIT OF CANDIDACY. Subdivision 1. **FILING, DATE.** Not more than 70 nor less than 56 days before the primary election any eligible person who desires to have his name placed on the primary ballot as a candidate for any elective office to be filled at the general election, except presidential electors, shall file his affidavit with the secretary of state when to be voted for in more than one county, and with the county auditor when to be voted for in a single county stating the following:

- (a) That he is a qualified voter in the subdivision where he seeks nomination;
- (b) The name of his political party if for a partisan office;
- (c) The office for which he desires to be a candidate;
- (d) That he has not filed as a candidate for any other office at the same primary election;
- (e) That he is, or will be on assuming the office, 21 years of age or more, and that he will have been for 30 days previous to the general election a resident in the district from which he seeks election;
- (f) If filing to be a United States senator, that on the next January 3 he will be 30 years of age or more and nine years a citizen of the United States;
- (g) If filing to be a United States representative, that on the next January 3, or in the case of an election to fill a vacancy within 21 days after the election, he will be 25 years of age or more and seven years a citizen of the United States;
- (h) If filing to be governor or lieutenant governor, that on the first Monday of the next January he will be 25 years of age or more and on general election day he will have been a resident of Minnesota for one year;
- (i) If filing to be a supreme court justice or a district court judge that he is learned in the law;
- (j) If filing to be a probate judge, county court judge, municipal judge or other judicial officer that he is qualified as prescribed by law;
- (k) If filing to be a senator or representative in the legislature, that on election day he will have resided in the state for not less than one year and in the legislative district from which he seeks election for not less than six months;
- (l) If for a partisan office, that he ~~affiliated with~~ participated in his political party at the last general election, and either that he did not vote thereat or voted for a majority of the candidates of the political party at the election, and party's most recent caucus in an election precinct or intends to so vote for a majority of his political party's candidates

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at the ensuing election.

(m) If filing for a partisan office as an "Independent" or in any manner indicating he is unaffiliated with a political party as defined in section 10A.01, subdivision 17, that he did not seek, does not intend to seek and will not accept any party's support for his candidacy in that election.

Sec. 5. Minnesota Statutes, 1977 Supplement, Section 204A.06, Subdivision 1, is amended to read:

204A.06 ELECTION PRECINCTS. Subdivision 1. BOUNDARIES. Each town, each statutory city that is separated from the town for election purposes, and each city ward, shall constitute at least one election precinct. The council of each municipality shall prescribe the boundaries of the precincts and the number of voters therein, and may rearrange the precincts from time to time, except that no changes in precinct boundaries may be made during the period beginning January 1 in any year ending in seven and ending January 1 in any year ending in two. If during the period beginning January 1 of a year ending in seven and ending January 1 of a year ending in two a municipality annexes an unincorporated area located in the same county as the municipality and adjacent to the corporate boundary, the annexed area may be included in the precinct immediately adjacent to it. During the period beginning January 1 in a year ending in seven and ending January 1 in a year ending in two, a municipality may establish new precincts lying entirely within any existing precinct for which the boundaries were established before that period; provided that: (a) the outer boundaries of the existing precinct are not altered and (b) the new precincts established within the existing precinct are assigned names that include the name of the existing precinct.

Sec. 6. Minnesota Statutes 1976, Chapter 204A, is amended by adding a section to read:

[204A.295] VOTING, NO REGISTRATION. Subdivision 1. EVIDENCE OF QUALIFICATION TO VOTE. Except where voters are registered under a permanent registration system, any person desiring to vote at any election shall satisfy the election board by proper and sufficient evidence that he is qualified to vote at the election in the precinct, and by stating under oath, that he is at least 18 years of age and has been a resident of the state for at least 20 days.

Subd. 2. VOTING, EXAMINATION. Any person desiring to vote shall truly state, when he is asked, his first and last name and middle initial, his street or route, city and county address and the address of most recent prior registration. Upon refusal to make such statements, he shall not be allowed to vote.

Subd. 3. ELECTION REGISTERS, FORM. Two election registers shall be provided by the county auditor or the clerk of the municipality, as the case may be, for each precinct. The election registers shall be kept and maintained in duplicate, and two judges shall have charge of them, each using one as provided in this section. Every election register shall be headed by the designation of the precinct, shall contain one column headed "Name of Voter," one headed "Residence," one headed "Address of Most

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Recent Prior Registration” and one headed “Remarks,” and shall contain the names of the voters in separate groups, in alphabetical order according to the first letter of the surnames, each letter of the alphabet to form one group, with not more than one group on any one page, and each group to be separately numbered commencing with the numeral “1.”

Subd. 4. VOTING, ELECTION REGISTER, USE. Having satisfied the judges of his qualifications, the voter's name, residence and address of most recent prior registration shall be entered in the proper place in the election registers, and the other judges shall have charge of and hand to and receive from each voter the ballots.

Sec. 7. Minnesota Statutes 1976, Section 204A.32, Subdivision 4, is amended to read:

Subd. 4. CHALLENGE OF VOTER; DISPOSITION OF BALLOTS. The voter and the ballots of any absent voter At any time before the ballots have been of any voter are deposited in the ballot boxes are subject to a challenge by, the judges or by any person who was not present at the time the voter procured the ballots, but not otherwise, may challenge the qualifications of that voter and the deposit of any received absentee ballots in the ballot boxes. The question judges shall be determined determine the qualifications of any voter who is present in the polling place in the same manner as is provided for the challenge of voters in section 204A.39, and if the voter or the ballots of any absent voter are is found to be disqualified, shall place the ballots so prepared shall be placed of that voter unopened among the spoiled ballots. The judges shall determine whether to receive or reject the ballots of an absent voter and whether to deposit received absentee ballots in the ballot boxes in the manner provided in sections 207.11, 207.24 and 207.25, and shall dispose of any absentee ballots not received or deposited in the manner provided in section 207.11.

Sec. 8. Minnesota Statutes 1976, Section 204A.42, Subdivision 1, is amended to read:

204A.42 COUNTING BALLOTS. Subdivision 1. METHOD. The judges shall take all the ballots of the same kind and count the votes cast for the first office or proposition on the ballot by separating the ballots into piles, one pile for each candidate who received votes for that office, or one pile for the “Yes” votes and one pile for the “No” votes if it is a proposition. The judges also shall pile the ballots that are blank or defective as to that office separately. After the separation into piles, the judges shall examine each pile and remove therefrom and place in the proper pile any ballots that are found to be in the wrong pile. After the examination, the judges shall count the ballots in each pile, and when their counts agree, they shall announce the number of ballots in each pile, and the number shall be written in the proper place on the ~~tally books~~ summary statements. The judges may also pile ballots crosswise in groups of 25 in the same pile so as to facilitate counting.

Sec. 9. Minnesota Statutes 1976, Section 204A.45, Subdivision 1, is amended to read:

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204A.45 BALLOTS, DISPOSITION. Subdivision 1. **ENVELOPES.** ~~Except in cities of the first class 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, 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; provided, however, that the official charged with printing the state pink ballot shall furnish the envelopes for the state pink ballot and the state white ballot. The number of ballots in each envelope, the kind thereof, the name of the town 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. 10. Minnesota Statutes 1976, Section 204A.46, Subdivision 1, is amended to read:

204A.46 RETURNS OF ELECTION, SUMMARY STATEMENTS. Subdivision 1. **SUMMARY STATEMENTS.** ~~Except where voting machines are used; the~~ Each official charged with printing the ballots shall furnish ~~two tally books with three or more forms for summary statements of the returns for each precinct at the same time and in the same manner as the ballots are furnished; provided, however, that the official charged with printing the state white ballot shall furnish the tally book with as a separate part of the form for the summary statement of the returns of the white ballot a form for the summary statement of the~~ returns for the state pink ballot.

Sec. 11. Minnesota Statutes 1976, Section 204A.46, Subdivision 2, is amended to read:

Subd. 2. **SUMMARY STATEMENT, INFORMATION REQUIRED.** The judges shall ~~fill out the tally book and returns in duplicate, and in suitable spaces provided therefor they shall disclose~~ complete three or more summary statements which shall include the following information:

(a) State of Minnesota, ~~Tally Book and Summary Statement of the~~ Returns for (Color) Ballots, (number) Precinct, (number) Ward, of the (City) (Town) of (Name) and the date and kind of election;

(b) The office or question, name of candidates, the number of votes each candidate received or the number of yes and no votes on each question, and the number of blank and defective ballots for each office or question;

(c) The number of persons who voted at the election in the precinct, and where there is permanent registration the number of registered voters persons registered at the time the polling place opened and the number of persons registering on election day in the precinct, ~~the total number of ballots actually counted;~~ the number of totally defective ballots, and the number of persons who returned spoiled ballots and received other

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ballots;

(d) A certificate in substantially the following form: "We, the undersigned judges of the (number) Precinct, (number) Ward, of the (City) (Town) of (Name), Minnesota, do hereby certify that all of the ballots cast at the (date and kind of election) Election, were carefully and properly piled, checked, and counted, and that the number of votes marked opposite the respective names of the candidates, correctly shows the number of votes so cast. The national flag was displayed on a suitable staff during all the hours of voting." The certificate shall be signed by all members of the election board.

Sec. 12. Minnesota Statutes 1976, Section 204A.46, Subdivision 3, is amended to read:

Subd. 3. SUMMARY STATEMENT AND RETURNS, PRIMARY ELECTION. The ~~tally book and summary statement of the~~ returns for the primary election shall be in the same form as the ~~tally book and summary statement of the~~ returns for the general election except that a separate ~~tally book and returns part of the summary statement~~ shall be provided for ~~each the~~ political party ballot and a ~~separate part~~ for the ballot of candidates to be nominated without party designation. The primary ~~tally book and returns summary statement~~ shall be headed substantially as follows: "~~Tally Book and Summary Statement of the~~ Returns for ~~(Name) Party,~~ (number) Precinct, (number) Ward, of the (City) (Town) of (Name), Primary Election held (Date)."

Sec. 13. Minnesota Statutes 1976, Section 204A.46, Subdivision 4, is amended to read:

Subd. 4. SUMMARY STATEMENT AND RETURNS, FORM. The secretary of state shall prescribe the form for the ~~tally book and summary statement of the~~ returns, and he may place thereon instructions for their use and such other matter that is authorized by law to be printed on ~~tally books and summary statements of the~~ returns. Any other official charged with furnishing ~~tally books and returns summary statements~~ shall prepare them in the manner prescribed by the secretary of state, so far as practicable.

Sec. 14. Minnesota Statutes 1976, Section 204A.47, is amended to read:

204A.47 SUMMARY STATEMENT OF THE RETURNS, DISPOSITION. Subdivision 1. **ENVELOPE.** The judges in each precinct shall include ~~one a~~ set of the ~~tally book and one of each of the completed summary statements of the~~ returns in ~~each of two three separate~~ envelopes; ~~and~~. Each envelope shall ~~then be sewed wrapped~~ by drawing a ~~substantial twine string~~ twice ~~through around it and the tally book and returns therein a substantial twine string and by tying~~. The ends of the string shall ~~be tied~~ together and ~~then sealing~~ the envelope ~~sealed~~ in three places with wax and stamp furnished by the county auditor, one of the places to be over the knot in the string. The judges shall then endorse the envelope in substantially the following form: "~~Tally book and Summary statements of the~~ returns of the ... election precinct, (Town) or (City) of ..., in the County of ..., State of Minnesota."

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Subd. 2. **RETURNS AND MATERIALS, DELIVERY.** ~~Except in first class cities~~ One or more of the judges in each precinct shall deliver one set of the tally book and returns two sets of summary statements in separate sealed envelopes, all unused and spoiled white, pink, and canary ballots, ~~one summary statement~~, ~~two one~~ election registers register in counties where there is no permanent voter registration system; and the envelopes containing the white, pink, and canary ballots to the county auditor at his office within 24 hours after the closing of the polls. ~~Another judge~~ One or more judges shall deliver the remaining set of ~~the tally book~~ summary statements and returns, all unused and spoiled municipal ballots, ~~the remaining summary statement~~, the remaining election register in counties where there is no permanent voter registration system, the envelopes containing municipal ballots and all other things furnished by the municipal clerk, to the municipal clerk at his office within 24 hours after the closing of the polls.

Subd. 2a. **DELIVERY TO SECRETARY OF STATE.** The county auditor shall deliver to the secretary of state one of the sets of summary statements received from each precinct.

Subd. 2b. **NOTIFICATION OF PRIOR REGISTRATION.** In counties where there is no permanent voter registration, the county auditor shall examine all election registers from each precinct for names of voters who had prior registration at another address. The county auditor shall notify the county auditor of the voter's last registration using the form required by section 201.071, subdivision 4.

Subd. 3: ~~In all first class cities, two of the judges in each precinct shall deliver tally books and returns, the unused and spoiled ballots, the summary statements, and the box containing the ballots to the city clerk at his office within 24 hours after closing of the polls.~~

Sec. 15. Minnesota Statutes 1976, Section 204A.51, 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;~~

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(d) A statement of the number of persons registering to vote on election day and the number of persons registered prior to election day; and

(e) 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 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.

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.

Sec. 16. Minnesota Statutes 1976, Section 204A.51, 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 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 number of persons registering to vote on election day and the number of persons registered prior to election day;

(c) 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;

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

(e) 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

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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. 17. **REPEALER.** Minnesota Statutes 1976, Sections 204A.45, Subdivision 2; and 204A.48 are repealed.

Sec. 18. **EFFECTIVE DATE.** This act is effective the day following final enactment.

Approved April 5, 1978.

CHAPTER 726-S.F.No.793

[Coded in Part]

An act relating to public waters; specifying the procedure for creation of lake improvement districts; authorizing districts to undertake certain improvement projects and assess benefited property; altering the procedure for terminating districts; requiring districts to hold an annual meeting; clarifying local government authority over public waters; amending Minnesota Statutes 1976, Sections 105.484; 378.41, Subdivision 2; 378.42, Subdivisions 1, 2, and by adding a subdivision; 378.43, Subdivisions 1 and 3; 378.46; 378.47, Subdivisions 1 and 2; 378.51, Subdivision 1; 378.52, Subdivision 1; 378.55; 378.56, Subdivisions 1 and 2; and 459.20; and Chapter 378, by adding a section.

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

Section 1. Minnesota Statutes 1976, Section 105.484, is amended to read:

105.484 LAKE IMPROVEMENTS; GRANTS-IN-AID; PRIORITIES. The commissioner of natural resources with the assistance of the pollution control agency and the state planning agency shall make an assessment of the need for particular kinds of lake improvements including improvements related to ~~pollution problems~~; high or low water levels; and any other resource management considerations, except pollution problems, and to develop by ~~January 1, 1975~~ April 1, 1979, criteria for allocating state aid funds among proposed projects. ~~Where these relate to control of or studies of sources and~~

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