

CHAPTER 368—H. F. No. 849

An act relating to absent and disabled voters; amending Minnesota Statutes 1945, Sections 203.02, 203.07, 203.08, 203.10 and 203.14.

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

Section 1. Minnesota Statutes 1945, Section 203.02, is amended to read:

203.02. Application for ballot. At any time not more than 30 days or less than one day before the day of holding any election, any person may make application in writing subscribed by him to the auditor of the county in which he is a resident for ballots and envelopes, *by mailing to or filing with such auditor an application substantially in the following form:*

"APPLICATION FOR BALLOTS

The undersigned, a duly qualified voter in the County of _____ State of Minnesota, residing at _____ (here insert street and number) in said city, *village or town*, because of (absence from *home*) _____, (illness) _____, (physical disability) _____, hereby makes application for the ballots to be voted upon in said district at the next election. Please mail said ballots and accompanying envelope to me at _____ (insert post office address to which to be sent)
Dated _____, 19____.

(Signature of Applicant)"

Any person who shall wilfully make or sign any false certificates specified herein; any person who shall wilfully make any false or untrue statement in any "Application for Ballots;" any person who shall wilfully exhibit to any other person any ballot marked by him; any person who shall in any way wilfully do any act contrary to the terms and provisions of this chapter with intent to cast an illegal vote in any district or to aid another in so doing shall be guilty of a felony.

Sec. 2. Minnesota Statutes 1945, Section 203.07, is amended to read:

203.07. **Auditor to deliver ballot.** The auditor of each of the several counties shall mail or deliver to the applicant with the ballots two envelopes and "*Directions to Voters.*" One envelope shall be known as the "Return Envelope" and shall be sufficiently larger than the "Ballot Envelope" herein described, to conveniently enclose and contain the "Ballot Envelope" herein described. There shall be printed or written across the left hand end of this envelope, by the auditor, before delivery thereof to the applicant, the words:

"Return Envelope
Postmaster deliver on Election Day."

The auditor shall also cause this "Return Envelope" to be addressed to the "Judges of Election" in the districts in which the applicant is entitled to vote, such address shall be in substantial conformity to one of the illustrations herein set forth and as the facts may require:

"To the Judges of Election.
Seventh Precinct, Third Ward,
City of Minneapolis,
Hennepin County,
Minnesota."

"To the Judges of Election, Rosedale Town.

(Here insert name of post-office nearest voting place)
Hennepin County, Minnesota."

"To the Judges of Election, Village of Excelsior,
Excelsior, Hennepin County, Minnesota."

The auditor may vary any such form for addressing "Return Envelope" as the facts may require, but shall adopt such form of address as will best insure the prompt delivery of such envelope and contents to the judges on election day.

The county auditor shall also affix to this "Return Envelope" postage stamps sufficient in amount to pay the postage on the "Return Envelope," after the ballot, ballot envelope and "*Directions to Voters*" herein prescribed have been enclosed therein, from any post-office within the territorial limits of the United States, other than the overseas possessions of the United States to the place to which it is addressed.

There shall be printed on the back of this "Return Envelope" a certificate which shall be substantially in the following form:

"VOTER'S CERTIFICATE"

County of ss

State of

I do swear that I am a citizen of the United States; that I am 21 years of age, and have been a legal resident of the State of Minnesota continuously during the six months last past; that I am an actual resident of the election district named in my application; that on the date of the ballots contained herein I will have legally resided therein for more than 30 days; that I do not intend to abandon my residence in said district prior to such date; that at said time I will be a qualified voter in said district.

(Signed)
(Voter)

Subscribed and sworn to before me this day of A.D., and I hereby certify that the affiant exhibited the enclosed ballots to me unmarked; that he then in my presence and in the presence of no other person, and in such manner that I could not see his vote, marked such ballots and enclosed and sealed the same in the ballot envelope; that the affiant was not solicited or advised by me for or against any candidate or measure.

.
(Attesting Witness)

.
(Official Title)

(Here write name of office or official character of attesting witness, such as notary public, postmaster, etc.)"

The return envelope shall be so made as to open on the left hand end and the certificate above set forth shall be printed on the right hand three-fourths of the back of the envelope.

The following "Directions to Voters" shall be printed and furnished to each voter at the time such ballots are mailed or delivered in person.

"DIRECTIONS TO VOTERS

(1) You may mark and mail your ballot at any place within the United States other than Alaska and the Island Possessions of the United States.

(2) The ballot must be marked and sealed in the "Ballot Envelope" in the presence of an attesting witness, but in such a manner as to prevent such witness or any other person from knowing or learning how you have voted as to any candidate or proposition.

(3) After marking and enclosing ballot in the "Ballot Envelope" you and attesting witness must each sign your respective names to the "Voter's Certificate" *on back of return envelope*.

(4) Enclose "Ballot Envelope" in "Return Envelope," seal the letter, *you must sign and* have attesting witness sign certificate on back of "Return Envelope" and then deposit same in the United States Post-office in presence of, or by the attesting witness.

(5) The ballot may be marked and mailed at any time after you receive it from the county auditor; it should, however, be marked and mailed so as to arrive at your voting place on or before election day. If not there by that day it will not be counted.

(6) Any *Notary Public*, United States postmaster, assistant United States postmaster, United States postal supervisor, Clerk in charge of a contract postal station, or any officer having authority to administer an oath or take an acknowledgment may be an attesting witness.

If a postmaster, or assistant postmaster, or postal supervisor, or clerk in charge of a contract postal station acts as an attesting witness, his signature on the "*Voter's Certificate*" *must* be authenticated by the cancellation stamp of their respective post-offices. If one of the other officers named acts as attesting witness his signature on the "*Voter's Certificate*" *must* be authenticated with his official seal.

(7) Remember that the officers above named are not bound to act as attesting witness for you.

(8) Fold each ballot separately before placing it in "Ballot Envelope"; fold so that cross mark cannot be seen without unfolding, but so that facsimile signature of officer (secretary of state, county auditor, or city clerk) under whose direction the ballot is printed and appearing on the back of the ballot, can be seen without unfolding the ballot. Do not put your name, initials or any other identifying mark on the ballot.

Sec. 3. Minnesota Statutes 1945, Section 203.08, is amended to read:

203.08. Application to be certified and sealed. The county auditor on mailing or delivering to an applicant ballots as hereinbefore specified, shall sign or cause to be signed by his deputy, and date (d) the certificate printed on the application for ballots and shall authenticate such certificate with his official seal. All applications shall be preserved by the auditor and arranged by him according to districts and the initial letter of the surname of the applicant. At the time he delivers the state and county ballots to the town, village and city clerks within his county, he shall also deliver to the respective town, village, and city clerks the applications theretofore received by him and endorsed by him. Such town, village and city clerks shall in turn deliver said applications so endorsed to the respective judges of the several districts.

Sec. 4. Minnesota Statutes 1945, Section 203.10, is amended to read:

203.10. Judges to receive and count ballots. The judges in the several districts at any election shall receive all ballots delivered to them on election day by officers or employees of the United States postoffice department in due course of the business of that department and as herein provided, and deposit the same in the appropriate ballot box provided that they are satisfied that the person is a voter in such district and entitled to vote therein at such election; provided, further, that the conditions precedent hereinafter set forth, exist. Ballots so deposited shall be counted, canvassed and returned in the same manner and shall be given the same force and effect as the votes of other duly qualified voters who vote in person.

Upon a "Return Envelope" being delivered to the judges they shall open the same in such a manner as not to cut or mutilate the contents or deface or damage *certificate or the signa-*

tures thereto on the outside thereof. They shall compare the signature of the voter on the outside of the "Return Envelope" with the signature on the "Application for Ballots" delivered to them as provided herein. If the judges or a majority of them, shall be satisfied that the signature of the voter subscribed to the "Voter's Certificate" is the genuine signature of the person who made the "Application for Ballots," and if the signature of the voter has been properly authenticated as prescribed in the "Directions to Voters" set forth in this chapter, the judges, or one or more of them shall write the word "Received" on such "Ballot Envelope" and under such word his or their name or initials, provided that in cities of first, second or third class such ballot shall not be so marked unless the voter mailing in such ballots has been theretofore duly registered in such district, nor shall said ballots be so marked with the word "Received" if it appears from the registration list that such voter has already voted at such election, either in person or by mail. If the ballots are not received for the reason that the voter has failed to comply with the requirements herein set forth or has previously voted at such election, then such "Ballot Envelope" shall be marked "Rejected" and placed in the "Return Envelope" and placed with and returned to the county auditor with the unused ballots. No person who voted by mail as herein provided shall be permitted to thereafter vote in person in the same election.

If the "Ballot Envelope" is marked with the word "Received" as herein provided, the judges in charge of the register shall make an appropriate notation on the register of voters indicating that the voter has voted by mail; this shall be done by placing the letters "V. M." in the appropriate column opposite the voter's name.

The "Ballot Envelope" marked "Received" as aforesaid shall be carefully kept by the judges until the closing of the polls on the election day, but before any of the ballot boxes are opened, at which time the said "Ballot Envelope" shall be opened and the ballots therein taken therefrom and deposited by the judges in the proper ballot box. If there be more than one ballot of any kind enclosed in said "Ballot Envelope," then and in such case neither of such ballots of such kind shall be deposited in the ballot box, but all such kinds shall be placed with the spoiled ballots and returned as is provided for by law with reference to such spoiled ballots. The judges before depositing said ballots in the ballot boxes shall write their initials thereon in the same manner as is provided by law with reference to ballots delivered by them to voters voting in person.

Sec. 5. Minnesota Statutes 1945, Section 203.14, is amended to read:

203.14. Disposition of fees. In the case of city elections in all cities, or village elections in all villages operating under the "Australian Ballot System," voter's applications for ballots shall be filed with the city or village clerk, no fees shall be required to be paid therefor, and the duties prescribed in this Part for the county auditor shall be performed by the city or village clerk, *provided, however, that such duties may be, upon agreement, combined and performed by one of such officers.* The cost of carrying out the provisions of this Part for any such city or village election shall be paid by the city or village in which the same is held.

Approved April 11, 1949.

CHAPTER 369—H. F. No. 961

An Act relating to aeronautics and public corporations created in connection therewith amending Minnesota Statutes 1945, Section 360.106, Subdivision 3; Section 360.107, Subdivisions 7 and 17; and Section 360.111, as amended.

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

Section 1. Minnesota Statutes 1945, Section 360.106, Subdivision 3, is amended to read:

Subd. 3. Officers. The treasurer shall receive and be responsible for all moneys of the corporation, from whatever source derived, and the same shall be considered public funds. He shall disburse the moneys of the corporation only on orders made by the executive and operating officer, herein provided for, countersigned by the chairman, vice chairman, or other person authorized by the corporation, showing the name of the claimant and the nature of the claim. No disbursement shall be certified by such officers until the same have been approved by said commissioners at a meeting thereof. *Whenever the Executive Director of the corporation shall certify, pursuant to action taken by the commissioners at a meeting thereof, that there are moneys and the amount thereof in the possession of the treasurer not currently needed, then*