

CHAPTER LXXXVI.

An Act to provide for the election of Electors of President and Vice President of the United States.

- SECTION 1. Proclamation for the election of electors of President and Vice President to be published in all the counties of the State.
2. Time of holding elections—Number of Electors—Election, how conducted.
 3. Returns of election, how made—Duty of Judges of Election.
 4. Register of Deeds to deliver return to the Secretary of State.
 5. Canvass of the votes, how made.
 6. Electors to meet at the seat of government, and perform the duties imposed.
 7. Officers of the election, penalty for neglect of duty, or for improper conduct.
 8. Electors to notify the Governor of their presence, and readiness to perform their duties—Vacancies, how filled.
 9. Vacancies, to in elections—decision by lot.
 10. Certificate of election to fill vacancy—Notice to electors.
 11. Per diem and mileage of electors.
 12. Pay of Judges and Clerks of Election.
 13. Act takes effect on passage.

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

SECTION 1. That the Governor of this State, sixty days previous to the time provided by this Act, for the election of electors of President and Vice President of the United States, shall by proclamation to be inserted in one of the newspapers printed in each county in this State, where any such paper is printed, give notice of the time of holding such election, and the number of electors of President and Vice President there to be chosen.

SEC. 2. That the qualified electors of this State shall on the first Tuesday after the first Monday in November, A. D. 1860, and thereafter in every fourth succeeding year, assemble in their respective townships at the usual place designated for holding elections, and proceed to elect a number of electors of President and Vice President of the United States, equal to the number of Senators and Representatives to which this State may be entitled in the Congress of the United States, which shall commence and close at the same hours, and be conducted in the same manner, and of which the same notice shall be given as is or may be directed by law for electing members of the Legislature of the State; but no Senator or Representative in Congress, or person holding an office of trust or profit under the United States shall be eligible as an elector of President and Vice President.

SEC. 3. That it shall be the duty of the judges of election in each township forthwith after the close of the elections, to seal up one of the poll books of the election, which shall be carried within three days after the day of election, to the

Register of Deeds of the proper county, who shall attend the six days next succeeding the election at the seat of justice of his county, for the purpose of receiving poll books as aforesaid, and if the judges of election or any one of them shall fail to carry the poll book as aforesaid, they shall forfeit and pay to the State the sum of one hundred dollars to be recovered by civil action before any Court having cognizance thereof.

Returns to secretary of state by registers of deeds

SEC. 4. That the Register of Deeds upon receiving the poll books as aforesaid, shall administer an oath or affirmation to each judge who shall deliver said poll book, that he was a judge of said election, and shall indorse a certificate of having administered such oath or affirmation on the poll book or packet delivered to him, and shall moreover give the Judge delivering the poll book a receipt for the same, which receipt the Judge shall file with the clerk of the proper county, and the said Register of Deeds on the receipt of the poll books shall deliver to the Secretary of State at his office, within fifteen days after the election under the penalty of one thousand dollars, to be recovered as is provided in the Third section of this Act.

Census of the votes—how made

SEC. 5. That the said poll books on the twentieth day after the election shall be opened by the Secretary of State in the presence of the Governor, and the aforesaid Register of Deeds or such of them as choose to attend. The Secretary shall cause the poll books as they are opened to be read aloud, and shall make out a fair abstract of the names of the persons voted for, and the number of votes given to each, and the Governor shall forthwith make out for the persons having the greatest number of votes, certificates of having been duly elected electors of President and Vice President of the United States, and transmit the proper certificates to each person so elected, and shall cause the election of electors to be published in the newspapers, printed at the seat of government, but if more than the number of persons to be elected have the greatest and an equal number of votes, then the election of those having such equal number of votes shall be determined by lot, to be drawn by the Secretary of State in the presence of the Governor and Registers of Deeds aforesaid. The Governor shall transmit the proper certificate and cause the publication to be made as aforesaid, and the said poll books shall be kept in the Secretary's office subject to the inspection of any person who may choose to examine the same.

Electors chosen to meet at the seat of government

SEC. 6. That the electors who shall be chosen as aforesaid, shall, at twelve o'clock, on the day which is or may be directed by the Congress of the United States, meet at the seat of government of this State, and shall then and there perform the duties enjoined upon them by the Constitution and laws of the United States.

SEC. 7. That the several persons who shall be appointed to conduct the election of electors of President and Vice

President of the United States, for neglect of duty or for improper conduct, be liable to the same penalties and forfeitures as are or may be provided by the law for regulating elections in this State. Officers of elec- tion—penalty for neglect of duty

Sec. 8. That each elector of President and Vice President of the United States shall before the hour of twelve o'clock, on the day next preceeding the day fixed by the law of Congress to elect a President and Vice President of the United States, give notice to the Governor that he is at the seat of government, and ready at the proper time to perform the duties of an elector, and the Governor shall forthwith deliver to the electors present a certificate of all the names of the electors, and if on examination thereof, it shall be found that one or more of said electors are absent and shall fail to appear before nine o'clock in the morning of the day of election of President and Vice President as aforesaid, the electors then present shall immediately proceed to elect by ballot in the presence of the Governor, a person or persons to fill such vacancy or vacancies as may have occurred through the non-attendance of one or more of the electors. Electors to give notice of their presence to the governor—vacan- cies how filled

Sec. 9. That if more than the number of persons required to fill the vacancy or vacancies as aforesaid, shall have the greatest number and an equal number of votes, then the election of those having such equal and highest number of votes shall be determined by lot to be drawn by the Governor, in the presence of the electors attending: otherwise he or they to the number required having the greatest number of votes shall be considered elected to fill such vacancy or vacancies. Vacancies—dis- decision by lot

Sec. 10. That immediately after such choice is made in the manner aforesaid, the name or names of the persons so chosen shall forthwith be certified to the Governor by the electors making such choice, and the Governor shall cause immediate notice to be given to each and every of the electors chosen to fill such vacancy or vacancies, as aforesaid, and the said person or persons in whose place he or they may or shall have been chosen shall be electors, and shall meet the other electors at the same time and place, and then and there discharge all and singular the duties enjoined on him or them as electors aforesaid, by the Constitution and laws of the United States and of this State. Certificate of election to fill va- cancy—notice to electors

Sec. 11. That each and every elector who shall attend as an elector at the seat of government, as aforesaid, shall be entitled to receive three dollars for each and every days attendance, and three dollars for every twenty miles travel, of the estimated distance by the most usual route from his place of residence to the seat of government, and the like sum of returning, which sum shall be allowed by the Auditor on the certificate of the Governor, and paid by the Treasurer out of any money in the treasury not otherwise appropriated. Per diem and mileage of elec- tion

Sec. 12 That the judges and clerks of the township elec-

Pay of judges and
clerks of election

tion held under this Act, and the Register of Deeds of the different counties shall be paid the like compensation out of their respective counties treasuries, and in like manner as they are entitled to for similar services, under an Act entitled "An Act to regulate Elections."

SEC. 13. This Act to take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the twelfth, one thousand eight hundred and fifty-eight.

H. H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAABEN, Secretary of State.

CHAPTER LXXXVII.

An Act providing for the election of Governor of the State, and further to prescribe and define the powers and duties of his office.

- SECTION 1. Governor of the State—time of holding election thereof.
2. Governor to be legal custodian of all the State property.
 3. Officers of the State Departments required to make report of the public business entrusted to them.
 4. Commissions to civil officers in the State, to be signed by Governor.
 5. Requisitions for rendition of fugitives—discretionary power as to payment of expenses.
 6. Reprieves and pardons, to grant.
 7. Vacancies among officers appointed by Legislature, to be filled by Governor—until Legislature meets.
 8. Public Thanksgiving, duty of Governor to set apart a day for.
 9. Extra Sessions of Legislature, authority to convene.
 10. Impeachment, resignation or removal of Governor, Lieutenant Governor to act.
 11. No member of Congress or officer under the United States, to hold the office of Governor.
 12. Private Secretary, to record official letters.
 13. The Great Seal of the State, authority to provide when lost, defaced or injured.
 14. Act takes effect on passage.

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

SECTION 1. The Governor shall be chosen by the qualified electors of the State, at the general election in A. D. one