

208.07 VOTER MAY CONTEST ELECTION

The right to appeal from a determination made by the state canvassing board of the result of an election is purely statutory, a right which the legislature may withhold or give on such terms and conditions as it deems proper. To perfect an appeal to the district court from such determination, the appeal must be taken in the manner and within the time required by statute. Such requirements are not to be regarded as mere matters of form, but as substantial mandatory requisites to be strictly complied with before the court can acquire jurisdiction. Tested by rules stated in preceding paragraphs, held, upon facts recited in opinion, that contestant has failed to comply with either of the statutory requirements relating to procedure, namely sections 208.01 and 208.07. *Hunt v Rolloff*, 224 M 323, 28 NW(2d) 771.

Filing of a petition for a contest in the county of the contestee's residence confers no jurisdiction upon the court under section 208.07, which requires notice of contest to be filed in the county of the contestant's residence. *Youngdale v Eastvold*, 232 M 134, 44 NW(2d) 459.

There are no statutory provisions authorizing courts to entertain contests involving nomination or election to office of representative in congress for mere errors in counting ballots. *Youngdale v Eastvold*, 232 M 134, 44 NW(2d) 459.

The office of representative in congress is a federal office created by the United States Constitution. The qualifications of those who aspire to or hold this office are prescribed by the United States Constitution, and the state may not add to or modify such qualifications. Each house of congress is the judge of the elections, returns, and qualifications of its own members. *Danielson v Fitzsimmons*, 232 M 149, 44 NW(2d) 484.

Where error is suspected in the count of ballots on a special election regarding city charter amendments the proceedings in relief must be taken under section 208.07. OAG Nov. 13, 1950 (58-1).

208.09 APPEAL; BOND

When on election the issuance of licenses for the sale of intoxicating liquor was authorized and the council adopted an ordinance establishing a liquor store and granted other licenses; but the election being contested on appeal to the supreme court the election was voided. The operation of liquor stores was lawful during the time that intervened between the granting of the license and the decision by the supreme court, but thereafter operation of the liquor stores must be discontinued. OAG May 1, 1947 (218-G-13).

208.10 DETERMINATION OF CONTEST

Where minor technical irregularities do not prevent an election otherwise shown to be fair, such irregularities can have no effect on the jurisdiction of a school district organization proceedings. *State ex rel. Grozbach v Common School District No. 65*, 237 M 150, 54 NW(2d) 30.

CHAPTER 209**VOTING MACHINE****209.01 MUNICIPAL CORPORATIONS MAY PROVIDE FOR VOTING MACHINES**

HISTORY. 1897 c 296 s 1; 1889 c 315 s 1; 1905 c 267; RL 1905 s 344; 1913 c 327 s 1; GS 1913 s 538; GS 1923 s 509; MS 1927 s 509; 1939 c 345 Pt 8 c 1 s 1; M-Supp s 601-8(1).

MINNESOTA STATUTES 1953 ANNOTATIONS

209.02 VOTING MACHINE

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The provisions of Minnesota Statutes, Chapter 209, control in respect to the number of voters in each precinct over the charter provisions of the city. OAG Oct. 3, 1951 (518).

If election of a school district, whose boundaries coincide with that of the municipality, is held at the same time as a municipal election, voting machines may be used. OAG Feb. 6, 1952 (187-B4).

The city of Duluth may authorize the use of manual ballots in certain specified precincts, and use voting machines in the remainder of the precincts. OAG Jan. 24, 1950 (518).

209.02 MAY USE EXPERIMENTAL MACHINES

HISTORY. 1897 c 296 s 2; 1899 c 315 s 2; RL 1905 s 345; GS 1913 s 539; GS 1923 s 510; MS 1927 s 510; 1939 c 345 Pt 8 c 1 s 2; M Supp s 601-8(1)a; 1941 c 191 s 1.

209.04 JUDGES

HISTORY. 1897 c 296 s 3, 4; 1899 c 315 s 3, 4; RL 1905 s 347; 1909 c 64 s 1; GS 1913 s 541; GS 1923 s 512; MS 1927 s 512; 1939 c 345 Pt 8 c 1 s 4; M Supp s 601-8(1)c.

209.05 MAY USE MACHINES IN ONE OR ALL DISTRICTS

Manual ballots may be used in certain districts, and machines in others, but manual ballots may not be used in districts where machines are furnished merely because of crowded conditions. OAG Jan. 24, 1950 (518).

209.06 CANDIDATES, ARRANGEMENT OF NAMES

HISTORY. Amended, 1951 c 323 s 3.

209.08 BALLOT LABELS; DIAGRAMS FOR VOTING MACHINES

HISTORY. 1905 c 267 s 4; Mason's 1927 s 516; 1939 c 345 Pt 8 c 1 s 8; Mason's Supp s 601-8(1)g; 1941 c 72 s 2; 1941 c 245 s 1; 1949 c 446 s 1.

209.085 BALLOTS USED UPON ADOPTION OR REJECTION OF AN ORDINANCE

HISTORY. 1949 c 240 s 1.

209.10 DISTRICTS MAY BE CHANGED

Where a city of the third class governed by a home rule charter contemplated the purchase of voting machines for use in city elections, section 209.10 would control over section 205.22 and each election district is required not to exceed 600 registered voters for each voting machine used and provisions of the city charter as to voters in each district would be inapplicable. OAG Oct. 3, 1951 (518).

209.11 PAYMENT FOR MACHINES

Where a third class city governed by a home rule charter contemplated purchase of voting machines, section 209.10 would control over section 205.22, and each election district would be required not to exceed 600 registered voters for each voting machine used. OAG Oct. 3, 1951 (518).

209.12 NOT TO AFFECT LAWS APPLICABLE

HISTORY. 1897 c 296 s 5; 1899 c 315 s 5; 1905 c 267 s 8; GS 1913 s 549; GS 1923 s 520; MS 1927 s 520; 1939 c 345 Pt 8 c 1 s 12; M Supp s 601-8(1)k.

MINNESOTA STATUTES 1953 ANNOTATIONS

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PENAL PROVISIONS 210.20

209.13 WILFUL INJURY OR DESTRUCTION OF MACHINE TO BE FELONY

HISTORY. 1897 c 296 s 6; 1899 c 315 s 6; 1905 c 267 s 9; GS 1913 s 550; GS 1923 s 521; MS 1927 c 521; 1939 c 345 Pt 8 c 1 s 13; M Supp s 601-8(1)l.

209.14 MAY BE USED AT ALL ELECTIONS

Paper ballots may be used in a presidential primary in case the use of voting machines is not practicable. OAG March 14, 1952 (28-C-5).

209.16 OFFICIALS TO PREPARE MACHINES FOR USE

HISTORY. 1939 c 345 Pt 8 c 1 s 16; M Supp s 601-8(1)o; 1941 c 788 s 1.

209.18 INSTRUCTIONS TO JUDGES

HISTORY. 1911 c 23 s 3; GS 1913 s 556; GS 1923 s 527; MS 1927 s 527; 1939 c 345 Pt 8 c 1 s 18; M Supp s 601-8(1)q.

Where voting machines are used, the county auditor need not publish a copy of the sample ballot. OAG Aug. 22, 1952 (518).

209.19 ACCESSIBILITY; INSTRUCTIONS; ASSISTANCE TO VOTERS

Manual ballots may be used in certain districts, and machines in others, but manual ballots may not be used in districts where machines are furnished merely because of crowded conditions. OAG Jan. 24, 1950 (518).

209.20 LOCKING OF MACHINES; PROCLAMATION OF RESULTS; STATEMENTS OF CANVASS; OPENING OF MACHINES; IRREGULAR BALLOTS; CUSTODY AND CARE OF MACHINES

HISTORY. 1911 c 23 s 3; GS 1913 s 556; GS 1923 s 527; MS 1927 s 527; 1939 c 345 pt 8 c 1 s 20; M Supp s 601-8(1) s; 1941 c 190 s 1; 1949 c 323 s 1; 1953 c 266 s 1.

CHAPTER 210

PENAL PROVISIONS

210.03 BRIBERY

HISTORY. 1889 c 3 s 81; 1891 c 4 s 123; 1893 c 4 s 115; GS 1894 s 120; 1895 c 277 s 1; RL 1905 s 361; GS 1913 s 612; GS 1923 s 582; MS 1927 s 582; 1939 c 345 Pt 9 c 1 s 3; M Supp s 601-9 (1) b.

A person who pays or gives money or other things of value to induce a voter to refrain from voting or to vote in any particular way at any election is guilty of a felony. Whether the free distribution by a candidate of match box covers is a thing of value is a question of fact to be determined by the courts. OAG March 7, 1950 (627-F-1).

210.16 UNLAWFUL EXPENDITURES

HISTORY. 1893 c 4 s 17; GS 1894 s 22; 1895 c 277 s 3; RL 1905 s 376; GS 1913 s 627; GS 1923 s 597; MS 1927 s 597; 1939 c 345 Pt 9 s 1 s 16; M Supp s 601-9 (1) o.

210.20 CONTRIBUTIONS BY CORPORATIONS; PENALTIES

Contributions to a political campaign and engaging in radio and newspaper campaign by an incorporated bar association to aid in the nomination and election of candidates for judicial offices as constituting or not constituting corrupt practices. 31 MLR 291.