

CHAPTER 211

CORRUPT PRACTICES

211.01 DEFINITIONS AND CONSTRUCTION OF TERMS.

The house of representatives has exclusive jurisdiction to determine whether a candidate elected as a representative to congress is disqualified from becoming a member of that body by reason of an alleged violation of the corrupt practices act. *State ex rel v Selvig*, 170 M 406, 212 NW 604.

An announcement to the public by bar association of the result of a bar plebes-cite showing the preference of the bar for judicial candidates, which is published in newspapers without expense to the bar association, is not prohibited by the corrupt practices act. *La Belle v Hennepin Co. Assn.* 206 M 290, 288 NW 788.

A petition for the contest of a school district election which does not allege that the contestee violated the corrupt practices act, and does not demand relief upon the ground of such violation, is insufficient to raise the question whether there may be a contest of a school district election under the corrupt practices act. *Johnson v DuBois*, 208 M 557, 294 NW 839.

Based upon *Aura v Brandt*, 211 M 281, 1 NW(2d) 381, the corrupt practices act applies to village elections. OAG Dec. 8, 1945 (627-L).

The political committee (volunteer committee) as distinguished from personal campaign committee, and party committee, is not limited as to amount, but must file statement of receipts and expenditures under section 211.20. OAG Aug. 30, 1946 (627-C-7).

Corrupt practices act, Chapter 211, applies to county-wide elections under section 340.25. OAG June 6, 1947 (627-B-3).

Corrupt practices act; contributions by incorporated bar association-to political campaign. 31 MLR 291.

211.02 LEGAL EXPENSES.

Whether the announcement of candidacy for office printed upon a fan comes under the prohibition of giving away items of value is a question of fact. The candidate must take his chances on prosecution in an election contest. OAG June 8, 1946 (627-f-1).

211.03 PAID ADVERTISEMENTS IN NEWSPAPERS.

The giving of a drink of liquor to four voters as an act of hospitality; patronizing a church bazaar and returning his purchase, gifts at showers for persons about to be wed, and distribution of campaign cards to the same persons as above described, did not violate the corrupt practices act. *Engelbert v Tuttle*, 185 M 608, 242 NW 425.

211.04 SHALL NOT BE INTERESTED IN NEWSPAPER; EXCEPTION.

The corrupt practices act does not require a mere dues-paying member of a political party which publishes a newspaper for political propaganda and not for profit, to file an affidavit of financial interest in the paper upon becoming a candidate for office. *Trones v Olson*, 197 M 21, 265 NW 806.

211.06 LIMIT OF EXPENDITURES.

As used in this act, the word "salary" embraces both salary and fees or other prerequisites of the office. *Spokely v Haaven*, 183 M 467, 237 NW 11.

A political committee, as defined by this act, is an association of two or more persons to cooperate in raising, collecting, and disbursing money used or to be used for or against the election to public office of any person or class or number of persons, or for or against any measure to be voted upon at an election. The amount it may so receive and disburse is not definitely limited by the act. *Mariette v Murray*, 185 M 620, 242 NW 331.

The corrupt practices act so far as it relates to corrupt practices applies to village elections. *Aura v Brandt*, 211 M 293, 1 NW(2d) 381.

Detail of cases where verified statement of expenditures need not be filed. Distinction is drawn between corrupt practices, and failure to file statement of expense as required by statute. *Aura v Brandt*, 211 M 293, 1 NW(2d) 381.

#### **211.08. CAMPAIGN LITERATURE MATTER MUST INCLUDE NAMES.**

A statute does not intend to punish one with the loss of an office to which he is elected because of statements circulated by his friends, but in the instant case evidence indicates that Wallace participated in the publication and distribution of the circular complained of. This is not a "case at law" and there is no right of jury trial. The action of the district court in reversing the action of the board unseating Wallace is sustained, and Hawley must be declared elected. *Hawley v Wallace*, 137 M 183, 163 NW 127.

A communication printed on a blue card, accompanying a bunch of campaign cards, was not of a character to in any way violate the requirements of the corrupt practices act. It was factually a letter. *Engelbert v Tuttle*, 185 M 608, 242 NW 425.

Although defamatory of the supporters of a candidate, a campaign document is not defamatory of the candidate himself and no violation of the corrupt practices act. *Dart v Erickson*, 188 M 313, 248 NW 706.

Corrupt practices act applies to activities of a committee formed for the purpose of bringing about or preventing the adoption of an airport ordinance. Provisions relating to limitations on such committee outlined. 1942 OAG 69, Oct. 14, 1942 (627-B-1).

The reasoning of the Ohio, Kansas, and Pennsylvania courts upholding the prohibition against anonymous campaign and other literature is equally applicable in the case of anonymous publications attacking religious, racial and other groups or classes and individuals. The proposed St. Paul ordinance is not invalid as an abridgement of the freedom of the press. 1944 OAG 235, Nov. 4, 1943 (62-B).

As the printed circular was not distributed for or against any candidate, contained no false statement, and was not maliciously prepared, there was no violation of the statute. OAG Feb. 10, 1947 (627-J-3).

#### **211.11 TREATING BY CANDIDATES PROHIBITED.**

Giving of drinks of liquor to four friends, as an act of hospitality, was not a violation of the act. *Engelbert v Tuttle*, 185 M 608, 242 NW 425.

Several witnesses testified that appellant furnished liquor for the purpose of influencing votes and the action of the trial court in ousting appellant from office on this account is sustained. *Exrieder v O'Keefe*, 143 M 278, 173 NW 434.

#### **211.14 NOT TO PAY FOR TIME LOST AT POLLS.**

It is a violation of this section to convey voters to the polls at any village election. OAG Dec. 8, 1945 (627-L).

#### **211.20 MUST FILE VERIFIED STATEMENT OF EXPENDITURES.**

In mandamus where the relator, a candidate for public office, neglected to file a statement of expenditures as required by statute, and so made it unlawful for the auditor to issue to him a certificate of election, the writ will be denied, however meritorious the application may be on other grounds. *Dale v Johnson*, 143 M 225, 173 NW 417.

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### 211.23 MAY NOT PROMISE APPOINTMENTS.

Evidence sustains trial court's findings that appellant violated the corrupt practices act by promising public employment in order to aid and promote his election. *Berg v Penttila*, 173 M 512, 217 NW 935.

### 211.27 CORPORATIONS NOT TO CONTRIBUTE TO POLITICAL CAMPAIGN.

A publication that a candidate for office has the backing of certain corporations in the state that are not in sympathy with the masses is not per se libelous. *State v Landy*, 130 M 138, 153 NW 258.

The expenditure by a bar association of money to defray the expense of a bar plebiscite and furnishing the services of its officers in managing the same, does not constitute a payment or contribution of money, property, or services to a political party, committee, or individual for political purposes. The announcement to the public of the result of such vote is not prohibited by the corrupt practices act. *LaBelle v Hennepin County Bar*, 206 M 290, 288 NW 788.

The corrupt practices act applies to the activities of a committee formed for the purpose of bringing about or preventing the adoption of an airport ordinance. 1942 OAG 69, Oct. 14, 1942 (627-B-1).

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### 211.40 PENALTIES FOR VIOLATION.

The corrupt practices act provides two remedies for violation of its provisions; one by criminal prosecution and conviction and supplemental judgment of ouster, and the other by a contest of the election carried on according to the law regulating contests in general. *Saari v Gleason*, 126 M 378, 148 NW 923.