

SEC. 3. When said commission shall have determined the value of said improvements and made such award thereof it shall file its report with the governor, which shall be deemed to be an adjustment of said claim and a settlement of all claims and demands of whatever nature by said Twin City Jockey Club, its successors or assigns against the state, growing out of the permanent improvements heretofore made at said state fair grounds by it, and thereupon the state auditor shall draw his warrant for the amount so awarded and determined upon by said commission, as aforesaid, payable out of any money in the state treasury not otherwise appropriated.

Commission
to report to
governor.

Provided, that before the said money awarded as here-
in provided shall be paid the said Twin City Jockey Club,
its successors or assigns, it, he or they, as the case may
be, shall convey to the State of Minnesota all claims on
account of the said permanent improvements aforesaid,
as well as all claims or demands against the State of Min-
nesota of every name, nature or description.

Payment of
award, when
made.

The form of the conveyance to be approved by the
attorney general.

SEC. 4. This act shall take effect and be in force from
and after its passage.

Approved April 20th, 1899.

CHAPTER 349

H. F. No. 878.

*An act providing for the selection of candidates for
elections by popular vote, and relating to elections.*

Primary
elections in
counties of
200,000 peo-
ple.

Be it enacted by the Legislature of the State of Minne-
sota:

SECTION 1. On Tuesday seven (7) weeks preceding any
election (except special elections) at which officers of and
for any county or city in this state are to be elected, a
primary election shall be held in the several election dis-
tricts of said county or city, in accordance with this act,
which shall be known as the primary election, for the
purpose of choosing candidates for all elective county
and city officers, judges, elective members of school
boards, park boards, library boards, and all other officers
which are to be chosen wholly by electors within and of
such city or county at said ensuing election, and said pri-
mary election day shall be and constitute the first day
of the registration of electors for the next ensuing elec-
tion in all election districts of counties which are subject

Time for
holding, can-
didates to be
chosen at

to the provisions of this act, and shall be in lieu of the first day now provided by law for the registration of electors in such districts; but nothing herein shall be construed to affect the date of the second or subsequent registration days now provided by law. This act shall apply only to counties having or which may hereafter have, a population of two hundred thousand (200,000) inhabitants or more, and shall apply only to such offices as are balloted for solely within the confines of one such county. For all other official positions within the gift of the people by ballot such other provisions as are provided by law shall apply.

POLITICAL PARTIES.

SEC. 2. A political party within the meaning of this act is one which shall have cast at least ten (10) per cent of the total vote cast at the last proceeding [preceding] election for its leading candidate, or shall present to the county auditor a petition asking for the right to have a primary election ticket as hereinafter provided for, such petition to contain at least ten (10) per cent. of the qualified electors of the county in which the privilege is asked. Nominations of candidates for said offices shall be made by such political parties in accordance with the provisions of this act and not otherwise; *provided*, that nothing herein contained shall be construed to prevent the nomination of candidates for such offices by any groups, individuals or so-called political parties which are not recognized political parties in accordance with this section, by petition in accordance with chapter four (4) of the General Laws of Minnesota for eighteen hundred and ninety-three (1893), which act shall be herein referred to as the general election law.

ELECTION DISTRICTS.

SEC. 3. The election districts for the purposes of this act shall be the districts which shall be fixed and determined according to law for the purposes of the election next following the primary election; and it shall be the duty of the city council, the supervisors of the towns or other officers required by said general election law to divide the territory over which they have jurisdiction into various election districts, to make such division at least two (2) weeks prior to the holding of said primary election.

The maps or description of such division required by said general election law to be made and posted shall be made and posted at least one week preceding said pri-

Political parties, definition of.

Not to present nominations by petitions.

Election districts, definition of.

Maps of districts, how made and posted.

mary election, and copies of such map or description shall be furnished to the judges of primary election in each district.

"CANDIDATES."

SEC. 4. At least eleven (11) days before the primary election day, any person who shall be eligible to an office which he seeks shall appear before the county auditor with an affidavit to the effect that it is bona fide his intention to run for the nomination for any specified office, and he shall then and there present a petition which shall contain at least five (5) per cent. of the total vote cast for the candidate of the party with which he affiliates, for the same position, at the last general election, each name on the petition to be that of a qualified elector, and upon payment of ten (10) dollars to the county auditor, a receipt for which shall be given him, the county auditor shall place his name upon the primary election ballot of his party, as hereinafter provided.

Candidates, now presented.

The county auditor shall number each petition in numerical order as received. Such fee of ten (10) dollars, in case of a candidate for a city office, shall be immediately paid into the city treasury by the auditor, and in other cases shall be so paid into the county treasury.

Form of affidavit by candidate.

Said affidavit may be in substantially the following form:

"I, A..... B....., being duly sworn (or affirmed), say that I reside at number..... street..... (city or town of..... County of..... State of Minnesota, and am a qualified voter therein, and a..... (name of party), that I am a candidate for nomination to the office of..... to be made at the primary election of said party to be held on..... and hereby request that my name be printed upon the official primary ballot, as provided by law, as a candidate of the..... party.

Subscribed and sworn (or affirmed) to before me..... date

BALLOTS.

SEC. 5. The method of voting at such primary election shall be by ballot, and all ballots voted shall be printed as herein provided.

Ballots, how prepared and printed.

On the tenth (10th) day before the primary election the county auditor shall group all the candidates for each party by themselves, and shall prepare at once, in writing, a separate sample ballot for each party for public inspection, which he shall post in a conspicuous place in

Sample ballots, how prepared.

his office. He shall then proceed to have printed a separate primary election ballot for each political party which has qualified as hereinbefore provided, these ballots to be prepared in the following manner:

Name of party on ballot.

Each party ticket shall be absolutely uniform in color and size, shall be white and printed in black ink. Across the head of each ballot shall be printed in plain black type, first: the name of the political party on each ticket, following the words, "Primary Election Ballot." On the next line and in smaller type shall be printed the words "List of Candidates for Nomination to be voted for in District" (naming the district that certain ballot is intended for).

Name of ward, city, village, town, etc.

Ward (naming the ward that certain ballot is intended for), followed by the name of the city, town or village in which the ballot is to be used.

Signature of county auditor.

On the next line, and to the right on the ballot, shall be a fac-simile of the signature of the county auditor making up the tickets, followed by the words "County Auditor."

Direction.

On the next line shall be printed the words "Electors can vote but one of these tickets, but must return them all folded together, to the judge at the ballot box."

Balance of ballot to be same as at general election.

The balance of the ticket is to be made up in the same manner as the ballots used at general election, except that: The tickets are to be made up under the head, in two (2) columns, with a design of parallel or fillagree rule one-quarter ($\frac{1}{4}$) inch wide, to separate the columns.

Heading of column.

At the top of each column shall appear the words "To vote for a person, mark a cross X in the square at the right of the name of the person for whom you desire to vote."

Headings to be inclosed.

Each one of these sentences at the head of each column shall be inclosed in a rule, the same as the names of each candidate, and at its end shall be a square directly over the squares in which marks are to be made, that square to have a black cross, X, which shall show the voter how to mark the ballot.

Designation of office and names of candidates.

Beginning at the top of the left hand column, at the left of the line, in black type, shall appear the position for which the names following are candidates, and to the extreme right of the same line the words "vote for," then the word "one," "two," or a spelled number designating how many persons under that head are to be voted for.

Following this shall come the names of each candidate for that position, enclosed in a light face rule, with a square to the extreme right, the parallel rules containing the names to be three-sixteenths ($\frac{3}{16}$ ths) of an inch apart.

Each position with the names running for that position shall be separated from the following one by a black face rule to separate each position clearly.

Separation of positions.

The positions shall be arranged as follows, provided nominees for such positions are to be selected in said county under the provisions of this act hereinafter provided: First, judiciary; next, congressional; next, county officers; next, legislative; next, city officers; in all cases following under each heading here given the rotation used in the make-up of the various ballots at the general election.

Order of positions.

SEC. 6. The names of candidates for each office upon the sample ballot shall be arranged alphabetically, according to surnames.

Names of candidates to be arranged alphabetically.

The names of candidates under headings designating each official position shall be alternated on the ballots in the printing in the following manner:

Names of candidates to be alternated on ballots, how.

First, the forms shall be set up with the names in the order in which they are placed upon the sample ballot prepared by the county auditor. In printing each set of tickets for the various election districts, the positions of the names shall be changed in each office division as many times as there are candidates in the office division in which there are the most names. As nearly as possible an equal number of tickets shall be printed after each change. In making the changes of position, the printer shall take the line of type at the head of each office division and place it at the bottom of that division, shoving up the column, so that the name that was second before the change shall be first after the change.

After the ballots are printed, before being cut, they shall be kept in separate piles, one pile for each change of position, and shall be then piled by taking one from each pile and placing it upon the pile to be cut, the intention being that every other ballot in the pile of printed sheets shall have names in a different position.

Ballots, how kept and cut.

After the pile is made in this manner, then they may be cut, and placed in blocks as provided by the general election law.

There shall be no printing on the back of the ballots, or any mark to distinguish them, but the initials of the judge or clerk.

Except as herein otherwise provided, the following sections of said general election law are hereby made applicable to primary elections and primary election ballots under this act, to-wit:

Sections of general election law applicable.

Sections twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-nine (29) and thirty (30).

NOTICES AND PLACE OF PRIMARY ELECTIONS.

Primary election, where held.

SEC. 7. The primary election shall be held in each election district at the place where the last election was held, or such other place as may be lawfully designated for the polling place for the election district, and shall be held at the place where the registration of voters occurs for the election then next ensuing.

Notice of, how given.

The notice required by section forty-six (46) of said general election law shall be given with reference to such primary election, and said selection is hereby made applicable to primary elections held hereunder.

JUDGES AND CLERKS.

Judges, how appointed.

SEC. 8. The judges of election within the counties subject to the provisions of this act shall be appointed and designated in the manner provided by said general election law at least ten (10) days prior to the primary election day, and the judges of election so designated in and for each election district in such county and sitting therein as a board of registration shall be and constitute the judges of primary election for such district.

Clerks, how appointed.

In all election districts wherein provision is made by said general election law for the appointment of clerks of election, such clerks shall be appointed by the judges of election in the manner provided by section fifty-two (52) of said general election law, and said clerks shall assist the said board at and during the primary election and registration upon said primary election day.

Duties of clerks.

The clerks may handle and make the necessary entries in the books of registration and the tally sheets in counting, or perform such other work as the judges may assign to them.

Judges to appoint additional clerks, when and how.

In case of emergency said judges may call to their assistance and appoint a number of clerks, not exceeding two additional, having the same qualifications as the said first named clerks, providing that said last named clerks shall receive no pay, unless it shall appear that they were necessarily appointed, and shall receive pay for such time only as they are necessarily employed to meet such emergency.

Vacancies of clerks, how filled.

SEC. 9. If a judge or clerk of election shall fail to attend at said primary election, or be a candidate thereat, disqualified, refuses to act, or fails to qualify, or if any vacancy occurs, judges shall be chosen and clerks appointed to act instead in the manner prescribed by sections fifty-four (54) and eighty-eight (88) of said general election law, which sections are hereby made applicable to primary elections held under this act so far as may be,

and all judges and clerks before acting shall qualify by taking and subscribing the oath as in said section fifty-four (54) provided, which oath shall be held to cover the duties of judges and clerks of elections at such primary election.

On the primary election day the judges and clerks of elections shall perform both the duties of the board of registration as prescribed by said general election law and the duties of judges and clerks of primary election, but shall receive single pay for actual time employed only, notwithstanding they act in such double capacity.

Judges and clerks to be governed by general election law.

REGISTERS.

SEC. 10. The registers provided by said general election law for the registration of voters shall have therein an additional column headed "Voted, Primary Election." No names of voters shall be placed upon said registers prior to the day of primary election; nor shall any be placed thereon upon said day, in any incorporated city, except of those who shall appear in person before the board of registration for that purpose.

Form of registers.

COPIES OF LAW.

SEC. 11. The secretary of state shall provide copies of this law in conjunction with said general election law as amended, and transmit the same to the county auditor of those counties which are subject to the provisions of this act, at least nine (9) days before any such primary election, and the same shall be in lieu of any such copies of said general election law required to be transmitted to county auditors by the secretary of state for use in such counties.

Copies of law to be provided by secretary of state.

LIQUOR AND SALOONS.

SEC. 12. The provisions of sections sixteen (16), seventeen (17) and eighteen (18) of said general election law, relating to liquor and saloons, except the closing of the saloons on election day, shall apply in like manner to the primary election day, under this act, during all the times that the polls are required to be open, and the said sections are hereby adopted as a part of this act, and the mayor shall make proclamation as to said primary election day in accordance therewith.

Saloons to be closed same as general election day.

ARRANGEMENT AT POLLS, BALLOT BOXES, ETC.

SEC. 13. The following sections of said general election law as amended, relating to the place of holding the election, change thereof, arrangements at polling places, the ballot boxes, booths, constables, sheriffs, police

Arrangement at polls, sections of general election law applicable to.

officers, arrests and gatekeepers, are hereby made applicable to primary elections held under this act, to-wit: Sections seventy-four (74), seventy-five (75), seventy-six (76), seventy-seven (77), seventy-eight (78), seventy-nine (79), eighty (80) and eighty-seven (87); except that no more than one (1) ballot box for male voters, and one (1) ballot box for women who may be entitled to register and vote at the next ensuing election for any officer for which nomination is to be made at the primary election, shall be provided for the primary election; and for the purpose of determining the number of booths to be provided, recourse shall be had to the number of electors registered at the last preceding election within the same territory, ascertained as near as may be.

SUPPLIES FOR POLLS, ETC.

Supplies, sections of general election law applicable to.

SEC. 14. The following sections of said general election law, except as herein otherwise provided, are hereby made applicable to primary elections held under this act, to-wit: Sections eighty-one (81), eighty-two (82), eighty-three (83), eighty-four (84), eighty-five (85), eighty-six (86).

VOTING.

Polls, when kept open. Electors present allowed to vote after time of closing.

SEC. 15. The polls in the several election districts on the primary election day shall be kept open for the purpose of voting and the same officers shall remain in session for the purpose of the registration of voters, for the same length of time, (which shall be from six (6) o'clock in the morning until nine (9) o'clock in the evening. If at the hour of closing there are any electors in the polling place, or in line at the door, desiring to vote, and who are qualified to register and participate therein, and have not been able to do so since appearing at the polling place, said polls shall be kept open reasonably long enough after the hour for closing to allow those present at that hour to register and vote. No one not present at the hour of closing shall be entitled to register and vote because the polls may not actually be closed when he arrives.

No intermission allowed.

No adjournment or intermission whatever shall take place until the polls shall be closed and until all the votes cast at such poll have been counted and the result publicly announced; but this shall not be deemed to prevent any temporary recess while taking meals or other necessary delay, provided that the board shall remain in session and that no more than one member of the board of election shall at any time be absent from the polling place.

SEC. 16. All persons entitled to registration as voters in the election district on the day of the primary election, for the purpose of voting at the ensuing election, shall be entitled to participate in the primary election, but no voter shall receive a primary election ballot or be entitled to vote until he shall have first been duly registered as a voter then and there in the manner provided by law, upon which registration (unless challenged and if challenged, then only in event that the challenge is determined in favor of the voter) he shall be entitled forthwith, but not later, to receive such ballots, and such ballots shall at once be tendered to him, to-wit: One each of the primary election ballots for each party, pinned together, and with the initials of the judges upon the back of each ballot at the bottom edge. A judge of election shall instruct the voter that he is to vote for his choice for each office, using only the one ballot of the party with which he affiliates, but that he must return all ballots pinned and folded together, with the edges upon which are the initials of the judges uppermost.

Qualifications
of voters.

SEC. 17. When an elector has received his ballot, he shall forthwith retire to an unoccupied booth, and without undue delay mark the ballot of that party with which he affiliates as he sees fit with the indelible pencil to be found in such booth. If he soils or defaces said ballot, he shall at once return the same and get a new ballot. In marking his ballot, he shall observe the following rules:

Manner of
voting.

1. The elector shall designate his choice on his ballot by marking a cross (X) mark in each of the small squares opposite the names of the candidates for whom he desires to vote, being careful not to vote for more candidates for an office than are to be elected thereto at the election to follow the primary election as indicated on the ballot at the right of each office for which candidates are to be selected.

2. Rules No. 4 and 5 of section one hundred (100) of said general election law relating to ballots wrongly marked and rejected ballots are hereby made applicable to primary elections held under this act.

Rejected bal-
lots.

SEC. 18. When an elector has prepared his ballot he shall fold all ballots received by him, pinned together with the edges upon which are the initials of the judges uppermost, and so folded as to conceal the face thereof, and all marks thereon, and shall hand the same to the judge of primary election who is in charge of the ballot boxes. The folded ballots, when returned, shall be placed in the proper ballot boxes, and the name of the voter shall be checked off upon said registers in the column headed Primary Election.

Manner of
casting
vote.

Sections of
general elec-
tion law
applicable.

Except as herein otherwise provided, the following sections of said general election law are hereby made applicable to primary elections held under this act, to-wit: Sections eighty-nine (89), ninety (90), ninety-one (91), ninety-two (92), ninety-three (93), ninety-four (94), ninety-seven (97), ninety-eight (98), ninety-nine (99), one hundred one (101), one hundred two (102), one hundred three (103), one hundred four (104), one hundred five (105), one hundred six (106), one hundred seven (107), one hundred eight (108), one hundred nine (109), one hundred ten (110), one hundred eleven (111), one hundred twelve (112), one hundred thirteen (113), one hundred fourteen (114), one hundred fifteen (115), one hundred sixteen (116), one hundred [seventeen] (117), one hundred eighteen (118).

Statement
of vote,
form of.

SEC. 19. As soon as the polls are finally closed and before the canvass of votes, the judges and clerks of election shall prepare upon a blank delivered to them by the county auditor for that purpose a statement substantially as follows:

"Poll list statement of a primary election held in (name of city or village) Minnesota, ward or town, district, on the (day and year)."

"The number of persons whose names appear upon the registers as present at the above named primary election was, of whom where [were] women. The number of ballots cast by men was and the number of ballots cast by women was"

Statement
blanks,
how filled.

The blanks in said form shall be filled by the proper number, in each case to be written in words and figures. Said form shall, before the canvass of the votes, be signed by each of the judges, and attested by each of the clerks. They shall also fill at the same time, in the registers, in the column for marking those who "voted" at such primary election, the word "no" opposite the name of every person whose name appears in the said registers who has not voted at such primary election.

CANVASS OF VOTES.

Ballot boxes,
how opened.
Examination
and division
of ballots.

SEC. 20. Upon the completion of the matters prescribed in the last section the clerks and judges of registration shall immediately open the ballot boxes at each polling place, and proceed to take therefrom the ballots. Each folded bunch of ballots shall be examined, to see that all have been returned, and said officers shall count the number of ballots cast by each party, at the same time bunching the tickets cast for each party together in separate piles, and shall then fasten each pile separately by means of a brass clip, or may use any means which shall effectually fasten each pile together at the top of each ticket.

In the examination of the tickets, should it appear that some of the electors have marked names upon different tickets, or some names upon all the tickets, then the judges shall examine them all and shall accept only, to be counted, the ticket upon which the largest number of names are marked, and in case the same number or a like number shall be marked on two of the tickets bearing the highest number of marks, then neither ticket shall be counted. The clerks and judges shall preserve all ballots that are not sorted to be counted, and they shall be returned with the unused and spoiled ballots to the county auditor.

As soon as the clerks and judges shall have sorted and fastened together the ballots of each separate party, then they shall take the tally sheets provided by the county auditor, and shall count all the ballots for each party separately, until the count is completed, and shall certify to the number of votes cast for each candidate for each office upon the ticket of each party. They shall then place the counted ballots in the box, but in no case shall they separate them from each other. After all have been counted and certified to by the clerks and judges they shall seal the returns for all parties in one envelope, to be returned to the county auditor.

Ballots, how counted, kept and returned.

Except as herein otherwise provided, the matters pertaining to the canvass of votes shall be conducted in the manner prescribed by the following sections as amended, of such general election law, and the same are hereby made applicable to primary elections held under this act, to-wit:

Sections one hundred twenty-three (123), one hundred twenty-five (125), one hundred twenty-six (126), one hundred twenty-seven (127), one hundred twenty-eight (128), one hundred twenty-nine (129), one hundred thirty-four (134), one hundred thirty-five (135), one hundred thirty-six (136), one hundred thirty-seven (137), one hundred thirty-eight (138), one hundred forty-eight (148), and one hundred forty-nine (149).

Sections of general election law, applicable to count of ballots.

TALLY SHEETS.

SEC. 21. Two tally books or two sets of tally sheets for each political party having candidates to be voted for at said primary election shall be furnished for each election district by the county auditor, at the same time and in the same manner that the ballots are furnished and shall be substantially as follows:

Tally sheets, form of.

Each tally sheet, or the first sheet of each tally book to be furnished, shall be headed "Tally Sheet for (name of political party) (name of city or vil-

lage) (county), (ward or town),
 election district, for a primary election
 held (date)."

The names of candidates shall be placed on the tally sheets in the order in which they appear on the official sample ballots, and in each case shall have the proper party designation at the head thereof.

Except as herein otherwise provided, tally sheets shall be prepared in accordance with sections one hundred thirty (130), one hundred thirty-two (132) and one hundred thirty-three (133) of said general election law, and the same are hereby made applicable to primary elections held under this act.

RETURNS.

SEC. 22. In making out the returns of the primary election in the several election districts the same shall be done and all matters pertaining thereto conducted in accordance with the following sections of said general election law, except as herein provided, to-wit:

Sections one hundred fifty-one (151), one hundred fifty-two (152), one hundred fifty-three (153), one hundred fifty-six (156), one hundred fifty-seven (157), one hundred sixty-one (161), and one hundred sixty-two (162), and said sections are hereby made applicable to primary elections held under this act.

CANVASSING BOARD.

SEC. 23. The clerk of the district court of the county, the county auditor, the chairman of the board of county commissioners, and two justices of the peace of the same county, of opposite political parties from that of the majority of the other members of the canvassing board, if possible, to be selected by the clerk of the district court, shall constitute the county canvassing board for the purposes of the primary election and shall meet at the court house in the county at ten (10) o'clock in the morning of the second day after said primary election, and shall proceed, after taking the usual oath of office, to openly and publicly canvass the primary election returns made to the county auditor.

Any three of said canvassing board shall constitute a quorum, and are authorized to make the canvass herein provided and to certify to the results thereof.

The canvassing board shall not wait until all the returns are at hand before beginning, but after filling out their sheets with the names and number of the election districts, they shall take such election returns as are at hand, and fill in the results there shown, and when the returns are not at hand they shall leave a space until the missing returns are brought in.

Returns
made same
as under gen-
eral election
law.

Canvassing
board, how
constituted
and organized.

Quorum of
canvassing
board.

Canvassing
board, pro-
cedure of.

SEC. 24. The canvassing board shall make and prepare a statement, the same to be signed by the said board, and filed in the office of the county auditor, as follows:

Canvassing board to make statement, form of.

1—A statement containing the names of all candidates voted for at the primary election, with the number of votes received by each, and for what office, said statement to be made as to each political party separately.

2—A statement of the names of the persons or candidates of each political party who are nominated, to-wit: Those persons or candidates of such political party who received the highest number of votes for the respective offices; and where there is more than one person to be elected to a given office at the ensuing election, there shall be included in said statement of nominations the names of so many candidates of such party receiving the next highest number of votes for that office as there are persons to be elected to such office at said ensuing election. Said statement shall in like manner be made separately as to each political party.

3—A statement of the whole number of electors registered and the number of ballots cast, male and female, separately at such primary election.

If two or more candidates of the same political party are 'tied' for the same office, the 'tie' shall be determined by lot to be cast then and there by and as the canvassing board may determine.

It shall be the duty of the county auditor upon the completion of its canvass by said canvassing board to mail or deliver in person to each candidate so nominated, a notice of such fact, that his name will be placed upon the official ballot at the ensuing election, provided a fee to be named therein is paid on or before the day to be named therein, in each case the same to be named in accordance with the fee and date required by said general election law, and a notice further that his name will not be placed upon the ballot if said fee is not paid by such time.

SEC. 25. The persons whose names are so properly placed in said nominated statement shall be and constitute the nominees of the several political parties in which they were candidates, and such names shall be printed upon the official ballot prepared for the ensuing election, in like manner as if such persons had been duly nominated by a party convention of delegates, with the certificate thereof filed as required by said general election law; *provided*, no name shall be placed upon the ballot for said ensuing election unless the further fee required by said general election law is paid within the time therein required as in case of filing certificates of nomination from conventions.

Nominations, how declared.

Vacancies in nominations by death, etc., how filled.

No names of candidates of any political party which is required to make nominations under this act for officers to be voted for wholly within such county shall be placed upon the official election ballot, unless such candidates have been chosen in accordance with this act; except in case of a vacancy occasioned by the death, removal or resignation of any candidate so chosen or arising otherwise, and in such event, the campaign or party committee of the same political party, or if there be no such committee, then a mass convention of such party, may fill such vacancy, the name of such new candidate to be certified under oath to the county auditor by the chairman and secretary of such committee or convention.

COMPENSATION AND EXPENSES.

Expenses of primary election; sections of general election law applicable.

SEC. 26. The following sections of said general election law relating to compensation and expenses are hereby made applicable to primary elections held under this act, except as may be herein otherwise provided, to-wit: Sections one hundred fifty-eight (158) and one hundred seventy-two (172). The compensation of the clerk of the district court shall be the same as that of other members of the canvassing board.

REVIEW BY COURTS.

Error or omission in official ballot, how prevented and corrected.

SEC. 27. Whenever it shall appear by affidavit to any judge of the supreme court or district court of the county that an error or omission has occurred or is about to occur in the printing of the name of any candidate on official ballots, or that any error has been or is about to be committed in printing the ballots, or that the name of any person has been or is about to be wrongfully placed upon such ballots, or that any wrongful act has been performed or is about to be performed by any judge or clerk of the primary election, county auditor, canvassing board or member thereof, or by any person charged with a duty under this act, or that any neglect of duty by any of the persons aforesaid has occurred, or is about to occur, such judge shall by order require the officer or person or persons charged with the error, wrongful act or neglect to forthwith correct the error, desist from the wrongful act or perform the duty, and do as the court shall order or to show cause forthwith why such error should not be corrected, wrongful act desisted from, or such duty or order performed. Failing to obey the order of such judge shall be contempt.

Contest for nomination, how conducted and settled.

Any candidate at such primary election who may desire to contest the nomination of any candidate for the same office as [at] said primary election may proceed by

such affidavit so presented, provided that such affidavit be presented within five (5) days after the completion of the canvass by said canvassing board, and not later, and the candidate whose nomination is so contested shall, by the order of such judge duly served, be required to appear and abide by the orders of the court to be made therein.

OFFENSES AND PUNISHMENTS.

SEC. 28. The offenses and penalties and punishments thereof, as set forth in the following sections of said general election law, shall be applicable to the same persons and matters pertaining to the primary elections held under this act, and said sections are hereby made applicable to primary elections held under this act, to-wit: Section one hundred fifty-nine (159), one hundred sixty (160), one hundred ninety-four (194), one hundred ninety-five (195), one hundred ninety-six (196) and one hundred ninety-seven (197).

Offenses,
how punished.

SEC. 29. This act shall take effect and be in force from and after its passage.

Approved April 20th, 1899.

CHAPTER 350.

H. F. No. 372.

An act providing for condemnation of right of way by street railway companies in certain cases.

Street rail-
way com-
panies, right
of way of.

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

SECTION 1. Any corporation organized under the laws of this state, for the purpose of constructing a street railway in this state, wholly or partly without the limits of any city or cities, shall have the right to acquire and occupy private right of way throughout any portion of its route outside the limits of any city or cities, whenever deemed necessary by such corporation, and for that purpose shall have the power to exercise the right of eminent domain, including the crossing of intervening highways when necessary, and the provisions of sections twenty-six hundred and five (2605) to twenty-six hundred and sixteen (2616), both inclusive, and section twenty-six hundred and forty-two (2642), Statutes of Minnesota, eighteen hundred and ninety-four (1894), so far as consistent herewith, shall apply to and govern the exercise of such right.

May exercise
right of
eminent do-
main outside
of city
limits.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 20th, 1899.