

MINNESOTA STATUTES 1953 ANNOTATIONS

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REGISTRATION OF VOTERS 201.02

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).

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201.03 REGISTRATION OF VOTERS

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For the purpose of voting no person is deemed to have lost his residence by reason of his absence while employed in the service of the United States, and as long as it is the intention of the voter to continue his legal residence in Minnesota, established prior to his accepting employment in United States service outside Minnesota, he will not lose his right to vote in Minnesota. OAG June 16, 1952 (639-J).

201.03 COMMISSIONER OF REGISTRATION

HISTORY. 1893 c 4 s 62; GS 1894 s 67; 1895 c 137 s 1; RL 1905 s 241; 1912 c 2 s 15; GS 1913 s 422; 1923 c 305 s 1; GS 1923 s 375, 380; 1925 c 375 s 1; 1927 c 390 s 1; MS 1927 s 375, 380, 393-1; 1931 c 144 s 1; 1939 c 345 Pt 2 c 1 s 3; M Supp s 393-1, 601-2(1)b.

201.05 DUTIES OF COMMISSIONER

HISTORY. 1893 c 4 s 57; GS 1894 s 62; RL 1905 s 239; GS 1913 s 420; 1923 c 305 s 4; GS 1923 s 373, 383; 1925 c 375 s 2; 1927 c 390 s 4; MS 1927 s 373, 383, 383-1, 393-4; M Supp s 601-2(1)d; 1939 c 345 Pt 2 c 1 s 5.

201.06 REGISTRATION OF VOTERS

Oct. 12 is a legal holiday on which a voter may not register and the privilege of registration is not extended to another day where the election is to be held on Nov. 2. OAG Sept. 28, 1948 (183-R).

201.07 COMMISSIONER TO ESTABLISH REGISTRATION PLAN

Subject to reasonable rules and regulations, the public may examine the duplicate registration list without proving a personal interest in the inquiry. OAG Oct. 1, 1952 (183-R).

201.10 RECORDS, FORM OF

HISTORY. 1878 c 84 s 28; GS 1878 c 1 s 104; 1887 c 4 s 72; GS 1878 Vol 2 (1888 Supp) c 1 s 72; 1889 c 3 s 66; 1891 c 4 s 12; 1893 c 4 s 54, 63, 66, 67; GS 1894 s 59, 68, 71, 72; RL 1905 s 234, 242, 243; GS 1913 s 415, 423, 424; 1923 c 305 s 6; GS 1923 s 367, 376, 377, 385; 1925 c 390; 1927 c 390 s 6; MS 1927 s 367, 376, 377, 385, 393-6; 1937 c 264 s 1; 1939 c 345 Pt 2 c 2 s 5; M Supp s 601-2(2)d, 393-6.

201.15 REPORT OF CHANGE OF NAME

When the registered voter's name is changed, the commissioner of registration must notify the voter that she must re-register and after that notice is given, such voter may not vote until she has re-registered. OAG Nov. 24, 1952 (183-R).

201.17 APPLICATION FOR REGISTRATION

A woman married to a registered voter of Minnesota for the length of time necessary to become a qualified voter, although she has not actually lived in Minnesota would, provided she was otherwise qualified, be justified in stating under oath to registration and election officials that her legal residence is that of her husband. OAG June 18, 1952 (490).

A qualified voter may register by mail from outside the continental limits of the United States. OAG June 18, 1952 (639-I).

A voter intending to continue his legal residence in Minnesota, established prior to his employment in federal service outside of the state will not lose his right to vote in Minnesota and the precinct in which the elector last voted before leaving the state is the precinct in which he is entitled to vote. OAG June 16, 1952 (639-J).

201.19 REGISTRATION LISTS; ELIMINATION OF EXCESS NAMES

HISTORY. 1923 c 305 s 9; 1925 c 390 s 1; 1927 c 390 s 9; Mason's 1927 s 388, 393-9; 1939 c 345 pt 2 c 2 s 14; 1951 c 362 s 1; 1953 c 116 s 1; 1953 c 458 s 1.

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PRIMARY ELECTIONS 202.03

Whether registration is necessary depends on whether or not the governing body of a municipality has elected to come within the provisions of section 201.01 et seq. OAG June 16, 1952 (639-J).

201.25 REGISTRATION IN CERTAIN MUNICIPALITIES

Provisions relating to registration of voters are not applicable to an election in a school district except where the school districts join with the municipality for the creation of a combined system of permanent registration. OAG Oct. 31, 1951 (187-A-9).

201.32 DETERMINATION OF RESIDENCE

The finding of the federal district court in a breach of contract action that plaintiff, who had lived in foreign countries and wherever his business took him for several years preceding the bringing of the action, was a citizen of Oklahoma and had not lost his citizenship, so that diversity of citizenship existed between plaintiff and defendant Minnesota corporation, was not clearly erroneous under the evidence and was required to be affirmed on appeal. *Maple Island Farm v Bitterling*, 196 F(2d) 55.

The residence of the wife ordinarily follows residence of the husband but in order to vote she must also fulfill the residence requirements found in Minnesota Constitution, Article VII, Section 1. OAG March 28, 1952 (490-J-2).

CHAPTER 202

PRIMARY ELECTIONS

202.011 MUNICIPAL

HISTORY. 1943 c 408 s 1; 1951 c 206 s 1.

202.03 AFFIDAVIT OF CANDIDACY; FEES

HISTORY. 1889 c 349 s 4; 1901 c 216 s 2; RL 1905 s 184; 1907 c 226; 1909 c 95 s 1; Ex1912 c 2; 1913 c 389 s 3; GS 1913 s 339; GS 1923 s 297; MS 1927 s 297; 1933 c 172 s 1; 1933 c 244 s 1; MS 1927 s 297; 1937 c 93 s 1; 1939 c 345 pt 3 c 1 s 3; M Supp s 297, 601-3(1)b; 1945 c 127 s 1; 1951 c 96 s 1; 1953 c 718 s 1.

A commissioner appointed to fill a vacancy holds office until the next general election occurring after there is sufficient time to give the prescribed notice. He holds office until a successor has been elected and has qualified. Any eligible person, including the incumbent, may file as a candidate for that office in the primary. OAG March 19, 1952 (126-G).

The same person cannot file for two offices at the same village election. OAG Nov. 9, 1948 (184).

A candidate for representative must meet the requirements specified in article IV, section 25 of the state constitution which provides that he be a qualified voter of the state, reside one year in the state and six months immediately preceding the election in the district from which elected. To be a qualified voter he must reside in the election district 30 days preceding the election and if he moves his residence he must do so 30 days prior to the November election, still remaining within the district from which elected. OAG Aug. 9, 1948 (184-I).

The secretary of state has no power to decide controversies unless authorized by statute, and has no statutory authority to pass upon facts. If the candidate's affidavit, on its face, complies with the law it is the duty of the secretary of state to accept it. OAG June 14, 1948 (911).