

CHAPTER 211

CORRUPT PRACTICES

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211.01 DEFINITIONS AND CONSTRUCTION OF TERMS. The following words and phrases, as used in this chapter, shall be construed as follows:

(1) Any act shall be deemed to have been for "political purposes" when the act is of a nature, is done with the intent, or is done in such way, as to influence or tend to influence, directly or indirectly, voting at any primary or election or on account of any person having voted, or refrained from voting, or being about to vote or refrain from voting at any election or primary.

(2) The term "candidate" means and includes every person for whom it is contemplated or desired that votes may be cast at any election or primary, and who either tacitly or expressly consents to be so considered, except candidates for president and vice president of the United States.

(3) The term "disbursements" means and includes every act by or through which any money, property, office, or position or other thing of value passes or is directly or indirectly conveyed, given, promised, paid, expended, pledged, contributed, or lent, and also any money, property, office, or position or other thing of value so given, provided, paid, expended, promised, pledged, contributed, or lent.

(4) The term "filing office," when used with reference to any candidate, shall be construed to mean the officer who is authorized by law to issue a certificate of nomination or election to such candidate if he be successful. If there be no officer authorized to issue such certificate of nomination or election, then such term shall be construed to mean the clerk of the town, city, or village in which such candidate resides.

(5) The term "personal campaign committee" means any committee appointed by a candidate for any election.

(6) The term "party committee" means any committee appointed or elected to represent any political party with a party organization in this state.

(7) Every two or more persons elected or appointed by any political party or association for the purpose, wholly or partly, of raising, collecting, or disbursing money, or directing the raising, collecting, or disbursing thereof, for nomination or election purposes, and every two or more persons who shall cooperate in the raising, collecting, or disbursing of money used, or to be used for or against the election to public office of any person or any class or number of persons, or for or against the adoption of any law, ordinance, or constitutional amendment, shall be deemed a "political committee" within the meaning of this chapter.

(8) The term "committee" means any personal campaign committee, party committee, or political committee, unless the intent is clearly shown to be otherwise.

[1939 c. 345 part 10 c. 1 s. 1] (601-10(1))

211.02 LEGAL EXPENSES. No candidate for the nomination or election to any elective office in this state coming within the provisions of this act shall directly or indirectly pay, expend, or contribute any money or other valuable thing, or promise to do so, except for the following purposes, which are hereby declared to be legal expenses:

(1) For the candidates' necessary personal traveling expenses; for postage, telegraph, telephone, or other public messenger service;

(2) For rent and necessary furnishing of hall or room during such candidacy, for the delivery of speeches, and for radio broadcasting, relative to principles or candidates;

(3) For payment of speakers and musicians at public meetings, and their necessary traveling expenses;

(4) Printing and distribution of lists of candidates, sample ballots, pamphlets, newspapers, circulars, cards, hand bills, posters and announcements relative to candidates, or public issues or principles;

(5) For copying and classifying election registers, for making canvasses of voters and for challengers at the polls;

(6) For filing fees to the proper public officer, and if nominated at any primary for contributions to the party committee;

(7) For campaign advertising in newspapers, periodicals, or magazines pursuant to the provisions of section 211.32.

[1939 c. 345 part 10 c. 1 s. 2] (601-10(1)a)

211.03 PAID ADVERTISEMENTS IN NEWSPAPERS. No publisher of a newspaper, periodical, or magazine shall insert either in the advertising columns of such newspaper, magazine, or periodical, or elsewhere therein, any matter paid or to be paid for which is intended or tends to influence directly or indirectly any voting at any primary or general election unless at the head of the matter is printed in pica capital letters the words "Paid Advertisement," and unless there is a statement at the head of the matter of the amount paid or to be paid therefor, or a statement that the same is to be paid at regular advertising rates, the name and address of the candidate in whose behalf the matter is inserted and of any other person, if any, authorizing the publication and the name of the author thereof.

[1939 c. 345 part 10 c. 1 s. 3] (601-10(1)aa)

211.04 SHALL NOT BE INTERESTED IN NEWSPAPER; EXCEPTION. Every candidate and every member of any personal campaign or party committee, who shall either in his own name or in the name of any other person, own any financial interest in any newspaper or periodical circulating in part or in whole in Minnesota, shall, before such newspaper or periodical shall print any matter otherwise than as is provided in section 211.03, which is intended or tends to influence directly or indirectly any voting at any election or primary in this state, file in the office of the auditor of the county in which he resides a verified declaration, stating definitely the newspaper or periodical in which or over which he has such financial interest or control, and the exact nature and extent of such interest or control. The editor, manager, or other person controlling the publication of any such newspaper or article, who shall print or cause to be printed any such matter contrary to the provisions of this chapter, prior to the filing of such verified declaration from any person required by this section to file such declaration, shall be guilty of a violation hereof.

[1939 c. 345 part 10 c. 1 s. 4] (601-10(1)b)

211.05 COMPENSATION EXCEPT FOR "PAID AD" PROHIBITED. No owner, publisher, editor, reporter, agent, or employee of any newspaper or periodical, shall directly or indirectly solicit, receive, or accept any payment, promise, or compensation, nor shall any person pay or promise to pay, or in any manner compensate any such owner, publisher, editor, reporter, agent, or employee directly or indirectly for influencing or attempting to influence through any printed matter in such newspaper or periodical any voting at any election or primary through any means except through the matter inserted in such newspaper or periodical as "PAID ADVERTISEMENT," and so designated as provided by this chapter.

[1939 c. 345 part 10 c. 1 s. 5] (601-10(1)bb)

211.06 LIMIT OF EXPENDITURES. No disbursement shall be made and no obligation, express or implied, to make such disbursement, shall be incurred by or on behalf of any candidate for any office under the constitution or laws of this state, or under the ordinance of any town or municipality of this state in his campaign for nomination and election, which shall be in the aggregate in excess of the amounts herein specified:

- (1) For governor, \$7,000;
- (2) For other state officers, \$3,500;
- (3) For state senator, \$600;
- (4) For member of house of representatives, \$400;
- (5) For presidential elector-at-large, \$500; and for presidential elector for any congressional district, \$100;
- (6) For any county, city, village, or town officer, for any judge or for any officer not hereinbefore mentioned, who, if nominated and elected, would receive a salary, a sum not exceeding one-third of the salary to which each person would, if elected, be entitled during the first year of his incumbency in such office. If such person when nominated and elected, would not receive a salary, a sum not exceeding one-third of the compensation which his predecessor received during the first year of such predecessor's incumbency. If such officer, when nominated and elected, would not receive a salary and if such officer had no predecessor, and in all cases not specifically provided for, \$100, and no more.

[1939 c. 345 part 10 c. 1 s. 6] (601-10(1)c)

211.07 SOLICITATION OF CONTRIBUTIONS PROHIBITED. No person shall demand, solicit, ask, or invite any payment or contribution to any religious, charitable, or other causes or organizations, supposedly to be primarily for the public good, from any candidate for nomination or election, or to subscribe for the support of any club, or organization, or to buy tickets to any entertainment or ball or to pay for space in any book, program, periodical, or publication, nor shall such demand or solicitation be made upon any committee. This shall not apply to the solicitation of any business advertisement in periodicals in which the candidate was a regular contributor, prior to his candidacy, nor to ordinary business advertisements, nor to regular payments of any organization, religious, charitable, or otherwise, of which he was a member, or to which he was a contributor for more than six months before his candidacy, nor to any ordinary contributions at church services.

[1939 c. 345 part 10 c. 1 s. 7] (601-10(1)cc)

211.08 CAMPAIGN LITERATURE MATTER MUST INCLUDE NAMES. Any person or committee who shall publish, issue, or circulate, or cause to be published, issued, or circulated, otherwise than in a newspaper, as provided in section 211.03, any literature or any publication tending to influence voting at any primary or election which fails to bear on the face thereof the name and address of the author, the name and address of the candidate in whose behalf the same is published, issued, or circulated, and the name and address of any other person or committee causing the same to be published, issued or circulated, and any person, firm, corporation or committee who shall knowingly make or publish or cause to be published, any false statement in relation to any candidate or proposition to be voted upon, which statement is intended to or tends to affect any voting at any primary or election, shall be guilty of a misdemeanor; provided, nothing herein contained shall be construed as modifying or repealing any of the provisions of section 210.10.

[1939 c. 345 part 10 c. 1 s. 8] (601-10(1)d)

211.09 CERTAIN SOLICITATIONS PROHIBITED. No person shall solicit, receive, or accept any money, property, or other thing of value, or any promise or pledge thereof, constituting a disbursement prohibited by this chapter.

No person, firm, or copartnership shall disburse, expend or contribute in any manner for political purposes during any primary or election, a sum of money in excess of \$50.00, except through a political committee.

[1939 c. 345 part 10 c. 1 s. 9] (601-10(1)dd)

211.10 SHALL NOT INDUCE PERSON TO BECOME A CANDIDATE OR REFRAIN THEREFROM. No person shall pay, or promise to reward another in any manner or form for the purpose of inducing him to be or refrain from or cease being a candidate, and no person shall solicit or receive any payment, promise, or reward from another for such purpose.

[1939 c. 345 part 10 c. 1 s. 10] (601-10(1)e)

211.11 TREATING BY CANDIDATES PROHIBITED. No person or candidate shall, either by himself or by any other person, while such candidate is seeking a nomination or election, directly or indirectly, give, provide, or pay, wholly or in part, the expenses of giving or providing any meat, drink or other entertainment or provision, clothing, liquors, cigars, or tobacco, to or for any person for the purpose of or with intent to influence that person or any other person to give or refrain from giving his vote at such primary or election to or for any candidate or political party ticket, or measure before the people or on account of such person or other person having voted or refrained from voting for any candidate or the candidates of any political party or organization or measure before the people, or being about to vote, or refrain from voting, at such election. No elector shall accept any such meat, drink, entertainment, provision, clothing, liquor, cigars, or tobacco, and such acceptance shall be a ground of challenge to his vote and of rejecting his vote on a contest.

[1939 c. 345 part 10 c. 1 s. 11] (601-10(1)ee)

211.12 UNDUE INFLUENCE BY CANDIDATES PROHIBITED. No person shall directly or indirectly by himself or any other person in his behalf, make use of or threaten to make use of any force, coercion, violence, restraint, or undue influence, or inflict or threaten to inflict by himself, or any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting for any candidate or the ticket of any political party, or any measure before the people, nor shall by abduction, duress, or any fraudulent contrivance, impede or prevent the free exercise of the franchise of any voter at any primary or election, or compel, induce, or prevail upon any elector to give or to refrain from giving his vote at any primary or election.

[1939 c. 345 part 10 c. 1 s. 12] (601-10(1)f)

211.13 MAKING OF WAGERS PROHIBITED. Any candidate who, before or during any primary or election campaign, makes any bet or wager of anything of pecuniary value, or in any manner becomes a party to any such bet or wager on the result of the primary or election in his electoral district, in any part thereof, or on any event or contingency relating to any pending primary or election, or who provides money or other valuable thing to be used by any person in betting or wagering upon the results of any pending primary or election, shall be guilty of violation of this chapter. Any person, who for the purpose of influencing the result of any primary or election, makes any bet or wager of anything of pecuniary value on the result of such primary or election, in his electoral district or any part thereof, or of any pending primary or election, or on any event or contingency relating thereto, shall be guilty of a violation of this chapter and, in addition thereto, any such act shall be a ground of challenge against his right to vote.

[1939 c. 345 part 10 c. 1 s. 13] (601-10(1)ff)

211.14 NOT TO PAY FOR TIME LOST AT POLLS. It shall be unlawful for any person to pay another for any loss or damage due to attendance at the polls, or in registering. No person shall pay for personal service to be performed on the day of a caucus, primary, convention, or any election, for any purpose connected therewith, tending in any way, directly or indirectly, to affect the result thereof, except for the hiring of persons whose sole duty it is to act as challenger and watch the count of official ballots. No person shall buy, sell, give, or provide any political badges, buttons, or other insignia to be worn at or about the polls on the day of any primary or election and no such political badge, button, or other insignia shall be worn at or about the polls on any primary or election day. No person or committee, or organization shall convey or furnish any vehicle for conveying or bear any portion of any expense of conveying any voter to or from the polls, but this provision shall not apply to persons in the same household, nor shall it prohibit two or more voters from providing joint transportation for themselves by mutual agreement at their own expense.

[1939 c. 345 part 10 c. 1 s. 14] (601-10(1)g)

211.15 SOLICITING NEAR POLLING PLACES PROHIBITED. It shall be unlawful for any person within 100 feet of the building in which any polling place is situated on the day of any primary or election to ask, solicit, or in any manner try to induce or persuade any voter on such primary or election day to vote for or refrain from voting for any candidate or the candidates of any political party or organization, or any measure submitted to the people; and, upon conviction thereof,

he shall be punished by a fine of not less than \$5.00 nor more than \$100.00 for the first offense, and for the second and each subsequent offense occurring on the same or different election days, he shall be punished by a fine, as aforesaid, or by imprisonment in the county jail for not less than five, nor more than 30, days or by both such fine and imprisonment.

Any person who shall at any place on the day of any primary or election circulate or distribute, or cause to be circulated or distributed, any campaign cards, candidates' cards, placard or campaign literature of any kind whatsoever, shall be guilty of a misdemeanor. Nothing herein contained shall be construed as modifying or repealing the provisions of section 210.04.

[1939 c. 345 part 10 c. 1 s. 15] (601-10(1)gg)

211.16 DISBURSEMENTS BY CANDIDATE. No candidate shall make any disbursement for political purposes except under his personal direction which for any purpose shall be considered his act, through his party committee, or through a personal campaign committee, whose authority to act shall be filed, as provided in this chapter.

[1939 c. 345 part 10 c. 1 s. 16] (601-10(1)h)

211.17 PERSONAL CAMPAIGN COMMITTEES. Any candidate may select a single personal campaign committee to consist of one or more persons. Before any personal campaign committee shall make any disbursement in behalf of any candidate, or shall incur any obligation, expressed or implied, to make any disbursement in his behalf, such candidate shall file with the filing officer of such candidate a written statement signed by such candidate, setting forth that such personal campaign committee has been appointed and giving the name and address of each member thereof and of the secretary thereof. If the campaign committee consists of only one person, such person shall be deemed the secretary thereof. Any candidate may revoke the selection of any member of such personal campaign committee by a revocation in writing which, with proof of personal service on the member whose selection is so revoked, shall be filed with the filing officer of such candidate. Such candidate may fill the vacancy thus created in the manner in which an original appointment is made. In civil actions and proceedings brought under this chapter, the acts of every member of such personal campaign committee shall be presumed to be with the knowledge and approval of the candidate until it has been clearly proved that the candidate did not have knowledge of and approve the same, and that, in the exercise of reasonable care and diligence, he could not have had knowledge of and opportunity to disapprove the same.

[1939 c. 345 part 10 c. 1 s. 17] (601-10(1)hh)

211.18 LIMIT OF EXPENDITURES BY CAMPAIGN COMMITTEES. No personal campaign or party committee shall make any disbursement except:

(1) For maintenance of headquarters and for hall rentals incident to the holding of public meetings;

(2) For necessary stationery, postage, telegraph, telephone, radio broadcasting, messenger and clerical assistance to be employed at a candidate's headquarters or at the headquarters of the committee, incident to the writing, addressing and mailing of letters and campaign literature;

(3) For necessary expenses, incident to the furnishing and printing of badges, banners and other insignia, to the printing and posting of handbills, posters, lithographs and other campaign literature, and the distribution thereof through the mails or otherwise;

(4) The campaign advertising in newspapers, periodicals or magazines, as provided in this chapter;

(5) For wages, and actual necessary personal expenses of public speakers, organizers, and musicians;

(6) For traveling expenses of members of the committee; and

(7) For preparing election registers and for challengers at the polls.

[1939 c. 345 part 10 c. 1 s. 18] (601-10(1)i)

211.19 BILLS, WHEN RENDERED AND PAID. Every person who shall have any bill, charge, or claim upon or against any personal campaign or party committee or any candidate, for any disbursement made, services rendered, or thing of value furnished, for political purposes, or incurred in any manner in relation to any primary or election, shall render in writing to such committee or candidate such bill, charge, or claim within ten days after the day of the primary or election in

connection with which such bill, charge, or claim was incurred. No candidate and no personal campaign or party committee shall pay any bill, charge, or claim so incurred prior to any primary or election, which is not so presented within ten days after such primary or election.

[1939 c. 345 part 10 c. 1 s. 19] (601-10(1)ii)

211.20 MUST FILE VERIFIED STATEMENT OF EXPENDITURES. Every candidate, and the secretary of every personal campaign and party committee, shall, on the last Monday in August, on or before the tenth day following the primary, on the third Monday in October, and on or before the tenth day following the general election, file a financial statement verified by the candidate or the secretary of the committee, as the case may be, which shall show in itemized detail all transactions, all disbursements, and all obligations to make disbursements, for political purposes. Each statement, after the first, shall contain a summary of all preceding statements.

The statement of any candidate and the statement of his personal campaign committee shall be filed with the filing officer of such candidate. The statement of every state committee and of every congressional committee shall be filed with the secretary of state. The statement of every party committee for a legislative district shall be filed with the filing officer of the candidate for senator or representative in such legislative district. The statement of every other party committee shall be filed in the office of the county auditor of the county within which, or for a subdivision within which, such disbursements were made. Each statement shall give in full detail:

(1) Every sum of money and all property, and every other thing of value, received by such candidate or committee during such period from any source whatsoever which he or it uses or has used, or is at liberty to use for political purposes, together with the name of every person or source from which each was received and the date when each was received, together with the total amount received from all sources in any amount or manner;

(2) Every promise or pledge of money, property, or other thing of value, received by such candidate or committee during such period, the proceeds of which he uses or has used, or is at liberty to use for political purposes, together with the names of the persons by whom each was promised or pledged, the special purposes for which each was promised or pledged and the date when each was so promised or pledged, together with the total amount promised or pledged from all sources in any amounts or manner;

(3) Every disbursement by such candidate or committee for political purposes during such period, together with the name of every person to whom the disbursement is made, the specific purpose for which each was made, and the date when each was made, together with the total amount of disbursements made in any amounts or manner; and

(4) Every obligation, expressed or implied, to make any disbursement incurred by such candidate or committee for political purposes during such period, together with the names of the person or persons to or with whom each such obligation has been incurred, the specific purposes for which each was made, and the date when each was incurred, together with the total amount of such obligations made in any amounts or manner.

Statements shall also be made by any other political committee showing the total amount of receipts and disbursements, and for what purpose such disbursements were made. Such statement shall be filed with the auditor of the county in which such committee has its headquarters within 30 days after any primary or election.

Every candidate for nomination at a primary municipal election, or at a special municipal election, or at a general municipal election in cities of the first class, and the secretary of every personal campaign committee or campaign committee, on the second Saturday occurring after such candidate or personal campaign committee or campaign committee has first made a disbursement or first incurred any obligation, expressed or implied, to make a disbursement for political purposes, and thereafter, on the second Saturday of each calendar month, until all disbursements shall have been accounted for, and also on the Saturday preceding any primary municipal election, special municipal election, or general municipal election in cities of the first class, shall file a financial statement, verified upon the oath of such candidate, such

personal campaign committee, or campaign committee, as the case may be, which statement shall cover all transactions not accounted for and reported upon in statements theretofore filed. Each statement after the first shall contain a summary of all preceding statements and summarize all items theretofore reported under the provisions of this section. Blanks for all these statements shall be prepared by the secretary of state, and copies thereof, together with a copy of this section, shall be furnished, through the auditor, or otherwise, as the secretary of state may deem expedient, to the secretary of every committee and to every candidate, upon the filing of nomination papers by such candidate, and to all other persons required by the charter of such municipalities or any election law applicable to such municipality, in which any municipal primary election, special municipal election, or general municipal election is being held or is to be held under the provisions of any such municipal charter, or applicable law, and to all other persons required by law to file such statements who may apply therefor. The provisions hereof relating to the filing of verified statements of expenditures shall be in addition to requirements contained in the charter of any municipalities requiring the filing of verified statements of expenditures in connection with any municipal primary election, special municipal election, or general municipal election held or to be held in cities of the first class under any such municipal charter or applicable law. The verified statements so required shall be filed with the proper filing officer of any such municipality.

[1939 c. 345 part 10 c. 1 s. 20; 1941 c. 51] (601-10(1)j)

211.21 BLANKS FOR FILING STATEMENT OF EXPENSE. Blanks for all statements required by this chapter shall be prepared by the secretary of state and copies thereof, together with a copy of this chapter, shall be furnished through the county auditor or otherwise, as the secretary of state may deem expedient, to the secretary of every committee, and to every candidate upon filing of nomination papers, and to all other persons required by law to file such statements who may apply therefor.

[1939 c. 345 part 10 c. 1 s. 21] (601-10(1)jj)

211.22 NAMES OF CANDIDATES SHALL NOT BE PRINTED ON BALLOT UNLESS STATEMENT IS FILED. The name of a candidate chosen at a primary election, or otherwise, shall not be printed on the official ballot for the ensuing election, unless there has been filed by or on behalf of the candidate and by his personal campaign committee, if any, the statements of accounts and expenses relating to nomination required by this chapter.

[1939 c. 345 part 10 c. 1 s. 22] (601-10(1)k)

211.23 MAY NOT PROMISE APPOINTMENTS. No person shall, in order to aid or promote his nomination or election, directly or indirectly, himself, or through any other person, appoint or promise to appoint any person, or secure or promise to secure or aid in securing the appointment, nomination, or election of any person to any public or private position or employment, or to any position of honor, trust, or emolument. Nothing herein contained shall prevent a candidate from stating publicly his preference for or support of any other candidate for any office to be voted for at the same primary or election; nor prevent a candidate, for any office in which the person elected will be charged with the duty of participating in the election or the nomination of any person as a candidate for any office, from publicly stating or pledging his preference for or support of any person for such office or nomination.

[1939 c. 345 part 10 c. 1 s. 23] (601-10(1)l)

211.24 MAY NOT INFLUENCE EMPLOYEES. No person being an employer or acting for or in behalf of any employer shall give, distribute or cause to be given or distributed to any of his employees, any printed or written matters containing any threat, notice or information, or make any threat, verbal or otherwise, that in case any particular ticket or a political party or organization or candidate shall be elected or any measure referred to a vote of the people shall be adopted, work in his place or establishment will cease, in whole or in part, or his place or establishment will be closed up, or the salaries or wages of the workmen or employees be reduced, or other threats, expressed or implied, intended or calculated to influence the political opinion or action of his workmen or employees.

[1939 c. 345 part 10 c. 1 s. 24] (601-10(1)m)

211.25 MAY AUTHORIZE DISBURSEMENTS BY CAMPAIGN COMMITTEE. Any candidate may delegate to his personal campaign committee or to any party

committee of his party in writing duly subscribed by him, the expenditure of any portion of the total disbursements which are authorized to be incurred by him or on his behalf, by the provisions of this chapter, but the total of all disbursements by himself and by his personal campaign committee in his behalf shall not exceed in the aggregate the amounts in this chapter specified, except as provided herein.

[1939 c. 345 part 10 c. 1 s. 25] (601-10(1)n)

211.26 LIMITATION OF DISBURSEMENTS BY COMMITTEE. (1) No disbursement shall be made and no obligation, expressed or implied, to make such disbursement, shall be incurred by or in behalf of any personal campaign committee, exceeding in the aggregate the total amounts theretofore delegated to such committee in writing, duly subscribed as provided herein.

(2) The state central committee of any political party entitled by law to have the names of its candidates placed upon the official ballot in a general election, may, in addition to the disbursements and obligations to make disbursements provided for in clause (1) hereof, make further disbursements in connection with any general election, not exceeding in the aggregate the sum of \$10,000.

(3) Nothing contained in this chapter shall be construed to authorize the state central committee of any political party, to make disbursements in connection with any election, in excess in the aggregate of \$10,000, and every disbursement by any such committee in excess of such amount is forbidden.

[1939 c. 345 part 10 c. 1 s. 26] (601-10(1)nn)

211.27 CORPORATIONS NOT TO CONTRIBUTE TO POLITICAL CAMPAIGN. No corporation doing business in this state shall pay or contribute, or offer, consent, or agree to pay or contribute, directly or indirectly, any money, property, free service of its officers or employees or thing of value to any political party, organization, committee, or individual for any political purpose whatsoever, or to promote or defeat the candidacy of any person for nomination, election, or appointment to any political office. If any corporation shall be convicted of violating any of the provisions of this chapter, it shall be subject to a penalty in the amount not exceeding \$10,000 to be collected as other claims or demands for money are collected; and, if a domestic corporation, in addition to that penalty, it may be dissolved; and, if a foreign or non-resident corporation, in addition to that penalty, its right to do business in this state may be declared forfeited.

[1939 c. 345 part 10 c. 1 s. 27] (601-10(1)o)

211.28 VIOLATIONS; PENALTIES. Any officer, employee, agent, or attorney or other representative of any corporation, acting for or in behalf of such corporation, who shall violate the provisions of this chapter, shall be punished upon conviction by a fine of not less than \$100, nor more than \$5,000, or by imprisonment in the state prison for a period of not less than one, nor more than five, years, or by both such fine and imprisonment.

[1939 c. 345 part 10 c. 1 s. 28] (601-10(1)p)

211.29 VIOLATION BY OFFICER TO BE CONSTRUED AS VIOLATION OF CORPORATION. The violation of the provisions of this chapter by any officer of such corporation shall be prima facie evidence of violation by such corporation. All fines or forfeitures recovered under the provisions of this chapter shall when collected be paid into the treasury of the county for the use of the road and bridge fund, and it is hereby made the duty of the county attorney of each county to conduct prosecutions under this chapter on proper complaint.

[1939 c. 345 part 10 c. 1 s. 29] (601-10(1)pp)

211.30 AIDING VIOLATION A GROSS MISDEMEANOR. Any person or persons who shall aid, abet, or advise a violation of the provisions of this chapter, shall be guilty of a gross misdemeanor; and, upon conviction thereof, punished as provided in this chapter.

[1939 c. 345 part 10 c. 1 s. 30] (601-10(1)q)

211.31 PROSECUTIONS; WHERE MADE. Violations of the provisions of this chapter may be prosecuted in the county where such payment or contribution is made or services rendered or in any county wherein such money has been paid or distributed.

[1939 c. 345 part 10 c. 1 s. 31] (601-10(1)r)

211.32 FILING OFFICERS SHALL NOTIFY CANDIDATE OR COMMITTEE. The officer with whom the expense account of any candidate for public office or committee is required to be filed by the provisions of this chapter, shall notify such candidate or committee of the failure to comply with such law, immediately upon

the expiration of the time fixed by any law of this state for the filing of the same, and shall notify the county attorney of the county where such candidate resides or in which the headquarters of the committee is located, of the fact of the failure to file such expense account and the county attorney shall thereupon notify such candidate or the secretary of the committee of such delinquency and if the provisions of this chapter shall not be complied with within ten days after the mailing of such notice, the county attorney shall thereupon prosecute such candidate or the officer of the committee required by law to file such statement.

[1939 c. 345 part 10 c. 1 s. 32] (601-10(1)rr)

211.33 COUNTY ATTORNEY TO INQUIRE INTO VIOLATIONS. If the county attorney of the county shall be notified by any officer or other person of any violation of any of the provisions of this chapter, it shall be his duty forthwith to diligently inquire into the facts of such violation, and if there be reasonable ground for instituting a prosecution, it shall be the duty of such county attorney to present the charge, with all the evidence which he can procure, to the grand jury of such county. If any county attorney shall fail or refuse to faithfully perform any duty imposed upon him by the provision of this chapter; he shall be guilty of a misdemeanor; and, on conviction thereof, forfeit his office. It shall be the duty of the county attorney, under the penalty of forfeiture of his office, to prosecute any and all persons guilty of any violation of the provisions of this chapter, the penalty of which is fine or imprisonment, or both, or removal from office. Any citizen may employ an attorney to assist the county attorney to perform his duties under the provisions of this chapter, and such attorney shall be recognized by the county attorney and the court as associate counsel in the proceeding; and no prosecution, action, or proceeding shall be dismissed without notice to, or against the objection of, such associate counsel until the reasons of the county attorney for such dismissal, together with the objections thereto of the associate counsel, shall have been filed in writing, argued by counsel, and fully considered by the court, with such limitation as to the time of filing such reasons and objections as the court may impose.

[1939 c. 345 part 10 c. 1 s. 33] (601-10(1)s)

211.34 VIOLATIONS BY UNAUTHORIZED PERSON NOT TO FORFEIT NOMINATION. When upon the trial of any action or proceedings under the provisions of this chapter it shall appear from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means were taken by such candidate at such election, or were taken by or on behalf of the candidate, or that the offenses complained of were trivial or unimportant, and that in all respects his candidacy and election were free from all offensive or illegal acts, or that any act or omission of any candidate complained of arose from accidental miscalculation or from some other reasonable cause of like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be unjust that the candidate shall forfeit his nomination, position or office, then the nomination or election of such candidate shall not by reason of such offense complained of be void, nor shall the candidate be removed from nor deprived of his nomination, position, or office.

[1939 c. 345 part 10 c. 1 s. 34] (601-10(1)ss)

211.35 CONTEST; WHEN COMMENCED. Any proceeding under the provisions of this chapter contesting any nomination or election must be commenced within ten days after the day of the primary or 30 days after a general election, unless the ground of action is discovered from the statements filed under this chapter, in which event the action must be commenced within ten and 30 days after such discovery, respectively. Any proceeding to annul any nomination or election of any person for office mentioned in this chapter, must be filed in the district court of the county in which the person resides whose right to the nomination, position, or office is contested.

[1939 c. 345 part 10 c. 1 s. 35] (601-10(1)t)

211.36 DISQUALIFIED CANDIDATE NOT TO HOLD POSITION. A candidate elected to an office, and whose election thereto has been annulled and set aside for any offense mentioned in this chapter, shall not, during the period fixed by law as the term of such office, be appointed to fill any vacancy which may occur in such office. A candidate or other person who is removed from or deprived of his office for any offense mentioned in this chapter, shall not, during the period remaining as the unexpired term of such office, or during the period fixed by law as the next ensuing term of such office, be appointed to fill any vacancy which may occur in such office. Any appointment to an office made in violation of or contrary to the provisions of this section shall be void.

[1939 c. 345 part 10 c. 1 s. 36] (601-10(1)tt)

211.38 JUDGMENTS; TO WHOM TRANSMITTED. If any person shall in a criminal action be judged to have been guilty of any violation of the provisions of this chapter while a candidate for any office under the constitution or laws of the state, or under any ordinance of any town or municipality therein, other than the office of state senator or member of the house of representatives, the court shall, after entering the adjudication of guilty, enter a supplemental judgment, declaring such person to have forfeited the office in the conduct of the campaign for the nomination or election to which he was guilty of such violation, and shall transmit to the filing officer of such candidate a transcript of such supplemental judgment, and thereupon such office shall be deemed vacant and shall be filled as provided by law.

If any person shall, in a criminal action, be adjudicated guilty of any violation of the provisions of this chapter, committed while he was a candidate for the office of state senator, member of the house of representatives, United States senator, or representative in congress, or while he was a member of the personal campaign committee of any such candidate, the court, after entering such adjudication, shall forthwith transmit to the presiding officer of the legislative body as a member of which such officer was a candidate when such violation occurred, a certificate setting forth such adjudication of guilty.

[1939 c. 345 part 10 c. 1 s. 38] (601-10(1)v)

211.39 MAY EMPLOY COUNSEL. Nothing contained in this chapter shall prevent any candidate from employing counsel to represent him in any action or proceeding, affecting his rights as a candidate, nor from paying all costs and disbursements necessary incidental thereto. No sum so paid or incurred shall be deemed a part of the campaign expenses of any such candidate.

[1939 c. 345 part 10 c. 1 s. 39] (601-10(1)w)

211.40 PENALTIES FOR VIOLATION. Any person violating any provisions of this chapter, except as otherwise provided herein, shall, upon conviction thereof, be punished by imprisonment in the county jail for a period of not less than one month nor more than one year, or by imprisonment in the state prison for a period of not less than one year nor more than three years, or by a fine of not less than \$25.00, nor more than \$1,000, or by both such fine and imprisonment; and no person so convicted shall be permitted to take or hold office to which he was elected, if any, or receive the emoluments thereof.

[1939 c. 345 part 10 c. 1 s. 40] (601-10(1)x)