

Speaker of the House of Representatives.

IGNATIUS DONNELLY,

President of the Senate.

Approved March tenth, one thousand eight hundred and sixty.

ALEX. RAMSEY.

SECRETARY'S OFFICE, MINNESOTA, }

March 10th, 1860. }

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 XCVI.

An Act supplemental to an act, and amendatory of an act entitled, "An Act to Regulate Elections in this State," passed February twenty-fourth, one thousand eight hundred and sixty.

- SECTION 1. Canvassers to open returns and make abstracts.
2. Speaker to cause abstracts to be canvassed before both Houses of Legislature.
 3. Manner of making abstracts for county officers.
 4. Auditor to make abstract of votes for members of Congress.
 5. Canvass of returns for members of Congress.
 6. Auditor and justices to declare officers elected.
 7. Auditor to make and deliver certificate of election.
 8. Returns how made when county does not constitute senatorial district.
 9. Canvass how made when two or more counties are contained in one district.
 10. Form of abstract of votes.
 11. Electors to choose additional clerk—his duties.
 12. Compensation for carrying poll lists and abstracts.
 13. Penalty for violation of provisions of act.
 14. Repeal of acts inconsistent.
 15. Act to take effect from and after passage.

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

SECTION 1. That on the twentieth day after a general election, or sooner, in case all the returns shall be made, each County Auditor, taking to his assistance two Justices of the Peace of the proper county, shall proceed to open the several returns which shall have been made to his office, and to make ^{Canvassers to open returns and make abstracts—} form of

abstracts of the votes in the following manner :

The abstracts of the votes for Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, Attorney General, Judges and Clerk of the Supreme Court, and Judges of the District Court, and all other State officers, shall be on one sheet, and being certified and signed by the Auditor and the Justices of the Peace, shall be deposited in the said Auditor's office, and a copy thereof certified under the official seal of said Auditor, shall be endorsed and directed to the Secretary of State, and forwarded immediately to the seat of government by mail; and the said Auditor shall make out another certified copy of the abstract of the votes aforesaid, directed to the Speaker of the House of Representatives, and deliver the same to a member of the Legislature, to the end that the same may be conveyed to the Secretary of State at the seat of government; and the said Auditor shall respectively endorse on the envelope, on the outside of each duplicate, "Certificate of the votes for Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, Attorney General, and all other State officers," and the name of the county in which said votes are given; *Provided*, That should the returns directed to the said Speaker not be received, the copy directed to the Secretary of State shall be delivered to the said Speaker.

Duty of Speaker of House of Representatives

SEC. 2. That the Speaker of the House of Representatives shall, within three days after each House shall be organized, cause the abstracts of the votes by him received to be opened and canvassed before both Houses of the Legislature, in conformity with the provisions of the second Section of Article five (5) of the Constitution of this State.

Abstract of votes for county officers—how made out

SEC. 3. That the abstract of votes for Probate Judges, Sheriffs, Coroners, County Auditors, County Treasurers, Registers of Deeds, County Surveyors, Clerks of the District Court, County Attorneys, County Commissioners, and such other officers as now are, or hereafter may be established in any of the counties or districts of this State, shall be made on one sheet, and being certified and signed in the same manner as in case of abstracts of votes for the officers named in the first Section of this Act, shall be deposited in the said Auditor's office, and a copy thereof, certified as aforesaid, shall be immediately inclosed and forwarded to the Secretary of State; and thereupon the Governor shall issue a commission to the person elected to said office, which shall be transmitted to the Auditor of the proper county, and delivered to the person entitled to the same without charge.

Return of votes for Members of Congress—how made

SEC. 4. That the County Auditor in each county, to whose office a return of votes shall be made under the provisions of this Act, shall, in addition to the copy required to be forwarded to the Secretary of State, make out from the returns in his office a second abstract of votes for members of

Congress, which he shall seal and direct to the Secretary of State, and endorse on the outside cover thereof the following words: "Abstract of votes for (naming the officers) returned to the Auditor's office of (inserting the name of the county)," and sign his name thereto, and forward such abstract to the Secretary of State within thirty days after such election.

SEC. 5. That within forty days after said election, the Governor and Secretary of State, in the presence of the Auditor of State, the Attorney General and one or more Judges of the Supreme Court, shall open the returns made to the Secretary of State, for members of Congress; and if it shall appear that returns have been received from all the counties agreeably to the provisions of this Act, the Governor and Secretary of State, in the presence of the officers aforesaid, shall forthwith proceed to ascertain the number of votes given to the different persons for members of Congress, in each Congressional District, or in the State should the same not have been divided into Congressional Districts, and if such returns shall have been received by the Secretary of State, from such delinquent counties, agreeably to the provisions of law, the Governor and Secretary of State shall be governed, so far as relates to such delinquent counties, by the last mentioned abstracts, and the persons having the highest number of votes for the offices named in the fourth Section of this Act, shall be considered duly elected; and the Governor shall give to each person duly elected, a certificate of his election; which certificate shall be signed by the Governor, and sealed with the great seal of the State, and countersigned by the Secretary of State.

Votes for Mem-
bers of Congress
—by whom can-
vassed

SEC. 6. That the County Auditor and Justices, or Judge and Justices, as the case may be, shall within twelve days after the election, declare the person having the highest number of votes for Probate Judge, Sheriff, Coroner, County Auditor, County Commissioners, County Treasurer, Register of Deeds, County Surveyor, Clerk of the District Court and County Attorney, provided said county contains an election district, and the person or persons having the highest number of votes for Senators or members of the Legislature, duly elected, subject to an appeal to the District Court of the proper county, in case of the contested election of Probate Judge, Sheriff, Coroner, County Auditor, County Commissioners, County Treasurer, Register of Deeds, County Surveyor, Clerk of the District Court or County Attorney, and to that branch of the Legislature to which any person may be returned when an election is contested; *Provided*, Notice of such appeal, to the said Court, be entered with the Clerk thereof, within fifteen days from the day of election.

Auditors and
Justices to de-
clare officers
elected

SEC. 7. That the County Auditor shall make out for the Probate Judge, Sheriff, Coroner, County Auditor, County Commissioners, County Treasurer, County Surveyor, Register of Deeds, Clerk of the District Court and County Attorney,

Auditor to give certificates of election and also to each of the Senators and Representatives to the Legislature, provided said county constitutes a senatorial district, who have the highest number of votes given, a certificate of his election, and shall deliver the same to the person entitled thereto upon demand without fee; and he shall also make out for any candidate or elector of his county, on abstract of votes as aforesaid, upon being paid one dollar therefor.

Where two or more counties are in same district

SEC. 8. The County Auditor of each of the several counties of this State which do not constitute or contain a senatorial district, shall make out from the returns in his office, an abstract of votes for members of the State Senate and House of Representatives, which he shall seal and direct to the County Auditor of the senior county in his senatorial district; *Provided*, That if there shall be two or more counties in said district, of the same age, then such returns shall be directed to the Auditor of the county polling the greatest number of votes at the last preceding general election, except in the third senatorial district, in which district such abstract shall be directed to the Auditor of Crow Wing county, and said Auditor shall endorse on the outside of the cover thereof the following words: "Abstract of votes for members of the State Senate and House of Representatives of the county of —," and sign his name thereto, and forward such abstract to the proper Auditor, within twenty days after the day of election.

Provision in third district

Canvass where two or more counties in same district

SEC. 9. When two or more counties are united in one senatorial district, the Auditor of the county last established may within twenty-five days after the day of the election, attend at the office of the Auditor of the senior county, who shall call to his assistance two Justices of the Peace and a District or Probate Judge, who shall then and there open the returns of the votes given in the several counties composing such senatorial district, and said officers shall immediately make out a certificate of the person or persons having the highest number of votes in such senatorial district for a member or members of the Legislature, which certificate shall be delivered to the person entitled to it, on his application verbal or written to the Auditor of the senior county at his office; *Provided*, That the returns for the third senatorial district shall be made to the Auditor of Crow Wing county, within thirty days after the day of election.

Provision in third district

Form of abstract

SEC. 10. The following shall be the form of the abstract of votes provided for in this Act, and shall be used by all returning officers; *Provided*, That no election shall be set aside for want of form in the abstracts provided they contain the substance:

A B S T R A C T .

NAMES OF PERSONS VOTED FOR, AND FOR WHAT OFFICE, CONTAINING THE NUMBER OF VOTES GIVEN FOR EACH CANDIDATE.

GOVERNOR,	A	No. Votes.
	B	No. Votes.
	C	No. Votes.
LIEUTENANT GOVERNOR,	D	No. Votes.
	E	No. Votes.
SECRETARY OF STATE,	F	No. Votes.
	G	No. Votes.
AUDITOR OF STATE,	H	No. Votes.
	I	No. Votes.
TREASURER OF STATE,	J	No. Votes.
	K	No. Votes.
ATTORNEY GENERAL,	L	No. Votes.
	M	No. Votes.
JUDGES SUPREME COURT,	N	No. Votes.
	O	No. Votes.
CLERK SUPREME COURT,	P	No. Votes.
	Q	No. Votes.
MEMBERS OF CONGRESS,	R	No. Votes.
	S	No. Votes.
MEMBERS	T	No. Votes.
OF THE	U	No. Votes.
STATE LEGISLATURE,	V	No. Votes.
	W	No. Votes.
JUDGES DISTRICT COURT.	X	No. Votes.
	Y	No. Votes.
PROBATE JUDGES,	Z	No. Votes.
	A	No. Votes.
SHERIFF,	B	No. Votes.
	C	No. Votes.
CORONER,	D	No. Votes.
	E	No. Votes.
COUNTY AUDITOR,	F	No. Votes.
	G	No. Votes.
COUNTY COMMISSIONER,	H	No. Votes.
	I	No. Votes.
COUNTY TREASURER,	J	No. Votes.
	K	No. Votes.
REGISTER OF DEEDS,	L	No. Votes.
	M	No. Votes.
COUNTY SURVEYOR,	N	No. Votes.
	O	No. Votes.
COUNTY ATTORNEY,	P	No. Votes.

votes for Governor ; E. F.

votes for Governor ; C. D. had

We do hereby certify that A. B. had

votes for Lieut. Governor, &c., (writing the vote at length in figures).

had

A T T E S T :

J. K. } Clerks.
 L. M. }
 A. B. }
 C. D. } Judges of Election.
 E. F. }

SEC. 11. The qualified electors of an election district, present at the opening of the polls, shall, upon proclamation made by the judges of the election, choose *viva voce* an additional clerk of the election, beside the one provided for in the act to which this Act is amendatory, who shall be an elector of the district, to whom one of the judges of the election shall administer an oath of office; and such clerk shall perform the same duties as the other clerk during the election, so that there shall be two register poll lists at every election, one of which shall be transmitted to the Auditor of the proper county with the abstract of the return of the election, which shall be carefully preserved in the office of the County Auditor.

Additional Clerk
—his duties

SEC. 12. There shall be allowed out of the county treasury of each county, to the person carrying the poll lists and abstracts 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
poll lists and ab-
stracts

SEC. 13. Any person who shall willfully neglect or refuse to perform any of the duties imposed upon him by the provisions of this Act, or who shall violate any of the provisions of this Act, or be guilty of any corrupt conduct in the discharge or performance of any duty imposed upon him by the provisions hereof, shall upon conviction thereof be punished in the same manner and the same proceedings shall be had as are prescribed and provided in the act to which this is supplemental and amendatory.

Penalty for non-
performance of
duties

SEC. 14. That Sections twenty (20) and twenty-one (21) of the act entitled, "An Act to regulate elections in this State," passed February twenty-fourth, one thousand eight hundred and sixty, be and the same are hereby repealed.

Repeal of con-
flicting laws

SEC. 15. This Act shall take effect from and after its passage.

AMOS COGGSWELL,
Speaker of the House of Representatives.

WM. MCKUSICK

President *pro tem.* of the Senate.

Approved, March twelfth, one thousand eight hundred and sixty.

ALEX. RAMSEY.

SECRETARY'S OFFICE, MINNESOTA, }
March 12th, 1860.

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

J. H. BAKER, Secretary of State.