

CHAPTER 201

REGISTRATION OF VOTERS

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201.01 REGISTRATION IN CERTAIN CITIES. The judges of election in any election district located in any city now or hereafter having not less than 10,000 inhabitants, or in any municipality now or hereafter having more than 7,000, and less than 10,000, inhabitants and an assessed valuation of more than \$8,000,000, or in any municipality now or hereafter having less than 10,000 inhabitants when the governing body of such municipality shall by ordinance or resolution elect to come within the provisions of this chapter, shall not receive the vote of any person at any election whose name is not registered in accordance with the provisions of this chapter.

[1939 c. 345 part 2 c. 1 s. 1] (601-2(1))

201.02 WHO MAY REGISTER. Every person residing in any such district who has the constitutional qualification of a voter, or who will have such qualifications at the next ensuing election, shall be entitled to be registered as a voter in the district in which he resides.

[1939 c. 345 part 2 c. 1 s. 2] (601-2(1)a)

201.03 COMMISSIONER OF REGISTRATION. The office of commissioner of registration is hereby created in any city now or hereafter having more than 10,000 inhabitants, and in any municipality now or hereafter having more than 7,000, and less than 10,000, inhabitants and an assessed valuation of more than \$8,000,000, and in any municipality now or hereafter having less than 10,000 inhabitants when the governing body of such municipality shall by ordinance or resolution elect to come within the provisions of this chapter. The city clerk of each such city and the village clerk or village recorder, as the case may be, of each such village is hereby constituted such commissioner.

[1939 c. 345 part 2 c. 1 s. 3] (601-2(1)b)

201.04 COMPENSATION OF COMMISSIONER. Such commissioner may receive such additional salary as shall be fixed by the council of the municipality, and he shall retain the same, notwithstanding any provisions in the charter of such municipality to the contrary; provided, that such additional salary shall not exceed \$600 each year in any municipality now or hereafter having more than 7,000, and less than 10,000, inhabitants and an assessed valuation of more than \$8,000,000; and such additional salary shall not exceed \$300 in any municipality now or hereafter having less than 10,000 inhabitants.

[1939 c. 345 part 2 c. 1 s. 4] (601-2(1)c)

201.05 DUTIES OF COMMISSIONER. The commissioner of a municipality shall have complete charge of the registration of all voters therein. He shall provide such printed forms, blanks and other supplies and equipment as are necessary to properly carry out the provisions of this chapter. Subject to the provisions of this chapter, he shall prescribe such reasonable rules and regulations as to the hours during which his office shall be open and as to the places and manner of registration

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as may be necessary. The office of the commissioner shall remain open until 9:00 p. m. for each of the eight days, not including Sundays and legal holidays, immediately preceding the last registration day. He shall appoint such deputies, clerks, and other employees as may be necessary.

[1939 c. 345 part 2 c. 1 s. 5] (601-2(1)d)

201.06 REGISTRATION OF VOTERS. Any person, not already registered, who possesses the constitutional qualifications of a voter, or who will possess such qualifications on the day of the next ensuing election, may make application for registration to the commissioner of the municipality wherein he resides on any day other than a Sunday, a legal holiday, the day of any election, and the 20 days preceding any election day; provided, that those persons who have registered in accordance with the provisions of any act requiring the registration of voters which is in existence at the time the Minnesota Election Law becomes effective shall not be required to reregister, but such registration shall be deemed a registration hereunder.

[1939 c. 345 part 2 c. 2 s. 1] (601-2(2))

201.07 COMMISSIONER TO ESTABLISH REGISTRATION PLAN. The commissioner shall immediately proceed to establish the registration plan provided for herein. He shall provide for an original list of voters, which shall be properly indexed, kept at the office of the commissioner and properly safeguarded. This list shall be known as the "Original Registration List" and shall not be removed from such office except upon an order of a court of competent jurisdiction. He shall prepare a second list from the "Original Registration List" which shall be known as the "Duplicate Registration List." Subject to reasonable rules and regulations, the "Duplicate Registration List" shall be, at all times, open to public inspection; but no such public inspection shall be permitted or allowed that will disarrange the election lists. When any municipality shall hereafter come within the application of this chapter the council shall immediately provide the commissioner with the necessary funds, equipment, and facilities, and the commissioner shall proceed to establish a place of registration and put the registration plan into operation without delay.

[1939 c. 345 part 2 c. 2 s. 2] (601-2(2)a)

201.08 PRESENT REGISTRATION LISTS TO BE USED. The registration lists in use in the several municipalities at the time this chapter becomes effective shall continue to be the official registration lists pursuant thereto.

[1939 c. 345 part 2 c. 2 s. 3] (601-2(2)b)

201.09 CHANGE OF BOUNDARIES OF ELECTION DISTRICTS. When the boundaries of an election district in any such municipality shall be changed, the commissioner shall immediately change his registration lists so as to correctly show the names of the voters who are residents therein; and, in each case, the commissioner shall also, in the manner provided in section 201.11 cause the word "removed" to be written opposite the names of all voters formerly residing in such district, whose names appear upon the registration lists of such districts and who, by reason of the change in boundaries, ceased to be residents thereof.

[1939 c. 345 part 2 c. 2 s. 4] (601-2(2)c)

201.10 RECORDS, FORM OF. For the purpose of expediting the work of the commissioner, to promote uniformity in registration, and for the preparation of abstracts and other forms to be used by election boards, registration records shall be substantially as follows:

- (1) Suitable card index devices shall be provided;
- (2) Suitable index cards of sufficient size and facial area to contain the data required thereon shall be provided;
- (3) The following information concerning each applicant shall be required and placed upon such index cards:
 - Election district;
 - Name of applicant in full; showing any change of name due to marriage, divorce, decree of a court, etc.;
 - Residence, showing exact location thereof;
 - Age;
 - Term of residence in state and district;
 - Nativity;
 - Citizenship—manner in which acquired;

Date of application;

Signature of voter.

[1939 c. 345 part 2 c. 2 s. 5] (601-2(2)d)

201.11 REMOVAL NOTICES. Removal notices shall be provided by the commissioner, which shall be given out upon request, for the use of a registered voter moving to a new location. The form of such notice shall show the voter's last residence, the new residence, and a line for the signature of the voter, which should be the same as that on the "Original Registration List." Upon receipt of a removal notice, but not less than 20 days prior to any election, the signature thereon shall be compared with that on the original registration list. If these signatures are not similar, the commissioner shall not make an entry of such change of residence and shall send by mail to the applicant at his new address a postal card notice stating that such transfer was not made, together with the reason therefor. If these signatures are similar, the commissioner shall make proper entry of such change of residence on the registration lists; and thereafter, the applicant shall be qualified to vote in the new district. A voter removing from one place to another in the same district shall be once entitled to vote therein without filing a removal notice.

[1939 c. 345 part 2 c. 2 s. 6] (601-2(2)e)

201.12 DUPLICATE REGISTRATION LIST. The commissioner shall compile a duplicate registration list of the voters in each district in the municipality and deliver to the judges in each district the duplicate registration list for that district, which shall be known as the "Election Register." The election register for any district shall contain the name and address of each registered voter in that district with a space following each name in which shall be recorded the words "voted" or "not voted," as the case may be; and a space in which may be recorded any challenge, affidavit, or other information, as may be required. Such entries shall be made by a judge after the ballot of such voter has been deposited.

[1939 c. 345 part 2 c. 2 s. 7] (601-2(2)f)

201.13 COMMISSIONER MAY MAIL NOTICE. For the purpose of preventing fraudulent voting and eliminating excess names, the commissioner may, at any time he deems it necessary, send by mail to any voter whose name appears on the original registration list a notice that his name and address appear thereon as indicated by such notice; and if there be any mistake in the name or the address, the voter should present the notice in person at the office of the commissioner and have the same corrected within the time limited in the notice and upon failure so to do or the return of the notice by the post-office to the commissioner will be sufficient evidence to justify a challenge of his vote at an election, which notice shall be signed by the commissioner. Upon the return by the post-office of any such notice, the commissioner shall direct a deputy or clerk in his office to personally ascertain the name and address of any such voters; and, if such voter is found to have removed from the address recorded in the original registration list, the commissioner shall cause to be entered on the election register in the proper space opposite such voter's name, the word "challenged." No person so challenged shall be permitted to vote except by complying with all provisions of law applicable to the proving of challenges.

[1939 c. 345 part 2 c. 2 s. 8] (601-2(2)g)

201.14 REPORT OF DEATHS OF VOTERS. At least every 15 days the officer in charge of the death records in any such municipality shall report to the commissioner the name and address of each adult person who has died while a resident in such municipality since the last previous report of such officer concerning such deaths made to the commissioner. Upon receipt of such report, the commissioner shall examine the original and duplicate registration lists and remove therefrom and destroy the registration cards of registered persons so reported by the officer as deceased.

[1939 c. 345 part 2 c. 2 s. 9] (601-2(2)h)

201.15 REPORT OF CHANGE OF NAME. On or before January 1, April 1, July 1 and October 1, each year, the clerk of the district court in each county in the state shall report to the commissioner of each municipality in his county the name and address of each person, 21 years of age or over, residing in such municipality whose name shall have been changed, during the three months next preceding the date of the report, by marriage, divorce, or any order or decree of such court. Upon receipt of such report, the commissioner shall examine the original and duplicate registration lists and ascertain whether or not such person has reregis-

tered under such changed name; and, if no reregistration be shown by these lists, the commissioner shall, by mail, notify such voter that it is necessary for him to reregister under such changed name in order to vote at an election.

[1939 c. 345 part 2 c. 2 s. 10] (601-2(2)i)

201.16 REPORT OF GUARDIANSHIPS, ETC. On or before January 1, April 1, July 1, October 1, each year, the judge of probate in each county in the state shall report to each commissioner in his county the name and address of each person, 21 years of age or over, residing in such municipality who shall, during the three months next preceding the date of the report, have been placed under a guardianship of the person, restored to capacity, or discharged from guardianship to another jurisdiction by the probate court, and each such person under guardianship of the person transferred to the jurisdiction of the probate court; and report the name and address of each insane or feeble-minded person committed to the director of social welfare, or any institution under his control, or restored to capacity by the court. Upon receipt of such report, the commissioner shall examine the original and duplicate registration lists; and if such examination discloses that any of the persons named in such report as being under guardianship of the person, or committed to the director of social welfare, or any institution under his control, are registered, the commissioner may remove and destroy the registration cards of such persons; and, if the commissioner finds from such examination that the names of the persons restored to capacity or discharged from guardianship are not registered, he shall immediately notify such persons that it is necessary for them to register.

[1939 c. 345 part 2 c. 2 s. 11] (601-2(2)j)

201.17 APPLICATION FOR REGISTRATION. The commissioner shall, up to 20 days next preceding any election, receive the application for registration of such voters as personally appear for registration at his office, or at such other place as is designated by him for registration, who then are, or on the date of the election next following the day of making such application, will be entitled to vote. Any voter who applies for registration shall subscribe to the following oath or affirmation:

"You do solemnly swear or affirm that you will fully and truly answer such questions as shall be put to you touching your qualifications as a voter under the laws of this state."

Upon being sworn, the applicant shall answer such questions as are required, as hereinbefore set forth, and the clerk shall fill out the form which the applicant shall sign, and he shall not be required to register again for any election; except as provided in section 201.19. In case a voter is unable to write his name, he shall be required to make a cross, which shall be certified by the signing of the name of the applicant by the registration clerk taking the application. A voter who is unable to sign his name shall not be permitted to mail or hand in a removal notice, as in this chapter provided, but must appear in person to secure a removal of his name to the election register of his new voting district. Any person entitled to vote at any election who is absent from the district in which he maintains his legal residence and is entitled to vote, may, up to 20 days next preceding any such election, make application in writing to the commissioner to have his name entered upon the election register of the district of his residence, by mailing to and filing with the commissioner his application and affidavit substantially in the following form:

"I,, being first duly sworn, on oath say I am a legal voter in the State of Minnesota; that I reside at No. street (or avenue), in the district in the ward in the city (or village) of; that I have not been and will not be able to be present in such municipality to register personally, for the reason that; that I desire to be registered in such district; that my full name is; I was born at; I have resided in the United States for years and months; and in the State of Minnesota for years and months, and in such district for years, months and days; that I am able to read English; that at the last general election I resided at No. street (or avenue), in such municipality, and was registered and voted at the district of the ward (or that at the last general election I was not a resident of such municipality, but voted at); (the following to be omitted if native born) that I

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am a naturalized citizen of the United States; that my final papers were issued by the.....(give court and place) on the.....
(give date or other particulars).....
(Signature).....

Subscribed and sworn to before me

This.....day of....., 19.....

Upon the filing of this application with him, the commissioner shall forward to said applicant original and duplicate registration cards which the applicant shall sign and acknowledge before an officer authorized by law to administer oaths and return same to the commissioner.

[1939 c. 345 part 2 c. 2 s. 12] (601-2(2)k)

201.18 COMMISSIONER TO PERFECT ELECTION REGISTERS. The commissioner shall have 20 full days between the last day of registration and election day to perfect his election registers, and for that purpose 20 days before an election day shall be days upon which voters may not register. During these 20 days the commissioner shall complete the election registers and, on the day before election, shall deliver them to each district.

[1939 c. 345 part 2 c. 2 s. 13] (601-2(2)l)

201.19 COMMISSIONER TO CHECK REGISTRATION LIST. At the close of each calendar year the commissioner shall check the registration list for the purpose of eliminating excess names; and, to that end, shall examine the election registers and whenever it appears that a registered voter has not voted at an election at least once in two consecutive calendar years his card shall be taken from the original and duplicate registration lists and destroyed, and a printed postal card notice of these facts, and that the voter must reregister in order to vote in the district at any ensuing election, shall be sent to the last known address of the voter.

[1939 c. 345 part 2 c. 2 s. 14] (601-2(2)m)

201.191 RIGHTS OF MEMBERS OF ARMED FORCES. In the event that the applicant was registered but is not entitled to vote because he has failed to vote at an election at least once in any two successive calendar years wherein elections are held, if the applicant, or some one in his behalf, shall file an affidavit with the commissioner of registration, stating that on the date of any one election during such two year period the applicant was a member of the armed forces of the United States, such affidavit shall operate as a re-registration, and entitle the applicant to vote.

[1943 c. 288 s. 2]

201.20 CHALLENGES TO VOTERS. Any person may challenge a registration at any time by filing a written challenge with the commissioner. He shall fix a time and place for hearing and notify all parties interested. At this time and place the matter shall be heard and determined by the commissioner, who shall file his written decision in his office within three days after such hearing. Either party may within ten days appeal from such decision to the district court of the county in which the municipality is located, and the appeal shall be heard and determined by the court within 30 days from the time of the filing of the appeal.

[1939 c. 345 part 2 c. 2 s. 15] (601-2(2)n)

201.21 VIOLATIONS; PENALTIES. Any officer, deputy, clerk, or other employee who shall wilfully fail to perform or enforce any of the provisions of this chapter, or who shall unlawfully or fraudulently remove any registration card or record from its proper compartment in the registration records, or who shall wilfully destroy any record provided by this chapter to be kept, or any person who shall wilfully or fraudulently register more than once, or register under any but his true name, or attempt to vote by impersonating another who is registered, or who wilfully registers in any district where he is not a resident at any time of registering, or who adds a name or names to a page or pages of the registration lists, records or cards, or who violates any of the provisions of this chapter, shall be guilty of a felony.

[1939 c. 345 part 2 c. 3 s. 1] (601-2(3))

201.22 OATH OF OFFICE. Each officer, deputy, clerk, or other employee shall, before entering upon his duties, subscribe to an oath in such form as shall be provided by the attorney for the municipality.

[1939 c. 345 part 2 c. 3 s. 2] (601-2(3)a)

201.23 EXPENSES. The necessary expense in each municipality for carrying out the provisions of this chapter shall be paid by such municipality and the council thereof shall provide out of the current revenues of the municipality sufficient funds for that purpose, based upon the estimate prepared by the commissioner.

[1939 c. 345 part 2 c. 3 s. 3] (601-2(3)b)

201.24 JUDGES OR CLERKS MAY NOT BE REGISTRATION OFFICERS. No judge or clerk in any district located in any municipality shall act as registration officer or clerk.

[1939 c. 345 part 2 c. 3 s. 4] (601-2(3)c)

201.25 REGISTRATION IN CERTAIN MUNICIPALITIES. Any municipality now or hereafter having more than 7,000, and less than 10,000, inhabitants and an assessed valuation of more than \$8,000,000, or in which a registration system has been established, may join with any independent school district or town in which it is located, if the municipality is not separated from such town for purposes of election and assessment, or may join with both such independent school district and such town, in the creation of a combined system of permanent registration for the voters at all elections held in any such municipality, town or independent school district in the manner provided in sections 201.25 to 201.29.

[1939 c. 345 part 2 c. 4 s. 1] (601-2(4))

201.26 COMBINED REGISTRATION SYSTEM. The council of any such municipality and the governing board of any such school district or town, or both, as the case may be, may, by resolution, join in a petition to the district court of the county in which such municipal corporations are located, requesting the establishment of such combined registration system. Thereupon, the court shall appoint a competent person as commissioner and shall designate the place where the office of the commissioner shall be maintained and the files and records of such registration system shall be kept. The commissioner shall act under the supervision of the court and shall not be permitted to hold any other public office or employment. The court shall fix his compensation and authorize the employment of necessary clerical assistance. The commissioner may be removed or replaced at any time by the court in the public interest.

[1939 c. 345 part 2 c. 4 s. 2] (601-2(4)a)

201.27 DUTIES OF COMMISSIONER. The commissioner for such combined system shall have all the powers and duties and be subject to all the penalties and restrictions heretofore provided in this chapter for the commissioners in such municipalities. He shall maintain and keep regular office hours, during which times his office shall be open for registration and his records and files open to public inspection, as heretofore provided in this chapter for commissioners. All the provisions, requirements, and restrictions in this chapter applying to registration of voters shall apply to such registration in accordance with the provisions of sections 201.25 to 201.29; and, after such combined registration system is established, no person shall be permitted to vote at any election in any of such municipal corporations unless such person is registered in accordance with the provisions thereof.

[1939 c. 345 part 2 c. 4 s. 3] (601-2(4)b)

201.28 ELECTION DISTRICTS. Upon the establishment of such combined system of registration, that portion of the town or school district which is located within the municipality shall be divided into election districts which shall be identical and coterminous with the election districts of the municipality existing at the time this chapter becomes effective, and the voters already registered in such districts shall not be required to reregister. The municipal authorities shall deliver all of the existing registration lists, cards, and records of such municipality to the commissioner for such combined system. That portion of the town which is not located in any such municipality, and that portion of the school district which is not located in either the town or such municipality, shall be divided into separate

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election districts in such a manner as to provide the greatest convenience for the voters thereof, and such registration lists, cards, and records of this additional registration shall be kept separately and apart from the registration of any such municipality, and shall be used only for elections conducted either by any such school district or town, as the case may be.

[1939 c. 345 part 2 c. 4 s. 4] (601-2(4)c)

201.29 CONDUCT OF ELECTION. The council of any such municipality and the governing board of any such school district or town where such combined system of registration is in force shall, except as in this chapter provided, continue to have the same authority as they had before the passage of this chapter in the conduct of elections in their respective municipal corporations; and the expense of establishing and maintaining such combined registration system shall be shared equally by such municipality, town, and independent school district as shall have joined therein.

[1939 c. 345 part 2 c. 4 s. 5] (601-2(4)d)

201.30 WHO MAY VOTE. Except as hereinbefore set forth in this chapter, the judges of election in any election district located in any town, village, or city shall not receive the vote of any person at any election who does not have the necessary constitutional qualifications entitling him to vote at such election.

[1939 c. 345 part 2 c. 5 s. 1] (601-2(5))

201.31 OATH TO ELECTORS. Any person desiring to vote at an election who shall satisfy the election board by proper and sufficient evidence that he is qualified to vote at such election in the district shall be allowed to vote at such election upon taking an oath that, under the constitution and laws of the state, he is entitled to vote at such election in such district. Any member of the election board may administer the following oath to any person appearing for the purpose of voting at such elections: "You do solemnly swear that you will fully and truly answer such questions as shall be put to you touching your qualifications as a voter under the constitution and laws of this state?"

[1939 c. 345 part 2 c. 5 s. 2] (601-2(5)a)

201.32 DETERMINATION OF RESIDENCE. The election board, in determining the residence of any person desiring to vote, shall be governed by the following rules, so far as they are applicable:

(1) The residence of any person shall be held to be in that place in which his habitation is fixed, without any present intention of removing therefrom, and to which, whenever he is absent, he intends to return;

(2) 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;

(3) A person shall not be considered to have gained a residence in any county into which he has come for temporary purposes merely, without the intention of making such county his home;

(4) If a person go into another state with the intention of making it his residence, he shall be considered to have lost his residence in this state;

(5) If a person remove to another state with the intention of remaining there for an indefinite time as a place of residence, he shall be considered to have lost his residence in this state, notwithstanding he intends to return at some future time;

(6) The place where a man's family resides shall be considered his residence, but if it be a temporary establishment for his family, or for transient purposes, it shall not be so considered;

(7) If a man has his family living in one place and he does business in another, the former shall be considered his residence, but when a man has taken up his abode at any place with the intention of remaining there, and his family refuses to reside with him, then such place shall be considered his residence;

(8) The residence of a single man shall be considered to be where he usually sleeps;

(9) 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;

(10) No person employed temporarily for the purpose of cutting timber, or in the construction or repair of any railroad, canal, municipal, or other work of public nature, shall acquire a residence in any district into which he came for such purpose; but this provision shall not be held to extend to station agents or sectionmen who permanently reside in such district, and in determining the right of any person employed by a railroad company or upon any public work to register or vote, all the members of the election board shall be satisfied that he is a bona fide resident of the district and not there for temporary purposes merely, and his unsupported affidavit shall not be held conclusive as to any fact necessary to entitle him to vote;

(11) Any permanent inmate of a soldiers' home shall be considered a resident of the district in which the same is located.

[1939 c. 345 part 2 c. 5 s. 3] (601-2(5)b)

201.33. ELECTION REGISTERS. Two election registers shall be provided by the county auditor or the clerk of the municipality, as the case may be, for each district. These election registers shall be kept and maintained in duplicate, and the judges shall have charge of these election registers. Every election register shall be headed by the designation of the district, shall contain one column headed "Name of Voter," one headed "Residence," one headed "Voted, Primary Election," and one headed "Remarks," and shall contain the names of the voters in separate groups, in alphabetical order according to the first letter of the surnames, each letter of the alphabet to form one group, with not more than one group on any one page, and each group to be separately numbered, commencing with the numeral "1." As soon as the ballots of any voters shall have been deposited in the proper ballot boxes, the judges in charge of the election registers shall mark "Voted" or the letter "V" in a column therein prepared in the same line with the voter's name.

[1939 c. 345 part 2 c. 5 s. 4] (601-2(5)c)

201.34 DISPOSITION OF REGISTERS. On every day of election, when the canvass has been completed, one election register, kept and checked as in this chapter provided, shall forthwith be filed by the judges with the clerk of the municipal corporation, and the other election register shall be returned by the judges to the county auditor with the election returns. Such election registers shall be open at all times to public inspection without charge.

[1939 c. 345 part 2 c. 5 s. 5] (601-2(5)d)