

CHAPTER 228—H. F. No. 722

An act relating to insane, feeble-minded, or epileptic persons, authorizing reciprocal agreements with other states for the exchange, return, and transportation thereof.

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

Section 1. Reciprocal exchange of insane persons. The director of public institutions is hereby authorized and empowered with the approval of the governor to enter into reciprocal agreements with any other state or states, through the duly authorized authorities thereof, regarding the mutual exchange, return, and transportation of insane, feeble-minded, or epileptic persons who are within the confines of one state but have legal residence or legal settlement for the purposes of relief in another state. Such agreements shall contain no provision conflicting with any law of this state.

Approved April 5, 1945.

CHAPTER 229—H. F. No. 738

An act relating to elections; amending Minnesota Statutes 1941, Section 205.68, as amended by Laws 1943, Chapter 66, and Minnesota Statutes 1941, Sections 206.01, 206.38, 206.54, 208.03, 208.05 and 208.07.

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

Section 1. Minnesota Statutes 1941, Section 205.68, as amended by Laws 1943, Chapter 66, is amended to read as follows:

205.68. Form and size of ballots. The white and pink ballots shall be not less than four, nor more than six, inches wide, and as long as the list of candidates to be voted for or the questions submitted may require, and contain, in such order of precedence as the secretary of state shall direct, conformable to this chapter, the official title of all offices proper to be placed thereon, each such title printed in ten-point capitals at right angles with the length of the ballot. *Directly underneath shall be printed in bold-face eight-point type the words 'Vote for One', or 'Vote for Two', or more, according to the number to be elected, followed by the names of the candidates for each.* Such ballots shall be headed by the words

'State Ballot' in heavy-faced plain letters not smaller than long primer nor larger than great primer, with a heavy rule above and below the same.

Sec. 2. Minnesota Statutes 1941, Section 206.01, is amended to read as follows:

206.01. Time for voting. At all elections hereafter held in the several districts in this state or in any municipal corporation, except annual town meetings, within the state, the polls in each district except in cities, villages or boroughs of less than 1,000 inhabitants, shall open at 7:00 A. M., and in cities, villages and boroughs of less than 1,000 inhabitants the governing body thereof may by resolution adopted 30 days prior to any election fix a time for the opening of the polls, which time shall be not later than 9:00 A. M., and be kept open continuously until 8:00 P. M., at which time they shall close. *In towns the polls shall be open from 9:00 A. M. to 8:00 P. M. unless the town board shall by resolution adopted 30 days prior to any election fix an earlier time for opening the polls which shall not be earlier than 7:00 A. M. Such earlier time shall thereafter be effective until revoked by the board.* The governing body of any municipal corporation may, by resolution duly adopted prior to the giving of notice of election, designate the time, in no event less than three hours, during which the polls shall remain open for the next succeeding, and all subsequent municipal elections, to be effective until revoked. Those voters who, at the time of closing the polls, are either in the polling place or in line at the door thereof and have not been able to vote *shall* be entitled to vote and the polls shall remain open a sufficient time for them to do so.

Sec. 3. Minnesota Statutes 1941, Section 206.38, is amended to read as follows:

206.38. Auditor to make certificates of elections. The auditor of each county or the secretary of state, where the district comprises more than one county, shall make, for every officer and member of the legislature elected therein a certificate of such election, and deliver the same to the person entitled thereto, without fee, upon demand. No certificate of election shall be issued by the auditor of any county, or by the secretary of state, to any person declared elected by the canvassing board of such county, or by the state canvassing board, at any general election until 12 days after such canvassing board has canvassed the returns and declared the result of such election. *In case of a contest, the certificate shall not be issued until the district court has determined the contest.* The auditor of any county shall also make for any

candidate or voter of his county, a certified copy of any statement of votes made by the county canvassing board, on payment or tender of one dollar therefor.

Sec. 4. Minnesota Statutes 1941, Section 206.54, is amended to read as follows:

206.54. State canvassing boards. The secretary of state shall call to his assistance two judges of the supreme court and two disinterested judges of the district court, and such judges, together with the secretary of state, shall constitute the state canvassing board. Such board shall meet at the office of the secretary of state on the second Tuesday after *any* election, *except as otherwise provided for special elections*. When a vacancy in the membership of said canvassing board occurs by reason of the failure of any such judge to attend the meeting of such board on the day appointed, the secretary of state shall fill such vacancy by selecting another disinterested judge from either court; provided, that not more than two judges of the supreme court shall serve upon the canvassing board at any one time.

Such canvassing board shall open and canvass the returns of a primary election made to the secretary of state; and, upon the completion of the canvass, the secretary of state shall forthwith certify to the several county auditors the names of the persons found to be nominated and mail to each such nominee a notice of his nomination. At its meeting after a general election, such canvassing board shall open and canvass the certified copies of the statements made by the county canvassing boards, prepare therefrom a statement of the whole number of votes cast at such election for members of congress, candidates for the several state offices, and such candidates for senator or representative as shall be voted upon in more than one county, the names of the persons receiving such votes, and the number received by each, and the number of votes cast for and against each constitutional amendment, specifying the several counties in which they were cast, and shall subscribe such statement and certify to the correctness thereof, and, within three days after the completion of such canvass, declare the result. In case of a tie vote for any office, the result of which is to be certified by such canvassing board, it shall determine such tie by lot.

Sec. 5. Minnesota Statutes 1941, Section 208.03, is amended to read as follows:

208.03. Candidate may file contest; notice. Any candidate for the office of senator or representative for any legislative district, may contest the validity of the election of any

person declared elected to such office, by filing with the clerk of the district court of the county of the residence of the contestee, *and upon the official authorized to issue the certificate of election*, within ten days after the canvass is completed, a written notice of contest, specifying the points upon which the contest will be made.

The notice shall be served upon the contestee, within five days thereafter, in the manner provided for the service of a summons in a civil action, or within the time and in the manner prescribed for serving notices in Section 208.07 of this chapter. The contestee may, within 10 days after the service of such notice, serve upon the contestant a notice specifying additional points upon which he desires to offer evidence upon the right to hold such office.

Sec. 6. Minnesota Statutes 1941, Section 208.05, is amended to read as follows:

208.05. **Trial.** The contest proceedings shall be brought on for trial as provided in section 208.07, within 20 days after the filing of the notice of contest. The only questions to be tried by the court shall be as to which of the parties to the contest received the highest number of votes legally cast at the election, and as to who is entitled to receive the certificate of election. The judge trying the proceedings shall make findings upon the questions so tried. Further evidence upon the points specified in the notices shall be taken and preserved by the judge trying the contest, or under his direction by some person appointed by him for that purpose.

When a contest is instituted under this chapter, the county auditor and secretary of state shall refrain from issuing a certificate of election until the final determination of the question as to which of the parties is entitled to the certificate of election. He shall then issue the certificate to the one so found to be entitled to the certificate.

Either party may appeal to the supreme court from the determination of the district court in accordance with the provisions of section 208.09, within five days after notice of filing the decision.

Upon application of either of the parties to the contest, the clerk of the district court shall transmit all the files and records of the proceedings with all the evidence taken to the presiding officer of the house by which the contest is to be tried.

Sec. 7. Minnesota Statutes 1941, Section 208.07, is hereby amended to read as follows:

208.07. **Voter may contest election.** Any voter may contest the election of any person for or against whom he had the right to vote, who is declared elected to a state, county, or municipal office, or the declared result upon a constitutional amendment or other question submitted to popular vote, by proceeding as follows: He shall file with the clerk of the district court of the county of his residence, within ten days after the canvass is completed a written notice of contest, specifying the points upon which the contest will be made, and cause a copy thereof to be served *within said period* upon the contestee, *and upon the official authorized to issue the certificate of election*, when the contest relates to the election of an officer, upon the secretary of state when it is a matter submitted to popular vote which affects the entire state, or any subdivision thereof larger than a county, upon the auditor when it affects a single county, and in all cases upon the municipality affected. In case of a contest as to a state office, the notice may be filed in any district court of the state, but the place of trial may be changed as in civil actions. When the contestee desires to offer testimony on points not specified in contestant's notice, he shall file and serve on the contestant notice thereof specifying such additional points. Such notices shall be treated as the pleadings in the case, and may be amended in the discretion of the court. All notices provided for herein shall be served in such manner and within such times as the court may by order direct, and the testimony shall be taken, and the matter tried and determined, in the same manner as such actions are tried by the court, at a general or special term, if any, occurring within 30 days after such canvass. When no term is already fixed, the judge shall seasonably appoint a special term to be held within such time.

Approved April 5, 1945.

CHAPTER 230—H. F. No. 747

An act relating to the appointment of county assessor in certain counties; amending Minnesota Statutes 1941, Section 391.03.

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

Section 1. Minnesota Statutes 1941, Section 391.03 is hereby amended to read as follows: