

MINNESOTA STATUTES 1953 ANNOTATIONS

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GENERAL PROVISIONS, DEFINITIONS 200.02

An officer released to inactive duty, who has a certificate of satisfactory service is a person "honorably discharged" within the meaning of section 198.01. OAG April 23, 1948 (394-A).

A veteran's wife who resided in the state for five years was eligible for admission with husband to Minnesota's Soldiers Home. OAG Oct. 17, 1951 (394-A).

198.02 Repealed, 1953 c 117 s 2.

198.021 PERSONS ADMITTED

HISTORY. 1953 c 117 s 1.

The wife of a veteran is eligible for admission with her husband if she has resided in the state five years. OAG Oct. 17, 1951 (394-A):

A veteran of any Indian campaign is eligible for admission, irrespective of the date of the campaign, or the state of the union in which it took place. OAG Feb. 20, 1951 (394-A).

198.06 TRUSTEES; COMPENSATION, BOND

HISTORY. 1887 c 148 s 4, 6, 22; GS Supp 1888 c 35 s 74, 76, 92; GS 1894 s 3606, 3608, 3624; RL 1905 s 1836; 1907 c 326 s 1; 1917 c 188 s 1; 1919 c 131 s 1; Mason's 1927 s 4349; 1951 c 265 s 1.

198.09 OFFICERS, EMPLOYEES

HISTORY. 1887 c 148 s 18; GS Supp 1888 c 35 s 88; GS 1894 s 3620; RL 1905 s 1839; Mason's 1927 s 4352; 1951 c 713 s 19.

Laws 1951, Chapter 713, and Laws 1951, Chapter 704, being in conflict as to the salary to be paid the commandant of the soldiers home, the last law enacted, namely, chapter 713, governs the salary to be paid said commandant. OAG June 8, 1951 (394).

198.10 SOLDIERS HOME FUND, STANDING APPROPRIATION

Payment of premiums on burglary and theft insurance is under Laws 1947, Chapter 539, Section 2, payable from the maintenance and repair fund of the state soldiers home. OAG Feb. 4, 1948 (394-F).

ELECTIONS

CHAPTER 200

GENERAL PROVISIONS, DEFINITIONS

NOTE: Minnesota Constitution, Article VII, contains the provisions relating to the elective franchise. Laws 1939, Chapter 345, is a complete revision of the general election laws. It covers all phases of the law relating to elections, except school elections. Former laws relating to elections were rewritten and reclassified into the present complete election code. While present election law is based upon earlier enactments, the change in classification and change in phraseology prevents making a completely consistent history of each section. M.S.A., Chapters 200 to 212, are for the most part based upon the following:

Laws 1849 c 3, 4, 19, 21-23; Rev St (Terr) c 5 s 1-50; 1852 c 39; 1858 c 86; PS 1858 c 6 s 1-75; 1861 c 15 s 1-82; 1862 c 2; 1863 c 51 s 1, 2; GS 1866 c 1 s 1-73; 1867 c 90;

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1871 c 45; 1872 c 56; 1872 c 57; 1875 c 117; 1876 c 74 s 1; 1877 c 7; 1877 c 9; 1877 c 83 s 1-4; 1878 c 84 s 1-40; GS 1878 c 1 s 1-116; 1881 c 64; 1885 c 172; 1885 c 204; 1887 c 4; GS 1878 Vol 2 (1888 Supp) c 1, s 1-111; 1889 c 3; 1891 c 4; 1939 c 345 part 1 c 1 s 1.

200.02 ELECTION

General election laws do not apply to school districts. The county has no obligation to pay election expense in school districts. The only election expense authorized by statute is in independent districts where the polls are open for more than one hour. Other school election officers serve gratis. OAG May 10, 1949 (166-E-4).

Registration of voters in school districts prior to the time of holding special election is not required unless there had been compliance with section 201.26. OAG Sept. 27, 1951 (187-A-9).

Except where school districts join with a municipality for creation of a combined system of permanent registration under sections 201.25 and 201.26, the provisions relating to registration of voters is not applicable to election in school districts. OAG Oct. 31, 1951 (187-A-9).

The definitions of election as it is to be applied to corrupt practices concerning elections expressly excludes school district elections. OAG Jan. 25, 1948 (627-B-7).

200.03 GENERAL ELECTION

Where a charter provision of a city having a home rule charter requires a special election on a proposed ordinance, the special election may be held at the same time as the general election. OAG Oct. 13, 1950 (185-B-2).

200.04 PRIMARY

HISTORY. 1887 c 4 s 103; GS 1878 Vol 2 (1888 Supp) c 1 s 103; 1889 c 3 s 93; 1899 c 349 s 1, 7; 1901 c 216 s 1; RL 1905 s 181; 1912 c 2 s 1; 1913 c 389 s 1; GS 1913 s 335; 1915 c 76; 1923 c 127 s 1; 1925 c 420 s 1; MS 1927 s 293; 1939 c 345 pt 1 c 1 s 4; M Supp s 601-1(1)c.

200.08 POLITICAL PARTY

The only parties at the present time having a legal status as political parties in Minnesota are the Democratic-Farmer-Labor party and the Republican party, and candidates using a party name other than those having a legal status may appear on the general election ballot only by nominating petition. OAG July 29, 1948 (672-B-7).

The secretary of state is required to accept any certificate of nomination issued in compliance with the election statutes. Whether any political party not recognized as such under "Minnesota Election Law" has the legal right in any particular case to prevent the use of its name, or any part thereof, by any person nominated by a petition, is a matter for the courts to determine. OAG July 29, 1948 (672-B-7).

200.21 VOTER

Respondent, who was elected in June, 1947, to the office of alderman of the city of Minneapolis after having been in 1930 convicted in the United States district court of Minnesota of a crime which under the federal law was a felony, but which under the laws of Minnesota was only a misdemeanor, was not ineligible to hold the office to which he was elected. State ex rel v Todd, 225 M 91, 29 NW(2d) 810.

200.31 TERMS OF OFFICE

The official year for the State of Minnesota commences on the first Monday in January of each year and all terms of office terminate at that time. Section 375.07 provides that the county board shall meet at the county seat for the transaction of business on the first Tuesday after the first Monday in January and, since Jan. 1 is a holiday and the county offices are closed, the newly elected county officers should present their bond and oath to the county board at its first meeting on Jan. 2 and

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when the bonds are approved and filed, the new officers take office. OAG Dec. 11, 1950 (104-A-13).

200.35 ELECTION SERVICES, COMPENSATION

HISTORY. RS 1851 c 55 s 26, 40; 1858 c 86 s 11; PS 1858 c 6 s 24, 38, 67; 1861 c 15 s 8, 30, 41, 57; GS 1866 c 1 s 8, 28, 38, 54; 1878 c 84 s 37; GS 1878 c 1 s 12, 31, 41, 57; 1881 c 39 s 1; 1883 c 33 s 1; 1885 c 27 s 1; 1887 c 4 s 36, 37, 48, 68; GS 1888 Supp c 1 s 36, 37, 48, 68; 1889 c 3 s 60, 64; 1891 c 4 s 102-105; 1893 c 4 s 157, 158, 172, 173, 180; GS 1894 s 162, 163, 177, 178, 185; RL 1905 s 341; 1913 c 395 s 2; GS 1913 c 534; 1919 c 330 s 2; Mason's 1927 s 493; 1939 c 345 pt 6 c 13 s 1; Mason's Supp s 601-6(13); 1943 c 491 s 1; 1943 c 555 s 1; 1945 c 533 s 1; 1947 c 499 s 1; 1949 c 519 s 1; 1951 c 367 s 1; 1953 c 199 s 1.

When no compensation is fixed for judges and clerks of election in towns, no compensation can be paid by the judges and clerks may be compensated by action taken at a subsequent town meeting. OAG Oct. 8, 1948 (183-K).

200.37 APPLICATION OF CHAPTERS 200 TO 212

Where the charter of a city provides for a primary election system, charter provisions govern and primary election may precede municipal charter election by any period of time deemed appropriate and designated in the charter. OAG Sept. 14, 1951 (64-M).

CHAPTER 201

REGISTRATION OF VOTERS

201.01 REGISTRATION IN CERTAIN CITIES

HISTORY. 1893 c 4 s 55, 58; GS 1894 s 60, 63; 1899 c 189; RL 1905 s 236, 237; GS 1913 s 417, 418; 1915 c 226; 1923 c 305 s 3; GS 1923 s 382; 1927 c 390 s 3; MS 1927 s 369-371, 382, 393-3; 1929 c 235 s 2; 1939 c 345 pt 2 c 1 s 1; M Supp s 393-3, 601-2(1); 1951 c 81 s 1.

From and after enactment of Laws 1951, Chapter 81, the governing body of a municipality or town may by ordinance or resolution elect to come within the provisions of chapter 81, and registration may be made under the provisions of MSA, Chapter 201. OAG Nov. 15, 1951 (434-B-20).

When a town has adopted a permanent registration of voters, only registered voters may vote at a town meeting on questions submitted, either by ballot or oral vote. OAG Feb. 15, 1952 (434-B-20).

201.013 VOTERS REGISTRATION SYSTEMS

HISTORY. 1953 c 347 s 1-5.

201.02 WHO MAY REGISTER

Necessity of being an elector to hold public office. 32 MLR 642.

Disqualification of voters because of conviction of a crime; effect of conviction under federal or foreign law. 32 MLR 642.

A woman acquires a residence in Minnesota and a right to vote therein in marriage to a registered voter of Minnesota, even though she has actually not entered the State of Minnesota. Domicile of the husband is also the domicile of the wife. OAG June 18, 1952 (490-J-2).