

# GENERAL STATUTES

33

OF THE

STATE OF MINNESOTA,

IN FORCE JANUARY, 1891.

VOL. 1.

CONTAINING ALL THE LAW OF A GENERAL NATURE NOT  
REMEDIAL, THE LATTER BEING IN VOL. 2.

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BY

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GENERAL STATUTES OF MINNESOTA.

CHAPTER 1.

ELECTIONS.

TITLE 1. GENERAL ELECTIONS.

2. ELECTIONS IN CITIES OF TEN THOUSAND INHABITANTS AND OVER.

The prior laws (G. S. ch. 1, as amended by acts 1867, ch. 90; 1871, ch. 45; 1872, chs. 56, 57; 1875, ch. 117; 1876, ch. 74; 1877, chs. 7, 9, 83; 1881, chs. 22, 30, 79; 1883, chs. 33, 34; 1885, chs. 27, 30, 56; and also act 1878, ch. 84, providing for elections in cities of over twelve thousand inhabitants, as amended 1881, ch. 79; 1883, ch. 33; 1885, ch. 56) are repealed and superseded by acts 1887, ch. 4, and 1889, ch. 3, which constitutes this chapter.

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TITLE 1.

GENERAL ELECTIONS.

SECTION 1. **When held.**— On the first (1st) Tuesday after the first (1st) Monday in November of each even numbered year, an election shall be held in the several election districts of the state, which shall be known as the general election; and the several state and county officers, judges of the supreme and district courts, members of the legislature, and representatives in congress of the United States shall be elected at the general election next preceding the expiration of the term of each of the said officers, respectively, and on a year when a president and a vice president of the United States are to be

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chosen, a number of electors of president and vice president of the United States equal to the number of senators and representatives to which this state is entitled in the congress of the United States shall be elected at said election.

1887, ch. 4, § 1: "An act relating to elections, and to repeal chapter 1 of General Statutes 1878, and all acts amendatory thereof." Approved March 7, 1887. This section same as § 1, ch. 1, G. S., as amended 1885, ch. 30.

Const. art. 7, designates the persons entitled to vote. Amendment to Const. adopted November 5, 1875, empowers the legislature to enact that any woman of twenty-one years and upward may vote at any election of officers for schools or any measure relating to schools, and be eligible to any office pertaining solely to schools. Acts 1885, ch. 204, authorized women to vote for county superintendent of schools. Acts 1876, ch. 14, §§ 1 and 2, and 1877, ch. 74, subch. 1, §§ 13 and 14, empowered women to vote at school district meetings. See ch. 36. State v. Benedict, 15 M. 198; State v. Sherwood, 15 M. 221; State v. Gates, 35 M. 386; 37 M. 326.

**SEC. 2. Notice of.**—The secretary of state shall, between the first days of July and September in each year, direct and cause to be delivered to the auditor of each county a notice specifying all the officers whose term of office will expire on the first Tuesday of January, next succeeding, and specifying, also, the several officers to be chosen in such county at the next general election. The auditor to whom such notice is delivered shall, upon the receipt thereof, cause a like notice to be sent to each town and city clerk in his county. \*Every township and city clerk, at least fifteen (15) days before the holding of any general election, and twenty (20) days before the holding of any special election, shall give public notice of the time and place of holding such election by posting in three (3) public places in every election district three (3) notices containing a list of the officers to be elected at such election, one (1) of which notices shall be posted up at the place of holding the election. Said notices shall contain also, the hours during which the polls will be open; provided, that no failure of any clerk to give such notice aforesaid shall invalidate an election.

1887, ch. 4, § 5. Substantially same as § 4, ch. 1, G. S., except above \*, which is new. Taylor v. Taylor, 10 M. 107; Edson v. Child, 18 M. 64.

## ELECTION DISTRICTS.

**SEC. 3. How constituted.**—Every organized township and every ward of each incorporated city shall form at least one election district, but no election district in any incorporated city shall contain more than four hundred (400) voters, and whenever an election district is found by the number of votes there cast at any election, to contain more than four hundred (400) voters, it shall be the duty of the supervisors of the town, or the common council, village, borough, or municipal corporation of the city, if an incorporated city, to cause such districts, at least six (6) weeks before the next ensuing general, town or city election, to be divided into two (2) or more districts, each containing, as nearly as may be, an equal number of voters.

**Map.**—Whenever a ward shall be divided into two (2) or more districts in an incorporated city the common council, village, borough, or municipal corporation shall publish the same by making a map or description of such division, defining it by known boundaries, and keeping such map or description open for public inspection in the office of the clerk of such city; and, also, by posting up copies of such map or description in at least ten (10) of the most public places in every district of such ward; and the common council, village, borough, or municipal corporation shall, also, prior to the next election, furnish copies of such map or description to the judges of election in each district of such ward.

1887, ch. 4, § 2. First sentence found in § 2, ch. 1, G. S. Remainder new. Act 1885, ch. 172, provides that any village, town or city may establish as many voting places as may be convenient, which, not being an amendment to or part of G. S. ch. 1, is not repealed by act 1887, ch. 4 (post, § 96). State v. Fitzgerald, 32 N. W. 788; 10 M. 107; 18 M. 64, 351; 37 M. 27; 38 M. 139, 223.

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**SEC. 4. New election district.**—Whenever any number of voters, not less than eight (8), residing in an unorganized, or partially organized, county shall petition the governor to establish a new election district, designating the boundaries of the same, which shall not be within ten (10) miles of the polling place of an existing district, it shall be the duty of the governor, and he is hereby authorized to cause to be established such district; and he shall select from the names of the petitioners three (3) persons who shall be judges of election therein; such districts to be established at such place or places as the petitioners may require. The governor shall within at least six (6) weeks before a general election, and within at least three (3) weeks before a special election, publish in some newspaper, published in the state, a list of all the election districts by him so established, and the places where the elections are to be held.

1887, ch. 4, § 3. Same as ch. 9, laws 1877, except number of voters.

## JUDGES AND CLERKS — WHERE HELD.

**SEC. 5. How appointed.**—The township supervisors of each township are the judges of election, and the town clerk of each township shall act as one (1) of the clerks of election, in their respective election districts, and the judges of election shall appoint an additional clerk of election, who shall be of an opposite political party if practicable, to the town clerk. The city council of all incorporated cities shall appoint three (3) qualified electors of each election district of said city, who shall be judges of election in their election districts, respectively, and who shall appoint two (2) qualified electors of their election districts as clerks of election.

**Place to hold.**—*The election shall be held* in such election district at the place where the last preceding election was held, except as hereinafter provided; but if in any town a vote is taken to hold it elsewhere, the next ensuing election shall be held at the place designated by such vote. The city council of every incorporated city shall, by ordinance, appoint the place of holding the election in each election district in such city; and when in any township having over five hundred (500) electors, the supervisors divide the same into two (2) or more election districts, they shall designate the boundaries thereof, and thereafter there shall be elected, at the annual town meeting of such township, three (3) judges of election, and two (2) clerks of election in each district, and the place of holding election in each district shall be designated by said town meeting, or, in default of such designation, shall be appointed by the judges of election thereof. Not more than two (2) judges and one (1) clerk of election, except where town supervisors and town clerks so act, shall belong to the same political party.

1887, ch. 4, § 4. G. S. ch. 1, § 2, contained a proviso applicable to St. Paul and Rochester, and the first sentence of section 2, *ante*; otherwise same as above.

**SEC. 6. Eligibility of.**—No person shall be eligible as judge or clerk of election unless he be a qualified voter within the election district in which he acts, nor unless he can read and write and speak the English language understandingly.

1887, ch. 4, § 9. Substantially contained in § 2, ch. 1, G. S. *Quinn v. Markoe*, 35 N. W. 263.

**SEC. 7. When absent, disqualified, or refuse to act.**—If either of the judges of election of any election district shall fail to attend at the time and place appointed for correcting the lists of registers, or holding an election, or if either of said judges be a candidate at such election, or refuse to act as judge, the qualified electors of such election district present shall elect *viva voce* some qualified elector of said election district to act as judge, instead of such judge so absent, disqualified or refusing to act; and if any clerk of election be absent, disqualified or refuse to act, the judges of election shall

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appoint some qualified elector in place of such clerk, and before any judge or clerk of election enters upon the discharge of the duties imposed upon him by this chapter he shall take and subscribe the following, to wit:

**Oath.**—“I, A. B. (judge or clerk of the election, as the case may be), do solemnly swear (or affirm) that I will perform the duties of judge, or clerk, of the election (as the case may be) according to law and the best of my ability, and will studiously endeavor to prevent fraud, deceit and abuse in conducting this election, so help me God,” which said oath, so taken, subscribed and certified, shall be affixed to the said list of register provided for in section six (6). If there be no person present authorized to administer oaths, then the judges of election may administer to each other, and to the clerks, the oath above provided.

1887, ch. 4, § 8. Same as § 6, ch. 1, G. S.

**SEC. 8. Compensation of.**— At all elections to be held under this chapter, the judges and clerks of election shall receive, as compensation for their services, the sum of three (3) dollars each per day, and all special constables the sum of two (2) dollars per day, to be paid out of the treasury of the proper township, city or town.

1887, ch. 4, § 37. Same as § 8 (12), ch. 1, G. S., except the amount and special constable provision.

## REGISTRATION.

**SEC. 9. How made and corrected.**— The judges of election in each election district, (except in cities having over twelve thousand (12,000) inhabitants), at least twenty (20) days before any election, shall make a list or register of the names of all persons who are entitled to vote in their respective districts, at such election, which list shall contain the surnames of such persons in their alphabetical order. Three (3) copies of said list shall, at least ten (10) days before such election, [be posted in each election district], together with a notice of the time and place, when and where, the judges of election will be present for the purpose of making corrections in said list.

**Correction.**— The said judges of election on Tuesday, two (2) weeks preceding the election, and, if necessary, for the next three (3) days, from the hour of nine (9) in the morning until one (1) in the afternoon, and, in cities containing a population of four thousand (4,000) inhabitants and upwards, in addition thereto, from the hour of eight (8) to the hour of ten (10) in the evening, and on the Tuesday next preceding such election from nine (9) o'clock in the forenoon until nine (9) o'clock in the evening, shall be present at the place appointed for the holding of such election, in their respective election districts, for the purpose of making corrections in said list or register; in making such corrections, said judges of election shall enter upon such lists the additional names of all persons, properly shown to be entitled to vote at such election, and erase from said list or register the names of all persons properly shown to be not entitled to vote at such election. The said judges, on first making out said lists, shall consult the poll lists used at the last preceding election in their election district, and shall place in said list or register the names of those persons whom they know, or with reasonable diligence ascertain, to be entitled to vote at such election in their respective election districts. In making the final correction of said lists or registers to ascertain who are entitled to vote at such election, the said judges shall be governed by the rules and regulations hereinafter for that purpose prescribed.

**Name accidentally omitted.**— *And at such election no person shall vote whose name is not upon said list or register, at the time of opening the polls; provided, that if any person offering to vote, whose name is not on said lists or registers, can produce evidence which satisfies a majority of the judges that he has the qualifications of an elector in said district, and is entitled to vote at such election, but whose name has been accidentally omitted from said*

lists or registers, then the name of such person shall be added to the lists or registers and he shall be allowed to vote.

**Name stricken from list.**— Nor shall the vote of any person be rejected whose name is upon said lists at the time of opening the polls; provided, that if evidence satisfying a majority of the judges be produced, showing that the name was registered by mistake and that the person so offering to vote has not the qualifications of an elector in said district, and is not entitled to vote at such election, then the name of such person shall be stricken from said list and he shall not be allowed to vote; but in all such cases an entry shall be made opposite to each name added to, or stricken from, said lists or registers, after the opening of the polls, and the judges of election shall make, or cause to be made, a duplicate of said lists or registers, so that there shall be two (2) registers or lists at every election.

1887, ch. 4, § 6. Same as § 5, ch. 1, G. S., as amended by laws 1873, ch. 48; 1877, ch. 7, except substitution of word "majority" for "all." Const. art. 7, §§ 1, 2, 3, 4, provides who may vote. The exception in this section is abrogated by § 183, *post*, in law of 1889, ch. 3, providing for elections in cities of ten thousand or over.

**SEC. 10. Residence of electors — Rules to determine.**— Provided, that any person being an inmate of any soldiers' home in this state shall, for the purposes of this act, have a legal residence thereat. The judges of election in determining the residence of any person, for the purpose of ascertaining who are qualified electors, shall be governed by the following rules so far as they are applicable:

First — The place shall be considered and held to be the residence of a person in which his habitation is fixed without any present intention of removing therefrom, and to which whenever he is absent he has the intention of returning.

Second — A person shall not be considered to have lost his residence who leaves his home to go into another state, or county in this state, for temporary purposes merely, and with the intention of returning.

Third — A person shall not be considered to have gained a residence in any county into which he comes for temporary purposes merely, without the intention of making such county his home.

Fourth — If a person go into another state, with the intention of making it his residence, he loses his residence in this state.

Fifth — If a person remove to another state with the intention of remaining there for an indefinite time, as a place of residence, he loses his residence in this state, notwithstanding he entertains the idea of returning at some future time.

Sixth — The place where a man's family resides shall be held to be his place of residence; but if it be a place of temporary establishment for his family, or for transient purposes, it shall be otherwise.

Seventh — If a man have a family fixed in one place, and he do business in another, the former shall be considered his place of residence; but any man having a family, who has taken up his abode with the intention of remaining, and whose family refuses to reside with him, shall be regarded as a citizen and voter where he has taken up his abode.

Eighth — The mere intention to acquire a new residence, without the fact of removal, shall avail nothing, neither shall the fact of removal without the intention.\* And no person employed temporarily in the construction or repair of any railroad, canal or other work of a public nature, shall acquire a residence in any election precinct into which he came for that purpose, so as to entitle him to vote therein; but this provision shall not be held to extend to station agents, section men who permanently reside in such election precinct. In any question that may arise as to the right of any person in the employment of any railroad corporation to be registered, or to vote, in any election precinct, it must first satisfactorily appear to all the judges of said election that the said party is an actual bona fide resident of said election district, and

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not there for temporary purposes merely; and the mere affidavit of such person shall not be received as conclusive as to any fact necessary to entitle him to vote.

1887, ch. 4, § 7. Same as § 55 (58) G. S., except below \*, which is new. Const. art. 7, § 1.

## THE BALLOT.

**SEC. 11. Defined — Method of voting.**—The only method of voting at any election shall be by ballot. Any person offering to vote shall deliver his ballot or ballots to one of the judges in the presence of the board. The ballots shall be printed or written, or partly printed and partly written, upon plain white paper, and shall contain the names of the person or persons for whom the elector intends to vote, designating the office to which each person so named is intended by him to be chosen.

1887, ch. 4, § 16. Same as § 10 (14), ch. 1, G. S., except the last clause in G. S., limiting the names and the ballot. Const. art. 7, § 6, provides that all elections shall be by ballot, except for such town officers as may be directed by law to be otherwise chosen. *Barnum v. Gilman*, 27 M. 466.

**SEC. 12. How ballot composed.**—The ballots shall be composed as follows: I. The names of all the persons voted for by any elector, at any election, in whose election all of the voters of the state have the right alike to participate, except electors of president and vice president, and chief justice and associate justices of the supreme court, shall be upon one (1) ballot, which ballot shall be endorsed "State." II. The names of all persons voted for by any elector, at any election, for chief justice or associate justices of the supreme court, judges of the district court or probate judge, shall be upon one (1) ballot, which ballot shall be endorsed "Judiciary." III. The names of the persons voted for by any elector, at any election, for any county office or offices, in whose election all of the voters of the county have the right alike to participate, shall be upon one (1) ballot, which shall be endorsed "County." IV. The names of the persons voted for by any elector, at any election for senators or members of the house of representatives, shall be upon one (1) ballot, which shall be endorsed "Legislature." V. The name of the person voted for at any election for representative in congress shall be upon a separate ballot and endorsed "Congress." VI. The names of the persons voted for by any elector, at any election for any town offices, or in an incorporated city for any city offices, shall be upon one (1) ballot, which ballot shall be endorsed "Town," or "City" (as the case may be). At the general election for representatives in congress, if any person named in the "Congress" ballot shall be intended to supply a vacancy in the office of such representative, the ballots shall designate the congress to which each person is designed to be chosen. When electors of president and vice president are to be chosen, a separate ballot shall be given for them, which shall be endorsed "Electors," and shall contain the names of the persons designated, by the voters giving the same, to be electors of president and vice president, or any of them.

**Limitation.**—The provisions of this section shall apply only to incorporated cities of over five thousand (5,000) inhabitants.

1887, ch. 4, § 17. New. 37 M. 440.

**SEC. 13. Caption of ballot.**—Every printed ballot shall have a caption or endorsement as provided by law, but such caption or endorsement shall be printed in one (1) straight line, in black ink and with plain type, of the size now generally known and designated as "Great Primer Roman Condensed Capitals," and the names of all candidates shall be printed in plain type, with letters of a uniform size.

1887, ch. 4, § 18. New.

**SEC. 14. Unlawful ballots.**—It shall be unlawful for any person to prepare or distribute or cast any ballots printed or partly printed contrary to the

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provisions of this chapter; or to mark the ballot of any voter, or to deliver to any voter such marked ballot for the purpose of ascertaining how he shall vote at any election.

1877, ch. 4, § 19. New. *Quinn v. Markoe*, 35 N. W. 263; 26 M. 529; 27 M. 472.

## BALLOT BOXES.

**SEC. 15. Number and name.**—At each general and special election boxes shall be provided in which all ballots required to be endorsed "state," as directed in the seventeenth (17) section hereof shall be deposited; also a box in which all ballots which are required by said seventeenth (17) section to be endorsed "Judiciary" shall be deposited; also a box in which all ballots which are required by said seventeenth (17) section to be endorsed "County" shall be deposited; also a box in which all ballots which are required by said seventeenth (17th) section to be endorsed "Town" or "City" shall be deposited; also a box in which all ballots which are required by said seventeenth (17th) section to be endorsed "Legislature" shall be deposited; also a box in which all ballots which are required by said seventeenth (17th) section to be endorsed "Congress" shall be deposited. At any election at which any officers are to be voted for by ballot, or subject to be submitted to vote, not otherwise in this section provided for, there shall be provided as many additional boxes as there are additional kinds of ballots required; provided, except in cases of voting amendments to the constitution, or any county seat removal, one (1) additional box may, in the discretion of the judges of election, be provided for all subjects other than those specified in this section. The provisions of this section shall apply only to incorporated cities of more than five thousand (5,000) inhabitants.

1877, ch. 4, § 13. New.

## THE POLLS.

**SEC. 16. Opening and closing of.**—The polls in the several election districts shall be opened at nine (9) o'clock in the morning and kept open until five (5) o'clock in the afternoon,\* but in cities of five thousand (5,000) inhabitants or more the polls shall be kept open until seven (7) o'clock in the evening. No adjournment or intermission whatever shall take place until the same be closed and until all the votes cast at such poll have been counted and the result publicly announced.

1887, ch. 4, § 10. Same as § 7 (11), ch. 1, G. S., as amended 1876, ch. 74, except below \*. The provision of no adjournment until votes counted is contained in § 12, ch. 1, G. S.

**SEC. 17. Order at.**—The judges of election may appoint one (1) or more special constables to attend each place of election. It shall be the duty of the sheriff or constable to keep an open space of at least six (6) feet square from the place of voting, so the person voting can do so unmolested by any other person. If any of the above-named officers neglect to perform that duty, then the judges of election shall swear in enough private citizens to enforce order, who shall have power, as constables or conservators of the peace, to make arrests for breach of the peace. And any police officer or constable attending the election may call to his aid a sufficient number of citizens to arrest any disorderly person or suppress any riot or disorder during the election.

*Whoever conducts himself in a riotous or disorderly manner at any election, and persists in such conduct after being warned to desist, may be arrested without warrant.*

1887, ch. 4, § 11. New.

**SEC. 18. Inspection of boxes—Notice of closing.**—The judges of election, or one of them, immediately before the proclamation is made of the opening of the polls, shall open the ballot boxes in the presence of the people



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there assembled, and turn them upside down, so as to empty them of anything that is in them, and then lock them; and the key thereof shall be delivered to one of the judges, and the said boxes shall not be re-opened until for the purpose of counting the ballots therein at the close of the polls; and the judges forthwith shall proclaim that the polls are open. Written notice of the hour of closing the polls shall be conspicuously posted up outside the polling place.

1887, ch. 4, § 14. Same as § 9 (13), ch. 1, G. S., except provision to post written notice of closing of polls.

## VOTING.

**SEC. 19. Where to vote.**— No elector shall vote except in the district in which he actually resides.

1887, ch. 4, § 15. Same as § 56 (59), ch. 1, G. S. See Const. art. 7, § 1.

**SEC. 20. How to vote.**— The judge to whom any ballot is delivered shall, upon the receipt of the same, pronounce in an audible voice the name of the person from whom the ballot is received; and, if the name of the person is found on the lists or register before mentioned, the said judge shall without opening the said ballot or permitting the same to be opened or examined, deposit the same in the proper ballot box, and the clerks or judges of election shall thereupon distinctly check the name of said person on the lists or registers.

1887, ch. 4, § 20. Same as § 11 (15), ch. 1, G. S., except following words in G. S.: "except to ascertain whether it is a single ballot."

**SEC. 21. Residence — Elector to give.**— Every elector, at the time of offering his vote, shall truly state the street in which he resides and if the house, lodging or tenement where he resides is numbered, the number thereof; but clerks of the polls if the registers contain correctly such names and residence need not make an entry of the residence. In case of his refusal to make the statement aforesaid, the vote of any elector shall not be received.

1887, ch. 4, § 23. New.

## CHALLENGING VOTERS.

**SEC. 22. Challengers allowed.**— The judges of election shall allow at least one (1) and not more than two (2) eligible voters of each political party to the contest, to be chosen by the parties, respectively, in the room where the election is held, to act as challengers of voters at the election; and such challengers may remain with the board of election until the votes are all canvassed and the result declared.

1887, ch. 4, § 12. New.

**SEC. 23. Judge may challenge.**— Each judge of election shall challenge any person offering to have his name inserted in the poll list, or to vote at any election, whom he knows or suspects to be not duly qualified as an elector.

1887, ch. 4, § 25. Same as § 69 (72), ch. 1, G. S.

**SEC. 24. Challenged voter to take oath and answer.**— If any person offering to vote at any election shall be challenged in relation to his right to vote at that election by a judge, or by any other person entitled to vote at the same poll, one of the judges shall tender him the following oath:

"You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector at this election." The judges, or one of them, shall then proceed to question the person challenged regarding his name, his age, his then place of residence, how long he has resided in the town, ward or election district, where the vote is offered; where was his last place of residence before he came to that town, or ward, and as to his citizenship, whether a native or a naturalized citizen, and, if the latter, when, where and what court, and

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before what officer he was naturalized; whether he came into the town or ward for the purpose of voting at that election, and how long he contemplated residing in the town or ward, and such other questions as tend to test his capabilities as a resident in the town or ward, and his right to vote at that poll.

1887, ch. 4, § 26. Contained in § 65 (68), ch. 1, G. S. Const. art. 15, § 3, provides that uniform oath be administered at elections.

**SEC. 25. Refusal to answer — Effect of.**— If the person so challenged refuse to answer the questions which are put to him, as aforesaid, the judges shall refuse to insert his name in the poll lists and he shall not be allowed to vote.

1887, ch. 4, § 27. Same as § 66 (69), ch. 1, G. S.

**SEC. 26. Oath.**— If the challenge is not withdrawn after the person so offering to vote has answered the questions put to him as aforesaid, one of the judges of election shall tender him the following oath: "You do swear (or affirm) that you are a citizen of the United States, or that you have declared your intention to become such citizen conformably to the laws of the United States on the subject of naturalization, that you are twenty-one (21) years of age and have been an inhabitant of this state for four (4) months immediately preceding this election and an actual citizen of this election district for ten (10) days immediately preceding this election; that you have not voted at this election."

1887, ch. 4, § 28. Same as § 67 (70), ch. 1, G. S. Const. art. 15, § 3, provides for uniform oath.

**SEC. 27. Refusal to take oath of qualification to vote.**— If any person refuse to take the oath so tendered his name shall not be inserted on the poll list and he shall not be allowed to vote.

1887, ch. 4, § 29. Same as § 68 (71), ch. 1, G. S.

## THE POLL LISTS.

**SEC. 28. How made.**— Each clerk of the polls shall make a poll list, which shall contain one (1) column headed "Number," one (1) column headed "Residence," one (1) column headed "Names of Voters," and as many additional columns as there are boxes kept at the election. The heading of each additional column shall correspond with the name of one (1) of the boxes so kept.

1887, ch. 4, § 21. New.

**SEC. 29. Same.**— The name of each elector voting shall be entered by each clerk in the column of his poll list headed "Names of Voters," the place of residence of each elector so voting, in the column headed "Residence," and, when there shall be more than one (1) box kept, opposite such name shall be written the figure 1 in every remaining column of such poll list corresponding in heading with the name of each box in which a vote of the elector shall be deposited. In the column headed "Number," the clerk shall write, consecutively the number of each person voting, the first voter being numbered one. Said clerk shall enter in a column opposite the name of each person not registered the words, "Not registered."

1887, ch. 4, § 22. New.

**SEC. 30. Where filed.**— After the canvass of the votes, one (1) of said poll lists or registers so kept and checked as aforesaid shall be attached together, and, on the following day, shall be filed in the office of the city, or town, clerk; the other of said poll lists or registers so kept and checked shall be returned to the office of the county auditor in said district at the time the returns of the election are made. The registers shall at all times be open to public inspection at the office of the authorities in which they shall be deposited, without charge.

1887, ch. 4, § 24. Contained in § 16 (20), ch. 1, G. S.

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SECS. 31-33.]

ELECTIONS — GENERAL.

## CANVASS BY JUDGES OF ELECTION.

**SEC. 31. Commencement of.**— As soon as the polls are finally closed, of which closing proclamation shall be made by one of the judges thirty (30) minutes previous thereto, the judges shall proceed to canvass the votes taken at such election, and the said canvass shall be public and continued without intermission until completed and the result declared.

*The canvass shall commence* by taking out of each box the ballots unopened (except so far as to ascertain whether every ballot is single) and counting the same to ascertain whether the number of ballots corresponds with the number appearing on the poll lists to have been cast in such box; if two (2) or more ballots be found so folded together as to present the appearance of a single ballot, they shall be laid aside until the counting of the ballots is completed; then, if on a comparison of the said count with the number of ballots so appearing to have been cast in such box, it appears that the two (2) ballots so found folded together were cast by one (1) elector, they shall be destroyed. If the ballots in any box be found to exceed in number the number of votes cast in such box, after destroying the ballots folded together (if any), they shall be replaced in the box, and one of the judges shall publicly, and without looking in the box, draw out therefrom, and destroy unopened, a number of ballots equal to such excess.

*The number of ballots agreeing,* or being thus made to agree, with the number of votes appearing in the columns of the poll list, correspond to the respective boxes, the lists shall be signed by the judges and attested by the clerks, and the number of names thereon checked as aforesaid shall be stated in words and figures at the foot of said list and over the signatures of the judges and the attestations of the clerks in the manner hereinafter provided in the form of said lists.

1887, ch. 4, § 30. Same as §§ 12, 13 (16 and 17), ch. 1, G. S. Acts 1881, Ex. S. ch. 64 (*post*, § 104), provides that canvass of vote on constitutional amendment be in same manner as for state officers.

**SEC. 32. The list of votes.**— The lists of electors provided for herein shall be substantially in the following form, to wit:

“List of qualified electors in the election district composed of the (township, ward or town, as the case may be) of — in the county of — State of Minnesota, for an election to be held in the said election district, on the — day of — eighteen hundred and —. (The surnames to be inserted in alphabetical order.)

The whole number of the above-named persons who were present and voting at the above-named election was (the number to be written in words and in figures,) (signed by the judges of election, attested by the clerks of election).

1887, ch. 4, § 31. Same as part of § 16 (20), ch. 1, G. S.

**SEC. 33. The count.**— After the said lists are thus signed, the judges shall proceed to count and ascertain the number of votes cast for each person voted for, and the result shall then be distinctly read; and, as soon as read and canvassed, the tickets shall be strung by one of the judges upon a stout string, and, as soon as practicable after the completion of the said canvass, shall be deposited in the office of the town, or city, clerk, and carefully preserved therein until the next general election.

**The returns.**— And the clerks of election shall set down on a paper, to be known as the returns of the election, the names of each person voted for, written out at length, the office for which such person received any votes, and the number of votes he received, the number being written out in words and also in figures.

**Form of.**— The said returns shall be as nearly as possible in following form, to-wit:

“At an election held at — in the (number if any) election district composed of — (township, ward or town, as the case may be) in the County of

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SECS. 34, 35.]

ELECTIONS — GENERAL.

— in the State of Minnesota on the — day of — Eighteen hundred and — the following named persons received the number of votes opposite their respective names for the following described offices to wit: For (specifying the office) A received (the number to be written in figures and also at length) votes, (and likewise for every person voted for for any office;) to be signed by the judges of election and attested by the clerks of election.\*

**Rejected votes.**— Votes rejected by the judges and not counted for any reason shall be strung separately and plainly marked "Rejected Ballots," and be deposited with the ballots counted, as above provided.

1887, ch. 4, § 32. Same as § 14 (18), ch. 1, G. S., except below \*, which is new. O'Gorman v. Richter, 31 M. 25.

**SEC. 34. Order of canvass.**— If a ballot be found to contain a greater number of names for any one office than the number of persons required to fill the said office, the said ballot shall be considered void as to all the names designated to fill such office, but no further; but no ballot shall be void for containing a less number of names than is authorized to be inserted.\* No ballot properly endorsed, found in a box different from that designated by its endorsement, shall be rejected but shall be counted in the same manner as if found in the box designated by such endorsement; provided that the counting of such ballot or ballots shall not produce an excess of votes above the number of votes designated on the poll-lists.

**Order of canvass.**— The boxes used at such election shall be opened and the votes therein canvassed in the manner above provided, but as nearly as may be in the following order:

First — The box containing the ballots endorsed "Electors."

Second — The box containing the ballots endorsed "State."

Third — The box containing the ballots endorsed "Congress."

Fourth — The box containing the ballots endorsed "Legislature."

Fifth — The box containing the ballots endorsed "Judiciary."

Sixth — The box containing the ballots endorsed "Town" or "City."

Seventh — The box containing the ballots endorsed "County."

And if any other boxes shall be used at any election in pursuance of law, such other boxes shall be opened and the votes therein canvassed, immediately after those hereinbefore specified, in such order as the judges of election at each poll may specify.

1887, ch. 4, § 33. Same as § 15 (19), ch. 1, G. S., except below \*, which is new. Newton v. Newell, 26 M. 529.

## THE RETURNS.

**SEC. 35. Send to auditor.**— After the canvass is thus completed the judges of election, before they disperse, shall enclose the said returns in an envelope, seal the same, and endorse thereon the following words:

"Election returns of the election district of (naming name of town or ward of city) in the county of —" and direct the same to the county auditor of that county; and the said returns shall forthwith be conveyed by one of said judges, to be chosen by lot if not otherwise agreed upon, and delivered to the said county auditor at his office;

**In unorganized counties.**— *Provided*, that the returns of election in unorganized counties shall be made to the auditor of the county to which they are attached for election purposes; and the votes shall be canvassed and certificates of election issued to the persons elected, in the manner provided in this chapter for canvassing votes and issuing certificates of election in organized counties.

1887, ch. 4, § 34. Same as § 17 (21), ch. 1, G. S. Sec. 18 (22), ch. 1, of G. S.; provided a penalty for any judge of election to fail or neglect to deliver the returns, which seems to be contained in § 71.

Sec. 24, *ante*, provides for disposition of poll lists.

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SECS. 36-40.]

ELECTIONS — GENERAL.

**SEC. 36. File copy with clerk of town or city.**— A true copy of the returns made by the judges shall also be made and certified by them and forthwith filed by them in the office of the town or city clerk.

1887, ch. 4, § 35. New.

**SEC. 37. Mileage for carrying.**— There shall be paid out of the county treasury of each county, to the person carrying the returns of the election to the auditor of the county, the sum of ten (10) cents for every mile traveled in going to and returning from the office of the county auditor; this provision to extend to unorganized counties, and to be paid out of the treasury of the county to which they are attached. All fees for carrying election returns shall be audited and allowed by the board of county commissioners of the proper county, in the same manner as other claims are allowed, and may be paid upon the warrant of the county auditor.

1887, ch. 4, § 36. Same as § 38 (41), ch. 1, G. S., as amended 1881, ch. 39, and 1885, ch. 27.

**SEC. 38. Informal, not void.**— No election returns shall be refused by any auditor for the reason that the same are returned or delivered to him in any other than the manner directed herein; nor shall the canvassing board of any county refuse to include any returns in their estimate of votes, on account of any informality in holding any election or making returns thereof, but all returns shall be received and the votes canvassed by such canvassing board, and included in the statements, provided there is a substantial compliance with the provisions of this chapter.

1887, ch. 4, § 38. New. Taylor v. Taylor, 10 M. 107; Edson v. Child, 18 M. 351; O'Farrell v. Colby, 2 M. 180; Clark v. Buchanan, 2 M. 346.

**SEC. 39. Correction of.**— If on proceeding to canvass the votes it shall appear to said board of canvassers or a majority thereof, that in any statement produced to them certain matters are omitted in such statements should have been inserted, or that any mistakes that are clerical merely, exist, they shall cause the said statement to be sent by one of their number or by messenger whom they shall depute for that purpose, to the county or district canvassers of the county, town or district from which such statements were received, to have the same corrected; and the person so deputed shall immediately proceed and give notice to the said county, town or district canvassers, whose duty it shall be forthwith to assemble together, and make such corrections as the facts of the case require; but such county, town or district canvassers shall not, at such meeting, change or alter any decision before made by them, but shall only cause their canvass to be correctly stated; and such board of canvassers are authorized to adjourn from day to day, for the purpose of obtaining and revising such statement, such adjournment not to extend beyond ten (10) days.

1887, ch. 4, § 53. New.

## CANVASS BY COUNTY CANVASSING BOARD.

**SEC. 40. How constituted — Duties.**— The county auditor, the chairman of the board of county commissioners and two (2) justices of the peace of the same county, of opposite political parties if possible, to be selected by the auditor, shall constitute the county canvassing board, and on or before the tenth (10) day after the election, said board shall proceed, after taking the usual oath of office, to openly and publicly canvass the returns made to the auditor's office.

**State officers.**— They shall make a separate statement containing the whole number of votes given in such county for the office of governor, or lieutenant governor, chief, or associate justices of the supreme court, secretary of state, auditor of state, treasurer of state, clerk of the supreme court, judges of the district court, and all other officers of the state; the names of the persons for whom such votes were given, and the number of votes given for each.

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[SECS. 41-43.]

**County officers.**— They shall make another statement for all county officers voted for and the names of the persons for whom such votes were given. Another statement of the votes given for senators and members of the house of representatives, and the names of the persons for whom such votes were given.

**Electors.**— Another statement of the votes for the electors of president and vice president, and the names of the persons for whom such votes were given.

**Congress.**— Another statement of the votes given for representatives in congress in each district, or any or either of them, and the names of the persons for whom such votes were given; another statement of the votes upon any proposed change of county lines or county seat; and another of the votes given for and against proposed amendments to the constitution.

**Certified.**— Such statements shall be signed and certified by the county canvassing board, and deposited in the said auditor's office, and two (2) copies thereof shall be certified under the official seal of the auditor, one (1) of which shall be enclosed and directed to the secretary of state and be forwarded to the seat of government by mail, and the other list shall be enclosed and forwarded to the secretary of state in like manner as the first copy, but by different mail, and within five (5) days after such first copy shall have been so transmitted.

**Non-delivery.**— In the event that neither of such copies so transmitted shall be received by the secretary of state within twenty (20) days after the election, the county auditor shall transmit, by a messenger to be deputed by him, upon notification from the secretary of state, another copy of such statement. If within twenty (20) days after such election no such copy shall have been received by the secretary of state from each county in the state, it shall be his duty to immediately notify the auditor of each county from which such returns have not been received, of such fact.

**Endorsement.**— The county auditor shall endorse on the envelope enclosing each of such statements or copies, the name of the auditor and his official residence and the words "Election returns."

1887, ch. 4, § 39. Substantially § 19 (23), ch. 1, as amended by laws 1881, ch. 22, except that the board and the number of lists are increased. *State v. Churchill*, 15 M. 455; *Clark v. Buchanan*, 2 M. 346; *O'Farrell v. Colby*, 2 M. 180; *Bryant v. Colby*, 2 M. 180; 9 M. 232; 23 M. 445; 31 M. 27.

SEC. 41. **Quorum of.**— Any three (3) of said county canvassing board shall constitute a quorum and are authorized to make the canvass provided for in the last section.

1887, ch. 4, § 40. New.

SEC. 42. **Declare result — Appeal.**— At the close of the canvass as provided in section thirty-nine, (39) the board of canvassers shall declare the person having the highest number of votes for any county office duly elected subject to an appeal to the district court for the proper county; and, in case said county contain a senatorial or representative district, then the person having the highest number of votes for senator or representative shall be declared by said board duly elected. In case of appeal, notice thereof shall be entered with the clerk of said court within twenty (20) days after the day of election.

1887, ch. 4, § 49; G. S., ch. 1, § 29 (32). Same. *Newton v. Newell*, 26 M. 539; *Baberick v. Magner*, 9 M. 232; *Barer v. Kolar*, 23 M. 445; *State v. Churchill*, 15 M. 455.

SEC. 43. **Certificate of election.**— The county auditor shall make out for every county officer elected, and also for each of the senators and representatives elected to the legislature, if such county constitutes a senatorial or representative district, a certificate of such election, and shall deliver the same to the person entitled thereto, upon demand, without fee; and he shall also

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SECS. 44-47.]

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make out for any candidate or elector of his county a statement of votes, as provided in sections thirty-nine, (39) forty (40) and forty-one, (41) upon being paid therefor one (1) dollar.

1887, ch. 4, § 50; G. S. ch. 1, § 30 (33). Same. State v. Sherwood, 15 M. 221; State v. Churchill, 15 M. 455.

## CANVASS WHERE DISTRICT COMPOSED OF TWO OR MORE COUNTIES.

**SEC. 44. Duty of county auditor.**—The county auditor of each county which does not constitute a representative or senatorial district shall make out from the returns of his office a statement of the votes for members of the senate and house of representatives, which he shall seal and direct to the county auditor of the senior county in each senatorial or representative district respectively, and if there be two (2) or more counties in such district of the same age, then the returns shall be directed to the auditor of the county polling the greatest number of votes at the last preceding general election, and said auditor shall forward such statement to the proper auditor within fifteen (15) days after the election.

1887, ch. 4, § 51. Same as first half of § 31 (34), ch. 1, G. S. G. S. ch. 1, § 31, contained provisos as to canvass of vote in Stearns and Anoka counties. Amendment 1872, ch. 56, struck out Stearns county proviso. Amendment 1875, ch. 117, added proviso as to canvass in Otter Tail county. Amendment 1883, ch. 34, changed number of the Anoka county district from twenty-fifth to twenty-eighth. Laws 1887, ch. 4, § 98, repealed the provisos.

**SEC. 45. Canvassing board — Duties.**—When two (2) or more counties are comprised in one (1) senatorial district, the auditor of the senior county, or of the county to which returns are to be made, shall, on the twentieth (20) day after the election, with such other county auditors of the district as choose to attend at his office, call to his assistance two (2) justices of the peace and the chairman of the board of county commissioners of his county, and then and there open the returns of the votes given in the several counties or portions of counties comprising such senatorial district; said auditor of the county to which the returns are made shall immediately make out certificates of election for the persons having the highest number of votes in such senatorial district for the members of the legislature, which certificate shall be delivered to the persons entitled thereto.

1887, ch. 4, § 52. Same as § 32 (35), ch. 1, G. S., as amended 1867, ch. 90, except provisos in latter act.

## CANVASS BY STATE CANVASSING BOARD.

**SEC. 46. How constituted.**—The secretary of state shall call to his assistance two (2) or more judges of the supreme court and two (2) disinterested judges of the district court of the state, who shall constitute the State Canvassing Board. The secretary of state shall appoint a meeting of the State Canvassing Board, to be held in his office, the third (3d) Tuesday of December after each general election, and within thirty (30) days after a special election. If a majority of said board shall be unable, or shall fail to attend on the day appointed, he shall select from the disinterested judges of the supreme court, and notify to attend, as many as may be necessary to constitute the required number. Upon being notified said judges shall attend without delay, and, with the officers attending, shall form the board.

1887, ch. 4, § 41. New. This section intended to enforce Const. art. 5, § 2, as amended November 6, 1877, which also provides that this board "shall open and canvass the returns and declare the result within three days after such canvass." G. S. ch. 1, § 20 (23), provided that legislature open and canvass the returns and declare the result within three days after house organized, following the constitution as it stood before amendment of 1877. Acts 1881, ch. 22, amended this section of G. S. to conform to constitution as amended.

**SEC. 47. Duties of.**—The board, when formed, shall upon the certified copies of the statement made by the County Canvassing Boards, proceed to make a statement of the whole number of votes given at such election for the

various state officers, which statement shall contain the names of the persons to whom such votes have been given for any state office, and the whole number of votes given to each, distinguishing the several counties in which they were given. Said board shall certify such statement to be correct, and subscribe the same with their proper names.

1887, ch. 4, § 42. New.

**SEC. 48. To canvass returns for electors and congressmen.**— At the same time said canvassing board shall open the return made to the secretary of state for members of congress, and for electors of president and vice president of the United States, and shall forthwith proceed to make a statement of the number of votes given for the different persons voted for for the said offices, and the person or persons having the highest number of votes for each office shall be considered duly elected.

**Tie.**— But if it appear that more than the number of persons to be elected as electors of president and vice president have the highest and an equal number of votes, the secretary of state, in the presence of the officers present, shall decide by lot which of the persons shall be elected as such electors.

**Certificate.**— And to each person duly elected, the governor shall give a certificate of election, signed by him, sealed by the great seal and countersigned by the secretary of state, and shall transmit the said certificate to each person so elected, and shall cause the election of electors to be published in the newspapers printed at the seat of government immediately after the said canvass is completed.

*If there shall be a tie* in the number of votes received by candidates for representatives in congress who received the highest number of votes, a special election shall be called, as hereinafter provided, for the election of a representative or representatives in congress, in the district or districts in which said tie vote occurred.

1887, ch. 4, § 43. Board different, otherwise substantially same as § 23 (26), ch. 1, G. S.

#### SPECIAL ELECTIONS TO FILL VACANCIES.

**SEC. 49. Vacancy or tie.**— Whenever there is no election of any state or county officers, or of the required number of members of the house of representatives or senate, or of representatives in congress by reason of any two (2) or more persons having an equal and the highest number of votes for any such office, or whenever any vacancy occurs in any of the said offices, which said vacancy is not otherwise provided for, the governor, within ten (10) days after he is informed of such vacancy or failure to elect, shall issue a proclamation directing that a special election be held in the proper election district or districts, at a time to be specified in the proclamation, not more than twenty (20) days from the date thereof, to fill such office; and said election shall be called in the manner hereinbefore provided for calling elections, and the same shall be held and conducted, and the returns thereof made and canvassed in the same manner as general elections are held, conducted, and the returns thereof made and canvassed; *provided*, that if the vacancy occur in the office of representative in congress, or state senator, or member of the house of representatives, and there be no session of the legislature or congress between the happening of such vacancy and the next general election occurring fifteen (15) or more days thereafter, such vacancy shall be filled at said general election.

1887, ch. 4, § 54; G. S. ch. 1, § 34 (37), as amended 1883, ch. 84, substantially the same.

**SEC. 50. Vacancy in senate or house.**— If a vacancy occur in the senate or house of representatives for any cause, and if the county composing the district in which such vacancy occurs have been divided after the election of a member whose seat is vacant, such election shall be ordered in every county, or part of any county, of which such district was originally composed;



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but no person shall be permitted to vote at such election who does not at that time reside within the limits of the original county or district in which the vacancy occurred.

1887, ch. 4, § 56; G. S. ch. 1, § 39 (42). Same.

**SEC. 51. Returns of special election.**— On elections to fill any vacancy under the preceding section, the auditor shall, within fifteen (15) days after such elections, transmit statements of the votes given, to the office of the secretary of state and take his receipt therefor, under the penalty of five hundred (500) dollars fine, to be recovered from him in a civil action in the name of the county; and the county treasurer for the time being shall sue for and recover the penalty for the use of the county.

1887, ch. 4, § 55; G. S. ch. 1, § 35 (38). Same.

**SEC. 52. How qualify.**— Any state, county or district officer elected, or appointed, to fill a vacancy, shall qualify, and enter upon the duties of his office, immediately thereafter, and, when elected, hold the same during the unexpired term for which he was elected, and until his successor is appointed and qualified; but if appointed he shall hold his office until the next general election, when a successor for the remainder of the unexpired term shall be chosen, and until his successor is elected and qualified.

1887, ch. 4, § 65; G. S. ch. 1, § 43 (46). Same. *Harkins v. Sencerbox*, 2 M. 344; *State v. Benedict*, 15 M. 198; *Territory v. Smith*, 3 M. 240.

## CONTESTED ELECTION.

**SEC. 53. Contest validity of, or election to senate or house.**— Any candidate or elector of the proper county, senatorial, judicial or election district, wishing to contest the validity of an election, or the right of any person declared duly elected to the senate or house of representatives in this state, or to contest his right to a seat therein, shall give notice thereof in writing to the person whose election or right to a seat he intends to contest, or leave a written notice thereof at the house where such person last resided, within twenty (20) days after the votes have been canvassed by the county canvassing board, specifying the points on which the election will be contested and naming two (2) justices of the peace, of the county in which he resides, who will officiate at the taking of the depositions, and when and where they will attend to take the same; all such notices shall be served at least ten (10) days before the day designated therein for the taking of such depositions, but the time fixed for taking the same shall not exceed forty-five (45) days from the day of election.

1887, ch. 4, § 57. Same as G. S. ch. 1, § 46 (49). 9 M. 232; 33 M. 82.

**SEC. 54. Testimony in such contests.**— The said justices, or either of them, shall issue subpoenas to all persons whose testimony is required by either of the parties; and said two (2) justices shall take, under oath, all testimony relating to such contested election, and certify the same under seal to the presiding officer in that branch of the legislature where the person whose seat is contested is returned to serve at the next session.

1887, ch. 4, § 58; G. S. ch. 1, § 47 (50). Same. *State v. Peers*, 33 M. 82.

**SEC. 55. Same.**— If a party whose election is contested desires to offer testimony upon points not specified in the notice of the contestant, he shall, within ten (10) days after the contestant's notice is served upon him as aforesaid, serve upon said contestant, in the manner provided in section fifty-seven, (57), a notice specifying such additional points and specifying a place and day (which shall not be more than ten (10) days later than the time fixed by the contestant in his notice for taking deposition), at which time testimony thereon will be taken before two (2) justices of the same county, which notice shall be served at least ten (10) days previous to the time of taking such testimony.

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No testimony shall be taken by the justices which does not relate to some point specified in said notice, copies of which shall be delivered to the justices taking testimony thereon and by them transmitted to the presiding officer of that branch of that legislature where the contest is to be decided, with the other documents provided for by section fifty-eight (58).

1887, ch. 4, § 59. Substantially same as G. S. ch. 1, § 49 (51), as amended 1872, ch. 57. 33 M. 82.

**SEC. 56. Rules in legislative contest.**—In conducting any contested election in the house of representatives, the following rules shall be observed:

First — On the day and at the hour appointed for that purpose, the house, with the proper officers, shall assemble at the usual place of meeting; the speaker of the house of representatives shall preside, but, when he is a contestant, a speaker pro tem. shall be elected.

Second — The parties to the contest shall then be called by the clerk, and if they answer their appearance shall be recorded.

Third — The contestants shall then first introduce his testimony, and, after the testimony is closed on both sides the contestant by himself or by his counsel may open the contest, and the officer-elect may then proceed, by himself or counsel, to make his defense and the contestant be heard in reply. After the argument of both parties is concluded any member of the house may offer the reasons for the vote he intends to give.

Fourth — The clerk shall keep a regular journal of the proceedings.

Fifth — In deciding the contest, the members shall vote *viva voce*, and a majority of the votes given shall decide; but no party to the contest shall vote, either upon the final decision or upon any preliminary question that has reference thereto.

Sixth — If the contest is in the senate it shall proceed as nearly as may be according to the rules above prescribed.

1887, ch. 4, § 60. Same. G. S. ch. 1, § 51 (54).

**SEC. 57. Contested election of county officers.**—Any candidate or elector of the proper county may contest the election of any person declared elected to any county office. He shall give notice thereof in the manner provided in section fifty-seven (57) for service of such notice. If the person whose election is contested desire to offer testimony upon points not specified in the notice of the contestant, he shall, in the manner provided in section fifty-seven, (57) serve notice on the contestant, specifying such additional points; upon such notices, which are not to be taken as true until proved, and which may be amended, if the court, under all the circumstances, deem it just. All testimony shall be taken as in civil actions, and all matters relating to said contest shall be heard and tried by the district court of the proper county in the manner that civil actions are tried by the court. Said contest shall be brought on for hearing, and the costs therein taxed by said district court in the manner that civil actions are conducted. Said district court, at the next general or special term after the expiration of thirty (30) days after the votes are canvassed, shall hear and determine the contest; and the judge of the said court, in case no general or special term thereof occur within ninety (90) days after the canvass of the votes, shall appoint a special term of said court to convene within ten (10) days after notice of such contest shall be given to him. When the judgment or decision of the district court shall be removed to the supreme court, the party removing the same shall file in the district court a bond to the opposite party in such sum, not less than five hundred (500) dollars, and with such sureties as shall be approved by the judge conditioned for the payment of all costs incurred by the respondent, in case the applicant fail in his appeal. The return on said appeal shall be made, settled, certified and filed in the supreme court within fifteen (15) days after the date of service of notice of appeal, and upon perfecting said appeal, the same may be brought on for hearing and determination before said supreme court at any time when the

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same shall be in session, and upon ten (10) days notice from either party; and the same shall be heard and determined in a summary manner. Such notice of hearing may be served during the term or in vacation. This act shall not apply to any case now pending.

1887, ch. 4, § 61. Substantially G. S. ch. 1, § 49 (52), as amended. 1871, ch. 45; 1872, ch. 57. Law of 1871, ch. 45, added provision as to return on the appeal. Law of 1872, ch. 57, changed method of taking testimony from depositions to manner "in civil actions." Whallon v. Bancroft, 4 M. 109; Ford v. Wright, 13 M. 518; State v. Dowlan, 33 M. 537; State v. Gates, 35 M. 387; O'Gorman v. Richter, 31 M. 25; Newton v. Newell, 26 M. 539; Allen v. Robinson, 17 M. 113; Barer v. Kolar, 23 M. 445; State v. Webber, 31 M. 212; Baberick v. Magner, 9 M. 232; 33 M. 537; 31 M. 212; 31 M. 27.

**SEC. 58. Written or oral testimony in all contests.**—On the trial of any contested election for any of the offices in the fifty-seventh (57) or sixty-first (61) sections<sup>1</sup> of this chapter named, the parties to the contest may introduce either written or oral testimony, but no deposition shall be read at such trial unless the other party had reasonable notice of the time and place of taking the same.

1887, ch. 4, § 62; G. S. ch. 1, § 50 (53). Same. Ford v. Wright, 13 M. 518.

**SEC. 59. County seat election contest.**—In any county in which there is a vote for the removing of the county seat or changing the county lines of said county, or upon any other subject which by law may be submitted to the vote of the people of said county, any elector therein may contest the validity of such election as to the right of the place declared to be selected for the county seat to be such; or as to the result when the proposition to remove a county seat is declared defeated; or as to any county line declared established by said vote; or as to the result of any vote upon any subject submitted as aforesaid. Such elector shall give notice in writing of such contest to the county commissioners, or one (1) of them, in the county in which said vote was taken, by serving copies of said notice personally upon said commissioners at their place of residence within thirty (30) days after the result of said votes is declared or proclaimed. Said notice shall specify the points on which said election will be contested, and a copy thereof shall be filed with the district clerk of the proper county within ten (10) days after the service thereof upon the county commissioners; and the district court, at its first general or special term, shall hear and determine on such contest upon the oral and written evidence of the parties; and depositions may be taken by any of the parties to the proceedings in the same manner as in civil actions, but no appeal to said district court shall be necessary in any such case. Such commissioners, or, upon their failure, any elector of the proper county may appear and defend in such contest and introduce evidence as in other actions.

1887, ch. 4, § 63; G. S. ch. 1, § 52 (55). Same except "but no appeal to said district court shall be necessary in any such case." Bayard v. Klinge, 16 M. 249; Taylor v. Taylor, 10 M. 107; 35 M. 481; 37 M. 269.

## PRESIDENTIAL ELECTORS.

**SEC. 60. When to meet.**—The electors chosen as aforesaid shall, at twelve (12) o'clock, on the day directed by the Congress of the United States, meet at the seat of government of this state, and then and there perform the duties enjoined on them by the Constitution and laws of the United States.

1887, ch. 4, § 44. Same as § 24, ch. 1, G. S. 1866.

**SEC. 61. Same—Vacancy.**—Every elector of president and vice-president of the United States, shall, before the hour of twelve (12) on the day next preceding the day fixed by law of congress to elect a president and vice-president, give notice to the governor that he is at the seat of government and is ready at the proper time to fulfill the duties of an elector; and the governor shall forthwith deliver to the electors present a certificate of all the names of the electors; and if any electors named therein fails to appear be-

<sup>1</sup>Secs. 53, 57, ante.

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ELECTIONS — GENERAL.

[SECS. 62-68.]

fore nine (9) o'clock on the morning of the day of election of president and vice-president of the United States, the electors then present shall immediately proceed to elect by ballot, in the presence of the governor, persons to fill such vacancies.

1887, ch. 4, § 45; G. S. ch. 1, § 25 (28). Same.

**SEC. 62. Tie in filling vacancy.**— If more than the number of persons required to fill such vacancy as aforesaid have the highest and an equal number of votes, the governor, in the presence of the electors attending, shall decide, by lot, which of said persons shall be elected; otherwise, they, to the number required, having the greatest number of votes shall be considered elected to fill such vacancies.

1887, ch. 4, § 46; G. S. ch. 1, § 26 (29). Same.

**SEC. 63. Certificate.**— Immediately after such choice is made, the names of the persons so chosen shall be certified to the governor by the electors making such choice, and the governor shall cause immediate notice to be given in writing to the electors so chosen, and to fill such vacancies, and the persons so chosen shall be electors and shall meet the other electors at the same time and place, and then and there discharge all and singular the duties enjoined on them as electors aforesaid by the constitution and laws of the United States and of this state.

1887, ch. 4, § 47; G. S. ch. 1, § 27 (30). Same.

**SEC. 64. Compensation for electors.**— Every elector attending at the seat of government, as aforesaid, shall receive three (3) dollars for every day's attendance, and three (3) dollars for every twenty (20) miles' travel going to and returning from, the seat of government, estimated from his place of residence by the most usual route. Such sum shall be allowed by the auditor upon the certificate of the governor, and paid by the state treasurer out of any money in the treasury not otherwise appropriated.

1887, ch. 4, § 48; G. S. ch. 1, § 28 (31). Same.

## GENERAL PROVISIONS.

**SEC. 65. County office—Commencement of term.**— The regular terms of office of all state and county officers shall commence on the first (1st) Tuesday of January next succeeding their election, unless otherwise provided by law.

1887, ch. 4, § 64. Same as G. S. ch. 1, § 42 (45), as amended 1885, ch. 30, except changed from first Monday. *State v. Benedict*, 15 M. 198; *Territory v. Smith*, 3 M. 240.

**SEC. 66. No civil process on election day.**— During any day on which any general, special, town or charter election is held, no civil process shall be served upon any elector entitled to vote at such election.

1887, ch. 4, § 66. Same as § 44 (47), G. S. See Const. art. 7, § 5.

**SEC. 67. Secretary of state to furnish all blanks.**— The secretary of state shall provide uniform blanks for making lists or registers, required by law, and affidavits and all other blanks necessary to be used in the several election districts at any election; he shall also provide copies of this law, and transmit the same to the auditor of each county, at least thirty (30) days before any election; and the auditor shall forthwith deliver to the clerk of every town and city in his county, necessary copies of each of said blanks, and one (1) copy of the said law for each election district in his town or city.

1887, ch. 4, § 67. Substantially § 53 (56), ch. 1, G. S.

**SEC. 68. Fees for services.**— Every auditor, chairman of the board of county commissioners, and justice of the peace, shall receive for services performed under this chapter, the following fees: For making the statements, for every one hundred (100) words, ten (10) cents; for every certificate with seal

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attached to statements, forty (40) cents; which fees shall be allowed by the board of county commissioners of the proper county, and paid by the county treasurer upon the warrant of the county auditor.

1887, ch. 4, § 68. Substantially § 54 (57), ch. 1, G. S.

**SEC. 69. Law applies to all elections except.**—The provisions of this chapter shall apply, (except in cities having over twelve thousand (12,000) inhabitants), to all elections hereafter to be held for all, or any, state, district, county,\* officers, and for electors of president and vice president of the United States, and to any vote hereafter to be taken on amendments to the constitution, laws changing the county lines, removing county seats, or upon any subject which may by law be submitted to the vote of the people. But the registration of the names of electors previous to the time of voting at the town meeting in any † township shall not be required; but the manner of conducting the same shall be as provided in the general act for the organization of towns.

1887, ch. 4, § 71, as amended 1889, ch. 133. Amendment struck out at \*, "town, city or township." and at †, "newly organized." Same as § 73 (76), ch. 1, G. S., except matter in parentheses, which is abrogated by act of 1889, ch. 3, providing for elections in cities of ten thousand or over. State v. Dowlan, 33 M. 536; Board of Education, etc. v. Moore, 17 M. 412.

**SEC. 70. City, town, village, establish voting precincts.**—That the corporate authorities of any village, town or city which has been or which may hereafter be organized under the general laws of the state of Minnesota, shall establish as many voting precincts or voting places as may be convenient for the inhabitants of said village, town or city.

1885, ch. 172: "An act authorizing the corporate authorities of villages, towns or cities organized under the general laws of the state to establish voting precincts." Approved March 9, 1885.

## OFFENSES.

**SEC. 71. Saloons to close on election day.**—No spirituous, malt or intoxicating liquor shall be sold or given away, nor shall any store, saloon or bar-room where such liquor is sold or given away, be open on any general or special election day from the hour of five (5) o'clock in the forenoon to the hour of eight (8) o'clock in the afternoon. Whoever violates the provisions of this section shall be fined not less than one hundred (100) dollars nor more than three hundred (300) dollars for each offense. It shall be the duty of the mayor, sheriff, constable and other officers and magistrates, to see that the provisions of this section are enforced; and it shall be the duty of the mayor on the day next preceding any election, to issue a proclamation that the provisions of this section will be strictly enforced. In case the mayor fail to perform the duties herein described he shall be subject to a fine of one thousand (1,000) dollars, or imprisonment in the county jail for sixty (60) days, or both, in the discretion of the court.

1887, ch. 4, § 70. Same as § 18, ch. 84, laws 1878; G. S. ch. 1, § 94.

**SEC. 72. Official misconduct and negligence.**—If any judge or clerk of election, or any other officer, or any other person, required by this chapter to perform any act or thing whatever, shall wilfully fail or refuse to perform such act or thing, or shall be guilty of any fraud, corruption, partiality or misbehavior in canvassing, or making any returns of votes, or shall wrongfully refuse to make or deliver any certificate of election, or shall wilfully perform any act or thing falsely or corruptly in any manner, he shall be guilty of a felony, and, on conviction thereof, shall be punished by imprisonment in the state prison for a term not less than six (6) months nor more than one (1) year, or by a fine of not less than five hundred (500) dollars nor more than two thousand (2,000) dollars, or both, in the discretion of the court.

1887, ch. 4, § 81. Contained in 1887, ch. 84, §§ 19, 22, 24, 25, and G. S. ch. 1, § 41 (44). G. S. ch. 1, § 18 (22), provides a penalty if any judge of election fails or neglects to deliver the returns, which seems to be repealed by repealing clause of this act, and foregoing section intended to cover this failure or neglect.

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[SECS. 73-80.]

**SEC. 73. Voting where does not reside.**— Whoever wilfully votes in any election district in which he does not actually reside, shall be guilty of a misdemeanor, and, on conviction thereof, be imprisoned in the county jail for a term not less than one (1) month nor more than six (6) months.

1887, ch. 4, § 82; G. S. ch. 1, § 57 (60). Same except term of imprisonment.

**SEC. 74. Voting more than once.**— Whoever votes more than once at the same election shall be guilty of a felony, and, on conviction thereof, shall be punished by imprisonment in the state prison for a term not less than six (6) months nor more than one (1) year.

1887, ch. 4, § 83. Same as G. S. ch. 1, § 58 (61). *State v. Welch*, 21 M. 22; *State v. Davis*, 22 M. 423.

**SEC. 75. Non-resident voting.**— Any resident of another state who votes in this state is guilty of a felony, and, on conviction thereof, shall be punished by imprisonment in the state prison for a term not less than one (1) month nor more than one (1) year.

1887, ch. 4, § 84. Same as G. S. ch. 1, § 59 (62), except term of imprisonment.

**SEC. 76. Voting with unlawful intent.**— Whoever, not being a qualified voter, votes at any election with an unlawful intent, is guilty of a felony, and, on conviction thereof, shall be punished by imprisonment in the state prison not less than one (1) month nor more than one (1) year.

1887, ch. 4, § 85. Same as G. S. ch. 1, § 60 (63).

**SEC. 77. Aiding unlawful voting.**— Whoever aids, assists, counsels or advises another to vote, knowing that such person is not duly qualified to vote at the place where and the time when the vote is to be given, is guilty of a misdemeanor, and, on conviction thereof, shall be subject to a fine of not more than five hundred (500) dollars nor less than one hundred (100) dollars, or be imprisoned in the county jail not less than one (1) month nor more than six (6) months.

1887, ch. 4, § 86. Same as G. S. ch. 1, § 61 (64).

**SEC. 78. Same.**— Whoever procures, aids, assists, counsels or advises another to go or come into any county, town or election district for the purpose of giving his vote therein, knowing that the person is not duly qualified to vote therein, is guilty of a felony, and, on conviction thereof, shall be punished by imprisonment in the state prison for a term not less than six (6) months nor more than one (1) year.

1887, ch. 4, § 87. Same as G. S. ch. 1, § 62 (65).

**SEC. 79. Influencing elector.**— Whoever, by threat or bribery, attempts to influence any elector in giving his vote or ballot, or, by such means, attempts to deter him from giving his vote or ballot, is guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less one hundred (100) nor more than one thousand (1,000) dollars, and by imprisonment in the county jail not less than one (1) month, nor more than six (6) months.

1887, ch. 4, § 88. Same as G. S. ch. 1, § 63 (66), except amount of fine.

**SEC. 80. Fraudulent ticket.**— Whoever furnishes an elector, who cannot read the language in which such ticket is printed or written, with a ticket, informing him that it contains a name or names different from those written or printed thereon, with an intent to deceive and induce him to vote contrary to his inclination, or who fraudulently changes a ballot of any elector, by reason of which such elector is prevented from voting for such candidates as he intended, is guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment in the county jail not less than two (2) months nor more than one (1) year.

Id. § 89. Same as G. S. ch. 1, § 64 (67).

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SECS. 81-87.]

ELECTIONS — GENERAL.

**SEC. 81. More than one ballot.**— Whoever, after proclamation is made of the opening of the polls, and at any time before the vote is fully canvassed, shall willfully offer or deliver to a judge of election, to be placed in a box or boxes, more than one (1) ballot for the same candidate or candidates, or shall fraudulently put a ballot or ticket into any box or boxes, is guilty of a felony, and on conviction thereof shall be punished by imprisonment in the state prison for a term not less than six (6) months nor more than one (1) year.

1887, ch. 4, § 90. Substantially same as G. S. ch. 1, § 70 (73).

**SEC. 82. False or corrupt swearing.**— If any person challenged, as unqualified to vote, be guilty of false or corrupt swearing or affirmation in taking any oath or affirmation prescribed by this chapter, he shall be deemed to have committed willful and corrupt perjury, and upon conviction thereof shall suffer the punishment attached by the laws of this state to the crime of perjury.

1887, ch. 4, § 91. Same as G. S. ch. 1, § 71 (74).

**SEC. 83. Revealing ballot.**— If any judge or clerk of election, or any other person, shall willfully or corruptly ascertain, in any manner, or shall [allow any other person to ascertain in any manner, or shall] willfully publish or reveal how any elector voted at an election, he shall, on conviction thereof, be fined in any sum not exceeding one thousand (1,000) dollars, or be imprisoned in the county jail not exceeding one (1) year, or both, in the discretion of the court.

Id. § 92. Same as § 20 (21), ch. 84, laws 1878.

**SEC. 84. Taking or changing election records.**— Whoever shall willfully take or carry away from the place where it has been deposited, or shall deface or mutilate, change or add to any poll book, ballot list or register, or any name or figures therein, shall, on conviction thereof, be fined in a sum not exceeding one thousand (1,000) dollars, or be imprisoned in the state prison not longer than one (1) year, or both, in the discretion of the court.

1887, ch. 4, § 93. Same as § 26, ch. 84, laws 1878.

**SEC. 85. Taking or defacing posted list.**— Any person who shall take down or deface any list of names posted by any board of registration as hereinbefore provided for, shall be guilty of a misdemeanor, and on conviction thereof be punished by a fine of fifty (50) dollars, or be imprisoned in the county jail for the term of sixty (60) days, or both, in the discretion of the court.

1887, ch. 4, § 94. New.

**SEC. 86. False registering and swearing.**— Any person who shall cause his name to be registered in more than one (1) election district, or who shall cause his name to be registered knowing that he is not a qualified elector in the district where said registry is made, or who shall falsely represent any registered voter, and any person causing, aiding or abetting any person to do either of said acts, shall upon conviction thereof be punished for each offense by imprisonment in the state prison for a term not less than one (1) year. All intentional false swearing before a board of registration shall be deemed willful and corrupt perjury, and, on conviction thereof, punished as such.

1887, ch. 4, § 95. Same as § 39, ch. 84, laws 1878.

**SEC. 87. County attorney to prosecute.**— It shall be the duty of the county attorney in each county in this state to prosecute any person violating any of the provisions of this chapter, and to sue for and enforce all penalties incurred for any violation of this chapter or any part thereof, upon his own motion, or upon the complaint of any elector of his county, accompanied by the requisite proof of such offense, or offenses.

1887, ch. 4, § 93. New.

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ELECTIONS — GENERAL.

[SECS. 88-93.]

SEC. 88. **Fines go to school fund.**— All fines incurred and collected under this chapter shall be paid into the county treasury of the county where the offense is committed, for the use of the common schools of such county.

1887, ch. 4, § 97. Same as § 72 (75), ch. 1, G. S.

## PRIMARY ELECTIONS.

SEC. 89. **Defined.**— The words "primary election" as used in this act shall be construed so as to embrace all elections held by any political party, convention, organization or association, or delegates therefrom, for the purpose of choosing candidates for office, or the election of delegates to other conventions, or for the purpose of electing officers of any political party, organization, convention or association.

1887, ch. 4, § 103.

SEC. 90. **Conduct of.**— The presiding officer and inspectors at any such election shall, before entering upon their duties, severally sign and swear to an oath in form now required by inspectors at general elections. The vote or ballot of any person offered at such election shall, upon challenge by any lawful voter thereat, be rejected, unless he be sworn as to his qualifications as such voter, and the presiding officer or any inspector of such primary is hereby empowered, and it shall be his duty to administer an oath to such person, and to any other person offering to vote, as he may deem advisable, to the effect that he will true answers make to such questions as shall be put to him touching his qualifications as a voter, and his right to vote. He may then be examined as to such qualifications and right to vote. If he shall swear to the necessary qualifications of a voter, as prescribed by the regulations of the association holding the primary, or convention, his vote shall be received. If the person so sworn and examined shall intentionally swear falsely as to his qualifications as a voter, he shall be deemed guilty of perjury and shall on conviction, be punished as now prescribed by law for the crime of perjury.

1887, ch. 4, § 100. New.

SEC. 91. **Entitled to vote at.**— No person shall be entitled to vote at any primary election unless he is a qualified elector of this state.

1887, ch. 4, § 104.

SEC. 92. **Unlawful votes and acts.**— If at any political primary election held by any political party, organization or association in this state, any individual shall falsely personate and vote under the name of any other person, or shall intentionally vote without the right to do so, or shall wilfully and wrongfully obstruct and prevent others from voting, who have the right to do so at such primary, or shall fraudulently and wrongfully conceal or destroy ballots cast, or in any manner intentionally and wrongfully deposit ballots in the ballot-box or take them therefrom, or shall commit any other fraud or wrong, tending to defeat or affect the result of the election, he shall be deemed guilty of a misdemeanor.

1887, ch. 4, § 99. New.

SEC. 93. **Fraudulent ballots.**— If any person acting as inspector, teller or canvasser at any such primary election shall knowingly receive the vote of any individual who shall have been challenged, or who is known to him not to be entitled, by the regulations of the association holding the primary election, to vote at such primary, unless the same shall be first sworn in as aforesaid, or shall in any manner fraudulently and wrongfully deposit or put any ballots into, or take any from, the ballot-box of said primary election, or shall fraudulently or wrongfully mix any ballots with those cast at said primary elections, or shall knowingly mix any false count, canvass, statement, certifi-



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SECS. 94-99.]

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cate or return of the ballots cast or vote taken at such primary, he shall be deemed guilty of a misdemeanor.

1887, ch. 4, § 101. *New.*

**SEC. 94. Bribery of delegates.**— If any person elected delegate at any such primary or convention shall accept or receive any money or valuable thing as a consideration for his vote as such delegate, he shall be deemed guilty of a misdemeanor.

1887, ch. 4, § 102.

**SEC. 95. Punishment when not expressly given.**— The punishment of any of the offenses in this act declared to be misdemeanors shall be a fine not exceeding three thousand (3,000) dollars, or imprisonment not exceeding three (3) years, or both such fine and imprisonment.

**Primary election law.**— Provided, however, that all herein contained relating to primary elections shall apply only to cities of five thousand (5,000) or more inhabitants.

1887, ch. 4, § 105. Primary elections in cities of ten thousand or more provided for in act 1889, ch. 3.

## REPEAL.

**SEC. 96. Laws repealed.**— Chapter one (1) of the General Statutes of eighteen hundred and seventy-eight (1878) and all acts amendatory thereof, and of any part thereof, are hereby repealed.

**Name of law.**— This act shall take effect immediately; and shall be known as the General Election Law of the State of Minnesota.

1887, ch. 4, §§ 98, 106.

## CONSTITUTIONAL AMENDMENTS.

**SEC. 97. Attorney-general prepare synopsis.**— Whenever any constitutional amendment or amendments are proposed by the legislature of this state to be submitted for adoption or rejection by the people thereof, it shall be the duty of the attorney-general to critically examine the same and prepare and furnish to the secretary of state at least four (4) months preceding any election at which the same is or are to be voted upon, a synopsis thereof, containing the original article or section and the proposed amendment.

1887, ch. 157, § 1: "An act to provide for the better publication of proposed constitutional amendments." Approved March 30, 1887. Const. art. 14, § 1.

**SEC. 98. Amendment and synopsis to be published.**— It shall be the duty of the secretary of state, before any election at which any amendment or amendments are to be voted upon, to cause the synopsis and opinion of the attorney-general provided for in section one (1) of this act, to be printed and published in the newspapers printed at the capital of the state; and also one (1) paper in each county in the state to be designated by him, for a period of one in each week for three (3) successive weeks immediately preceding such election. *Provided*, that when more than one (1) amendment is proposed the same shall not be published separately, but shall be published in one article.

1887, ch. 157, § 2.

**SEC. 99. Printed copies for voting precincts.**— The secretary of state shall also cause to be printed in bill form such number of copies of said synopsis of the proposed constitutional amendment or amendments provided for in section one (1) as shall be sufficient to furnish at least six (6) copies for each voting precinct in the state, and shall forward the same to each county auditor at least six (6) weeks preceding any such election.

1887, ch. 157, § 3.

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[SECS. 100-106.]

**SEC. 100. Same.**—It shall be the duty of the county auditor of each county, immediately upon the receipt of the bills provided for in section three (3) to forward to each of the town clerk in the county the number thereof provided for in this act.

1887, ch. 157, § 4.

**SEC. 101. Clerk to post notices.**—It shall be the duty of each town clerk to post said notices at least twenty (20) days before the election in the same manner as the register lists of voters are required to be posted; *provided*, that there shall be at least one (1) of said notices posted at each polling place at the day of the election.

1887, ch. 157, § 5.

**SEC. 102. Neglect of duty — Punishment.**—If any of the officers named in this act wilfully or negligently fail to perform by its provisions, he or they or either one of them shall, upon conviction, be fined in a sum not exceeding one hundred (100) dollars nor less than twenty-five (25) dollars and in default of payment shall be committed in the county jail until such fine is paid, not exceeding thirty (30) days.

1887, ch. 157, § 6.

**SEC. 103. Judges of election to post up amendments.**—Whenever amendments to the constitution shall be submitted to the people for their approval or rejection, it shall be the duty of the judges of election, in each election district of the state, before the opening of the polls on election day, to post up at the place of holding the election, the proposed amendments, so that the same can be seen and read. Said amendments shall be printed or written, or partly printed and partly written, in the English language. Any judge of election violating the provisions of this section, shall be subject to a fine not exceeding five (5) dollars for each offense, which may be recovered before any justice of the peace, or any court of the county.

1887, ch. 4, § 69. Same as laws 1877, ch. 83.

**SEC. 104. Canvass of votes on constitutional amendment.**—The result of elections upon constitutional amendments and all questions submitted to the people of the State shall be ascertained and returns made and canvassed in the same manner, at the same time and by the same officers as is provided by law for the canvassing of votes cast at elections for state officers.

1881, Ex. S. ch. 64: "An act to provide for canvassing the results of elections on constitutional amendments and questions submitted to the people of the state." Approved November 21, 1881. Const. art. 14, § 1, provides that if it appear in a manner to be provided by law that a majority of voters present and voting shall have ratified the amendment, the same shall be valid to all intents and purposes as a part of the constitution.

**SEC. 105. Canvass of amendment, § 5, art. 8, legalized.**—That the canvass of the vote cast upon the submission of the proposed amendment to article eight (8) of the constitution of the State of Minnesota, pursuant to the provisions of chapter one (1), of the general laws of the State of Minnesota for the year eighteen hundred and eighty-five (1885) be, and the same is in all things legalized.

1887, ch. 151: "An act to legalize the canvass of votes upon the submission of an amendment to art. 8 of Const., proposed pursuant to ch. 1, laws 1885." Approved March 7, 1887.

## WOMEN VOTE FOR COUNTY SUPERINTENDENT OF SCHOOLS.

**SEC. 106. Qualifications.**—That any woman of the age of twenty-one (21) years and upwards, belonging to either of the classes mentioned in section one (1) of article seven (7) of the constitution of the state of Minnesota, who shall have resided in the United States one (1) year, and in this state for four (4) months next preceding any election at which a county superintendent of schools is elected, shall be entitled to vote for county superintendent of

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SECS. 107-111.]

ELECTIONS — IN LARGE CITIES.

schools at such election, in the election district of which she shall at the time have been for ten (10) days a resident.

1885, ch. 204, § 1: "An act to entitle women to vote for county superintendent of schools." Approved March 2, 1885.

**SEC. 107. Must register.**— Any woman entitled to vote under this act shall be required to register as now provided by law for male voters.

1885, ch. 204, § 2.

**SEC. 108. The ballot — Separate ballot box.**— The ballot offered by any woman entitled to vote under this act shall not contain the name of any person to be voted for at such election except such county superintendent of schools; and all such ballots shall be deposited in a separate ballot box, but canvassed with the other ballots cast for county superintendent of schools at such election.

1885, ch. 204, § 3.

**SEC. 109. Supervisors to procure ballot box.**— The supervisors of the several townships, and the city council of the several cities, shall procure, at the expense of the said townships and cities respectively, a separate ballot box for each election district destitute of the same, in which the ballots of women entitled to vote under this act shall be deposited.

1885, ch. 204, § 4.

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## TITLE 2.

### ELECTIONS IN CITIES OF TEN THOUSAND INHABITANTS AND OVER.

This law supersedes act 1878, ch. 84, an act to provide for the registration and election in cities of over twelve thousand inhabitants; and sections 72 to 80, both inclusive, of act 1887, ch. 4 — the general election law — which were substantially re-enactments of sections 15, 16, 17, 27, 28, 30, 31, 32, ch. 84, acts 1878, as amended 1885, ch. 56; 1883, ch. 33; 1881, ch. 79.

**SEC. 110. Application of this law.**— This act shall apply to all elections in cities of ten thousand (10,000) or more inhabitants (the population to be determined by the state or national census next preceding the election) but to no other portion of the state. All laws now in force relating to elections shall apply to all other portions of the state, and where the same do not conflict and are not inconsistent herewith they shall apply to the class of cities herein mentioned.

1889, ch. 3, § 94: "An act relating to elections in cities of ten thousand inhabitants and over." Approved April 24, 1889.

**SEC. 111. When such elections held.**— On the first (1st) Tuesday after the first (1st) Monday in November of each even numbered year an election shall be held in the several election districts of the state, which shall be known as the general election; and the several state and county officers, judges of the supreme and district courts, members of the legislature and representatives in congress of the United States, shall be elected at the general election next preceding the expiration of the term of each of the said officers respectively, and on a year when a president and vice-president of the United States are to be chosen, a number of electors of president and vice-president of the United States equal to the number of senators and representatives to which this state is entitled in the congress of the United States, shall be elected at said election.

1889, ch. 3, § 1. This section same as § 1, ch. 4, acts 1887 (§ 1, *ante*), and § 1, ch. 1, G. S., as amended 1885, ch. 30.

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ELECTIONS — IN LARGE CITIES.

[SECS. 112-114.]

**SEC. 112. Notice of.**—The secretary of state shall, between the first (1) days of July and September in each year, direct and cause to be delivered to the auditor of each county a notice specifying all the officers whose term of office will expire on the first (1) Tuesday of January next succeeding, and specifying, also, the several officers to be chosen in such county at the next general election. The auditor to whom such notice is delivered shall, upon the receipt thereof, cause a like notice to be sent to each city clerk in his county.\* Every city clerk, at least fifteen (15) days before the holding of any general election, and twenty (20) days before the holding of any special election, shall give public notice of the time and place of holding such election by posting in three (3) public places in every election district three (3) notices containing a list of the officers to be elected at such election, one (1) of which notices shall be posted up at the place of holding the election. Said notices shall contain, also, the hours during which the polls will be open; *provided*, that no failure of any clerk to give such notice aforesaid shall invalidate an election.

1889, ch. 3, § 4. Same as § 5, ch. 4, 1887 (*ante*, § 2), and below \* same as § 4, ch. 1, G. S.

## ELECTION DISTRICTS.

**SEC. 113. How constituted.**—Every ward of each incorporated city containing ten thousand (10,000) inhabitants or over shall form at least one (1) election district, but no election district in any incorporated city shall contain more than four hundred (400) voters; and whenever any election district is found by the number of votes there cast at any election to contain more than four hundred (400) voters, it shall be the duty of the common council, municipal corporation of the city, to cause such districts, at least six (6) weeks before the next ensuing general city election, to be divided into two (2) or more districts, each containing, as nearly as may be, an equal number of voters.

**Map.**—When every ward shall be divided into two (2) or more districts in an incorporated city, the common council or municipal corporation shall publish the same by making a map or description of such division, defining it by known boundaries, and keeping such map or description open for public inspection in the office of the clerk of such city; and also by posting up copies of such map or description in at least ten (10) of the most public places in every district of such ward; and the common council or municipal corporation shall also, prior to the next election, furnish copies of such map or description to the judges of election in each district of such ward.

1889, ch. 3, § 2. Same as § 2, ch. 4, laws 1887 (*ante*, § 3), except words "containing ten thousand inhabitants or over." Acts 1885, ch. 172 (*ante*, § 69), provides that any village, town or city may establish as many voting places as may be convenient.

## JUDGES AND CLERKS OF ELECTION.

**SEC. 114. How appointed.**—The city council of all cities containing a population of ten thousand (10,000) and over shall appoint three qualified electors of each election district of said city, who shall be judges of election in their election districts respectively, and who shall appoint two (2) qualified electors of their election districts as clerks of election.

**Place to hold.**—The election shall be held in such election district at the place where the last preceding election was held, except as hereinafter provided; but if in any town a vote is taken to hold it elsewhere, the next ensuing election shall be held at the place designated by such vote. The city council of every [such] city shall, by ordinance, appoint the place of holding the election in each election district in said city, and no more than two (2) judges and one (1) clerk of election shall belong to the same political party.

1889, ch. 3, § 3. Supersedes 1878, ch. 84, § 1, and substantially same except population. Contained in § 4, ch. 4, acts 1887 (*ante*, § 5), except population. Also contained in § 2, ch. 1, G. S.

# MINNESOTA STATUTES 1891

SECS. 115-118.]

ELECTIONS — IN LARGE CITIES.

SEC. 115. **Eligibility of.**— No person shall be eligible as judge or clerk of election unless he be a qualified voter within the election district in which he acts, nor unless he can read and write and speak the English language understandingly.

1889, ch. 3, § 7. Same as § 9, ch. 4, 1897 (*ante*, § 6). Substantially § 2, ch. 1, G. S.

SEC. 116. **Absent — Disqualified — Refuse to act.**— If either of the judges of election of any election district shall fail to attend at the time and place appointed for correcting the list of registers, or holding an election, or if either of said judges be a candidate at such election or refuses to act as judge, the qualified electors of such election district present shall elect viva voce some qualified elector of said election district to act as judge, instead of such judge so absent, disqualified or refusing to act; and if any clerk of election be absent, disqualified or refuse to act, the judges of election shall appoint some qualified elector in place of such clerk; and before any judge or clerk of election enters upon the discharge of the duties imposed upon him by this chapter he shall take and subscribe the following oath, to wit:

**Oath.**— “I, A. B. (judge or clerk of election, as the case may be) do solemnly swear (or affirm) that I will perform the duties of judge or clerk of the election (as the case may be) according to law and the best of my ability, and will studiously endeavor to prevent fraud, deceit and abuse in conducting this election, so help me God,” which said oath, so taken, subscribed and certified, shall be affixed to the said list or register provided for in section sixty-six (66). If there be no person present authorized to administer oaths, then the judges of election may administer to each other, and to the clerks, the oath above provided.

1889, ch. 3, § 6. Same as § 8, ch. 4, 1897 (*ante*, § 7). Same as § 6, ch. 1, G. S.

SEC. 117. **Compensation of.**— At all elections to be held under this chapter the judges and clerks of election shall receive, as compensation for their services, the sum of three (3) dollars each per day, and all special constables the sum of two (2) dollars per day, to be paid out of the treasury of the proper city.

1889, ch. 3, § 60. Supersedes § 37, ch. 84, laws 1878, as amended 1883, ch. 33. Same as § 37, ch. 4, acts 1887, and § 8 (12), ch. 1, G. S., except amount and special constable provision (*ante*, § 8).

## REGISTRATION.

SEC. 118. **Board of registry — First meeting.**— In all incorporated cities of ten thousand (10,000) inhabitants or over, the persons authorized by, or appointed pursuant to law, to act as judges and the clerks of election in any such city, or any ward or other election district in such city, in this state, shall constitute a board of registry for their respective cities, wards or election districts, and shall meet on Tuesday, three (3) weeks preceding any general, state or city election and fourteen (14) days before any special election. Said board shall meet at nine (9) o'clock in the morning, at the place where the last election was held, or at such other place that may be lawfully designated for the polling place in the election district in which such board are judges and clerks, and shall continue in session until seven (7) o'clock in the afternoon; they shall proceed to make a registration as hereinafter prescribed of all persons entitled to vote at the ensuing election in such election districts; such registration, when completed, shall constitute and be known as the register of electors of such election district. Two (2) such registers shall be made by said board.

**Preserve order.**— Such board shall have and exercise the same right to preserve order at their meetings as is given to judges of election to preserve order on election day, and vacancies in said board shall be filled in the same manner as such vacancies are filled at election.

1889, ch. 3, § 65. Same as § 72, ch. 4, acts 1887, abrogated by this act. Substantially § 27, ch. 84, acts 1878, repealed.

# MINNESOTA STATUTES 1891

ELECTIONS — IN LARGE CITIES.

[SEC. 119.]

SEC. 119. **Form of register.**— Said register shall be in form substantially as follows:

NAMES.	Voted.		RESIDENCE.		Place of nativity.	Color.	LENGTH OF RESIDENCE.						Naturalized or declared intention.	Date of papers.	Court or place.	WHERE LAST REGISTERED.		REMARKS.
	Number.	Street or avenue.	U. S.	State.			Years.	Years.	Months.	Years.	Months.	Days.				Ward.	District.	
Anderson, John .....	213	Third Ave.	3	Norway	White.	3	2	6	2	6	.....	Yes....	Dec, 1885	St. Paul.	3	2		
Allen, Thomas. ....	1314	Grant .....	12	Mass....	White..	10	.....	.....	.....	.....	.....	Native.	.....	.....	6	1		
Austin, Geo.....	27	Superior...	9	Georgia	Colored.	.....	9	.....	9	.....	.....	Native.	.....	.....	1	6	Not qualified.	

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SEC. 120.]

ELECTIONS — IN LARGE CITIES.

**Enter names alphabetically.**— Said board shall enter all names in said registers, alphabetically by surnames; they shall enter therein the name of all persons residing in their election district whose names appear in the poll list in said district at the last preceding election as having voted thereat, except such as are known to the board to have since died, removed from the district or become disqualified; and so far as known to any of said board, the proper entries shall be made opposite each name in the different names in said registry. In addition to the names on said poll list, the board shall enter in said registers the names of all persons who shall personally appear before them for registration.

**Oath.**— One (1) of the judges of election shall administer to all persons appearing personally before him for registration the following oath of affirmation: "You do solemnly swear (or affirm) that you will fully and truly answer such questions as shall be put to you touching your place of residence, name, place of birth, and the qualifications as an elector, and your right to register and vote under the laws of this state."

**Questions.**— One of the judges shall then ask each of the said persons appearing before them the questions necessary to properly fill out the spaces opposite the names of such persons in the various columns of the register. The clerks or other members of the board, shall enter the names of such persons in the registers, and the answers to the questions in the appropriate columns therein.

**Entries.**— In the column headed "residence" shall be entered the name and number of the street or other location of the dwelling, if there be a definite number; if not, such clear and definite description of the place of such dwelling as shall enable it to be readily ascertained. If more than one (1) family be residing in the house there shall be entered floor on which the applicant resides, of the number of the room or rooms occupied by him.

**Name.**— The register shall be ruled, and one (1) name shall be written on each line; but no name shall be written between the lines, and if the name of any person be so written, such person shall not be entitled or allowed to vote, unless his name shall also appear properly on a line in said register.

**Compare — Certify.**— At the end of each day's registry the board shall carefully compare the registers and make them to correspond and agree, and the judges of election shall sign their names at the end of the list on every page of such registry, so that no new names can be added without discovery, and shall also sign and attach to such register a certificate in substance as follows: "We the undersigned judges of election in the — district of the — ward, of the city of —, in the state of Minnesota, do jointly and severally certify that, at the general registration of electors in said election district on the — day of —, 18—, there were registered by us in said election precinct the names which in this book are inserted, and that the number of registered and qualified voters was and is the number of — —" (number to be written in figures and in words).

**Deposited.**— Such registers shall, before ten (10) o'clock in the forenoon of the next day, be deposited by one (1) of said board in the office of the city clerk or recorder, whose duty it shall be to safely keep the same.

1889, ch. 3, § 66. Same as § 73, ch. 4, acts 1887, abrogated by this section. Substantially § 23, ch. 84, acts 1878, as amended 1885, ch. 56, except the form of register and the oath.

**SEC. 120. Second meeting of board.**— On Tuesday, two (2) weeks preceding any general election, and on the thirteenth (13th) day preceding any special election, said board of registration shall again meet, at the same place as before, and remain in public session from nine (9) o'clock until seven (7) o'clock in the afternoon, for the purpose of registering all qualified voters whose names are not yet registered and who shall apply in person for the purpose. They shall obtain from the city clerk or recorder, and use, the same

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ELECTIONS — IN LARGE CITIES.

[SECS. 121, 122.]

registers as on the first (1st) day. The same forms shall be observed in regard to registration as were required upon the first (1st) day of registration; but no person shall be registered who does not personally appear before the board for that purpose. At the end of such day's registration the registers shall be compared and made to agree, and shall be signed as at the end of the first (1st) day's registration, and similar certificates attached thereto. It shall be the duty of the clerks of election composing said board, during the session of that day and before the board adjourns, to make a copy of all the names upon such registers, together with the addresses as indicated in such registers. Immediately after its completion, said copy shall be conspicuously posted up outside of the place of registration, with a notice of the time when such board of registration will meet for a completion and final correction of its registers, and shall be accessible to any elector who may desire to examine or copy the same.

**The registers shall be returned** by one (1) of said board to the office of the city clerk or recorder before ten (10) o'clock in the forenoon of the day next succeeding the day of registration.

1889, ch. 3, § 67. Same as § 74, ch. 4, acts 1887, abrogated by this section. Contained in §§ 30, 31, 32, ch. 8, acts 1878, as amended 1883, ch. 33; repealed by 1887, ch. 4, § 98 (*ante*, § 95).

**SEC. 121. Final meeting of board.**— On Tuesday one (1) week preceding the day of any election and on the day one (1) week preceding any special election, said board of registration shall again meet at the same place as before for the completion and final correction of said register. They shall again obtain the same register before used from the city clerk or recorder's office, and shall be in session from twelve (12) o'clock noon until nine (9) o'clock in the afternoon. Any qualified elector, not already registered, may apply to said board to have his name inserted in said register; the same rule for registration required on previous days shall be observed by the board,— but no person shall be registered who does not personally appear before the board for that purpose. It shall be the duty of said board to erase from the registers the name of any person inserted therein who shall be proved on the oath of two (2) qualified electors of such district, to the satisfaction of the board, to be in any way disqualified to vote in such district at the ensuing election. At the end of the session the registers shall be again compared and made to agree and correspond, and shall be signed and certified by the board as before, and deposited in the city clerk or recorder's office.

**Post copy.**— Before the said board adjourn or separate they shall prepare a copy of all the names and their respective addresses appearing upon such registers, and post the same conspicuously forthwith outside the place of registration.

1889, ch. 3, § 68. Same as § 75, ch. 4, acts 1887, which was abrogated by this section. Contained in § 32, ch. 84, acts 1878, which was repealed by 1887, ch. 4, § 98 (*ante*, § 95).

**SEC. 122. Removal of elector after registration.**— Whenever it shall appear, by the answer of the applicant for registration, or shall be known to the board of registry that the applicant has registered in another district in the same city than the one at which he makes his application the board shall not enter his name in said register until he produces a certificate of removal to be given him by the board of such other district, which may be in the following form: "This is to certify that the name of — —, heretofore residing at — — in this election district, has been by us, the board of registry of this district, stricken from the registration of this precinct, at his request, upon his affidavit of removal. The following entries appear upon the register of this election district concerning him (add entries in various columns of register)." Signed by the board of registry of former place of registration. The above certificate shall be granted by such board upon and only upon the applicant



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making and subscribing the following affidavit which shall be written or printed upon the back of such certificate: "I, ———, do solemnly swear (or affirm) that I now reside (street and number) in ward number ———, in the city of ———, that I am duly entered as a qualified voter in the registers of the ——— district in the ——— ward of said city as residing at No. ——— (street or avenue); that I have removed from the last mentioned residence, and do hereby request the proper entries and record be made, and that my name be erased from the registers of the last mentioned district and a certificate of removal furnished me." If a person remove from one place in a district to another place in the same district, his vote shall not be received at any election unless he appear personally before the board of registration and cause the registers to be changed.

1889, ch. 3, § 69. Same as § 76, ch. 4, acts 1887, abrogated by this section.

**SEC. 123. Cannot vote unless registered.**— The vote of no person whose name does not appear in said registers as a qualified voter shall be received by the judges at any election; except the vote of a person whose name was registered and erased, as provided in the last section, and who takes the oath required by section seventy-three (73) of this act.

1889, ch. 3, § 70. Same as § 77, ch. 4, acts 1887, abrogated by this act.

**SEC. 124. Judges to get registers day before election.**— On the day preceding any election, the judges of election [shall] procure such registers from the office of the city clerk or recorder, one (1) being procured by a judge representing one (1) of the two (2) [leading] political parties and the other by a judge representing the other of the two (2) leading political parties.

**Ballot box.**— The ballot boxes shall be delivered to the clerk of election, with the keys thereof and with poll books and all blanks and stationery necessary to [for] such election.

1889, ch. 3, § 71. Same as § 78, ch. 4, acts 1887.

**SEC. 125. Residence — Rules to determine.**— *Provided.* That any person being an inmate of any soldiers' home in this state shall, for the purposes of this act, have a legal residence thereat. The judges of election in determining the residence of any person, for the purpose of ascertaining who are qualified electors, shall be governed by the following rules so far as they are applicable:

First. The place shall be considered and held to be the residence of a person in which his habitation is fixed without any present intention of removing therefrom, and to which, whenever he is absent, he has the intention of returning.

Second. A person shall not be considered to have lost his residence who leaves his home to go into another state, or county in this state, for temporary purposes merely, and with the intention of returning.

Third. A person shall not be considered to have gained a residence in any county into which he comes for temporary purposes merely, without the intention of making such county his home.

Fourth. If a person go into another state with the intention of making it his residence, he loses his residence in this state.

Fifth. If a person remove to another state with the intention of remaining there for an indefinite time, as a place of residence, he loses his residence in this state, notwithstanding he entertains the idea of returning at some future time.

Sixth. The place where a man's family resides shall be held to be his place of residence; but if it be a place of temporary establishment for his family, or for transient purposes, it shall be otherwise.

Seventh. If a man have a family fixed in one place, and he do business in another, the former shall be considered his place of residence; but any man

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having a family, who has taken up his abode with the intention of remaining and whose family refuses to reside with him, shall be regarded as a citizen and voter where he has taken up his abode.

Eighth. The mere intention to acquire a new residence, without the fact of removal, shall avail nothing, neither shall the fact of removal without the intention.\* And no person employed temporarily in the construction or repair of any railroad, canal or other work of public nature, shall acquire a residence in any election precinct into which he came for that purpose, so as to entitle him to vote therein; but this provision shall not be held to extend to station agents and section men who permanently reside in such election precinct. In any question that may arise as to the right of any person in the employment of any railroad corporation to be registered, or to vote, in any election precinct, it must first satisfactorily appear to all the judges of such election that the said party is an actual bona fide resident of said election district, and not there for temporary purposes merely; and the mere affidavit of such person shall not be received as conclusive as to any fact necessary to entitle him to vote.

1889, ch. 3, § 5. Same as § 7, ch. 4, 1887 (*ante*, § 10). Same as § 55 (58), G. S., except below \*. See Const. art. 7, § 1.

## THE BALLOT.

SEC. 126. **Vote by ballot.**— The only method of voting under this act at any election shall be by ballot, and all ballots hereafter voted at any election in cities of ten thousand (10,000) inhabitants or over, shall be printed as hereinafter provided.

1889, ch. 3, § 13. This and succeeding six sections supersede §§ 6, 7, ch. 84, laws 1878. See § 11, *ante*. Const. art. 7, § 6, provides that "all elections shall be by ballot, except for such town officers as may be directed by law to be otherwise chosen."

SEC. 127. **White ballot.**— There shall be one (1) plain white ballot, upon which shall be printed the names of all candidates for office who are voted for throughout the entire state, and all amendments to the constitution of the state to be submitted to the electors thereof. If the names of the presidential electors make a ballot too long for convenience, they may be printed upon a separate white ballot.

1889, ch. 3, § 14. See §§ 11, 12, 13, *ante*.

SEC. 128. **Blue ballot.**— There shall be one (1) ballot printed blue, upon which shall be printed the names of all candidates for office not included in section fourteen (14) who are voted for throughout the entire county.

1889, ch. 3, § 15. New.

SEC. 129. **Red ballot.**— There shall be one (1) ballot tinted red, upon which shall be printed the names of all candidates for office not included in sections fourteen (14) and fifteen (15) and who are voted for throughout the whole city, ward or precinct thereof, but no candidate's name shall be placed upon the ballots furnished to the judges of election at any polling place who is not properly to be voted for at such polling place.

1889, ch. 3, § 16. New.

SEC. 130. **State auditor to furnish white ballot.**— The plain white ballots shall be printed by the state auditor, and bound in blocks of one hundred (100) ballots to the block, the expense whereof shall be defrayed from the state treasury, and shall by the state auditor be distributed to the auditors of the different counties, in such quantities as shall be necessary to enable the city clerks to fully comply with the provisions of section twenty (20) of this

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act; such ballots to be furnished the county auditor at least eighteen (18) days before election, and a receipt, stating the number of ballots and the date on which they were received, shall be taken therefor.

1889, ch. 3, § 17. New.

**SEC. 131. County auditor to furnish blue ballots.**—The ballots tinted blue shall be printed by the county auditor of each county, and bound in blocks of one hundred (100) ballots to the block, the expense whereof shall be defrayed from the county treasury, and shall be distributed by the county auditor, together with the ballots received from the state auditor, to city clerks within his county, in such quantities as shall be necessary to enable such clerks to fully comply with the provisions of section twenty (20) of this act; such ballots to be furnished such clerks at least eight (8) days before election, and receipts stating the number and color of ballots and the date on which they were received, shall be taken therefor.

1889, ch. 3, § 18. New.

**SEC. 132. City clerk to furnish red ballots.**—The ballots tinted red shall be printed by the city clerks, and bound in blocks of one hundred (100) ballots to the block, the expense whereof shall be defrayed from the city treasury, and shall, together with the white and blue ballots and printed instructions hereinafter provided for, be distributed by the city clerks to the judges of election for each polling place, and receipts stating the number and color of ballots and the date on which they were received, shall be taken therefor. *Provided, however,* that whenever the district of a representative in congress of the United States, or of a representative or senator to the state legislature, extend further than the limits of a single city, then and in that case, the ballot for such representative or senator shall be printed by the county auditor on the ballots tinted blue.

1889, ch. 3, § 19. New.

**SEC. 133. Ballots for polling place.**—Each city clerk shall provide for each polling place or election district in his city, village or township, one hundred (100) ballots of each kind to be voted in the district for every fifty or fraction of fifty electors registered at the last preceding election in the district.

1889, ch. 3, § 20. New.

**SEC. 134. Ballots at polling place.**—It shall be the duty of the judges of election to whom said blocks of ballots are given, to have them, together with the printed instructions, at the polling place in the district in which they are the judges, at the opening of the polls on the day of election.

1889, ch. 3, § 21. New.

**SEC. 135. Form of ballot.**—The form of the ballots shall be both in size and style substantially as printed in exhibit "A" hereto annexed and made a part of this bill, with such headings as shall be appropriate. The name of the candidate for each office shall follow the name of the office in capital letters in the order in which they are handed in. Before each candidate's name shall be repeated the name of the office for which he is running, and after his name, his politics shall be designated. Opposite to each candidate's name in the margin shall be left a vacant space in which the elector shall designate his vote by a cross (X) mark.

There shall be left at the end of the list of names of candidates for each office, a blank space in the same dimensions as the other spaces, in which the voter may place the name of any other person for whom he desires to vote, whose name is not printed on the ballot.

1889, ch. 3, § 23. New.

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[SECS. 136, 137.]

## EXHIBIT A — STATE BALLOT.

Governor — CYRUS C. LUCE — Republican.	X	Vote for one.
Governor — GEORGE L. YAPLE — Democrat.	—	
Governor — SAMUEL DICKIE — Prohibition.	—	
Governor —	—	
Lieut.-Governor — JAMES H. McDONALD — Republican.	X	Vote for one.
Lieut.-Governor — S. S. CURRY — Democrat.	—	
Lieut.-Governor — CHARLES MOSHER — Prohibition.	—	
Lieut.-Governor —	—	
Secretary of State — GIL R. OSMUN — Republican.	X	Vote for one.
Secretary of State — P. B. WACHTEL — Democrat.	—	
Secretary of State — JOHN EVANS — Prohibition.	—	
Secretary of State —	—	
State Treasurer — GEORGE L. MALTZ — Republican.	—	Vote for one.
State Treasurer — WM. G. BEARD — Democrat.	X	
State Treasurer — AARON C. FISHER — Prohibition.	—	
State Treasurer —	—	
State Auditor — HENRY H. APLIN — Republican.	—	Vote for one.
State Auditor — JOHN D. FARRAR — Democrat.	—	
State Auditor — S. B. WILLIAMS — Prohibition.	X	
State Auditor —	—	
Attorney General — MOSES TAGGART — Republican.	—	Vote for one.
Attorney General — JOHN C. DONNELLY — Democrat.	—	
Attorney General — JAMES R. LAING — Prohibition.	—	
Attorney General —	—	
Associate Justice Sup. Ct. — JOS. H. ESTABROOK — Republican.	—	Vote for one.
Associate Justice Sup. Ct. — DAVID PARSONS — Democrat.	—	
Associate Justice Sup. Ct. — DAVIS BEMIS — Prohibition.	—	
Associate Justice Sup. Ct. —	—	

**SEC. 136. Names on ballot.**— Names must be handed to the state auditor to be placed upon the white ballots, in accordance with the provisions of this act, at least twenty-eight (28) days before the day of election. Names must be handed to the county auditor to be placed on the ballots tinted blue at least ten (10) days before the day of election. Names must be handed to the city clerk to be placed upon the ballot tinted red at least four (4) days before election. In all cases provided for in this section, the state auditor, county auditor and city clerk shall immediately give or send the person handing in any name or names to be placed upon the ticket an acknowledgment thereof upon the same in which it is received.

1899, ch. 3, § 24. New.

**SEC. 137. Nominations.**— Any assembly or convention of delegates held for the purpose of making nominations to public office, and also electors to the number hereinafter specified, may nominate candidates for public office to be filled by election within the state.

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Said nominations shall be made by delivering to, and leaving with the officer charged by this act with printing the ballots upon which the name is to be placed, within the time prescribed by section \* twenty-six [twenty-four] of this act, a certificate of nomination for each candidate.

**Certificates of.**— The certificate of nomination, which may consist of one or more writings, shall contain, first, the name of the person nominated; second, the office for which he is nominated; third, the party or political principle he represents (expressed in not more than three (3) words); fourth, his place of residence with street and number thereon, if any.

**Electors.**— In case of electors of president and vice-president of the United States, the names of the candidates for president and vice-president may be added to the party or political appellation.

**The certificate of nomination** of a candidate for office selected by any convention of delegates, as herein defined, shall be signed and certified by the presiding officer and secretary of said convention, who shall also take and subscribe an oath before some proper officer that the facts stated in the certificates are true, and the secretary shall immediately deliver such certificate of nomination to the officer charged with the printing of the ballot upon which the name is to be placed, and in case he shall neglect to do so he shall be guilty of a misdemeanor.

**Nomination defined.**— An assembly or convention of delegates within the meaning of the act is an organized assemblage of electors or delegates representing a political party, which at the last election before the holding of such convention or assembly polled at least one (1) per cent. of the entire vote cast in the state, county or other division or district for which the nomination is made.

**Candidate without nomination.**— The certificate of nomination of a candidate selected otherwise than by a convention of delegates, shall be signed by electors resident within the district or political division from which the candidate is presented to a number equal to one (1) per cent. of the entire vote cast to the last preceding election in the state, county, or other political division or district from which the nomination is made. *Provided, however,* that the number of signatures required in the case of any state officer shall not exceed two thousand (2,000).

**Limitation.**— No certificate of nomination shall contain the name of more than one (1) candidate. No person shall join in nominating more than one (1) nominee for the same office.

**Facts.**— Following the facts required to be stated in each certificate of nomination to be signed by electors shall be written or printed an oath in the following form: "I solemnly swear (or affirm) that I know the content and purpose of this certificate and sign the same of my free will." Each signer at the time of signing shall be sworn by some proper officer.

**Duty of auditors and clerks.**— The state and county auditors, and city clerks, shall respectively place upon the several ballots printed by them the name of each candidate for office who shall have been nominated as hereinbefore provided, and whose certificate of nomination has been presented within the time specified, and on payment of the fee prescribed by law which shall be for the white ticket fifty (50) dollars, for each name tendered, to be paid into the state treasury; for the blue ticket ten (10) dollars for each name tendered, to be paid into the county treasury, for the red ticket five (5) dollars, for each name tendered, to be paid into the city treasury.

Each such officer shall place upon the ticket by him to be printed, only the names of the candidates who are nominated to offices proper to be placed upon such ticket by him to be printed under the provisions of this act, and he shall file and preserve all certificates of nomination.

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ELECTIONS — IN LARGE CITIES.

[SECS. 138-141.]

**SEC. 138. Constitutional amendments.**— Whenever a constitutional amendment or other public measure is proposed to be voted upon by the people the substance of such amendment or other public measure shall be clearly indicated upon the white ballot, and two spaces shall be left upon the margin, one for votes favoring the amendment or public measure to be designated by the word “yes,” and one for votes opposing the amendment or measure to be designated by the word “no.” The elector shall designate his vote by a cross mark, thus (X). In case, however, the measure is one affecting only a portion of the state and to be voted for locally it shall be placed upon the ballot tinted blue.

Proposed amendment to the constitution giving judges a life term of office and making them appointive.	YES	
	No	

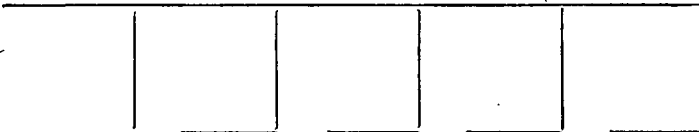
But at the next general election at which constitutional amendments are submitted to a vote of the people the state auditor may vary this form to conform to the provisions of the enactment proposing such amendments.

1889, ch. 3, § 25. New. Const. art. 14, § 1, provides for submission, and if two or more proposed amendments are submitted the voters shall vote for or against each separately; and if it appear, *in a manner to be provided by law*, that a majority of voters present and voting shall have ratified the amendment, the same shall be a part of the constitution. Laws 1881, Ex. S. ch. 64 (§ 104, *ante*), provides for canvass of votes. Laws 1887, ch. 157 (*ante*, §§ 97-102), provides for publication. Laws 1887, ch. 4, § 69 (*ante*, § 103), provides for posting the amendments and ballot.

## THE POLLS.

**SEC. 139. Arrangements of— Ballot boxes.**— At the polling places the following arrangement shall be observed: There shall be provided boxes for voting, as many in number as the kind of ballots voted, one (1) ballot box painted white, one (1) painted red and one (1) painted blue.

**Compartments.**— There shall be provided in the room in which the inspectors of election sit, or immediately adjoining thereto, not less than two (2) booths or compartments for every hundred electors registered, according to the diagram below, so constructed that the voter can retire from observation, and there shall be placed in said compartment an indellible pencil or pen and ink to enable the voter to mark the ballot. Each compartment shall either be provided with a door or a curtain, so that the voter while preparing his ballot may be shielded from observation.



1889, ch. 3, § 27. New.

**SEC. 140. Compartments separated.**— In case the compartments shall be in the same room in which the judges of election sit to receive the ballots, the place where they sit and the portion of the room where the compartments are constructed shall be separated from the rest of the room by a railing so constructed as to leave a space of at least six (6) feet in front of the compartments and ballot boxes.

1889, ch. 3, § 28. New.

**SEC. 141. Who allowed in.**— No person or persons shall be allowed in the room containing the ballot boxes, or in case the ballot boxes and the compartments are in the same room, no person or persons shall be allowed to go

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SECS. 142-145.]

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or remain inside the railing mentioned in the preceding section, except members of the board, officers of the peace, one (1) representative for each of the parties represented on the ticket, policemen, and electors who are about to vote, except as provided for in section thirty-nine (39) of this act. The number of electors about to vote who shall be admitted at one time shall in no case exceed the number of compartments by more than three (3). The judges of election and ballot boxes shall at all times be in public view.

1889, ch. 3, § 29. New.

**SEC. 142. Entrance and exit.**—The judges of election may make such arrangements for entrance to and exit from the room or place where the ballot boxes and compartments are situated as to them may seem the most advantageous and convenient, *provided*, they disregard none of the foregoing requirements. They may also make such regulations as they deem proper, limiting the time in which an elector may remain in the polling room or place while receiving, preparing and voting his ballot; such limitation, however, shall not be less than three (3) nor more than ten (10) minutes, unless the delay is occasioned by the elector's vote being challenged, or is the fault of the judges.

1889, ch. 3, § 30. New.

**SEC. 143. Printed instructions.**—Uniform printed instructions to voters, printed in large type upon cards, shall be furnished by the state auditor to the county auditor of each county, which contains a city of ten thousand (10,000) inhabitants or over, containing any information that will enable the voters to quickly make and correctly designate their choice, and the county auditors shall furnish such cards to the city clerks in the county. Such clerks shall furnish such cards to each polling place, one (1) of which shall be hung in each compartment, two (2) in the polling room, and two (2) on the outside of the building in which the voting takes place. Whenever the county auditor of any county notifies the state auditor that the printed instructions are also needed in a foreign language or languages, and such foreign language is stated, then it shall be the duty of the state auditor to furnish such printed instructions in such foreign language or languages.

1889, ch. 3, § 36. New.

**SEC. 144. Where held.**—No election shall be held, nor shall any election be appointed to be held, in any saloon, or barroom, or in any room or place contiguous with or adjoining thereto. Should any place be designated or appointed for holding an election in violation hereof, or become subject to such objection, after having been so designated, the judges of election shall have power, and it shall be their duty, on or before the day of such election, and before the opening of the polls on such day, to procure a suitable place, as near thereto as may be, not subject to like objection. Said judges of election shall meet at the place first designated at the time for opening the polls, and after any vacancies in their number shall have been filled, adjourn to the place chosen by them, and at the time of such adjournment give public notice by proclamation, to the electors present, of such change, and post in a conspicuous manner notice of the place where such election shall be held, and all expense attending such change shall be certified by such judges to the proper authorities, and shall be allowed and paid accordingly.

1889, ch. 3, § 37. New.

**SEC. 145. Order at the polls.**—The judges of election may appoint one (1) or more special constables to attend to each place of election. It shall be the duty of the sheriff, constable or special constable to keep the surroundings of the polls quiet and orderly, and during voting hours to allow no person to approach within six (6) feet of the ballot boxes, or to pass behind the railing or within six (6) feet of the booth or ballot compartments hereinafter provided for, except electors engaged in receiving, preparing or depositing their ballots, without permission of the judges of the election.

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ELECTIONS — IN LARGE CITIES.

[SECS. 146-149.]

If any of the above named officers neglect to perform that duty, then the judges of the election shall swear in enough private citizens to enforce order, who shall have power as constables, or conservators of the peace, to make arrests for breach of the peace. And any police officer or constable attending the election may call to his aid a sufficient number of citizens to arrest any disorderly person or suppress any riot or disorder during the election. Whoever conducts himself in a riotous or disorderly manner at any election, and persists in such conduct after being warned to desist, may be arrested without warrant.

1889, ch. 3, § 9. Supersedes §§ 2 and 3, ch. 84, laws 1878. Same as § 11, ch. 4, laws 1887 (*ante*, § 17).

**SEC. 146. Examine ballot boxes — Notice of closing.**— The judges of election, or one (1) of them, immediately before the proclamation is made of the opening of the polls, shall open the ballot boxes in the presence of the people there assembled, and turn them upside down, so as to empty them of anything that is in them, and then lock them; and the key thereof shall be delivered to one of the judges, and the said boxes shall not be reopened until for the purpose of counting the ballots therein at the close of the polls; and the judges forthwith shall proclaim that the polls are open. Written notice of the hour of closing the polls shall be conspicuously posted up outside the polling place.

1889, ch. 3, § 11. Same as § 14, ch. 4, laws 1887 (*ante*, § 18).

**SEC. 147. Opening and closing polls.**— The polls in the several election districts shall be opened at six (6) o'clock in the morning and shall be kept open until five (5) o'clock in the evening. No adjournment or intermission whatever shall take place until the same be closed and until all the votes cast at such poll have been counted and the result publicly announced.

1889, ch. 3, § 8. Supersedes § 4, ch. 84, laws 1878, as amended 1881, ch. 79. Same as § 10, ch. 4, 1887 (*ante*, § 16), except the limitation.

## VOTING.

**SEC. 148. Where to vote.**— No elector shall vote except in the district in which he actually resides.

1889, ch. 3, § 12. Same as § 15, ch. 4, laws 1887 (*ante*, § 19). Const. art. 7, § 1, requires residence of one year in the United States, four months in the state and ten days in the election district next preceding any election.

**SEC. 149. How to vote.**— When an elector presents himself for the purpose of voting, one (1) of the judges of election, after ascertaining that he is entitled to vote, shall tear from the blocks a ballot of each kind that is to be voted, place his (the judge's) initials upon the back of the ballots and hand the same to the voter, who shall retire alone to one (1) of the compartments above mentioned, and there prepare his ballot by placing a cross (×) mark opposite the name of each candidate for whom he wishes to vote, in the place upon the margin left for that purpose. *Provided*, however, that any elector who desires to vote for all the candidates nominated by one political party or organization, may make a cross (×) mark near the head of the ballot, in the proper place, opposite the name of some one candidate nominated by such party or organization, and shall then be deemed to have voted for all the nominees of such party or organization. After having prepared his ballots as indicated he shall then fold them so that the face of the ballots will be concealed, but so that the initials of the judge may be seen upon the back, and coming from the compartment shall hand the ballots to one (1) of the judges, designated by them to receive ballots, who shall deposit the same in the proper boxes. The elector shall then retire from the voting room or compartment.

1889, ch. 3, § 31. See § 20, *ante*.



# MINNESOTA STATUTES 1891

SECS. 150-157.]

ELECTIONS — IN LARGE CITIES.

SEC. 150. **Must not show ballot.**— If any elector, after having marked his ballot, shows it to any one except as hereinafter provided, the judge of election shall refuse to receive or place in the ballot box such ticket.

1889, ch. 3, § 32. New.

SEC. 151. **Marking ballot.**— If the elector place a cross (×) mark opposite the names of more persons than are entitled to the office for which they are candidates, said ballot shall not be counted for those officers so voted in excess, but it shall be as to those officers null and void. If any elector inadvertently spoils a ballot, he may obtain another from the board by returning the spoiled ballot to the board, and the board shall preserve said ballot for return to the county auditor.

1889, ch. 3, § 33. New.

SEC. 152. **Same — Remove ballots — Penalty.**— No ballot shall be distributed except in the voting room to electors about to vote, and no ballot which has not the initials of a judge of election, in said judge's own handwriting, on the back thereof shall be placed in the box. If any person, during the day of election and until the closing of the polls, remove from the polling room any of the ballots printed for that election, said person shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred (100) dollars, or imprisonment not exceeding six (6) months, or both.

1889, ch. 3, § 35. New.

SEC. 153. **Preservation of ballots.**— The judge having charge of the ballots in the voting room shall not tear them off from the block upon which they are bound, except as they are required by the electors for voting, and the judges shall preserve the unused ballots, together with the ballots that have been spoiled, and return the same to the county auditor with a statement of the number of ballots used, and the county auditor shall give the judges of election a receipt therefor.

1889, ch. 3, § 34. New.

SEC. 154. **When elector cannot read.**— When any elector shall make oath that he cannot read, or that he cannot read English, or that because of physical disability he cannot mark his ballot, he shall have the right to call to his aid a qualified elector, who may read the ballot to and mark the ballot for such voter, in the presence of the judges of election, provided that no one person shall so mark the ballots of more than six (6) such electors in any one (1) election district at one (1) election; and provided further, that such person shall mark the ballot of such voter as directed by such voter, and not otherwise.

1889, ch. 3, § 39. New.

SEC. 155. **Give residence when vote.**— Every elector at the time of offering his vote, shall truly state the name of the street in which he resides and if the house, lodging or tenement, where he resides, is numbered, the number thereof; but clerks of the polls, if the registers contain correctly such names and residence, need not make an entry of the residence. In case of his refusal to make the statement aforesaid, the vote of the elector shall not be received.

1889, ch. 3, § 47. Same as § 21, *ante*.

SEC. 156. **Conduct of election.**— The election shall be conducted as hereinbefore provided, except, as required by the next section.

1889, ch. 3, § 72. Same as § 79, ch. 4, acts 1887.

SEC. 157. **Receiving and depositing ballots.**— One (1) of the said judges of election shall receive the ballot or ballots from each person offering to vote and shall announce the name and residence of such person in an audible voice. The other two (2) judges shall use and handle the two (2) registers delivered to said judges by said city clerk or recorder, each using one (1).

# MINNESOTA STATUTES 1891

ELECTIONS—IN LARGE CITIES.

[SECS. 158, 159.]

When the name is found by both upon the registers, and the residence given by the voter corresponds with the residence on such register, and the name is not erased, then said judges shall receive such ballot or ballots unless such voter is challenged. Said judges shall then put the ballot or ballots in the proper box or boxes, in the presence of the voter and of the judges and clerks of election and in the presence of the public.

**Mark registers.**—The judges having charge of such registers shall then, in a column prepared thereon in the same line of the voter's name, mark "voted," or the letter "V."

**Procedure if challenged.**—If such person so registered shall be challenged as disqualified, the person challenging shall assign the reason therefor, and thereupon one (1) of said judges shall administer to him an oath to answer questions; and if he shall take said oath then he shall be questioned by said judges touching such cause of challenge and touching any other cause of disqualification, and he may also be questioned by the person challenging him in regard to his qualifications and identity. But if a majority of the judges are of the opinion that he is the person so registered and a qualified voter, his vote shall be received accordingly. But if such vote be rejected by the judges, such person may afterwards produce and deliver to such judges an affidavit subscribed and sworn to by him before one (1) of said judges, or any other person authorized by law to administer oaths, who shall be present at such polling place, in which it shall be stated how long he has resided in such district, county and state; that he is a citizen of the United States, a duly qualified voter in such district, stating with precision his place of residence, and that he is the identical person named in said register. He shall also produce the affidavit of a registered voter who is known to all the judges of election and is a householder in such district, stating his own residence and that he knows such person offering to vote; that he does reside at the place mentioned and has resided in such district and county for the period stated by such person; which affidavit shall be subscribed and sworn to in the same way.

**Record of.**—Whereupon the votes of such persons shall be received and numbered and entered as other votes. But such clerks and the judges in charge of the registers shall state in their respective books the facts in such case; and the affidavit so delivered to such judge shall be preserved and returned with the books and registers to the office of the city clerk or recorder.

1889, ch. 3, § 73. Same as § 80, ch. 4, acts 1887, as amended 1881, ch. 79. *Brisbin v. Cleary*, 26 M. 107.

**SEC. 158. The same.**—The judge to whom a ballot is delivered by an elector after the same has been prepared, shall, upon the receipt of the same, pronounce in an audible voice the name of the person from whom the ballot is received; and, if the name of the person is found on the list or register before mentioned, the said judge, shall, without opening the said ballot, or permitting the same to be opened or examined, deposit the same in the proper ballot box, and the clerks or judges of election shall thereupon distinctly check the name of said person on the lists or registers.

1889, ch. 3, § 44. Supersedes 1878, ch. 84, § 8. Same as § 20, *ante*. G. S. ch. 1, § 11 (15).

## CHALLENGING VOTERS.

**SEC. 159. Challengers allowed.**—The judges of election shall allow one (1) eligible voter of each political party to the contest, to be chosen by the parties respectively, in the room behind the railing where the election is held, to act as challengers of voters at the election; and such challengers may remain with the board of election until the votes are all canvassed and the result declared.

1889, ch. 3, § 10. Supersedes and same as § 14, ch. 84, laws 1878. Same as § 12, ch. 4, laws 1887 (*ante*, § 22).

# MINNESOTA STATUTES 1891

SECS. 160-165.]

ELECTIONS — IN LARGE CITIES.

**SEC. 160. Judges shall challenge.**— Each judge of election shall challenge any person offering to have his name inserted in the poll list, or to vote at any election, whom he knows or suspects to be not duly qualified as an elector.

1889, ch. 3, § 49. Same as § 25, ch. 4, acts 1887 (*ante*, § 23), and § 69 (72), ch. 1, G. S.

**SEC. 161. Oath on being challenged.**— If any person offering to vote at any election shall be challenged in relation to his right to vote at the election, by the judge or by any other person entitled to vote at the same poll, one of the judges shall tender him the following oath:

“ You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector at this election? ”

**Questions.**— The judges, or one of them, shall then proceed to question the person challenged regarding his name, his age, his then place of residence, how long he has resided in the town, ward or election district where the vote is offered, where was his last place of residence before he came to that town or ward, and as to his citizenship whether a native or naturalized citizen, and if the latter, when, where, and what court and before what officer he was naturalized; whether he came into the town or ward for the purpose of voting at that election, and how long he contemplates residing in the town or ward; and such other questions as tend to test his capabilities as a resident in the town or ward and his right to vote at the polls.

1889, ch. 3, § 50. Supersedes 1878, ch. 84, § 15. Same as § 24, ch. 4, acts 1887 (*ante*, § 24). Const. art. 15, § 3, provides that uniform oath be administered at election.

**SEC. 162. Refusal to answer.**— If the person so challenged refuses to answer the questions that are put to him, as aforesaid, the judges shall refuse to insert his name in the poll list, and he shall not be allowed to vote.

1889, ch. 3, § 51. Same as § 27, ch. 4, acts 1887 (*ante*, § 25), and same as § 66 (69), ch. 1, G. S.

**SEC. 163. Oath if challenge not withdrawn.**— If the challenge is not withdrawn after the person so offering to vote has answered the questions put to him as aforesaid, one (1) of the judges of election shall tender him the following oath: “ You do swear (or affirm) that you are a citizen of the United States, or that you have declared your intention to become such citizen conformably to the laws of the United States on the subject of naturalization; that you are twenty-one (21) years of age and have been a resident of the United States for one (1) year and an inhabitant of this state for four (4) months immediately preceding this election, and an actual resident of this election district for ten (10) days immediately preceding this election; that you have not voted at this election.”

1889, ch. 3, § 52. Same as § 28, ch. 4, acts 1887, and G. S. ch. 1, § 67 (70) (*ante*, § 26). Const. art. 15, § 3, provides for uniform oath.

**SEC. 164. Refusal to take such oath.**— If any person refuse to take the oath so tendered, his name shall not be inserted on the poll list and he shall not be allowed to vote.

1889, ch. 3, § 53. Same as § 29, ch. 4, acts 1887, and G. S. ch. 1, § 68 (71). See *ante*, § 27.

## THE POLL LISTS.

**SEC. 165. How made.**— Each clerk of the polls shall make a poll list, which shall contain one (1) column headed “ number,” one (1) column headed “ residence,” one (1) column headed “ names of voters,” and as many additional columns as there are boxes kept at the election. The head of each additional column shall correspond with the name of one (1) of the boxes so kept, viz: white, blue and red.

1889, ch. 3, § 45. Supersedes 1878, ch. 84, § 5. Same as § 28, *ante*, except “ white, blue and red,” and § 21, ch. 4, acts 1887.

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ELECTIONS — IN LARGE CITIES.

[SECS. 166-168.]

SEC. 166. **Same.**—The name of each elector voting shall be entered by each clerk in the column of his poll list headed, "names of voters," the place of the residence of each elector so voting, in the column headed "residence," and when there shall be more than one (1) box kept, opposite such name shall be written the figure one (1) in every remaining column of such poll list corresponding in heading with the name of each box in which a vote of the elector shall be deposited. In the column headed "number," the clerk shall write consecutively the number of each person voting, the first vote being numbered one (1). Said clerk shall enter in a column opposite the name of each person not registered the words, "not registered."

1889, ch. 3, § 46. Same as § 22, ch. 4, acts 1887 (*ante*, § 29).

SEC. 167. **Disposition of.**—After the canvass of the votes, one (1) of said poll lists or registers so kept and checked as aforesaid shall be attached together, and on the following day shall be filed in the office of the city clerk; the other of said poll lists or registers so kept and checks shall be returned to the office of the county auditor in said district at the time the returns of the election are made. The register shall at all times be open to public inspection at the office of the authorities in which they shall be deposited, without charge.

1889, ch. 3, § 48. Supersedes § 35, ch. 84, laws 1878, which reads: "one of said poll lists and said registers." Same as § 24, ch. 4, acts 1887 (*ante*, § 30).

## CANVASS BY JUDGES OF ELECTION.

SEC. 168. **How canvassed.**—As soon as the polls are finally closed, of which closing proclamation shall be made by one (1) of the judges thirty (30) minutes previous thereto, the judges shall proceed to canvass the votes taken at such election, and the said canvass shall be public and continued without intermission until complete and the result declared. The canvass shall commence by taking out of each box the ballots unopened (except so far as to ascertain whether every ballot is single) and counting the same to ascertain whether the number of ballots corresponds to the number appearing on the poll lists to have been cast in such box; if two (2) or more ballots be found to be so folded together as to present the appearance of a single ballot, they shall be laid aside until the counting of the ballots is completed; then if, on a comparison of the said [list] with the number of ballots appearing to have been cast in such box, it appears that the two (2) ballots so found folded together were cast by one (1) elector, they shall be preserved and laid to one side. If the ballots in any box are found to exceed in number the number of votes cast in such box, they shall be first examined to ascertain if they are all properly marked with the initials of the judge having charge of the ballots, and in case they are found not so marked, they shall be preserved and laid to one side. If there is still an excess of ballots above the registry of votes, they shall be replaced in the box, and one (1) of the judges, without looking shall draw from the box a number of ballots equal to such excess and the same shall be laid aside. The number of ballots agreeing, or being thus made to agree, with the number of votes appearing in the columns of the poll list, corresponding to the respective boxes, the list shall be signed by the judges and attested by the clerks, and the number of names thereof checked as aforesaid shall be stated in words and figures at the foot of said list and over the signatures of the judges and the attestation of the clerk in the manner hereinafter provided in the form of said lists. The ballots so laid aside as aforesaid shall be attached to a certificate made by the judges stating the reason why the ballots were so laid aside, and the certificates and ballots attached shall be sealed up in a separate envelope and returned to the county auditor with the other returns.

1889, ch. 3, § 54. Supersedes § 10, ch. 84, laws 1878. Substantially § 30, ch. 4, acts 1887 (*ante*, § 31).

# MINNESOTA STATUTES 1891

SECS. 169-172.]

ELECTIONS—IN LARGE CITIES.

**SEC. 169. List of votes.**—The list of electors provided for herein shall be substantially in the following form, to-wit:

“List of qualified electors in the election district composed of the — (ward as the case may be) of —, in the county of —, state of Minnesota, for an election to be held in the said election district, on the — day of —, eighteen hundred and —. (The surnames to be inserted in alphabetical order.)

The whole number of the above named persons who were present and voting at the above named election was (the number to be written in words and figures), signed by the judges of election, attested by the clerks of election.”

1889, ch. 3, § 55. Same as § 31, ch. 4, acts 1887 (*ante*, § 32). Substantially §§ 16, 20, ch. 1, G. S.

**SEC. 170. The count—Certificate of.**—After the said lists are thus signed, the judges shall proceed to count and ascertain the number of votes cast for each person voted for, and the result shall then be distinctly read; and as soon as read and canvassed, the ticket shall be strung by one of the judges upon a stout string, and as soon as practicable after the completion of the said canvass, shall be deposited in the office of the city clerk and carefully preserved therein until the next general election; and the clerks of election shall set down on a paper, to be known as the returns of election, the names of each person voted for, written out at length, the office for which such person received any votes, and the number of votes he received, the number being written out in words and also in figures. The said returns shall be as nearly as possible in the following form, to-wit:

At an election held at — in the (number, if any,) election district, composed of —, (ward as the case may be), in the county of —, in the state of Minnesota, on the — day of —, eighteen hundred —, the following named persons received the number of votes opposite their respective names for the following described offices, to-wit: For (specifying the office) A. received (the number to be written in figures and also at length) votes, (and likewise for every person voted for any office), to be signed by the judges of election and attested by the clerks of election.\* Votes rejected by the judges and not counted for any reason shall be disposed of as hereinbefore provided.

1889, ch. 3, § 56. Same as § 32, ch. 4, acts 1887 (*ante*, § 33), except below \*. Same as § 14 (18), ch. 1, G. S., except below \*.

**SEC. 171. Ballots not in proper box to be counted.**—No ballot appearing to be properly and regularly voted, found in a box other than the one in which it properly should be, shall be rejected, but shall be counted in the same manner as if found in the proper box; provided that the counting of such ballot or ballots shall not produce an excess above the number of votes designated on the poll lists. The boxes used at such election shall be opened and the votes therein canvassed in the manner above provided, but as nearly as may be in the following order: First—The box containing the white ballots. Second—The box containing the ballots tinted blue. Third—The box containing the ballots tinted red.

1889, ch. 3, § 57. See § 34, *ante*.

## THE RETURNS.

**SEC. 172. To be sealed, endorsed and delivered to auditor.**—After the canvass is thus completed, the judges of election, before they are dispersed, shall include the said returns in an envelope, seal the same, and endorse thereon the following words: “Election returns of the election district of (naming name of ward or town), in the county —,” and direct the same to the county auditor of that county, and the said returns shall forthwith be conveyed by one of said judges, to be chosen by lot if not otherwise agreed upon, and delivered to the said county auditor at his office.

1889, ch. 3, § 58. Same as § 34, ch. 4, acts 1887 (*ante*, § 35), except proviso in latter.

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**SEC. 173. Copy filed with city clerk.**— A true copy of the returns made by the judges shall also be made and certified by them and forthwith filed by them in the office of the city clerk.

1889, ch. 3, § 59. Same as § 35, ch. 4, acts 1887 (*ante*, § 36).

**SEC. 174. Not refused for informality.**— No election returns shall be refused by any auditor for the reason that the same are returned or delivered to him in any other than the manner directed herein; nor shall the canvassing board of any county refuse to include any returns in their estimated votes, on account of any informality in holding any election or making returns thereof, but all returns shall be received and the votes canvassed by such canvassing board, and included in the statements, provided there is a substantial compliance with the provisions of this chapter.

1889, ch. 3, § 61. Same as § 40 (43), ch. 1, G. S. Same as § 38, ch. 4, acts 1887 (*ante*, § 38).

## GENERAL PROVISIONS.

**SEC. 175. No civil process on election day.**— During any day on which any general or special city election is held, no civil process shall be served upon any elector entitled to vote at any election.

1889, ch. 3, § 62. Same as § 66, ch. 4, acts 1887 (*ante*, § 66). Same as § 44 (47), ch. 1, G. S. See Const. art. 7, § 5.

**SEC. 176. Secretary of state to furnish blanks.**— The secretary of state shall provide uniform blanks for making lists or registers required by law, and affidavits and all other blanks necessary to be used in the several election districts at any elections; he shall also provide copies of this law and transmit the same to the auditor of each county at least thirty (30) days before any election; and the auditor shall forthwith deliver to the clerk of every city in his county the necessary copies of each of said blanks, and one (1) copy of the said law for each election district in his town or city.

1889, ch. 3, § 63. Contains § 40, ch. 34, laws 1878. Same as § 67, ch. 4, acts 1887 (*ante*, § 67).

**SEC. 177. Fees.**— Every auditor, chairman of the board of county commissioners and justice of the peace shall receive for services performed under this chapter the following fees: For making the statements for every one hundred (100) words eight (8) cents; for every certificate with seal attached to statements, thirty (30) cents; which fees shall be allowed by the board of county commissioners of the proper county and paid by the county treasurer upon the warrant of the county auditor.

1889, ch. 3, § 64. See *ante*, § 68.

## OFFENSES.

**SEC. 178. Liquors at polls — Saloons to close.**— Any person or persons introducing in any way, upon election day, into the place where an election is being held, any spirituous liquors, and any judge or clerk of an election drinking any such liquor in such place, or being intoxicated therein, upon election day shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not exceeding one hundred dollars (\$100), or by imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment in the discretion of the court.\* No spirituous, malt or intoxicating liquors shall be sold or given away, nor shall any store, saloon or bar-room where such liquor is sold or given away be open on any general or special election day from the hour of five (5) o'clock in the forenoon, to the hour of eight (8) o'clock in the afternoon. Whoever violates the provisions of this section shall be fined not less than one hundred (100) dollars nor more than three hundred (300) dollars for each offense. It shall be the duty of the mayor, sheriff, constable and other officers and magistrates to see that the provisions of this section are enforced, and it shall be the duty of the mayor on the day next preceding any election,

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to issue a proclamation that the provisions of this section will be strictly enforced. In case the mayor fail to perform the duties herein described he shall be subject to a fine of one thousand (1,000) dollars, or imprisonment in the county jail for sixty (60) days or both, in the discretion of the court.

1889, ch. 3, § 83. Supersedes below \*. Same as § 18, ch. 84, laws 1878, and § 70, ch. 4, acts 1887 (*ante*, § 71); and § 94, ch. 1, G. S.

**SEC. 179. Auditor; city clerk, neglect of duty.**— Any state or county auditor, or city clerk who shall fail to perform the duties required of him by this act within the time designated for the performance of them shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than two hundred (200) nor more than one thousand (1,000) dollars, or by imprisonment not less than thirty (30) days nor more than two (2) years, or both such fine and imprisonment, in the discretion of the court. Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the names or the description of candidates for office, or in the printing of the ballots, the supreme court of the state, or a judge thereof, may, upon application of any elector, by order, require the officer upon whom rests the duty of printing such ballots in which such mistake occurs, to correct the same, or to show cause forthwith, why such error should not be corrected.

1889, ch. 3, § 26. New.

**SEC. 180. Judges; neglect of duty.**— Any judge of election who shall neglect or refuse to perform the duties required of him by this act, shall be deemed guilty of a misdemeanor for each and every separate offense, and shall be punished for each offense by a fine of not less than one hundred (100) dollars nor more than three hundred (300) dollars, or by imprisonment not less than thirty (30) nor more than ninety (90) days, or both such fine and imprisonment, in the discretion of the court.

1889, ch. 3, § 42. See *ante*, § 72.

**SEC. 181. Neglect of duty.**— If any judge or clerk of election, or any other officer, or any other person required by this chapter to perform any act or thing whatever, shall wilfully fail or refuse to perform such act or thing, or shall be guilty of any fraud, corruption, partiality or misbehavior in canvassing or making any returns of votes, or shall wrongfully refuse to make or deliver any certificate of election, or shall wilfully perform any act or thing falsely or corruptly in any manner, he shall be guilty of a felony, and, on conviction thereof, shall be punished by imprisonment in the state prison for a term not less than six (6) months nor more than one (1) year, or by a fine of not less than five hundred (500) dollars nor more than two thousand (2,000) dollars, or both, in the discretion of the court. The provisions of this section to apply in all cases coming within the provision of this chapter where other punishment is not specifically provided for.

1889, ch. 3, § 74. Same as § 81, ch. 4, acts 1887 (*ante*, § 72).

**SEC. 182. Persuading elector to vote.**— It shall be unlawful for the judges of election or any of them, or any person in the polling room or compartments therewith connected, to persuade or to endeavor to persuade any person to vote for any particular candidate. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor for each and every person so approached, and on conviction thereof shall be punished by a fine not exceeding one hundred (100) dollars, or imprisonment not exceeding ninety (90) days.

1889, ch. 3, § 41. See § 79, *ante*.

**SEC. 183. Voting where does not reside.**— Whoever wilfully votes in any election district in which he does not actually reside, shall be guilty of a misdemeanor, and, on conviction thereof, be imprisoned in the county jail for a term not less than one (1) month nor more than six (6) months.

1889, ch. 3, § 75. Same as § 82, ch. 4, acts 1887 (*ante*, § 73).

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[SECS. 184-192.]

**SEC. 184. Voting more than once.**— Whoever votes more than once at the same election shall be guilty of felony, and, on conviction thereof, shall be punished by imprisonment in the state prison for a term not less than six (6) months nor more than one (1) year.

1889, ch. 3, § 76. Same as § 83, ch. 4, acts 1887 (*ante*, § 74).

**SEC. 185. Non-resident voting.**— Any resident of another state who votes in this state is guilty of felony, and, on conviction thereof, shall be punished by imprisonment in the state prison for a term not less than one (1) month nor more than one (1) year.

1889, ch. 3, § 77. Same as § 84, ch. 4, acts 1887 (*ante*, § 75).

**SEC. 186. Voting with unlawful intent.**— Whoever, not being a qualified voter, votes at any election with unlawful intent is guilty of felony, and, on conviction thereof, shall be punished by imprisonment in the state prison not less than one (1) month nor more than one (1) year.

1889, ch. 3, § 78. Same as § 85, ch. 4, acts 1887 (*ante*, § 76).

**SEC. 187. Aiding unlawful voting.**— Whoever aids, assists, counsels or advises another to vote, knowing that such person is not duly qualified to vote at the place where and the time when the vote is to be given, is guilty of misdemeanor, and on conviction thereof shall be subject to a fine of not more than five hundred (500) dollars nor less than one hundred (100) dollars, or be imprisoned in the county jail not less than one (1) month nor more than six (6) months.

1889, ch. 3, § 79. Same as § 86, ch. 4, acts 1887 (*ante*, § 77).

**SEC. 188. Same.**— Whoever procures, aids, assists, counsels or advises another to go or come into any county, town or election district for the purpose of giving his vote therein, knowing that the person is not duly qualified to vote therein, is guilty of felony, and on conviction thereof shall be punished by imprisonment in the state prison for a term not less than six (6) months nor more than one (1) year.

1889, ch. 3, § 80. Same as § 87, ch. 4, acts 1887 (*ante*, § 78).

**SEC. 189. Influencing electors.**— Whoever, by threat or bribery, attempts to influence any elector in giving his vote for any person or measure or by such means attempts to deter him from voting for any person or measure, is guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than one hundred (100) nor more than one thousand (1,000) dollars and by imprisonment in the county jail not less than one (1) nor more than six (6) months.

1889, ch. 3, § 81. Same as § 88, ch. 4, acts 1887 (*ante*, § 79).

**SEC. 190. Offering more than one ballot.**— Whoever, after proclamation is made of the opening of the polls and at any time before the vote is fully canvassed shall wilfully offer or deliver to a judge of election, to be placed in a box or boxes more than one (1) ballot of the same kind and color or shall fraudulently put a ballot into any box or boxes is guilty of a felony, and on conviction thereof shall be punished by imprisonment in the state prison for a term not less than six (6) months nor more than one (1) year.

1889, ch. 3, § 82. Same as § 90, ch. 4, acts 1887 (*ante*, § 81).

**SEC. 191. False or corrupt swearing.**— If any person challenged, as unqualified to vote, be guilty of false or corrupt swearing or affirmation in taking any oath or affirmation prescribed by this chapter, he shall be deemed to have committed willful and corrupt perjury, and upon conviction thereof shall suffer the punishment attached by the laws of this state to the crime of perjury.

1889, ch. 3, § 83. Same as § 91, ch. 4, acts 1887 (*ante*, § 82).

**SEC. 192. Disclosing ballot.**— Any judge of election, person marking the vote of an elector, or any other person who discloses to any person the



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name of any candidate for whom such elector has voted, or shall mark the vote of an elector in any other manner than directed by such elector, shall be deemed guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not less than thirty (30) dollars nor more than two hundred (200) dollars, or by imprisonment in county jail not less than ten (10) nor more than ninety (90) days, or both such fine and imprisonment, at the discretion of the court.

1889, ch. 3, § 40. Same as § 92, ch. 4, acts 1887 (*ante*, § 83).

SEC. 193. **Election records.**— Whoever shall wilfully take or carry away from the place where has been deposited or shall deface or mutilate, damage or add to any poll book, ballot, list or register or any name or figure therein, shall on conviction thereof be fined in a sum not exceeding one thousand (1,000) dollars, or be imprisoned in the state prison not longer than one (1) year or both, in the discretion of the court.

1889, ch. 3, § 84. Same as § 93, ch. 4, acts 1887 (*ante*, § 84).

SEC. 194. **Remove or injure supplies at polls.**— No person shall, during the election, remove or destroy any of the supplies or other conveniences placed in the booths or compartments as aforesaid for the purpose of enabling the voter to prepare his ballot. No person shall, during an election, remove, tear down, or deface the cards printed for the instruction of voters. Any person wilfully violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

1889, ch. 3, § 43. See § 84, *ante*.

SEC. 195. **Taking, defacing posted list.**— Any person who shall take or deface any list of names posted by any board of registration as hereinbefore provided for, shall be guilty of a misdemeanor, and on conviction thereof be punished by a fine of fifty (50) dollars or be imprisoned in the county jail for the term of sixty (60) days, or both, in the discretion of the court.

1889, ch. 3, § 85. Same as § 94, ch. 4, acts 1887 (*ante*, § 85).

SEC. 196. **Unlawful registering.**— Any person who shall cause his name to be registered in more than one (1) election district, or who shall cause his name to be registered knowing that he is not a qualified elector in the district where such registry is made, or who shall falsely represent any registered voter, and any person causing, aiding or abetting any person to do either of said acts, shall, upon conviction thereof, be punished for each offense by imprisonment in the state prison for a term not less than one (1) year. All intentional false swearing before a board of registration shall be deemed wilful and corrupt perjury, and, on conviction thereof, punished as such.

1889, ch. 3, § 86. Same as § 95, ch. 4, acts 1887 (*ante*, § 86).

SEC. 197. **County attorney to prosecute.**— It shall be the duty of the county attorney in each county in this state to prosecute any person violating any other provisions of this chapter, and to sue for and enforce all penalties incurred for a violation of this chapter or any part thereof, upon his own motion, or upon the complaint of his county, accompanied by the requisite proof of such offense or offenses.

1889, ch. 3, § 87. Same as § 96, ch. 4, acts 1887 (*ante*, § 87).

SEC. 198. **Fines to go to school fund.**— All fines incurred or collected under this chapter shall be paid into the county treasury where the offense is committed, for the use of the common schools of such county.

1889, ch. 3, § 88. Same as § 97, ch. 4, acts 1887 (*ante*, § 88).

## PRIMARY ELECTIONS.

SEC. 199. **Defined — Who may vote.**— The words "primary election," as used in this act, shall be construed so as to embrace all elections held by any political party, convention, organization or association, or delegates there-

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from for the purpose of choosing candidates for office or the election of delegates to other conventions, or for the purpose of electing officers of any political party, organization, convention or association. No person shall be entitled to vote at any primary election unless he is a qualified elector of this state.

1889, ch. 3, § 93. Same as §§ 103, 104, ch. 4, acts 1887 (*ante*, §§ 89-91).

**SEC. 200. Conduct of.**—The presiding officer and inspectors at any such primary election or caucus, shall, before entering upon their duties, severally sign and swear to an oath in form now required by inspectors at general election. The vote or ballot of any person offered at such election shall, upon challenge by any lawful voter thereat, be rejected unless he be sworn as to his qualifications as such voter, and the presiding officer or any inspector of such primary is hereby empowered, and it shall be his duty to administer an oath to such person and to any other person offering to vote, as he may deem advisable, to the effect that he will true answers make to such questions as shall be put to him touching his qualifications as a voter and right to vote. He may then be examined as to such qualifications and right to vote. If he will swear to the necessary qualifications of a voter, as prescribed by the regulations of the association holding the primary, or convention, his vote shall be received. If the person so sworn and examined shall intentionally swear falsely as to his qualifications as a voter, he shall be deemed guilty of perjury, and shall, on conviction, be punished as now prescribed by law for the crime of perjury.

1889, ch. 3, § 90. Same as § 100, ch. 4, acts 1887 (*ante*, § 90).

**SEC. 201. Unlawful votes and acts.**—If at any political primary election or caucus held by any political party, organization or association in this state, any individual shall falsely personate and vote under the name of any other person, or shall intentionally vote without the right to do so, or shall willfully and wrongfully obstruct and prevent others from voting who have the right to do so at such primary, or shall fraudulently and wrongfully conceal or destroy ballots cast, or in any manner intentionally and wrongfully deposit ballots in the ballot box or take them therefrom, or shall commit any other fraud or wrong intending to defeat the will of the people or affect the result of the election, he shall be deemed guilty of misdemeanor.

1889, ch. 3, § 85. Same as § 99, ch. 4, acts 1887 (*ante*, § 92).

**SEC. 202. Fraudulent ballots.**—If any person acting as inspector, teller or canvasser at any such primary election shall knowingly receive the vote of any individual who shall have been challenged or who is known to him not to be entitled by the regulations of the association holding the primary election to vote at such primary, unless the same shall first be sworn in as aforesaid, or shall in any manner fraudulently and wrongfully deposit or put any ballot into, or take any from, the ballot box of said primary election, or shall fraudulently or wrongfully mix any ballots with those cast at said primary election, or shall knowingly mix any false count, canvass, statement, certificate or returns of the ballots cast or vote taken at such primary, he shall be deemed guilty of a misdemeanor.

1889, ch. 3, § 91. Same as § 101, ch. 4, acts 1887 (*ante*, § 93).

**SEC. 203. Bribery of delegates.**—If any person elected a delegate at any such primary or convention shall accept or receive any money or valuable thing as a consideration for his vote as such delegate he shall be deemed guilty of a misdemeanor.

1889, ch. 3, § 92. Same as § 102, ch. 4, acts 1887 (*ante*, § 94).

**SEC. 204. Laws repealed.**—All acts and parts of acts inconsistent herewith are hereby repealed so far as the same apply to cities of ten thousand (10,000) inhabitants and over.

1889, ch. 3, § 95.