

Subd. 2. (1) ~~In case~~ If the conviction is for a felony ~~such~~ the stay shall be for not more than three years or the maximum period for which the sentence of imprisonment might have been imposed, whichever is longer.

(2) ~~In case the conviction is for a misdemeanor the stay shall not be for more than one year.~~

(3) ~~In case~~ If the conviction is for a gross misdemeanor the stay shall ~~not~~ be for not more than two years.

(3) If the conviction is for a misdemeanor under section 169.121, the stay shall be for not more than two years. The court shall provide for unsupervised probation for the second year of the stay unless the court finds that the defendant needs supervised probation for all or part of the second year.

(4) If the conviction is for a misdemeanor not specified in clause (3), the stay shall be for not more than one year.

(5) At the expiration of such stay, unless the stay has been revoked or the defendant discharged prior thereto, The defendant shall be discharged when the stay expires, unless the stay has been revoked or the defendant has already been discharged.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective August 1, 1987, and applies to crimes committed on or after that date.

Approved May 26, 1987

CHAPTER 221—H.F.No. 624

An act relating to conciliation courts; providing for entry of judgment; providing for vacation of default judgment in certain circumstances; providing for time limitation and service by mail on removal to county court; allowing a party to proceed without payment of a filing fee; amending Minnesota Statutes 1986, section 487.30, by adding subdivisions.

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

Section 1. Minnesota Statutes 1986, section 487.30, is amended by adding a subdivision to read:

Subd. 5a. ENTRY OF JUDGMENT. The court administrator shall enter judgment immediately as ordered by the court. The judgment must be dated as of the date notice is sent to the parties. The judgment entered by the court administrator becomes finally effective 20 days after the mailing of the notice unless:

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- (1) otherwise ordered by the court;
- (2) payment has been made in full;
- (3) removal to county or district court has been perfected; or
- (4) an order vacating the prior order has been filed.

Sec. 2. Minnesota Statutes 1986, section 487.30, is amended by adding a subdivision to read:

Subd. 5b. VACATION OF ORDER FOR JUDGMENT WITHIN 20 DAYS. When a default judgment or a judgment of dismissal on the merits has been ordered for failure to appear, the judge, within 20 days after notice of the judgment was mailed, may vacate the order for judgment ex parte and grant a new hearing, if the defaulting party shows lack of notice, mistake, inadvertence, or excusable neglect as the cause of the defaulting party's failure to appear. Absolute or conditional costs not exceeding \$25 to the other party may be ordered as a prerequisite to that relief. The court administrator shall notify the other party by mail of the new hearing date.

Sec. 3. Minnesota Statutes 1986, section 487.30, is amended by adding a subdivision to read:

Subd. 5c. VACATION OF ORDER FOR JUDGMENT AFTER 20 DAYS. When a defendant shows that the defendant did not receive a summons before the hearing within sufficient time to permit a defense and that the defendant did not receive notice of the order for default judgment within sufficient time to permit the defendant to make application for relief within 20 days, or shows other good cause, a judge may vacate a default judgment with or without payment of absolute or conditional costs. The court administrator shall notify the parties by mail of the new hearing date.

Sec. 4. Minnesota Statutes 1986, section 487.30, is amended by adding a subdivision to read:

Subd. 6a. FILING FEE; AFFIDAVIT OF INABILITY TO PAY. If the plaintiff or defendant signs and files with the court administrator an affidavit claiming no money or property and an inability to pay a filing fee, no fee is required for the filing of the affiant's claim or counterclaim. If the affiant prevails on a claim or counterclaim, the amount of the filing fee which would have been payable by the affiant must be included in the order for judgment and paid to the administrator of conciliation court by the affiant out of any money recovered by the affiant on the judgment.

Sec. 5. Minnesota Statutes 1986, section 487.30, is amended by adding a subdivision to read:

Subd. 9. TIME LIMITATION; SERVICE ON REMOVAL. A person aggrieved by an order for judgment entered by a conciliation court judge after a

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contested hearing may remove the cause to county or district court by performing the removal procedures specified by the rules of the supreme court within 20 days after the date the court administrator mailed notice of the judgment order to that person. The person seeking removal may serve the demand for removal on the opposing party or the opposing party's attorney in person or by mail.

Approved May 26, 1987

CHAPTER 222—H.F.No. 638

An act relating to elections; requiring election judges to inform voters of certain laws; providing for selection of a party in certain primary elections; requiring parties to have different colored ballot book pages; amending Minnesota Statutes 1986, sections 204C.13, subdivision 2; 204C.22, subdivision 3; 204D.08, subdivision 4; 206.80; and 206.84, subdivision 3.

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

Section 1. Minnesota Statutes 1986, section 204C.13, subdivision 2, is amended to read:

Subd. 2. **VOTING BOOTHS.** One of the election judges shall explain to the voter the proper method of marking and folding the ballots and, during a primary election, the effect of attempting to vote in more than one party's primary. Except as otherwise provided in section 204C.15, the voter shall retire alone to an unoccupied voting booth and mark the ballots without undue delay. The voter may take sample ballots into the booth to assist in voting. The election judges may adopt and enforce reasonable rules governing the amount of time a voter may spend in the voting booth marking ballots.

Sec. 2. Minnesota Statutes 1986, section 204C.22, subdivision 3, is amended to read:

Subd. 3. **VOTES FOR TOO MANY CANDIDATES.** If a voter places a mark (X) beside the names of more candidates for an office than are to be elected or nominated, the ballot is defective with respect only to that office. No vote shall be counted for any candidate for that office, but the rest of the ballot shall be counted if possible. At a primary, if a voter has not indicated a party preference and places a mark (X) beside the names of candidates of more than one party on the partisan ballot, the ballot is totally defective and no votes on it shall be counted. If a voter has indicated a party preference at a primary, only votes cast for candidates of that party shall be counted.

Sec. 3. Minnesota Statutes 1986, section 204D.08, subdivision 4, is amended to read:

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