

CHAPTER 419—S. F. No. 65.

(Sec. 5630, G. S. 1923.)

An act to amend Section 124, Chapter 400, General Laws 1919, entitled "An Act to Amend, Supplement, Revise, Consolidate and Codify the Laws of This State Relating to the Preservation, Protection and Propagation of Wild Animals, Including Quadrupeds, Birds and Fish of Both This and Other States, and to Repeal Certain Laws Relating Thereto," and to confer certain additional powers and imposing certain additional duties upon the Game and Fish Commissioner, and for the purpose of using public lands and of acquiring by condemnation, or otherwise, other lands and interests therein for the establishment of public hunting grounds and game refuges, and for the maintenance and reforestation thereof.

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

Section 1. **Powers of game and fish commissioner.**—That Section 124, Chapter 400, Laws 1919, be and the same is hereby amended by adding thereto after subdivision (7), thereof the following:

"(8). *To select, set aside and reserve from lands owned by the state, and to acquire by condemnation, gift, lease or purchase, lands, or interests, easements or riparian rights therein or thereon, suitable for the purpose of establishing and reforesting large and small game public hunting grounds and game refuges, subject to the approval of the governor, the attorney general, the state auditor and the state forester, and shall establish thereon public hunting grounds, and shall set aside a portion of each of said public hunting grounds, not exceeding one-third ($1/3$) thereof, as a state game refuge, said portion so set aside to be surrounded on all sides by the remainder thereof, and shall pay the purchase price or rental of any and all such lands and interests therein and thereon out of special appropriations made therefor, and shall make such rules and regulations as he shall deem necessary governing the conduct of persons on said public hunting grounds and game refuges.*"

Sec. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

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

Approved April 25, 1925.

CHAPTER 420—S. F. No. 931.

An act to amend Sections 258, 259, 262, 272, 278, 279, 293, 296, 300, 302, 303, 306, 309, 311, 349, 353, 359, 360, 363, 378, 394, 395,

397, 399, 400, 403, 407, 415, 417, 421, 437, 439, 441, 452, 453, 456, 459, 462, 463, 464, 465, 466, *Sub-Division 5 of Section 493, Section 1393, and repealing Section 461, General Statutes of Minnesota, 1923, relating to the method and procedure of holding elections in cities, counties, towns and villages, and to the compensation to be paid the election judges and clerks therein.*

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

Section 1. Laws amended.—That Sections 258, 259, 262, 272, 278, 279, 293, 296, 300, 302, 303, 306, 309, 311, 349, 353, 359, 360, 363, 378, 394, 395, 397, 399, 400, 403, 407, 415, 417, 421, 437, 439, 441, 452, 453, 456, 459, 462, 463, 464, 465, 466, sub-division 5 of section 493, and section 1393, General Statutes of Minnesota, 1923, be and the same are hereby amended so as to read as follows:

Sec. 258. Election districts.—Each town, each village that is separated from the town for election purposes, and each city ward, shall constitute at least one election district. No district, when first formed, shall contain more than four hundred male voters, and the council or town board shall so divide, consolidate, and rearrange the districts from time to time that the number of voters in each shall be substantially equal, and not to exceed four hundred. *Provided, however, that in cities of the first class operating under a home rule charter, the council thereof may prescribe the boundaries of the districts and the number of voters therein.* All such changes shall be made by resolution adopted at least *ninety days* before the next ensuing election and sixty days' posted notice thereof shall be given before the change shall take effect.

Provided, that in cities or villages in this state having less than two thousand population, divided into separate wards or when such city or village is so platted so as to be situate in two adjoining counties, the city or village council of such city or village may by resolution adopted at least thirty days prior to any general or special election designate a single voting place in said city or village in which election for the entire city or village shall be held and one set of election officials presiding thereat shall be sufficient, providing, however, that a separate ballot box for each election district shall be provided, in which the votes of such election district shall be deposited and separate record kept thereof. When such single voting place has been so designated, it shall so continue until changed by resolution of said council adopted at least thirty days prior to a subsequent election.

Sec. 259. Map or description.—When a ward is so divided, the council shall make a map or description of each division, defining it by known boundaries, and file the same with the city or village clerk, who shall keep the same open for inspection at all times and post copies of the same in at least one of the most public

places in each district. Such council shall furnish copies thereof to the judges for use at the election.

Sec. 262. Special elections.—Whenever any vacancy occurs in any office, the filling of which is not otherwise provided for, the governor, within ten days after he is informed of such vacancy, shall issue a proclamation directing a special election to be held at a time therein specified not more than twenty days from the date of such proclamation, to fill such office. One copy of such proclamation shall be mailed to the auditor of each county wherein such special election is to be held. But if the vacancy occurs in the office of representative in congress, or members of the legislature, and there be no session of the congress or legislature between the happening thereof and the next general election, *such special election shall be held on the next general election day.* Such special election shall be called, held and conducted, and the returns thereof made and canvassed in the same manner as in the case of general election; and within fifteen days thereafter the auditor shall transmit a statement of the vote cast thereat to the secretary of state. *The primaries therefor shall be held in the same manner and the same time as provided for in Section 263.*

Sec. 272. Printed instructions to voters.—Uniform instructions to voters, printed in large type upon cards or heavy paper, shall be furnished by the secretary of state to the auditor of each county, containing such information as will enable the voters quickly and correctly to designate their choice. Such cards shall be sufficient in number to allow one for each booth; and the auditor shall deliver such cards to the city, village, and town clerks in his county, who shall cause one to be posted on the outside of the building in which the voting takes place.

Sec. 278. Red ballot for city elections.—There shall be one ballot on red paper, hereinafter called the "red ballot," upon which the names of all candidates for city offices, and all questions and propositions relating exclusively to city affairs shall be printed. It shall be prepared under the direction of the city clerk, and bound in blocks of fifty, and together with the other ballots and the instructions provided for in this chapter, shall be by him delivered to the judges of election for each polling place, and a receipt taken therefor, stating the number of each color and the date when received. On the Tuesday next preceding election day, such clerk shall file a sample printed ballot in his office for public inspection, *and at least one week before the city election, the city clerk shall publish a sample of the red city election ballot in the official newspaper of the city.*

Sec. 279. Lavender ballot for questions relating to charter, bond, etc.—All questions relating to the adoption of a city charter or any amendments thereto, or any proposition for the issuance

of bonds, by any municipality as provided for by any statutes of this state enacted in pursuance of Section 36 of Article IV of the Constitution of Minnesota, submitted at any election to the electors of the municipality, shall be printed on one separate lavender colored ballot and shall be prepared, printed and distributed under the direction of the city clerk at the same time and in the same manner as other city ballots. Such ballots, when voted, shall be deposited in a separate ballot box, painted in a lavender color, to be procured by the local authorities for each voting precinct. Such ballot shall be canvassed, counted, and returned and the result thereof declared in the same manner as other city ballots. The person under whose direction tally sheets and blanks for election returns are printed, shall print such tally sheets and blanks for election returns in such manner as to provide appropriate spaces and columns for counting, canvassing votes, and making proper returns for the question so placed on such lavender colored ballot. *The tally sheets provided herein shall be made out in duplicate by the judges and they shall be the official returns of the election and on the back thereof shall be printed the statements required under Sections 439 and 459, and also a statement signed by all the judges and clerks certifying that the propositions appearing on the tally sheets received the number of votes set opposite the same. The city clerk shall post a sample ballot in his office and cause one week's published notice to be given of the contents of the lavender ballot in the official newspaper of the city.*

Sec. 293. Primary election—Purpose—Time of holding—Notice.—On the third Monday in June preceding any general election and seven weeks preceding any city election in cities of the first and second class, held for the purpose of electing city officers only, an election of nominees, hereinafter designated as the "primary election" shall be held in each election district for the selection of party and other candidates for all elective offices within the state, to be filled at such election except officers of towns, villages and cities of the third and fourth class, and members of school, park and library boards, in cities having less than one hundred thousand (100,000) inhabitants, and except presidential electors. Every town, city and village clerk shall give at least *fifteen days'* posted notice of the time and place of holding the same, of the hours during which the polls will be open, and of the officers for which candidates are to be nominated. The day for such primary election shall be the first day of registration in all election districts, except in cities of the first class.

Sec. 296. Districts for primary elections.—*All elections shall be held, in the several districts established for the election next ensuing at the place where the last election was held, or such other place as may be lawfully fixed. Election districts shall remain the*

same until lawfully changed. All officers required by law to establish, divide or combine election districts shall perform their duties in that behalf at least two weeks prior to an election. The maps or descriptions of districts shall be posted at least one week preceding such election and copies thereof shall be furnished to the judges of election, *except in cities of the first class operating under a home rule charter.*

Sec 300. Voting by ballot—Ballots.—All voting at a primary election shall be by ballot. On the nineteenth day before a primary election, the secretary of state shall certify to the auditors of the several counties the names of all nominees to be voted for within such counties whose certificates have been properly filed with him, and on the fourteenth day before such primary each auditor shall group all the non-partisan candidates and the candidates of each political party by themselves, and prepare for public inspection a non-partisan ballot and a separate sample ballot for each political party. The names shall be arranged alphabetically according to the surname and each county auditor shall post the sample ballot in a conspicuous place in his office and give one week's published notice thereof in the official newspaper of his county. One sample ballot only of non-partisan candidates and of each political party, shall be printed for any county, and thereon shall be placed the names of all candidates to be voted for in such county. Each ballot shall be headed by the party name, the words "Primary Election Ballot," the names of the county and state, the fac-simile of the official signature of the auditor preparing it. The non-partisan ballot shall be headed as provided in Section 294, General Statutes 1923. Otherwise, the ballots shall be arranged in the same general manner as the ballot used at general elections, with suitable divisions and explanatory notes. Only one form of sample ballot for each political party need be printed for any city and thereon shall be placed the names of all the candidates to be voted for in the entire city, these to be voted for in any single ward being indicated by the words and figures "First Ward" and so on.

In city primary elections in cities having home rule charters, primary election ballots *on white paper* shall be prepared carrying out the intent of said charters in said cities, placing all names of candidates for city office on one ballot in each city without any party designation whatever, if the charter so provide. In such cities, except for the omitting of all party designation, the provisions of this section shall be followed as fully as practicable. *The city clerk at least one week before the city primary election, shall publish a sample of the city primary ballot for city elections in the official newspaper of the city, and post a sample printed copy in his office for public inspection.*

Sec. 302. Registration officers—Cities first class.—The

judges and clerks of election shall act on the day of such primary election both as judges and clerks of such election and as registration officers, and vacancies may be filled and additional appointments made as in the case of elections. They shall receive no additional pay on account of such extra service. *Provided, however, that in cities of the first class operating under a home rule charter, such judges and clerks shall not act as registration officers.*

Sec. 303. Registers.—The blanks provided for registration of voters for general elections shall have an additional column headed "Voted, primary election," and be used at both primary and general elections. No names of voters shall be placed upon said registers prior to the day of such primary election, except in cities of the first class, nor shall any be placed thereon upon said day, except the names of those who appear in person before boards of registration for that purpose. *The provisions hereof shall have no application to cities of the first class operating under a home rule charter.*

Sec. 306. Qualification of voters—Manner of voting.—Every person qualified as a voter may register therein and vote at such primary election. Having registered, and, in case of challenge, the same having been determined in his favor, he shall be entitled to a ballot of the political party whose candidates he shall declare (under oath if his right thereto is questioned) that he generally supported at the last election and intends to support at the next ensuing, except that when voting for the first time he shall not be required to declare his past political affiliation. Such ballot shall be so indorsed with the initials of two of the judges that the same will show when folded. He shall be instructed by one of the judges as to the proper method of marking and folding his ballot, and shall then retire to an unoccupied booth, and without undue delay mark the same with the indelible pencil there found. If he shall spoil or deface such ballot he shall at once return the same and receive another. *Provided, that in cities of the first class operating under a home rule charter, no voter shall be allowed to vote unless such voter has registered in accordance with the provisions of the registration act relating to cities of the first class.*

Sec. 309. Preliminary to canvass.—As soon as the polls are closed, and before the boxes are opened, the judges and clerks shall prepare upon a blank furnished by the auditor a statement substantially as follows: "Poll-list statement of primary election held in (name of election district, town, village, or city, and date). The number of persons whose names appear upon the register as present at the above named primary election was" Such statements shall have the blanks for numbers filled by words and figures, and shall be signed by each judge and attested by each clerk. Such judges and clerks shall place in the register column

headed "Voted, Primary Election," the word "No" opposite the name of every person who did not vote. *The provisions hereof shall not apply to cities of the first class operating under a home rule charter.*

Sec. 311. Tally sheets and returns.—The auditor shall furnish to each district, with the ballots, two sets of tally sheets or tally books for each political party having candidates and for non-partisan candidates to be voted for. Each tally sheet or the first sheet of each tally book shall be headed "Tally sheet for..... (name of political party)..... (name of city or village)..... (county)..... (ward or town)..... election district, for a primary election held..... (date)." The names of candidates shall appear on the tally sheets, or tally books, in the order in which they appear on the official sample ballots, and in each case shall have the proper designation at the head thereof; provided, further, that in cities of the first class, tally sheets mentioned herein shall be made out in duplicate by the judges and they shall be the official returns of the election. On the back thereof shall be printed the statements required under Sections 439 and 459, and also a certificate signed by all the judges and clerks certifying that the candidates whose names appear on said tally sheets received the number of votes set opposite their names.

Sec. 349. Fees for placing names on ballots.—*In cities of the first class operating under a home rule charter, the city clerk, shall upon the payment of ten dollars (\$10.00), place on the city primary ballot, prepared by him, the names of all candidates for city offices, who have been duly presented for city office in the form and manner prescribed by the city charter; in cities other than the first class operating under a home rule charter, the secretary of state, county auditor and city clerks shall place upon the ballots prepared by them, respectively, the names of all candidates duly nominated, whose certificates of nominations have been duly filed, accompanied by fees, as follows:*

1. If to appear upon the white ballot, fifty dollars.
2. If upon the red ballot for a city of more than three thousand inhabitants, five dollars; if less, two dollars.
3. If upon the blue ballot, ten dollars, in case the candidate is to be voted for in one county only; otherwise, twenty dollars; provided, however, that candidates for the legislature shall in all cases pay ten dollars and candidates for county commissioner, whose compensation is less than three hundred dollars, five dollars.

But if no compensation be provided by law for the office or if the office be that of presidential elector, no nomination fee shall be required.

Sec. 353. Posting notice of election.—When and by whom given.—At least fifteen days' posted notice shall be given in

each district by the several town, village, and city clerks of the time and place of holding any general election, and *fifteen* days' such notice of any special election therein, the hours during which the polls will be kept open, and the officers to be elected, if any; but no failure to give such notice shall invalidate a general election.

Sec. 359. Judges in cities and villages.—The council of every municipality, at least twenty-five days before any election, shall appoint three qualified voters of each district therein to be judges of election. *In cities of the first class, the council shall appoint the judges from that number of citizens who have made application and the council may require that they designate their party affiliations thereon.* But in villages having but one district, and not included in any town district, the members of the council shall be judges, subject to the qualifications and restrictions provided for town boards in like cases.

Sec. 360. Clerk—Judges.—The judges of each district shall appoint two qualified voters therein as clerks, except that in towns the town clerk, and villages having but one district and not included in any town district, the village clerk, shall serve as one of the clerks in the district where he resides. No more than two judges and one clerk shall belong to the same political party, and no person shall be eligible as judge or clerk unless he can read, write, and speak the English language understandingly, nor if he be a candidate for any office. *In cities of the first class, no two judges or clerks of any election board in any one precinct shall bear the relationship to each other of husband and wife, parent or child, brother or sister, and all such clerks may be appointed by the city council.*

Sec. 363. Selection of judges.—At least thirty days before an election in any municipality having two or more districts, the local committees of the several parties participating in the preceding election may furnish to the appointing authorities a list of qualified voters, certified by the clerks of the committees, to act as judges in the several districts. Such judges shall be selected for each district from the lists so submitted, as follows: The first from the list of the party polling the largest number of votes in the municipality at the preceding general election, the second from that of the party polling the second largest number of votes, and the third from that of the party polling the third largest number. If the local committee of either of such parties fails to furnish such list, then one judge shall be selected from the party polling the fourth largest number of votes at such preceding election, if a list has been furnished by such party. In case three lists are not submitted, they shall select one from each list submitted and make their own selection of the remainder, except that in no case shall more than two judges be selected from the same political party. The above provisions of this section shall not apply to cities of the

first class operating under a home rule charter, but in all such cities the city council or common council thereof shall appoint judges of election as provided in section 359 hereof, except that in no case shall more than two judges for any election district be selected from the same political party.

Sec. 378. Registration in person and by affidavit of absent voter.—In addition to the names already on said poll list, the board shall enter thereon the names of all legal voters who shall personally appear, and also the name of any absent voter whose affidavit shall be presented during any session of such board in substance as follows:

I, being first duly sworn, on oath say that I am a legal voter in the state of Minnesota; that I reside at No..... street (or avenue), in theelection district in theward in the city of; that I have not been and will not be able to be present in such district to register personally, for the reason that.....; that I desire to be registered in such district; that my full name is, I was born at am (state color); have resided in the United States for years months, and in Minnesota for years and months, and in such election district for years months, and days; that I am able to read English, and by occupation am a; that at the last general election I resided at No. street (or avenue), in such city, and was registered and voter at theelection district of the ward (or that at the last general election I was not a resident of such city, but voted at); that at my present residence as above stated I am (householder, boarder, lodger, employe, or other proper term); (the following to be omitted if native-born) that I am a naturalized citizen of the United States; that my final papers were issued by the..... (give court and place) on the(give date or other particulars).....
(Signature).....

The provisions hereof shall not apply to cities of the first class operating under a home rule charter.

Sec. 394. When voter removes from one district to another.—When it appears from the statement or affidavit of an applicant for registration, or is otherwise known to the board, that such applicant has been registered in another district, a certificate signed by the registration board of such other district, showing that his name has been stricken from the voting list of such district, shall also be presented. Then if he has or will have been a resident of such new district for thirty days next preceding an election, his name

shall be entered on the voting list; otherwise not. When the voter removes from one place to another in the same district, the register shall show the change before his vote is received. *The provisions hereof shall not apply to cities of the first class operating under a home rule charter.*

Sec. 395. Registers compared, signed, certified and returned. --At the end of the first days' registration in such cities, the board shall carefully compare the registers and correct any errors therein, and one or more of the judges shall sign his name at the end of the list on every page, so that no name can be added without discovery, and all the judges shall also sign and attach to such register a certificate in substance as follows: "We, the undersigned, judges of election in the district of ward, in the city of in the state of Minnesota; do jointly and severally certify that at the general registration of voters in such district, on the day of 19.., there were registered by us in such district the names which are inserted in this book, and that the number of registered and qualified voters was and is" (Number to be written in figures and words). Before 10 o'clock A. M. on the next day, such registers shall be deposited by one of such board in the office of the city clerk, who shall safely keep the same. *The provisions hereof shall not apply to cities of the first class operating under a home rule charter.*

Sec. 397. Comparing, signing, certifying, posting, etc.—At the end of the second day's session the registers shall be compared, corrected, signed, and certified as on the first day, with this addition thereof: "Making the total number registered to date hereof inclusive" Before the board adjourns on this day, it shall make a copy of all the names upon such registers, with the addresses as therein indicated, and post the same conspicuously outside the place of registration, with a notice of the time when such board will meet to complete and finally correct such registers; and that the same will be accessible to any voter. The registers shall be returned by one of such board to the office of such clerk before 10 o'clock A. M. on the next day. *The provisions hereof shall not apply to cities of the first class operating under a home rule charter.*

Sec. 399. Correction of registers.—Such board shall erase from the register the name of any person satisfactorily proven, by oath of two qualified voters of such district, to be disqualified to vote at the ensuing election. At the close of the last registration day the registers shall again be compared, corrected, signed, certified, and returned as provided for the other days. When the registration has been fully completed, and before the board adjourns or separates it shall prepare a copy of the names and addresses appear-

ing upon such registers, and post the same outside the place of registration, or in such manner as to be plainly discernible and easily read from the outside. *The provisions of this section shall not apply to cities of the first class operating under a home rule charter.*

Sec. 400. Who may vote in cities.—Only the votes of qualified registered voters shall be received by the judges at any general election in a city of the first, second or third classes, except the vote of a person whose name was erased as provided for in section 399, who takes the oath and proves his identity by the oath of another as hereinafter prescribed provided, that in cities of the first class, only the votes of qualified voters who have registered on either of the first two registration days in said city shall be received by the judges at the primary election, but any person who has not registered but who is a qualified voter in the district wherein he resides, shall be entitled to vote at such primary election if he registers on said primary election day and complies with the following provisions, and not otherwise, namely: He shall at the time he offers his ballot deliver to the judges his affidavit in which he shall state that he is a resident of the election district in which he offers to vote, naming the same, and that he is entitled to vote therein; that he has resided in said election district thirty days next preceding said election and shall give street and number of his residence; that he is a citizen of the United States; that he is twenty-one years of age; that he has resided in the state six months immediately preceding said primary election, which said affidavit shall be substantiated by the affidavit of two freeholders, electors in such district, corroborating all the material statements therein. No compensation shall be received for taking or certifying such affidavit. No one freeholder shall be competent to make corroborating affidavits for more than five voters. All such affidavits shall be sworn to before some officer authorized by the laws of this state to administer oaths. *The provisions of this section shall not be applicable to cities of the first class operating under a home rule charter.*

Sec. 403. Judges may change polling place.—When any place designated for holding an election is found not to comply with the provisions of this chapter, the judges, on the first day of registration when practicable and in any event on or before the opening of the polls on election day, shall procure a suitable place, *subject to the approval of the city, town or village clerk*, as near the designated place as may be, which is not subject to such objection, and shall notify the city, town or village clerk at once of such change.

Sec. 407. Procuring registers, etc.—Before 9 o'clock P. M. on the day preceding an election, *at least two judges* shall procure the registers, *supplies, etc.*, provided for in this chapter from their

legal custodian. The custodian of the ballot boxes and ballots shall deliver the same to the judges of the respective districts together with their keys, stationery, and material 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, boxes, registers, printed instructions and materials at the polling places in their respective districts at the opening of the polls on the day of election. Except in cities of the fourth class and over and election districts within fifteen miles of the county seat, the county auditor shall at least one week before the election send such ballots by registered mail or express to the proper board of such election districts.

Sec. 415. Initials on ballots.—Before the voting begins, or as soon thereafter as possible, two judges shall place their initials on the backs of all the ballots they have, immediately under or opposite the fac-simile of the signature of the officer under whose direction the ballots were printed, and shall not otherwise mark the same.

Sec. 417. Who allowed in voting rooms.—No person shall be allowed to go or remain inside the railing at the voting place except members of the board, clerks, peace officers, and one member of each of the political parties represented on the ballot, *challengers appearing for non-partisan candidates*, and voters who are about to vote, unless it be a voter who is called upon to assist another voter who cannot read English or is physically disabled, in marking his ballot as herein provided. *The representatives of the political parties, or the challengers, shall not be allowed to handle or inspect registration cards or lists, and shall not attempt to influence voting on election days in any manner whatsoever.*

Sec. 421. Challenge—Oath.—*In cities of the first class, operating under a home rule charter, before any person offering to vote receives the ballots from the judges, a certificate containing the following information shall be signed by the applicant:*

"CERTIFICATE OF REGISTERED VOTER"

..... precinct ward
..... (city)..... (county), Minnesota.

I hereby certify that I am a qualified voter, duly registered under the Permanent Registration Act, Chapter 305, of the Laws of 1923, in the above precinct and ward, City of....., County of....., Minnesota.

(Signature of voter)

(Address)

Approved.....

Judge (or clerk) of election.

The certificate shall be approved by a judge or clerk and then handed to the voter who shall present it to the judge in charge of

ballots as proof of his right to vote; after receiving his ballots, the voter shall retire alone to one of the booths, and there prepare such ballot or ballots. The voter will then present the certificate; together with the ballots, to the judge in charge of the ballot boxes, who, without opening or permitting them to be opened or examined, shall deposit the ballots in the proper boxes, first announcing the name and residence of the voter in an audible voice. The certificate shall be then given to the clerk or judge in charge of the register, who shall make entry as provided for in Section 6, Sub-division 2, Permanent Registration Act of 1923. The certificates will be arranged in alphabetical order and returned to the City Clerk, after the close of the election, in envelopes provided for that purpose. Such judge or clerk may be required to record certificates in a book provided therefor, by the City Clerk.

Each judge shall, and any authorized challenger or other voter may, challenge such person whom he knows or suspects not to be a qualified voter. The challenger shall state the ground thereof, whereupon a judge shall administer to the challenged person the following oath: "You do solemnly swear that you will fully and truly answer all such questions as shall be put to you touching your qualifications as a voter at this election?" The judges shall then question the challenged party in such manner as will tend to disclose the particular facts in reference to which the challenge is made. He may be inquired of as to his name, age, then place of residence, length of time he has resided in the town, city, ward, or district; where his last place of residence was; as to his citizenship, whether he is a native or naturalized citizen, and, if the latter, when, where, in what court, and before whom, he was naturalized; whether he came into the town, city, or ward for the purpose of voting at that election; how long he intends to remain a resident of such town, city, or ward; and such other questions as tend to test his residence and his right to vote. If he refuses to answer the questions put to him, his name shall not be put upon the poll lists, nor shall he be allowed to vote, unless he at once reconsiders and answers the questions. He shall not be allowed to vote if he leaves the polling place and afterward returns although then ready to answer the questions.

Sec. 437. Clerks to keep poll lists.—Every clerk shall make a poll list containing one column headed "Number," one headed "Residence," one headed "Name of Voters," and as many additional columns as there are boxes used, headed to correspond with the color, and one headed "Remarks." He shall enter therein the name of each voter in the column headed "Names of Voters," his residence in column headed "Residence," and where more than one box is used, he shall write opposite such name the figure "1" in each remaining column corresponding in heading with the name of each

box in which the vote is deposited. In the column headed "Number" he shall write consecutively the numbers of the persons voting, the first vote being numbered 1. He shall enter in the column headed "Remarks" and opposite the name of each person not registered, the words "Not registered," and, if any vote is sworn in, he shall there note that fact. He shall also enter in the same column, on a line with the name of any person receiving assistance, a brief statement of that fact such as "Marked by judge," "Marked at door," "Marked by.....," giving the name of any person, other than a judge, so assisting. *Provided, however, that the provisions hereof shall not apply to cities of the first class operating under a home rule charter.*

Sec. 439. Statements attached to poll lists.—Every poll list shall be headed by the designation of the district, and the election at which it is used, and, as soon as the polls are finally closed the judges shall attach thereto a statement substantially as follows: "The number of persons whose names appear above and who were present and voted at the above named election was.....; the number of white ballots cast was.....; the number of pink ballots cast was.....; the number of blue ballots cast was.....; the number of red ballots cast was.....; the number of lavender ballots cast was....." The blanks in such form shall be filled by the proper numbers, written in words and figures, the figures in parentheses. Such statement shall be signed by each judge and attested by each clerk, and immediately thereafter they shall prepare, sign and attest a statement at the end of each of the registers, substantially as follows: "The whole number of the above named persons who were present and voted at the above named election was..... (in words and figures). *The statement provided for herein to be attached to poll list shall, in cities of the first class operating under a home rule charter, be attached to the back of the tally sheet.*

Sec. 441. Boxes opened, in what order.—The ballot boxes shall be opened, the votes counted, and the results declared, one box at a time as follows: First, the white box; second, the pink; third, the blue; and fourth, the red. The returns shall not be prepared until the votes in all the boxes have been counted so as to allow corrections in case any errors have occurred by reason of the deposit of ballots in the wrong boxes. But in any city of the first class the council may require the judges to insert, on forms prepared by the city clerk, a preliminary statement of any class of ballots cast, as soon as the count of that class has been completed. Such statement shall be signed by one or more of the judges, and delivered forthwith to a special messenger designated by such city clerk, who shall

take the same to him at once; but such statement shall not be deemed an official return.

Sec. 452. Canvassing and counting votes.—*Tally sheets to be the official returns of the election.* When canvassing the votes a memorandum shall be kept containing the name of the reading judge, the number of ballots read by him, the name of the judge watching such reading, and the name of the judge stringing the ballots and watching the clerks; and when the judges change places, or clerks are relieved, temporarily or otherwise, that shall be noted. Such memorandum shall be certified in duplicate, and a copy thereof attached to each set of tally sheets. When the reading judge announces the name of a candidate and the office voted for, each clerk shall make a small mark, like the figure "1," in the small unoccupied space nearest such name, and on a line therewith, and one clerk at the time of making such mark shall say, "one," "two," "three," "four," or "five," as the blank space is first, second, third, fourth or fifth in any space five-eighths of an inch wide and formed by red lines. When such space is the proper one, the other clerk shall enter the same; when not, he shall so state, and the marks shall be corrected so as to agree. As the other names are read, the proper marks shall be made on each of the tally sheets until a line on which is the name of any one candidate shall contain no more unoccupied small spaces. Then, the sheets having been compared, a mark in red ink shall be made thereon in such manner that no additional tallies can be made therein without detection. *The tally sheets provided for herein shall be furnished by the city clerk for city elections and by the county auditor for county and state elections. In cities of the first class operating under a home rule charter the tally sheets provided for herein shall be made out in duplicate by the judges, and they shall be the official returns of the election. On the back thereof shall be printed the statements required under Sections 439 and 459, and also a certificate signed by all the judges and clerks certifying that the candidates whose names appear on said tally sheet received the number of votes set opposite their names.*

Sec. 453. Same.—In the vacant space under the heading "carried forward," the total vote, so far as counted for each candidate, shall be entered in figures opposite their respective names, and the same figures shall be entered under the heading "brought forward," on the next sheet, opposite the names. The clerks shall proceed in the same manner with the second sheet, including under the heading "carried forward" the number entered under "brought forward." They shall use the sheets in the order in which they are numbered until all votes have been counted. Then, having made a mark to prevent other tallies, they shall place after the same, in both words and figures, the total vote received by each candidate; but this entry shall not be made until it has been determined that

there are no ballots in other boxes to be counted here. *The judges or clerks shall not mark, fill out, or sign a return before the polls close and the votes are canvassed, and No person except the judges or clerks shall make any entry upon the tally sheets, and any person violating the provisions hercof shall be guilty of a misdemeanor.*

Sec. 456. Ballot judges and clerks—Appointment.—For general elections in cities of the first, second and third classes one additional judge and two additional clerks to be known as ballot judge and clerks *may* be appointed in each district, and vacancies in their number filled in the same manner as in case of other judges and clerks. Not more than two of the four judges, nor more than two of the four clerks, shall belong to the same political party. In cities of the fourth class, and in villages and towns, such ballot judge and clerks shall be appointed whenever the governing body thereof, at least thirty days prior to the election, shall so order. Such system, when adopted, shall be uniform in all the districts, and shall be continued until otherwise ordered by the governing body.

Sec. 459. Statement of vote cast.—After the polls have been closed, a judge shall attach to the register, at the end thereof, a statement in substance as follows: "The whole number of the above-named persons who were present and received ballots for the purpose of voting was The number of persons returning spoiled ballots and receiving others was the spoiled ballots being: White ballots,; pink ballots,; blue ballots,; red ballots,; *Lavender Ballots*,; total,". The blanks shall be filled by both words and figures. Such statement shall be certified by the *judges* and attested by the clerks. *Provided, however, that in cities of the first class operating under a home rule charter such statement shall be attached to the back of the tally sheet.*

Sec. 462. Disposal of ballots after canvass.—As soon as practicable after the canvass has been completed and before the board separates or adjourns and in the presence of all the judges, the ballots cast shall be removed from the boxes and placed in envelopes of the same color as the ballots and of a size to hold the ballots of each box without folding. Heavy envelopes suitable for this purpose, reinforced with cloth at all folds, shall be furnished by the county auditor to each election precinct. After the ballots are in place the envelopes shall be carefully sealed and each election judge shall write his name upon the envelope over the sealed part in such a way that the envelope cannot be opened without disturbing the continuity of the lines in the writing. The number of ballots in each envelope, the kind thereof, and the name of the election precinct shall also be plainly written upon the envelopes. No unused ballots or returns shall be placed in the envelopes. *Provided, however, that the provisions hereof shall not apply to cities of the first class operating under a home rule charter.*

Sec. 463. Return of ballots to County Auditor.—As soon as the ballots have been placed in their envelopes and properly sealed and one of the judges has been chosen to deliver election returns to the county auditor, the envelopes shall be delivered by such judge and he shall personally deliver, or by registered mail or express, send the same to the county auditor. If sent by registered mail or express the envelopes shall be securely wrapped in such a manner that such envelopes and the seals shall be properly protected. The county auditor shall file all envelopes containing ballots thus transmitted to him in his office and shall keep them in a safe place with seals unbroken, unless previously opened by proper authority for examination or recount, in which event the auditor shall cause the envelopes to be again securely sealed with the names of the persons making such inspection or recount endorsed thereon in the manner provided for indorsement by election judges; provided, that such envelopes may be opened by the county canvassing board if necessary to procure any election returns which may have inadvertently been sealed up with said returns by the election judges, but such envelopes shall again be sealed in the manner herein provided. *Provided, however, that the provisions hereof shall not apply to cities of the first class operating under a home rule charter.*

Sec. 464. Poll lists and registers—How disposed of.—When the canvass has been completed, one poll list and one register, kept and checked as in this chapter provided, shall be attached together by the judges and forthwith filed, with the clerk of the municipality, together with the ballot register, if any; and the other poll lists, registers, and poll books so kept and checked shall be by said judges forthwith returned to the county auditor with the election returns. Such poll lists and registers shall be open at all times to public inspection without charge. *Provided, however, that the provisions hereof shall not apply to cities of the first class operating under a home rule charter.*

Sec. 465. Form of returns.—In making out the returns, the clerks shall set down the total number of names entered upon the registers, in columns prepared therefor, the total number of ballots actually cast and counted, the name of each person voted for, the number of votes received by him, and the office, all numbers being written in both words and figures. Such returns shall be in substantially the following form, viz: "At an 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 offices, to-wit: For (office), A. received votes"; and the same in case of every person voted for; and a similar return showing votes cast for and against each proposition. Such returns shall be made in duplicate, each signed by the judges and

attested by the clerks of election. *Provided*, however, that in cities of the first class operating under a home rule charter, such returns shall be made on the back of the tally sheets in the above form and shall be signed and certified and attested in the same manner.

Sec. 466. Returns to be sealed and delivered.—Before separating, the judges shall include one set of such returns in each of two envelopes, one of which envelopes shall then be sewed by drawing twice through it and the return therein a substantial twine, tying the ends thereof together and then sealing said envelope in three places with wax and stamp furnished by the county auditor, one of which places shall be over the knot in said twine, then indorse said envelope in the following form: "Election returns of the election district in the county of, " and direct one of such envelopes to the auditor and the other to the proper town, village, or city clerk. In towns, villages, and cities of the fourth class, one set of such returns, together with all unused and spoiled white, pink, and blue ballots, shall be delivered to the auditor at his office, by a judge chosen by lot or agreement, and the other, in like manner, to the clerk of the municipality. The judges also shall make a summary statement of the total votes cast for each person for any office, and for and against each proposition voted upon, and cause the same to be filed with the auditor *in county, state and general elections, and with the city clerk in city elections*, with such returns where it shall remain open to public inspection.

Sec. 493. Compensation for election services.—Sub-division 5. To regular, special and ballot judges and clerks of election, twenty-five cents for each hour necessarily spent in registering voters and receiving votes, and thirty cents for each hour so spent in counting and canvassing ballots. *Provided*, that such compensation to regular, special and ballot judges and clerks of election in cities of the first class operating under a home rule charter shall be fixed and determined by the city council or common council of such cities respectively.

Provided further, that such compensation to regular, special and ballot judges and clerks of election in cities now or hereafter having 20,000 and not more than 50,000 inhabitants, shall be fixed and determined by the city councils or other governing bodies of such cities respectively, in amounts not exceeding forty cents for each hour necessarily spent in registering voters and receiving votes, and fifty cents for each hour so spent in counting and canvassing ballots.

Sec. 1393. Registration for special elections for cities having fifty thousand inhabitants—Qualified voter not registered may vote.—Oath.—If any person whose name does not appear on said register shall ask to vote at said special election his name shall be

entered upon such register upon taking such oath, answering such questions and complying with such other provisions of the Revised Laws, 1905, as are required for registration. After his name is so entered and before he receives the ballot the judges shall administer the following oath: "You do swear that you are a citizen of the United States; that you are twenty-one years of age, and have been a resident of this state for six months immediately preceding this election; that you are a qualified voter in this district; and that you have not voted at this election." Upon taking this oath, if the judges are satisfied he is a qualified voter he shall be allowed to vote. If such person refuse to take this oath he shall not be allowed to vote, and his name shall be removed from the registers. *The provisions of this section shall not be applicable to cities of the first class operating under a home rule charter.*

Sec. 2. That Section 461, General Statutes of Minnesota, 1923, be and the same is hereby repealed.

Approved April 25, 1925.

CHAPTER 421—S. F. No. 432

An act to appropriate money for the current expenses, buildings and improvements at state institutions and for other purposes.

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

Section 1. Appropriations for state institutions.—The sums hereinafter named, or so much thereof as may be necessary, are hereby appropriated from any money in the state treasury not otherwise appropriated to be expended by the State Board of Control for the purposes specified in the following sections of this act, to be available at the time designated opposite each item.

Sec. 2. Anoka State Asylum:

	Available for Year Ending	
Improving grounds	June 30, 1926	\$ 1,000
Improving grounds	June 30, 1927	1,000
Addition to laundry.....	June 30, 1926	12,500
Milk room	June 30, 1926	2,000
Furniture and equipment.....	June 30, 1926	3,750
Furniture and equipment.....	June 30, 1927	3,750
Repairs	June 30, 1926	5,000
Repairs	June 30, 1927	5,000
Current expense	June 30, 1926	60,000
Current expense	June 30, 1927	160,000