

CHAPTER 204

PRESIDENTIAL ELECTORS

204.01 ELECTION OF PRESIDENTIAL ELECTORS

HISTORY. 1858 c 86 s 1; PS 1858 c 6 s 57; 1891 c 4 s 1; 1893 c 4 s 1; GS 1894 s 6; RL 1905 s 153; Mason's 1927 s 255; 1939 c 345 Pt 5 c 1 s 1.

NOTE: See United States Constitution, Article II, Section 1, Amendment 12; Amendment 14, Section 3; and 3 USCA, Section 1 et seq. As to presidential primary, see Minnesota Statutes 1953, Sections 202.41 to 202.54.

204.02 NOMINATION OF PRESIDENTIAL ELECTORS

In fractional controversies within the party, where there is no controlling statute or clear right based on statute law, the courts will not assume jurisdiction, but will leave the matter for determination within the party organization. A political convention is the judge of the election, qualifications, and returns of its own members. If the convention is regularly called, those who actually assemble constitute a quorum and the majority of those voting is competent to transact business. Upon withdrawal of either a majority or minority, those remaining may proceed with the business of the convention. *Democratic-Farmer-Labor Committee v Holm*, 227 M 52, 33 NW(2d) 831.

The evidence established that the Democratic-Farmer-Labor convention was duly called and legally organized and it continued to be such during its session. The persons nominated for presidential electors by that convention are the party's nominees. *Democratic-Farmer-Labor v Holm*, 227 M 52, 33 NW(2d) 831.

The printing of the name of a foreign born and naturalized citizen as a candidate for president of the United States would be impractical and illegal. OAG Feb. 19, 1952 (28-C-5).

CHAPTER 205

GENERAL PROVISIONS

205.03 ELECTION IN CITIES AND VILLAGES

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

205.06 GOVERNOR TO ISSUE WRIT

HISTORY. 1861 c 15 s 37; GS 1866 c 1 s 34; GS 1878 c 1 s 37; 1883 c 34; 1887 c 4 s 54; GS 1878 Vol 2 (1888 Supp) c 1 s 54; 1891 c 4 s 88; 1893 c 4 s 10, 11; GS 1894 s 15, 16; RL 1905 c 160; GS 1913 c 305; 1915 c 167 s 1; GS 1923 c 262; 1925 c 420 s 1; MS 1927 c 262; 1929 c 297 s 1; 1933 c 48; 1939 c 345 Pt 6 c 2 s 2; MS Supp s 270-1, 601-6(2)a.

205.07 VACANCIES IN CERTAIN CASES

HISTORY. 1887 c 4 s 54; GS 1878 Vol 2 (1888 Supp) c 1 s 54; 1893 c 4 s 11; GS 1894 s 15, 16; RL 1905 s 160; GS 1913 s 305; 1915 c 167 s 1; GS 1923 c 262; MS 1927 c 262; 1929 c 297 s 2; 1939 c 345 Pt 6 c 2 s 3; M Supp s 270-2, 601-6(2)b.