

tion for the election of delegates to another convention, the call shall be issued under the provisions of this act, and the primary elections for the election of delegates to such convention, shall be conducted under the provisions of this act. *Provided* this act shall not apply to any political party in any county, city or district polling less than five per centum of the votes cast at the last general election.

Vacancies—
how filled.

SEC. 9. In case any elector duly elected a delegate to a political convention, fails for any cause to serve, he shall not give a proxy to another elector, but the vacancy caused by his failure to serve shall be filled from the qualified electors of such election district by the delegation in which the vacancy occurs. In case any delegation fails to serve, the convention to which such delegation has been elected shall select qualified electors, if such be present at said convention, residing in the same election district from which said delegation was chosen, to act in lieu thereof. In case no qualified elector of the election district represented by the delegation is present, to fill the vacancy caused by the failure of one or more delegates to serve, then the delegates present, shall have the right to cast the full vote of the delegation.

Penalty for
violation.

SEC. 10. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five (\$25) dollars and not exceeding five hundred (500) dollars or imprisonment for not less than thirty days and not exceeding six months.

SEC. 11. This act shall take effect and be in force from and after the first day of July, A. D. eighteen hundred and ninety-five.

Approved April 25th 1895.

B. F. No. 22.

CHAPTER 277.

Corrupt prac-
tice act.

95 C 277
102-M - 104
112-NW 1026

An act to prevent corrupt practices in elections, to limit the expenses of candidates, to prescribe the duties of candidates and political committees, and provide penalties and remedies for violation of this act.

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

Bribery—defi-
nition—who
guilty of

SECTION 1. The following persons shall be deemed guilty of bribery at elections and shall be punished as in this section provided.

First—Every person who shall directly or directly,

by himself or by any other person on his behalf give lend or agree to give or lend, or shall offer, promise, or promise to procure or endeavor to procure any money or valuable consideration or any place or employment, public or private, to or for any voter, or to or for any person, on behalf of any voter, or to or for any person, in order to induce any voter to vote, or refrain from voting, or shall corruptly do any such act as aforesaid, on account of such voter, having voted or refrained from voting at an election.

Second—Every person who shall, upon or in consequence of any gift, loan, offer, promise of any place or employment, public or private, procurement or agreement, procure or engage, promise or endeavor to procure, the election of any person to a public office, or the vote of any voter at any election.

Person corrupting.

Third—Every person who shall advance or pay, or cause to be paid any money to or for the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money wholly or in part, expended in bribery at any election; any person so offending shall be guilty of a felony, and shall be punished by imprisonment in the penitentiary for a term of not more than five years and for every such offense he shall also forfeit the sum of \$500 with costs of suit to be paid into the county treasury for the benefit of the state school fund.

Provided always, that the foregoing enactment shall not extend to or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses bona fide incurred at or concerning any election.

Legal expenses are herein defined to such as are, or may by a reasonable construction be included only in the following, that is to say:

1. For the personal traveling expenses of the candidate.

2. For the rent of hall or rooms for the delivery of speeches relative to principles or candidates in any pending election, and for the renting of chairs and other furniture properly necessary to fit such halls, or rooms for use for such purposes.

3. For the payment of public speakers and musicians at public meetings and their necessary traveling expenses.

4. Printing and distribution of lists of candidates or sample tickets, speeches or addresses by pamphlets newspapers or circulars, relative to candidates or political issues or principles, cards, handbills, posters or announcements.

5. For challengers at the polls at elections.
6. For copying and classifying of poll lists.
7. For making canvasses of voters.
8. For postage, telegraph, telephone or other public messenger service.
9. For clerk hire at the headquarters or office of such committee.
10. For conveying infirm or disabled voters to and from the polls.

Same—person
corrupted.

SEC. 2. The following persons shall also be deemed guilty of bribery at elections, and shall be punished as in this section provided: (1). Every voter who shall, before or during any election, directly or indirectly, by himself, or by any other person on his behalf, demand, receive, agree or contract for any money, gift, loan or valuable consideration, office, place or employment, public or private for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election. (2). Every person who shall, after any election, directly or indirectly, by himself, or any other person on his behalf, demand or receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election, and any person so offending shall be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than three months.

Candidates.

SEC. 3. Any candidate for a public office or any person seeking to become the nominee of any party as such candidate, who, within ten days prior to any primary election or meeting held to select delegates to a convention to nominate a candidate for the public office which he seeks to obtain, or who within sixty days prior to the election whereat an incumbent for the office so sought by him is chosen, corruptly by himself, or by any other person, directly or indirectly, gives or provides or pays, wholly or in part, or promises to pay, wholly or in part the expense of giving or providing any meat, drink, entertainment or provision, to or for any person, for the purpose of corruptly influencing that person or any other person to give, or refrain from giving, his vote at such election, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined twenty-five dollars for each offense.

Coercion.

SEC. 4. Every person who shall directly or indirectly, by himself or any other person on his behalf, make use of or threaten to make use of any force, violence or restraint or inflict or threaten to inflict, by himself or by any other person, any damage, harm or loss upon or

against any person, in order to induce or compel such person to vote or refrain from voting at any election, or who shall, by abduction, duress, or any fraudulent device or contrivance, impede and prevent the free exercise of the franchise of any election, or shall thereby compel, induce or prevail upon any elector, either to give or refrain from giving his vote to any election, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not more than three months.

SEC. 5. A person shall, for all purposes of this act, be deemed guilty of the offense of personation who at any election held pursuant to the laws of the state, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who, having voted once at any election applies at the same election for a ballot paper in his own name or any other name; for his own use and any person who commits the offense of personation, or who aids, abets, counsels or procures the commission of that offense, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for a term of not more than five years.

Personation—
Defalcation.

SEC. 6. No candidate for congress or for any public office in this state, or in any county, district or municipality thereof which office is to be filled by popular election, shall by himself or by, or through any agent or agents, committee or organization, or any person or persons whatsoever, in the aggregate pay out or expend, or promise or agree or offer to pay, contribute or expend any money or other valuable thing in order to secure or aid in securing his nomination or election or the nomination or election of any other person or persons; or both such nomination and election, to any office to be voted for at the same election, or in aid of any party or measure in excess of a sum to be determined upon the following basis, namely: For five thousand voters or less, two hundred and fifty dollars; for each one hundred voters over five thousand and under twenty-five thousand, two dollars; for each one hundred voters over twenty-five thousand and under fifty thousand, one dollar; and for each one hundred voters over fifty thousand, fifty cents—the number of voters to be ascertained by the total number of votes cast for all the candidates for such office at the last preceding regular election held to fill the same; and any payment contribution, or expenditure or promise, agreement, or offer to pay, contribute or expend any

Limit of con-
tribution.

money or valuable thing in excess of said sum, for such objects or purposes, is hereby declared unlawful.

Affidavit of
moneys paid
or promised.

SEC. 7. Every person who shall be a candidate before any caucus or convention, or at any primary election, or at any election for any state, county, city, township, district or municipal office, or for senator or representative in the legislature of Minnesota, or for senator or representative in the congress of the United States, shall within thirty days after the election held to fill such office or place, make out and file with the officers empowered by law to issue the certificate of election to such office or place and a duplicate thereof with the county auditors for the county in which such candidate resides a statement in writing, which statement shall be subscribed and sworn to by such candidate before an officer authorized to administer oaths, setting forth in detail all sums of money contributed, disbursed, expended or promised by him and to the best of his knowledge and belief by any other person or persons in his behalf, wholly or in part in endeavoring to secure or in any way in connection with his nomination or election to such office or place, or in connection with the election of any other persons at said election, and showing the dates when and the persons to whom and the purpose for which all such sums were paid, expended, or promised.

Such statement shall also set forth that the same is as full and explicit as affiant is able to make it.

No officer authorized by law to issue a commission or certificate of election shall issue a commission or certificate of election to any such person until such statement shall have been so made, verified and filed by such persons with said officer.

Penalty for
failing to make
affidavit.

SEC. 8. Any person failing to comply with the provisions of the seventh section of this act shall be liable to a fine not exceeding one thousand dollars, to be recovered in an action brought in the name of the state by the attorney general, or by the prosecuting attorney of the county of the candidate's residence—the amount of said fine to be fixed within the above limit by the court, and to be paid into the school fund of said county; and in default of payment of such fine he may be committed to the county jail until such fine is paid not to exceed six months.

Affidavit a pre-
requisite to
holding office.

SEC. 9. No person shall enter upon the duties of any elective office until he shall have filed the statement provided for in section seven of this act nor shall he receive any salary or any emolument for any period prior to the filing of the same.

SEC. 10. At any time during the term of office of any public officer elected under the laws of this state, or under the charter of any city therein, the person who received the next highest number of votes for such office at the election at which such public officer was elected, as shown by the official count, may present an application in writing, and verified by his affidavit, to the attorney general, setting forth one or more of the following charges against such public officer, to-wit:

Vacancy by reason of corruption.

That at the election at which such public officer was elected, the total amount expended, contributed or incurred by such officer exceeded the sum allowed by section six of this act for such candidate, or that the votes were secured by him or his agent or agents, or with his consent or connivance, or with the consent or connivance of his agent or agents, by some committee or organization or some political party, of which party such public officer was a nominee, or by which he was supported, or the agent or agents of some such committee or organization, by paying, contributing, offering or promising to contribute money or other valuable thing as a compensation or reward, or by some promise or influence, by giving such vote or votes, or that votes were withheld from such applicant by reason of such practices by or on behalf of such officer, agent, committee or organization, or by reason of some act on behalf of such officer declared by this act to be unlawful; and further setting forth that the applicant desires said attorney general to bring an action to have such public office declared vacant on account of said violation of the laws concerning elections.

Next highest number of votes.

Such application shall be accompanied by a bond to the state of Minnesota in the penalty of one thousand dollars, subscribed by two sureties, who shall justify as freeholders of the state, and in double the amount of such penalty exclusive of all their debts and liabilities, and property exempt by law from levy and sale under execution, such bond to be conditioned for the payment to the state of all taxable costs and disbursements for which it may become liable for or on account of such action.

SEC. 11. It shall be the duty of the attorney general, within ten days after the receipt of such application and bond, to begin action against such public officer, or to instruct the prosecuting attorney of the county in which such public officer resides, to bring such action within ten days after such notice, to have said office declared vacant, and for such other or further relief appropriate in an action against the usurper of any office or franchise.

Attorney general—duty.

Said action shall be deemed to be and shall be conducted according to the rules prescribed by law for an action against the usurper of an office or franchise; and it shall be the duty of any prosecuting attorney to bring such action within ten days after the receipt of such notice from the attorney general.

Proceedings in case of failure of officials to act.

SEC. 12. In case the attorney general and prosecuting attorney shall neglect or refuse to bring such action within the time limited in section eleven (11) of this act, it shall be lawful for the applicant to bring such action in the name of the state, but at his own expense, and by his attorney or attorneys; and in any action so brought by said applicant, no recovery of costs and disbursements shall be had against the state;

Provided that in any case, whether instituted by the attorney general or the prosecuting attorney, or by the applicant in person, if the court shall at any time pending such action, find the bond given as aforesaid inadequate in amount to cover the costs accrued or likely to accrue in the cause, or shall find any surety or sureties insufficient, additional bond or other sureties may be required by the court, within such time and upon such terms as the court may order; and upon failure to comply with any such order of the court, such action may be dismissed at the cost of the applicant and his sureties.

Ousting corrupt officer elect.

SEC. 13. If it shall be determined in any such action that any one or more of the charges defined in section 10 of this act and set forth in the petition, has been sustained, judgment shall be rendered ousting and excluding such defendant from such office and in favor of the state or plaintiff, and the case may be, subject to the provisions to the next succeeding section, and for the costs of the action.

But if none of the charges set forth in the petition in said cause be sustained, judgment shall be rendered against such applicant and his sureties on the bond or bonds for the costs of such action.

Party plaintiff and defendant.

SEC. 14. In any such actions, such applicant, upon his own motion or on the motion of the defendant, shall be made a party plaintiff, and in any case in which such applicant shall be a party, if judgment of ouster against the defendant shall be rendered as provided in section 13 of this act said judgment shall award such office to said applicant, unless it shall be further determined in such action, upon appropriate pleading and proof by defendant, that some act has been done or committed which would have been ground in a similar action against such plaintiff had he been declared elected to such office, for a judgment of ouster against him; and

if it shall be so determined at the trial, such office shall be in the judgment declared vacant, and shall thereupon be filled by appointment, or a new election, as may be otherwise provided by law regarding such office.

SEC. 15. No person shall be excused from answering any question on trial of such action relating to any of the acts claimed to have been committed by any party thereto, or any of the persons, committees or organizations mentioned in the twelfth section of this act, on the ground that such answer would tend to incriminate or degrade such person or witness, but no such answer shall be received or used against him in any criminal proceeding.

Incrimination,
no excuse from
answering.

SEC. 16. Every two or more persons who shall be elected, appointed, chosen or associated for the purpose, wholly or in part, of raising, collecting or disbursing money or of controlling or directing the raising, collection or disbursement of money for election purposes, and every two or more persons who shall co-operate in the raising, collection or disbursement, or in controlling or directing the raising, collection or disbursement of money, used or to be used in furtherance of the election or defeat the election to public office of any person or any class or number of persons, or in furtherance of the enactment or to defeat the enactment of any law or ordinance, or constitutional provision, shall be deemed a political committee within the meaning of this act.

Political com-
mittee—defini-
tion.

SEC. 17. Every political committee shall appoint and constantly maintain a treasurer, to receive, keep and disburse all sums of money which may be collected or received or disbursed by such committee, or by any of its members, for any of the purposes mentioned in section 16 of this act, for which such committee exists or acts, and unless such treasurer is first appointed and thereafter maintained, it shall be unlawful and a violation of this act for a political committee or any of its members to collect, receive or disburse moneys for any such purpose.

All moneys col-
lected by polit-
ical committee
to pass
through treas-
urer.

All money collected or received or disbursed by any political committee, or by any member or members thereof, for any of the purposes mentioned in section 16 of this act, and for which such committee exists or acts, shall be paid over and made to pass through the hands of the treasurer of such committee and shall be disbursed by him; and it shall be unlawful and a violation of this act for any political committee, or for any member or members of a political committee, to disburse or expend money for any of the objects or purposes mentioned in section 16 of this act, and for which such committee exists or acts, until the money so dis-

bursed or expended shall have passed through the hands of the treasurer of such political committee.

Duties of treasurer.

SEC. 18. Every treasurer of a political committee, and every person who shall at any time act as such treasurer, shall, whenever he receives or disburses money as such treasurer, or for or on account of any of the objects or purposes mentioned in section 16 of this act, immediately enter and thereafter keep, in a proper book or books to be provided and preserved by him, a full, true and detailed statement and account of each and every sum of money so received or disbursed by him, setting forth in such statement the sum so received or disbursed, as the case may be, and the date when and the person from whom received, or to whom paid, as the case may be, and the object and purpose for which such sum was received or disbursed.

Treasurer's account to be filed with county auditor

SEC. 19. Every treasurer of a political committee, as defined in this act and every person who shall act as such treasurer, shall, within thirty days after each and every election, whether state, county, city, municipal, township or district election, in or concerning or in connection with which he shall have received or disbursed any money for any of the objects or purposes mentioned in section 16 of this act, prepare and file in the office of the county auditor of the county in which such treasurer resides, a full, true and detailed account and statement, subscribed and sworn to by him before an officer authorized to administer oaths, setting forth each and every sum of money received or disbursed by him for any of the objects or purposes mentioned in section 16 of this act, within the period beginning ninety days before such election, and ending on the day on which such statement is filed, the date of each receipt and each disbursement, the name of the person from whom received or to whom paid, and the object or purpose for which the same was received, and the object or purpose for which disbursed.

Such statements shall also set forth, the unpaid debts and obligations, if any, of such committee, with the nature and amount of each, and to whom owing, in detail, and if there are no unpaid debts or obligations of such committee, such statement shall state such fact.

Duty of county auditor.

SEC. 20. Every county auditor shall receive and file in his office and there keep, as a part of the records thereof, for four years after they are filed, all statements and accounts required by this act to be filed with him.

Such statements and accounts, shall, at all reasonable times, be open to public inspection.

After four years succeeding the filing of such state-

ments, they shall be destroyed by such officer or his successor.

Copies of such statements, certified by such officer under the seal of his office, of any such statement or statements, and any copy so certified, shall be admitted in evidence in all courts, with like force and effect as the original would have if produced.

SEC. 21. Every treasurer of a political committee, as defined in this act, who shall willfully fail, neglect or refuse to make out, verify and file with the county auditors the statement required by section 19 of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars, or by imprisonment not more than three months.

Penalty for dereliction by treasurer of political committee.

SEC. 22. Every treasurer of a political committee, and every person who shall receive any money to be applied to any of the purposes mentioned in section 16 of this act who shall either:

Other penalties

First—Neglect or fail to keep a correct book or books of account, setting forth all the details required to be set forth in the account and statement contemplated in sections 18 and 19 of this act, (except that the book or books need not be subscribed or sworn to), with intent to conceal the receipt or disbursement of any such sum received or disbursed by him, or by any other person, or the purpose or object for which the same was received or disbursed, or to conceal the fact that there is any unpaid debt or obligation of such treasurer of committee, or the nature or amount thereof, or to whom owing, in detail; or

Second—Mutilate, deface or destroy any such book or books of account, with intent to conceal any fact disclosed by such book or books; or

Third—Fail to file the statement and account contemplated by said section 19 within five days after he shall receive notice, in writing, signed by five residents freeholders of the county in which such treasurer or political committee or person resides, requesting him to file statement and account, shall be guilty of a misdemeanor, and on conviction, shall be imprisoned in the county jail for not more than three months, or shall be fined not more than one hundred dollars.

SEC. 23. Any willful violation of any of the provisions of this act, the penalty for which is not herein specifically provided for, shall be deemed a misdemeanor and shall be punished as such.

Penalties—generally.

SEC. 24. All acts or parts of act inconsistent with this act are hereby repealed.

SEC. 25. This act shall not apply to village, township or school district elections.

Application.

SEC. 26. This act shall take effect and be in force from and after its passage.

Approved April 26th 1895.

S. F. No. 621.

CHAPTER 278.

Counties.

An act to authorize counties to procure title to lands for public purposes, to improve the same by the preservation or cultivation of timber thereon, and to establish or aid in establishing public parks.

95 C 278
97 - 295

95 C 278
71.M 202

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

Procuring
lands for public
purposes.

SECTION 1. It shall be lawful for the board of county commissioners of any county in this state, whenever in the judgment of said board the present or future public interests of said county would be promoted thereby, to procure and receive by gift or by purchase, the title to any lands in said county, not exceeding an amount reasonably necessary for public purposes and they may improve and beautify the same by the preservation or cultivation of timber thereon or otherwise and hold the same as the public property of said county, as a site for any public building or other public purpose; and said board may set apart and improve the whole or any part thereof temporarily or permanently as a public park; and said board may at any time, if the public interests require, sell and convey any such lands on such terms as may in the judgment of said board be advantageous, whether the same was acquired by gift purchase or otherwise.

How paid.

SEC. 2. For the purpose of acquiring the title to any such lands acquired in whole or in part by purchase, the said board of county commissioners is hereby authorized to pay the purchase price thereof out of any moneys in the county treasury not otherwise appropriated, or to issue therefor the warrants or bonds of said county in payment therefor in a sum not in excess of the reasonable value of said lands or parts of such lands so purchased, and may fix the time and terms of payment of said warrants or bonds, and what interest if any they shall bear, according to the terms of purchase agreed upon.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.