

## CHAPTER XVIII.

*An Act to Regulate Elections in this State*

- SECTION**
1. Annual State elections—when to take place.
  2. Election districts—what to constitute—judges of election.
  3. Ballot box to be provided for each election district.
  4. Clerk to give notice of election—form of.
  5. Judges to make list of voters—to correct list.
  6. Proceeding when judges refuse to act—form of oath.
  7. Polls when opened and closed.
  8. Compensation of judges and clerks of election.
  9. Ballot box to be publicly emptied before opening of the polls.
  10. Manner of voting—ballot what to contain.
  11. Name to be on ballot.
  12. Duty of judge upon receiving vote.
  13. Judges to publicly canvass votes.
  14. Manner of conducting canvass.
  15. Form of election returns.
  16. Ballot containing more names than required to be void.
  17. Form of list of qualified electors.
  18. Judges to direct returns to County Auditor.
  19. Penalty for neglect of judge to deliver returns.
  20. County canvassing board to publicly canvass returns—manner of making abstracts.
  21. Governor, Secretary of State, and Attorney General to canvass returns made to Secretary of State.
  22. Election of members of Congress.
  23. Provision in case of tie or vacancy.
  24. Duty of Auditor in elections to fill vacancy.
  25. Probate Judge to canvass election returns in case of death or absence of Auditor.
  26. When several persons receive same number of votes, election to be determined by lot.
  27. Fees for carrying returns to Auditor.
  28. Vacancy in Legislature how filled.
  29. Auditor shall not refuse returns on account of informality.
  30. Penalty for refusal or neglect to perform duties.
  31. Term of office to commence with first day of January.
  32. Officers elected to fill vacancy to enter upon duties immediately.
  33. Civil process not to be served on elector on day of election.
  34. Officer having majority of votes deemed elected.
  35. Contested elections—proceedings in case of.
  36. Justices to summon witnesses.
  37. None but electors to have right to contest.
  38. Election of county officers how contested.

- SECTION 39.** Election of State Officers how contested.
40. House of Representatives to decide when they will determine such contest—copy to be served on officer.
  41. Parties may introduce written or oral testimony.
  42. Rules to be observed in contested elections.
  43. Fines and penalties how applied.
  44. Auditor to provide blanks for lists of electors.
  45. Fees for making out abstract, &c.
  46. Election districts when and how formed.
  47. Governor to publish list of election districts established.
  48. Elections in such districts how conducted.
  49. Rules for ascertaining who are qualified electors.
  50. Elector shall vote in district where he resides.
  51. Penalty for violation of preceding Section.
  52. Penalty for voting more than once at same election.
  53. Penalty if non-resident of this State shall vote herein.
  54. Unqualified voters how punished for illegal voting.
  55. Penalty for aiding or assisting another to vote illegally.
  56. Penalty for inducing persons to come into county to vote.
  57. Penalty for bribing elector.
  58. Penalty for deceiving elector as to contents of tickets.
  59. Oath to be administered when voter is challenged—questions to be put by judge.
  60. Person refusing to answer, judge shall refuse his vote.
  61. Oath administered after questions have been answered.
  62. Person refusing to take the oath shall not be allowed to vote.
  63. Judge to challenge persons he may deem unqualified.
  64. Penalty for fraudulently putting ballots into the box.
  65. False swearing when challenged deemed willful perjury.
  66. Persons convicted of such offences to be deemed thereafter disqualified as an elector.
  67. Prosecutions to be conducted before District Court.
  68. Fines to be paid into county treasury.
  69. Act to apply to all future elections.
  70. Act to be given in charge to grand jury.
  71. Repeal of former laws.
  72. When Act to take effect.

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

**SECTION 1.** On the first Tuesday after the first Monday in October in each and every year, excepting the year in which the election of President of the United States occurs, and in that year on the first Tuesday after the first Monday of November, a general election shall be held in the several election districts of the State, which said election shall also be known as the annual election of the State, and the several State, County, and Judicial District officers, and members of the Senate and House of Representatives of the State shall be elected at the annual election next preceding the expiration of the term of each of said officers respectively.

**SEC. 2.** That each organized township in the State shall

Election to be held annually for the election of State County and Judicial officers

**Election districts** constitute an election district: each ward of any incorporated city in the State, and the First and Second Wards jointly, and the Third and Fourth Wards jointly, of the incorporated town of Minneapolis, shall also constitute an election district.

**Town supervisors to be judges of election** The township supervisors of each township shall be the judges of election, and the town clerk of each township shall be the clerk of election in their respective election districts.

**City councils to appoint judges of election** The city council of each incorporated city, and the town council of the incorporated town of Minneapolis, shall appoint three qualified electors of each election district of such city and of the said town, who shall be the judges of election in their election districts respectively, and who shall appoint one qualified elector of their election districts respectively, who shall be the clerk of election in such election district, excepting that in the city of St. Paul, the Alderman in each ward of said city shall be the judges of election in their respective election districts, and shall appoint one qualified elector of each ward respectively who shall be the clerk of election of the said election district respectively. The election shall be held in each election district at the place where the last preceding town meeting or ward election was held in each election district respectively; *Provided*, The city council of any incorporated city may, by ordinance, incorporate any two adjoining wards into one election district, and appoint the place of holding the election in each district.

**Ballot box to be provided** **SEC. 3.** That the supervisors of the several townships, and the city council of the several cities, and the town council of the town of Minneapolis, shall cause to be provided at the expense of the said townships, towns, and cities respectively, a ballot box for each election district which may be destitute of the same, which box shall be provided with a lock and key, and shall have an opening therein through the lid of sufficient size to admit a single folded ballot and no more; and the said box shall be kept by the town clerk of the several townships, and by the city clerk of the several cities, and by the town clerk of the town of Minneapolis, for the use of the judges of election in the said election districts respectively.

**Notice of election to be given** **SEC. 4.** That it shall be the duty of the township, city and town clerk in each election district, fifteen days at least before the holding of any general election, and ten days at least before the holding of any special election to give public notice by posting three written or printed notices in three public places in each election district, of the time and place of holding such election, and containing a list of the officers to be elected at such election, one of which notices shall be posted up at the place of holding the election in such election district, the said notices to be in substance as follows to wit:

“Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_ at the \_\_\_\_\_ in the election district composed of the (township, ward or town as the case

may be), of \_\_\_\_\_ in the county of \_\_\_\_\_ an *Form of notice*  
 election will be held for (naming the officers to be elected,) which election will be opened at nine o'clock in the morning, and will continue open until five o'clock in the afternoon of the same day.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

Signed A. B. (Township, City or Town Clerk);"

*Provided*, That no failure of any clerk to give notice of any election as aforesaid, shall in any manner invalidate any election.

SEC. 5. It shall be the duty of the judges of election in each and every election district in the State, at least ten days before any election, to make a list of the names of all persons who are entitled to vote in their election districts respectively at such election, which said list shall contain the surnames of such persons in alphabetical order. Three copies of the said list so made out as aforesaid, shall, at least ten days before such election, be posted in three public places in each election district, together with a notice of the time and place when and where the said judges of election will be present for the purpose of making all necessary corrections in said list. It shall be the duty of the said judges of election on each Wednesday next preceding such election, and, if necessary, for the next three days, from the hour of nine in the forenoon to four in the afternoon, and for two hours next preceding the opening of the polls on the day of such election, to be present at the place appointed for the holding of such election in their respective election districts, for the purpose of making all necessary corrections in the said list. In making such corrections it shall be the duty of the said judges of election to insert upon the said list the additional names of all persons properly shown to be entitled to vote at such election, and to erase from the said list the names of all persons properly shown not to be entitled to vote at such election. It shall be the duty of the said judges of election in first making out the said list, to place upon the same the names of all persons known by said judges to be entitled to vote at such election in their election districts respectively, and no others, and to assist in ascertaining the names of all persons entitled to vote as aforesaid. It shall be the duty of the said judges of election to consult the poll lists used at the last preceding election in their election districts respectively, and also the assessment roll of their election districts respectively, of the last preceding assessment. In making the final corrections of the said list as aforesaid, to ascertain who are entitled to vote at such election, the said judges of election shall be governed by the rules and regulations hereinafter for that purpose prescribed, and at such election no person shall vote whose name is not upon the said list at the time of opening the polls, and the vote of no person shall be rejected whose name is upon the said list at the time of opening the polls; *Provided*, If any

*Judges to make list of voters—list to be posted—corrections to be made*

person offers to vote at such election whose name is not upon the said list as aforesaid, and who is by the said judges known to be entitled to vote at such election, but whose name has been accidentally omitted from the said list, then the name of such person shall be added to the said list, and the said person shall be allowed to vote, but in such case an entry shall be made opposite the name of such person, of the fact that the said name was inserted on said list after the opening of the polls.

SEC. 6. That if either of the judges of election of any election district shall fail to attend at the time and place appointed for making corrections of the said list, or of holding any election; or if either of said judges being present shall be a candidate at such election, or shall refuse to act as judge, then it shall be the duty of the qualified electors of the said election district present, to choose *viva voce*, one or more qualified electors of said election district to act as judge or judges of election, instead of such judge or judges of election so absent, disqualified, or refusing to act; and if any clerk of the election shall be thus absent, disqualified, or refuse to act, the judges of election shall appoint some qualified elector in place of such clerk. And before any judge or clerk of election shall enter upon the performance of any of the duties imposed upon him by this Act, he shall take and subscribe, before some officer authorized to administer oaths, an oath or affirmation in the following form, to wit:

"I, A. B. (judge or clerk of election, as the case may be), do solemnly swear (or affirm as the case may be), that I will perform the duties of (judge or clerk of election as the case may be), according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting this election, so help me God."

Which said oath or affirmation having been taken, subscribed and certified, shall be affixed to the said list provided for in the last preceding Section; *Provided*, If there shall be no person present authorized to administer oaths, then the judges of election may administer to each other and to the clerks such oath or affirmation in the same manner as above provided.

SEC. 7. That at all elections to be holden under this Act, the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and closed at five o'clock in the afternoon, and remain so open during that time without adjournment.

SEC. 8. That at all elections to be holden under this Act, the judges and clerks of election shall be entitled to receive, as a compensation for their services in such election, the sum of one dollar each per day, to be paid out of the treasury of the proper township, city or town.

SEC. 9. That it shall be the duty of the judges of election, or one of them, immediately before proclamation is made of

When electors  
may choose judge  
vs—oath of judge

When polls shall  
be opened and  
closed

Compensation of  
judges and clerks

the opening of the polls, to open the ballot boxes in presence of the people there assembled, and turn them upside down, so as to empty them of every thing that may be in them, and then lock them; and the key therof shall be delivered to one of the judges, and said box shall not be re-opened until for the purpose of counting the ballots therein, at the close of the polls.

Ballot box to be publicly emptied

SEC. 10. That every elector shall vote by ballot, and each person offering to vote shall deliver his ballot to one of the judges of election, in the presence of the Board; the ballot shall be a paper ticket, which shall contain, written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons designated to any office, than there are persons to be chosen at the election to fill such office.

Manner of voting

SEC. 11. That the names of all persons voted for by an elector at any election shall be on the ballot.

Names to be on ballot

SEC. 12. That the judge to whom any ballot shall be delivered shall upon the receipt thereof, pronounce with an audible voice, the name of the person from whom the said ballot is so received, and if the name of the person be found upon the list of electors aforementioned, the said judge shall, without opening the said ballot, or permitting the same to be opened or examined, (except to ascertain whether it be a single ballot,) deposit the said ballot in the ballot box, and the clerk of the election shall thereupon distinctly check the name of the said person upon the said list.

Duty of Judge receiving votes

SEC. 13. That as soon as the poll of the election shall be finally closed (of which closing, proclamation shall be made by the judges, thirty minutes previously thereto), the judges shall immediately proceed to canvass the vote given at such election; and the said canvass shall be public and continued without adjournment until completed, and the result thereof declared.

Judges to canvass votes on closing of polls

SEC. 14. The canvass shall commence by taking the ballots out of the box unopened (except so far as to ascertain whether each ballot be single), and counting the same to ascertain whether the number of ballots correspond with the number of names on the list checked as aforesaid; and if two or more separate ballots shall be found so folded together as to present the appearance of a single ballot, they shall be laid aside until the count of the ballots is completed, then, if upon a comparison of the said count with the number of names of electors on the list which have been checked as aforesaid, and with the appearance of the said ballots, a majority of such judges shall be of the opinion that the ballots thus polled together were voted by one elector, they shall be destroyed. If the ballots in the box shall still be found to exceed in number the

Canvass how conducted

number of names on the said list so checked as aforesaid, they shall be replaced in the box, and one of the judges shall publicly and without looking in the box, draw out therefrom singly, and destroy, unopened, so many ballots as shall be equal to such excess. The number of ballots agreeing, or being thus made to agree with the number of names on the said list so checked as aforesaid, the said list shall be signed by the judges and attested by the clerks, and the number of names on the said list so checked as aforesaid, shall be set down in words and figures at the foot of said list, and over the signatures of the said judges, and the attestation of the said clerks, in the manner hereinafter provided, in the form of the said list.

SEC. 15. That after the said list has been thus signed, the judges shall proceed to count and ascertain the number of votes cast for each person voted for, and the clerk shall set down on a paper to be known as the returns of the election, the name of every person voted for, written at full length, the office for which such person received such votes, and the number of votes he received—the number being expressed at full length and also in figures. The said returns shall be as nearly as circumstances will admit, in the following form, to wit:

Form of returns "At an election held at \_\_\_\_\_ in the election district composed of the (township, ward, or town, as the case may be) of \_\_\_\_\_ in the county of \_\_\_\_\_

in the State of Minnesota, on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, the following named persons received the number of votes set opposite their respective names, for the following described offices, to wit:

A. B. received (the number in figures and also at full length,) votes for (specifying the office,) and in like manner for each person voted for, for any office.

Certified by us, A. B.  
C. D.  
E. F., Judges of Election.

Attest: G. H., Clerk of Election."

When ballot to be void SEC. 16. That if a ballot should be found to contain a greater number of names for any one office than the number of persons required to fill the said office, the said ballot shall be considered void, as to all of the names designated to fill such office, but no further; but no ballot shall be considered void for containing a less number of names than are authorized to be inserted thereon.

Form of list of electors SEC. 17. The list of electors provided for in this Act, shall be substantially in the following form, to wit:

"List of qualified electors in the election district composed of the (township, ward, or town, as the case may be) of \_\_\_\_\_ in the county of \_\_\_\_\_

State of Minnesota, for an election to be held in the said elec-

tion district, on the                    day of                    18 .

A. B.

B. C. (the surnames in alphabetical order.)

C. D.

The whole number of the above named persons who were present and voting at the above named election was (number written out in full, and also in figures).

Certified by us, A. B.

C. D.

E. F. Judges of Election.

Attest: G. H., Clerk of Election."

And the said list, after the same shall have been used at the election for which the same was made out, shall be deposited and kept in the office of the township, city, or town clerk of the election district in which the same belongs, and shall be subject to the inspection of any person desiring the same. List to be subject to public inspection

Sec. 18. That after the canvass shall have been thus completed, the judges of election, before they shall disperse shall enclose the said returns in a cover, seal the same, endorse thereon the following words, viz: "Election returns of the election district of                    in the county of                   " Judges to direct returns to County Auditor

, " and direct the same to the County Auditor, of their proper county; and the said returns shall, within ten days from the day of the election, be conveyed by one of the judges, to be determined by lot, if not otherwise agreed upon, and deliver to the said County Auditor at his office; *Provided*, That the returns of the elections in unorganized counties shall be made to the Auditor of the county to which they may be attached for elective purposes, and said votes shall be canvassed and certificates of election issued to the person elected in the same manner that is provided in this Chapter for canvassing votes and issuing certificates of election in organized counties.

Sec. 19. That if any judge of an election at which he shall have served, after being deputed, shall willfully fail or neglect to deliver such returns to the said Auditor within the time prescribed by law, save with the seals unbroken, he shall be liable for every such offense forfeit and pay the sum of five hundred (500) dollars for the use of the county. Penalty, or failure to deliver returns

Sec. 20. On the twentieth day after the election, or sooner, in case all the returns shall be made, the County Auditor, Auditor and assisting to his assistance two Justices of the Peace of his assistants to canvass returns county, who, together with the County Auditor, shall constitute the County Canvassing Board, shall proceed to open the several returns which shall have been made to his office; and said Board shall publicly canvass the said returns and make abstracts thereof, in the following manner, to wit:

The abstract for the several State officers shall be on one sheet; the abstract for the several county officers shall be on one sheet; the abstract for the judicial district officers shall be Abstracts how made out



on one sheet; the abstract for members of the State Senate and House of Representatives for each district shall be on one sheet; and the abstract for members of Congress shall be on one sheet. The said abstracts shall be certified by the said Board, and filed in the office of County Auditor. The County Auditor shall immediately thereafter, make out a certified copy of each of the said abstracts under his seal of office, and having enclosed the same under separate covers, shall direct the same to the Secretary of State, at the Capitol, endorsing on each package the following, to wit:

“ Election returns of (naming the officers,)  
for the county of ,” and shall transmit  
the same by mail.

SEC. 21. That on the fifth Tuesday after the election, the Governor, the Secretary of State, and the Attorney General, in the office of the Secretary of State, shall open and canvass the said returns so made to the Secretary of State for county officers, judicial district officers, members of the State Senate and House of Representatives, and members of Congress, and to each person by the said returns shown to be elected to any county or judicial district office, the Governor shall issue a commission, which said commission shall be immediately transmitted to the County Auditor of the proper county, and by him delivered to the person entitled thereto, without any fee or charge, except in the case of Judge of the District Court, in which case the commission shall, by the Secretary of State, be delivered to the person thereto entitled, without fee or charge; and to each person by the said returns shown to have been elected a member of the State Senate or House of Representatives, or a member of Congress, the Secretary of State shall make out a certificate, under the great seal of the State, which said certificate shall, by the Secretary of State, be delivered to the person thereto entitled, on demand without fee or charge.

SEC. 22. That at the annual election next preceding the expiration of the term of the member or members of Congress from this State, the electors of the State, or of the several Congressional Districts of the State, shall vote for a person or persons to represent this State in Congress, for the term of two years from the fourth day of March then next ensuing.

SEC. 23. That whenever there shall be no election of the requisite number of members of Congress, or of members of the State Senate or House of Representatives, or of any State officer, by reason of any two or more persons having an equal and the highest number of votes, or whenever any vacancy shall have occurred or shall exist in any of the said offices, which said vacancy is not otherwise provided for, then, in that case it shall be the duty of the Governor, within ten days after the State canvass shall have been made, or after he shall have been informed of the existence of such vacancy, to issue

Canvass of re-  
turns made to  
secretary of state  
—by whom made

Election of mem-  
bers of Congress

Election of officer  
to fill vacancy or  
in case of tie vote

a proclamation directing that a special election be held in the proper election districts of the State, at a time to be specified in said proclamation, not more than fifteen days from the date thereof, to fill such vacancy or vacancies. And it shall thereupon be the duty of the clerks of election of the proper election districts to call the said special election in the manner provided by law, and the said special election shall be held and conducted and the returns thereof made and canvassed in the same manner as general elections are held and conducted, and the returns thereof made and canvassed; *Provided*, If there be no session of the Legislature or of Congress between the time of the happening of such vacancy or vacancies in the office of members of Congress, or of the State Senate or House of Representatives, and the then next annual election, then it shall not be necessary to order a special election to fill such vacancy or vacancies, but the same shall be filled at the said annual election.

SEC. 24. That in all elections to fill any vacancy under the preceding Section of this Act, the Auditor shall, within thirty days after such election, transmit an abstract of the votes given in such counties to the office of the Secretary of State, and take his receipt therefor, under the penalty of five hundred (500) dollars, to be recovered before any court having competent jurisdiction thereof, in a civil action in the name of the county; and it shall be the duty of the County Treasurer for the time being, to sue for and recover the penalty aforesaid, for the use of the county. Duty of Auditor

SEC. 25. That whenever it shall so happen that the Auditor shall die, be absent, or from any casualty, be prevented from opening the returns of votes at any election, it shall be the special duty of the Probate Judge of the county in which such election was held, to attend immediately at the Auditor's office, taking to his assistance two Justices of the Peace of the proper county, and he shall then proceed to open all the returns of elections for such county, which shall have been made to the Auditor's office, and perform the same duties that are required of the Auditor in such cases, under the provisions of this Act. Probate Judge to canvass returns in certain cases

SEC. 26. That if any number of persons greater than the number of county offices directed to be filled shall have an equal number of votes for such office, the Auditor and Justices, or Judge and Justices aforesaid, shall determine by lot, publicly, which of the persons shall be duly elected. Persons receiving equal number of votes to decide by lot

SEC. 27. That there shall be allowed out of the county treasury of each county, to the person carrying the returns from the place of election to the office of the Auditor of the county, the sum of ten cents per mile for going and returning; this provision to extend to the unorganized counties, and to be paid out of the treasury of the county to which they are attached. Fees for carrying the returns to Auditor

Vacancy in Legislature when counties have been divided how filled

SEC. 28. If a vacancy shall occur in the Senate or House of Representatives of this State, from any cause, and if the county or counties comprising the district in which such vacancy has happened, shall have been divided after the election of the member whose seat is vacant, and before the election to supply the vacancy, such election shall be ordered in every county in which any part of the original county or district may be situated; but no person shall be permitted to vote at any such election who does not at the time reside within the limits of the original county or district in which such vacancy may have occurred; *Provided*, That nothing herein contained shall be so construed as to permit any person to vote so residing within the same limits, who has not the other qualifications of an elector.

No returns to be refused on account of informality

SEC. 29. That no election returns shall be refused by any Auditor for the reason that the same may be returned or delivered to him in any other than the manner directed in this Act; nor shall the Canvassing Board of the county refuse to include any returns in their estimate of votes for any informality in holding any election, or making returns thereof, but all returns shall be received and the votes canvassed by such Canvassing Board and included in the abstracts provided for in this Act.

Penalty for neglect of duties

SEC. 30. That if any judge or clerk of election, or any other officer or person required by this Act to do or perform any act or thing whatsoever, shall wilfully fail or refuse to do or perform any such act or thing, or shall willfully do or perform any such act or thing falsely or improperly in any way or manner, on conviction thereof, he shall be imprisoned in the State Prison for a term not less than six months nor more than one year.

Term of office to commence on first of January

SEC. 31. That the regular term of office of all county officers, when elected for a full term, shall commence on the first day of January next succeeding their election, except as otherwise provided by law.

Term of office if elected to fill vacancy

SEC. 32. Any of the State, county, or district officers that may be elected or appointed to fill vacancies, may qualify and enter upon the duties of their office immediately thereafter; and when elected, they may hold the same during the unexpired term for which they were elected, and until their successors are elected and qualified; but if appointed, they shall hold the same until the next general election, and until their successors are elected and qualified.

No civil process to be served on day of election

SEC. 33. That during the day on which any general, special, town, or charter election shall be held, no civil process shall be served on any elector entitled to vote at such election.

Person having the highest number of votes elected

SEC. 34. In all elections for the choice of any officers, unless it is otherwise expressly provided, the person having the highest number of votes for any office, shall be deemed to have been elected to that office.

SEC. 35. That if any candidate or elector of the proper county, or senatorial, or judicial, or election district, chooses to contest the validity of an election or the right of any person declared duly elected to his seat in the Senate or House of Representatives in this State, such person shall give notice thereof, in writing, to the person whose election he intends to contest, or leave a written notice thereof at the house where such person last resided, within twenty days after the election, expressing the points on which the same will be contested, and the names of two Justices of the Peace who will officiate at the taking of depositions, and when and where they will attend to take the same; and such notice shall be served at least ten days before the day pointed out therein for the taking of the depositions; *Provided*, That the time fixed upon for taking such depositions shall not exceed thirty days from the day of election.

Election of members of Legislature how contested

SEC. 36. That the said Justices or either of them shall have power, and they are hereby authorized and required, to issue subpoenas to all persons whose testimony may be required by either of the parties; and the said two Justices when met shall take under oath, and certify under seal, all testimony relative to such contested election, to the presiding officer of that branch of the Legislature where the person whose seat is contested may be returned to serve at its next session.

Duty of Justices

SEC. 37. That no person shall contest the election of any Senator or Representative to the Legislature of this State, unless he is an elector of that county or district from which the person is returned to serve. No testimony shall be received by the Justices on the part of the person contesting the election which does not relate to the point specified in the notice, a copy of which notice shall be delivered to the said Justices, and by them transmitted to the presiding officer of that branch of the Legislature where the contest is to be decided, with the other documents.

None but electors to contest

SEC. 38. That the method to be pursued in contesting the election of any person declared duly elected Probate Judge, Sheriff, Coroner, County Auditor, County Commissioners, County Treasurer, Register of Deeds, County Surveyor, or Clerk of the District Court, or County Attorney, shall be at the instance of a candidate or elector of the proper county, and shall in every respect be similar to the method directed as aforesaid to be pursued in contesting the election of Senators and Representatives to the Legislature, save only that the testimony taken as aforesaid, and all matters relative to such contest, shall be sent to the District Court of the proper county on or before the second day of the term next ensuing the thirty days allowed in which to take depositions by the preceding Sections; and the said District Court, at their said first term, after thirty days shall have expired, shall hear and determine the contest.

Manner of contesting election of county officers

**SEC. 39.** That any candidate or elector being desirous of contesting the election of any person declared elected Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, Attorney General, Judges of the Supreme Court, Clerk of the Supreme Court, Judge of the District Court, or other State officer, shall, between the sixth and tenth days after the commencement of the first annual session of the Legislature, after the day of election, file a notice of such intention with the clerk of the House of Representatives of this State, specifying the particular points on which he means to rely; *Provided*, That no person shall contest the election of District Judge unless he be an elector of the proper judicial district.

Manner of contesting election of State and Judicial officers

**SEC. 40.** That upon any such notice being filed as aforesaid, the House of Representatives shall, by resolution, determine on what day or days they will meet in their chamber, in order to hear and determine any such contest, and thereupon a certified copy of the notice filed by the contestor, shall be served upon the officer whose election is sought to be contested, or by leaving a copy thereof at his last usual place of residence, by such person as shall by resolution of said House be appointed, with a notice when he is required to attend in the chamber of the House of Representatives to answer the contest.

House to fix day for hearing such case

**SEC. 41.** That on the trial of any contested election for any of the offices in the thirty-ninth Section of this Act named, the parties to such contest may introduce either written or oral testimony, but no depositions shall be read on such trial, unless the opposite party shall have had reasonable notice of the time and place of taking the same.

When oral or written testimony may be introduced

**SEC. 42.** That in conducting any contested election for the officers in the thirty-ninth Section of this Act named, the following rules shall be observed, to wit:

*First*—On the day and at the hour appointed for that purpose, the House, with its proper officers, shall assemble at their usual place of meeting.

*Second*—The Speaker of the House shall preside, but when he is contestor, a Speaker *pro tem.* shall be elected.

*Third*—The parties to the contest shall then be called by the clerk, and if they answer, their appearance shall be recorded.

*Fourth*—The contestor shall first introduce his testimony, and then the officer elect shall introduce his testimony, and after the testimony is gone through on both sides, the contestor may, by himself or his counsel, open the contest, and the officer elect may then proceed, by himself or counsel, to make his defence, and the contestor be heard in reply.

*Fifth*—After the arguments are thus gone through by the parties, any member of the House shall be at liberty to offer his reasons for the vote he intends to give.

Rules to be observed in such contest

*Sixth*—The clerk shall keep a regular journal of the proceedings.

*Seventh*—The manner of taking the decision shall be by an alphabetical call of the members, and a majority of all the votes given shall decide, any party not being permitted to vote either upon the final decision or upon any preliminary question that has reference thereto.

SEC. 43. That all fines and penalties imposed by this Act, and not therein otherwise provided for, shall be recovered, with costs of suit in a civil action, for the use of the county.

SEC. 44. It shall be the duty of the Auditor of each organized county in this State, to provide uniform blanks for lists of electors, and for election returns, for the use of the several election districts in his county or any unorganized county attached thereto; also a copy of the law prescribing the qualifications of electors, and so much of this law as relates to the duty of judges and clerks of elections, the manner of conducting elections and the penalties imposed for offenses under this Act, and the Auditor, at least ten days before any election, shall deliver to the clerk of each town and city in his county, in person, or transmit to him by mail, one copy of each of said blanks, and one copy of the said laws for each election district in his county.

SEC. 45. Every Auditor, Probate Judge, and Justice of the Peace, shall receive for services performed under this Act, the following fees, to wit: For making out abstracts, for every hundred words, ten (10) cents; for each certificate with seal attached to abstract, fifty (50) cents; which fees shall be allowed by the County Auditor on the certificate of the Auditor or judge as the case may be, and paid by the County Treasurer.

SEC. 46. That whenever any number of voters not less than ten, residing in an unorganized or partially organized county, and not within ten miles of any established place voting in any election district, shall petition the Governor to establish a new district, it shall be the duty of the Governor, and he is hereby authorized to lay out and establish new election districts in the unorganized counties, at such place or places as the petitioners may require.

SEC. 47. That the Governor shall within six weeks of every general, and three weeks of every special election, publish in some newspaper published in this State, a list of all the election districts by him so established, and the places where the elections are to be held.

SEC. 48. All elections held in such districts shall be conducted and returns made as is herein provided.

SEC. 49. That the judges of election in determining the residence of any person for the purpose of ascertaining who are so qualified electors, shall be governed by the following rules so far as they may be applicable:

*First*—That place shall be considered and held to be the residence of a person in which his habitation is fixed, without any intention of removing therefrom; and to which whenever he is absent, he has the intention of returning.

*Second*—A person shall not be considered to have lost his residence who shall leave his home to go into another State, or county of this State, for temporary purposes merely, with the intention of returning.

*Third*—A person shall not be considered to have gained a residence in any county of this State into which he shall come for temporary purposes merely, without the intention of making such county his home, but with the intention of leaving the same when he shall have gotten through with the business that brought him into it.

*Fourth*—If a person remove to another State with an intention to make it his residence, he shall be considered to have lost his residence in this State.

*Fifth*—If a person remove to another State with an intention of remaining there for an indefinite time, and as a place of present residence, he shall be considered to have lost his residence in this State, notwithstanding he may entertain an intention to return at some future period.

*Sixth*—The place where a married man's family resides, shall be considered and held to be his residence; but, if it is a place of temporary establishment for his family, or for transient objects, it shall be otherwise.

*Seventh*—If a married man has a family fixed in one place, and he does business in another, the former shall be considered his place of residence.

*Eighth*—The mere intention to acquire a new residence, without the fact of removal, shall avail nothing; neither shall the fact of removal without the intention.

*Ninth*—If a person shall go into another State and while there exercises the right of a citizen by voting, he shall be considered to have lost his residence in this State.

**SEC. 50.** That no elector shall vote except in the election district in which he actually resides.

**SEC. 51.** If any person shall wilfully vote in any election district in which he does not actually reside, he shall, on conviction thereof, be imprisoned in the county jail of the proper county for not less than one month, nor more than six months.

**SEC. 52.** Any person who shall vote more than once at the same election, shall, on conviction thereof, be imprisoned in the State Prison, and kept at hard labor for not less than six months nor more than one year.

**SEC. 53.** Any resident of another State who shall vote in this State, shall, on conviction thereof, be imprisoned in the State Prison, and kept at hard labor for not less than six months nor more than one year.

Elector to vote in his own district

Penalty for voting in other district

Penalty for voting more than once

Penalty for non-resident voting

SEC. 54. Any person who, with an unlawful intent, shall vote, who shall not have been a resident of this State for four months immediately preceding the election, or who at the time of the election is not twenty-one years of age, or who is not a citizen of the United States, and has not declared his intention to become a citizen conformably to the laws of the United States, upon the subject of naturalization, or who is disqualified by law by reason of his conviction for treason, or any felony, unless restored to civil rights, or for any other reason, shall, on conviction thereof, be imprisoned in the county jail of the proper county, for not less than one month nor more than six months.

SEC. 55. Any person who shall procure, aid, assist, counsel or advise another to give his vote, knowing that such other person has not been a resident of this State for four months immediately preceding the election, or that at the time of the election he is not twenty-one years of age, or that he is not a citizen of the United States, nor declared his intention to become such, or that he is not duly qualified from other disability to vote at the place where, and the time when the vote is to be given, shall, on conviction thereof, be fined in any sum not exceeding five hundred (500) dollars, nor less than one hundred (100) dollars, and be imprisoned in the county jail of the proper county not less than one month nor more than six months.

SEC. 56. Any person who shall procure, aid, assist, counsel or advise another to go or come into any county, for the purpose of giving his vote in any such county, knowing that the person is not duly qualified to vote in such county, shall, on conviction thereof, be imprisoned in the State Prison and kept at hard labor not less than six months nor more than one year.

SEC. 57. Any person who shall, by bribery, attempt to influence any elector of this State in giving his vote or ballot, or who shall use any threat to procure any person to vote contrary to the inclination of such elector, or to deter him from giving his vote or ballot, shall, on conviction thereof, be fined in any sum not exceeding five hundred (500) dollars, and be imprisoned in the county jail of the proper county not less than one month nor more than six months.

SEC. 58. Any person who shall furnish an elector who cannot read, with a ticket, informing him that it contains a name or names different from those which are written or printed thereon, with an intent to induce him to vote contrary to his inclination, or who shall fraudulently or deceitfully change a ballot of any elector, by which such elector shall be prevented from voting for such candidate or candidates as he intended, shall on conviction thereof, be imprisoned in the State Prison and kept at hard labor not less than six months nor more than one year.



Proceeding when  
vote is challenged

Sec. 59. If any person offering his name to be put on the list of electors, or to vote at any election, is challenged as unqualified, by one of the judges of election, or by an elector, one of the judges shall tender to him the following oath or affirmation:

"You do swear (or affirm, as the case may be,) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector at this election."

Questions if chal-  
lenged on ground  
of not being a  
citizen

*First*—If the person be challenged as unqualified, on the ground that he is not a citizen, nor has declared his intention to become such, the judges, or one of them, shall put the following questions:

1st. Are you a citizen of the United States?

2nd. Are you a native or naturalized citizen?

3rd. Have you declared your intention to become a citizen of the United States, conformably to the laws of the United States upon the subject of naturalization?

Certificate of nat-  
uralization to be  
produced

If the person so offering his name claims to be a naturalized citizen of the United States, he shall, before his name shall be inserted on the list, produce for the inspection of the judges of the election, a certificate of his naturalization, and also state, under oath or affirmation, that he is the identical person named therein; *Provided*, That the production of such certificate shall be dispensed with if the person so offering his name shall state, under oath or affirmation, when and where he was naturalized, that he has had a certificate of his naturalization, and that against his will the same is lost, destroyed, or beyond his power to produce to the judges of election; *Provided further*, That if he shall state under oath or affirmation, that by reason of the naturalization of his parents, or one of them, or that being born of American parents in foreign parts he has become or is a citizen of the United States, and when and where his parent or parents were naturalized, the certificate of said naturalization need not be produced.

Provided

*Second*—If the person be challenged as unqualified on the ground that he has not resided in this State for four months immediately preceding the election, the judges, or one of them, shall put the following questions:

Questions if chal-  
lenged as not hav-  
ing resided four  
months in State

1st. Have you resided in this State for four months immediately preceding this election?

2nd. Have you been absent from this State within the four months immediately preceding the election? If yes, then—

3rd. When you last did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?

4th. Did you, while absent, look upon and regard this State as your home?

5th. Did you, while absent, vote in any other State?

*Third*—If the person be challenged as unqualified on the

ground that he is not a resident of the election district where he so offers his name, the judges, or one of them, shall put the following questions :

1st. When did you last come into this election district ?

2nd. When you came into this district, did you come for a temporary purpose merely, or for the purpose of making it your home ?

3rd. Did you come into this district for the purpose of voting here ?

4th. Are you an actual resident of this district ?

*Fourth*—If the person be challenged on the ground that he is not twenty-one years of age, the judges, or one of them, shall put the following questions :

Are you twenty-one years of age, to the best of your knowledge and belief ?

The judges of election, or one of them, shall put all such other questions to the person challenged, under the respective heads aforesaid, as may be necessary to test his qualifications as an elector at that election.

SEC. 60. If the person challenged as aforesaid, shall refuse to answer fully any question which shall be put to him as aforesaid, the judges shall refuse to insert his name on the poll list or allow him to vote.

SEC. 61. If the challenge be not withdrawn after the person so offering his name shall have answered the questions put to him as aforesaid, one of the judges of the election shall tender to him the following oath :

“You do swear (or affirm, as the case may be,) that you are a citizen of the United States, of the age of twenty-one years, or have declared your intention to become such citizen, conformably to the laws of the United States on the subject of naturalization, that you have been an inhabitant of this State for four months immediately preceding this election, and that you are now an actual resident of this election district.”

SEC. 62. If any person shall refuse to take the oath or affirmation so tendered, his name shall not be inserted on the poll list, nor shall he be allowed to vote.

SEC. 63. It shall be the duty of each judge of election to challenge every person offering to have his name inserted on the poll list, or to vote at any election whom he shall know or suspect not to be duly qualified as an elector.

SEC. 64. Any person who shall, after proclamation made of the opening of the polls, fraudulently put a ballot or ticket into the box, shall, on conviction thereof, be imprisoned in the State Prison and kept at hard labor, not less than six months nor more than one year.

SEC. 65. If any person challenged as unqualified to vote, shall be guilty of willful and corrupt false swearing or affirming, in taking any oath or affirmation prescribed by this Act,

ry and punished as such such person shall be deemed to have committed willful and corrupt perjury, and, upon conviction thereof, shall suffer the punishment attached by the laws of this State to the crime of perjury.

Persons convicted of any offence specified to be deemed forever after as incompetent Sec. 66. Every person who shall be convicted and sentenced to be punished by imprisonment in the State Prison for any offense specified in this Act, or who shall be convicted and sentenced for bribery under this Act, shall be deemed forever after incompetent to be an elector, or to hold any office of honor, trust, or profit within this State, unless such convict shall receive from the Governor of this State, a general pardon under his hand and seal of the State, in which case said convict shall be restored to all his civil rights and privileges.

Prosecutions in District Court Sec. 67. All prosecutions under this Act shall be by indictment before the District Court in the county where the offense was committed.

Fines to be paid into county treasury Sec. 68. All fines under this Act shall be paid into the county treasury where the offense was committed, for the use of such county.

Act to apply to all future elections Proviso Sec. 69. The provisions of this Act shall have reference and be applied to all elections hereafter to be held, or vote hereafter to be taken for all or any State, district, county, town, city, or township officers; and for electors of President and Vice President of the United States; amendments to the Constitution, laws, changing county lines, removing county seats, or on any subject which may by law be submitted to the vote of the people; *Provided*, That the registration of the names of electors previously to the time of voting at the town meeting of any organized township, shall not be required; but the said town meeting and the manner of conducting the same shall be as provided in the general act for the organization of towns.

Act to be given to grand jury Sec. 70. This Act shall be given specially in charge to the grand jury at each term of the District Court, by the presiding judge thereof.

Repeal of former laws Sec. 71. Chapters five (5) and six (6) of the Revised Statutes, being to and including Section fifty-one (51) of Chapter six (6) of the Public Laws, so-called, and from Section seventy (70) to Section seventy-five (75) inclusive, of said Chapter six (6) of said Public Laws, and all acts or parts of acts inconsistent with this Act are hereby repealed.

And wherein the provisions of this Act, contravene the provisions of an act entitled "An Act to reduce the law incorporating the city of St. Paul, in the county of Ramsey, and State of Minnesota," and the several acts amendatory thereof, into one act and to amend the same, approved March twentieth, eighteen hundred and fifty-eight. Such provisions of said act are hereby repealed and the provisions of this Act shall be in full force in said city.

Sec. 72. This Act shall take effect and be in force from

and after its passage.

AMOS CGGGSWELL,  
Speaker of the House of Representatives.  
IGNATIUS DONNELLY,  
President of the Senate.

Approved February twenty-fourth, one thousand eight hundred and sixty.

SECRETARY'S OFFICE, MINNESOTA, }  
February 24th, 1860.

ALEX. RAMSEY.

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

J. H. BAKER, Secretary of State.

---

## CHAPTER XIX.

### *An Act to create a Lien in Favor of Lumbermen.*

- SECTION 1.** Persons to have lien upon logs and lumber to secure payment of wages.
2. Person to file contract before entering upon such labor.
  3. Person to file claim of lien when wages are not paid.
  4. Logs and timber to be holden for payment of wages.
  5. Attachment how and when issued.
  6. Judgment how executed.
  7. Claims of lien to have precedence in the order filed.
  8. Fees paid for recording to be recovered in such action.
  9. Duty of Surveyor General of logs and lumber.
  10. Person receiving wages to discharge lien.
  11. Repeal of Statutes.
  12. Act to take effect on passage.

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

**SECTION 1.** That any person or persons performing manual labor upon any logs or timber, shall have a lien upon such logs or timber to secure the payment of the wages agreed to be paid for such labor, upon substantially complying with the requirements of this Act, and not otherwise, except as provided for in Section nine (9) of Chapter ninety-seven (97) of the

Laborer to have  
lien upon logs or  
timber to secure  
payment of wa-  
ges.