

valid.—If for any reason this act shall be held to be invalid, then all such taxes when collected shall be paid into the state treasury and credited to the General Revenue Fund.

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

Approved April 19, 1923.

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#### CHAPTER 403—H. F. No. 1389.

*An act to amend Section 5031 General Statutes of Minnesota for 1913 relating to fees for examination of pharmacists.*

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

Section 1. State pharmacy board—Fees for examination.—That Section 5031 General Statutes of Minnesota for 1913 be and the same is hereby amended so as to read as follows:

"5031. The board shall meet at least once in every three months to examine applicants for registration and transact its other business, giving reasonable notice of all examinations, by mail, to known applicants therefor. The secretary shall record the names of all persons registered by the board, together with the grounds upon which the right of each to registration was claimed. The fee for examination shall be ten dollars. All registered pharmacists and assistants, while employed as such, shall be exempt from service as jurors. On hearing, the board may revoke any certificate of registration obtained by false representation or other fraud, or when the holder is addicted to the liquor or drug habit so as to unfit him for the practice of pharmacy, and may refuse registration to any person so addicted."

Approved April 19, 1923.

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#### CHAPTER 404—H. F. No. 774.

*An act providing for the adoption, purchase and use in cities of the first class, in the State of Minnesota, of a mechanical ballot assembling device, for the use of the same at general, special and primary elections in such cities.*

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

Section 1. City council may purchase mechanical ballot device.—The City Council or other governing body of cities of the first class in the State of Minnesota is hereby authorized to contract with the owner or owners of a mechanical ballot assembling device embodying a series of spring controlled equally spaced clamping dogs with means for simultaneously setting said dogs in an open or elevated position and means for holding said dogs in said position and permitting each dog to be independently released and moved

by its spring into clamping position whereby election ballots may be quickly assembled in overlapping relation, said device to be used at general, special and primary elections in cities of the first class of this state and the use in each election district in such cities at such elections at a price not to exceed twenty-five (\$25.00) Dollars for each device.

Sec. 2. Ballots to be prepared for machines.—The ballots that are now provided by law to be used at elections shall be used, modified however as hereinafter described. Above and below the name of each candidate and each blank space for a candidate's name shall be printed across the ballot a light line starting one inch from the edge on the left side of the ballot and running to the edge of the right side thereof, except that above and below each office a heavier line shall be so printed.

All spaces on the ballot in which the voter shall designate his choice shall have a width of four-eighths of an inch and a height of not less than three-eighths of an inch.

Sec. 3. Preparation of ballots.—Ballots shall be so printed and prepared that whenever two or more persons are to be elected to the same office or offices the names of all candidates of the several political parties for such office or offices and the names of all candidates on the non-partisan ballot be so alternated on the ballots printed and distributed that each name shall appear thereon substantially an equal number of times at the top, at the bottom and in each intermediate space, if any, on the list or group to which they belong. All officers charged with the preparation and distribution of such ballots shall cause the printer's forms to be so transposed and the blanks or ballots to be so made up as to correspond with the contents hereof; Provided that nothing in this section shall apply to the office of presidential electors; and Provided further, that on all ballots distributed to and used in any election district the names of all candidates on all ballots distributed to and used in such election district shall appear thereon in the same order.

Sec. 4. Ballots in cities having special charters.—In all cities having special charters and using ballots with more than one choice, the spaces, in which the voter is to make his mark (X), shall be placed in such a way that the last column shall reach the right edge of the ballot and the lines dividing such columns shall be creased.

Sec. 5. Form of ballot.—All ballots for use at elections in such cities except those of presidential electors, shall be constructed substantially as follows: The ballot shall have one column for the name of the candidate and the office to be filled, not less than three inches nor more than four inches wide, and shall have another column at the right of the column in which appear the names of the candidates and of the offices to be filled, in which the voter may mark his choice, which column shall be four-eighths of an inch wide and shall be placed at the right edge of the ballot, which shall

be formed as follows: At the right edge of each such ballot there shall be a space so enclosed by rule work as to make a space four-eighths of an inch wide and not less than three-eighths of an inch in height in which the voter may designate his choice by a mark (X). At the right angles with such lines and at the left of and running parallel with a vertical line forming the small spaces herein described, shall be printed the words "Vote for One", or "Vote for Two," or more, according to the number to be elected for each office. The name of the office shall be printed in bold type, not larger than Long Primer nor smaller than Brevier and shall appear in the center of the first column and directly above the names of the candidates for such office. The voting spaces to the right of the names of said offices on all ballots, summary sheets and returns shall not be obliterated but shall be reserved for the record of the unvoted portions of said ballots, as hereinafter described. The names of the candidates shall be printed on such ballots in type not larger than Long Primer nor smaller than Brevier. Above and below the name of each candidate shall be printed across the ballot a light line from the left side of the first column to the right edge of the ballot, except that above and below each office a heavier line shall be so printed. The distances between the lines above and below the names of the candidates and of the offices to be filled shall be not less than three-eighths of an inch. To the left of the first column there shall be a margin of one inch.

**Sec. 6. Ballots for presidential electors.**—The ballots to be used for voting for presidential electors shall be constructed as is now by law required, but said ballots shall have spaces four-eighths of an inch wide and three-eighths of an inch high in which the voter may designate his choice on the right edge of the ballot, same being formed as described in Section 5 hereof.

**Sec. 7. Canvassing of ballots.**—All ballots shall be counted for the persons for whom they are intended so far as such intent can be clearly ascertained from the ballots themselves and in determining such intent the following rules shall be observed.

1. When a voter has placed a mark (X) against two or more named for the same office where one is to be elected, a circle shall be made around these marks and none shall be counted.

2. When a voter has written the name of a person, or otherwise indicated the name of a person, in the proper place, but has not made a mark (X) in the proper place, such mark shall be made in the proper place and counted for such person according to his intention as so shown.

3. When a voter has written, or otherwise indicated the name of a person, for whom he intends to vote within the space allotted to a certain office but has not made a mark (X) in the blank space for mark (X) at the opposite of the blank space provided for writing in names for said office, such mark shall be made in such space

and counted for such person according to the intention of the voter as so shown.

4. When a voter has written, or otherwise indicated the name of the person for whom he intends to vote, within the space allotted to another candidate for the same office, the intention of the voter shall be determined, if possible, and if not possible, then it shall not be counted. If possible, there shall be placed a mark (x) in the voting space for counting, such as the voter's intention shows, and a circle placed around the mark where placed by the voter.

5. When a mark (x) is made out of its proper place, but on or so near a name or space as to indicate clearly that the voter intended to mark such name, a mark (x) shall be made in the proper space and the vote shall be counted as so intended.

6. When a number of persons are to be elected to the same office all cross marks in the spaces opposite the names, not exceeding the whole number to be elected, including names written thereon, or otherwise indicated, shall be counted. When less than the number to be elected are marked, only those marked shall be counted.

7. The judges shall disregard mis-spelling or abbreviation in names of candidates, if it can be clearly ascertained from the ballot for whom it was intended.

8. When the judges can determine from the ballot the voter's choice for a part only of the offices, the ballot shall be counted for such part only.

9. When a voter used uniformly a mark other than the mark (x) in marking his ballot, clearly indicating an intent to mark against a name, and does not use the mark (x) anywhere else on the ballot, his vote shall be counted for such candidate so marked.

10. When a ballot shows that marks have been made against the names of two candidates and an attempt made to erase one of such marks, it shall be counted for the candidate for whom it was evidently intended and the other mark, or marks, cancelled by making a circle around them.

11. The judges, in canvassing and counting the ballots, shall not count or include as a vote any cross mark around which a circle has been drawn as hereinbefore provided.

Sec. 8. **Ballots to be inspected after counting.**—After the ballots have been counted and the certificates attached to the poll list and register, as provided by law, the ballots shall then be inspected by the judges to determine whether each is properly marked according to the provisions of this Act and all ballots upon which names are written, or the voter's intentions otherwise indicate, shall be placed separate from the other ballots, and then shall be divided according to and in as many divisions as there are persons indicated as the voter's choice for said office and the names of such persons written upon the return sheet and the ballots, upon which appears the name of each person, shall be counted for each person immediately according to the divisions made and the total for each person placed

upon the return sheet in the proper place forthwith. Then said ballots shall be made into plates with Summary Sheets and results totalled as hereinafter described. The judges, in making the changes herein provided for, shall use a pencil making a blue color mark and the judges making said changes shall so indicate and sign their initials in the margin on the left side of the ballot. Then the ballot assembling device shall be placed upon the table with the raised edge nearest the party using the same. The catches or dogs, on said assembling device shall be raised by turning the handle of said device forward and back to the first position. Next, the ballot shall be placed face down upon the device with the upper part of same directly against the raised edge of the device and the ruled margin of the ballot, on the right hand side thereof and containing the indications of the voters' choice of candidates for various offices, directly under the first clamp nearest the slanting part of the device and on the end opposite the handle of the device. Repeat this operation by placing one ballot under each succeeding clamp or dog until only one remains and that being the one nearest the handle. Under this place the Summary Sheet in the same manner as described for the placing of ballots. Place a piece of moistened gummed paper  $3\frac{1}{2}$ " x 17" along the top of said ballots from left to right near to the raised edge of said assembling device, thereby forming the ballots into a plate. Then release said plate of ballots and said Summary Sheet from said assembling device by moving the handle forward and back. When so released place said plate flat upon the table and place a piece of moistened gummed paper of the same size as the one heretofore used, across the opposite end of said ballots, running from left to right in the same direction, parallel to the strip of gummed paper already upon them. Then total the voting marks in each column and place the result on the Summary Sheet. Then total the unvoted portion of ballots for each of the offices, if any such portion there be, as indicated by the various voting marks and the absence of voting marks in the voting spaces opposite the candidates for each of said offices taken together with the number of said candidates that the elector is entitled to and required to vote for in said group for said office, as shown by the words, "Vote for One," or "Vote for Two," or more according to the number to be elected for each office," as is further described in Section 5 hereof. This result shall be placed in the space to the right of and between the same parallel lines as appears the name of each such office. Count the ballots of which the Summary Sheet in question contains the total record thereof. Multiply this result by the number of candidates to be elected for an office in the group under consideration. Add together the entire number of votes cast for all of the candidates of this group, as shown on said Summary Sheet, with the number of votes in the unvoted portion of this group. If the last results are equal, the count is correct. If not, re-check and correct it. Repeat these operations until all ballots have been made into plates and

totals made up. The gummed paper on the plate and the Summary Sheets shall be numbered consecutively from one (1) up and also the number or name of the election district written on both the gummed paper on the plate and the Summary Sheet. The Summary Sheets shall then be removed from the plates and made into plates in the same manner as described with another Summary Sheet placed on the top of the last Summary Sheet and under the next succeeding dog or clamp.

**Sec. 9. Return sheets.**—The results obtained by adding the Summary Sheets shall be copied in ink on the return sheets which shall be as hereinafter described. One judge shall call off the names of the candidates and the number of votes obtained for each, and when copied on the return sheets the name of the candidate and the number of votes obtained by him shall be called back by the person doing the writing.

**Sec. 10. Procedure where ballots have second choice.**—All ballots with more than one column for voting marks, if any there be in this state, shall, after having been made into plates, be folded under the crease between the first and second voting column, which will cause the voting marks in the first column to appear. These marks shall be counted and the total of each candidate's votes, as shown by said column, recorded in the first column of the Summary Sheet. The ballots shall then be folded under of the next crease, thus exposing to view the voting marks in the second column, which shall be counted and recorded in the second column on the Summary Sheet. This operation shall be repeated until the voting marks in all the voting columns on the ballot have been counted and recorded on the Summary Sheet. Return sheets for this kind of ballot shall be constructed as now provided by law, modified however as herein provided for. There shall be as many voting columns as there are voting columns on the ballots, the last column reaching the right edge of the ballot and a crease shall be made between each such column from the top to the bottom of the return sheet. The space to the left of the crease between the first voting column and the second voting column shall be at least one and one-half inches ( $1\frac{1}{2}$ ") wider than the one to the right side of the same crease. Voting spaces shall be not less than three-eighths of an inch high.

**Sec. 11. Judges of election to procure registers and ballots.**—Before three o'clock P. M. on the day preceding the election the judges shall procure the registers from their legal custodian, one being procured by a judge representing one of the two leading political parties and the other by one representing another leading party. The custodian of the ballot boxes, and devices and other supplies shall deliver the same to the judges of the respective districts together with their keys, the poll books, stationery, material and instruction herein provided for, required at such election. The judges shall be responsible for the safe-keeping of said registers and ballots, unaltered, and shall have all such ballots, devices, boxes, regis-

ters, poll books, printed instructions and materials at the polling places in their respective districts at the opening of the polls on the day of election.

**Sec. 12. Canvassing of votes.**—When canvassing the votes a memorandum shall be kept containing the names of the judges adding the ballots and Summary Sheets and placing same on the device and the names of the judge watching such operation, and when the judges change places or clerks are relieved temporarily, or otherwise, that shall be noted. Proper blanks for such memorandum shall be furnished by the official whose duty it is to furnish other election supplies.

**Sec. 13. Return of canvass.**—As soon as practicable, after the canvass has been completed, before the Board separates or adjourns, and in the presence of all the judges, the plated ballots and Summary Sheets shall be folded and placed in envelopes of the same color as the ballots and of a size to hold such ballots. These envelopes shall be furnished by the proper official whose duty it is by law to furnish election supplies. The envelope shall be carefully sealed and each election judge shall write his name on the envelope in the manner now provided by law. The number of ballots in each envelope and the name of the election precinct shall be plainly written on the envelope.

**Sec. 14. Who shall furnish supplies.**—Other election supplies for use at a general election, the County Auditor for County ballots and other election supplies and State ballots for primary elections, and the City clerk in cities of the first class in the case of city ballots and all other election supplies, whose duty it may be by law to procure and furnish ballots and all other election supplies, for elections, shall continue so to do in accordance with the existing laws and modifications herein contained and shall in addition thereto furnish complete instructions as indicated and set forth by this Act for the use of the device, mechanism herein contained and election supplies herein provided for and shall furnish to each election district a sufficient number of Summary Sheets for each kind of ballot, which shall be in the same style and size, with the names of the offices and candidates in the same rotation and with the same spacing as the ballots used within such election district. The instructions to voters as printed on the ballots shall be omitted on the Summary Sheets and in their place shall appear the word "Summary Sheets of twenty-five ballots. For ..... (name of political party) ..... (name of city or village) ..... (County) ..... (ward or town) ..... election district for ..... election ..... held ..... (date)."

**Sec. 15. Same.**—The County Auditor for County ballots and State ballots for primary election, and the City Clerk in cities of the first class, in the case of City ballots, shall furnish to each election district with the ballots, two copies of Return Sheets and one copy

of a Summary Statement of the total votes cast for each person for any office and for and against any proposition voted upon. The Return Sheets shall be in substantially the following form: "At a .....election held at .....in the .....election district, composed of .....in the County of.....State of Minnesota, on the .....day of.....19.....the following named persons received the number of votes opposite their respective names for the following described office." The name of the Office shall be printed in bold type, not larger than Long Primer nor smaller than Brevier and shall appear in the center of the first column and directly above the names of the candidates for such office between parallel lines not less than three-eighths of an inch apart. The names of the candidates shall appear on the return sheets in the same order in which they appear on the official sample ballot. and in each case shall have the proper designation at the top thereof. The return sheets shall be provided with sufficient number of lines and spaces for recording the votes for such candidates as are written by the voters on the ballots. The columns on the return sheet shall be constructed as described by law, but with the following changes: On the left edge of the Return Sheet there shall be a margin of one inch. The column containing the names of candidates and offices shall have a width of not less than five and one-half inches nor more than seven inches and in said column and to the right of each office named therein, shall be placed the words "Number not Voting" opposite which, in the proper columns therefor, shall be placed the total number as shown by total Summary Sheets not voting for said offices, and the column for "Numbers in Figures" shall have a width of three-quarters of an inch and the column for "Numbers written at Length" shall have a width of five inches.

Sec. 16. **Return sheets.**--The Return Sheets shall contain all the districts and all the candidates' names to be voted for within each district in the county. The names of all candidates not voted upon in each district in which the return sheet is used, and the spaces provided for the result of the votes cast for such candidates, shall be obliterated by the authorities furnishing the Return Sheets by drawing ink lines through their names. The Return Sheets shall be folded horizontally in such a way that only the offices and names of candidates that are to be voted for in such district shall appear. This fold shall be fastened with gummed paper. When the Return Sheets are opened by the County Canvassing Board, the gummed paper shall be removed and the return sheet folded on the creased line between the column headed "Numbers in Figures" and the column headed "Numbers written at Length" and made into plates as heretofore described. On the line dividing the columns "Numbers in Figures" and "Numbers written at Length" there shall be a crease



extending from top to bottom of the Return Sheet. The Canvassing Board shall collect the returns of each color or party, straighten out the folds of the returns by cutting the gummed paper placed on the return, fold the returns along the creased lines, file and form them into plate or plates with the device or mechanism herein described using the same method in so doing as prescribed herein for ballots and obtain the total result in the County for each candidate by adding the total obtained in each voting district, where the candidate's name appeared on the ballot, for each candidate, and place the result on the blank return used as a Summary Sheet and attached to the plate. From these figures the Canvassing Board shall obtain the results and information needed in issuing the statements required by law for them to issue. In counties with cities divided into wards, the returns from districts within such cities shall be collected according to wards, and plates formed for each such collection with a blank return sheet to be used as a Summary Sheet attached to each such plate. The Summary Sheets for each ward are to be detached and made into plates, and the result of the total vote in all wards for each Candidate, for whom votes are cast in more than one ward, obtained by adding together the total vote in each ward for such candidates and recording the figures on the blank return sheet attached to the plate. The total result for the city shall be included in total vote for the county by adding same to the results obtained from the other districts in the county.

Sec. 17. **Inconsistent acts repealed.**—All Acts, or parts of Acts, inconsistent with this Act are hereby repealed.

Sec. 18. This act shall be in force and effect from and after its passage.

Approved April 19, 1923.

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#### CHAPTER 405—H. F. No. 852.

*An act to amend Section 6185, General Statutes of Minnesota, 1913, as amended by Chapter 404, General Laws of Minnesota for 1917, relating to the amendment of certificates of incorporation of corporations.*

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

Section 1. **Amendments to certificates of incorporation.**—That Section 6185, General Statutes of Minnesota, 1913, as amended by Chapter 404, General Laws of Minnesota for 1917, be amended so as to read as follows:

6185. The certificate of incorporation of any corporation now or hereafter organized and existing under the laws of this State may be amended so as to change its corporate name, or so as to increase or decrease its capital stock, or so as to change the number and par value of the shares of its capital stock, or in respect