

vass of votes or on the grounds of deliberate, serious, and material violations of the provisions of the Minnesota election law.

Sec. 2. [209.12] **Federal legislative offices.** *When the contest relates to the office of senator or a member of the house of representatives of the United States, the only question to be tried by the court, notwithstanding any other provision of law, shall be the question 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 of fact and conclusions of law upon the question so tried. Further evidence upon the points specified in the notices, including but not limited to the question as to the right of any person to nomination or office on the ground of deliberate, serious, and material violation of the provisions of the Minnesota election law, shall be taken and preserved by the judge trying the contest, or under his direction by some person appointed by him for that purpose, but the judge shall make no findings or conclusion thereon. After the time for appeal has expired, or in case of an appeal, after the final judicial determination of the contest, upon application of either of the parties to the contest, the clerk of the district court shall, without unnecessary delay, certify and carefully seal and immediately forward all the files and records of the proceedings with all the evidence taken, by mail or by express, addressed to the presiding officer of the senate or of the house of representatives as the case may be of the United States, Washington, District of Columbia; and shall also endorse upon the envelope or container in which the same are transmitted the name of the case in which the same were taken, together with the name of the party in whose behalf the same were taken, and shall subscribe such endorsement.*

Approved May 13, 1963.

CHAPTER 683—H. F. No. 1400

[Not Coded]

An act relating to the village of Island View, Koochiching county; authorizing the issuance of an additional license for the sale of intoxicating liquor.

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

Section 1. **Island View, village of; additional liquor license.** In addition to the liquor licenses now authorized by law the village of Island View, Koochiching county, may issue one additional “on

Changes or additions indicated by italics, deletions by strikeout.

sale" license for the sale of intoxicating liquor. The fee for such license shall be determined by the village of Island View.

Sec. 2. This act shall be effective upon its approval by a majority of the members of the governing body of the village of Island View and upon compliance with Minnesota Statutes 1961, Section 645.021.

[Became law without Governor's signature.]

Filed May 13, 1963.

CHAPTER 684—H. F. No. 1635

An act relating to elections; prescribing rules for counting ballots; amending Minnesota Statutes 1961, Section 204.22.

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

Section 1. Minnesota Statutes 1961, Section 204.22, is amended to read:

204.22 Elections; rules for counting ballots. In counting ballots a ballot may not be rejected for any technical error that does not make it impossible to determine the voter's choice even though the ballot may be slightly soiled or defaced. All ballots shall be counted for the persons for whom they were intended, so far as the intent can be clearly ascertained from the ballots themselves; and in determining the intent the following rules are applicable and shall be observed:

(a) When a voter has placed a mark (X) against two or more names for the same office, where only one is to be elected, his vote may not be counted for either candidate, but the rest of his ballot shall be counted;

(b) When a voter has written the name of a person in the proper place, his vote shall be counted for that person whether he makes a mark (X) in the square opposite the blank line or not;

(c) When a voter has written the name of a person on a primary election ballot, the vote may not be counted for that office;

(d) 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 the name, the vote shall be counted as so intended;

(e) When a number of persons are to be elected to the same

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