

CHAPTER 205

GENERAL PROVISIONS

Sec.		Sec.	
205.01	Date of election	205.40	Auditor to send out election supplies
205.02	Officers to be chosen	205.41	One of the judges to secure supplies
205.03	Elections in cities and villages	205.42	Custodian of ballots to deliver them to polling places
205.04	Council may change date of election	205.43	Shall replace stolen or destroyed ballots
205.05	Special election to fill vacancy in office of United States Senator	205.44	Unofficial ballots may be used in certain cases
205.06	Governor to issue writ	205.45	Judges in town elections
205.07	Vacancies in certain cases	205.46	Judges in municipalities
205.08	Writ shall issue within ten days in certain cases	205.47	Judges to appoint clerks
205.09	Issuance of writ	205.48	Committees of political parties may furnish list
205.10	Candidates to be nominated in primaries	205.49	County boards to appoint judges in unorganized territory
205.11	Writ to be filed with secretary of state	205.50	May appoint relief judges in certain cases
205.12	Candidates to file affidavits as in general election	205.51	Eligibility of judges
205.13	Names on ballots	205.52	May fill vacancies in judges
205.14	Election districts	205.53	Judges may fill vacancies
205.15	Returns of election	205.54	Oath of judges and clerks
205.16	General election laws still govern	205.55	Additional judges and clerks
205.17	Changes in boundaries	205.56	Duties of ballot judges
205.18	Secretary of state to give notice of state elections	205.57	Ballots; canvassing, counting
205.19	Posting of notices	205.58	Qualifications of judges and clerks
205.20	Village council to post notice of village elections	205.59	Violation a misdemeanor
205.21	City clerk to give published and posted notice of city primary election	205.60	Printing of ballots
205.22	Election districts designated by council or town board	205.61	Form and color of ballots
205.23	Election districts in unorganized territory	205.62	Secretary of state to prepare pink ballots
205.24	Division of wards	205.63	City clerk to prepare red ballots
205.25	Polling places designated	205.64	Lavender ballots for city charter or amendments
205.26	Town board to designate polling places	205.65	County auditor to prepare "canary" ballot
205.27	Town board to designate place of town meeting or election	205.66	Number of ballots
205.28	Town board must secure building	205.67	Form and size of ballots
205.29	Judges may change polling places in certain cases	205.68	Form and size of ballots
205.30	Judges to announce changes in polling places	205.69	Form and size of ballots
205.31	Polling places not to be in saloon or bar room	205.70	Form, style, and size of ballots
205.32	National flag to be displayed	205.71	Form and size of ballots
205.33	Size of polling place; booths and other equipment	205.72	Candidates for political parties
205.34	Duties of peace officers	205.73	Back of ballots
205.35	Use of intoxicating liquors at polling place to be misdemeanor	205.74	Names on ballots
205.36	Voters may not be molested	205.75	Rotation of names
205.37	Ballot boxes	205.76	Primary election ballots
205.38	Secretary of state to furnish blanks	205.77	Sample party ballots
205.39	Secretary of state to furnish uniform instructions	205.78	Errors and omissions; procedure
		205.79	Nominations without party designation
		205.80	Primary nominees to be placed on ballot without additional fee
		205.81	County auditors to destroy ballots after one year; exceptions
		205.82	Alley system
		205.83	Name of public official

205.01 DATE OF ELECTION. An election, which shall be known and designated as the "general election," shall be held in the several election districts of the state on the first Tuesday after the first Monday in November in each even-numbered year.

[1939 c. 345 part 6 c. 1 s. 1] (601-6(1))

205.02 OFFICERS TO BE CHOSEN. All elective, state and county officers, judges of the supreme and district courts, members of the legislature, and representatives in congress shall be elected at the general election next before the respective terms thereof shall expire, and at the general election held in the year preceding the expiration of a term of a president of the United States presidential electors shall also be chosen.

[1939 c. 345 part 6 c. 1 s. 2] (601-6(1)a)

205.03 ELECTIONS IN CITIES AND VILLAGES. Elections shall be held in cities and villages at the times provided by the laws and charters governing the time of holding such elections; and such officers shall be elected at such elections as the laws and charters governing such cities and villages shall provide.

[1939 c. 345 part 6 c. 1 s. 3] (601-6(1)b)

205.04 COUNCIL MAY CHANGE DATE OF ELECTION. The council of any city of the first class operating under a home rule charter which provides for a biennial election on the first Tuesday in May of even-numbered years may, by resolution, change the date of such election to the last Tuesday in April of even-numbered years. Such resolution shall not become effective unless filed in the office of the secretary of state and in the office of the auditor of the county in which such city is located not later than 60 days preceding such election.

[1939 c. 345 part 6 c. 1 s. 4] (601-6(1)c)

205.05 SPECIAL ELECTION TO FILL VACANCY IN OFFICE OF UNITED STATES SENATOR. Upon failure to choose a senator in congress or upon a vacancy in the office the vacancy shall be filled for the unexpired term at the following biennial state election, provided said vacancy occurs not less than 60 days prior to the date of the primaries for nominating candidates to be voted for at such election, otherwise at the biennial state election next following. Pending such election the governor shall make a temporary appointment to fill the vacancy, and the person so appointed shall serve until the election and qualification of the person duly elected to fill such vacancy; provided, that there shall be no election to fill the unexpired term at any biennial election occurring in a year immediately preceding the expiration of such term and in that event the person appointed by the governor to fill the vacancy shall serve until the expiration of such term.

[1939 c. 345 part 6 c. 2 s. 1; 1943 c. 158 s. 1] (601-6(2))

205.06 GOVERNOR TO ISSUE WRIT. Every vacancy in the office of representative in congress or member of the state legislature, or in any other elective public office the filling of which is not otherwise provided for, shall be filled for the unexpired term by election upon the writ of the governor as provided by sections 205.05 to 205.17. If there will be no session of the congress or the legislature or other occasion for the exercise of the functions of the office, as the case may be, before the expiration of the term in which the vacancy exists or will occur, it shall not be necessary to fill the vacancy.

[1939 c. 345 part 6 c. 2 s. 2] (601-6(2)a)

205.07 VACANCIES IN CERTAIN CASES. In any case where a vacancy in such office has occurred and the governor is informed thereof a sufficient time before the next general election to permit the giving of notice and the nomination of candidates therefor as hereinafter provided, and where there will be no session of the congress or the legislature or other occasion for the exercise of the functions of the office, as the case may be, before the time fixed by law for the final canvass of the general election returns for offices of the same kind as that to be filled hereunder the governor shall issue his writ directing that the vacancy be filled at such general election and that nominations be made therefor as hereinafter provided. In all other cases the governor, upon being informed of the existence of such a vacancy or of any contingency which will create a future vacancy in such an office, shall issue his writ directing that a special election be held to fill the vacancy and that nominations be made therefor as hereinafter provided. Two or more vacancies may be filled at the same election, and candidates therefor may be nominated at the same primary. Any special election or special primary under this act may be held on the same day as any other election or primary, using the same polling places and election officials, but with separate ballots and ballot boxes for the election or primary held hereunder except as otherwise hereinafter provided.

[1939 c. 345 part 6 c. 2 s. 3] (601-6(2)b)

205.08 WRIT SHALL ISSUE WITHIN TEN DAYS IN CERTAIN CASES. In any case where the congress or the legislature will be in session or there will be other occasion for the exercise of the functions of the office, as the case may be, so that a person elected as provided by this section could take office and exercise the functions thereof immediately after his election, the governor, forthwith after being informed of the existence of the vacancy or contingency causing a future vacancy, and in any event not more than ten days after receipt of such information, shall issue his writ calling the special election for the earliest possible time thereafter which will permit the giving of notice of such special election and the primary therefor as hereinafter provided, and in any event not more than 25 days after the issuance of the writ.

[1939 c. 345 part 6 c. 2 s. 4] (601-6(2)c)

205.09 ISSUANCE OF WRIT. In all cases other than those hereinbefore provided for, the governor shall issue his writ seasonably calling such special election for such time that the person elected may take office at the opening of the next session of the congress or the legislature or upon such other occasion as may next arise for the exercise of the functions of the office, as the case may be, and so that candidates may be nominated for such special election as hereinafter provided.

[1939 c. 345 part 6 c. 2 s. 5] (601-6(2)d)

205.10 CANDIDATES TO BE NOMINATED IN PRIMARIES. Candidates for election to fill any such vacancy may be nominated at primaries and otherwise as hereinafter provided. In any case where the vacancy is to be filled at the next general election or at a special election to be held not less than seven days after the time fixed by law for the meeting of the county canvassing board for the regular primary election, and where the governor's writ can be issued a sufficient time before the regular primary election to permit the giving of notice and the filing of affidavits of candidates, as hereinafter provided, the writ shall be so issued and shall direct that candidates may be nominated at the regular primary election, and thereupon candidates shall be so nominated. In all other cases the writ shall direct that a special primary for the nomination of candidates be held on a date therein specified not later than the seventh day before the election at which the vacancy is to be filled, and thereupon such a special primary shall be held as so directed. In the case of non-partisan offices, the two candidates receiving the highest number of votes at the primary election for each office to be filled shall be nominated; provided, that where there are two or more offices of the same kind and having the same term to be filled at the same election, the candidates twice as many in number as such offices to be filled receiving the highest number of votes shall be nominated. In the case of political party offices, one candidate for each office to be filled may be nominated at the primary for each political party, and the candidate of each political party receiving the highest number of votes at the primary for such political party nomination shall be nominated; provided, that where there are two or more political party offices of the same kind and having the same term to be filled at the same election, the candidates of each political party equal in number to the offices to be filled receiving the highest number of votes for such political party nominations shall be nominated. In any case where the number of persons who have filed as candidates for any nomination does not exceed the number to be nominated, the persons who have filed therefor shall be nominated, and no primary shall be held to make such nominations. Candidates may also be nominated by petition or certificate of voters under the conditions and in the manner provided by the laws relating to such petitions or certificates, so far as applicable. In any case where the vacancy is to be filled at the general election and where candidates therefor are to be nominated at the regular primary election or at a special primary held not less than five days before the expiration of the time prescribed by law for filing nominating petitions or certificates for candidates for like offices at the general election, nominating petitions or certificates for candidates for such vacancy shall be filed within the time so prescribed, and in all other cases nominating petitions or certificates for candidates under sections 205.05 to 205.17 shall be filed not later than the fifth day preceding the election at which the vacancy is to be filled.

[1939 c. 345 part 6 c. 2 s. 6] (601-6(2)e)

205.11 WRIT TO BE FILED WITH SECRETARY OF STATE. Every writ issued by the governor under sections 205.05 to 205.17 shall be forthwith filed with the secretary of state, who shall immediately transmit a certified copy thereof by registered mail to the auditor of each county in which candidates for the vacancy are to be voted upon. At least five days before the expiration of the time for filing affidavits of candidates specified in the writ, as hereinafter provided, the auditor of each county concerned shall post a copy of the writ at his office and shall cause a copy thereof to be published once in a qualified legal newspaper published at the county-seat. He shall also cause posted notice of the primary and of the election to be given in each district in the county in the manner provided by law at least five days before the primary and at least 12 days before the election. In any case where the primary is to be held on the seventh day before the election both may be included in the same notice, and in any case where either the primary or the election is to be held on the same day as any other election, notice of the primary or election

to be held under this act may, if practicable, be included in the notice of such other election. No omission of or defect in any publication or posting of any such writ or notice shall invalidate any primary or election held under this chapter.

[1939 c. 345 part 6 c. 2 s. 7] (601-6(2)f)

205.12 CANDIDATES TO FILE AFFIDAVITS AS IN GENERAL ELECTION. Candidates for nomination to fill a vacancy in any office at any primary under this chapter shall file their affidavits within the time hereinafter prescribed with the same officers and in the same manner and shall pay the same fees as provided by law for candidates for like offices at regular primary elections. In any case where such nominations are to be made on the regular primary election day and where the governor's writ can be issued in accordance with the provisions of sections 205.05 to 205.17 a sufficient time before the close of the regular time for filing for like offices so as to permit the publication of the writ as hereinbefore provided, the writ shall be so issued, and shall state that such affidavits may be filed within the time prescribed by law for the regular primary election, and thereupon all such affidavits shall be so filed. In all other cases the writ shall state that such affidavits may be filed not later than the seventh day before the primary and thereupon all such affidavits shall be so filed. In any case where affidavits of candidates have been filed with the secretary of state, he shall certify the names of such candidates to the auditors of all counties in which they are to be voted upon within 24 hours after the close of the time for filing, and thereupon the filing fees received by the secretary of state shall be disposed of as provided by the laws governing regular primary elections.

[1939 c. 345 part 6 c. 2 s. 8] (601-6(2)g)

205.13 NAMES ON BALLOTS. Only the names of candidates who have duly filed, as hereinbefore provided, shall be placed upon the ballots for any primary held under sections 205.05 to 205.17, and only the names of candidates who have been duly nominated, as hereinbefore provided, shall be placed upon the ballots for any election held thereunder. Blank spaces for writing in names shall be provided upon such election ballots as upon general election ballots, but not upon such primary ballots. Except as otherwise hereinafter provided, the auditor of each county concerned shall prepare special ballots for every election and primary to be held under this chapter. Such ballots shall be headed, "Special Election Ballots" or, "Special Primary Ballots," as the case may be, followed by the date of the election or primary. Immediately below the title of each office to be filled there shall be printed the words, "To fill vacancy in term expiring....." with the date of expiration of the term and such other information as may be necessary to distinguish such office from any other office to be voted upon at the same election or primary. Otherwise such ballots shall conform, as far as practicable, with the laws relating to ballots for general elections and regular primary elections, respectively. The county auditor shall post a sample of each such ballot in his office as soon as prepared and not later than four days before the election or primary, as the case may be, but need not publish any such sample ballot. In any case where candidates are to be voted for under sections 205.05 to 205.17 on the general election day or are to be nominated on the regular primary election day, as the case may be, and where the canvass of the returns is to be made by the regular county canvassing board, as hereinafter provided, and where the ballots for such general election or primary, as the case may be, have not been printed when the names of the candidates under sections 205.05 to 205.17 have been finally determined, as herein provided, the county auditor shall place the names of such candidates upon the regular ballots used for like offices at the general election or primary, as the case may be, designating the office to be filled in the same manner as hereinbefore provided for special ballots.

[1939 c. 345 part 6 c. 2 s. 9] (601-6(2)h)

205.14 ELECTION DISTRICTS. The election districts and officials for any special election or primary held under sections 205.05 to 205.17 shall be the same as at the last preceding general election, unless changed according to law. In any municipal corporation where the permanent registration system is in force under chapter 201, no person shall be allowed to vote at any such special election or primary unless registered under such system.

[1939 c. 345 part 6 c. 2 s. 10] (601-6(2)i)

205.15 RETURNS OF ELECTION. The returns of any special election or primary held under sections 205.05 to 205.17 shall be transmitted forthwith, when completed, to the auditor of the county wherein such special election or primary is held and shall be canvassed on the next day other than a Sunday or a legal holiday following such special election or primary by the county canvassing board. When such primary is held on the regular primary election day, and such special election will not be held within seven days after the time fixed by law for the meeting of the county canvassing board for the regular primary election, the returns of such special primary shall be canvassed by the county canvassing board at their regular meeting. The returns of such special primary shall be made and canvassed, the results thereof declared and forthwith certified, and the successful candidates forthwith notified in the same manner as is provided for the regular primary election for offices of the same kind as those to be filled by such special election. When such special primary has been held on the regular primary election day, and such special election is to be held on the next general election day, the returns of such special primary shall be made and canvassed and the results thereof declared and certified together with the returns of the regular primary election for offices of the same kind as those to be filled at such special election. The county canvassing board shall determine and declare the results of such special election and certify and file a statement thereof in like manner as hereinbefore provided for such special primary. A certificate of election shall forthwith be issued to each person entitled thereto in the same manner and by such officers as is provided for a general election for offices of the same kind as those to be filled at such special election. When such special election is held on the general election day and the governor's writ has not required that such special election be held as a separate special election on such day, the returns of such special election shall be canvassed and the results thereof declared and certified together with, and in the same manner as, the returns of the general election for offices of the same kind as those to be filled under such special election.

[1939 c. 345 part 6 c. 2 s. 11] (601-6(2)j)

205.16 GENERAL ELECTION LAWS STILL GOVERN. Except as otherwise provided by sections 205.05 to 205.17, all such special elections and primaries, and all matters pertaining thereto, shall be governed by the laws relating to general elections and regular primary elections, and matters pertaining thereto, respectively, so far as such laws are applicable.

[1939 c. 345 part 6 c. 2 s. 12] (601-6(2)k)

205.17 CHANGES IN BOUNDARIES. No change in the boundaries of any congressional or legislative district shall be effective as to any election to fill a vacancy in the representation therefrom when the term of the office which has become vacant commenced before such change was made.

[1939 c. 345 part 6 c. 2 s. 13] (601-6(2)l)

205.18 SECRETARY OF STATE TO GIVE NOTICE OF STATE ELECTIONS. Between July 1 and September 1 in each election year the secretary of state shall cause to be delivered to the auditor of each county a notice, specifying all the officers whose certificates of nomination are issued by the secretary to be voted for throughout such county at the next general election; and each auditor, on receipt thereof, shall cause a notice to be delivered to each town, city, and village clerk in his county of all officers to be voted for in the county at such election.

[1939 c. 345 part 6 c. 3 s. 1] (601-6(3))

205.19 POSTING OF NOTICES. One notice shall be posted at least 15 days before the time of holding any general or primary election in each district by the several town, village, and city clerks, stating the hours during which the polls will be open and the officers to be nominated or elected, as the case may be. No failure to give such notice shall invalidate a general election.

[1939 c. 345 part 6 c. 3 s. 2] (601-6(3)a)

205.20 VILLAGE COUNCIL TO POST NOTICE OF VILLAGE ELECTIONS. The village council shall cause ten days' posted and may also cause two weeks' published notice of the annual village election to be given, specifying the time and place thereof, the offices to be filled, and the questions, if any, to be determined by vote.

[1939 c. 345 part 6 c. 3 s. 3] (601-6(3)b)

205.21 CITY CLERK TO GIVE PUBLISHED AND POSTED NOTICE OF CITY PRIMARY ELECTION. The clerk of any city of the third class shall give one week's published and posted notice of the city primary election.

[1939 c. 345 part 6 c. 3 s. 4] (601-6(3)c)

205.22 ELECTION DISTRICTS DESIGNATED BY COUNCIL OR TOWN BOARD. Each town, each village that is separated from the town for election purposes, and each city ward, shall constitute at least one election district. No district, when first formed, shall contain more than 700 voters, and the council or town board shall so divide, consolidate, and re-arrange the districts from time to time that the number of voters in each shall be substantially equal, and not to exceed 700. All such changes shall be made by resolution adopted at least 90 days before the next ensuing election and 60 days' posted notice thereof shall be given before the change shall take effect. In cities of the first class operating under a home rule charter, the council thereof may prescribe the boundaries of the districts and the number of voters therein.

When a city or village is so platted as to be situate in two adjoining counties, the council of such village or city may, by resolution adopted at least 30 days prior to any election, designate a single voting place in the city or village in which election for the entire city or village shall be held and one set of election officials presiding thereat shall be sufficient; provided, that a separate ballot box for each district shall be furnished, in which the votes of such district shall be deposited and separate record kept thereof. When such single voting place has been so designated, it shall so continue until changed by resolution of the council adopted at least 30 days prior to a subsequent election.

[1939 c. 345 part 6 c. 4 s. 1] (601-6(4))

205.23 ELECTION DISTRICTS IN UNORGANIZED TERRITORY. When any part of a county is not organized into towns, the county board, at their meetings in either January or July, upon the petition of not less than ten legal voters residing more than ten miles from the polling place in any established district, shall create and establish out of such unorganized territory an election district, and designate a polling place therein at such point as will be most convenient for the persons residing in the district, but no such polling place shall be located within ten miles of any other existing polling place.

[1939 c. 345 part 6 c. 4 s. 2] (601-6(4)a)

205.24 DIVISION OF WARDS. When a ward is divided the council shall make a map or description of each division, defining it by known boundaries, and file the same with the clerk, who shall keep the same open for inspection at all times. Such council shall furnish copies thereof to the judges for use at elections.

[1939 c. 345 part 6 c. 4 s. 3] (601-6(4)b)

205.25 POLLING PLACES DESIGNATED. The council of every municipality shall, by ordinance or resolution, and any town may, by vote, designate the place of holding the election in each district; otherwise the election shall be held as near as may be at the place where the preceding election was held, subject to change before the opening of the polls as provided by law. In villages and cities of the third or fourth class now, or hereafter having two or more districts, the council of such municipality may, by ordinance or resolution, provide for the holding of all elections in such village or city in some building centrally located therein and the voters of the village or city may vote at such place so designated, irrespective of whether the voting place is actually located in their district or not. At such place so designated there shall be provided separate statutory voting facilities for each district, and the voting shall otherwise be conducted in the same manner as though the voting places were located in the respective districts. The governing body of any city of the first class may by ordinance or resolution designate a polling place for holding of elections for a specific district in a building outside such district, provided that such building must be located within 1500 feet of such district.

[1939 c 345 part 6 c 5 s 1; 1951 c 109 s 1; 1951 c 111 s 1] (601-6(5))

205.26 TOWN BOARD TO DESIGNATE POLLING PLACES. When any town board has divided the town into two or more districts, such board shall designate the place for holding elections in each at least 30 days before election day, and cause at least 25 days' posted notice to be given in each district of the boundaries of the district and the place of holding the election. In all cases where, by reason of

streams, lakes, lack of highways or bridges, the polls designated for elections in a town are not accessible to 20 or more voters thereof by traveling along a public road for a distance of less than ten miles, the town board may divide or arrange such town into two or more districts, and the voting place in each district shall be as centrally located within the district as circumstances permit.

[1939 c. 345 part 6 c. 5 s. 2] (601-6(5)a)

205.27 TOWN BOARD TO DESIGNATE PLACE OF TOWN MEETING OR ELECTION. In any town in this state not owning a town hall and which town does not hold its annual town meeting or election in a city or village, the town board shall, 20 days before any annual town meeting or election, designate a suitable place in the town for holding such annual town meeting or election.

[1939 c. 345 part 6 c. 5 s. 3] (601-6(5)b)

205.28 TOWN BOARD MUST SECURE BUILDING. When ordered by the voters at the town meeting, or upon petition of the majority of the voters of the town, the town board shall procure a suitable hall or building in any village or fourth class city located in whole or in part within the town for the purpose of holding their elections. Posted notice of such change shall be given at least four weeks before the next election. The town shall have the power to purchase and own necessary real estate in such village or city for such purpose; provided, that no village or city election shall be held on the same day as the town election is held in the hall or place so procured by the town for election purposes.

[1939 c. 345 part 6 c. 5 s. 4] (601-6(5)c)

205.29 JUDGES MAY CHANGE POLLING PLACES IN CERTAIN CASES. When any place designated for holding an election is found not to comply with the provisions of sections 205.25 to 205.44, the judges, on or before the opening of the polls on election day, shall procure a suitable place, subject to the approval of the city, town, or village clerk, as near the designated place as may be, which is not subject to such objection, and notify the city, town, or village clerk at once of such change.

[1939 c. 345 part 6 c. 5 s. 5] (601-6(5)d)

205.30 JUDGES TO ANNOUNCE CHANGES IN POLLING PLACES. When a change of the place of election has been determined upon, the judges shall meet at the place first designated and, after filling any vacancies in the number, adjourn to the new place selected, first publicly announcing the change to the electors present and posting in a conspicuous place at said first designated place a notice of the change made by them. They shall also post a similar notice at the new voting place. They shall certify to the proper authorities the expenses attending such change, which shall be allowed and paid as part of the election expenses.

[1939 c. 345 part 6 c. 5 s. 6] (601-6(5)e)

205.31 POLLING PLACES NOT TO BE IN SALOON OR BAR ROOM. No election shall be held or appointed to be held in any saloon or bar room, or in any room used or occupied as a place of resort for idlers or disreputable persons, or in any room adjoining either. Nor shall such election be held in any room wherein the requirements of this act relative to booths, railings and distances cannot be substantially complied with. Such polling places in all cities shall be upon the ground floor, in a front room, the entrance to which is upon a highway or public street at least 40 feet wide and as near to the center of the voting population of the district as is practicable.

In cities of less than 20,000 inhabitants polling places conveniently and clearly accessible may be in the second story of buildings complying in all other respects to the provisions of sections 205.25 to 205.44.

In cities of more than 50,000 inhabitants in which a soldiers' home is located, said cities shall be empowered and authorized to establish a polling place for elections at the soldiers' home therein located.

[1939 c. 345 part 6 c. 5 s. 7] (601-6(5)f)

205.32 NATIONAL FLAG TO BE DISPLAYED. The governing body of every city, village, and town shall cause the national flag to be displayed on a suitable staff over each voting place therein during all the hours of voting. The cost thereof shall be included in the general election expenses. The judges shall see that the flag is so placed and displayed, and wilful failure on their part so to do shall

cause a forfeiture of their compensation for the time of such failure. They shall make a statement as to the number of days the flag was so placed and maintained, and return the same with the election returns.

[1939 c. 345 part 6 c. 5 s. 8] (601-6(5)g)

205.33 SIZE OF POLLING PLACE; BOOTHS AND OTHER EQUIPMENT. Each polling place shall consist of a single room, containing at least two booths for every 100 voters registered. Each booth shall be six feet high, three feet deep, and at least two feet wide, with a shelf, at least one foot wide, extending from side to side at a convenient height for writing, and be provided with a door or curtain so that the voter may be free from observation while marking his ballot. It shall at all times when in use be provided with cards of instruction, an indelible pencil, and other supplies needful in marking the ballots. The boxes, booths, judges and clerks shall be in open public view.

[1939 c. 345 part 6 c. 5 s. 9] (601-6(5)h)

205.34 DUTIES OF PEACE OFFICERS. The peace officer shall keep order and quiet at the polling places. During the voting hours no persons other than those receiving, marking and depositing ballots shall be permitted to approach within six feet of the booths, unless by consent of the judges, given by authority of law. Special peace officers may be appointed by the judges when necessary. Any person guilty of riotous or disorderly conduct shall be arrested, upon refusal to desist when warned. No peace officer shall remain in the voting room unless so ordered by the judges, nor interfere in any manner with the voters.

[1939 c. 345 part 6 c. 5 s. 10] (601-6(5)i)

205.35 USE OF INTOXICATING LIQUORS AT POLLING PLACE TO BE MISDEMEANOR. Any person introducing in any way upon any election day into a place where an election is being held any malt or spirituous liquors, and any judge or clerk, constable or challenger drinking any such liquors in such place, or being intoxicated therein, upon any election day, shall be guilty of a misdemeanor.

[1939 c. 345 part 6 c. 5 s. 11] (601-6(5)j)

205.36 VOTERS MAY NOT BE MOLESTED. All voters shall be allowed to go to the polling room for the purpose of voting, and to return therefrom, without molestation, but neither voters nor others shall be allowed to congregate in any number within 100 feet of any polling room. In cities of the first, second, and third classes, only election officers and voters who are ready to vote, but who have not voted, shall be permitted to stand within 50 feet of the entrance to a polling place.

[1939 c. 345 part 6 c. 5 s. 12] (601-6(5)k)

205.37 BALLOT BOXES. Each polling place shall be provided with one white, one pink, one canary, and one red ballot box. As many of these ballot boxes shall be used at any election as there are kinds of ballots to be voted. Each box shall be of sufficient size, and with a sufficient aperture, to receive and contain all the ballots likely to be placed therein.

[1939 c. 345 part 6 c. 5 s. 13; 1951 c. 167 s. 4] (601-6(5)l)

205.38 SECRETARY OF STATE TO FURNISH BLANKS. At least 15 days before every state election the secretary of state shall transmit to each county auditor a sufficient number of suitable blank forms for lists, registers and affidavits, and such other blanks as are required in preparation for the conduct of such election; also copies of chapters 200 to 212 or of so much thereof as pertains to the duties of election officers.

[1939 c. 345 part 6 c. 5 s. 14] (601-6(5)m)

205.39 SECRETARY OF STATE TO FURNISH UNIFORM INSTRUCTIONS. Uniform instructions to voters, printed in large type upon cards or heavy paper, shall be furnished by the secretary of state to the auditor of each county, containing such information as will enable the voters quickly and correctly to designate their choice. Such cards shall be sufficient in number to allow two for each district; and the auditor shall deliver such cards to the city, village, and town clerks in his county, who shall cause one to be posted on the outside of the building in which the voting takes place.

[1939 c. 345 part 6 c. 5 s. 15] (601-6(5)n)

205.40 AUDITOR TO SEND OUT ELECTION SUPPLIES. The auditor shall, at least one week before every state election, send by registered mail, insured parcel post, express or deliver in person to the clerk of each town, each village that is separated from the town for election purposes, and each city in his county, and to the judges of election districts created and established out of territory in

such county not organized into towns the necessary copies of each of such blanks and forms as are required in preparation for the conduct of such election, printed instructions to voters, together with two copies of the law relating to elections for each election district, also sufficient quantities of the necessary official ballots, ballot boxes, registers, and other supplies and materials so that such clerks and the judges of such election districts may comply with the provisions of chapters 200 to 212.

[1939 c 345 part 6 c 5 s 15; 1947 c 110 s 1] (601-6(5)o)

205.41 ONE OF THE JUDGES TO SECURE SUPPLIES. Before 9:00 p. m. on the day preceding an election, at least one judge shall procure the election registers, supplies, etc., provided for in this chapter from their legal custodian. The custodian of the ballot boxes and ballots shall deliver the same to the judges of the respective districts together with their keys, stationery and material required at such election. The judges shall be responsible for the safe-keeping of the election registers and ballots unaltered, and shall have all such ballots, ballot boxes, election registers, printed instructions to voters, and materials at the polling places in their respective districts at the opening of the polls on the day of election.

[1939 c. 345 part 6 c. 5 s. 17] (601-6(5)p)

205.42 CUSTODIAN OF BALLOTS TO DELIVER THEM TO POLLING PLACES. In case neither of the judges appears at the office of the custodian of the ballots, as provided in section 205.41, he shall forthwith send to the proper district the ballots therefor, securely wrapped, tied, and sealed, by special messenger, who shall forthwith deliver the same to such judges, or one of them; or if unable to do so, he shall deliver them at the polling place at the hour for opening the polls. He shall take a receipt for such ballots and promptly file the same with such custodian, together with his affidavit stating when, where, and to whom he made such delivery. Such judges, and each of them, shall be chargeable with all expense incident to such delivery and report, together with mileage, the same as allowed to sheriffs for serving process, but nothing herein shall relieve any such judge from the penalty provided by law for neglect of duty.

[1939 c. 345 part 6 c. 5 s. 18] (601-6(5)q)

205.43 SHALL REPLACE STOLEN OR DESTROYED BALLOTS. If the ballots are not delivered, or are stolen or destroyed and sufficient regular ballots cannot seasonably be had, the county auditor or other proper official shall cause other ballots to be immediately prepared as nearly in the form prescribed as practicable, with the word, "Substitute" printed in brackets immediately over the word "Official Ballot," as endorsed on regular ballots, and, when practicable, with the facsimile signature of the officer preparing the same, accompanied by his affidavit that the same have been so prepared and furnished by him, and that the original ballots have not been received, or have been destroyed or stolen, as the case may be. The judges shall cause such substituted ballots to be used at the election.

[1939 c. 345 part 6 c. 5 s. 19] (601-6(5)r)

205.44 UNOFFICIAL BALLOTS MAY BE USED IN CERTAIN CASES. When no official or substitute ballots are ready for distribution at any polling place, or if the supply be exhausted before the polls are closed, unofficial ballots, printed or written as nearly as practicable in the form of the official ballots, or of any ticket or tickets forming a part or parts thereof, may be used until substitutes prepared by the proper official can be printed and delivered; and the fact shall be certified and accompany the returns of election.

[1939 c. 345 part 6 c. 5 s. 20] (601-6(5)s)

205.45 JUDGES IN TOWN ELECTIONS. The members of the town board shall be judges in the district in which they respectively reside, unless all belong to one political party, in which case not more than two, determined by lot unless otherwise agreed upon, shall act as judges. No member of such board shall be compelled to serve as judge, and if any decline they shall notify the town board in time to fill the place by appointment. When for any reason it becomes necessary to appoint one or more judges in order to provide three judges for each district, such town board shall appoint the number required from resident qualified voters therein, and cause posted notice thereof to be given in each district at least ten days before the election.

[1939 c. 345 part 6 c. 6 s. 1] (601-6(6))

205.46 JUDGES IN MUNICIPALITIES. The council of each municipality, except cities of the first class, at least 25 days before any election, shall appoint three qualified voters of each district therein to be judges of election. In villages having but one district, and not included in any town, the members of the council shall be judges, subject to the qualifications and restrictions provided for members of town boards in like cases. In cities of the first class judges and clerks shall be appointed by the city clerk at least 25 days before an election from a list of qualified voters in each district certified by the civil service commission of the municipality. At least 60 days before an election said civil service commissioner shall receive applications on verified forms prepared by it from persons qualified to act as such judges and clerks, in which application said applicant shall state his party affiliation, and said commission shall conduct such inquiry, investigation and examination as it deems necessary to establish the qualifications of the applicants. The commission shall set up such rules and regulations as it deems necessary for carrying out the provisions of this chapter. At least 30 days before the first election in any calendar year wherein elections are held such civil service commission shall certify to the city clerk a list of such persons in each district who have satisfied said commission of their qualifications to act as judges and clerks. The commission shall certify the names of the persons having the highest rating from each political party for each district. From said certified list the city clerk shall appoint three judges and two clerks provided that no more than two judges and one clerk shall belong to the same political party. If there be not two qualified persons in each political party for each district, then in that event said commission shall certify those having the next highest rating without regard to party affiliation in order that six persons may be certified for each district. Should the list certified by said civil service commission not contain the names of sufficient qualified persons in each election district, the city clerk shall appoint a sufficient number of qualified voters of the district to act as such judges and clerks. Vacancies in the office of judges and clerks shall be filled by the city clerk from the list certified by said civil service commission. The commission shall certify additional names to the city clerk when the eligible list for any election district is exhausted. No two election judges or clerks or an election judge and a clerk shall reside in the same building. No two judges or clerks in any district shall bear the relationship to each other of husband and wife, parent or child or brother or sister, nor shall bear that relationship to any candidate for election, or any officer or employee of such city. No city official or employee shall act as judge or clerk. Any person appointed as a judge or clerk under this section shall not acquire any right or status as a regular city employee.

[1939 c 345 part 6 c 6 s 2; 1943 c 396 s 1; 1947 c 270 s 1] (601-6(6)a)

205.47 JUDGES TO APPOINT CLERKS. Except in cities of the first class, the judges in each district shall appoint two qualified voters therein as clerks. In towns, the town clerk, and in villages having but one district and not included in any town, the village clerk, shall serve as one of the clerks in the district where he resides. No more than two judges and one clerk shall belong to the same political party, and no person shall be eligible as judge or clerk unless he can read, write, and speak the English language understandingly, nor if he be a candidate for any office. No two judges or clerks in any one district shall bear the relationship to each other of husband and wife, parent or child, brother or sister.

[1939 c. 345 part 6 c. 6 s. 3] (601-6(6)b)

205.48 COMMITTEES OF POLITICAL PARTIES MAY FURNISH LIST. At least 30 days before an election in any municipal corporation having two or more districts, the local committees of the several political parties participating in the preceding election may furnish to the appointing authorities a list of qualified voters, certified by the clerks of the committees, to act as judges in the several districts. Such judges shall be selected for each district from the lists so submitted as follows: The first from the list of the political party polling the largest number of votes in the municipal corporation at the preceding general election, the second from that of the political party polling the second largest number of votes, and the third from that of the political party polling the third largest number. If the local committee of any political party fails to furnish such list, then one judge shall be selected from the political party polling the fourth largest number of votes at such preceding election, if a list has been furnished by such political party. In case three lists are not submitted, they shall select one from each list submitted and make

their own selection of the remainder, except that in no case shall more than two judges be selected from the same political party. The provisions of this section shall not apply to cities of the first class.

[1939 c. 345 part 6 c. 6 s. 4] (601-6(6)c)

205.49 COUNTY BOARDS TO APPOINT JUDGES IN UNORGANIZED TERRITORY. The county board, at least 20 days before an election, shall appoint judges for each district in unorganized territory, and thereupon cause notice to be posted in at least three of the most public places in such territory, containing a complete list of all such districts, with the names of the several judges therein.

[1939 c. 345 part 6 c. 6 s. 5] (601-6(6)d)

205.50 MAY APPOINT RELIEF JUDGES IN CERTAIN CASES. The governing body of any municipal corporation, except cities of the first class, may, by resolution adopted not less than 15 days prior to any election, appoint relief judges in any district which shall be known as the "Counting Board," and whose duty it shall be to count the ballots cast in such district at any election and make returns thereof. The provisions of this chapter relative to the appointment, qualifications, privileges, powers, duties, and oaths of office of judges shall apply with like force and effect to members of any such counting board, insofar as the counting of the votes cast at, and the making of returns of, any election are concerned. In any district for which a counting board has been provided the duties of the judges who have conducted the election during the day shall cease on the closing of the polls and the counting board shall thereupon assume charge and control of the place of voting, the ballot boxes, the ballots and all other supplies and equipment of the polling place, and proceed with the counting of votes. Such relief judges shall, when appointed, be equal in number to the regular judges, and shall appoint relief clerks equal in number to the regular clerks. Such counting board and clerks shall receive the same compensation and perform all duties required by this chapter to be performed after the closing of the polls at any election by the judges in a district not having a counting board as provided in this section.

[1939 c. 345 part 6 c. 6 s. 6] (601-6(6)e)

205.51 ELIGIBILITY OF JUDGES. No person while receiving compensation from the United States, the state or from any county, any city of the first, second, or third classes, or from any village now or hereafter having more than 10,000 inhabitants, as an officer or employee thereof, shall be eligible to serve as a judge or clerk at any election in this state where the laws provide for the payment of compensation to such judges and clerks for their services as such; and no person, who is the husband, wife, parent, child, brother, or sister of a candidate for an elective office, shall be eligible to serve as judge or clerk in any district in the state.

[1939 c. 345 part 6 c. 6 s. 7] (601-6(6)f)

205.52 MAY FILL VACANCIES IN JUDGES. When any one of the judges fails to attend at the time and place appointed for holding an election, within 30 minutes after the opening of the polls, or after entering upon the discharge of his duties, becomes unable, or for any reason fails, to complete the performances of his duties, or if either be a candidate at such election or refuses to act, the remaining judges and clerks of the district shall elect some qualified person from the district to fill such vacancy. When any clerk is absent, disqualified, or refuses to act, the judges shall appoint some qualified voter to act in his place.

[1939 c. 345 part 6 c. 6 s. 8] (601-6(6)g)

205.53 JUDGES MAY FILL VACANCIES. When any clerk, after entering upon the discharge of his duties, becomes unable, or for any reason fails, to complete the performance of his duties, the judges may appoint another in his place, who shall take the required oath. The fact of his appointment, the time when and circumstances under which it was made, shall be noted in the election registers, if the polls have not been closed, and, if closed, all of the same shall be certified with the returns; and such statement shall show the work done and to be done at the time of such appointment.

[1939 c. 345 part 6 c. 6 s. 9] (601-6(6)h)

205.54 OATH OF JUDGES AND CLERKS. Before any judge or clerk enters upon the discharge of his duties, he shall subscribe the following oath: "I,..... (judge) (clerk) of election, do solemnly swear that I will perform the duties of (judge) (clerk) of election according to law and the best of my ability and will studiously endeavor to prevent fraud, deceit and abuse in con-

ducting this election, so help me God." Such oath shall be affixed to the election register provided for by law. If there be no person present authorized to administer oaths, the judges may administer it to each other and to the clerks. Such judges, subsequent to the opening of the polls, shall constitute the election board.

[1939 c. 345 part 6 c. 6 s. 10] (601-6(6)i)

205.55 ADDITIONAL JUDGES AND CLERKS. For general elections in cities of the first, second, and third classes one additional judge and two additional clerks to be known as ballot judge and clerks may be appointed in any district, and vacancies in their number filled in the same manner as in case of other judges and clerks. Not more than two of the four judges, nor more than two of the four clerks, shall belong to the same political party. In cities of the fourth class, and in villages and towns, such ballot judge and clerks shall be appointed whenever the governing body thereof, at least 30 days prior to the election, shall so order.

[1939 c. 345 part 6 c. 6 s. 11] (601-6(6)j)

205.56 DUTIES OF BALLOT JUDGES. Such ballot judge shall be in attendance at the opening of the polls, and serve until the votes are counted. He shall receive the ballots from the regular judges, and, in their issue to voters, act in place and perform the duties of the regular judge in charge of the ballots. Such judge and one of the regular judges, not a member of the same political party, shall place their initials on the back of the ballots, instead of two regular judges. When a challenge is interposed, it shall be referred to the regular election board, and no ballots shall be issued until the same has been determined. The ballot judge shall also have charge of the door, and see that voters retire promptly to the booths. The ballot clerks shall not act during the election, but be present at the hour of closing the polls and assist in counting the ballots and making the returns, as provided by law.

[1939 c. 345 part 6 c. 6 s. 12] (601-6(6)k)

205.57 BALLOTS; CANVASSING, COUNTING. The ballot judge and one of the regular judges, not of the same political party, and the ballot clerks, shall canvass and count the white and pink ballots and make out the returns therefor, and the other judges and clerks the canary ballots. When there is a red box, unless special judges and clerks have been appointed for that purpose, the ballots therein shall be canvassed and counted, and the returns made out by the canvassers first completing their other work; or the canvassers may relieve one another, as they see fit. In every case the memoranda provided for in this act shall be kept, the canvassing and counting done, and the returns made, the same as where no ballot judge or clerks are appointed; and all the judges and clerks shall sign the returns. Each political party shall be entitled to one watcher for each set of canvassers.

[1939 c. 345 part 6 c. 6 s. 13; 1951 c. 167 s. 5] (601-6(6)l)

205.58 QUALIFICATIONS OF JUDGES AND CLERKS. Ballot judges and clerks and special judges and clerks shall have the same qualifications and receive the same compensation for like services as regular judges and clerks, and be subject to like penalties. They shall deliver all returns made by them, and all election supplies, to the regular election board, and such board shall thenceforth proceed in all things as though no additional judges or clerks had been appointed. No such additional judges or clerks shall be employed at any except a general election.

[1939 c. 345 part 6 c. 6 s. 14] (601-6(6)m)

205.59 VIOLATION A MISDEMEANOR. Any person, who serves as judge or clerk in violation of any of the provisions of this chapter shall be guilty of a misdemeanor.

[1939 c. 345 part 6 c. 6 s. 15] (601-6(6)n)

205.60 PRINTING OF BALLOTS. All ballots shall be printed as hereinafter prescribed, except where voting machines have been provided. At least three weeks before any general election, the secretary of state shall mail to the auditor of each county, sample copies of the official state ballots, and at least two weeks before such election the auditor shall cause one week's published notice to be given of the contents of the official state and county ballots.

[1939 c. 345 part 6 c. 7 s. 1] (601-6(7))

205.61 FORM AND COLOR OF BALLOTS. There shall be one ballot on plain white paper, called in this chapter the "white ballot," upon which the names of all candidates for offices to be voted for throughout the state shall be printed. It shall be prepared under the direction of the secretary of state, and bound in blocks of

50; and a sufficient number thereof to enable the clerks to comply with the provisions of this chapter shall be by him forwarded by express to the auditor of each county at least 15 days before the general election, and receipts, stating the number and date when received, taken therefor. On the fourth Tuesday preceding the day of election, the secretary of state shall file a sample thereof in his office for public inspection.

[1939 c. 345 part 6 c. 7 s. 2] (601-6(7)a)

205.62 SECRETARY OF STATE TO PREPARE PINK BALLOTS. The secretary of state shall also prepare and distribute a ballot printed on pink paper, hereinafter called the "pink ballot," upon which all propositions and questions to be voted upon throughout the state shall be so printed that the voter may conveniently indicate by a mark (X) either a negative or an affirmative answer to each. In preparing the pink ballot the secretary of state shall apply an appropriate designation or title to each such proposition and question, which designation or title shall be approved by the attorney general, shall consist of not more than one printed line and be printed in bold-faced type not smaller than eight-point nor larger than ten-point, in a line immediately above and preceding the proposition or question to which it shall refer. At the head of the ballot or in some other prominent place on the ballot, there shall be conspicuously printed a notice stating in substance that if a voter fails to vote on a constitutional amendment he votes, in effect, in the negative. Such ballots shall be deposited in a separate box, painted pink. They shall be counted, canvassed, and returned as in the case of the white ballots, and the tally books and return blanks shall provide suitable columns and spaces therefor.

[1939 c. 345 part 6 c. 7 s. 3; 1941 c. 72 s. 1] (601-6(7)b)

205.63 CITY CLERK TO PREPARE RED BALLOTS. There shall be one ballot on red paper, hereinafter called the "red ballot" upon which the names of all candidates for city offices, and all questions and propositions relating exclusively to city affairs shall be printed. It shall be prepared under the direction of the city clerk, and bound in blocks of 50, and, together with the other ballots and the instructions provided in this chapter, shall be by him delivered to the judges for each polling place, and a receipt taken therefor, stating the number of each color and the date when received. On the Tuesday next preceding election day, such clerk shall file a sample printed ballot in his office for public inspection, and at least one week before the city election, the city clerk shall publish a sample of the red city election ballots in the official newspaper of the city.

[1939 c. 345 part 6 c. 7 s. 4] (601-6(7)c)

205.64 LAVENDER BALLOTS FOR CITY CHARTER OR AMENDMENTS. All questions relating to the adoption of a city charter or any amendments thereto, or any proposition for the issuance of bonds, by any municipality as provided for by any statutes of this state enacted in pursuance of the Constitution of the State of Minnesota, Article 4, Section 36, submitted at any election to the electors of the municipality, shall be printed on one separate lavender colored ballot and shall be prepared, printed and distributed under the direction of the city clerk at the same time and in the same manner as other city ballots. Such ballots, when voted, shall be deposited in a separate ballot box, painted in a lavender color, to be procured by the local authorities for each voting district. Such ballot shall be canvassed, counted, and returned and the result thereof declared in the same manner as other city ballots. The person under whose direction tally books and blanks for election returns are printed, shall print such tally books and blanks for election returns in such manner as to provide appropriate spaces and columns for counting, canvassing votes, and making proper returns for the question so placed on such lavender colored ballot. The tally books provided herein shall be made out in duplicate by the judges and they shall be the official returns of the election and on the back thereof shall be printed the statements required under chapters 200 to 212, also a statement signed by all the judges and clerks certifying that the proposition appearing on the tally books received the number of votes set opposite the same. The city clerk shall post a sample ballot in his office and cause one week's published notice to be given of the contents of the lavender ballot in the official newspaper of the city.

[1939 c. 345 part 6 c. 7 s. 5] (601-6(7)d)

205.65 COUNTY AUDITOR TO PREPARE "CANARY" BALLOT. There shall be one ballot on canary paper, called the "canary ballot," upon which shall be printed the names of all candidates for office, and all questions and propositions

to be submitted, except those required to be placed on other ballots. It shall be prepared under the direction of the county auditor. On the second Thursday preceding election day the auditor shall file a sample of such ballot in his office for public inspection.

[1939 c 345 part 6 c 7 s 5; 1949 c 584 s 1] (601-6(7)e)

205.66 NUMBER OF BALLOTS. At least 100 ballots of each kind to be voted shall be provided by the clerk for each polling place for every 75 votes cast and counted therein at the preceding general election.

[1939 c 345 part 6 c. 7 s. 7] (601-6(7)f)

205.67 FORM AND SIZE OF BALLOTS. All ballots shall be printed with black ink on paper of sufficient thickness to prevent the printing thereon from being discernible from the back; all ballots of the same color shall be substantially uniform as to style, size, thickness, and shade of color; and the same type shall be used for the names of all candidates on the same ballot. Whenever ballots of any class are printed on paper of the same general tint, but varying in shade, those used in any one district shall be of the same shade.

[1939 c 345 part 6 c. 7 s. 8] (601-6(7)g)

205.68 FORM AND SIZE OF BALLOTS. The white and pink ballots shall be not less than four, nor more than six, inches wide, and as long as the list of candidates to be voted for or the questions submitted may require, and contain, in such order of precedence as the secretary of state shall direct, conformable to this chapter, the official title of all offices proper to be placed thereon, each such title printed in *ten-point* capitals at right angles with the length of the ballot. Directly underneath shall be printed in bold-face eight-point type the words 'Vote for One', or 'Vote for Two', or more, according to the number to be elected, followed by the names of the candidates for each. Such ballots shall be headed by the words 'State Ballot' in heavy-faced plain letters not smaller than long primer nor larger than great primer, with a heavy rule above and below the same.

[1939 c 345 part 6 c. 7 s. 9; 1943 c. 66 s. 1; 1945 c. 229 s. 1] (601-6(7)h)

205.69 FORM AND SIZE OF BALLOTS. The name of each candidate shall be printed at right angles with the length of the ballot, in plain Roman type, not larger than long primer nor smaller than brevier; the name of each candidate in capital letters. Except in case of presidential electors each name shall be followed on the same line in upper and lower case letters, by the political party designation of the candidate. At the left of and on a line with such names and designations, near the margin, there shall be a space so inclosed by rule work as to make a square three-eighths of an inch in size, in which the voter may designate his choice by a mark (X). Above and below each name shall be printed across the ballot a light line, except that above and below each office title, a heavier line shall be so printed. Below the name of the last candidate of each office shall be placed as many blank lines as there are offices of the kind to be filled. The spaces for the names of candidates shall be three-eighths of an inch wide. Directly underneath the official title of each office shall be printed in boldface eight-point type the words "Vote for one," or "Vote for two," or more, according to the number to be elected.

[1939 c 345 part 6 c 7 s 10; 1943 c 66 s 2; 1947 c 76 s 1] (601-6(7)i)

205.70 FORM, STYLE, AND SIZE OF BALLOTS. Like squares shall be placed at the left of the blank lines, and on such lines the voter may write the names of persons for whom he desires to vote whose names are not printed, and in the squares opposite the same he may make marks as in the case of printed names. The first name printed for each office, or group of names if more than one is to be voted for for the same office, shall be that of the candidate of the political party which at the last preceding general election polled the largest number of votes, the same to be determined by the average vote received by such of its candidates as were not endorsed by any other political party; and, in case all of the state candidates of any political party were endorsed or renominated by another political party, the position of the candidates of either such nominating or endorsing political party shall be determined by taking the average vote of its candidates at the last preceding election wherein they were not so endorsed. In like manner the second and succeeding lines shall be filled with the names of candidates of the other political parties receiving respectively the highest number of votes.

When the surnames of two or more candidates for the same or different offices appearing on the same ballot at any election are the same, each such candidate

shall have added thereto not to exceed three words, indicating his occupation and residence, and upon such candidate furnishing to the officer preparing the official ballot such words, they shall be printed on the ballot with and as are the names of the candidates and immediately after his name.

[1939 c. 345 part 6 c. 7 s. 11; 1941 c. 527] (601-6(7)j)

205.71 FORM AND SIZE OF BALLOTS. The names of candidates nominated by petition shall follow those of candidates nominated at primaries in the order in which the petitions are filed. Each such ballot shall contain, above the first name thereon, the words "put a (X) opposite the name of each candidate you wish to vote for, in the square indicated by the arrow," and on a line with such words and over such squares shall be printed a small arrow, or point thereof, pointing downward.

[1939 c. 345 part 6 c. 7 s. 12] (601-6(7)k)

205.72 CANDIDATES FOR POLITICAL PARTIES. A political party which has adopted a party name shall be entitled to the exclusive use of such name for the designation of its candidates on the official ballot, and no candidate of any other political party shall be entitled to have printed thereon as a party designation any part of such name. Nor shall any person be named on the official ballot as the candidate of more than one political party, or of any political party other than that whose certificate of his nomination was first properly filed.

[1939 c. 345 part 6 c. 7 s. 13] (601-6(7)l)

205.73 BACK OF BALLOTS. On the back of each ballot shall be printed in plain type not smaller in size than great primer, the words "Official Ballot," the date of the election, a facsimile of the official signature of the officer under whose direction the ballot is printed, and lines for the initials of two judges. Such printing shall be so placed as to be visible when the ballot is properly folded for deposit.

[1939 c. 345 part 6 c. 7 s. 14] (601-6(7)m)

205.74 NAMES ON BALLOTS. Only the names of duly nominated candidates shall be placed upon the ballots and no ballot shall be furnished to the judges of any district which contains the name of a candidate who cannot properly be voted for therein.

[1939 c. 345 part 6 c. 7 s. 15] (601-6(7)n)

205.75 ROTATION OF NAMES. Whenever two or more persons are to be elected to the same office, the names of all non-partisan candidates for the same office shall be rotated on the ballots used in each district in the manner provided for primary election ballots by section 205.76, and all the provisions thereof shall be applicable to general election ballots so far as practicable. Nothing in this section shall apply to the office of presidential elector.

[1939 c. 345 part 6 c. 7 s. 16] (601-6(7)o)

205.76 PRIMARY ELECTION BALLOTS. Subdivision 1. **Preparation, printing.** The auditor of each county shall have printed a sufficient number of separate primary election ballots, varied as may be necessary for the several districts and wards, and on the non-partisan ballot to be headed "primary election ballot candidates to be nominated without party designation" as provided in Minnesota Statutes 1949, Section 205.77, he shall place at the top of said ballot the names of candidates for nomination for state senate and state house of representatives. The primary election ballot shall be in the same general form as to size and kind of type to be used, as is provided for the general election ballot, so far as practicable. The names of candidates under headings properly designating each official position shall be rotated upon the ballot in the printing so that the names of all candidates for each office shall be so alternated on the ballots used in each district that they shall appear thereon substantially an equal number of times at the top, at the bottom, and in each intermediate place, if any, of the list or group in which they belong.

Subd. 2. **Instructions to printer; bond of printer.** The official charged with the preparation and distribution of such ballots shall prepare instructions to the printer for rotating, laying and tabbing such ballots, which shall first be approved by the legal adviser of the official before delivery to the printer. In computing the method for making the rotation of names the least common multiple of the number of names in each of the several groups of candidates shall be used and the number of changes made in the printer's forms in printing such ballots shall correspond with said multiple; provided, that groups of more than five candidates shall not be considered in making such computation, and such groups

may vary sufficiently in rotating to conform to the rotation for groups of five or less. Before any printer is awarded any contract for printing such ballots he shall be required to furnish a good and sufficient bond in such sum as the official awarding such contract shall designate, which shall not be less than \$1,000, nor more than \$5,000, conditioned that he will print such ballots in conformity with the law and such instructions. There shall be no printing on the back of the ballots, except the necessary ruled lines for the initials of the judges with the proper official designation printed under such lines. All offices for which no candidate is to be voted for at such primary election shall be omitted from the ballot. In all city primary elections in cities having home rule charters the officers designated in such charters shall prepare primary ballots for such city elections in accordance with the provisions of this section.

[1939 c 345 part 6 c 7 s 17; 1951 c 323 s 1] (601-6(7)p)

205.77 SAMPLE PARTY BALLOTS. On or before the fourteenth day before such primary each auditor shall group all the non-partisan candidates and the candidates of each political party by themselves, and prepare for public inspection a sample party ballot and a separate non-partisan ballot. The names shall be arranged alphabetically according to the surname and each county auditor shall post the sample ballots in a conspicuous place in his office and give one week's published notice thereof in the official newspaper of his county. One sample party ballot only and one sample non-partisan ballot only shall be printed for any county, and thereon shall be placed the names of all candidates to be voted for in such county. The party ballot shall be headed by the words "Consolidated Primary Election Ballot," the same to be printed in 60 point caps if practicable. Under the heading shall appear the facsimile of the official signature of the auditor preparing it. Each political party shall have a separate ticket on the Consolidated Ballot, under which the names of all the candidates of the political party shall be grouped. The political party ballot shall be printed in the manner and form now regulating the form of election ballots. The party tickets shall be arranged in columns and each column shall be substantially the same in width, type and appearance. In the first column on the left shall be placed the names of the political party which polled the highest average vote at the last general election in the county, and in the second column the names of the candidates of the political party which polled the next highest average vote at such election, and so on. Each political party ticket shall be headed by the words, ".....party ticket," to be in 30-point type, giving the party name. At the head of each individual party ballot shall be printed in 18-point bold face type "You cannot split your ballot. If you vote for candidates of more than one party, your ballot will be rejected." Such individual party ballots shall be separated by a 12-point solid rule line. The non-partisan ballot shall be headed "Primary Election Ballot Candidates to be Nominated Without Party Designation," and otherwise the same as the party ballot. Otherwise, the ballots shall be arranged in the same general manner as the ballot used at general elections, with suitable divisions and explanatory notes, and except that no blank spaces shall be provided for writing in names of candidates. Only one form of sample party ballot and one form of sample non-partisan ballot need be printed for any city and thereon shall be placed the names of all candidates to be voted for in the entire city, those to be voted for in any single ward being indicated by the words and figures "First Ward" and so on.

In city primary elections in cities having home rule charters, primary election ballots on white paper shall be prepared carrying out the intent of the charters in these cities, placing all names of candidates for city office on one ballot in each city without any party designation whatever, if the charter so provides. In such cities, except for the omitting of all party designation, the provisions of this section shall be followed as fully as practicable. The city clerk, at least one week before the city primary election, shall publish a sample of the city primary ballot for city elections in the official newspaper of the city, and post a sample printed copy in his office for public inspection.

[1939 c. 345 part 6 c. 7 s. 18] (601-6(7)q)

205.78 ERRORS AND OMISSIONS; PROCEDURE. When it shall appear by affidavit presented to any judge of the supreme or district court that an error or omission has occurred in the printing of the name or description of any candidate on official ballots, or that any other error has been committed in preparing or print-

MINNESOTA STATUTES 1953

ing the ballots or that the president or secretary of any convention has failed to properly make or file any certificate of nomination, or that the canvassing board of any primary election has failed to make and certify any nomination, or that the name of any person has been wrongfully placed upon the ballots as a candidate, such judge shall immediately order the officer or person charged with the error or neglect to forthwith correct the same, or perform his duty, or show cause why such error should not be corrected or such duty performed.

[1939 c. 345 part 6 c. 7 s. 19] (601-6(7)r)

205.79 NOMINATIONS WITHOUT PARTY DESIGNATION. After the name of each candidate on the general election ballot nominated without any political party designation, pursuant to section 202.02, at the primary election, shall be placed the words "nominated without party designation," and the separate ballot now provided for persons so nominated shall be headed "County and District Ballot." The names of nominees for the office of representatives in congress shall be placed on said county and district ballot, and the names of nominees for state senate and state house of representatives shall be placed at the top of said county and district ballot.

[1939 c 345 part 6 c 7 s 20; 1943 c 419 s 1; 1951 c 323 s 2] (601-6(7)s)

205.80 PRIMARY NOMINEES TO BE PLACED ON BALLOT WITHOUT ADDITIONAL FEE. Every candidate for public office who has been duly nominated at any primary election and who has paid the fee required by law to be paid on filing as a candidate at such primary election shall, for the general election subsequent thereto, have his name as such candidate placed on the general election ballot without the payment of any additional fee.

[1939 c. 345 part 6 c. 7 s. 21] (601-6(7)t)

205.81 COUNTY AUDITORS TO DESTROY BALLOTS AFTER ONE YEAR; EXCEPTIONS. The auditor of any county and the clerk of any municipality are hereby authorized to destroy all ballots, voters certificates, and election returns, except the abstract of the canvassing board, at any time after one year from the date of the election wherein such ballots and election returns were used, except that all election returns involved in a contested election shall not be destroyed until the contest has been finally determined.

[1937 c 29; 1939 c 345 part 6 c 7 s 22] (601-6(7)u)

205.82 ALLEY SYSTEM. When two or more associate justices of the Supreme Court or two or more judges in a Judicial District are to be nominated at the same primary election or elected at the same general election, the notice of election shall state the name of each such associate justice or judge whose successor is to be nominated or elected. Each associate justice or district judge is deemed to hold a separate non-partisan office. The official ballot shall contain the names of all candidates for each such office, shall state the number of associate justices or judges to be elected and the number of candidates for whom an elector may vote, and shall designate each candidacy as "For the office of associate justice of the supreme court to which..... was elected for the regular term," or "For

Name of Justice
the office of associate justice of the supreme court to which..... was
Name of Justice
appointed," or "For the office of judge of the district court of..... judicial
Number of district
district to which..... was elected for the regular term," or "For the
Name of Judge
office of judge of the district court of..... judicial district to which
Number of district
.....was appointed," as the case may be. The ballots for both the primary
Name of Judge

and general elections shall show in the spaces for the purpose the name of the justice or judge whose successor is to be elected at the general election, and in the case of district judge the number of the judicial district, and, if the chief justice or a justice or judge is a candidate to succeed himself, the word "incumbent"

MINNESOTA STATUTES 1953

1819

GENERAL PROVISIONS 205.83

shall be printed after his name where it appears among the names of the candidates for the office. Where voting machines are used and the statements above cannot be inserted because of length, the designation shall be "Successor to.....

.....
Name of Justice
(elected)," or "Successor to..... (appointed)," "Successor to.....
Name of Justice Name of Judge
(elected)," or "Successor to..... (appointed)," as the case may be.
Name of Judge

In addition to the statements required by Minnesota Statutes, Section 202.03, to be set forth in his affidavit of candidacy, any person eligible and desirous of having his name placed upon the primary ballot as a candidate for associate justice of the supreme court or as a candidate for judge of the district court shall state in his affidavit of candidacy the office of the particular justice or judge for which he is a candidate. The filing of such affidavit of candidacy with the secretary of state or the county auditor and a compliance with all other requirements of section 202.03 shall constitute such person a candidate for such non-partisan office, and for that office only.

[1949 c 690 s 1; 1951 c 130 s 1]

205.83 NAME OF PUBLIC OFFICIAL. Every person heretofore or hereafter elected to public office may use the name given in affidavit of candidacy or petition of candidacy in transacting official business in the ensuing term of office.

[1953 c 294 s 1]