

MASON'S MINNESOTA STATUTES

1927

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EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT
THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED
BY THE SUBSEQUENT LEGISLATION OF 1925
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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252-1. Salaries of employees payable semi-monthly except elective officers and appointive heads of State Departments—All employees of the State of Minnesota shall receive compensation due them for services rendered semi-monthly; provided that this shall not apply to elective officers and heads of State Departments who may be appointed thereto. ('21, c. 379, § 1)

253. Salaries to be in full—The salaries provided in this act for the officers and employees named herein,

shall be in full payment for all services that may be rendered by said officers or employees either in the performance of their regular or special duties or while acting as a member or employee of any state board or commission. ('13 c. 400 § 2) [295]

125-104, 145+794.

254. Fees—All fees of any nature collected by any officer or employee named in this act shall be paid in to the state treasury. ('13 c. 400 § 3) [296]

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255. When held — Officers chosen — Presidential electors—A general election shall be held in the several election districts on the first Tuesday after the first Monday in November in each even-numbered year. 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 such election held in the year preceding the expiration of a term of President of the United States, presidential electors shall also be chosen. (153) [298]

132-430, 157+653.

256
238nw 695
See 488
See 485

256. Definition of terms—Unless another meaning be clearly indicated by the context, the terms "city" and "village," as used in this chapter, shall mean an incorporated city or village, and the latter shall include boroughs. "Municipality" shall mean an incorporated place, and "municipal corporation" shall include municipalities, counties, and towns. "Council" shall mean the governing body of a municipality, and "municipal election" the election of officers of a municipality. "Peace officer" shall include sheriffs, constables, policemen, and citizens appointed and empowered to perform any of their duties. "Judge" and "clerk" shall mean the judges and clerks of election respectively, "district" an election district, and "voter" an elector qualified to vote at the election or upon the question referred to. "Senator" and "representative" shall mean senators and representatives in the legislature, and "polls" shall include the place of voting. "Contestant" shall mean the person who begins any proceeding to contest the result of an election, and "contestee" the party adverse thereto. (154) [299]

"Village" defined (107-437, 120+894).

257. Term of office, when it begins—The term of office of every state and county officer shall begin on the first Monday in January next succeeding his election, unless otherwise provided by law. (155) [300] 109-18, 122+462; 132-430, 157+653.

258. Elective districts—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 four hundred male voters, and the council or town board shall so divide, consolidate, and rearrange the districts from time to time that the number of voters in each shall be substantially equal, and not to exceed four hundred. Provided, however, that 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. All such changes shall be made by resolution adopted at least ninety days before the next ensuing election and sixty days' posted notice thereof shall be given before the change shall take effect.

Provided, that in cities or villages in this state having less than two thousand population, divided into separate wards or when such city or village is so platted so as to be situate in two adjoining counties, the city or village council of such city or village may by resolution adopted at least thirty days prior to any general or special election designate a single voting place in said 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, providing, however, that a separate ballot box for each election district shall be provided, in which the votes of such election 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 said council adopted at least thirty days prior to a subsequent election. (R. L. '05, § 156; amended '07, c. 365; '09, c. 175, § 1; '25, c. 420, § 1) [301]

When village separate district (38-222, 37+95; 37-322, 34+164; 38-186, 36+454). Town as separate district (37-26, 32+788; 67-119, 69+699). Districts in Indian reservations (67-119, 69+699; 82-328, 84+1002). Disfranchisement by creation of new district (37-26, 32+788).

259. Map or description—When a ward is so divided, the council shall make a map or description of each division, defining it by known boundaries, and file the same with the city or vilage clerk, who shall keep the same open for inspection at all times and post copies of the same in at least one of the most public places in each district. Such council shall furnish copies thereof to the judges for use at the election. (157) [302] (Amended '25, c. 420, § 1)

260. Notices to be furnished—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 to be voted for throughout such county at the next general election, and each auditor, on receipt thereof, shall cause a like notice to be delivered to each town, city, and vilage clerk in his county. (158) [303]

261. Blanks and copies of law—At least sixty days before every general 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 and conduct of such election; also copies of this chapter, or of so much thereof as pertains to

the duties of election officers. The auditor shall forthwith deliver to the clerk of every city, town, and vilage in his county the necessary copies of each of such blanks, and one copy of the law for each judge. (159) [304]

262. Special elections—Proclamation for—Conduct of—Whenever any vacancy occurs in any office, the filling of which is not otherwise provided for, the governor, within ten days after he is informed of such vacancy, shall issue a proclamation directing a special election to be held at a time therein specified not more than twenty days from the date of such proclamation, to fill such office. One copy of such proclamation shall be mailed to the auditor of each county wherein such special election is to be held. But if the vacancy occurs in the office of representative in congress, or members of the legislature, and there be no session of the congress or legislature between the happening thereof and the next general election, such special election shall be held on the next general election day. Such special election shall be called, held and conducted, and the returns thereof made and canvassed in the same manner as in the case of general election; and within fifteen days thereafter the auditor shall transmit a statement of the vote cast thereat to the secretary of state. The primaries therefor shall be held in the same manner and the same time as provided for in Section 263. (160) [305] (Amended '25, c. 420, § 1)

263. Nomination of candidates for special election—Whenever after the holding of a general election and before the termination of the next succeeding session of the legislature the governor shall issue a proclamation directing a special election to be held to fill a vacancy in either house of the legislature, candidates for election at such special election shall be nominated at a primary election held on the seventh day before the day appointed for such special election and on said seventh day before such special election there shall be held a primary election for the purpose of selecting two candidates to be voted for at the special election held to fill any such vacancy. ('19 c. 5 § 1)

264. Special elections and primaries therefor—Precinct boundaries—Judges of election—Registration of voters—It shall not be necessary to create any new precincts, appoint judges or make new registration of voters for any such special election or any primary therefor, but the registration for the last preceding general election shall be used, the precincts shall be the same as at the last preceding general election, the hours of opening and closing the polls shall be the same as such hours for general elections, the polling places shall be the same, as near as may be, and the judges of election at the last general election in any precinct shall serve as judges of election for such special election and the primary therefor, and vacancies of judges be filled in the same manner as in the case of general elections and such judges shall have the right to take from the city clerk or other legal custodian and use at such special election, and the primary therefor, the registers used at said last general election any names thereon being subject to challenge as at a general election. If any person whose name does not appear on said registers shall ask to vote at said primary election, his name shall be entered upon such registers, except in cities of the first class, upon taking such oath, answering such questions and

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complying with such other provisions of the existing laws, required for registration as contained in Section 1393, General Statutes 1923. ('19, c. 5, § 2; amended '19, c. 11, § 1; '25, c. 389)

265. Returns of primary election and canvassing of same—The returns of such primary election shall be returned to the county auditor of the county wherein such election is held and shall be canvassed on the next day—not a Sunday or a legal holiday—following such primary election by a canvassing board consisting of the county auditor, county treasurer, and clerk of the district court of such county. Such canvassing board shall meet and canvass the returns and determine the result of such primary election on such day as is herein designated for their meeting, and shall forthwith certify in writing the result of such canvass to the county auditor of such county who shall file the same and forthwith in writing notify the successful candidates of their nomination. Provided, however, that in senatorial and representative districts comprising more than one county, the canvassing board of each such county constituted as above shall meet and canvass the returns and determine the result of such primary election in such county on such day as is herein designated for their meeting, and each such canvassing board shall forthwith certify in writing the result of such canvass to the auditor of the county casting the highest number of votes for governor at the last preceding general election which auditor shall file the same and forthwith in writing notify the successful candidates of their nomination. The action of a majority of such canvassing board in making such canvass shall be legal and sufficient. ('19 c. 5 § 3)

266. County auditor to give notice—The county auditor of each such county wherein such election is to be held shall forthwith upon receiving the governor's proclamation and at least fifteen days prior to the day set for such special election give notice of the time and places of holding such special election and the primary therefor, designating the vacancy or vacancies to be filled.

Notice of both said primary election and said special election may be given in one notice but no defect in such notice or failure to give such notice shall invalidate such election. ('19 c. 5, § 4)

267. Filing of affidavits—All candidates for nomination at any such primary election must file their affidavit for such nomination and pay their fee therefor in the same manner as provided in the law governing primary elections for legislative offices and such filing shall be made and the fee therefor paid not later than the seventh day preceding any such primary election. ('19 c. 5 § 5)

268. Declaration of nominees—The two persons receiving the highest number of votes for any office at such primary election shall be declared the nominees for such office and their names shall be placed on the ballot to be used at such special election and no other names shall appear on the ballot to be used at such special election except the names of the two candidates receiving the highest number of votes at such primary election for any such office. Provided, however, that in the event that not more than two persons have filed as candidates for the nomination for each vacancy to be filled at such special election then and in such event no primary election shall be held but the two persons so filing shall be considered and shall be the nominees for such office and their names only shall be placed on the ballot to be voted on at such special election for the office to be filled. ('19 c. 5 § 6)

269. Returns and canvassing of vote—The returns of such special election shall be delivered to the county auditor of each county wherein such special election shall be held and shall be canvassed on the first week day following such special election by the canvassing board hereinbefore provided for and constituted for the primary for such special election which board shall forthwith upon the completion of the canvass certify in writing the result of such canvass to the county auditor of the county wherein such election has been held, which county auditor shall file the same and forthwith issue a certificate of election to the person receiving the highest number of votes at the special election. Provided, however, that in legislative districts comprising more than one county the returns of such special election shall be canvassed separately in each county by the canvassing boards therein constituted as above and the result of such canvass by each such canvassing board shall be certified in writing to the auditor of such county who shall file the same and transmit a statement of the vote cast in his county at such special election to the secretary of the state, who shall canvass the statements as transmitted to him and issue a certificate of election to the person receiving the highest number of votes at such special election for any such office. The action of a majority of such canvassing board shall be legal and sufficient. ('19 c. 5 § 7)

270. Form of ballot—The primary election ballot shall be headed: "Special Primary Election Ballot for (name of office)" followed by the name of the county and state and number of the legislative district and facsimile signature of the county auditor. And the special election ballot shall be headed: "Special Election Ballot for (name of office) together with the name of the county, state and number of the legislative district and facsimile signature of the county auditor, and neither on the primary ballot nor election ballot shall there be any party name or other designation before or after the names of the candidates thereon except the name of the office for which such person is a candidate. And except as otherwise provided herein the laws governing the conduct of general elections shall govern the conduct of such special election as far as practicable. ('19 c. 5 § 8 amended '19 c. 11)

271. Vacancy after division of district, who may vote—No change in the boundaries of any 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. (161) [312]

272. Printed instructions to voters—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 one for each booth; 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. (162) [313] (Amended '25, c. 420, § 1)

273. Duty of officers—Proclamation by mayor—The mayor and all peace officers shall see that the law in relation to the sale and use of intoxicating liquors on election days is strictly enforced, and the mayor of each city, on the day preceding any election therein, shall issue a proclamation that the same will be so enforced; but the failure to issue such proclamation

shall not exempt any person violating said law from the penalties thereof. (163) [314]

274. Intoxicating liquors at polling places forbidden—Any person or persons 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 of election, constable or challenger drinking any such liquors in such place, or being intoxicated therein, upon any election day, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court of competent jurisdiction shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding sixty days, or by both, such fine and imprisonment, in the discretion of the court. ('07 c. 307) [315]

275. Sample ballots—Notice—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 ballots for state and county officers. (164) [316]
149-146, 182-987.

276. White ballot—Contents—How provided and distributed—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 fifty; 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 fifteen days before the 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. (165) [317]

277. Pink ballots for constitutional and other questions—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 said 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 shall be printed in bold faced type not smaller than 8 point nor larger than 10 point, in a line immediately above and preceding the proposition or question to which it shall refer. 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 sheets and return blanks shall provide suitable columns and spaces therefor. (R. L. '05 § 166, G. S. '13 § 318, amended '19 c. 76)

127-521, 149+1069.

278. Red ballot for city elections—Publication of sample—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 fifty, and together with the other ballots and the instructions pro-

vided for in this chapter, shall be by him delivered to the judges of election 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 ballot in the official newspaper of the city. (167) [319] (Amended '25, c. 420, § 1)

279. Lavender ballot for questions relating to charters or bond issues—Voting, canvass, etc., thereof—Tally sheets—Pasting and publication of sample—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 Section 36 of Article IV of the Constitution of Minnesota, 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 precinct. 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 sheets and blanks for election returns are printed, shall print such tally sheets 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 sheets 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 Sections 439 and 459, and also a statement signed by all the judges and clerks certifying that the propositions appearing on the tally sheets 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. ('05, c. 87, § 1; amended '25, c. 420, § 1) [320]

280. Blue ballots—Contents—There shall be one ballot on blue paper, called in this chapter the "blue 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, and together with the white and pink ballots, shall be delivered by such auditor to the proper clerks in sufficient quantities to enable them to comply with the provisions of this chapter. The auditor shall give timely notice by mail to the clerks of the time when the official ballots will be ready; and such clerks, on the Thursday next preceding election day, shall go to the county seat and receive them, and give receipts therefor, stating the number of each and the date when received. On the second Thursday preceding election day, the auditor shall file a sample of such ballot in his office for public inspection. (168) [321]

Noncompliance with statute held not fatal (89-269, 94+879).

281. County auditor to send ballots—Wherever the primary and general election laws now provide that the village and town clerks and judges of election in

unorganized towns, go to the county seat and receive the official ballots; hereafter the auditor of each county shall, at least one week before the day of election, send by registered mail or express to the village and town clerks and judges of election, the official ballots that each is entitled to receive; also, sealing wax, stamp, and the necessary postage to register and mail the election returns and other papers, as provided in section two of this act. ('03 c. 168, amended '05 c. 214 § 1) [322]

282. Number of ballots provided—At least one hundred ballots of each kind to be voted shall be provided by the clerk for each polling place for every seventy-five voters there registered at the preceding election. If for any known reason a greater number may be needed, sufficient additional ballots shall be furnished. (169) [323]

283. General description of ballot—Uniformity required—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. (170) [324]

284. White and pink ballots—General description—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 shall contain, in such order of precedence as the secretary of state shall direct, conformably to this chapter, the official title of all offices proper to be placed thereon, 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. (171) [325]

284a. Same—Names, etc., how printed—The name of each candidate and of the office to be filled 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, preceded on the same line by the title of the office in capitals and small letters. Except in case of presidential electors each name shall be followed on the same line, in upper and lower case letters, by the party designation of the candidate. At the right 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 a heavier line shall be so printed. Below the name of the last-named candidate for each office shall be placed as many blank lines as there are offices of the kind to be filled, preceded by the title of such office. The spaces for the names of candidates shall be three-eighths of an inch wide. At right angles with such lines and at the right of the small squares shall be printed opposite each office the words "Vote for one," or "Vote for two," or more, according to the number to be elected. (172) [326]

Form of primary-election ballots. (87-221, 91+604, 840)

285.—Same—Names of candidates—Like squares shall be placed at the right 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 party; and, in case all of the state candidates of any political party were indorsed or renominated by another party, the position of the candidates of either such nominating or endorsing 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 office 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. (R. L. '05 § 173, G. S. '13 § 327, amended '15 c. 102)

74-11, 76+788; 125-407, 147+815.

286. Same—Nominees by petition—Instruction to voters—The names of candidates nominated by petition shall follow those of candidates of conventions in the order in which the petitions are filed. Each such ballot shall contain, above the first name thereon, the words, "Put a cross (X) opposite the name of each candidate you wish to vote for, in the squares 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. (174) [328]

Nomination by petition (87-211, 91+1124, 92+93).

287. White and pink ballots—Presidential electors—Arrangement, etc., of names—When presidential electors are to be voted for the candidates of each party therefor shall be grouped and printed together, the names of each group to be arranged in the order in which they were filed. The secretary of state shall cause the names of the candidates of each political party to be printed in capital letters, set in six-point type, the names to be arranged in two columns. The political or party designation shall appear but once for each group, said designation following a scroll or bracket on the right, and immediately following this, in the center, shall be printed in bold type the surnames of the presidential and vice-presidential candidates represented. To the right of, and on a line of such surnames, near the margin, shall be placed a square, in which the voter may indicate his choice by a mark (X), and one such mark opposite a group of presidential electors shall be counted as a vote for each elector in such group, the form for each group to be substantially as follows:

	Oluf Gjerset	L. S. Whitcomb	
For	Mrs. A. C. Hinckley	P. H. Harrington	Republican
Presiden-	Dr. J. E. Campbell	Dr. Geo. O. Orr	COOLIDGE
tial	Mrs. M. W. Savage	Mons Mahlum	and
Electors	Mrs. Bertha D. Laws	A. M. Chisholm	DAWES
	T. N. J. Reese	J. P. Holmberg	

The relative position of the several groups shall be determined by the rules applicable to other state officers. The groups of electors shall be separated by a

blank space one-quarter of an inch in width and so arranged as to permit placing a cross (X) after each name, and no blank lines shall be printed therein as in the case of other candidates or groups. Above the names of the electors shall be printed in bold type, "Presidential ticket, vote once opposite group." The state ballot, with the required heading, shall be printed below the electors, with a blank space between, one inch in width. (R. L. 1905, § 175; amended '13, c. 510, § 1; '25, c. 41) [329]

288. Party name—Use of on ballot—A political party which has adopted a party name, and whose state candidates, or any of them, polled at the preceding general election at least one per cent of the votes cast, shall be entitled to the exclusive use of such name for the designation of its candidate on the official ballot, and no candidate of any other 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 party, or of any party other than that whose certificate of his nomination was first properly filed. (176) [330]

Right to party name (86-138, 90+155; 87-211, 91+1124, 92+93; 87-318, 92+96; 92-98, 99+355; 93-178, 100+1124, 102+209). Title of 1901 c. 312 insufficient (93-178, 100+1124, 102+209).

289. Form of other ballots—The blue and red ballots shall be prepared and printed as nearly as may be in the same manner as the white, and, when a general election is to be held at the same time, the several tickets shall be arranged in the same order as on the white ballots, regardless of the vote polled in any particular county or municipality. When not held in conjunction with a general election, the local party tickets shall be placed on the ballot in the order of the vote polled by the parties at the last general election within the territory in which the election is to be held. (177) [331]

290. Ballot, how printed on back—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 of election. Such printing shall be so placed as to be visible when the ballot is properly folded for deposit. (178) [332]

Noncompliance with statute held not fatal (89-269, 94+879). (See '21 c. 8 § 5).

291. Ballot to contain only candidates properly nominated—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. (179) [333]

149-145, 182+987.

292. Rotation of names—when required—Whenever two or more persons are to be elected to the same office, the names of all candidates of the several political parties for such office and of all non-partisan candidates, shall be rotated on the ballots used in each election district in the manner provided for primary election ballots by Section 342, General Statutes 1913, and all the provisions of said Section shall be applicable to general election ballots so far as practicable; provided, that nothing in this section shall apply to the office of presidential elector. (R. L. '05 § 180, G. S. '13 § 334; amended '15 c. 167 § 2)

121-463, 141+791.

Explanatory note—For G. S. '13, § 342, see *infra*, § 301.

NOMINATIONS BY DIRECT VOTE

293. Primary election—Purpose—Time of holding—Notice—On the third Monday in June preceding any general election and seven weeks preceding any city election in cities of the first and second class, held for the purpose of electing city officers only, an election of nominees, hereinafter designated as the "primary election" shall be held in each election district for the selection of party and other candidates for all elective offices within the state, to be filled at such election except officers of towns, villages and cities of the third and fourth class, and members of school, park and library boards, in cities having less than one hundred thousand (100,000) inhabitants, and except presidential electors. Every town, city and village clerk shall give at least fifteen days' posted notice of the time and place of holding the same, of the hours during which the polls will be open, and of the officers for which candidates are to be nominated. The day for such primary election shall be the first day of registration in all election districts, except in cities of the first class. (R. L. '05, § 181; amended '12, c. 2, § 1; '13, c. 389, § 1; '15, c. 76; '23, c. 127, § 1; '25, c. 420, § 1) [335]

Historical—1912 c. 2, is "An act to amend sections 181, 182, 184, 186, 187, 189, 193, 196, 197, 199, 200, 201, 217, 218, 241, 247, 251, and 316 of the Revised Laws of 1905, and acts amendatory thereof, relating to registration of voters and to primary and general elections, and to add certain provisions relating to registration of voters and to primary and general elections, and to repeal any acts or parts of acts inconsistent herewith." Sections 1-17 and 19 amended the sections mentioned in the title. Sections 18, 20 and 21 are §§ 537, 551, 552.

1913 c. 389, is "An act to amend sections 181 and 182 of the Revised Laws 1905, as amended by chapter 2 of the General Laws Special Session 1912 section 184 of the Revised Laws 1905, as amended by chapter 226 General Laws 1907, and chapter 95, General Laws 1909, and chapter 2, General Laws Special Session 1912, section 187, Revised Laws 1905, section 200, Revised Laws 1905, section 213, Revised Laws 1905, and section 217, Revised Laws 1905, all as amended by chapter 2, General Laws Special Session 1912, and to repeal a part of section 18 of chapter 2, Special Session 1912." Sections 1-6 and 8 amend the sections of the Revised Laws mentioned in the title. Section 7 amends 1912 c. 2 § 18 [§ 537]. Section 9, which for convenience is here inserted, is as follows: "The provisions of this act shall not apply to general city elections in cities of the first class operating under a home rule charter, where, by the terms of such charter, a preferential system of voting is provided, with no primary election."

Primary law generally—Constitutional (86-19, 89+1126; 87-221, 91+604, 840; 87-308, 92+4. Does not embrace nomination of state officers (87-211, 91+1124; 92+93). Exclusive mode of nomination for offices embraced (86-19, 89+1126; 87-313, 91+1101). No blank spaces on ballot for voter to name candidate (87-221, 91+604, 840). Cited (102-104, 112+1026).

The title to Ex. Sess. 1912 c. 2, is fairly suggestive of a purpose to repeal all statutory provisions as to the nomination of candidates for state office by party conventions. The act in this respect is valid. It repeals the law as to such nominations, and no political party has now the right to nominate candidates for state office by a party convention (119-179, 137+741). 121-466, 141+792, 125-241, 146+365.

294. Political party defined—A political party, within the meaning of this chapter, is one which shall have maintained in the district or territorial division in question a party organization, and presented candidates for election at the last preceding general election one or more of which candidates shall have been voted for in each county within the state at such election and shall have received in the state not less than five (5) per centum of the total vote cast for all candidates at such election or whose members to a number equal to at least 5 per centum of the total number of votes cast at the preceding general election in the county where the application is made shall present to the county auditor a petition for a place on the primary election ballot. Candidates for office shall be chosen at such

primary election by voters of several political parties and not otherwise; provided, however, that the chief justice and the associate justices of the supreme court and judges of the district, probate and municipal courts, and all members of the state legislature, and all elective county officers and municipal officers in cities of the first and second class, shall be nominated upon separate non-partisan ballots, as hereinafter provided. Provided further that all qualified and duly registered voters may participate in the choosing of candidates for city office as provided for in the city charter of cities having home rule charters; the names of all candidates for nomination for the office of chief justice, associate justice of the supreme court, judges of the district court, probate and municipal courts and all members of the state legislature, and all elective county officers, and all municipal offices in cities of the first and second class, shall be placed upon a separate primary ballot hereinafter designated as 'non-partisan primary ballot.'

No party or other designation, except as above, shall be placed on such ballot except as herein provided, nor shall any candidate filing for nomination on said non-partisan primary ballot be permitted or required to state his party affiliation. All provisions of law relating to the nomination of party candidates as to the form of ballot, including rotation of names, the endorsement thereon, voting, marking ballots, counting, returning and canvassing results, shall apply to nomination of said officers except that the tally sheets and returns shall be made separately, and except that non-partisan offices shall not be classified on the ballot or otherwise. Each voter shall be entitled to vote a non-partisan primary ballot without reference to his party affiliation.

The two candidates for nomination for each such non-partisan office who shall receive the highest number of votes, ascertained as provided by this act, shall be declared the nominees and their names shall be placed upon the election ballot, without party designation, and when two or more persons are to be elected for the same office, at a general election running at large in a city, county, district, or in this state, the non-partisan nominees to be placed upon the general election ballot shall be the number of candidates not exceeding twice the number of such persons to be elected for the same office which shall receive the highest number of votes at such primary election; provided, that when only two persons file for the nomination for any non-partisan office, or not more than twice the number of persons to be elected to any non-partisan office file for the nomination thereof, their names shall not be placed upon the nonpartisan primary ballot, but said persons shall be considered and shall be the nominees for such office and their names shall be placed upon the general election ballot as such non-partisan nominees. But nothing herein shall prevent the nomination of candidates by groups, individuals or so-called political parties which cannot be recognized as such, by certificate of voters to the number hereafter specified. The names of candidates nominated by certificates for offices hereinabove designated as non-partisan shall have no party or other designation on the certificate or on the election ballot. (R. L. '05 § 182, amended '12 c. 2 § 1; '13 c. 389 § 1, '15 c. 167 § 3, '19 c. 230; '23 c. 127 § 2) [336]

See note under § 352.
119-159, 141+100, 121-463, 141+791, 126-238, 146+364.
134-259, 159+1, 140-221, 167+798.
Political party defined (87-211, 91+1124, 92+93).
(119-152, 137+385).

295. Political party—Change of name—Any polit-

ical party as defined by the election laws of this state may change its name by complying with the following conditions:

The state central committee of such political party may call a convention, and shall state in its call that a convention is called for a certain time and place, for the purpose of changing the name of such party to some specific name given in such call. Such convention shall be held before the termination of the time for filing for nomination for primary elections preceding the general state election, and such change shall be agreed by resolution of a majority of such convention.

A copy of the resolutions determining upon such change of name, certified by the chairman and secretary of such convention, shall be filed with the secretary of state within five days after the holding of such convention. Thereafter such political party shall be known by the new name called for by said resolution, and said party under its new name shall have all the rights that it had under its former name. ('13 c. 406 § 1) [337]

134-259, 159+1.

296. Districts for all elections—Maps or descriptions—All elections shall be held, in the several districts established for the election next ensuing at the place where the last election was held, or such other place as may be lawfully fixed. Election districts shall remain the same until lawfully changed. All officers required by law to establish, divide or combine election districts shall perform their duties in that behalf at least two weeks prior to an election. The maps or descriptions of districts shall be posted at least one week preceding such election and copies thereof shall be furnished to the judges of election, except in cities of the first class operating under a home rule charter. (183) [338] (Amended '25, c. 420, § 1)

134-259, 159+1.

297. Names placed on primary ballot — Fees — Nonpartisan ballot—At least forty days before the primary election any party eligible and desirous of having his name placed upon the primary ballot as a candidate for chief justice or associate justice of the supreme court, judge of the district court, state or congressional office or member of the state legislature, shall file his affidavit with the secretary of state when to be voted for in more than one county, and with the county auditor when in a single county, stating his residence, that he is a qualified voter in the sub-division where he seeks a nomination, the name of his party, if for a party office, and the office for which he desires to be a candidate; and if for a party office that he affiliated with said party at the last general election, and, either that he did not vote thereat or voted for a majority of the candidates of said party at such election and intends to so vote at the ensuing election; provided, that all candidates for offices not enumerated above in this section shall file their affidavit as herein provided, not less than twenty days before said primary election. Upon payment by such candidate to the secretary of state of twenty dollars (\$20.00), if for any office to be voted for in more than one county, or if for any office to be voted for in only one county, upon payment of ten dollars (\$10.00) to the county auditor thereof, the county auditor shall place the name of such candidate upon the primary election ballot of the party designated except where only one person has filed as a candidate for any one office in any one party the name of such candidate shall not be placed upon the primary ballot but shall be considered and shall be

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33 — 172
33 — 244

the nominee for such office for the party under which such candidate filed and his name shall be placed upon the general election ballot as the nominee of such party for such office; provided, however, that candidates for the legislature shall pay ten dollars (\$10.00) only to the secretary of state when the affidavit or petition is filed with him and ten dollars (\$10.00) to the county auditor when filed with him, provided that the name of any eligible person may also be placed upon the non-partisan primary election ballot as a candidate for chief justice or associate justice of the supreme court or judge of the district court, upon petition in writing of electors filed within the same time and at the same place and upon payment of the same fee as is provided in case of filing of affidavits by candidates as follows:

For chief justice or associate justice of the supreme court, upon petition of five hundred (500) electors residing within the state; for judge of the district court upon the petition of two hundred fifty (250) electors residing within the district. Such petition shall be in writing and signed by each of the electors joining therein and shall be by each of them acknowledged before an officer authorized by law to administer an oath. Upon the compliance with such requirement, such names shall be placed upon the non-partisan primary election ballot. No petition shall contain more than double the number of signatures herein required and no officer shall receive for filing or file any petition containing more than double the number of signatures so required. Any person whose name is so presented and filed may withdraw the same by filing an affidavit of withdrawal thereof in the same office in which such petition is filed. Provided, each candidate for state offices, congressmen-at-large, and judges of the supreme court shall pay to the secretary of state the sum of fifty dollars (\$50.00) each at the time of filing his affidavit with said officer. (R. L. § 184, amended '07 c. 226; '09 c. 95; '12 c. 2; '13 c. 389 § 3) [339]

See note under § 294, 152-349, 188+736.

165-116, 481, 205+702.

Payment of fees constitutional (99-145, 108+828).

Political aspirant becomes candidate on filing affidavit (102-104, 112+1026, 12 Ann. Cas. 105).

Not in conflict with federal constitution, specifying qualifications of members of congress (110-461, 126+70).

298. Married woman may use husband's name—

Any married woman who may hereafter file as a candidate for any public office under the laws of this state may use the prefix "Mrs." and the full name of her husband, or the initials of her husband's given name, in stating her own name on her affidavit of candidacy; and the proper state, county or municipal official in the preparation of the official ballot shall use such name as written on the affidavit of candidacy, in designating such candidate on said ballot. ('23 c. 384 § 1)

299. Order of filing—Fees, how disposed of—The secretary of state and county auditor respectively shall number each affidavit and petition in numerical order as received. The auditor shall immediately pay to the city treasurer all fees paid by candidates for city offices, and all other fees received from candidates to the county treasurer. Immediately after the last day for filing nomination affidavits or petitions, the secretary of state shall divide the amount of all fees paid to him by candidates equally between the counties within which such candidates are to be voted for, and certify such division to the state auditor, who shall issue warrants therefor on the state treasurer for the amount due to each county. (R. L. '05 § 185, amended '09 c. 95 § 2) [340]

300. Voting at primary election to be by ballot—
Ballots—Sample ballots—Non-partisan ballots—White ballots for cities having home rule charters—All vot-

ing at a primary election shall be by ballot. On the nineteenth day before a primary election, the secretary of state shall certify to the auditors of the several counties the names of all nominees to be voted for within such counties whose certificates have been properly filed with him, and on 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 non-partisan ballot and a separate sample ballot for each political party. The names shall be arranged alphabetically according to the surname and each county auditor shall post the sample ballot in a conspicuous place in his office and give one week's published notice thereof in the official newspaper of his county. One sample ballot only of non-partisan candidates and of each political party, shall be printed for any county, and thereon shall be placed the names of all candidates to be voted for in such county. Each ballot shall be headed by the party name, the words "Primary Election Ballot," the names of the county and state, the fac-simile of the official signature of the auditor preparing it. The non-partisan ballot shall be headed as provided in Section 294, General Statutes 1923. Otherwise, the ballots shall be arranged in the same general manner as the ballot used at general elections, with suitable divisions and explanatory notes. Only one form of sample ballot for each political party need be printed for any city and thereon shall be placed the names of all the candidates to be voted for in the entire city, these 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 said charters in said cities, placing all names of candidates for city office on one ballot in each city without any party designation whatever, if the charter so provide. 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. (R. L. '05, § 186; amended '12, c. 2, § 4; '15, c. 167, § 4; '25, c. 420, § 1)

87-221, 91+604, 840, 131-399, 155+628, 134-258, 159+1.

301. Preparation of ballots—Rotation of names—
City having home rule charters—The auditor of each county in which said primary election is held shall have printed a sufficient number of separate primary election ballots, varied as may be necessary for the several districts and wards. Said 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 is 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 election 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.

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 advisor of

said 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 one thousand dollars nor more than five thousand dollars, 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, or names of the judges with the proper official designation printed under such lines; provided, that all offices for which no candidate is to be voted for at such primary election shall be omitted from the ballot; provided, that 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 as provided in said charters, and this section shall apply there only in so far as it does not conflict with the provisions of said charters. (R. L. § 187, amended '12 c. 2 §5; '13 c. 389 § 4; '15 c. 167 § 5) [342]

121-463, 141+791.

302. Judges and clerks of election as registration officers—The judges and clerks of election shall act on the day of such primary election both as judges and clerks of such election and as registration officers, and vacancies may be filled and additional appointments made as in the case of elections. They shall receive no additional pay on account of such extra service. Provided, however, that in cities of the first class operating under a home rule charter, such judges and clerks shall not act as registration officers. (188) [343] (Amended '25, c. 420, § 1)

303. Registers—The blanks provided for registration of voters for general elections shall have an additional column headed "Voted, primary election," and be used at both primary and general elections. No names of voters shall be placed upon said registers prior to the day of such primary election, except in cities of the first class, nor shall any be placed thereon upon said day, except the names of those who appear in person before boards of registration for that purpose. The provisions hereof shall have no application to cities of the first class operating under a home rule charter. (R. L. '05, § 189; amended '12, c. 2, § 6; '25, c. 420, § 1) [344]

304. Polling places—Peace officers—Ballot boxes—So far as they shall be applicable, all provisions of this chapter relating to the location and arrangement of polling places, peace officers, procuring registers, ballots, boxes, and other supplies, opening polling places, challengers, and gatekeepers, and in reference to returns, including return of ballots, used and unused, shall apply to primary elections; except that one ballot box shall be used for partisan ballots, one for non-partisan ballots and one for women. (R. L. '05 § 190, G. S. '13 § 345, amended '15 c. 167 § 6)

305. Hours for voting—Towns and villages—The polls shall be kept open from 6 o'clock a. m. until 9 o'clock p. m. except in towns and villages and in towns and villages it is hereby provided that the polls shall

be kept open from 9 o'clock a. m. until 9 o'clock p. m., and the officers shall remain in session during the same hours for the registration of voters. If, at the hour of closing, there are any voters in the voting place, or in line at the door, who are qualified to register and vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to register and vote but no one not present at the hour of closing shall be entitled to register and vote, although the polls were not closed when he arrived. No adjournment or intermission shall be taken except as provided in the case of elections. (R. L. § 191, amended '11 c. 172 § 1; '13 c. 23 § 1) [346]

306. Persons entitled to register and vote—Manner of voting—Every person qualified as a voter may register therein and vote at such primary election. Having registered, and, in case of challenge, the same having been determined in his favor, he shall be entitled to a ballot of the political party whose candidates he shall declare (under oath if his right thereto is questioned) that he generally supported at the last election and intends to support at the next ensuing, except that when voting for the first time he shall not be required to declare his past political affiliation. Such ballot shall be so indorsed with the initials of two of the judges that the same will show when folded. He shall be instructed by one of the judges as to the proper method of marking and folding his ballot, and shall then retire to an unoccupied booth, and without undue delay mark the same with the indelible pencil there found. If he shall spoil or deface such ballot he shall at once return the same and receive another. Provided, that in cities of the first class operating under a home rule charter, no voter shall be allowed to vote unless such voter has registered in accordance with the provisions of the registration act relating to cities of the first class. (192) [347] (Amended '25, c. 420, § 1)

307. Marking primary ballots—The voter shall designate his choice on the ballot by marking a cross (X) in the small square opposite the name of each candidate for whom he wishes to vote. If he shall mark more names than there are candidates to be nominated for any office, or if for any reason it be impossible to determine his choice for any office, his ballot shall not be counted for such office; but the rest of his ballot, if properly marked, shall be counted. No ballot shall be rejected for any technical error which does not render it impossible to determine the voter's choice, even though such ballot be somewhat soiled or defaced. ('15 c. 167 § 7) [348]

130-496, 153+954.

308. Folding and depositing ballot—When a voter has marked his ballot, he shall fold it so that its face will be concealed and only the initials on the back be visible, and hand the same to the judge in charge of the boxes. Such folded ballot shall be placed in the proper box, and the name of the voter checked upon the register in the column headed "Primary Election." So far as applicable, all provisions of this chapter relating to false registration, defacing posted lists, time allowed employees for voting, ballots, voting room, removal from district, regulations at polling places, challenge of voters, rules for marking ballots, methods of voting, violations of such provisions, and penalties, shall be observed and enforced. (194) [349]

309. Poll list statements—As soon as the polls are closed, and before the boxes are opened, the judges and clerks shall prepare upon a blank furnished by the auditor a statement substantially as follows: "Poll-

306 - 308 ;
33 - 244 ;
See 310 ;

33 304
- 244 ;

33 305
- 198 ;

list statement of primary election held in (name of election district, town, village, or city, and date). The number of persons whose names appear upon the register as present at the above named primary election was Such statements shall have the blanks for numbers filled by words and figures, and shall be signed by each judge and attested by each clerk. Such judges and clerks shall place in the register column headed "Voted, Primary Election," the word "No" opposite the name of every person who did not vote. The provisions hereof shall not apply to cities of the first class operating under a home rule charter. (195) [350] (Amended '25, c. 420, § 1)

310
33-244
See 297

310. Canvass of votes—Canvass of votes on primary ballots shall be made in the same manner and by the same officers as is provided by Chapter 6, of the Revised Laws of 1905, except as herein otherwise provided. The ballots shall be counted in the following manner: The election officers shall take the ballots from the boxes, count those cast for each political party and for non-partisan candidates, place them in separate piles and fasten together.

Such officer's tally sheets on which the count has been so entered shall be included in the returns of such election. The officers of election shall on blanks to be provided for that purpose make full and accurate returns of the votes cast for each candidate.

The officers shall seal the returns and return the same to the auditor in the manner and as provided by the primary and general election laws. (R. L. § 196, amended '12 c. 2 § 8; '15 c. 167 § 8) [351]

Explanatory note—For R. L. '05, c. 6, see c. 6, herein. 125-251, 146-733; 146-426, 178-1003.

311. Tally sheets or books—The auditor shall furnish to each district, with the ballots, two sets of tally sheets or tally books for each political party having candidates and for nonpartisan candidates to be voted for. Each tally sheet or the first sheet of each tally book shall be headed "Tally sheet for (name of political party) (name of city or village) (county) (ward or town) election district, for a primary election held(date)." The names of candidates shall appear on the tally sheets, or tally books, in the order in which they appear on the official sample ballots, and in each case shall have the proper designation at the head thereof; provided, further, that in cities of the first class, tally sheets mentioned herein shall be made out in duplicate by the judges and they shall be the official returns of the election. On the back thereof shall be printed the statements required under Sections 439 and 459, and also a certificate signed by all the judges and clerks certifying that the candidates whose names appear on said tally sheets received the number of votes set opposite their names. (R. L. '05, § 197; amended '12, c. 2, § 9; '25, c. 420, § 1) [352]

312. County canvassing board—The county canvassing board shall consist of the clerk of the district court, auditor, and chairman of the county board, together with two justices of the peace of the county selected by a judge of the district court from political parties opposed to that of the majority of those above mentioned, when possible. But no candidates for a nomination shall serve on said board, and the places of any so disqualified shall be filled by such judge by the appointment of qualified voters not holders of any public office. Such board shall meet at the courthouse at 10 o'clock a. m. on the second day after the primary election, take the oath of office, and publicly canvass the returns made to the auditor. Three members shall

constitute a quorum, and it shall complete the canvass by the evening of the third day following the primary election. (198) [353]

313. Reports of county canvassing board—The canvassing board shall prepare, sign and file with the county auditor the following report:

1. A separate statement of each political party of the names of all candidates thereof voted for at the primary election, with the number of votes received by each and for what office.

2. A separate statement of the names of the candidates of each political party who are nominated.

3. A statement of the whole number of votes registered and the number of ballots cast at such primary election, men and women separately.

4. A separate statement of the votes received by each of the non-partisan candidates and the names of the non-partisan candidates nominated.

Whenever two or more candidates receive an equal number of votes for the same nomination, the board shall determine the tie by lot. Upon completion of the canvass and on or before ten o'clock A. M. of the fourth day succeeding the canvass, the auditor shall certify to the secretary of state the vote, as shown by such report, for all candidates to be voted for in more than one county, and shall mail or deliver to each nominee to be voted for in his county alone a notice of his nomination, and that his name will be placed upon the official ballot; provided, that in primary elections for city officers in cities having home rule charters said canvassing board shall file such statement as will show the persons nominated for each office under the provisions of said charter, with as complete details as are provided for in this section, omitting all party designation, if so provided in said charters. (R. L. § 199, amended '12 c. 2 § 10, '15 c. 167 § 9) [354]

314. Canvassing by state canvassing board — The state canvassing board, as constituted for canvassing the returns of general elections, shall open and canvass the returns of a primary election made to the secretary of state, at the usual place and hour of meeting, on the seventh day after such primary election. Upon the completion of the canvass, the secretary of state shall certify to the several auditors the names of the persons found to be nominated, and mail to each nominee a notice of his nomination.

1. The state, county and city boards of canvassers shall be guided by the following rules, except as herein otherwise provided:

(a) Any tie shall be decided by lot by the canvassers.

(b) The person receiving the highest vote at such primary election, as the candidate of any political party for an office shall be the nominee of that party for such office. Candidates on non-partisan ballots receiving the highest and next highest votes, shall be the nominees for the office for which they are candidates; provided, however, that if the number of votes cast for any candidate or candidates of any party for any office at such primary election shall aggregate the number of votes equal to ten per cent or more of the average vote cast for state officers of that party at the last general election in the territory within which such candidates are to be voted for, then all candidates of that party within that territory shall be deemed to be the party nominees of such party; otherwise no candidates of that party within that territory shall be deemed nominated and in such case, such party candidates of such party may be nominated by petition as provided for in Secs. 213 to 216 inclusive, Revised

314
29-280

Laws 1905 (371-374), and the candidates of any such party failing to receive such ten per cent of such vote shall be eligible for nomination under the terms of this provision. The term "State officers" as used in this act for the purpose of computing the average vote to determine the ten per cent vote as above provided shall be and is hereby defined to be the following officers: Governor, lieutenant governor, secretary of state, state treasurer and attorney general. (R. L. § 200, amended '12 c. 2 § 11; '13 c. 389 § 5; '15 c. 167 § 10) [355]

Explanatory note—For R. L. '05, §§ 213 to 216, see infra, §§ 329 to 332.

135-418 147+275; 131-400, 155+629.

315. Nominees of political parties—The persons certified by such canvassing boards to be nominated, shall constitute the nominees of the several political parties or the nominees under the terms of a home rule charter, or the non-partisan nominees, as the case may be, to be voted for at the next ensuing general election, and their names shall be printed upon the official ballots prepared for the ensuing election. (R. L. § 201, amended '12 c. 2 § 12) [356]

Campaign committee cannot nominate (87-313, 91+1101). Provision excluding names of candidates not nominated at primary election constitutional (87-308, 92+4).

³¹⁶
^{230nw 637}
^{Art 4 § 9}
316. Review by courts—Whenever it shall be made to appear by affidavit to any judge of the supreme court, or of the district court of the proper county, that an error or omission has occurred or is about to occur in the placing of any name on an official primary election ballot, that any error has been or is about to be committed in printing such ballot, or that any wrongful act has been or is about to be done by any judge or clerk of a primary election, county auditor, canvassing board, member thereof, or other person charged with any duty concerning the primary election, or that any neglect of duty has occurred or is about to occur, such judge shall order the officer or person charged with such error, wrong, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty, or forthwith show cause why he should not do so. Failure to obey the order of such judge shall be contempt of court. (202) [357]

209+327, note under § 247.

Cited and applied 99-397, 109+596, 820.

Original jurisdiction may be conferred on supreme court; but section 203 provides for election contest, which must first be determined by district court (99-313, 109+404).

A proceeding under this section is proper to test question whether members of legislature which enacts a law increasing compensation of senators and representatives are disqualified from becoming candidates for such office for ensuing term (105-513, 117+845, 1044).

125-104, 145+794, 125-249, 146+733, 126-405, 150+625, 132-427, 157+652, 133-66, 157+967, 146-426, 178+1003.

317. Contests for nomination—Any candidate at a primary election desiring to contest the nomination of another candidate for the same office shall proceed in the manner prescribed for general election contests, and the same proceedings shall be had, so far as practicable, as for such contests. (R. L. '05 § 203, G. S. '13 § 358, amended '15 c. 167 § 11)

Cited 99-518, 109+1133; 99-261, 109+113, 698.

This section, so far as it attempts to confer upon the supreme court original jurisdiction, is unconstitutional (99-313, 109+404). It requires district courts to hear and determine election contests in manner authorized by section 202. The court will adopt such procedure as is necessary (99-397, 109+596, 820).

Within what time contests for nomination must be brought to trial and final determination (103-147, 114+465).

126-405, 150+625, 146-467, 179+215.

NOMINATIONS BY CONVENTION

318. Political parties to select committees—Each political party shall provide a state central committee,

a congressional committee for each congressional district, a county committee for each county, in the following manner:

(a) The nominees for state offices, senators and representatives in Congress of each political party, shall meet on the second Thursday after the primary election at the state capitol at twelve o'clock noon, at which time they shall elect a state central committee, herein provided for, of such size as they shall at said time determine, and shall also elect a congressional committee for each congressional district, of such size as they shall at said time determine, the members of each congressional committee to be chosen from among the electors of the several congressional districts respectively.

(b) Each committee and its officers shall have the powers which have been customarily used by such committees and by the officers thereof, insofar as it is consistent with this act. The various committees and their officers now in existence, shall exercise the powers and duties herein prescribed until their successors are chosen in accordance with this act. ('23 c. 125 § 1)

319. Certain candidates may be nominated by delegate convention—Candidates whose nominations are not required to be made by a primary election may be nominated by a delegate convention called for the purpose. The authorized county or city committee of any political party, at least twenty days before the time fixed for the election of delegates, shall give two weeks' published, and at least six days' posted, notice of primaries for the purpose of electing the number of delegates to which each district is entitled, and of the offices for which nominations are to be made. Except as otherwise especially provided, such primaries shall be conducted in accordance with the provisions of this chapter relating to primary elections, insofar as the same can be applied. All such primaries shall be held at the regular polling places, and those of each county on the same day, at an hour thereof between 2 and 9 o'clock p. m. appointed by the committee calling the convention, and shall be kept open for at least one hour. ('23 c. 125 § 2)

320. Convention to be called by party committee—When the delegates so chosen are to form a convention for the election of delegates to a state convention or to that of a district of the state larger than a county, the party conventions of the several counties shall all be held on the same day. Such state or district conventions shall be called by the authorized party committee of such state or district, substantially as prescribed in paragraph 362, and the day for holding the county conventions shall be named in the call. ('23 c. 125 § 3)

321. Delegates to be chosen by ballot—At the hour appointed for holding such primaries the chairman or secretary of the party committee of the district, or, if neither be present, some member of the party who is a voter in the district, shall call the meeting to order. Those present and qualified to vote at such election shall choose from their number, viva voce, a chairman, clerk, and two judges of the election. The delegates shall be chosen by ballot, and each may contain as many names as there are delegates to be elected from the district. If more be placed thereon, the ballot shall be void. Those receiving the highest number of votes shall be declared elected, and, if there be a tie, the judges and clerk shall determine it by lot. ('23 c. 125 § 4)

322. Chairman—Judges and clerks—Who may vote—The chairman shall preside, and may administer

the oath to the judges and clerk and to those whose right to vote is challenged. Only those shall vote at the primary who affiliated with the party at the preceding general election; but if any voter of the district shall satisfy the judges by his oath that he did not vote at the last general election or voted and affiliated with the political party holding such primaries at the last general election and intends to so vote and affiliate at the ensuing election, his vote shall be received. No person shall vote for the delegates of more than one party in any calendar year. ('23 c. 125 § 5)

323. Duties of clerk and judges—The clerk shall keep a record of the proceedings of such primary, and may administer the oath to the chairman. The judges shall receive and count the ballots of all having the right to vote at the primary, and none others. They shall record the names and addresses of all persons voting. Both judges and clerk shall subscribe the oath required of judges and clerk of elections. At the closing of the polls they shall count the ballots and report the same to the chairman, who shall publicly announce the result forthwith. The chairman and clerk shall then furnish each delegate elected with a certificate of his election, and transmit to the chairman of the committee calling the primary a list of the names and addresses of the persons who voted thereat. ('23 c. 125 § 6)

324. Application—The provisions of the chapter relating to conventions shall not apply to primaries in villages, towns, or school districts. The provisions relating to notice of delegate primaries shall not apply to the choice of delegates to a convention held to nominate candidates to be voted for at a special election, but such conventions, and the elections to choose delegates thereto, may be called and held in such manner, and at such times and places, as the proper party committees may determine. ('23 c. 125 § 7)

325. Vacancies on delegation—If an elected delegate for any reason fails to serve, his place shall be filled, from the voters of his party in his district, by the remainder of the delegation. If no such voter be present at the convention, the delegates present may cast the full vote. And, if an entire delegation shall fail to attend, the convention may select qualified voters of the party residing in the district, if such be present, to act in lieu thereof. ('23 c. 125 § 8)

326. Certificates of nomination—The certificate of nomination of a candidate selected by convention shall be signed and certified by the presiding officer and secretary thereof, who shall also take and subscribe an oath that the facts stated in the certificate are true; and the secretary shall immediately deliver such certificate of nomination to the officer charged with directing the printing of the ballots upon which the name is to be placed; and in case he shall neglect to do so, he shall be guilty of a misdemeanor. ('23 c. 125 § 9)

327. Definition—A convention within the meaning of this chapter, is an organized body of delegates, representing a political party, assembled for the purpose of nominating candidates for office, which party at the last general election before the holding of such convention polled at least one per cent of the entire vote cast in the state, county or other district for which the nomination is made. ('23 c. 125 § 10)

328. Presidential electors to be nominated—Presidential electors for the several political parties of this state shall hereafter be nominated by delegate conventions called and held under the supervision of the respective state central committees of the several par-

ties of this state. The name of the persons nominated as presidential electors shall be certified to the secretary of state by the chairman of such convention for the office of presidential elector and shall be placed upon the general election ballot in the manner now provided by law. ('23 c. 125 § 11)

Explanatory note—Laws 1923, c. 125, § 12, repeals Laws 1921, c. 322. Laws 1921, c. 322, § 19 repealed G. S. '13, §§ 362 to 370. See, also, § 343, herein.

NOMINATION BY VOTERS

329. Certificate—Number of signatures—The certificate of nomination of a candidate selected otherwise than by a convention of delegates shall be signed only after the holding of the regular primary election by electors resident within the district or political division from which the candidate is presented, as follows: If for a state office on a state ticket equal to one per cent of the entire vote of the state cast at the last preceding general election; if for a congressional or judicial district office, by five per cent of the entire vote cast in any such district at the last preceding general election; and if for a county, legislative or municipal office, by ten per cent of the entire vote cast in any such county, city, village, ward or other election district at the last preceding general election. Provided that the number of signatures required shall not exceed two thousand for any state office, nor five hundred for any congressional or judicial district, nor for any other office, provided that no person shall be nominated by petition pursuant to this section for any office now or hereafter declared to be a nonpartisan office except in case of vacancy, and provided further, that a person who has been a candidate for an office at the primary election in any year shall not be eligible for nomination for the same office in that year by petition or certificate under the provisions of this section. (R. L. § 213, amended '13 c. 389 § 6; '21 c. 48) [371]

87-211, 91+1124, 92+93; 86-19, 89+1126; 149-145, 182+987.
Certificate of nomination for Governor signed by less than 2,000 voters, was insufficient to entitle name to be placed on ballots for any purpose (99-517, 109+1).
Adequate for nominating candidates for office of school district trustee (110-473, 126+279).

330. Form of certificate—Such certificate of nomination, which may consist of one or more writings, shall contain the name of the person nominated, the office for which he is nominated, the party or political principle he represents, expressed in not more than three words, and his place of residence, with street and number thereof, if any. In case of presidential electors, the names of the candidates for President and Vice-President may be added to the party or political appellation. (214) [372]

87-211, 91+1124, 92+93.
The provision that the certificate state party or political principle of nominee is mandatory (106-29, 117+921).
The section should be liberally construed. "Independent Party" a proper emblem for candidate nominated by petition (106-145, 118+673).

331. But one name in certificate—Petitioners, how limited—All nominating certificates containing the names of more than one candidate shall be void. No person shall sign a certificate of nomination by voters until after the date of the primary election. No person who has voted at a primary shall be eligible as a petitioner for any nomination to an office for which nominees were voted upon at such primary. Nor shall any person join as a petitioner nominating more than one candidate for the same office, unless more than one person is to be elected thereto; in which case, if eligible, he may petition for as many candidates therefor as there are persons to be chosen. (215) [373]
Contents of certificate (106-145, 118+673).

332. Oath of signers—Following the facts required to be stated in each certificate signed by voters, shall be written or printed an oath in the following form: "I solemnly swear (or affirm) that I know the contents and purpose of this certificate, and signed the same of my own free will." Each signer, at the time of signing, shall be sworn as aforesaid. (216) [374] 106-145, 118+673.

NOMINATION AND SELECTION OF UNITED STATES SENATORS

333. Secretary of state to place names on primary ballot—At all primary elections next preceding the election of a senator in congress, the secretary of state shall cause to be placed upon the official primary ballots of the several counties the names of all electors seeking the nomination for senator in congress whose name shall have been duly filed under the provisions of this act. ('13 c. 520 § 1) [375]

Section 10 repeals 1911 c. 388.

334. Affidavit of person desiring to be candidate to be filed with secretary—At least forty (40) days before the primary election, any person eligible and desirous of having his name placed upon the primary ballot as a candidate for United States senator in congress from this state shall file his affidavit with the secretary of state, stating his residence, that he is a qualified voter in the state of Minnesota, the name of his party, that he desires to be a candidate for the office of United States senator in congress, that he affiliated with said party at the last general election, and either that he did not vote thereat or voted for a majority of the candidates of said party at such election and intends to so vote at the ensuing election. ('13 c. 520 § 2) [376]

335. Fee—Duty of secretary—Upon the filing of such affidavit in his office accompanied by a fee of one hundred dollars (\$100.00), the secretary of state shall record the same and make a proper certificate and shall notify the county auditors of the several counties of the state of the fact of such filing and direct them to place upon the official primary election ballots of their respective counties, the name of the candidates seeking the nomination for senator in congress. ('13 c. 520 § 3) [377]

336. County auditors to place name on official ballot—After the receipt of the notification of the secretary of state provided in the preceding section, the county auditors of the several counties shall cause the name of all electors seeking the nomination for senator in congress from this state to be placed upon the official ballots of the party with which said elector affiliates as shown by his affidavit of nomination, printed by them for the ensuing primary election in their respective counties; and the names of said candidates for the nomination of senator in congress shall precede the names of all other candidates on each ballot. ('13 c. 520 § 4) [378]

337. What provisions applicable — Provision for casting and counting ballot—The provisions of the primary law for the preparation of the ballots and for the casting, counting and canvassing of votes, and for determining the nominees, and for filling the vacancies as contained in sections 181 to 203, inclusive, and section 217, Revised Laws 1905, [335-358, 395] as amended, are hereby made applicable to this act and all the provisions of said primary law are hereby made applicable to this act as far as practicable. ('13 c. 520 § 5) [379]

Explanatory note—For R. L. '05, §§ 181 to 203, 217, see supra, §§ 293, 294, 296 to 306, 308 to 314, and infra, § 344. R. L. '05, § 348 (G. S. '13, § 348) was repealed

by Laws 1915, c. 167, § 7, and a new section enacted in lieu thereof, for which see supra, § 307.

338. Duty of secretary—Official state ballots—At each general election next preceding the election of a senator in congress by the legislature the secretary of state shall cause to be printed on the official state ballots, preceding the names of candidates for state offices, the name of the candidates for senator in congress, with their respective party designations as in the case of the names of the other candidates on said ballots. ('13 c. 520 § 6) [380]

339. Duty of state canvassing board—Certificate of election—At each general election referred to in this act the votes for senator in congress from this state shall be canvassed by the state canvassing board in the same manner as the votes for state officers, and the candidate for senator in congress receiving the greater number of votes shall be declared to be elected senator in congress from this state for the next vacancy in said office to be filled; and a certificate to that effect shall be delivered by the secretary of state to the said candidate. ('13 c. 520 § 7) [381]

340. Vacancy in office—How filled—Upon failure to choose a senator in congress or upon a vacancy in said office, the vacancy shall be filled for the unexpired term at the following biennial state election provided said vacancy occurs not less than sixty 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. ('13, c. 520, § 8; amended '25, c. 59) [382]

The courts have no authority to enjoin the officials of the executive department from holding an election called by the Governor to fill a vacancy in the representation of this state in the Senate of the United States. 156-270, 194+630.

In calling such an election under the power conferred upon him by the federal Constitution, the Governor is exercising a governmental and political power over which the courts have no control. 156-270, 194+630.

341. When two senators to be elected—When two persons are to be elected United States senators in congress from this state at the same election, each person filing for the nomination as provided in this act shall in addition to all other matters necessary to be stated in said affidavit designate the term for which he desires to be a candidate by stating the date of the expiration of such term, and such designation shall be printed opposite the name of such candidate on the primary ballot and opposite the name of the successful candidate upon the general election ballot. Such designation of terms shall be observed by all the election officials and canvassing boards at both the primary and general elections. ('13 c. 520 § 9) [383]

PRESIDENTIAL ELECTORS

343. Presidential electors to be nominated by delegate conventions—Presidential electors for the several political parties of this state shall hereafter be nominated by delegate conventions called and held under the supervision of the respective state central committees of the several parties of this state. The names of the persons nominated as presidential electors shall be certified to the secretary of state by the chairman of such convention for the office of presidential elector and shall be placed upon the general election ballot in the manner now provided by law. (Ex. Sess. '19 c. 27)

See § 328, herein for identical section.

GENERAL PROVISIONS

344. Vacancy after nomination how filled—If a vacancy occurs after nominations have been made () it may be filled at any time before the general election by filing with the proper officer a nomination certificate in form and substance as hereinbefore provided, executed by the chairman and secretary of the proper committees of the party whose voters make the original nomination, under the direction of such committee, and the chairman and secretary when so filing such certificate must attach thereto an affidavit to the effect that such candidate has been duly selected by said committee and that the persons signing said certificate and making such affidavit as such, are the duly authorized chairman and secretary of said committee. If there is no proper committee to fill such vacancy, as above provided, then in that event the person receiving the next highest number of votes for such office at such primary election shall be the candidate for such office and if there is no other candidate for such office and a vacancy exists by reason of this fact, the vacancy may be filled by the proper officer placing upon the ballot the name or names of such candidates as are nominated by petition in the manner provided in sections 213, 214, 215 and 216, Revised Laws 1905 [329-332], provided that every registered voter of such party who was qualified and participated in the primary election is eligible to sign a petition choosing a nominee to fill said vacancy. (R. L. § 217, amended '13 c. 389 § 8) [395]

74-118, 76+1021, 146-467, 179+215.

345. Vacancy after printing ballots—If the ballots have been printed, the officer whose duty it may be to have such ballots prepared and printed, shall, if such ballots be still in his hands, attach to said ballots over the name of the candidate who causes said vacancy, adhesive stickers, containing the name only of the candidate selected under the next previous section of this act. Should such ballots have been distributed before such vacancy occurs, then and in that event, said officer shall cause to be printed and distributed to the election judges to whom the ballots have been distributed, a sufficient number of adhesive stickers to correct the ballots as provided herein, and said election judges shall correct said ballots as herein provided. (R. L. § 218, amended '12 c. 2 § 14) [396]

346. Candidates in more than one county nominated by voters—Whenever the nomination of a candidate to be voted for in any district larger than a single county is made by voter's certificate, the original thereof shall be filed with the auditor of the county where the candidate resides, and such auditor shall certify as many copies thereof, if presented to him, as there are other counties in the district, one of which certified copies shall be filed within the proper time with the auditor of each such county, and shall be authority for such auditor to place the name upon the blue ballots. (219) [397]

347. Errors in printing ballots or certifying nominations—Whenever 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 printing 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. (220) [398]

73-528, 76+285; 74-11, 76+788; 74-56, 76+1018; 74-118, 76+1021; 74-177, 77+28; 81-420, 84+1116; 87-211, 91+1124, 92+93; 126-526.
147+426; 127-522, 149+1069; 149-144, 182+987; 152-350, 188+736.

348. Filing certificates—Certificates of nomination shall be filed as follows: With the secretary of state, of the names to be placed on the white ballots, on or before the fifth Saturday preceding the day of election; with the county auditor, to be placed upon the blue ballots, on or before the third Tuesday preceding the day of election; with the city clerk or other proper officer, to be placed on the red ballots, on or before the second Saturday preceding the day of election. In each case the officer with whom such certificate is filed shall give or send to the person filing the same an acknowledgment thereof upon the same day it is received, and shall file and preserve such certificates, subject to public inspection. But no filing of any certificate shall be effectual unless at the time thereof the prescribed fee shall be paid or tendered to such officer. (221) [399]

349. Fees for placing names on ballots—In cities of the first class operating under a home rule charter, the city clerk, shall upon the payment of ten dollars (\$10.00), place on the city primary ballot, prepared by him, the names of all candidates for city offices, who have been duly presented for city office in the form and manner prescribed by the city charter; in cities other than the first class operating under a home rule charter, the secretary of state, county auditor and city clerks shall place upon the ballots prepared by them, respectively, the names of all candidates duly nominated, whose certificates of nominations have been duly filed, accompanied by fees, as follows:

1. If to appear upon the white ballots, fifty dollars.
2. If upon the red ballot for a city of more than three thousand inhabitants, five dollars; if less, two dollars.
3. If upon the blue ballot, ten dollars, in case the candidate is to be voted for in one county only; otherwise, twenty dollars; provided, however, that candidates for the legislature shall in all cases pay ten dollars and candidates for county commissioner, whose compensation is less than three hundred dollars, five dollars.

But if no compensation be provided by law for the office or if the office be that of presidential elector, no nomination fee shall be required. (R. L. '05, § 222; amended '07, c. 226, § 1; '25, c. 420, § 1) [400]

350. No fee required, when—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. ('07 c. 429 § 1) [401]

351. Designation of candidates nominated on non-partisan primary ballot and nominated by petition—After the name of each candidate on the general election ballot nominated on the non-partisan ballot at the primary election shall be placed the words "nominated at primary election non-partisan." After the name of each candidate nominated by petition shall be placed the words "nominated by petition," and such other designation as may be now permitted by law,

except that the words "non-partisan" shall not be placed after or to designate any candidate not duly nominated at a primary election on the non-partisan ballot. ('12 c. 12 § 1) [402]

See note under § 352.

352. Ballot designation of candidates—After the name of each candidate on the general election ballot nominated without any party designation, pursuant to section 3, chapter 167, Session Laws of Minnesota, 1915, 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 "ballot of nominees to be elected without party designation," and the separate primary election ballot of candidates for nomination for offices designated by said section 3 as Nonpartisan, shall be headed "ballot of candidates to be nominated without party designation. ('19 c. 230 § 1)

Section 2 repeals § 351 and § 294 insofar as inconsistent with the above section.

Sess. Laws 1915, c. 167, § 3, is § 294, herein.

353. Posted notice of election—When and by whom given—At least fifteen days' posted notice shall be given in each district by the several town, village, and city clerks of the time and place of holding any general election, and fifteen days' such notice of any special election therein, the hours during which the polls will be kept open, and the officers to be elected, if any; but no failure to give such notice shall invalidate a general election. (223) [403] (Amended '25, c. 420, § 1)

123-48, 102+1044.

354. Place of election—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; Provided, that in villages and in cities of the fourth class, now or hereafter having two or more precincts 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 said village or city may vote at such place so designated irrespective of whether the voting place is actually located in their precinct or not; at such place so designated there shall be provided separate statutory voting facilities for each precinct and the voting shall otherwise be conducted in the same manner as though the voting places were located in the respective precincts. (R. L. '05 § 224, G. S. '13 § 404, amended '15 c. 51)

355. Division of towns—Notice—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 thirty days before thereof, and cause at least twenty-five days posted notice to be given in each district of the boundaries of the district and the place of holding the election. Provided, that in all cases where, by reason of streams, lakes, lack of highways or bridges, the polls designated for the primary and general elections in a township are not accessible to 20 or more voters thereof by traveling along a public road for a distance of less than ten miles, it shall be the duty of the town board to divide or arrange such township into two or more election districts, and the voting place in each district shall be as centrally located within said district as circumstances permit. (R. L. '05 § 225, G. S. '13 § 405, amended '21 c. 147)

356. Towns may vote in villages—When so ordered by the voters at a town meeting, elections in such towns may be held within any village formed from its territory. If no place in said village be designated by the voters, the town board shall select a place therein where the election shall be held. And, whenever a majority of such voters shall petition the board to change the voting place to any such village, it shall procure a suitable place therein, and give at least four weeks' published and posted notice, before the election, of such change and place, without which no change shall be made. Such voting place shall be at least seventy-five feet from the village polls. Upon petition of a majority of the legal voters of any township to change the voting place to a village or city of less than ten thousand inhabitants, located in whole or in part in such town, the town board may procure a suitable place within such village or city for such election. (226) [406]

357. Change of voting place—That whenever a majority of the legal voters of any township in this state shall petition the board of supervisors of such town to change the place of holding elections from where last held to an incorporated village, or to an incorporated city containing less than ten thousand inhabitants, located in whole or in part within such town, then said supervisors may procure a suitable hall or building in such village or city where the voters of such township shall hold their elections; and said township shall have power to purchase and own necessary real estate in such incorporated village or city for such purpose; provided, however, that no village or city election shall be held on the same day as a township election is held, in the hall, or place so procured by said town for election purposes. ('97 c. 239 § 1, amended '99 c. 59, amended '03 c. 26, amended '05 c. 149 § 1) [407]

358. Members of town board to be judges—The members of the town board shall be judges in the districts in which they respectively reside, unless all belong to one political party and reside in the same district, in which case not more than two, determined by lots unless otherwise agreed upon, shall act as judges. But 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. Whenever for any reason it becomes necessary to appoint one or more judges in order to provide three judges for each district, such board, on the first day of registration, shall appoint the number required, and cause posted notice thereof to be given in each district at least ten days before the election. (227) [408]

359. Judges of election—The council of every municipality, at least twenty-five days before any election, shall appoint three qualified voters of each district therein to be judges of election. In cities of the first class, the council shall appoint the judges from that number of citizens who have made application and the council may require that they designate their party affiliations thereon. But in villages having but one district, and not included in any town district, the members of the council shall be judges, subject to the qualifications and restrictions provided for town boards in like cases. (228) [409] (Amended '25, c. 420, § 1)

360. Judges and clerks of election—The judges of each district shall appoint two qualified voters therein as clerks, except that in towns the town clerk, and villages having but one district and not included in any town district, 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. In cities of the first class, no two judges or clerks of any election board in any one precinct shall bear the relationship to each other of husband and wife, parent or child, brother or sister, and all such clerks may be appointed by the city council. (229) [410] (Amended '25, c. 420, § 1)

Disqualification of judge does not invalidate vote (37-439, 35+263).

361. Public employes not to act as judge or clerk of election boards—No person, while receiving compensation from the state or from any county, cities of the first, second and third class, as an officer or employe thereof, shall be eligible to serve as a judge or clerk of an election board 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; provided, this shall not apply to town supervisors or town clerks, and no person, who is the husband, wife, parent or child of a candidate for an elective office, shall be eligible to serve as judge or clerk of election in an election district in cities of the first, second and third class in which such candidate is to be voted on. ('23 c. 138 § 1)

362. Violation a misdemeanor—Any person, who serves as such judge or clerk of election in violation hereof, shall be guilty of a misdemeanor and upon conviction shall be punished accordingly. ('23 c. 138 § 2)

363. Selection of judges of election—At least thirty days before an election in any municipality having two or more districts, the local committees of the several 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 party polling the largest number of votes in the municipality at the preceding general election, the second from that of the party polling the second largest number of votes, and the third from that of the party polling the third largest number. If the local committee of either of such parties fails to furnish such list, then one judge shall be selected from the party polling the fourth largest number of votes at such preceding election, if a list has been furnished by such 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 above provisions of this section shall not apply to cities of the first class operating under a home rule charter, but in all such cities the city council or common council thereof shall appoint judges of election as provided in section 359 hereof, except that in no case shall more than two judges for any election district be selected from the same political party. (R. L. '05, § 230; amended '13, c. 395, § 1; '25, c. 420, § 1) [411]

364. National flag over polling places—Duties of judges—Expense—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 registration and voting. The cost thereof shall be included in the general elec-

tion 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. (231) [412]

365. Vacancy in office of judge or clerk—When any one of the judges fails to attend at the time and place appointed for registration or for correcting the registration lists or holding an election, or if either be a candidate at such election or refuses to act, the qualified voters present shall elect viva voce one of their number, of the same political party as the judge originally appointed if only one judge in attendance belongs thereto, but if both belong to the same party then of another party, to act in his place. When any clerk is absent, disqualified, or refuses to act, the judges shall appoint some qualified voter of the same political party to act in his place. (232) [413]

366. Oath of officers—Board of registration and election—Before any judge or clerk enters upon the discharge of his duties, he shall subscribe the following oath: "I, A. B., judge of election (or clerk, as the case may be), do solemnly swear that I will perform the duties of judge (or clerk) of election according to law and the best of my ability, and will studiously endeavor to prevent fraud, deceit, and abuse in conducting this election, so help me God." Such oath shall be affixed to the list or 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, prior to the opening of the polls, shall constitute a board of registration, and subsequent thereto a board of election. (233) [414]

Failure to take oath held not fatal (10-107, 81).

367. Form of registry lists—All registry lists shall be headed substantially as follows: "List of qualified voters in the election district composed of the (town, village, ward, or precinct, as the case may be) of....., in the county of....., state of Minnesota, for an election to be held in such district on the..... day of nineteen hundred and;" and shall contain the names of voters in separate groups, in alphabetical order according to the first letter of the surnames, each letter of the alphabet to form a group, and not more than one group to be on any one page; and each group shall be separately numbered, commencing with 1. (234) [415]

368. Residence of voters, how determined—The board of registration, in determining the residence of any voter, shall be governed by the following rules, so far as they are applicable:

1. The residence of any person shall be held to be in that place in which his habitation is fixed, without any present intention of removing therefrom, and to which, whenever he is absent, he intends to return.

2. A person shall not be considered to have lost his residence who leaves his home to go into another state, or county in this state, for temporary purposes merely.

3. A person shall not be considered to have gained a residence in any county into which he has come for temporary purposes merely, without the intention of making such county his home.

4. If a person go into another state with the intention of making it his residence, he shall be considered to have lost his residence in this state.

5. If a person remove to another state with the intention of remaining there for an indefinite time as a place of residence, he shall be considered to have lost his residence in this state, notwithstanding he intends to return at some future time.

6. The place where a man's family resides shall be considered his residence; but if it be a temporary establishment for his family, or for transient purposes, it shall not be so considered.

7. If a man has his family living in one place and he does business in another, the former shall be considered his residence; but when a man has taken up his abode at any place with the intention of remaining there, and his family refuses to reside with him, then such place shall be considered his residence.

8. The residence of a single man shall be considered to be where he usually sleeps.

9. The mere intention to acquire a new residence, without the fact of removal, shall avail nothing; neither shall the fact of removal without the intention.

10. No person employed temporarily for the purpose of cutting timber, or in the construction or repair of any railroad, canal, municipal, or other work of public nature, shall acquire a residence in any district into which he came for such purpose; but this provision shall not be held to extend to station agents or sectionmen who permanently reside in such district. In determining the right of any person employed by a railroad company or upon any public work to register or vote, all of the judges shall be satisfied that he is a bona fide resident of the district, and not there for temporary purposes merely; and his unsupported affidavit shall not be held conclusive as to any fact necessary to entitle him to vote.

11. Any permanent inmate of a soldiers' home shall be considered a resident of the district in which the same is located. (235) [416]

The evidence sustains the finding of the court that a certain school teacher, who voted for the contestee, was not a legal voter in the precinct where she voted, and her vote was rightly deducted from the total counted for the contestee by the inspectors. 155-419, 194+308.

Subd. 7.—Meaning of "family" (105-399, 117+615, 130-71, 153+521.

369R
33 — 255 369. Registration in towns, villages, and cities of the fourth class—On Tuesday, seven weeks preceding any general, and at least fourteen days before any special, election, the board of registration of each district in towns, villages, and cities of the fourth class shall make duplicate lists of the names of all persons entitled to vote therein at such election, containing the names of such persons in alphabetical order, and their places of residence. The board shall examine the poll lists used at the preceding general election, and place on the new list the names of all persons whom the board knows, or can with reasonable diligence ascertain, to be entitled to vote in the district at such election, and at least thirty days before a general, and ten days before a special, election, shall cause copies of such list to be posted in three public places in the district. (236) [417]

Under former statute absence of poll lists held not fatal (10-107, 81; 18-64, 43; 18-351, 323). Failure to post not fatal (46-274, 48+1112). Cited (67-119, 69+699).

370. Registration of voters not required in cities of 4th class—That in all cities of the fourth class in the State of Minnesota operating under home rule charters, in which said charters there is no express provision made for holding a registration day or days for voters prior to the annual charter election, there shall not be had any registration day or days for voters prior to such election. ('15 c. 226)

371. Same—Cities of the fourth class—In cities of the fourth class the board shall meet on the Tuesday preceding such election at the place where the same is to be held, and remain in session from 9 o'clock a. m. until 9 o'clock p. m., for the purpose of making corrections in such lists, the time and place of meeting to be noted on the list previously posted. In making such correction the board shall add to such lists the names of all other persons shown to be entitled to vote in that district at such election, and erase therefrom the names of all shown not to be entitled so to vote. (237) [418]

372. Oath before registration—Any of the judges may administer the following oath to persons appearing for registration: "You do solemnly swear that you will fully and truly answer such questions as shall be put to you touching your qualifications as a voter under the laws of this state?" (238) [419]

373. Board, duties of—At the end of each day's registration in all districts in towns, villages, and cities of the fourth class, the board shall carefully compare the registers and correct all errors. The judges shall then sign their names at the end of the list on every page, so that no new name can be added without discovery, and also sign and attach to such register a certificate in substance as follows:

We, the undersigned, judges of election in the district of of, in the state of Minnesota, do jointly and severally certify that at the general registration of voters in such election district on the day of, 19...., there were registered by us in such district the names which in this book are inserted, and that the number of registered and qualified voters was and is the number of, of whom are males and females. (Number to be written in figures and words.) (239) [420]

374. Same—Names entered or stricken—Any person offering to vote in any such district, whose name is not on the list at the opening of the polls, but who shall satisfy the election board by proper evidence that he is entitled to register and vote, shall be allowed to vote at such election without taking an oath, unless required to do so by such board. The vote of any person whose name is on the list at the opening of the polls shall not be rejected except upon satisfactory evidence that such name was registered by mistake and that such person is not entitled to vote, in which case such name shall be stricken from the list and the vote rejected. An entry of such fact shall be made on the list opposite each name so added or stricken off. (240) [421]

375. Boards of registration in cities—In cities of the first, second and third classes the judges shall constitute boards of registration in their respective districts. In cities of the first class on Tuesday, nine weeks preceding any general state or city election, and in cities of the second and third classes, seven weeks preceding any general state or city election, and fourteen days before any special election the judges shall meet at six o'clock a. m. at the place where the last election was held or in such other place as may be lawfully designated as the polling place for the district and there remain in session until nine o'clock p. m. and register all persons entitled to vote in such districts at the ensuing election. Such registration shall be known as the register of voters and made in duplicate. The board shall have the same right to preserve order at its meetings as judges on election and vacancies shall be filled in the same manner as upon election

day. Nothing in this section shall be construed as amending chapter 148 of the Laws of 1907 [436, 437]. (R. L. § 241, amended '12 c. 2 § 15) [422]

Explanatory note—For G. S. '13, §§ 436, 437, see infra, §§ 1135, 2849.

376. Registers, how prepared—In all districts in such cities, one of the judges shall administer to all persons appearing for registration the following oath: "You do solemnly swear that you will fully and truly answer all questions put to you touching your qualifications as a voter under the laws of this state." The blank forms of registers in cities of the second and third classes shall be prepared by the secretary of state, and shall contain columns under the following headings and subheadings, viz: "Names," "Voted," "Residence," "Number," "Street or Avenue," "Place of Nativity," "Color," "Length of Residence," "United States—Years," "State—Years, Months," "District—Years, Months, Days," "Date of Naturalization," "Court or Place," "Able to Read English," "Where Last Registered—Ward, District," "Voted at Primary," and "Remarks." The board shall enter in such registers the names of all persons residing in its district whose names appear in the poll list and register at the preceding election as having voted in the district, except such as are known to have since died, removed from the district, or become disqualified; and, so far as known to any of such board, the proper entries shall be made opposite each name in the different columns. In case the boundaries of the district have been changed since the election for which such poll list was made, the board shall place on the registers only the names of the persons appearing by such poll list to be residents of the new district. One of the judges shall then ask each of such persons the questions necessary to properly fill out the spaces opposite his name in the various columns. The clerks, if any, or members of the board shall enter the names of such persons in the registers, and the answers to the questions in appropriate columns therein. In the column headed "Residence," there shall be the name and number of the street, or other location of the dwelling, if there be a definite number; if not, such description of the place of such dwelling as shall enable it to be readily ascertained. If more than one family reside in a house, there shall be entered the floor on which the applicant resides, and the room or rooms occupied by him. The register shall be ruled, and one name shall be written on each line; but no name shall be written between the lines, and, if the name of any person be so written, such person shall not be entitled or allowed to vote unless his name shall also appear properly on a line in such register. (242) [423]

377. Same—Cities of the first class—In cities of the first class the registers shall be substantially as provided in § 376 except that in place of the heading "Where Last Registered—Ward, District," the heading shall be "Householder—Boarder—Lodger—Employee." No names shall be registered unless the person appears personally before such board or registers by affidavit. (243) [424]

378. Registration in person and of absent voters by affidavit—In addition to the names already on said poll list, the board shall enter thereon the names of all legal voters who shall personally appear, and also the name of any absent voter whose affidavit shall be presented during any session of such board in substance as follows:

1, being first duly sworn, on oath say that I am a legal voter in the state of Minnesota; that I reside at No. street (or avenue),

in the election district in the ward in the city of; that I have not been and will not be able to be present in such district to register personally, for the reason that; that I desire to be registered in such district; that my full name is I was born at am (state color); have resided in the United States for years months, and in Minnesota for years and months, and in such election district for years months, and days; that I am able to read English, and by occupation am a; that at the last general election I resided at No. street (or avenue), in such city, and was registered and voted at the election district of the ward (or that at the last general election I was not a resident of such city, but voted at); that at my present residence as above stated I am (householder, boarder, lodger, employe, or other proper term); (the following to be omitted if native-born) that I am a naturalized citizen of the United States; that my final papers were issued by the (give court and place) on the (give date or other particulars)..... (Signature).....

The provisions hereof shall not apply to cities of the first class operating under a home rule charter. (244) [425] (Amended '25, c. 420, § 1)

379. Registration days in certain cities of first class —[Repealed.]

This section (Laws 1921, c. 89) is repealed by Laws, 1925, c. 400.

380. Commissioner of Registration in cities of over ten thousand—That the office of Commissioner of Registration be and the same is hereby created in all cities now or hereafter having a population of more than 10,000 inhabitants, and the City Clerk of each such city is hereby constituted such Commissioner of Registration. ('23, c. 305, § 1; amended '25, c. 375, § 1)

Explanatory note—The title of Laws 1925, c. 375 reads as follows: "An act to amend Section 380, General Statutes 1923, relating to the registration of voters, and making said act applicable to all cities having a population of over 10,000." The act referred to in this title is chapter 305 of Laws 1923, included in Gen. Stat. 1923 as sections 380 to 393 and as sections 1294 to 1407 thereof Chapter 305, as originally enacted, applied only to cities having a population of more than 50,000 inhabitants, governed under home rule charters. The title of this amending act is intended to make said chapter 305 applicable to all cities having a population of over 10,000. See, also, notes under §§ 1394 to 1407, infra.

For similar law of 1927 applicable to villages with population of more than 9,000 and assessed valuation of \$14,000,000, and cities with population of more than 7,000 and assessed valuation of more than \$14,000,000, in § 393-1 to 393-14, herein.

The board of education of Duluth, incorporated by Sp. Laws 1891, c. 312, is a department of the city government, having certain special powers conferred by the act creating it, following State v. West Duluth Land Co., 75 Minn. 456, 78 N. W. 115; and Laws 1923, c. 305, applies to school elections in Duluth upon the question of the issuance of bonds. 158-459, 197+964.

381. Definitions—For the purposes of this act the word "elections" wherever used shall be held to mean general, special, school, or primary elections both state and municipal. ('23 c. 305 § 2) 158-459, 197+964.

382. Voters must be registered—From and after the first of January, 1924, no qualified voter shall be permitted to vote at any election unless such voter shall register as provided in this act. ('23 c. 305 § 3)

The provision of the statute that he cannot vote unless registered, though he cannot register within the 15 days immediately preceding an election is constitutional. 158-459, 197+964.

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383. Commissioner to have charge of registration—Deputies, clerks and supplies—The said Commissioner of Registration shall have complete charge of the registration of all qualified voters within such city. He shall appoint such deputies and clerks, provide printed forms and blanks, together with such other supplies and equipment as are necessary to properly carry out the provisions of this act. Subject to the provisions of this act, he shall prescribe such reasonable rules and regulations as to office hours and places and manner of registration as may be necessary. Provided, however, that places of registration shall be established throughout the city, one to each precinct in the usual polling places, the same to remain open for a period of two registration days in 1924 from six o'clock A. M. to nine o'clock P. M., said registration days to be fixed by the city clerk. One of said days in 1924 to be prior to the primary election, and one of said days in 1924 to be prior to the general election, and provided further that the office of the Commissioner of Registration shall remain open until nine o'clock P. M. each of the four Saturdays immediately preceding the last registration day as prescribed by this act. He is hereby authorized and empowered to appoint such temporary clerks of registration as may be necessary. All deputies, clerks and other employes appointed by the Commissioner of Registration shall be subject to the provisions of any Civil Service law that now is or hereafter may be applicable to any such city. ('23 c. 305 § 4)

383-1. Registration places and hours kept open in cities of more than 10,000 and less than 50,000 inhabitants—Temporary registration clerks—Provided, however, that places of registration shall be established throughout cities of more than 10,000 inhabitants and less than 50,000 inhabitants, one to each precinct in each city, in the usual polling places, the same to remain open for a period of one registration day in 1926, from 6 o'clock A. M. to 9 o'clock P. M., said registration day to be fixed by the City Clerk and to be a day prior to the primary election of 1926.

The commissioner of registration is hereby authorized and empowered to appoint such temporary clerks of registration as may be necessary. ('25, c. 375, § 2)

Explanatory note—See § 380, ante, and note thereunder.

384. Commissioner to prepare registration lists—As soon as possible after the passage of this act, and not later than January 1, 1924, the Commissioner of Registration shall proceed to take the necessary steps for establishing the registration plan. He shall provide for an original list of qualified voters properly indexed, which shall be kept at the office of the Commissioner of Registration in a place and in such manner as to be properly safeguarded. Such list shall be known as "The Original Registration List" and shall not be removed from the Commissioner's office except upon court order. A second list to be known as "The Duplicate Registration List" shall be prepared from the "Original Registration List" by the Commissioner. Such "Duplicate Registration List" shall at all times, and subject to reasonable rules and regulations, be open to public inspection but no inspection shall be allowed that will interfere with the work of the judges or disarrange the election lists. ('23, c. 305, § 5; amended '25, c. 390)

Explanatory note—See § 380, ante, and note thereunder.

384-1. Registration plans in cities of more than 10,000 and not less than 50,000 inhabitants—As soon as possible after the passage of this act and not later

than January 1st, 1926, the commissioner of registration shall proceed to take the necessary steps for establishing the registration plan in cities of more than 10,000 inhabitants and not more than 50,000 inhabitants. ('25, c. 375, § 3)

Explanatory note—See § 380, ante, and note thereunder.

385. Form of records—For the purpose of expediting the work of the Commissioner of Registration, for uniformity and for preparation of abstracts and other forms in use by the election boards, the registration records shall be substantially as follows:

(a) Suitable card index devices shall be provided. There shall also be provided suitable index cards of sufficient facial area to contain in plain writing and figures the data required thereon.

(v) The following information concerning each applicant for registry shall be entered on the card:

(1) If a man:—

Ward

Election District

Name, i. e., the name of the applicant, giving surname and Christian name in full

Residence, i. e., the name and number of the street, avenue or other location of the dwelling, and such additional clear and definite description as may be necessary to give the exact location of the applicant.

Age, Are you 21 years of age—it being required that the applicant shall be 21 years of age on or before the day of election next following the date of application.

Term of residence, i. e., Will you have lived in the State of Minnesota for six months on or before the date of the next primary election or other election? Will you have lived in the election district for 30 days on or before the date of the next primary election or other election?

Nativity. In what state or country were you born?

Citizenship. Have you ever renounced your allegiance to the United States of America? Are you a naturalized citizen? Have you been a naturalized citizen for the three months prior to the date of the election next following the date of this application? In what court were you naturalized? Did your parents take out their second papers before you became 21 years of age and while you were a resident of the United States?

Date of application, i. e., the day, month and year when the applicant presented himself for registration.

Signature of Voter. The applicant, after registration shall be required to sign his name on both the Original and the duplicate Registration Lists.

(2) If a woman:

The information requested shall be the same as for males with such additional information as may be necessary to determine the qualifications of the applicant for registration. Provided, that whenever, after such original registration, any change of name shall occur due to marriage or divorce, such applicant shall not be allowed to vote until she has re-registered; and after such re-registration the Commissioner of Registration shall remove the previous registration card from the file.

(c) There shall be provided removal notices to be given out upon request for use of any registered voter moving to a new location. These notices shall be printed upon thin card, shall contain a blank form

showing where the applicant last resided and the address and exact location to which he is moving, and shall have a line for his signature similar to the one upon the Original Registration Card. Upon receipt of such removal notices, but not later than ten days prior to any election, the Commissioner of Registration shall make entry of such change of residence on the Original and the duplicate registration lists and the applicant shall thereupon be qualified to vote in the new election district.

(d) The commissioner shall compile and shall deliver to the judges of election in each district the duplicate registration list of the voters in that district, which shall be known as the "Election Register." Such register shall contain the name and address of every registered voter in that election district, together with a space following each name in which shall be recorded the words "voted" or "not voted" as the case may be. Also a space for "remarks" in which shall be recorded any challenge, affidavit or other information as may be required. The entry of the words "voted" or "not voted," challenge, affidavit or other information shall be made by the judges of election immediately after the ballot of the voter has been deposited.

(e) For the purpose of preventing fraudulent voting and for eliminating excess names, following the close of registration, or at any other time as he may deem necessary, the Commissioner of Registration may send by mail to any voter whose name appears on the Original Registration List, a notice bearing a statement substantially as follows:

You are hereby notified that your name and address appears on the Original Registration List as shown on the opposite side of this card. If there is any mistake on the above name or address, present this card at the office of the Commissioner of Registration, No., City Hall, for correction on or before 19.... The return of this card by the post office to the Commissioner of Registration will be accepted as evidence on which to challenge your vote on election day.

Commissioner of Registration.

Upon the return by the Post Office of any such notice the Commissioner of Registration shall and at other times may direct an authorized clerk to check up, in person, the name and address of any voter, and if said voter is found to have removed from the address as recorded on the Original Registration List, the Commissioner of Registration shall cause to be entered on the Election Register of the proper district, in the proper space opposite the said voter's name, the word "challenged." No one so challenged shall be permitted to vote except by complying with all provisions of law applicable to the proving of challenges.

(f) Every fifteen days, or at any more frequent times, the health commissioner or other officer in charge of the death records in any such city shall report to the Commissioner of Registration names and addresses of all persons over twenty-one years of age who have died within such city. The Commissioner of Registration shall, upon receipt of said report, examine the original and duplicate registration lists and shall remove therefrom, to an inactive file, the registration cards of all registered persons certified by the health commissioner as deceased. ('23, c. 305, § 6; amended '25, c. 390)

Explanatory note—See § 380, ante, and note thereunder.

386. Registration of voters fifteen days before election—Form and contents of application—The Commissioner of Registration or a duly authorized clerk acting for him shall, up to fifteen days next preceding any election, receive the application for registration of all such qualified voters as shall personally appear for registration at the office of the commissioner or at such other place as is designated by him for registration, who then are, or on the date of election next following the day of making such application, will be entitled to vote. Any qualified voter who applies for registration shall subscribe to the following oath or affirmation, viz:

You do solemnly swear or affirm that you will fully and truly answer such questions as shall be put to you, touching your qualifications as voter, under the laws of this state.

Upon being sworn, the applicant shall answer such questions as are required as herein before set forth, and the clerk shall fill out the form which the applicant shall sign, and he shall not be required to register again for any election; provided, however, that failure to vote at least once in two calendar years wherein elections are held shall operate as a challenge and shall require the applicant to re-register. In case a qualified voter is unable to write his name, he shall be required to make a cross, which shall be certified by the signing of the name of the applicant by the registration clerk taking the application. No qualified voter who is unable to sign his name may be permitted to mail or hand in a removal notice as in this act provided, but must appear in person to secure a removal of his name to his new voting district; provided that any person entitled to vote at any primary, general or special election who is absent from the election district in which he maintains his legal residence and is entitled to vote, may, up to fifteen days next preceding any such primary, general or special election, make application in writing to the commissioner of registration to have his name entered upon the poll list and register of the precinct of his said residence, by mailing to and filing with said commissioner of registration his application and affidavit substantially in the following form:

I,, being first duly sworn, on oath say that I am a legal voter in the State of Minnesota; that I reside at No. Street (or avenue), in the election district in the Ward in the City of; that I have not been and will not be able to be present in such district to register personally, for the reason that; That I desire to be registered in such district; that my full name is; I was born at; am (state color), have resided in the United States for years and months, and in Minnesota for years and months and in such election district for years and months, and days; that I am able to read English, and by occupation am a; that at the last general election I resided at No. Street (or avenue), in such city and was registered and voted at the election district of the ward (or that at the last general election I was not a resident of such city, but voted at); that at my present residence, as above stated, I am (householder, boarder, lodger, employee, or other prop-

er term); (the following to be omitted if native-born) that I am a naturalized citizen of the United States; that my final papers were issued by the (give court and place) on the (Give date of other particulars) (Signature)

"Subscribed and sworn to before me this day of 19...."

Upon filing of said application with the commissioner of registration the commissioner of registration shall forward to said applicant original and duplicate registration cards which said applicant shall sign and acknowledge in duplicate before an officer authorized by law to administer oaths and having a seal and return said original and duplicate registration cards to said commissioner of registration.

Suitable card index devices shall be provided. There shall also be provided suitable index cards of sufficient facial area to contain in plain writing and figures the data required thereon. ('23, c. 305, § 7; amended '25, c. 278, § 1)

Explanatory note—See § 380, ante, and note thereunder.

That the registration act requires registration 15 days before an election, while the special school district act makes residence in the voting district for 10 days a sufficient qualification for voting, does not make the act inapplicable. When bonds are submitted to the voters the submission is to the qualified legal voters and qualification is determined by the Constitution. 158-459, 197+964.

387. Commissioner to make election registers—The Commissioner of Registration shall have 15 full days between the last day of registration and election day, to perfect his Election Registers, and for that purpose 15 days before any election day shall be days upon which voters may not register. During these fifteen days the Commissioner shall complete the Election Registers, and on the day before election day shall deliver them as required by law to each election district. ('23, c. 305, § 8; amended '25, c. 390)

Explanatory note—See § 380, ante, and note thereunder. 158-459, 197+964.

388. Election registers to be checked up and compared—At the close of each calendar year after the second year of the registration under this act, clerks of registration shall check up the Registration List for the purpose of eliminating excess names, and to that end, they shall examine the Election Registers and wherever it appears that a registered voter has not voted at an election at least once in two calendar years wherein elections are held, his card shall be taken from the Original and the Duplicate Registration Lists and placed in a transfer file, and a printed postal card notice of that fact with the information that his vote has been challenged, and that the voter must re-register to remove said challenge, shall be sent to the last known address of said voter. When removal notices are received by the clerks, they shall examine the signature and compare them with the original, and if they are not similar a postal card notice, stating a refusal to transfer for that cause, shall be sent to the applicant at the new address given. ('23, c. 305, § 9; amended '25, c. 390)

Explanatory note—See § 380, ante, and note thereunder.

389. Applicants may be challenged—Any person may challenge a registration at any time by filing a written challenge with the Commissioner of Registration. Persons so challenging shall appear before the Commissioner of Registration thereafter to prove their

challenge, and the person so challenged shall have notice given of the challenge and the Commissioner shall decide the right to the entry of the evidence. Either party may appeal to the District Court of the county in which the challenge is made and a date for the hearing shall be fixed and the decisions of such Court shall be final. ('23 c. 305 § 10)

390. Violations and penalties—Any officer or employe who shall wilfully fail to perform or enforce any of the provisions of this act, or who shall unlawfully or fraudulently remove any registration card or record from its proper compartment in the registration records, or who shall wilfully destroy any record provided by this act to be kept, or any person who shall wilfully or fraudulently register more than once, or register under any but his true name, or attempt to vote by impersonating another who is registered, or who wilfully registers in any election district where he is not a resident at the time of registering, or who adds a name to a page or pages, or who violates any of the provisions of this act, shall be guilty of a felony. ('23 c. 305 § 11)

391. Officers and clerks to subscribe to oath of office—Before entering upon his duties, each officer or clerk in whatever capacity shall subscribe to an oath in such form as provided by the attorney for the city. ('23 c. 305 § 12)

392. Expenses to be paid from current revenue fund—The necessary expense in each city for carrying out the provisions of this act shall be paid by such city and the City Council of such city shall provide out of the current revenues of the city sufficient funds based upon the estimate prepared by the Commissioner of Registration. The City Council of any city in which this act applies may in its judgment compensate the Commissioner of Registration for the additional service required by the performance of the duties herein described in addition to any salary such Commissioner as City Clerk may receive at the time of the adoption of this act and notwithstanding any provision of the charter of such city, and the compensation so paid to the Commissioner of Registration may be retained by him, notwithstanding any provision in the charter of such city to the contrary. ('23 c. 305 § 13)

393. Inconsistent acts repealed—All acts and parts of acts inconsistent with this act are hereby repealed. ('23 c. 305 § 14)

393-1. Registration of voters in certain villages and cities—Commissioner of registration—Registration places—Temporary clerks—Plan of registration—(a) That the office of commissioner of registration be and the same hereby is created in all villages now or hereafter having a population of more than 9,000 and \$14,000,000.00 valuation, and when deemed expedient by the City Council by a four-fifths vote in all cities now or hereafter having a population of more than 7,000 and an assessed valuation of more than \$14,000,000.00. The village recorder in any such village and the city clerk in any such city shall be ex-officio commissioners of registration, and shall receive such additional salary as commissioners as the Council shall fix, not however exceeding \$600 per year, payable in equal monthly installments.

(b) Places of registration shall be established throughout villages of more than 9,000 inhabitants and \$14,000,000.00 valuation, and when deemed expedient by the City Council by a four-fifths vote in all cities now or hereafter having a population of more than 7,000 and an assessed valuation of more than \$14,000,000.00, one to each precinct in each village and (or) city, in the usual polling places.

393¹ Etsseq
29 — 235
31 — 144
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33 — 209
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(c) The Council of such village and (or) city is hereby authorized and empowered to appoint such temporary clerks of registration as may be necessary.

(d) As soon as possible after the passage of this act and not later than June 1, 1927, the Commissioner of Registration shall proceed to take the necessary steps for establishing the registration plan. ('27, c. 390, § 1)

393-2. Same—"Elections" defined—For the purposes of this act the word "elections" whenever used shall be held to mean all general, special, school or primary elections, both state and municipal. ('27, c. 390, § 2)

393-3. Same—Registration necessary—From and after the first day of June, 1927, no qualified voter shall be permitted to vote at any election unless such voter shall have registered as provided in this act. ('27, c. 390, § 3)

393-4. Same; duties of Commissioner—Registration places—Deputies, etc., governed by civil service laws—The said Commissioner of Registration shall have complete charge of the registration of all qualified voters within such village and (or) city. He shall provide printed forms and blanks, together with such other supplies and equipment as are necessary to properly carry out the provisions of this act. Subject to the provisions of this act, he shall prescribe such reasonable rules and regulations as to office hours and places and manner of registration as may be necessary. Provided, however, that places of registration shall be established throughout the village and (or) city, one to each precinct in the usual polling places, the same to remain open for a period of two registration days in 1927 from 8 o'clock A. M. to 8 o'clock P. M., said registration days to be fixed by the village and (or) city council. One of said days in 1927 to be prior to July 15, 1927, and one of said days in 1927 to be subsequent to July 15 and prior to September 15, 1927, and provided, further, that the office of the Commissioner of Registration shall remain open until 8 o'clock P. M. each of the four Saturdays immediately preceding the last registration day as prescribed by this act. All deputies, clerks and other employees appointed by the Commissioner of Registration shall be subject to the provisions of any Civil Service law that now is or hereafter may be applicable to any such village. ('27, c. 390, § 4)

393-5. Same—Original and duplicate registration lists—The Commissioner of Registration shall provide for an original list of qualified voters properly indexed, which shall be kept at the office of the Commissioner of Registration in a place and in such manner as to be properly safeguarded. Such list shall be known as "The Original Registration List" and shall not be removed from the Commissioner's office except upon court order. A second list to be known as "The Duplicate Registration List" shall be prepared from the "Original Registration List," by the Commissioner. Such "Duplicate Registration List" shall at all times, and subject to reasonable rules and regulations, be open to public inspection, but no inspection shall be allowed that will interfere with the work of the judges or disarrange the election lists. ('27, c. 390, § 5)

393-6. Same—Form and contents of registration records—Removal notices—Contents of election register—Notices to voters—Challenge entries—Lists of deaths—For the purpose of expediting the work of the Commissioner of Registration, for uniformity and for preparation of abstracts and other forms in use by the election boards, the registration records shall be substantially as follows:

(a) Suitable card index devices shall be provided. There shall also be provided suitable index cards of sufficient facial area to contain in plain writing and figures the data required thereon.

(b) The following information concerning each applicant for registry shall be entered on the card:

Election district.

(1) If a man:

Name, i. e., the name of the applicant, giving surname and Christian names in full.

Residence, i. e., the name and number of the street, avenue or other location of the dwelling, and such additional clear and definite description as may be necessary to give the exact location of the applicant.

Age. Are you 21 years of age?—it being required that applicant shall be 21 years of age on or before the day of the next election conducted by the village and (or) city council following the date of application.

Term of residence, i. e., will you have lived in the State of Minnesota for six months on or before the date of the next election conducted by the village and (or) city council? Will you have lived in the election district for 31 days on or before the date of the next election conducted by the village and (or) city council?

Nativity. In what state or country were you born?

Citizenship. Have you ever renounced your allegiance to the United States of America? Are you a naturalized citizen? Have you been a naturalized citizen for the three months prior to the date of the election next following the date of this application? In what court were you naturalized? Did your parents take out their second papers before you became 21 years of age, and while you were a resident of the United States?

Date of application, i. e., the day, month and year when the applicant presented himself for registration.

Signature of voter. The applicant, after registration, shall be required to sign his name on both the original and the duplicate registration lists.

(2) If a woman:

The information requested shall be the same as for males with such additional information as may be necessary to determine the qualifications of the applicant for registration. Provided, that whenever, after such original registration, any change of name shall occur due to marriage or divorce, such applicant shall not be allowed to vote until she has re-registered; and after such re-registration the Commissioner of Registration shall remove the previous registration card from the file.

(c) There shall be provided removal notices to be given out upon request for use of any registered voter moving to a new location. These notices shall be printed upon thin card, shall contain a blank form showing where the applicant last resided, and the address and exact location to which he is moving, and shall have a line for his signature similar to the one upon the Original Registration Card. Upon receipt of such removal notices, but not later than 10 days prior to any election, the Commissioner of Registration shall make entry of such change of residence on the original and the duplicate registration lists and the applicant shall thereupon be qualified to vote in the new election district.

(d) The commissioner shall compile and shall deliver to the judges of election in each district the duplicate registration list of the voters in that district, which shall be known as the "Election Register." Such register shall contain the names and address of every registered voter in that election district, together with

a space following each name in which shall be recorded the words "voted" or "not voted" as the case may be. Also a space for "remarks" in which shall be recorded any challenge, affidavit or other information as may be required. The entry of the words "voted" or "not voted," challenge, affidavit or other information shall be made by the judges of election immediately after the ballot of the voter has been deposited.

(e) For the purpose of preventing fraudulent voting and for eliminating excess names, following the close of registration, or at any other time that he may deem necessary, the Commissioner of Registration may send by mail to any voter whose name appears on the Original Registration Lists, a notice bearing a statement substantially as follows:

You are hereby notified that your name and address appears on the Original Registration List as shown on the opposite side of this card. If there is any mistake in the above name or address, present this card at the office of the Commissioner of Registration, No. Village and (or) City Hall, for correction on or before, 19.... The return of this card by the postoffice to the Commissioner of Registration will be accepted as evidence on which to challenge your vote on election day.

.....
Commissioner of Registration.

Upon the return by the postoffice of any such notice the Commissioner of Registration shall and at other times may direct an authorized clerk to check up, in person, the name and address of any voter, and if said voter is found to have removed from the address as recorded, on the Original Registration List, the Commissioner of Registration shall cause to be entered on the Election Register of the proper district, in the proper space opposite the said voter's name, the word "challenged." No one so challenged shall be permitted to vote except by complying with all provisions of law applicable to the proving of challenges.

(f) Every 15 days, or at more frequent times, the health commissioner or other officer in charge of the death records in any such village and (or) city shall report to the Commissioner of Registration names and addresses of all persons over 21 years of age who have died within such village and (or) city. The Commissioner of Registration shall, upon receipt of said report, examine the original and duplicate registration lists and shall remove therefrom, to an inactive file, the registration cards of all registered persons certified by the health commissioner as deceased. ('27, c. 390, § 6)

393-7. Same — Applications for registration — Card indexes—The Commissioner of Registration or a duly authorized clerk acting for him, shall, up to 30 days next preceding any election, receive the application for registration of all such qualified voters as shall personally appear for registration at the office of the Commissioner or at such other place as is designated by him for registration, who then are, or on the date of election next following the day of making such application, will be entitled to vote. Any qualified voter who applies for registration shall subscribe to the following oath or affirmation, viz: You do solemnly swear or affirm that you will fully and truly answer such questions as shall be put to you, touching your qualifications as voter, under the laws of this state.

Upon being sworn, the applicant shall answer such questions as are required as hereinbefore set forth, and the clerk shall fill out the form which the applicant shall sign, and he shall not be required to register again for any election; provided, however, that failure to vote at least once in any two successive calendar years wherein elections are held shall operate as a challenge and shall require the applicant to re-register. In case a qualified voter is unable to write his name, he shall be required to make a cross, which shall be certified by the signing of the name of the applicant by the registration clerk taking the application. No qualified voter who is unable to sign his name may be permitted to mail or hand in a removal notice as in this act provided, but must appear in person to secure a removal of his name to his new voting district, provided that any person entitled to vote at any election conducted by the common council of the village and (or) city who is absent from the election district in which he maintains his legal residence and is entitled to vote, may, up to 30 days next preceding any election, make application in writing to the Commissioner of Registration to have his name entered upon the poll list and register of the precinct of his said residence, by mailing to and filing with said Commissioner of Registration his application and affidavit substantially in the following form:

I, being first duly sworn, on oath say that I am a legal voter of the State of Minnesota; that I reside at No. street (or avenue), in the election district in the village and (or) city; that I have not been and will not be able to be present in such district to register personally for the reason that; that I desire to be registered in such district; that my full name is; I was born at; am (state color), have resided in the United States for years and months, and in Minnesota for years and months, and in such election district for years and months and days; that I am able to read English, and by occupation am a; that at the last election conducted by the common council of the village and (or) city, I resided at No. street (or avenue), in such village and (or) city and was registered and voted at the election district (or that at the last election conducted by the common council of the village and (or) city I was not a resident of such village and (or) city, but voted at); that at my present residence, as above stated, I am (householder, boarder, lodger, employe or other proper term); (the following to be omitted if native born) that I am a naturalized citizen of the United States; that my final papers were issued by the (give court and place) on the (give date or other particulars).

(Signature)

Subscribed and sworn to before me this day of 19....

Upon filing of said application with the Commissioner of Registration the Commissioner of Registration shall forward to said applicant original and duplicate registration cards which said applicant shall sign and acknowledge in duplicate before an officer author-

ized by law to administer oaths and having a seal and return said original and duplicate registration cards to said Commissioner of Registration.

Suitable card index devices shall be provided. There shall also be provided suitable index cards of sufficient facial area to contain in plain writing and figures the data required thereon. ('27, c. 390, § 7)

393-8. Same—Completion and inspection of election registers—Time for registration—The Commissioner of Registration shall have 20 full days immediately following the last day of registration to perfect his Election Registers, and the voters shall have 10 full days between the day of perfecting the Election Registers and election day for inspection and making such inquiries regarding such registers as they may desire, all of which shall be answered by the Commissioner of Registration, and in case identification cards are requested by any person entitled to vote at the next election they shall be issued by the Commissioner of Registration. No persons may be registered within 30 days prior to any election. ('27, c. 390, § 8)

393-9. Same—Correction of election registers—At the close of each calendar year after the second year of the registration under this act, clerks of registration shall check up the registration list for the purpose of eliminating excess names, and to that end, they shall examine the Election Registers and whenever it appears that a registered voter has not voted at an election at least once in any two successive calendar years wherein elections are held, his card shall be taken from the Original and the Duplicate Registration Lists and placed in a transfer file, and a printed postal card notice of that fact with the information that his vote has been challenged, and that the voter must re-register to remove said challenge, shall be sent to the last known address of said voter. When removal notices are received by the clerks they shall examine the signatures and compare them with the original, and if they are not similar a postal card notice, stating a refusal to transfer for that case, shall be sent to the applicant at the new address given. ('27, c. 390, § 9)

393-10. Same—Challenging registrations—Appeals to district court—Any person may challenge a registration at any time by filing a written challenge with the Commissioner of Registration. Persons so challenged shall appear before the Commissioner of Registration thereafter to prove their challenge, and the person so challenged shall have notice given of the challenge and the Commissioner shall decide the right to the entry of the evidence. Either party may appeal to the District Court of the county in which the challenge is made and a date for the hearing shall be fixed and the decision of such court shall be final. ('27, c. 390, § 10)

393-11. Same—Offenses—Any officer or employe who shall wilfully fail to perform or enforce any of the provisions of the act, or who shall unlawfully or fraudulently remove any registration card or record from its proper compartment in the registration records, or who shall wilfully destroy any record provided by this act to be kept, or any person who shall wilfully or fraudulently register more than once, or register under any but his true name, or attempt to vote by impersonating another who is registered, or who wilfully registers in any election district where he is not a resident at any time of registering, or who adds a name to a page or pages of the registration lists,

or who violates any of the provisions of this act shall be guilty of a felony. ('27, c. 390, § 11)

393-12. Same—Oaths of officers and clerks—Before entering upon his duties, each officer or clerk of whatever capacity shall subscribe to an oath in such form as provided by the attorney for the village and (or) city. ('27, c. 390, § 12)

393-13. Same—Expenses—The necessary expense in each village and (or) city for carrying out the provisions of this act shall be paid by such village and (or) city, and the village and (or) city council of such village and (or) city shall provide out of the current revenues of the village and (or) city sufficient funds based upon the estimate prepared by the Commissioner of Registration. ('27, c. 390, § 13)

393-14. Same—Repealed—All acts and parts of acts inconsistent with this act are hereby repealed. ('27, c. 390, § 14)

394. Registration of voter removing from one district to another—When it appears from the statement or affidavit of an applicant for registration, or is otherwise known to the board, that such applicant has been registered in another district, a certificate signed by the registration board of such other district, showing that his name has been stricken from the voting list of such district, shall also be presented. Then if he has or will have been a resident of such new district for thirty days next preceding an election, his name shall be entered on the voting list; otherwise not. When the voter removes from one place to another in the same district, the register shall show the change before his vote is received. The provisions hereof shall not apply to cities of the first class operating under a home rule charter. (245) [426] (Amended '25, c. 420, § 1)

395. Comparison, correction, signing, certification, and deposit with city clerk—At the end of the first days' registration in such cities, the board shall carefully compare the registers and correct any errors therein, and one or more of the judges shall sign his name at the end of the list on every page, so that no name can be added without discovery, and all the judges shall also sign and attach to such register a certificate in substance as follows: "We, the undersigned, judges of election in the district of ward, in the city of in the state of Minnesota; do jointly and severally certify that at the general registration of voters in such district, on the day of 19...., there were registered by us in such district the names which are inserted in this book, and that the number of registered and qualified voters was and is (Number to be written in figures and words). Before 10 o'clock A. M. on the next day, such registers shall be deposited by one of such board in the office of the city clerk, who shall safely keep the same. The provisions hereof shall not apply to cities of the first class operating under a home rule charter. (246) [427] (Amended '25, c. 420, § 1)

396. Second registration in cities—In cities of the first class on Tuesday, eight weeks preceding any general state or city election, and on Tuesday, seven weeks preceding any general or city election, and in cities of the second and third classes on Tuesday two weeks preceding any general election and on the thirteenth day preceding any special election, such board shall meet at the same place as before and remain in public session from six o'clock a. m. until nine o'clock p. m. for the purpose of registering qualified voters. It shall

obtain from the clerk and use the same registers as on the first day, and observe the same forms. (R. L. § 247, amended '12 c. 2 § 16) [428]

397. Further comparison, etc., of registers—At the end of the second day's session the registers shall be compared, corrected, signed, and certified as on the first day, with this addition thereof: "Making the total number registered to date hereof inclusive" Before the board adjourns on this day, it shall make a copy of all the names upon such registers, with the addresses as therein indicated, and post the same conspicuously outside the place of registration, with a notice of the time when such board will meet to complete and finally correct such registers; and that the same will be accessible to any voter. The registers shall be returned by one of such board to the office of such clerk before 10 o'clock A. M. on the next day. The provisions hereof shall not apply to cities of the first class operating under a home rule charter. (248) [429] (Amended '25, c. 420, § 1)

398. Last registration day in cities—In cities of the first class on the second Saturday preceding a general election day, and in cities of the second and third classes on the Tuesday preceding any general, and on the day one week preceding any special, election, the board shall again meet at the same place for the completion and final correction of said registers. Said board shall obtain the same registers from the clerk and register the names of qualified voters as upon the other days, and for this purpose shall be in session from 6 o'clock a. m. until 9 o'clock p. m. on each day of registration. (249) [430]

399. Correction, and final comparison, etc., of registers—Such board shall erase from the register the name of any person satisfactorily proven, by oath of two qualified voters of such district, to be disqualified to vote at the ensuing election. At the close of the last registration day the registers shall again be compared, corrected, signed, certified, and returned as provided for the other days. When the registration has been fully completed, and before the board adjourns or separates it shall prepare a copy of the names and addresses appearing upon such registers, and post the same outside the place of registration, or in such manner as to be plainly discernible and easily read from the outside. The provisions of this section shall not apply to cities of the first class operating under a home rule charter. (250) [431] (Amended '25, c. 420, § 1)

400. Persons entitled to vote in cities—Registration on election day—Only the votes of qualified registered voters shall be received by the judges at any general election in a city of the first, second or third classes, except the vote of a person whose name was erased as provided for in section 399, who takes the oath and proves his identity by the oath of another as herein-after prescribed provided, that in cities of the first class, only the votes of qualified voters who have registered on either of the first two registration days in said city shall be received by the judges at the primary election, but any person who has not registered but who is a qualified voter in the district wherein he resides, shall be entitled to vote at such primary election if he registers on said primary election day and complies with the following provisions, and not otherwise, namely: He shall at the time he offers his ballot deliver to the judges his affidavit in which he shall state that he is a resident of the election district in which he offers to vote, naming the same, and that

he is entitled to vote therein; that he has resided in said election district thirty days next preceding said election and shall give street and number of his residence; that he is a citizen of the United States; that he is twenty-one years of age; that he has resided in the state six months immediately preceding said primary election, which said affidavit shall be substantiated by the affidavit of two freeholders, electors in such district, corroborating all the material statements therein. No compensation shall be received for taking or certifying such affidavit. No one freeholder shall be competent to make corroborating affidavits for more than five voters. All such affidavits shall be sworn to before some officer authorized by the laws of this state to administer oaths. The provisions of this section shall not be applicable to cities of the first class operating under a home rule charter. (R. L. '05, § 251; amended '12, c. 2, § 17; '25, c. 420, § 1) [432]

125-417, 147+275.

401. Hours—In all cities of every class the polls shall be kept open from 6 o'clock a. m. until 9 o'clock p. m. and in all towns the polls shall be kept open from 9 o'clock a. m. until 9 o'clock p. m. No adjournment or intermission whatever shall be had until the polls are closed, all the votes counted, and the result publicly announced, but this shall not be construed to prevent any temporary recess for taking meals or other necessary purposes, provided the board remains in session and not more than one member thereof is absent at the same time. (R. L. § 252, amended '09 c. 125 § 2; '13 c. 23 § 2) [435]

For prior amendment, see, also, 1911 c. 172 § 2.
98-113, 107+728.
Effect of keeping open after closing hour (46-274, 48+1112).

402. Location of polling places—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 chapter 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 forty feet wide and as near to the center of the voting population of the district as is practicable.

Provided, that 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 this act.

Provided, that 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. (R. L. § 253, amended '07 c. 108; '13 c. 27 § 1) [438]

403. Change of polling places—When any place designated for holding an election is found not to comply with the provisions of this chapter, the judges, on the first day of registration when practicable and in any event 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 shall notify the city, town or village clerk at once of such change. (254) [439] (Amended '25, c. 420, § 1)

404. **Notice of change**—When a change of the place of registration or 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 registration or voting place, and, if deemed necessary by any of such judges, they shall post additional notices of said change in three public places in the district. They shall certify to the proper authorities the expenses attending such change, which shall be allowed and paid as part of the election expenses. (255) [440]

405. **Arrangement**—Each polling place shall be provided with one white, one pink, one blue, and one red ballot box, and, where women are entitled to vote, a separate box for ballots cast by them. As many of these 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. Each polling place shall consist of a single room, containing at least two booths for every one hundred 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. A guard rail shall be so placed that only persons who are inside thereof can approach within six feet of the ballot boxes or the booths, but the boxes, booths, judges, and clerks shall be in open public view. Such guard rail shall be so constructed as to provide a separate entrance and exit for voters. (256) [441]

406. **Order at polls**—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. (257) [442]

407. **Registers, supplies, etc., delivered to judges before election day**—Before 9 o'clock P. M. on the day preceding an election, at least two judges shall procure the 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 said registers and ballots unaltered, and shall have all such ballots, boxes, registers, printed instructions and materials at the polling places in their respective districts at the opening of the polls on the day of election. Except in cities of the fourth class and over and election districts within fifteen miles of the county seat, the county auditor shall at least one week before the election send such ballots by regis-

tered mail or express to the proper board of such election districts. (258) [443] (Amended '25, c. 420, § 1)

408. **Proceeding on failure of judges to obtain register and ballots**—In case neither of the judges appears at the office of the custodian of the ballots, as provided in § 258, 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. (259) [444]

§ 258 referred to is § 407, herein.

409. **Ballots not delivered**—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 words "Official Ballot," as indorsed 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. (260) [445]

410. **Proceeding when there are no ballots**—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. (261) [446]

411. **Opening polling places**—Immediately before opening the polls, one of the judges shall open the ballot boxes in the presence of the people there assembled, turn them upside down so as to empty them of everything that is in them, then lock them and deliver the key to another of the judges. The judges shall thereupon proclaim that the polls are open, and cause written or printed notices of the hour of closing them to be conspicuously posted outside the polling place. Such boxes shall not be reopened until opened for the purpose of counting the ballots therein at the close of the polls. (262) [447]

412. **Challengers allowed in the room**—The judges shall allow one voter of each political party casting one per cent. of the entire vote at the preceding election in that district, selected by said parties respectively, and having a certificate in writing from the chairman of an authorized committee of the party he represents, to be in the room where the election is held, to act as challenger of voters; and such challengers may remain with the board until the votes are can-

vassed and the result declared. In the case of the temporary absence of any challenger for meals or by reason of sickness, he may substitute some other person of like political belief, who shall be identified by an affidavit of such challenger or substitute. (263) [448]

Refusal of judges to allow challengers to be present held not fatal (46-274, 48+1112).

413. Gatekeeper—The judges may authorize a peace officer to act as gatekeeper, who shall direct voters how to pass to and from the booths, and no person shall interfere with him in any manner while in the discharge of his duty. Such gatekeeper shall not aid, assist, suggest, advise, or entreat any elector to prepare his ballot in a particular manner. (264) [449]

414. Proceedings on disability of clerk—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 poll books, 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. (265) [450]

415. Initialing ballots by judges—Before the voting begins, or as soon thereafter as possible, two judges shall place their initials on the backs of all the ballots they have, immediately under or opposite the facsimile of the signature of the officer under whose direction the ballots were printed, and shall not otherwise mark the same. (266) [451] (Amended '25, c. 420, § 1) Directory (59-6, 60+676, 50 Am. St. Rep. 389; 87-139, 91+434. See 81-73, 83+500; 60-146, 62+116)

416. Ballots, distribution and indorsement—No official ballot shall be distributed except in the voting room to voters about to vote, and no ballot which is not officially indorsed in the handwriting of such judges shall be placed in the box. The ballot boxes shall at all times be kept in public view. (267) [452] Directory (87-139, 91+434).

417. Persons allowed in voting places—Representatives of political parties and challengers—No person shall be allowed to go or remain inside the railing at the voting place except members of the board, clerks, peace officers, and one member of each of the political parties represented on the ballot, challengers appearing for non-partisan candidates, and voters who are about to vote, unless it be a voter who is called upon to assist another voter who cannot read English or is physically disabled, in marking his ballot as herein provided. The representatives of the political parties, or the challengers, shall not be allowed to handle or inspect registration cards or lists, and shall not attempt to influence voting on election days in any manner whatsoever. (268) [453] (Amended '25, c. 420, § 1)

418. Number of voters admitted—The number of voters within the rail shall in no case exceed the number of booths by more than three. The judges may make such regulations as they deem proper as to the time which a voter may remain in the polling room while receiving, preparing, and voting his ballot, which time shall not be less than three nor more than ten minutes, unless the delay is occasioned by his vote being challenged, or is the fault of the board, or some of them. (269) [454]

419. Crowds not permitted—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 one hundred feet of any polling room. In cities of the first, second, and third classes, only election officers and voters who are ready, but have not voted, shall be permitted to stand within fifty feet of the entrance to a polling place. (270) [455]

420. One judge to have charge of ballots, and two of registers—One of the judges shall have charge of and hand to and receive from each voter the ballots. The other two shall have charge of the two registers, each using one as herein provided. (271) [456]

421. Certificates of registered voters—Challenges—Oath—In cities of the first class, operating under a home rule charter, before any person offering to vote receives the ballots from the judges, a certificate containing the following information shall be signed by the applicant:

“CERTIFICATE OF REGISTERED VOTER”

..... precinct ward
..... (city) (county), Minnesota.
I hereby certify that I am a qualified voter, duly registered under the Permanent Registration Act, Chapter 305, of the Laws of 1923, in the above precinct and ward, City of
County of , Minnesota.
(Signature of voter)
(Address)
Approved
Judge (or clerk) of election.

The certificate shall be approved by a judge or clerk and then handed to the voter who shall present it to the judge in charge of ballots as proof of his right to vote; after receiving his ballots, the voter shall retire alone to one of the booths, and there prepare such ballot or ballots. The voter will then present the certificate; together with the ballots, to the judge in charge of the ballot boxes, who, without opening or permitting them to be opened or examined, shall deposit the ballots in the proper boxes, first announcing the name and residence of the voter in an audible voice. The certificate shall be then given to the clerk or judge in charge of the register, who shall make entry as provided for in Section 6, Sub-division 2, Permanent Registration Act of 1923. The certificates will be arranged in alphabetical order and returned to the City Clerk, after the close of the election, in envelopes provided for that purpose. Such judge or clerk may be required to record certificates in a book provided therefor, by the City Clerk.

Each judge shall, and any authorized challenger or other voter may, challenge such person whom he knows or suspects not to be a qualified voter. The challenger shall state the ground thereof, whereupon a judge shall administer to the challenged person the following oath: “You do solemnly swear that you will fully and truly answer all such questions as shall be put to you touching your qualifications as a voter at this election?” The judges shall then question the challenged party in such manner as will tend to disclose the particular facts in reference to which the challenge is made. He may be inquired of as to his name, age, then place of residence, length of time he has resided in the town, city, ward, or district; where his last place of residence was; as to his citizenship, whether he is a native or naturalized citizen, and, if the latter, when, where, in what court, and before whom, he was naturalized; whether he came into the town, city, or ward for the purpose of voting at that election; how long he intends to remain a resident of such town, city,

or ward; and such other questions as tend to test his residence and his right to vote. If he refuses to answer the questions put to him, his name shall not be put upon the poll lists, nor shall he be allowed to vote, unless he at once reconsiders and answers the questions. He shall not be allowed to vote if he leaves the polling place and afterward returns although then ready to answer the questions. (272) [457] (Amended '25, c. 420, § 1)

422. Examination of challenged person—After the questions specified in § 421 have been answered, if the challenge is not withdrawn, the judges shall administer the following oath: "You do swear that you are a citizen of the United States; that you are twenty-one years of age, and have been a resident of this state for six months immediately preceding this election, and an actual resident of this election district for thirty days immediately preceding this election; that you are a qualified voter in this district; and that you have not voted at this election?" Upon taking this oath he shall be allowed to vote, except when it appears that his name has been registered and erased; then he shall not be allowed to vote unless he also produces a person known to a majority of the judges, who makes and subscribes an oath in their presence as to the identity of the person so offering to vote, after which he shall be allowed to vote. If such person refuses to take the oath specified in this section or § 421, or, when so required, refuses to produce the person to swear to his identity and residence, as herein provided, then his name shall not be put upon the poll list, nor shall he be allowed to vote. (273) [458]

423. Voter to retire to booth alone—When the judges are satisfied that the person applying therefor is a voter, the judge having charge of the ballots shall tear from the blocks one ballot of each kind that is to be voted, having the proper initials thereon, and hand the same to the voter, who shall retire alone to one of the booths and there prepare such ballot or ballots. Voters may be allowed to carry with them to the booths sample ballots to assist them in marking the official ballots, but the same shall not be printed on white, pink, blue, or red paper; and it shall be a misdemeanor to print or distribute sample ballots printed upon such paper. Sample ballots may be printed in newspapers as matter of news. (274) [459] 87-139, 91+434. 155-419, 194+308, note under § 427.

424. Marking ballots—The voter shall mark each of such ballots with the indelible pencil furnished. If he soils or defaces either of them, he shall at once return the same and get other ballots as hereinafter provided. In marking ballots, the following rules shall be observed:

1. When presidential electors are to be voted for, the voter shall place a mark (X) in the square opposite the group of candidates of the party of his choice.

2. In all other cases he shall place a like mark (X) in the square opposite the printed name of each candidate for whom he desires to vote, and only those so marked shall be counted.

3. When he so desires, he may write other names in the blank spaces under the printed names of the candidates, and the names so written shall be counted as balloted for, whether marked in the small square or not. 129-362, 152+738.

4. When he has prepared his ballot, he shall so fold it, concealing its face and all marks thereon, as to expose only the indorsement and the facsimile signature and initials of the judges on the back thereof.

5. He shall mark and fold separately each ballot, and at once withdraw from the voting booth. (275) [460]

60-146, 62+116; 81-73, 83+500; 84-85, 86+782; 87-139, 91+434, 125-414, 147+818, 131-297, 155+96, 132-290, 156+125. A ballot so marked that the identity of the elector is disclosed is void (99-261, 109+113, 698, 104-487, 116+947). Ballots in form of "pasters" properly counted (106-464, 119+59).

Cross in square at end of blank line following names of candidates is insufficient (117-387, 135+1002).

New name introduced on blank space under printed names must be counted, whether marked in small square or not (111-336, 126+1097).

425. Challenge—The voter, having prepared his ballots, shall hand the same to the judge in charge of the ballot boxes, who, without opening or permitting them to be opened or examined, shall deposit the same in the proper boxes, first announcing the name and residence of the voter in an audible voice; and the judges in charge of the registers shall mark "Voted," or the letter "V," in a column therein prepared, in the same line with the voter's name. At any time before such ballots or either of them have been deposited in the boxes, he shall be subject to challenge by either of the judges, or by any person who was not present at the time he procured such ballots; but no party challenger or other person, except a judge, who was present when the ballot was delivered and had knowledge thereof shall afterwards interpose a challenge. When so challenged, the same proceedings shall be had as hereinbefore provided; and, if the person offering to vote is found disqualified, said ballots so prepared by him shall be placed among the spoiled ballots, and not opened. When no challenge is interposed, the voter shall, after voting, at once retire from the voting rooms; and, when challenged, he shall retire as soon as the challenge is determined, and shall not again return unless by permission of all the judges. (276) [461] 87-139, 91+434.

425-1. Challengers for non-partisan candidates appointed by mayors and presidents of councils—The mayor of any city or the president of any village shall appoint challengers of illegal voters at elections in each precinct whenever such challengers, or any challenger, shall be petitioned for by the voters of any group supporting any non-partisan candidate or candidates, and the petition of such group shall be for only one person and signed by not less than one-fifth (1/5) of the legal voters of such precinct who have not signed any other petition for the appointment of a challenger; and said challengers so appointed shall be the first persons so petitioned for and they shall have all the rights and powers which the challengers representing parties have under the general election law at elections at which party candidates are voted for. ('15, c. 329)

426. When elector spoils ballots—When a voter spoils a ballot, he may return it and receive another. When he spoils a second ballot, before receiving another he shall state under oath whether or not he can read English. When he claims to be able to read English, a third, and, if necessary, a fourth, ballot shall be delivered to him; but no ballot shall be so delivered until the ballot previously delivered has been returned, nor shall more than four ballots of any one color be delivered to any one voter. When such voter after spoiling two ballots, shall state under oath that he cannot read English, proceedings shall be had as provided in § 463. All spoiled and unused ballots shall be preserved by the board and returned to the officer from whom they were received, who shall preserve

424 — 425;
228nw 155
427
454
474
476
488

424
178m 578
230nw 594
See 454
See 279

33 425
53

33 425
53

them until ten days after the county official canvass. (277) [462]

§ 463 referred to is § 427, herein.

427
228nw 155
424
427
252nw 839

427. When voter cannot read English—When any voter states under oath that he cannot read English, or that he is physically unable to mark his ballot, he may call to his aid one or more of the judges, who shall mark his ballot as he may desire, and in as secret a manner as circumstances will permit. When he also states that he cannot speak the English language or understand it when spoken, the judges may select two persons from different political parties to act as interpreters, who shall take an oath similar to that taken by the judges, and assist such person in marking his ballots. When he shall prefer, he may call to his aid any voter of the same district, who, unaccompanied by a judge, may retire with him to one of the booths and mark the ballot for him; but no person shall mark the ballots of more than three such voters at one election. Before depositing his ballot, such voter shall show it privately to either a judge or a clerk to ascertain that it is marked as directed; but a physically disabled voter, who is able to determine for himself, need not show his ballot. No judge or other person so assisting a voter shall in any manner request, persuade, or induce, or attempt to persuade such voter to vote for any particular party or candidate, but shall mark the ballot as requested, and shall not reveal to any other person the name of any candidate for whom the voter has voted, or anything that took place while so assisting him. (278) [463]

59-6, 60+676, 50 Am. St. Rep. 389. 125-417, 147+275. 194+310.

The requirement that an elector before receiving assistance in marking his ballot must make an oath "that he cannot write English, or that he is physically unable to mark his ballot," is mandatory, and a ballot cast without such oath is invalid. 155-419, 194+308.

428. When voter is physically disabled—When the judges are informed that a voter is at the door who is unable to enter the polling place without assistance, they may appoint one of their number to take an official ballot or ballots to him and assist him in marking the same, when requested, in the presence of some one selected by such voter. When the ballot or ballots have been marked and folded, the same shall be handed to the judge in charge of the ballot boxes, who shall announce: "Ballot (or ballots) offered by (name), a person unable to enter the voting place by reason of physical disability; does any one object to the reception of this ballot?" If no one objects, the ballot or ballots shall be deposited; but, if objection be made, it shall be treated as the interposition of a challenge, and proceedings shall be had as in case of challenges. (279) [464]

429
252nw 839

429. Voter not to disclose how he has voted—No voter shall divulge to any one within the polling place the name of any candidate for whom he intends to vote or has voted, nor shall he ask for or receive assistance from any one within the polling place in the preparation of his ballot, except as hereinbefore provided. When any voter, after having marked his ballot, shows it to any one except as hereinbefore provided, the judges shall refuse to receive such ballot, but shall place it among the spoiled ballots, and, when such showing has clearly been intentional, no other ballot shall be delivered to such voter. (280) [465]

Ballots marked with name of voter not counted (60-146, 62+116, 194+310).

155-419, 194+308, note under § 427.

429½. Intoxication—Intoxication shall not be regarded as a physical disability, and no intoxicated person shall be entitled to assistance in marking his

ballot. No voter shall be permitted to vote while grossly intoxicated. (281) [466]

430. Voter to give residence—Every voter, at the time of applying for or offering his ballot, shall truly state the name of the street in which he resides, and, if the house where he resides is numbered, the number thereof, and, if required, whether he is the householder or a lodger or employee therein, and such other matters as are necessary for identification. On refusal to make such statement, his ballots, if he has received any, shall be placed among the spoiled ballots, and he shall not be allowed to vote. (282) [467]

431. Voting in precinct other than that of residence—Any resident legal voter of the state of Minnesota may cast his vote for presidential electors, or for any officer of the state of Minnesota who is to be voted for by the voters throughout the state as a whole, or upon any proposed constitutional amendment submitted to the voters of the state by depositing his ballot in any election district of the state of Minnesota where he may happen to be upon the day when such election is held upon compliance with the following conditions:

Any such voter desirous, of exercising such privilege shall on any of the registration days prior to any general election and held in connection therewith apply in person or by agent duly authorized by him in writing to the judges of election in the election district in which he is a legal voter and upon satisfying said judges of election that he is in fact a legal voter in their election district, be furnished on demand a certificate which shall be substantially in the following form:

.....Minnesota..... 19..

This certifies that the bearer..... is a resident and legal voter in election district..... of the county of..... Minnesota at the date of the issuance of this certificate.

.....
.....
.....

Judges of Election.

('13 c. 264 § 1) [468]

432. Identification of voter—Upon presentation of such certificate by such voter to the judges of election in any election district upon election day and upon being identified as the rightful holder of such certificate by two qualified resident voters, and upon satisfying said judges of the genuineness of such certificate he shall be given the ballot or ballots to be voted for the officers and upon the questions enumerated in Section 1, and he shall mark the same as any resident voter may and fold the same and hand it to the judges; but such ballot shall not be deposited in the ballot box, but shall, together with the certificate hereinbefore provided for, be securely sealed in an envelope upon the back of which one of the judges shall write "The ballot of, a legal voter in 'election district, the county of, Minnesota" which shall be signed by the judges. ('13 c. 264 § 2) [469]

433. Duties of election judge, etc.—All such envelopes shall, by the judges of election, forthwith be sent by registered mail to the county auditor of the county where such voter is a resident, and the auditor shall preserve them unopened until the meeting of the county canvassing board, at which time all such envelopes shall be opened by the canvassing board, and the votes therein shall be entered on the tally sheets of the election district in which the voter is entitled to vote, and the canvassing board shall add such votes to

the totals on such tally sheets in arriving at the total result in such election district. ('13 c. 264 § 3) [470]

434. **Record of certificates**—A record of the issuance of such certificates shall be kept by the judges of each election district issuing the same by a notation on the poll list opposite the name of such voter to the effect that such a certificate has been issued to him, and such voter shall not be allowed to vote in such precinct at that election unless upon a return of said certificate to said judges when said notation may be erased and his vote accepted. ('13 c. 264 § 4) [471]

435. **Absence of employee to vote**—Every employee entitled to vote at a general or city election shall be permitted to absent himself from his work for that purpose during the forenoon of each election day, without a penalty or deduction from salary or wages on account of such absence. (283) [472]

436. **Removal of ballots from blocks**—Unused ballots—No judge shall remove any of the ballots from the block except separately, as required by voters for voting. The judges shall preserve unused and spoiled ballots and return them to the officers from whom they were received, with a statement of the number used, and take receipts therefor. (284) [473]

437. **Poll lists—Duties of clerk**—Every clerk shall make a poll list containing one column headed "Number," one headed "Residence," one headed "Name of Voters," and as many additional columns as there are boxes used, headed to correspond with the color, and one headed "Remarks." He shall enter therein the name of each voter in the column headed "Names of Voters," his residence in column headed "Residence," and where more than one box is used, he shall write opposite such name the figure "1" in each remaining column corresponding in heading with the name of each box in which the vote is deposited. In the column headed "Number" he shall write consecutively the numbers of the persons voting, the first vote being numbered 1. He shall enter in the column headed "Remarks" and opposite the name of each person not registered, the word "Not registered," and, if any vote is sworn in, he shall there note that fact. He shall also enter in the same column, on a line with the name of any person receiving assistance, a brief statement of that fact such as "Marked by judge," "Marked at door," "Marked by" giving the name of any person, other than a judge, so assisting. Provided, however, that the provisions hereof shall not apply to cities of the first class operating under a home rule charter. (285) [474] (Amended '25, c. 420, § 1)

438. **Notice of closing polls**—The judges shall make oral proclamation at the door of each polling place thirty minutes before the hour fixed by law for closing the polls, in substantially the following words: "Hear ye! hear ye! hear ye! the polls will be closed in thirty minutes." When the hour for closing has arrived, the polls shall be closed, regardless of the fact that voters are outside who have not voted. But all voters who have received ballots, or are then inside the polling place preparatory to receiving them, and none others, shall be allowed to vote. On or before the opening of the polls the judges shall agree upon some standard of time to be used in opening and closing the polls. (286) [475]

46-274, 48-1112.

439. **Poll lists—Statements attached to**—Every poll list shall be headed by the designation of the district, and the election at which it is used, and, as soon as the polls are finally closed the judges shall attach

thereto a statement substantially as follows: "The number of persons whose names appear above and who were present and voted at the above named election was; the number of white ballots cast was; the number of pink ballots cast was; the number of blue ballots cast was; the number of red ballots cast was; the number of lavender ballots cast was" The blanks in such form shall be filled by the proper numbers, written in words and figures, the figures in parentheses. Such statement shall be signed by each judge and attested by each clerk, and immediately thereafter they shall prepare, sign and attest a statement at the end of each of the registers, substantially as follows: "The whole number of the above named persons who were present and voted at the above named election was (in words and figures). The statement provided for herein to be attached to poll list shall, in cities of the first class operating under a home rule charter, be attached to the back of the tally sheet. (287) [476] (Amended '25, c. 420, § 1)

440. **Canvass**—The judges shall then proceed to canvass the votes cast at such election. Such canvass shall be public and continued without intermission (except as provided in § 435) until completed and the result declared. During such canvass no person other than the judges shall handle or interfere with the ballots. (288) [477]

§ 435 referred to is § 401, herein.

441. **Opening of ballot boxes, counting of votes, and declaration of results**—The ballot boxes shall be opened, the votes counted, and the results declared, one box at a time as follows: First, the white box; second, the pink; third, the blue; and fourth, the red. The returns shall not be prepared until the votes in all the boxes have been counted so as to allow corrections in case any errors have occurred by reason of the deposit of ballots in the wrong boxes. But in any city of the first class the council may require the judges to insert, on forms prepared by the city clerk, a preliminary statement of any class of ballots cast, as soon as the count of that class has been completed. Such statement shall be signed by one or more of the judges, and delivered forthwith to a special messenger designated by such city clerk, who shall take the same to him at once; but such statement shall not be deemed an official return. (289) [478] (Amended '25, c. 420, § 1); 442 — 44

442. **Canvass of votes, first proceedings**—The judges shall begin the canvass by taking from the box the ballots, unopened except so far as necessary to ascertain whether every ballot is single, and counting them to determine whether their number corresponds with the number appearing on the poll list to have been cast in such box. Whenever two or more ballots are found so folded together as to appear like a single ballot, they shall lay them aside until the ballots in all the boxes have been counted. If, on comparing such ballots with the number of the same class appearing by the poll lists to have been cast, it is evident that the ballots so folded together are cast by one voter, they shall preserve but not count them. Whenever there is an excess of ballots in any box, they shall examine them and ascertain whether all are properly marked with the initials of the judges, and, if any are not so marked, they shall preserve but not count them. When there is still an excess, they shall replace them in the box, and one judge, without looking, shall draw from the box a number of ballots equal to such excess,

442 — 44

31 — 256

which shall be preserved, but not counted. (290) [479]

Conclusiveness of poll lists (107-453, 120+1082).

443. Ballots not in proper box, when counted—Whenever the number of ballots in any box equals or exceeds the number shown by the poll lists to have been cast in such box, no ballots proper to have been deposited therein, but found in another box, shall be counted; but whenever the number is less than that shown by the poll lists, and ballots properly belonging in such box are found in another box, they shall be counted the same as those in the proper box; but if counting such ballots produces an excess of votes above the number shown by the poll lists, then the number shall be reduced by drawing therefrom as provided in § 479. (291) [480]

444. Excess of ballots, how disposed of—Certificate—Whenever any ballots not belonging among those being canvassed from any box shall be found, the same shall be laid aside until the canvass of the class of ballots to which they belong. If there be a deficiency in the number of ballots of such class in the proper box, the ballots so found in the wrong box, to the extent of such deficiency (selected by lot when necessary), shall be included and counted with the class of ballots to which they belong. When the number of ballots as finally counted agrees with the poll lists, those not counted shall be attached to a certificate made by the judges, stating why such ballots were not counted, which certificate and uncounted ballots shall be sealed up in a separate envelope and returned with the other returns to the officer from whom they were received. (292) [481]

445. Method of counting ballots—The judges shall then count the ballots separately, numbering them consecutively in a uniform place without defacement, and ascertain the number cast for each person. The clerks shall carefully enter an account of each ballot counted, on tally sheets or books as hereinafter provided, and when all the ballots have been counted, and from time to time previously thereto when so required by the judges, they shall compare such tallies and correct the same when they differ. Such comparison shall be made on each tally sheet, or sheet of the tally book, before beginning on another sheet. (293) [482]

Failure to read off ballots separately in counting held ground for recount (31-25, 16+416).

446. Tally sheets for white ballots—Two tally books, or two sets of tally sheets, shall be furnished for each election district by the official charged with the printing of the ballots, at the time and in the manner the ballots are furnished. Each tally sheet, or the first sheet of each tally book furnished for white ballots, shall be headed, "Tally sheet for white ballots, election district, November, 19...." directly under which, and extending across the sheet from side to side, shall be two heavy red lines one-half inch apart. At the left side of each sheet, in a column of suitable width, commencing just below said red lines, there shall be printed in plain type the titles of the several offices to be filled and the name of each candidate for the same, and as many blank lines as appear on the printed ballot, the whole being as nearly as may be in the same order as on the official ballot, omitting the squares for marking. (294) [483]

447. Ruling of tally sheet—Under each set or group of candidates for any one office, and the requisite number of blank lines, there shall be a heavy red line extending across the sheet, and another such line across the bottom. Heavy red lines shall also be ruled from the red line nearest to the top to the red line at the

bottom of each sheet, as follows: Three lines so as to form two spaces, each three-eighths of an inch wide, the first close to the column of names, hereinbefore specified; then lines so as to form ten spaces, each five-eighths of an inch wide, followed by one space three-eighths of an inch wide, and as many additional sets of lines as may be convenient; each set to form ten spaces, each five-eighths of an inch wide, followed by one space three-eighths of an inch wide. (295) [484]

448. Further description—Under the name of each candidate or blank line, except where a red line is herein provided, a light blue line shall be ruled across the sheet, and in each space five-eighths of an inch wide, extending from the second line from the top to the bottom line, four light blue lines shall be ruled, in such manner as to divide each such space into five smaller spaces, each one-eighth of an inch wide. Immediately below the upper red line across the sheet, in the first space three-eighths of an inch wide, the words "brought forward" shall be printed, and in the similar space on the extreme right the words "carried forward." In each other space three-eighths of an inch wide the word "Number" or "No." shall be printed. And over the column of names the words "Offices and Candidates" shall be printed. (296) [485]

449. Numbering tallies, etc.—White and pink ballots—On the same line, in the spaces five-eighths of an inch wide, shall be printed in figures, commencing on the left, "5," "10," "15," and so on in multiples of five. In each column headed "Number" or "No." shall be printed in figures, in numerical order "1," "2," "3," and so on, the figure "1" being placed in line with and opposite the name of the candidate nearest the top, and the figure "2" opposite the name of the next candidate, and in like manner down the column, each column headed "number" to be the counterpart of every other column so headed. A similar tally sheet shall be provided for the pink ballots. (297) [486]

450. Tally sheets for blue and red ballots—The form of tally sheets furnished by the county auditors shall be the same as those furnished by the secretary of state, except that the word "blue" shall be substituted for the word "white" or "pink" in the heading; and those furnished by the officials charged with the printing of the red ballots shall be the same, except the word "red" shall be substituted for the word "white" in said heading, and the names of candidates may be printed or written, or partly printed and partly written. (298) [487]

451. Number supplied—Such tally sheets may be printed separately and numbered consecutively, or stitched together, but in either case a sufficient number shall be furnished for the proper tallying of all votes cast. When proper tally sheets have not been received by any board and cannot be readily obtained, the clerks shall prepare them in conformity with those hereinbefore described, in which case they shall certify that they were so prepared and used because the official tally sheets were not received. (299) [488]

452. Canvassing and counting votes—Tally sheets to be official returns of elections—When canvassing the votes a memorandum shall be kept containing the name of the reading judge, the number of ballots read by him, the name of the judge watching such reading, and the name of the judge stringing the ballots and watching the clerks; and when the judges change places, or clerks are relieved, temporarily or otherwise, that shall be noted. Such memorandum shall be certified in duplicate, and a copy thereof attached to each set of tally sheets. When the reading judge an-

nounces the name of a candidate and the office voted for, each clerk shall make a small mark, like the figure "1", in the small unoccupied space nearest such name, and on a line therewith, and one clerk at the time of making such mark shall say, "one," "two," "three," "four," or "five," as the blank space is first, second, third, fourth or fifth in any space five-eighths of an inch wide and formed by red lines. When such space is the proper one, the other clerk shall enter the same; when not, he shall so state, and the marks shall be corrected so as to agree. As the other names are read, the proper marks shall be made on each of the tally sheets until a line on which is the name of any one candidate shall contain no more unoccupied small spaces. Then, the sheets having been compared, a mark in red ink shall be made thereon in such manner that no additional tallies can be made therein without detection. The tally sheets provided for herein shall be furnished by the city clerk for city elections and by the county auditor for county and state elections. In cities of the first class operating under a home rule charter the tally sheets provided for herein shall be made out in duplicate by the judges, and they shall be the official returns of the election. On the back thereof shall be printed the statements required under Sections 439 and 459, and also a certificate signed by all the judges and clerks certifying that the candidates whose names appear on said tally sheet received the number of votes set opposite their names. (300) [489] (Amended '25, c. 420, § 1)

453. Same—In the vacant space under the heading "carried forward," the total vote, so far as counted for each candidate, shall be entered in figures opposite their respective names, and the same figures shall be entered under the heading "brought forward," on the next sheet, opposite the names. The clerks shall proceed in the same manner with the second sheet, including under the heading "carried forward" the number entered under "brought forward." They shall use the sheets in the order in which they are numbered until all votes have been counted. Then, having made a mark to prevent other tallies, they shall place after the same, in both words and figures, the total vote received by each candidate; but this entry shall not be made until it has been determined that there are no ballots in other boxes to be counted here. The judges or clerks shall not mark, fill out, or sign a return before the polls close and the votes are canvassed, and no person except the judges or clerks shall make any entry upon the tally sheets, and any person violating the provisions hereof shall be guilty of a misdemeanor. (301) [490] (Amended '25, c. 420, § 1)

454. Rules for counting marks on ballots—All ballots shall be counted for the persons for whom they were intended, so far as such intent can be clearly ascertained from the ballots themselves, and, in determining such intent, the following rules shall be observed:

1. When a voter has placed a mark (X) against two or more names for the same office, where only one is to be elected, his vote shall not be counted for either candidate.
2. When a voter has written the name of a person in the proper place, his vote shall be counted for such person, whether he makes a mark (X) opposite thereto or not.
3. When a mark (X) is made out of its proper place, but on or so near a name or space as to indicate clearly that the voter intended to mark such name, the vote shall be counted as so intended.

4. When a number of persons are to be elected to the same office, all cross marks in squares opposite names, not exceeding the whole number to be elected, including names written thereon, shall be counted. When less than the number to be elected are marked, only those so marked shall be counted.

5. The judge shall disregard misspelling or abbreviations of the names of candidates, if it can be clearly ascertained from the ballot for whom it was intended.

6. When the judges can determine from a ballot the voter's choice for a part only of the officers, the ballot shall be counted for such part only.

7. When a voter uses uniformly a mark other than (X) in marking his ballot, clearly indicating his intent to mark against a name, and does not use (X) anywhere else on the ballot, his vote shall be counted for each candidate so marked.

8. When a ballot shows that marks have been made against the names of two candidates, and an attempt made to erase one of such marks, it shall be counted for the candidate for whom it was evidently intended.

9. All ballots marked as hereinbefore provided shall be counted for the candidates or measures therein shown to be voted for. (302) [491]

26-529, 6+346; 60-146, 62+116; 81-73, 83+500; 84-85, 86+783; 87-139, 91+434.
 131-306, 155+98; 149-147, 182+988.
 Determination of intention of voter in counting ballots (111-336, 126+1097).
 Cross in square at end of blank line which follows names of candidates is insufficient (117-387, 135+1002).
 129-363, 152+758.
 Subd. 8.—Applied (107-453, 120+1082).
 Subd. 9.—Applied (149-147, 182+988).

455. Defective ballots—Announcement of vote—A ballot so defective in whole or in part that it cannot be counted by reason of inability of the judges to determine the intent of the voter, shall be marked on the back "Defective," or "Defective as to," naming the office as to which it is defective. Such ballots shall be strung in regular order with those not defective. A memorandum of the number of such ballots, and, if defective, in part only, of the defective parts not counted, shall be made, certified, and returned by the judges with their other returns. Thereupon the ballots shall be strung in the order they are read and canvassed, the string tied and sealed, and the ballots replaced in the proper boxes. When the correct result has been ascertained, one of the canvassing judges shall publicly announce to those present the number of votes cast for each candidate. (303) [492]

456. Ballot judges and clerks for general elections—Appointment—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 each 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 thirty days prior to the election, shall so order. Such system, when adopted, shall be uniform in all the districts, and shall be continued until otherwise ordered by the governing body. (304) [493] (Amended '25, c. 420, § 1)

457. Duties—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 reg-

454
 178m 578
 239nw 594
 Sec 2799

 228nw 155
 424

ular 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, and that the gatekeeper performs his duty. 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. (305) [494]

458. **Number slips and receipts for ballots**—When so directed by the regular election board, the ballot judge shall deliver to the elector with his ballots a card or paper containing the first letter of such voter's surname, and his number on the register, which he shall hand with his ballots to the judge in charge of the ballot boxes, who, in addition to his other announcements, shall state such number, as an aid to the other judges in finding his name on their registers; and the judge in charge of the ballot boxes, after an elector has voted, may give him a statement to be delivered to the ballot judge, showing that his ballots have been properly used. (306) [495]

459. **Statement of votes cast**—After the polls have been closed, a judge shall attach to the register, at the end thereof, a statement in substance as follows: "The whole number of the above-named persons who were present and received ballots for the purpose of voting was The number of persons returning spoiled ballots and receiving others was the spoiled ballots being: White ballots,; pink ballots,; blue ballots,; red ballots,; Lavender ballots,; total," The blanks shall be filled by both words and figures. Such statement shall be certified by the judges and attested by the clerks. Provided, however, that in cities of the first class operating under a home rule charter such statement shall be attached to the back of the tally sheet. (307) [496] (Amended '25, c. 420, § 1)

460. **Ballots, by whom canvassed and counted**—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 blue 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. But in every case the memoranda provided for in this chapter 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. (308) [497]

461. **Special judges and clerks**—[Repealed.]

This section (R. L. '05, § 309) is repealed by Laws 1925, c. 420, § 2.

461½. **Special and ballot judges and clerks**—Ballot judges and clerks and special judges and clerks shall have the same qualifications and receive the same com-

pensation 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. (310) [499]

462. **Disposal of ballots after canvass**—As soon as practicable after the canvass has been completed and before the board separates or adjourns and in the presence of all the judges, the ballots cast shall be removed from the boxes and placed in envelopes of the same color as the ballots and of a size to hold the ballots of each box without folding. Heavy envelopes suitable for this purpose, reinforced with cloth at all folds, shall be furnished by the county auditor to each election precinct. After the ballots are in place the envelopes shall be carefully sealed and each election judge shall write his name upon the envelope over the sealed part in such a way that the envelope cannot be opened without disturbing the continuity of the lines in the writing. The number of ballots in each envelope, the kind thereof, and the name of the election precinct shall also be plainly written upon the envelopes. No unused ballots or returns shall be placed in the envelopes. Provided, however, that the provisions hereof shall not apply to cities of the first class operating under a home rule charter. (R. L. '05, § 311; amended '11, c. 256, § 1; '15, c. 167, § 12; '25, c. 420, § 1) [500]

31-25, 16+416; 75-391, 77+952.

463. **Ballots delivered to county auditor**—Duties of auditor—As soon as the ballots have been placed in their envelopes and properly sealed and one of the judges has been chosen to deliver election returns to the county auditor, the envelopes shall be delivered by such judge and he shall personally deliver, or by registered mail or express, send the same to the county auditor. If sent by registered mail or express the envelopes shall be securely wrapped in such a manner that such envelopes and the seals shall be properly protected. The county auditor shall file all envelopes containing ballots thus transmitted to him in his office and shall keep them in a safe place with seals unbroken, unless previously opened by proper authority for examination or recount, in which event the auditor shall cause the envelopes to be again securely sealed with the names of the persons making such inspection or recount endorsed thereon in the manner provided for indorsement by election judges; provided, that such envelopes may be opened by the county canvassing board if necessary to procure any election returns which may have inadvertently been sealed up with said returns by the election judges, but such envelopes shall again be sealed in the manner herein provided. Provided, however, that the provisions hereof shall not apply to cities of the first class operating under a home rule charter. (R. L. '05, § 312; amended '11, c. 256, § 2; '15, c. 167, § 13; '25, c. 420, § 1) [501]

75-391, 77+952; 131-305, 155+97.

464. **Poll lists and registers**—Disposition of—When the canvass has been completed, one poll list and one register, kept and checked as in this chapter provided, shall be attached together by the judges and forthwith filed, with the clerk of the municipality, together with the ballot register, if any; and the other poll

lists, registers, and poll books so kept and checked shall be by said judges forthwith returned to the county auditor with the election returns. Such poll lists and registers shall be open at all times to public inspection without charge. Provided, however, that the provisions hereof shall not apply to cities of the first class operating under a home rule charter. (313) [502] (Amended '25, c. 420, § 1)

465. **Form of returns**—In making out the returns, the clerks shall set down the total number of names entered upon the registers, in columns prepared therefor, the total number of ballots actually cast and counted, the name of each person voted for, the number of votes received by him, and the office, all numbers being written in both words and figures. Such returns shall be in substantially the following form, viz: "At an election held at in the election district, composed of in the county of, State of Minnesota, on the day of 19...., the following named persons received the number of votes opposite their respective names for the following offices, to-wit: For (office), A. received votes"; and the same in case of every person voted for; and a similar return showing votes cast for and against each proposition. Such returns shall be made in duplicate, each signed by the judges and attested by the clerks of election. Provided, however, that in cities of the first class operating under a home rule charter, such returns shall be made on the back of the tally sheets in the above form and shall be signed and certified and attested in the same manner. (314) [503] (Amended '25, c. 420, § 1)

125-251, 146+734.

466. **Returns to be sealed and delivered to auditors**—Unused and spoiled ballots—Statements of totals of votes cast—Before separating, the judges shall include one set of such returns in each of two envelopes, one of which envelopes shall then be sewed by drawing twice through it and the return therein a substantial twine, tying the ends thereof together and then sealing said envelope in three places with wax and stamp furnished by the county auditor, one of which places shall be over the knot in said twine, then indorse said envelope in the following form: "Election returns of the election district in the county of" and direct one of such envelopes to the auditor and the other to the proper town, village, or city clerk. In towns, villages, and cities of the fourth class, one set of such returns, together with all unused and spoiled white, pink, and blue ballots, shall be delivered to the auditor at his office, by a judge chosen by lot or agreement, and the other, in like manner, to the clerk of the municipality. The judges also shall make a summary statement of the total votes cast for each person for any office, and for and against each proposition voted upon, and cause the same to be filed with the auditor in county, state and general elections, and with the city clerk in city elections, with such returns where it shall remain open to public inspection. (315) [504] (Amended '25, c. 126; '25, c. 420, § 1)

125-251, 146+734.

467. **Delivery of returns and unused ballots**—In towns, villages, and cities of the fourth class, the judges in all districts within fifty miles of the county seat shall file their election returns within twenty-four

hours after the polls close, and, when the distance is more than fifty miles, within seventy-two hours. In cities of the first, second, and third classes, immediately after the canvass has been completed and the returns prepared, the judges and clerks, before separating and without stopping at any place or leaving any of their ballot boxes, returns, or ballots at any place or with any person, shall deliver to the city clerk, at his office, one set of such returns, the ballot boxes, all unused and spoiled red ballots, and all other things in this chapter required to be delivered by them to such clerk; and the clerk shall remain in his office to receive the same until all have been delivered. The clerk shall keep a book in which, in their presence, he shall enter the names of the judges and clerks, and the hour at which such delivery was made, which book shall be preserved in his office for the same period as the ballots. The judges in each such district shall forthwith choose one of their number, by lot or agreement, to deliver the other copy of such returns, and the unused and spoiled white, pink and blue ballots, to the auditor. The judge so chosen shall deliver such returns, ballots, and all other things in this chapter required to be so delivered, to such auditor, at his office, within twenty-four hours after delivery of the ballot boxes and returns to the city clerk. (316) [505]

125-251, 146+734.

468. **Handling and care of ballots in certain cities and counties**—In counties having a population of 200,000 or more, and in all cities having a population of 50,000 or more, whether operating under home rule charters or otherwise, the ballots in each precinct shall, as soon as practicable after the canvass is completed, and in the presence of all the judges, be strung and fastened together into a single package by passing a substantial twine string through and around all the ballots cast in such precinct, tying the ends of the twine and sealing the same with wax over the knots, with a seal provided by the county auditor or the city clerk, as the case may be. After the ballots have been so strung, fastened and sealed, they shall be replaced in the ballot boxes in the presence of all the judges, and each ballot box be locked and shall then be sealed by pasting a firm paper across the lid and body thereof, in such manner that the box cannot be opened without breaking the seal and each judge shall write his name upon said paper, so that such signature shall cross the opening between the lid and the body of the box. Such sealing shall be done before the board separates or adjourns, but not until by a canvass of the ballots in all the boxes, it has been ascertained that all of the ballots to be sealed in a box have been placed therein.

In counties having a population of 200,000 or more, and in all cities having a population of 50,000 or more, whether operating under home rule charters or otherwise, the ballot boxes, after the ballots have been placed therein and the boxes have been properly sealed, shall be returned to the office of the county auditor or city clerk, as the case may be, by at least two of the election judges in person, and shall thereafter be stored in such manner as to admit at all times of actual, visual inspection of the exterior of the said boxes. Any candidate for office at such election, upon demand made upon the custodian of the ballots shall be entitled, either by himself, or his duly authorized agent, or agents, not exceeding two at any one time, to maintain continuous, visual watch over said boxes at all hours of the day and night until the expiration

of the time for instituting contests; and in case of the instituting of contest or contests, either party to such contest, upon demand upon the custodian of the said ballots and upon notice to the opposing party to such contest, shall be entitled by himself, or his duly authorized agent or agents, not exceeding two at any one time, to maintain an actual, visual watch over such ballot boxes at all hours of the day and night. In event of such demand, either by candidate or party to a contest, the custodian of such ballots shall be authorized to appoint some suitable person as watchman over such ballot boxes during such hours as he shall deem necessary, in order to prevent leaving the same in the sole custody of such candidate or contestant, or his agent or agents. (R. L. § 316, amended '05 c. 214, '12 c. 2 § 19) [506]

469. Returns, how delivered to county auditor—And wherever the said election laws require the election returns and other papers to be delivered to the county auditor by one of the judges or other manager; hereafter such returns and other papers shall, in the presence of all the judges of election, be deposited in duplicate, each in a separate envelope, one of which shall be sewed by drawing a substantial twine through said envelope and said returns, and tying the ends of said twine together, and then seal said envelope, with a stamp furnished by the county auditor, in three places, having one of the seals over the knot in said twine. Said judges shall designate one of their number to take, within twenty-four hours, said envelopes, containing said election returns and other papers, to the nearest postoffice, and cause them to be registered and mailed to the county auditor at his office. The person mailing such election returns and other papers shall receive for his compensation the sum of one dollar; and also ten cents per mile for each mile necessarily traveled in going to and returning from the postoffice where such election returns were mailed; said compensation to be paid out of the county treasury. ('03 c. 168, amended '05 c. 214 § 2) [507]

470. Failure to register and mail—Should the judge of election so designated fail to register and mail said election returns and other papers within the time herein specified he shall be deemed guilty of a misdemeanor, and punished accordingly. ('03 c. 168, amended '05 c. 214 § 3) [508]

471. Districts excepted—Provided, however, that this act shall not apply to election districts where the place of holding the polls is within ten miles of the office of the county auditor by the nearest traveled route. ('03 c. 168, amended '05 c. 214 § 4) [509]

472. Failure to deliver return—Whenever the judges of election fail to make return as provided in this chapter, the auditor or clerk to whom such returns should have been made shall dispatch a special messenger to obtain them, who shall be entitled to the same compensation as a judge of election for like services, and be subject to the same penalties. (317) [510]

473. Informalities—No officer to whom election returns are required to be made shall refuse to receive them because they are returned or delivered to him in any other manner than that prescribed in this chapter, except that they must be sealed. No canvassing board shall refuse to include any returns in its canvass of votes on account of any informality in holding the election or making returns thereof, but all returns shall be received, and the votes canvassed by such board and included in its statements where there is a sub-

stantial compliance with the provisions of this chapter. (318) [511]

10-107, 81; 18-351, 323; 125-251, 146+733.

474. County canvassing board—The auditor, the chairman of the county board, and two justices of the peace selected by the auditor, from opposing political parties when possible, shall constitute the county canvassing board, any three of whom being present and sworn shall have power to act. Said board, within ten days after the election, shall meet at the auditor's office and there publicly canvass the returns made to said auditor. Said canvass shall be completed, without unnecessary delay, and thereupon said board shall make, certify, and file with the auditor statements as follows:

1. Of the whole number of votes cast in such county for the several state officers, including presidential electors, members of the legislature, and judges of the district court, the names of the persons for whom such votes were cast, and the number cast for each. Also, upon the same return, the total number of registered names, male and female separately, in each election district, and the total number of ballots cast therein.

2. Of the names of all persons receiving votes for any county office, and the number of votes received by each.

3. Of the names of all candidates for the office of representative in Congress, and the number of votes received by each.

4. Of the number of votes cast for and against any proposed change of county lines or county seat.

5. Of the number of votes cast for and against any proposed amendment to the constitution, or other proposal submitted to popular vote. (319) [512]

10-107, 81; 2-346, 298; 2-180, 148.

475. Returns to secretary of state—Two copies of each of such statements shall be made and certified under the official seal of the auditor, each inclosed in an envelope directed to the secretary of state, with the auditor's name and official address and the words "Election Returns" indorsed thereon, and forwarded by different mails within five days of each other. If neither copy be received by the secretary within twenty days after the election, he shall immediately notify the auditor of that fact, who shall transmit another copy thereof to said secretary by special messenger deputed by him. (320) [513]

476. County canvassing board to declare persons elected—The board having completed its canvass, shall declare the person receiving the highest number of votes for each county office duly elected thereto. When such county constitutes or contains a senatorial or representative district, it shall declare the persons receiving the highest number of votes, respectively, for senator or representative, duly elected. In case of tie, the result shall be determined by lot by the canvassing board. (R. L. '05 § 321, G. S. '13 § 514, amended '15 c. 167 § 14)

477. Certificates of election and copies of returns—The auditor of each county shall make, for every officer and member of the legislature elected therein, a certificate of such election, and deliver the same to the person entitled thereto, without fee, upon demand. He shall also make, for any candidate or voter of his county, a certified copy of any statement of votes made by the county canvassing board, on payment or tender of one dollar therefor. (322) [515]

Force of certificate (10-107, 81; 15-221, 172; 15-455, 369; 25-340). In making certificate auditor governed by return of canvassing board (15-455, 369). Deputy auditor may issue certificate (10-369, 295). 143-226, 173+417.

474
228nw 155
424

476
228nw 155
427

478. **State canvassing board**—The secretary of the state shall call to his assistance two or more judges of the supreme court and two disinterested judges of the district court, and they shall constitute the state canvassing board. He shall appoint a meeting of such board to be held in his office on the fourth Tuesday of November after each general election, and within thirty days after a special election. When a vacancy in the membership of said board occurs by reason of inability or failure of any such judge to attend on the day appointed, he shall fill the vacancy by selecting another disinterested judge from either court: Provided, that not more than two judges of the supreme court shall be obliged to serve upon such board at one time. (R. L. § 326, amended '09 c. 76 § 1) [519]

479. **Statement of votes—Declared result**—Such board shall open and canvass the certified copies of the statements made by the county canvassing boards, prepare therefrom a statement of the whole number of votes cast at such election for candidates for the several state offices, and for such candidates for state senator or representative as shall be voted upon in more than one county, the names of the persons receiving such votes and the number received by each, specifying the several counties in which they were cast. Such board shall subscribe and certify to the correctness of such statement, and within three days after such canvass declare the result. In case of tie vote for any state or legislative office, or for any other office, the result of which is to be certified by the state canvassing board, the election shall be determined by lot cast by such board. (R. L. '05 § 327, G. S. '13 § 520, amended '15 c. 167 § 15)

480. **Canvass of votes for members of Congress and presidential electors**—At the same time such board shall open and canvass the returns made to the secretary of state for members of Congress and presidential electors, and prepare a statement of the number of votes cast for the several persons receiving votes for said offices, and declare the person or persons receiving the highest number of votes for each office duly elected. But when it appears that more than the number of persons to be elected as presidential electors have the highest and an equal number of votes, the secretary of state, in the presence of said board, shall decide by lot which of such persons shall be declared elected. The governor shall transmit to each person so declared elected a certificate of election, signed by him, sealed with the state seal, and countersigned by the secretary of state; and immediately after said canvass is completed he shall cause a statement of their election to be published in one or more of the newspapers printed at the state capital. Whenever two or more persons in any congressional district receive the same and the highest number of votes for representative in Congress, a special election shall be called, as hereinafter provided, for the election of a representative in Congress in such district. (328) [521]

481. **Notice of presence of electors—Vacancies—Ties**—Every presidential elector, before 12 o'clock m. on the day next preceding that fixed by Congress for such electors to vote for President and Vice-President of the United States, shall notify the governor that he is at the state capitol, and ready at the proper time to fulfil his duties as such elector. The governor shall thereupon deliver to the electors present a certificate of the names of all the electors, and if any elector named therein fails to appear before 9 o'clock a. m. on the day, and at the place, fixed for voting for President and Vice-President of the United States, the electors then present shall, in the presence of the gov-

ernor, immediately elect by ballot a person to fill such vacancy. If more than the number of persons so required have the highest and an equal number of votes, the governor in the presence of the electors attending, shall decide by lot which of said persons shall be elected. (329) [522]

482. **Same—Notice, etc.**—Immediately after such vacancies have been filled, the electors present originally chosen shall certify to the governor the names of the persons so elected to complete their number, and the governor shall at once cause written notice to be given to each person so elected to fill a vacancy; and the persons so chosen shall be presidential electors, and meet and act with the other electors. (330) [523]

483. **Meeting and action of electors**—Such original and substituted presidential electors, at 12 o'clock m., shall meet in the executive chamber, at the state capitol, and then and there perform all and singular the duties imposed upon them as such electors by the constitution and laws of the United States and this state. (331) [524]

484. **Contest for seat of senator or representative—Proceedings and filings**—Any candidate for the office of senator or representative for any district, may contest the validity of the election of any person declared elected to such office, by filing with the clerk of the district court of the county of the residence of the contestee, within ten days after the canvass is completed, a written notice of contest, specifying the points upon which the contest will be made.

The notice shall be served upon the contestee, within five days thereafter, in the manner provided for the service of a summons in a civil action, or within the time and in the manner prescribed for serving notices in section 529, General Statutes 1913. The contestee may, within fifteen days after the service of such notice, serve upon the contestant a notice specifying additional points upon which he desires to offer evidence upon the right to hold such office. ('19 c. 162 § 1)

G. S. 1913, § 529, is § 488, herein.

485. **Inspection of ballots**—An inspection of ballots may be had upon the application of either party to the contest, in accordance with section 530, General Statutes 1913, which shall apply to contests under this section insofar as said section may be applicable, including the provision for furnishing a bond for the sum of two hundred fifty dollars. Three inspectors of ballots shall be appointed as provided for in said section 530, in the case of a contest for a county office. The inspectors shall recanvass the votes and ballots cast for the parties to the contest in accordance with law and with section 491, General Statutes 1913. They shall make a written report of such recount and recanvass, and shall report the number of votes cast for each of the parties to the contest in each voting district and shall report any disputed ballots upon which the inspectors cannot agree. ('19 c. 162 § 2)

G. S. 1913, § 491, is § 454, herein; G. S. 1913, § 530, is § 489, herein.

486. **Contest to be brought within 30 days**—The contest proceedings shall be brought on for trial as provided in said section 529, within thirty days after the filing of the notice of contest. The only questions to be tried by the court shall be as to which of the parties to the contest received the highest number of votes legally cast at the election, and as to who is entitled to receive the certificate of election. The judge trying the proceedings shall make findings upon the questions so tried. Further evidence upon the points specified in the notices shall be taken and pre-

served by the judge trying the contest, or under his direction by some person appointed by him for that purpose.

The county auditor or secretary of state shall make and deliver to the one so found to have the highest number of legal votes, a certificate of election. Whenever a contest is instituted under this act, the county auditor and secretary of state shall refrain from issuing a certificate of election until the final termination of the question as to which of the parties is entitled to the certificate of election. He shall then issue the certificate to the one so found to be entitled to the certificate.

Either party may appeal to the supreme court from the determination of the district court in accordance with the provisions of section 531, General Statutes 1913, within five days after notice of filing the decision.

Upon application of either of the parties to the contest, the clerk of the district court shall transmit all the files and records of the proceedings with all the evidence taken to the presiding officer of the house by which the contest is to be tried. ('19 c. 162 § 3)

Section 4 repeals G. S. '13 §§ 525, 526, 527.
§§ 529, 531 referred to, are §§ 488, 490.

487. Conduct of contest in legislature—In hearing the contest, the house shall proceed as follows:

1. At the time appointed, the parties shall be called, and, if they appear, their appearance shall be recorded.

2. If the presiding officer be a party, a speaker pro tem. shall be elected to preside.

3. The contestant's evidence shall be submitted first, followed by that of the contestee, and the contestant shall open the argument, and close the same after the contestee has been heard.

4. The vote upon the contest shall be viva voce, any member may offer reasons for the vote he intends to give, and a majority of the votes given shall decide; but no party to the contest shall vote upon any question relative thereto.

5. The clerk or secretary shall enter the proceedings in the journal. (335) [528]

488. Contesting state and municipal elections—Any voter may contest the election of any person for or against whom he had the right to vote, who is declared elected to a state, county, or municipal office, or the declared result upon a constitutional amendment or other question submitted to popular vote, by proceeding as follows: He shall file with the clerk of the district court of the county of his residence, within ten days after the canvass is completed, a notice of appeal to such court, specifying the points upon which the contest will be made, and cause a copy thereof to be served upon the contestee when the contest relates to the election of an officer, upon the secretary of state when it is a matter submitted to popular vote which affects the entire state, or any subdivision thereof larger than a county, upon the auditor when it affects a single county, and in all other cases upon the municipality affected. In case of a contest as to a state office, the notice may be filed in any district court of the state, but the place of trial may be changed as in civil actions. When the contestee desires to offer testimony on points not specified in contestant's notice, he shall file and serve on the contestant notice thereof, specifying such additional points. Such notices shall be treated as the pleadings in the case, and may be amended in the discretion of the court. All notices provided for herein shall be served in such manner and within such times as the court may by order direct, and the testimony shall be taken, and the matter tried and determined, in the same manner as such actions

are tried by the court, at a general or special term, if any, occurring within thirty days after such canvass. When no term is already fixed, the judge shall seasonably appoint a special term to be held within such time. (R. L. § 336, amended '11 c. 59 § 1) [529]

Applicable to municipal elections (76-55, 78+865). Any voter may contest election (74-177, 77+28). Notice must specify grounds of contest (31-25, 16+416; 46-274, 48+1112; 94-524, 102+1134). Filing notice as prescribed jurisdictional (9-232, 217; 23-445; 53-290, 55+132; 76-55, 78+865, 107-315, 119+1057). Cf. 115-182, 131+1079; 119-165, 137+738. Contest bond not equivalent to notice (76-55, 78+865). No right to jury trial (26-529, 6+346; 13-518, 480; 4-109, 70). Grounds of invalidity must be clearly proved (57-45, 58+867). Burden of proof (10-107, 81; 67-119, 69+699). Evidence admissible (13-518, 480; 26-529, 6+346; 31-25, 16+416; 38-222, 37+95).

As to the time and manner of serving notices (107-315, 119+1057; 115-182, 131+1079; 119-165, 137+738).

Filing of proper notice of contest gives district court jurisdiction (119-165, 137+738; 122-138, 142+12; 126-300, 148+276).

1895 c. 8 § 114, which confers upon the council power to canvass results of votes at city elections, and makes the council judge of the election and qualification of its members, was not repealed by this section. The council and the district court have concurrent jurisdiction (100-352, 111+3).

Electors voting for a candidate whose name appears on the official ballot as regular nominee will not be disfranchised by rejecting their ballots on the ground that the nomination was secured by unlawful means (103-147, 114+465).

The trial at a place not the county seat, against objection and exception, held reversible error (98-109, 107+547).

Petition and notice of contest serves as complaint in civil action (146-467, 177+924).

Change of venue (126-404, 150+625).

Inability of canvassing board to declare election on tie vote, court has jurisdiction of contest (129-301, 152+639; 136-443, 162+522. 147-6, 179+213.

166-507, 208+408.

The necessary statement, in a contest notice, that the contestant is a voter may be made by implication. 165-116, 205+702.

In this, an election contest, evidence held sufficient to warrant the findings of the trial court, and that the respondent, Osborne, received a majority of the legal votes and was duly elected. 166-63, 206+947

489. Inspection of ballots on contest, whether for office or proposition submitted to vote—After a contest has been instituted, either party may have the ballots inspected before preparing for trial. The party applying for such inspection shall file with the clerk a verified petition, stating that he cannot properly prepare his case for trial without an inspection of such ballots, and thereupon the judge of said court shall appoint three persons, if for a county or municipal office, or other question submitted to popular vote in any county or municipality, one selected by each of the parties and a third by those two, by whom such inspection shall be made. If the contest relates to a state office, or to the declared result upon a constitutional amendment or other question submitted to popular vote throughout the state, a judge of said court shall issue an order directing that all ballots pertaining to such contest be forthwith transmitted to the secretary of state by the several county auditors of the state. Such ballots, together with the sealed envelopes in which they were returned by the election judges, shall be properly boxed and sealed before shipment. They shall be shipped by express and it shall be the duty of the transportation company having in charge the transportation of such ballots to properly safeguard the same from the time they are received until they are delivered to the secretary of state. The said order may be served upon the several county auditors by registered mail. Such order may be modified as to the most populous counties and provision made for inspecting the ballots of such counties at the county seats thereof. Before such order is issued the applicant therefor shall deposit with the secretary of state a sum of money sufficient to pay all expenses connec-

488
228nw 155
424
474
488-492
178m 578
238nw 695
See 256
Sec 405

ted with the transportation of such ballots. No compensation shall be allowed the county auditor for his services in preparing such ballots for shipment. In state contests, the judge of said court shall appoint as many sets of three persons as may be necessary to expeditiously count and inspect the ballots in the office of the secretary of state, or elsewhere. Such inspectors shall be selected in the same manner as for county or municipal contests. Contests for district judge, or other offices not specifically provided for herein, shall be conducted under this section, the procedure therefor to be fixed by the court. Inspection of ballots shall be conducted in the presence of the legal custodian of the ballots and the party applying therefor shall file with the clerk a bond in the sum of two hundred and fifty dollars if the contest be within a single county; otherwise such bonds shall be in a sum to be fixed by the court in its discretion, with two sureties, and conditioned that he will pay the costs and expenses of such in case he fails to maintain his contest. If the contestant prevails in his contest the cost shall be taxed against the contestee. In case either party neglects or refuses to name an inspector, he shall be named by the judge. The compensation of inspectors shall be the same as for referees, unless otherwise stipulated. Any court of proper jurisdiction may order the return of any ballots to the county from which they were sent, after inspection, if necessary to be used in any other contest proceeding. The secretary of state shall preserve any ballots in his possession until the next general election, unless otherwise directed by order of court. (R. L. '05 § 337, amended '07 c. 475; '13 c. 368 § 1; '15 c. 167 § 16) [530]

127-35, 148+593; 141-500, 169+788.

No right to inspection before service of notice of contest (31-25, 16+416). Bond (66-419, 69+216; 70-233, 72+1061; 76-55, 78+865). Applicable to contests for legislative officers and constitutional (59-489, 61+553).

Laws 1915, c. 167, § 17 repeals G. S. '13, §§ 392, 516, 517, 518.

An elector, not a voter in the precinct where she voted, testified that she voted for contestant. The illegal vote should have been found cast for the contestant, and that one vote should have been deducted from the total counted by the inspectors for contestant. 155-419, 194+308.

Circumstantial evidence competent to show for whom illegal vote cast. 155-419, 194+308

Direct evidence as to how illegal votes are cast is not necessary. In an election contest that fact may be proved by circumstantial evidence. 159-438, 199+173.

490. Appeal to supreme court—When an appeal is taken to the supreme court from the determination of the district court in any contest, the party appealing shall file in the district court a bond in such sum, not less than five hundred dollars, and with such sureties, as shall be approved by the judge, conditioned for the payment of all costs incurred by the respondent in case appellant fails on his appeal. The return on such appeal shall be made, certified, and filed in the supreme court within fifteen days after service of notice of appeal. The appeal may be brought on for hearing in said court at any time when it is in session upon ten days' notice from either party, which may be served during term time or in vacation; and it may be heard and determined summarily by said court. (338) [531]

122-138, 142+12.
129-363, 152+758.

491. Contesting vote on county seat removal, etc.—When a vote is taken in any county on the removal of the county seat, changing county lines, or on any other question submitted to popular vote, any voter therein may contest the declared result thereof. Within thirty days after such result is declared or proclaimed, he shall cause to be served on the county board of the county in which said vote was taken, or on a

member thereof, a notice specifying the points on which said election will be contested; and within ten days after such service he shall file with the clerk of the district court of said county a copy of such notice. No appeal to said court shall be required. Such district court, at its first general or special term thereafter, shall hear and determine such contest as in the case of civil actions triable by the court. Such county board, or upon its failure any voter of the county, may appear and defend in such contest. (339) [532]

16-249, 221; 60-132, 61+911; 81-220, 83+984; 87-209, 91+756; 113-298, 129+514.

492. Defective ballots—Whenever in any contested election the tribunal hearing the contest shall determine that the ballots used in any district, by reason of the omission, addition, misplacing, misspelling, or misstatement of one or more titles of offices, names of candidates, or parties or policies represented by them, were so defective as to the office in contest as to be calculated to mislead the voters in regard to any of the candidates for said office, and that the defective condition of said ballots may have affected the result of the entire election for such office, the election shall be declared invalid as to said office. (340) [533]

121-465, 141+791.

493. Compensation for election services—The compensation for services performed under this chapter shall be as follows:

1. To presidential electors, ten dollars for each day's attendance at the capitol, and five cents for each mile necessarily traveled in going to and returning from St. Paul.

2. To members of the state canvassing board, three dollars for each day's attendance, and ten cents for each mile of necessary travel.

3. To persons carrying ballots from, and returns to, county auditor's offices, one dollar for each trip necessarily made, and ten cents for each mile of necessary travel.

4. To auditors, chairmen of county boards, justices of the peace, and others acting in their places, three dollars for each eight hours of service as members of any canvassing board, and ten cents for each mile of necessary travel.

5. To regular, special and ballot judges and clerks of election, forty cents for each hour necessarily spent in registering voters and receiving votes, and 50 cents for each hour spent in counting and canvassing ballots. Provided, that such compensation to regular, special and ballot judges and clerks of election in cities of the first class operating under a home rule charter shall be fixed and determined by the city council or common council of such cities respectively.

Provided further, that such compensation to regular, special and ballot judges and clerks of election in cities now or hereafter having 20,000 and not more than 50,000 inhabitants, shall be fixed and determined by the city councils or other governing bodies of such cities respectively, in amounts not exceeding forty cents for each hour necessarily spent in registering voters and receiving votes, and fifty cents for each hour so spent in counting and canvassing ballots. (Amended '19, c. 330, § 1; '25, c. 420, § 1; '27, c. 228)

6. To special peace officers, twenty cents for each hour of service rendered by direction of the judges. Provided, that such compensation to special peace officers in cities now or hereafter having 20,000 and not more than 50,000 inhabitants, shall be fixed and determined by the city councils or other governing bodies of such cities respectively, in an amount not exceeding

thirty cents for each hour of service so rendered. ('13 c. 395 § 2, amended '19 c. 330 § 2) [534]

Explanatory note—Laws 1925, c. 420 and 1927, c. 228 amend only subd. 5 of this section.

Section 3 of '19 c. 330 declares that population shall be determined according to the last census.

494. Compensation and other expenses, how paid—The compensation prescribed in Section 493, subdivisions 1, 2, the cost of printing the white and pink ballots, and all necessary expenses incurred by the secretary of state in connection with elections, shall be paid by the state out of moneys not otherwise appropriated. That prescribed in Section 493, subdivision 4, the cost of printing the blue ballots, and all necessary expenses incurred by auditors in connection with elections, shall be paid by the respective counties. That prescribed in the remaining subdivisions thereof, the cost of printing the red ballots, of providing ballot boxes and polling places, and equipping the same, and all necessary expenses of the clerks of municipal corporations on account of elections, shall be paid by the respective towns, villages, or cities where the elections are held. All disbursements hereunder shall be presented, audited, and paid as in the case of other public expenses. (342) [535] (Amended '25, c. 216)

495. Application to towns and villages—The foregoing provisions of this chapter shall not apply to elections of town officers, nor, except those relating to the arrangements for voting at the polls and the preservation of order thereat, to village elections. And nothing herein shall affect the terms of city officers, or the times of holding city elections, as prescribed by the charters of the several cities. (343) [536] 60-132, 61+911; 76-55, 78+865; 107-437, 120+894.

ABSENT VOTERS LAW

496. Applicability—"General election" defined—Any person entitled to vote at any general election who is absent on the day such general election is held, from the election district in which he is entitled to vote, may vote therein by having his ballot delivered by mail to the election judges of such district on the day of such general election, by complying with the provisions of this act, provided however, that no person residing in a city of the first, second or third class shall be permitted to so vote, unless he has duly registered in said district prior to such election day. The words 'general election' as used in this act shall be construed to include the election held in the several election districts on the first Tuesday after the first Monday in November in each even numbered year and also any city election, including cities of the first class operating under home rule charters, and any county option election, so-called, held under the provisions of Chapter 23, Laws 1915, and any act or acts supplementary thereto or amendatory thereof, held in any county, and shall also include all primary elections, special primary elections and special elections. ('17, c. 68, § 1; amended '17, c. 120; '23, c. 108; '25, c. 289, § 1)

Explanatory note—Laws 1915, c. 23, relates to county local option liquor elections, and is omitted from these statutes because of the 18th amendment to the Const. of U. S.

497. Applications to county auditors for ballots—Form of—At any time not more than thirty (30) or less than one (1) day before the day of holding any general election, any person may make application in writing subscribed by him to the county auditor of the county in which he is a resident for ballots and envelopes, and at the time of making such application,

he shall subscribe and swear to the oath hereinafter directed to be printed on the back of application for ballots. Such oath shall be taken before an officer authorized to administer oaths and the jurat thereof shall be authenticated with the official seal of such officer, if he have a seal.

If the applicant for ballots be a resident of a city of the first, second or third class, the application for ballots shall be in the following form:

Application for Ballots.

"The undersigned, a duly qualified and registered voter of the Precinct of the ward of the

(In case a ward constitutes an election district strike out the word "precinct").

City of in the County of State of Minnesota, residing at in the city,

(Here insert street and number). hereby makes application for the ballots to be voted upon in said election district at the next general election. Please mail said ballots and accompanying envelopes to me at

(Here insert postoffice address to which to be sent). Dated 19....

(Signature of Applicant)"

If the applicant for ballots be not a resident of a city of the first, second or third class, the application for ballots shall be in the following form:

"The undersigned, a duly qualified voter of the

(Here insert name of town, village or other description of the election district). residing at

in the (Town, village or city of the fourth class).

hereby makes application for the ballots to be voted for in said district at the next general election. Please mail said ballots to me at

(Here insert postoffice address to which to be mailed).

Dated at this day of, 19....

(Signature of Applicant.)"

There shall be printed on the back of each of said forms the following:

"This is to certify that ballots were—mailed—delivered in person as per enclosed application, this day of, 19....

County Auditor.

Per Deputy."

OATH.

County of State of—ss.

I do swear that I am a citizen of the United States; that I am twenty-one years of age, and have been a resident of the State of Minnesota continuously during the six months last past; that I am an actual resident of the election district named in the within application; that on the day of, 19...., I will have resided therein for more than thirty (30) days; that I do not intend to abandon my residence in said district prior to the day of, 19....;

that at said time I will be a qualified voter in said district.

.....
(Signature of Applicant)

Subscribed and sworn to before me this
day of, 19....

.....
(Signature of Officer)

.....
(Description of Officer)"
(’17, c. 68, § 2; amended ’27, c. 77, § 1)

498. Ballots to be delivered to county auditor 15 days before election day—The several officers charged by law with the preparation, printing, and distribution of ballots shall at least fifteen days before a general election, print and deliver to the county auditor a sufficient number of the ballots printed under their supervision respectively, to enable the auditor to comply with the provisions of this act. It shall be the duty of the county auditor to prepare and print the ballots prepared under his direction at least fifteen days before election. (’17 c. 68 § 3)

499. Auditors to deliver ballots to applicants—If an application is made either in person or by mail more than fifteen days before election, the auditor shall file the same and forthwith on the delivery to him of the ballots, shall mail to the applicant at the address specified in the application one each of the several ballots the applicant is entitled to vote upon at the next general election; also the envelopes hereinafter specified. If the application is made within fifteen days of the election, he shall forthwith upon receipt of such application, mail or deliver to the applicant, if he apply therefor in person, and fill out and sign the application blank specified in General Statutes 1923, 497, one each of the several ballots the applicant is entitled to vote upon at the next general election; also the envelopes hereinafter specified. (’17, c. 68, § 4; amended ’27, c. 77, § 2)

500. Fee of 35 cents to be paid by applicant—Auditor to name assistants, if necessary—The applicant for such ballots shall pay to the county auditor at the time he makes such application, a fee of thirty-five cents. The money so received by said county auditor shall be kept in a separate fund and shall be expended by said auditor in paying the expense of such extra clerical assistance as may be required for the performance by him of the duties imposed by this act; the cost of furnishing and printing the application blanks specified in Section 2 hereof; the cost of furnishing and printing the envelopes and voters’ certificate hereinafter specified; the cost of postage both in forwarding and for the return of the ballots as hereinafter specified and in delivering to the judges of election of the several districts in his county the applications after the same have been endorsed by him as hereinafter specified. Any surplus of the moneys so received shall be paid into the county treasury and credited to the general revenue fund.

The county auditor of each of the several counties is hereby authorized to employ such assistants, additional to those now authorized by law, as may be necessary to the carrying into effect of the provisions of this act, but the expense of such additional clerical assistance shall be paid only from the money derived from the fees aforesaid remaining after the payment

of postage and the cost of envelopes and voters’ certificates herein provided for. (’17 c. 68 § 5)
Section 2 is § 497, herein.

501. Ballots, voter’s certificates and envelopes—Forms—The county auditor of each of the several counties shall mail or deliver to the applicant with the ballots two envelopes and a voter’s certificate. One envelope shall be known as the “Return Envelope” and shall be sufficiently larger than the “Ballot Envelope” hereinafter described, to conveniently enclose and contain the “Ballot Envelope” hereinafter described. There shall be printed or written across the left-hand end of said envelope by the auditor, before delivery thereof to the applicant, the words:

“Return Envelope.

Postmaster deliver on Election Day.”

The auditor shall also cause said “Return Envelope” to be addressed to the “Judges of Election” in the election district in which the applicant has certified in his application he is entitled to vote, such address shall be in substantial conformity to one of the illustrations hereinafter set forth and as the facts may require, to-wit:

“To the Judges of Election,
7th precinct, Third Ward,
City of Minneapolis,
Hennepin County,
Minnesota.”

“To the Judges of Election, Rosedale Town
.....
(Here insert name of postoffice nearest voting place.)

Hennepin County,
Minnesota.”

“To the Judges of Election, Village of Excelsior,
Excelsior,
Hennepin County,
Minnesota.”

The auditor may vary any such form for addressing “Return Envelope” as the facts may require, but shall adopt such form of address as will best insure the prompt delivery of such envelope and contents to the judges of election on election day.

The county auditor shall also affix to said “Return Envelope” postage stamps sufficient in amount to pay the postage on said “Return Envelope,” after the ballot, ballot envelope and voter’s certificate herein prescribed have been enclosed therein, from any postoffice within the territorial limits of the United States, other than the overseas possessions of the United States to the place to which it is addressed. He shall also place thereon a ten cent special delivery stamp, or if a special delivery stamp be not obtainable, additional postage stamps aggregating in amount to ten cents, in which latter case he shall also write or stamp on the addressed side of such envelope in a conspicuous place the words, “Special Delivery.”

There shall be printed on the back of said “Return Envelope” a certificate which shall be substantially in the following form, to-wit:

“This is to certify that
after marking and enveloping the enclosed ballots as set forth in the enclosed certificate by me attested, enclosed the said ballot envelope in this return envelope in my presence without opening the said ballot envelope or permitting me or any other person to know

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or learn how he had voted as to any candidate or proposition and that this return envelope was sealed in my presence and after being sealed was deposited in my presence in the United States Postoffice at without being opened.

Dated this day of19....
.....
Attesting Witness."

The return envelope shall be so made as to open on the left hand end and the certificate above set forth shall be printed on the right hand three-fourths of the back of said envelope.

The auditor shall also furnish to the applicant with the ballots, a "Voter's Certificate," which certificate shall be substantially in the following form, where the applicant is a resident of a city of the first, second or third class;

VOTER'S CERTIFICATE.

"The undersigned hereby certifies that he is a qualified and duly registered voter in the precinct of the Ward of the city of

(Strike out the word "Precinct" if the ward or wards constitute an election district.)

and that the ballots enclosed in the "Ballot Envelope" herewith enclosed in the "Return Envelope" was exhibited by me to the attesting witness named below before the same was marked by me and that thereafter I marked the same in the presence of said witness, but in such a way that neither he or any other person could see or learn for what candidates or propositions thereon I voted; that thereupon and in his presence I folded said ballots and without showing the same to any person, enclosed the same in the "Ballot Envelope" and sealed said "Ballot Envelope."

"Dated at, this day of, 19....
.....
Voter."

CERTIFICATE OF ATTESTING WITNESS.

"I certify that I have read the foregoing certificate and know the contents thereof and that the same is true.

Dated at, this day of, 19....
.....
Attesting Witness.

(Here write name of office or official character, such as postmaster, clerk of court, etc.)"

If the applicant is a resident of a town, village or city of the fourth class, the auditor shall furnish with the ballots a "Voter's Certificate" which shall be substantially in the following form, to-wit:

VOTER'S CERTIFICATE.

"The undersigned hereby certifies that he is a qualified voter in the

(Here describe voting district, if more than one.)
of the

(Name of town, village or city of fourth class.)
county of State of Minnesota;
that the ballots enclosed in the "Ballot Envelope" was

exhibited by me to the attesting witness named below before the same was marked by me; that at the time I so exhibited the same to said attesting witness there were no cross marks opposite the names of any candidates, or propositions to be voted on, that thereafter I marked the same in the presence of said attesting witness, but in such a way that neither he or any other person could see or learn for what candidate or proposition thereon I voted; that thereupon in his presence I folded said ballots and without showing the same to any person, enclosed the same in the "Ballot Envelope" and sealed said "Ballot Envelope."

Dated at, this day of, 19....
.....
Voter."

CERTIFICATE OF ATTESTING WITNESS.

"I hereby certify that I have read the foregoing certificate and know the contents thereof and that the same is true.

Dated at, this day of, 19....
.....
Attesting Witness.

(Here write name of office or official character of attesting witness, such as postmaster, etc.)"

Printed on the back of the voter's certificate shall be the following directions to voters, to-wit:

DIRECTIONS TO VOTERS.

(a) You may mark and mail your ballot at any place within the United States other than Alaska and the Island Possessions of the United States.

(b) The ballot must be marked and sealed in the "Ballot Envelope" in the presence of an attesting witness, but in such a manner as to prevent such witness or any other person from knowing or learning how you have voted as to any candidate or proposition.

(c) After marking and enclosing ballot in the "Ballot Envelope" you and attesting witness must each sign your respective names to the "Voter's Certificate" and "Certificate of Attesting Witness."

(d) Do not put "Voter's Certificate" in "Ballot Envelope" but enclose same in "Return Envelope."

(e) Enclose "Ballot Envelope" and "Voter's Certificate" in "Return Envelope," seal the latter, have attesting witness sign certificate on back of "Return Envelope" and then deposit same in the United States Postoffice in presence of the attesting witness.

(f) The ballot may be marked and mailed at any time after you receive it from the county auditor; it should, however, be marked and mailed so as to arrive at your voting place on or before election day. If not there by that day it will not be counted.

(g) The attesting witness who signs the voter's certificate must also sign the certificate on the back of the "Return Envelope."

(h) Any United States Postmaster, Assistant United States Postmaster, notary public, or any county, village, or city officer having an official seal may be an attesting witness.

If a postmaster, or assistant postmaster acts as attesting witness, his signature on the "Certificate of Attesting Witness" should be authenticated by the can-

cellation stamp of their respective post-offices. If one of the other officers named as attesting witness his signature on the "Certificate of Attesting Witness" should be authenticated with his official seal. It is not necessary to thus authenticate the signature to the certificate on the back of the "Return Envelope."

(i) Remember that the officers above named are not bound to act as an attesting witness for you, but if they do, do so only as a favor.

(j) Fold each ballot separately before placing them in "Ballot Envelope"; fold so that cross mark cannot be seen without unfolding, but so that fac-simile signature of officer (Secretary of State, County Auditor or City Clerk) under whose direction the ballot is printed and appearing on the back of the ballot, can be seen without unfolding the ballot. Do not put your name, initials or any other identifying mark on the ballot or "Return Envelope." ('17, c. 68, § 6; amended '25, c. 277, § 1)

502. Applications to be delivered to town, village or city clerks—The county auditor on mailing or delivering to an applicant ballots as hereinbefore specified, shall sign or cause to be signed by his deputy, and dated the certificate printed on the back of the application for ballots and shall authenticate such certificate with his official seal. All applications shall be preserved by the auditor and arranged by him according to election districts and the initial letter of the surname of the applicant. At the time he delivers the state and county ballots to the town, village and city clerks within his county, he shall also deliver to the respective town, village and city clerks the applications theretofore received by him and endorsed by him. Such town, village and city clerks shall in turn deliver said applications so endorsed to the respective election judges of the several election precincts. ('17 c. 68 § 7)

503. Ballots may be marked and mailed anywhere within the United States, and may be challenged when received at voting precinct—Any qualified voter of any election district of this state to whom ballots have been delivered by the county auditor, may mark and mail the ballots so delivered to him at any place within the territorial jurisdiction of the United States, exclusive of Alaska and the so-called island possessions of the United States, the same to be marked and mailed in the manner specified in the directions to voters, set forth in section 6 hereof, and before an attesting witness belonging to one of the classes specified in said directions to voters. At any time before the ballots are so deposited in the ballot boxes by the election judges, the vote of any absent voter may be challenged for any cause, and the election judges shall have all the power and authority given by law, to hear and determine the legality of such ballot. ('17 c. 68 § 8)

Section 6 referred to is § 501, herein.

504. Judges of election to receive and canvass ballots delivered to them by postoffice employees, under certain restrictions—The judges of election in the several election districts at a general election shall receive all ballots delivered to them on election day by officers or employes of the United States Postoffice department in due course of the business of that department and as herein provided, and deposit the same in the appropriate ballot box provided that they are satisfied that the person mailing the same is a duly qualified voter in such election district and entitled to vote therein at such election, provided further that the conditions precedent hereinafter set forth, exist. Ballots so deposited shall be counted, canvassed and returned in the same manner and shall be given the same

force and effect as the votes of other duly qualified voters who vote in person.

Upon a "Return Envelope" being delivered to the judges of election they shall open the same in such a manner as not to cut or mutilate the contents or deface or damage the signature of the attesting witness on the outside thereof. They shall then take from the "Return Envelope" the "Voters Certificate" and "Certificate of Attesting Witness"; they shall compare the signature of the "Attesting Witness" on the outside of the "Return Envelope" with the signature on the certificate enclosed therein and shall also compare the signature on the "Voters Certificate" with the signature on the "Application for Ballots" delivered to them as provided for in section 7 hereof. If the judges or a majority of them are satisfied that the signatures of the "Attesting Witness" on the outside of the "Return Envelope" is the genuine signature of the person that signed the "Certificate of Attesting Witness" enclosed in the "Return Envelope" and if the signature of such witness on said certificate shall be authenticated as prescribed in the "Direction to Voters" set forth in section 6 hereof, and if the judges or a majority of them shall be satisfied that the signatures of the voter subscribed to the "Voters Certificate" is the genuine signature of the person who made the "Application for Ballots," the judges, or one or more of them shall write the word "Received" on such Ballot Envelope" and under such word his or their name or initials, provided that in cities of first, second or third class such ballot shall not be so marked unless the voter mailing in such ballot has been theretofore duly registered in such election district, nor shall said ballot be so marked with the word "Received" if it appears from the registration list that such voter has already voted at such general election, either in person or by mail. If the ballots are not received for the reason that the voter has failed to comply with the requirements hereinbefore set forth or has previously voted at such election, then "Ballot Envelope" shall be marked "Rejected" and placed in the "Return Envelope" with the "Voters Certificate" and placed with and returned to the county auditor with the unused ballots. No person who has voted by mail as herein provided shall be permitted to thereafter vote in person.

If the "Ballot Envelope" is marked with the word "Received" as hereinbefore provided, the judges in charge of the register shall make an appropriate notation on the register of voters indicating that the voter has voted by mail; this shall be done by placing the letters "V. M." in the appropriate column opposite the voter's name.

The "Ballot Envelope" marked "Received" as aforesaid shall be carefully kept by the judges until the closing of the polls on the election day, but before any of the ballot boxes are opened, at which time the said "Ballot Envelope" shall be opened and the ballots therein taken therefrom and deposited by the judges in the proper ballot box. If there be more than one ballot of any one kind enclosed in said "Ballot Envelope," then and in such case neither of such ballots of such kind shall be deposited in the ballot box, but all such kinds shall be placed with the spoiled ballots and returned as is provided for by law with reference to such spoiled ballots. The judges before depositing said ballots in the ballot boxes shall write their initials thereon in the same manner as is provided by law with reference to ballots delivered by them to voters voting in person. ('17 c. 68 § 9)

Section 7 referred to is § 502, herein.

505. City clerks to furnish postmasters lists of polling places—It shall be the duty of the city clerk of every city having more than two voting precincts therein to furnish to the postmaster of said city, at least two days before the day on which a general election is held, a certified tabulated list of the polling places in each of the several voting districts of said city, describing the same by ward and precinct number and opposite each such description shall be set forth the respective location, by street and number, of such polling place. This for the guidance of postoffice employes in delivering the "Return Envelopes." ('17 c. 68 § 10)

506. City clerks to furnish to Registration Boards blank application for ballots—It shall be the duty of the city clerk of cities of the first, second and third class to furnish the Board of Registration in the several election districts of their respective cities with a suitable number of blank "Application for Ballots" first described in section 2 hereof.

The Board of Registration shall furnish a copy of such application blank to any voter applying therefor on any registration day.

The county auditor shall prepare and print a suitable number of blanks for the "Application for Ballots" last described in section 2 hereof and deliver a copy thereof to any voter applying therefor. ('17 c. 68 § 11)

Section 2 referred to is § 497, herein.

507. False certificates or statements deemed a felony—Any person who shall wilfully make or sign any false certificates specified herein; any person who shall wilfully make any false or untrue statement in any "Application for Ballots"; any person who shall wilfully exhibit to any other person any ballot marked by him; any person who shall in any way wilfully do any act contrary to the terms and provisions of this act with intent to cast an illegal vote in any election district or to aid another in so doing shall be guilty of a felony. ('17 c. 68 § 12)

508. Nominations to close within 30 days before holding the general election—No nominations for any office shall be made, either by petition or otherwise within thirty days of the time of holding a general election, except nominations to fill a vacancy in a nomination previously made, or to nominate a candidate for an office in which a vacancy has occurred and for which no person is a candidate. ('17 c. 68 § 13)

Sp. Sess. '16 c. 2 enacted when regiments of the Minnesota National Guard was in service on the Mexican border provides the machinery to enable absent guardsmen to vote.

508-1. Applications filed with city clerk in first class cities—Duties of clerk—In cities of the first class operating under a home rule charter in city elections the application to be filed by the voter shall be filed with the city clerk, and the duties prescribed herein for the county auditor shall be performed by the city clerk of such city. ('17, c. 68, § 13A, added '25, c. 388)

VOTING MACHINES

509. Municipal corporations may provide—The governing body of any municipal corporation, at any regular meeting thereof, or at any special meeting called for that purpose, may provide for the use of automatic voting machines in any one or more districts thereof, at all elections to be held therein; but, in an election of school officers only, the use of such machines shall not be made compulsory. No such machine shall be adopted or used unless it be so constructed and operated as to insure the secrecy of each vote, and to automatically register and count all the votes given, and to conceal the number of votes for each candidate

and upon each proposition from the opening of the polls to the closing thereof. (344) [538]

510. Rules for use—Whenever the governing body of any municipal corporation shall determine to use such machines, it shall, at a regular or special meeting held not less than thirty days before the election, prescribe suitable rules and instructions, not inconsistent with the provisions of this chapter, for using the same, submit the same to the attorney general for his approval, and, when approved by him, cause notice thereof to be given as in the case of election notices. (345) [539]

511. Bond to keep in repair—No payment shall be made upon the purchase price of any such machine until the vendor thereof shall have filed with the secretary of state a bond, with sufficient sureties, specifying such machine by its number, and conditioned to keep the same in good working order, at his own expense, for five years. The penalty of such bond shall be at least two hundred dollars, and upon a breach thereof the amount of such penalty shall be the measure of damages recoverable by the purchaser. (346) [540]

See note under § 513.

512. Election officers—No more than two clerks and no more than three judges shall be employed to officiate in any district wherein voting machines are used, except that in any district where two or more voting machines are used not to exceed two clerks may be employed for each voting machine used therein. The judges shall enforce the rules prescribed for the use of such machines, and carry out all the provisions of this chapter relating to the election, except such as are rendered inapplicable by the use of such machines. (R. L. § 347, amended '09 c. 64 § 1) [541]

513. Cities, villages and towns may provide for use—The governing body of any city, village or town in this state may provide for the use of voting machines in all or one or more election districts thereof at all elections to be held therein, including primary elections; and at any such elections, the vote or ballot may be had and taken, and the votes cast thereat registered or recorded and counted, and the results of such election or elections ascertained by the use of voting machines instead of in the mode and manner now established by law, provided, however, that the adoption, examination, purchase and use of such machines and their use at such elections, shall be subject to the provisions hereinafter contained. ('05 c. 267 § 1) [542]

1905 c. 267, held constitutional as against various objections (99-261, 109+113, 698).

514. Arrangement of names—Where voting machines are authorized and employed, the arrangement of the names of the candidates thereon for each office shall be substantially the same as that prescribed by law where printed ballots are used, except that the provision contained in the general election law requiring the rotation of the names of candidates where more than one is to be elected to the same office, need not be observed. In such case the names of the candidates of the various political parties shall be arranged on the ballot form alphabetically according to surnames. The machine adopted or employed must be so constructed as to insure to every elector, an opportunity to vote in secret; to permit him to vote once and only once for all the candidates and upon all the propositions for whom or upon which he is legally entitled to vote; to permit him to vote by means of some device connected with the mechanism of the machine, for any person for any office elective by the voters of his election district at such election, although such person has not been regularly nominated for such office by any politic-

al party, and his name does not appear upon the ballot form on or in such machine as a candidate for such office; to prevent the elector from voting for more than one person for the same office, unless he is lawfully entitled to vote for more than one person therefor, and in that event to limit him to the number to be elected to that office; to prevent him at a primary election, from voting for the nomination of candidates of more than one party, or for any person whose name is not on the official ballot at such election; to prevent him from voting for any office or upon any proposed amendment, question or proposition, for whom or upon which he is not lawfully entitled to vote; to permit him to change or retract any vote he has attempted to cast for any candidate for any office or upon any proposition up to the time his vote has been completed, and his vote in favor of such person or proposition has been registered thereon. No machine which does not comply with these requirements shall be approved, authorized or employed. ('05 c. 267 § 2) [543]

515. **Voting machine commission**—There is hereby created a body to be known as "The Minnesota Voting Machine Commission," consisting of three members, including the attorney general, who shall be chairman. Within thirty days after the passage of this act, there shall be appointed as members of said commission, two competent and responsible persons, who shall be master mechanics or graduates of a school of mechanical engineering. The governor shall appoint one of said members and the attorney general the other. None of the members of said commission shall, directly or indirectly, have any pecuniary interest in any voting machine. The said appointees shall serve for a term of four years from the date of appointment and until their successors are in like manner appointed. The appointing power may fill vacancies in said commission. The said members of said commission so appointed shall qualify without delay by taking and filing with the secretary of state an oath of office in writing in the usual form, and shall elect one of their members to be secretary and one to be treasurer. Any person, company or corporation owning or being interested in any voting machine may apply to said commission to examine such machine and to report as to its compliance with the requirements of the law and on its accuracy, durability, efficiency and capacity to register the will of electors. The commission shall thereupon examine the machine so submitted, and make and file its report thereon. Said examination shall not be required as to each individual machine, but only as to each particular kind or type of machine, before its adoption, use, or purchase as provided herein. The report of said commission shall be signed by the attorney general and at least one other member, and shall be filed with the secretary of state within ten days after the close of said examination. If, from said report, it shall appear that, in the opinion of the commission, the kind of machine so examined complies with the requirements of this act and can be used safely at elections in this state, under the conditions prescribed by this act and by the laws of the state where the same do not conflict herewith, then said machine shall be deemed approved by said commission, and machines of its kind may be adopted and purchased for use, and may be used at elections in this state as herein provided. No form of voting machine not so approved may be used at any election in this state. As the examination fee herein, said application shall be accompanied by the sum of one hundred and fifty dollars. After there has been deducted and paid out of said sum all expenses incurred by said commission in the

discharge of its duties herein the balance shall, at such time as the commission may decide, be paid in equal parts to the members of said commission other than the attorney general as full compensation for their services and expenses herein. ('05 c. 267 § 3) [544]
Cited (99-261, 263, 109+113, 698).

516. **Rules for use to be approved by attorney general**—Whenever the governing body of any city, village or town shall determine to use such machines, it shall by resolution or ordinance prescribe suitable rules and instructions not inconsistent with the provisions of this act for using the same, submit the same to the attorney general for his approval, and when approved by him, cause notices thereof to be given, as in the case of election notices. ('05 c. 267 § 4) [545]

517. **Authorization to purchase**—The governing body of each city, village and town in this state is hereby authorized to purchase for the use of each election district, in which it has authorized the use of voting machines, one or more such machines in complete working order, and to make suitable provision for the adjustment, custody and care thereof. ('05 c. 267 § 5) [546]

518. **Judges and clerks**—No more than three judges of election and no more than two clerks of election shall be employed to officiate in any district wherein voting machines are used. The judges shall enforce the rules prescribed for the use of such machines, and carry out all the provisions of the election laws of this state relating to elections, except such as are rendered inapplicable by the use of such machines. The election districts in which voting machines are to be used may be enlarged or reformed in the manner prescribed in the general election law, so that each district shall, when so first formed, contain not to exceed six hundred male electors, as shown by the registration books used at the then next preceding general election. ('05 c. 267 § 6) [547]

See note under § 513.

519. **Payment for machines**—Payment for such machines may be provided for in such manner as is deemed for the best interests of the political division adopting and purchasing them, and each city, village and town is hereby authorized for said purpose, to appropriate money from the general fund, to levy a tax in the same manner as other taxes are levied, or to issue and sell bonds or other certificates of indebtedness, which shall be a charge upon such city, village or town so adopting and purchasing such voting machines, and to provide for the payment and redemption thereof, at maturity. Such bonds or other certificates of indebtedness when issued by a city having a population of more than fifty thousand inhabitants according to the last preceding state or national census, may be issued by a majority vote of its governing body, and when issued by a city of any other class or by a village or town, by vote of its governing body duly ratified by the electors of such city, village or town at the next election held therein. The bonds or certificates of indebtedness so issued may bear interest at a rate not exceeding six per cent per annum and may be made payable at such time not exceeding twenty years from the date thereof, as may be determined by the resolution or ordinance authorizing the issuance thereof, and may be issued exclusive of and in addition to any limit of indebtedness fixed by the charter of such city or village, or by the laws of this state for such city, village or town, but such bonds or certificates shall not be issued or sold at less than par and accrued interest thereon. ('05 c. 267 § 7) [548]

520. Express repeal—All laws and parts of laws now in force in this state relating to state, county, city, village and town elections, and defining the powers and duties of election officers so far as applicable to the use of voting machines, shall remain in full force and effect, and all laws and parts of laws inconsistent herewith shall be suspended in each city, village, town or election district wherein such voting machines are used, so long as the same shall be used therein. Chapter 296, General Laws of 1897, and chapter 315, General Laws 1899, are hereby repealed. ('05 c. 267 § 8) [549]

521. Injuring machines—Misdemeanor—Any person who shall wilfully injure or attempt to injure or render ineffectual, any voting machine provided in accordance with the provisions of this act, or who shall violate any of the provisions hereof, shall be guilty of a misdemeanor and punished accordingly. ('05 c. 267 § 9) [550]

522. Use of voting machines—Where voting machines shall be provided in the manner permitted by law, such voting machines may be used at all primary and general elections insofar as the use of the same is applicable, and not inconsistent with this act. If the mechanism of such machines will not permit the voter to record his vote in the manner provided in this act, said machines may be used in the manner now provided by law so far as is applicable, and as to offices to which such voting machines will not apply separate paper ballots conforming with the law shall be used. All votes on voting machines shall be recorded and counted and the results thereof ascertained, canvassed and returned as provided by this act. ('12 c. 2 § 20) [551]

523. Repeal of certain acts—That all acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, except so much of chapter 267 of the General Laws of 1905 [542-550] and the acts amendatory thereof as applies to the purchase of voting machines and the use of the same at general elections, except chapter 388 of the General Laws for the year 1911, providing for the nomination of candidates and the selection of a candidate for senator in congress from this state by direct vote of the people, which said act shall remain in full force and effect except that the provisions in this act for the preparation of the ballot providing for first and second choice votes and the provisions in this act for the casting, counting and canvassing of said first and second choice votes and for determining nominees, shall apply to the persons and candidates mentioned in said chapter 388 of the General Laws for the year 1911. ('12 c. 2 § 21) [552]

Explanatory note—For Laws 1905 (G. S. '13, §§ 542 to 550) see supra, §§ 513 to 521. Laws 1911, c. 388 was repealed by Laws 1913, c. 520, § 10. See supra, §§ 333 to 341.

524. Alternation of names of candidates—The provision of section 180 of the general election law requiring alternation of names of candidates where more than one is to be elected to the same office shall be observed so far as practicable by changing the order of the names of such candidates upon the different machines so that each name shall appear upon the several machines used in a given municipality 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. Where more than one machine is used in an election district care shall be taken to see that the order of names upon the different machines is not the same. The officers charged with the preparation and distribution of these machines to the various election districts of the municipality using them, are

hereby charged with the duty of arranging such substantial alternation of names and placing of the machines as will practically meet the requirements in this paragraph mentioned. (R. L. 344, paragraph 3 (sic) amended (sic) '05 c. 267; '13 c. 327 § 1) [553]

Section 180 referred to is § 292, herein.

525. Duty of county canvassing board, where ballot machines are used—Contest—That it shall be the duty of the county canvassing board in any county of this state wherein ballot machines shall be used in any election, at the time it convenes to canvass the election returns of any election wherein ballot machines shall have been used within such county, or as soon thereafter as it conveniently can do so, and before it proceeds to canvass such returns, to inspect the counting dial, or other mechanical recording device on any such ballot machine showing the number of votes cast for any candidate or proposition voted on at any such election and any irregular ballots recorded thereon or therein, and to compare the number of votes so shown by such ballot machines to have been cast for each candidate voted for on and by such voting machines and each proposition submitted to the voters voting thereon or thereby, with the returns made by the election officers of the several election precincts in which said voting machines were used at such election and in case there is a discrepancy between the returns so made by such district election officers and the number of votes as shown by such voting machines on such inspection, then and in such case it shall be the duty of such canvassing board to correct such returns as to all candidates and propositions the returns with reference to which are to be canvassed by it, so made by such district election officers so as to make such election returns conform to the vote so shown by such machines on such inspection as aforesaid and such corrected returns shall thereupon and thereafter be regarded and deemed by such canvassing board as the true and correct return of the number of votes cast for each candidate voted for and each proposition voted on, in the election district the return from which shall have been so corrected by such canvassing board. After correcting such returns the canvassing board shall proceed to the performance of its duties as now provided by law.

In case of any election contest the returns of the district election officers, as corrected by the canvassing board as aforesaid, shall be prima facie evidence of the vote cast for each candidate and on each proposition voted on at any election, to the same extent and in the same manner, and not otherwise, as is the return of the district election officers in precincts where ballot machines are not used. For the purpose of inspecting such voting machines such canvassing board may adjourn its sessions from time to time as occasion may require and may hold its sessions at any place within the county where the ballot machines are usually kept and stored. ('11 c. 23 § 1) [554]

526. City or municipal canvassing board—Any canvassing board of any city or municipal corporation other than a county, charged by law with the duty of canvassing the returns of any election therein, at which voting machines were used, shall have, with reference to the vote and returns thereof for all officers and propositions the returns with reference to which are to be canvassed by it, the same powers, privileges, duties and obligations as are conferred and imposed on county canvassing boards by the provisions of section 1 [525] of this act. The returns of the district election officers, as to candidates and propositions

to be canvassed by such city or other municipal canvassing board, shall be corrected by it in the same manner and with like effect as is hereinbefore provided for by section 1 [525] of this act as to returns to be canvassed by the county canvassing board. ('11 c. 23 § 2) [555]

527. Voting machine to be locked—Penalty—It shall be the duty of every election judge in any election district wherein voting machines are used at any election, immediately after the closing of the polls and the reception of the last vote which may be lawfully received, to see to it that each voting machine which shall have been used in such district at any such election is locked, either by himself or some one of the other election judges or clerks of such election district, so that the mechanical recording device or devices on such voting machines, which record the votes received by each candidate and on each proposition submitted to the voters, cannot be further manipulated or turned so as to increase or diminish the number of votes shown thereon.

Any election judge violating the provisions of this section shall be guilty of a misdemeanor. ('11 c. 23 § 3) [556]

528. Voting by ballot where machines used—That in all election districts in this state in which voting machines now are or may hereafter be lawfully provided for the use of electors, such electors may, notwithstanding, at any general, special, or primary election, vote by ballot, subject to the limitations of this act. ('13 c. 457 § 1) [557]

Section 4 repeals inconsistent laws, etc.

529. Ballots to be provided, etc—In all such election districts, the election officers shall provide printed ballots for one-half the number of electors entitled to vote in such district, and shall also provide separate booths in which electors may vote upon such ballots; if at the time any elector presents himself for the purpose of voting at any such election district all the voting machines in such district are in use, the election officers shall provide such elector with such printed ballots and shall permit him to vote thereon instead of on a voting machine; all such ballots, after being voted upon, shall be handed by the voter to the election officers of the election district and by them placed in sealed boxes and after the closing of the polls, said ballots shall be counted, listed, kept and returns thereof made in all respects as provided by law in cases where no voting machines are used. ('13 c. 457 § 2) [558]

530. Penalty—Any person violating any provision of this act shall be guilty of a felony and be punished by a fine not exceeding one thousand dollars, or by imprisonment in the state penitentiary not exceeding one year, or by both such fine and imprisonment in the discretion of the court. ('13 c. 457 § 3) [559]

GARBO ELECTION SYSTEM

531. County board may adopt—Contract—The county board of any county may by resolution provide for and adopt the use of said Garbo system at any primary or general election to be held therein, provided such resolution must be adopted at least six months before any primary or general election at which such system is to be used and a copy of such resolution so adopting such system shall be transmitted to the secretary of state immediately upon its adoption.

In case any county adopts and provides for the use of said Garbo system at any primary or general election, it is hereby authorized and empowered to enter into a contract with the owner of the patent rights upon and covering the devices constituting the said

system for the use thereof in such county at the primary and general election therein and for the purchase of such patent ballots, filing frames and other patent devices used therewith. Such contract, if entered into, shall provide for the future acquisition by the county of such additional patented devices necessary for the full and complete use of such system as may from time to time be needed, as well as such additional patented devices and further improvements to said system as may be necessary or desirable to fully protect the present and future rights of the county in adopting and using such system. ('13 c. 582 § 1) [560]

This section is preceded by the following recitals:

"Whereas one N. F. Garbo is, or claims to be, the patentee and owner of patent rights of certain devices or system, the primary purpose of which is to facilitate the counting of election ballots, which system consists of a 'filing frame' so called, and a particular form of ballot so shaped, and, as to primary election ballots so creased as to permit of the same being filed on the filing frame and readily counted and canvassed when so filed; and

"Whereas the said ballots may be made to conform approximately to the forms now prescribed by law for the ballots to be used at general elections, and

"Whereas the use of such election system can be adapted to use under the laws now in force regulating the holding of general and primary elections in this state, except that the form of the primary ballot now in use is not so adapted to said election system, and

"Whereas it is the intention to adopt and use such election system at all primary and general elections within such counties as shall adopt such system provided the use of the same can be contracted for and the necessary patented devices can be purchased and procured from some person authorized to manufacture and vend such patented devices; therefore,

"Be it enacted by," etc.

532. Partisan primary election ballot—Form—Duties of judges—In case any county adopts such system for use at any primary and general election therein and contracts for and secures the right to use said election system at any such election, the form of the partisan primary election ballot used in any such county at any primary election therein whereat such system is to be used shall be substantially as follows:

Each voter shall be entitled to mark his said partisan primary election ballot for one first choice and for one second choice candidates for each office. To cast a first choice vote, he shall place a cross mark (X) in the first choice column after, and to the right of the name of the candidate for whom he wishes to cast his first choice vote, and between the same horizontal lines within which appears the name of such candidate, and to cast a second choice vote he shall place a cross mark (X) between the same horizontal lines, in the "second choice" column at the head of which is printed the name of the candidate for whom he desires to cast his second choice vote.

A second choice cross mark placed in a second choice column, except when placed in the column under the voter's first choice candidate, shall be counted as a second choice vote for the candidate under whose name it is placed.

If, on the canvass of the ballots, the judges of election discover that a voter has made his second choice mark between two horizontal lines either above or below the horizontal space in which he made his first choice cross mark, the judges shall draw a circle around said second choice cross mark, and shall make a new cross mark between the same horizontal lines containing the first choice cross mark, and under the name of the candidate in whose column the original mark was made by the voter; provided, that in case the second choice cross mark not between the proper horizontal lines, is under the name and in the column of the candidate for whom the first choice vote was cast, the judges shall draw a circle around such second choice mark, but shall not transfer it or make a new mark.

If a voter places two or more cross marks in the first choice column after the names of two or more candidates, the judges shall draw a circle around each of said marks and none of them shall be counted.

If a voter places two or more cross marks in the second choice columns under the names of more than one candidate, the judges shall draw a circle around each of said marks and none of them shall be counted.

If a voter places more than one cross mark in any one second choice column under the name of any one candidate, the judges shall draw a circle around each of such marks, except such one as is between the same horizontal lines as the voter's first choice, and if none of such cross-marks be between the same horizontal lines, a circle shall be drawn around each of them and a cross mark placed between the same horizontal line, within which appears the first choice cross-marks, and in the same second choice column, provided, that if the name at the head of the second choice column in which such one or more cross marks appear is the same as the name of the candidate for whom the voter cast a first choice vote, the judges shall draw a circle around each of such second choice marks. The judges, in canvassing and counting the ballots shall not count or include as a vote any cross mark around which a circle has been drawn as hereinbefore provided. ('13 c. 582 § 2) [561]

See 130-495, 153+953; 131-402, 155+628.

533. Rules and regulations—Duties of governor, attorney general and secretary of state—In case any county or counties adopt such system and contract for and secures the right to use said election system at elections therein, the governor, attorney general and secretary of state shall formulate and publish such rules and regulations concerning the printing of ballots to be used therewith, the form and creasing thereof, the counting and canvassing of such ballots, and the making of returns thereof, the use of the "filing frame" and other patented devices used in connection with such election system, as may be necessary or desirable to effectuate the purposes of this act and the use of such system. Such rules and regulations shall conform as nearly as possible to the provisions of law now in force regulating such matters, with only such changes as are necessary as safeguard and render usable said election system and the ballots and patented devices used therewith, at general and primary elections, and shall not be inconsistent with this act. If a contract is entered into as aforesaid, such rules and regulations shall be formulated and filed with the secretary of state, and shall be signed by at least two of the members of said commission, and shall thereafter and thereupon supersede any provision of law now in force inconsistent therewith. It shall be the duty of the secretary of state to print, publish and distribute such rules and regulations within the counties adopting said system, to such persons and in such manner, as is now provided by law for the printing and distribution of the election laws of this state. ('13 c. 582 § 3) [562]

534. Ballots—Alternation of names, etc.—In any county which adopts and uses such system the ballot to be used therein at any primary or general election at which such system is used, shall be so printed and prepared that whenever two or more persons are to be elected to the same office, the names of all candidates of the several political parties for such office shall be so alternated on the ballots printed and distributed, that they shall appear thereon substantially an equal number of times at the top, at the bottom and in each intermediate place, if any, on the list or group in which they belong. All officers charged with the

preparation and distribution of such ballots, shall cause the printer's forms to be so transposed and the blocks of ballots to be so made up as to carry out the intent thereof: Provided, that nothing in this section shall apply to the office of presidential elector, and provided, further, that on all ballots distributed to, and used in any given election district, the names of all candidates on all ballots distributed to, and used in, such election district shall appear thereon in the same order. ('13 c. 582 § 4) [563]

535. Ballot boxes—Ballots—In counties which shall adopt and use such system only one ballot box shall be used in any given election district, which box shall be of such size and dimensions as shall be prescribed by the rules and regulations formulated by said commission: Provided, that in any district where the number of voters thereof is so great as to require it, more than one box may be used.

The judges of election shall deposit all ballots in such boxes in the presence of the voter without folding and face downward in such manner that no person can see the markings thereon made by the voter, provided, that when ballots are larger than the dimensions of the ballot box the judges of election may fold them to a convenient size before depositing them in the ballot box. ('13 c. 582 § 5) [564]

536. When use of system prevented—If after a county has voted to adopt said system, no contract therefor is entered into or the use of said system therein is enjoined or for any reason the use thereof is prevented then and in such case the provisions of law now in force regulating the matters referred to herein shall apply and be observed by all public officials, election officers and persons. ('13 c. 582 § 6) [565]

537. Cities using voting machines—The use of the such election system, if contracted for, shall not be obligatory in any city which now has or which may hereafter authorize and provide for the use of voting machines, therein, but such city may use such system in connection with voting machines. ('13 c. 582 § 7) [566]

MECHANICAL BALLOT AND ASSEMBLING DEVICES IN CITIES OF FIRST CLASS.

537-1. Cities authorized to procure—Use in elections—Cost of—The City Council or other governing body of cities of the first class in the State of Minnesota is hereby authorized to contract with the owner or owners of a mechanical ballot assembling device embodying a series of spring controlled equally spaced clamping dogs with means for simultaneously setting said dogs in an open or elevated position and means for holding said dogs in said position and permitting each dog to be independently released and moved by its spring into clamping position whereby election ballots may be quickly assembled in overlapping relation, said device to be used at general, special and primary elections in cities of the first class of this state and the use in each election district in such cities at such elections at a price not to exceed twenty-five (\$25.00) Dollars for each device. ('23, c. 404, § 1)

Explanatory note—This law was omitted from Gen. St. 1923, except as a note to § 537.

Section 17 of Laws 1923, c. 404 repeals all inconsistent acts or parts of acts.

537-2. Ballots for use in devices—Preparation—The ballots that are now provided by law to be used at elections shall be used, modified however as herein-after described. Above and below the name of each candidate and each blank space for a candidate's name shall be printed across the ballot a light line starting

one inch from the edge on the left side of the ballot and running to the edge of the right side thereof, except that above and below each office a heavier line shall be so printed.

All spaces on the ballot in which the voter shall designate his choice shall have a width of four-eighths of an inch and a height of not less than three-eighths of an inch. ('23, c. 404, § 2)

537-3. Same—Ballots shall be so printed and prepared that whenever two or more persons are to be elected to the same office or offices the names of all candidates of the several political parties for such office or offices and the names of all candidates on the non-partisan ballot be so alternated on the ballots printed and distributed that each name shall appear thereon substantially an equal number of times at the top, at the bottom and in each intermediate space, if any, on the list or group to which they belong. All officers charged with the preparation and distribution of such ballots shall cause the printer's forms to be so transposed and the blanks or ballots to be so made up as to correspond with the contents hereof; Provided that nothing in this section shall apply to the office of presidential electors; and Provided further, that on all ballots distributed to and used in any election district the names of all candidates on all ballots distributed to and used in such election district shall appear thereon in the same order. ('23, c. 404, § 3)

537-4. Ballots in cities having special charters and using more than one device—In all cities having special charters and using ballots with more than one choice, the spaces, in which the voter is to make his mark (X), shall be placed in such a way that the last column shall reach the right edge of the ballot and the lines dividing such columns shall be creased. ('23, c. 404, § 4)

537-5. Form of ballots—All ballots for use at elections in such cities except those of presidential electors, shall be constructed substantially as follows: The ballot shall have one column for the name of the candidate and the office to be filled, not less than three inches nor more than four inches wide, and shall have another column at the right of the column in which appear the names of the candidates and of the offices to be filled, in which the voter may mark his choice, which column shall be four-eighths of an inch wide and shall be placed at the right edge of the ballot, which shall be formed as follows: At the right edge of each such ballot there shall be a space so enclosed by rule work as to make a space four-eighths of an inch wide and not less than three-eighths of an inch in height in which the voter may designate his choice by a mark (X). At the right angles with such lines and at the left of and running parallel with a vertical line forming the small spaces herein described, shall be printed the words "Vote for One", or "Vote for Two," or more, according to the number to be elected for each office. The name of the office shall be printed in bold type, not larger than Long Primer nor smaller than Brevier and shall appear in the center of the first column and directly above the names of the candidates for such office. The voting spaces to the right of the names of said offices on all ballots, summary sheets and returns shall not be obliterated but shall be reserved for the record of the unvoted portions of said ballots, as hereinafter described. The names of the candidates shall be printed on such ballots in type not larger than Long Primer nor smaller than Brevier. Above and below the name of each candidate shall be printed across the ballot a light line from the left side

of the first column to the right edge of the ballot, except that above and below each office a heavier line shall be so printed. The distances between the lines above and below the names of the candidates and of the offices to be filled shall be not less than three-eighths of an inch. To the left of the first column there shall be a margin of one inch. ('23, c. 404, § 5)

537-6. Ballots for presidential electors—The ballots to be used for voting for presidential electors shall be constructed as is now by law required, but said ballots shall have spaces four-eighths of an inch wide and three-eighths of an inch high in which the voter may designate his choice on the right edge of the ballot, same being formed as described in Section 5 hereof. ('23, c. 404, § 6)

Explanatory note—For section 5 see § 537-5.

537-7. Canvass of ballots—All ballots shall be counted for the persons for whom they are intended so far as such intent can be clearly ascertained from the ballots themselves and in determining such intent the following rules shall be observed.

1. When a voter has placed a mark (X) against two or more named for the same office where one is to be elected, a circle shall be made around these marks and none shall be counted.

2. When a voter has written the name of a person, or otherwise indicated the name of a person, in the proper place, but has not made a mark (X) in the proper place, such mark shall be made in the proper place and counted for such person according to his intention as so shown.

3. When a voter has written, or otherwise indicated the name of a person, for whom he intends to vote within the space allotted to a certain office but has not made a mark (X) in the blank space for mark (X) at the opposite of the blank space provided for writing in names for said office, such mark shall be made in such space and counted for such person according to the intention of the voter as so shown.

4. When a voter has written, or otherwise indicated the name of the person for whom he intends to vote, within the space allotted to another candidate for the same office, the intention of the voter shall be determined, if possible, and if not possible, then it shall not be counted. If possible, there shall be placed a mark (X) in the voting space for counting, such as the voter's intention shows, and a circle placed around the mark where placed by the voter.

5. When a mark (X) is made out of its proper place, but on or so near a name or space as to indicate clearly that the voter intended to mark such name, a mark (X) shall be made in the proper space and the vote shall be counted as so intended.

6. When a number of persons are to be elected to the same office all cross marks in the spaces opposite the names, not exceeding the whole number to be elected, including names written thereon, or otherwise indicated, shall be counted. When less than the number to be elected are marked, only those marked shall be counted.

7. The judges shall disregard mis-spelling or abbreviation in names of candidates, if it can be clearly ascertained from the ballot for whom it was intended.

8. When the judges can determine from the ballot the voter's choice for a part only of the offices, the ballot shall be counted for such part only.

9. When a voter used uniformly a mark other than the mark (X) in marking his ballot, clearly indicating an intent to mark against a name, and does not use the mark (X) anywhere else on the ballot, his vote shall be counted for such candidate so marked.

10. When a ballot shows that marks have been made against the names of two candidates and an attempt made to erase one of such marks, it shall be counted for the candidate for whom it was evidently intended and the other mark, or marks, cancelled by making a circle around them.

11. The judges, in canvassing and counting the ballots, shall not count or include as a vote any cross mark around which a circle has been drawn as hereinbefore provided. ('23, c. 404, § 7)

537-8. Inspection of ballots after counting—After the ballots have been counted and the certificates attached to the poll list and register, as provided by law, the ballots shall then be inspected by the judges to determine whether each is properly marked according to the provisions of this Act and all ballots upon which names are written, or the voter's intentions otherwise indicate, shall be placed separate from the other ballots, and then shall be divided according to and in as many divisions as there are persons indicated as the voters' choice for said office and the names of such persons written upon the return sheet and the ballots, upon which appears the name of each person, shall be counted for each person immediately according to the divisions made and the total for each person placed upon the return sheet in the proper place forthwith. Then said ballots shall be made into plates with Summary Sheets and results totalled as hereinafter described. The judges, in making the changes herein provided for, shall use a pencil making a blue color mark and the judges making said changes shall so indicate and sign their initials in the margin on the left side of the ballot. Then the ballot assembling device shall be placed upon the table with the raised edge nearest the party using the same. The catches or dogs, on said assembling device shall be raised by turning the handle of said device forward and back to the first position. Next, the ballot shall be placed face down upon the device with the upper part of same directly against the raised edge of the device and the ruled margin of the ballot, on the right hand side thereof and containing the indications of the voters' choice of candidates for various offices, directly under the first clamp nearest the slanting part of the device and on the end opposite the handle of the device. Repeat this operation by placing one ballot under each succeeding clamp or dog until only one remains and that being the one nearest the handle. Under this place the Summary Sheet in the same manner as described for the placing of ballots. Place a piece of moistened gummed paper $3\frac{1}{2}$ "x17" along the top of said ballots from left to right near to the raised edge of said assembling device, thereby forming the ballots into a plate. Then release said plate of ballots and said Summary Sheet from said assembling device by moving the handle forward and back. When so released place said plate flat upon the table and place a piece of moistened gummed paper of the same size as the one heretofore used, across the opposite end of said ballots, running from left to right in the same direction, parallel to the strip of gummed paper already upon them. Then total the voting marks in each column and place the result on the Summary Sheet. Then total the unvoted portion of ballots for each of the offices, if any such portion there be, as indicated by the various voting marks and the absence of voting marks in the voting spaces opposite the candidates for each of said offices taken together with the number of said candidates that the elector is entitled to and required to vote for in said

group for said office, as shown by the words, "Vote for One," or "Vote for Two," or more according to the number to be elected for each office," as is further described in Section 5 hereof. This result shall be placed in the space to the right of and between the same parallel lines as appears the name of each such office. Count the ballots of which the Summary Sheet in question contains the total record thereof. Multiply this result by the number of candidates to be elected for an office in the group under consideration. Add together the entire number of votes cast for all of the candidates of this group, as shown on said Summary Sheet, with the number of votes in the unvoted portion of this group. If the last results are equal, the count is correct. If not, re-check and correct. Repeat these operations until all ballots have been made into plates and totals made up. The gummed paper on the plate and the Summary Sheets shall be numbered consecutively from one (1) up and also the number or name of the election district written on both the gummed paper on the plate and the Summary Sheet. The Summary Sheets shall then be removed from the plates and made into plates in the same manner as described with another Summary Sheet placed on the top of the last Summary Sheet and under the next succeeding dog or clamp. ('23, c. 404, § 8)

Explanatory note—For section 5 see § 537-5.

537-9. Return sheets—The results obtained by adding the Summary Sheets shall be copied in ink on the return sheets which shall be as hereinafter described. One judge shall call off the names of the candidates and the number of votes obtained for each, and when copied on the return sheets the name of the candidate and the number of votes obtained by him shall be called back by the person doing the writing. ('23, c. 404, § 9)

537-10. Ballots with more than one column for second choice—All ballots with more than one column for voting marks, if any there be in this state, shall, after having been made into plates, be folded under the crease between the first and second voting column, which will cause the voting marks in the first column to appear. These marks shall be counted and the total of each candidate's votes, as shown by said column, recorded in the first column of the Summary Sheet. The ballots shall then be folded under of the next crease, thus exposing to view the voting marks in the second column, which shall be counted and recorded in the second column on the Summary Sheet. This operation shall be repeated until the voting marks in all the voting columns on the ballot have been counted and recorded on the Summary Sheet. Return sheets for this kind of ballot shall be constructed as now provided by law, modified however as herein provided for. There shall be as many voting columns as there are voting columns on the ballots, the last column reaching the right edge of the ballot and a crease shall be made between each such column from the top to the bottom of the return sheet. The space to the left of the crease between the first voting column and the second voting column shall be at least one and one-half inches ($1\frac{1}{2}$ "") wider than the one to the right side of the same crease. Voting spaces shall be not less than three-eighths of an inch high. ('23, c. 404, § 10)

537-11. Ballots and registers procured by judges of election—Before three o'clock P. M. on the day preceding the election the judges shall procure the registers from their legal custodian, one being procured by a judge representing one of the two leading political parties and the other by one representing another

leading party. The custodian of the ballot boxes, and devices and other supplies shall deliver the same to the judges of the respective districts together with their keys, the poll books, stationery, material and instruction herein provided for, required at such election. The judges shall be responsible for the safekeeping of said registers and ballots, unaltered, and shall have all such ballots, devices, boxes, registers, poll books, printed instructions and materials at the polling places in their respective districts at the opening of the polls on the day of election. ('23, c. 404, § 11)

537-12. **Canvass of votes**—When canvassing the votes a memorandum shall be kept containing the names of the judges adding the ballots and Summary Sheets and placing same on the device and the names of the judge watching such operation, and when the judges change places or clerks are relieved temporarily, or otherwise, that shall be noted. Proper blanks for such memorandum shall be furnished by the official whose duty it is to furnish other election supplies. ('23, c. 404, § 12)

537-13. **Same—Return**—As soon as practicable, after the canvass has been completed, before the Board separates or adjourns, and in the presence of all the judges, the plated ballots and Summary Sheets shall be folded and placed in envelopes of the same color as the ballots and of a size to hold such ballots. These envelopes shall be furnished by the proper official whose duty it is by law to furnish election supplies. The envelope shall be carefully sealed and each election judge shall write his name on the envelope in the manner now provided by law. The number of ballots in each envelope and the name of the election precinct shall be plainly written on the envelope. ('23, c. 404, § 13)

537-14. **Supplies—By whom furnished**—Other election supplies for use at a general election, the County Auditor for County ballots and other election supplies and State ballots for primary elections, and the City clerk in cities of the first class in the case of city ballots and all other election supplies, whose duty it may be by law to procure and furnish ballots and all other election supplies, for elections, shall continue so to do in accordance with the existing laws and modifications herein contained and shall in addition thereto furnish complete instructions as indicated and set forth by this Act for the use of the device, mechanism herein contained and election supplies herein provided for and shall furnish to each election district a sufficient number of Summary Sheets for each kind of ballot, which shall be in the same style and size, with the names of the offices and candidates in the same rotation and with the same spacing as the ballots used within such election district. The instructions to voters as printed on the ballots shall be omitted on the Summary Sheets and in their place shall appear the word "Summary Sheets of twenty-five ballots. For (name of political party) (name of city or village) (County) (ward or town) election district for election held (date)." ('23, c. 404, § 14)

537-15. **Same**—The County Auditor for County ballots and State ballots for primary election, and the City Clerk in cities of the first class, in the case of City ballots, shall furnish to each election district with the ballots, two copies of Return Sheets and one copy of a Summary Statement of the total votes cast for each person for any office and for and against any

proposition voted upon. The Return Sheets shall be in substantially the following form: "At a election held at in the election district, composed of in the County of State of Minnesota, on the day of 19... the following named persons received the number of votes opposite their respective names for the following described office." The name of the Office shall be printed in bold type, not larger than Long Primer nor smaller than Brevier and shall appear in the center of the first column and directly above the names of the candidates for such office between parallel lines not less than three-eighths of an inch apart. The names of the candidates shall appear on the return sheets in the same order in which they appear on the official sample ballot, and in each case shall have the proper designation at the top thereof. The return sheets shall be provided with sufficient number of lines and spaces for recording the votes for such candidates as are written by the voters on the ballots. The columns on the return sheet shall be constructed as described by law, but with the following changes: On the left edge of the Return Sheet there shall be a margin of one inch. The column containing the names of candidates and offices shall have a width of not less than five and one-half inches nor more than seven inches and in said column and to the right of each office named therein, shall be placed the words "Number not Voting" opposite which, in the proper columns therefor, shall be placed the total number as shown by total Summary Sheets not voting for said offices, and the column for "Numbers in Figures" shall have a width of three-quarters of an inch and the column for "Numbers written at Length" shall have a width of five inches. ('23, c. 404, § 15)

537-16. **Return sheets**—The Return Sheets shall contain all the districts and all the candidates' names to be voted for within each district in the county. The names of all candidates not voted upon in each district in which the return sheet is used, and the spaces provided for the result of the votes cast for such candidates, shall be obliterated by the authorities furnishing the Return Sheets by drawing ink lines through their names. The Return Sheets shall be folded horizontally in such a way that only the offices and names of candidates that are to be voted for in such district shall appear. This fold shall be fastened with gummed paper. When the Return Sheets are opened by the County Canvassing Board, the gummed paper shall be removed and the return sheet folded on the creased line between the column headed "Numbers in Figures" and the column headed "Numbers written at Length" and made into plates as heretofore described. On the line dividing the columns "Numbers in Figures" and "Numbers written at Length" there shall be a crease extending from top to bottom of the Return Sheet. The Canvassing Board shall collect the returns of each color or party, straighten out the folds of the returns by cutting the gummed paper placed on the return, fold the returns along the creased lines, file and form them into plate or plates with the device or mechanism herein described using the same method in so doing as prescribed herein for ballots and obtain the total result in the County for each candidate by adding the total obtained in each voting district, where the candidate's name appeared on the ballot, for each candidate, and place the result on the blank return used as a Summary Sheet and attached to the plate. From these figures the Canvassing Board shall obtain the

results and information needed in issuing the statements required by law for them to issue. In counties with cities divided into wards, the returns from districts within such cities shall be collected according to wards, and plates formed for each such collection with a blank return sheet to be used as a Summary Sheet attached to each such plate. The Summary Sheets for each ward are to be detached and made into plates, and the result of the total vote in all wards for each Candidate, for whom votes are cast in more than one ward, obtained by adding together the total vote in each ward for such candidates and recording the figures on the blank return sheet attached to the plate. The total result for the city shall be included in total vote for the county by adding same to the results obtained from the other districts in the county. ('23, c. 404, § 16)

CORRUPT PRACTICES

538. Legal expenses designated—No candidate for the nomination or election to any elective office in this state coming within the provisions of this act shall directly or indirectly pay, expend or contribute any money or other valuable thing, or promise to do so, except for the following purposes, which are hereby declared to be legal expenses.

- (1) For the candidates' necessary personal traveling expenses; for postage, telegraph, telephone, or other public messenger service.
- (2) For rent and necessary furnishing of hall or room during such candidacy, for the delivery of speeches, relative to principles or candidates.
- (3) For payment of speakers and musicians at public meetings, and their necessary traveling expenses.
- (4) Printing and distribution of list of candidates, sample ballots, pamphlets, newspapers, circulars, cards, hand bills, posters and announcements relative to candidates, or public issue or principles.
- (5) For copying and classifying poll lists, for making canvasses of voters and for challengers at the polls.
- (6) For filing fees to the proper public officer, and if nominated at any primary for contributions to the party committee.
- (7) For campaign advertising in newspaper, periodicals, or magazines pursuant to the provisions of section 2. [537] ('12 c. 3 § 1) [567]

Within corrupt practices act (1895 c. 277), political aspirant becomes a candidate on filing affidavit (102-104, 112+1026).

The Corrupt Practices Act of 1912 is valid insofar as it prohibits corrupt practices in elections and declares that the same is ground of contest. The portions unquestionably valid are not affected by other possibly invalid portions.

(126-378, 148+293).

See generally (129-160, 151+550; 130-138, 153+258; 136-231, 161+513; 137-183, 163+127; 142-260, 171+781; 143-278, 173+434; 146-463, 179+213) as to what constitute violations of the act.

Where judgment of ouster for violation is rendered there is a vacancy, the contestant not claiming election (131-2, 154+442).

No right to jury trial (137-183, 163+127).

Jurisdiction of contest not divested, by a showing that some petitioners were induced to sign by false representations. (143-278, 173+434).

The Corrupt Practices Act (sections 567-609, Gen. St. 1913) does not apply to annual school district elections. 159-438, 199+173

The House of Representatives has exclusive jurisdiction to determine whether a candidate elected as a Representative in Congress is disqualified from becoming a member of that body by reason of an alleged violation of the Corrupt Practices Act. 212+604.

539. "Paid advertisement" in newspaper—No publisher of a newspaper, periodical or magazine shall insert either in the advertising columns of such newspaper, magazine or periodical, or elsewhere therein

any matter paid or to be paid for which is intended or tends to influence directly or indirectly any voting at any primary or general election unless at the head of said matter is printed in pica capital letters the words "Paid Advertisement," and unless there is also a statement at the head of said matter of the amount paid or to be paid therefor, the name and address of the candidate in whose behalf the matter is inserted and of any other person, if any, authorizing the publication and the name of the author thereof. No publisher of any newspaper, periodical or magazine published within this state shall insert therein either in the advertising column of such newspaper, magazine, periodical, or elsewhere therein, any matter whatsoever of a political nature, or any political editorial relative to a candidate for any public office, unless the publisher thereof shall file in the office of the secretary of state of this state within six months before the holding of any primary or general election, or within ten days after the calling of and before the holding of any special election, a sworn statement which shall contain the names of the owners of such paper, and if such paper be a corporation, the names and addresses of the owners of the shares of stock of such corporation. ('12 c. 3 § 2) [568]

540. Financial interest in newspaper—Every candidate and every member of any personal campaign or party committee, who shall either in his own name or in the name of any other person, own any financial interest in any newspaper or periodical, circulating in part or in whole in Minnesota, shall, before such newspaper or periodical shall print any matter otherwise than as is provided in section 2 [568], which is intended or tends to influence, directly or indirectly, any voting at any election or primary in this state, file in the office of the auditor of the county in which he resides a verified declaration, stating definitely the newspaper or periodical in which or over which he has such a financial interest or control, and the exact nature and extent of such interest or control. The editor, manager or other person controlling the publication of any such newspaper or article, who shall print or cause to be printed any such matter contrary to the provisions of this act, prior to the filing of such verified declaration from any person required by this section to file such declaration, shall be deemed guilty of a violation hereof. ('12 c. 3 § 3) [569]

Section 2 [568], referred to, is § 539, herein.

541. Compensation except for "paid advertisement" prohibited—No owner, publisher, editor, reporter, agent or employe of any newspaper or other periodical, shall, directly or indirectly, solicit, receive or accept any payment, promise or compensation, nor shall any person pay or promise to pay, in any manner compensate any such owner, publisher, editor, reporter, agent or employe, directly or indirectly, for influencing or attempting to influence through any printing matter in such newspaper any voting at any election or primary through any means whatsoever, except through the matter inserted in such newspaper or periodical as "Paid Advertisement," and so designated as provided by this act. ('12 c. 3 § 4) [570]

542. Maximum expenditure of candidates—No disbursement shall be made and no obligation, express or implied, to make such disbursement, shall be incurred by or on behalf of any candidate for any office under the constitution or laws of this state, or under the ordinance of any town or municipality of this state in his campaign for nomination and election, which shall be in the aggregate in excess of the amounts herein specified, namely:

538 Eteeq.
173m 512
174m 333
217nw 935
219nw 284
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538 Eteeq.
242nw 231
See 559

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31 — 37
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242nw 425
See 571

539
185m 608
248nw 706
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571
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542
237nw 11

1. For governor, seven thousand dollars
2. For other state officers, thirty-five hundred dollars.
3. For state senator, six hundred dollars.
4. For member of house of representatives, four hundred dollars.
5. For presidential elector-at-large, five hundred dollars, and for presidential elector for any congressional district, one hundred dollars.
6. For any county, city, village or town officer, for any judge or for any officer not hereinbefore mentioned, who, if nominated and elected, would receive a salary, a sum not exceeding one-third of the salary to which such person would, if elected, be entitled during the first year of his incumbency in such office. If such person, when nominated and elected, would not receive a salary, a sum not exceeding one-third of the compensation which his predecessor received during the first year of such predecessor's incumbency. If such officer, when nominated and elected, would not receive a salary and if such officer had no predecessor, and in all cases not specifically provided for, one hundred dollars, and no more. ('12 c. 3 § 5) [571]

102-104, 112+1026.

543. Soliciting by certain organizations forbidden—No person shall demand, solicit, ask or invite any payment or contribution of any religious, charitable or other causes or organization, supposedly to be primarily for the public good, from any candidate for nomination or election, or to subscribe for the support of any club, or organization, or to buy tickets to any entertainment or ball or to pay for space in any book, program, periodical or publication, nor shall such demand or solicitation be made upon any committee. Provided, however, this shall not apply to the solicitation of any business advertisement in periodicals in which the candidate was a regular contributor, prior to his candidacy, nor to ordinary business advertisements, nor to regular payments of any organization, religious, charitable or otherwise, of which he was a member, or to which he was a contributor for more than six months before his candidacy, nor to any ordinary contributions at church services. ('12 c. 3 § 6) [572]

544. Campaign literature must bear names and addresses—Any person or committee who shall publish, issue or circulate, or cause to be published, issued or circulated, otherwise than in a newspaper, as provided in section 2 [568] of this act, any literature or any publication tending to influence voting at any primary or election which fails to bear on the face thereof the name and address of the author, the name and address of the candidate in whose behalf the same is published, issued or circulated, and the name and address of any other person or committee causing the same to be published, issued or circulated, and any person, firm, corporation or committee who shall knowingly make or publish or cause to be published, any false statement in relation to any candidate or proposition to be voted upon, which statement is intended to or tends to affect any voting at any primary or election, shall be guilty of a misdemeanor; provided, nothing herein contained shall be construed as modifying or repealing any of the provisions of section 370, Revised Laws 1905 [589]. ('12 c. 3 § 7) [573]

119-535, 137+972.

Section 2 [568], referred to is § 539. R. L. 1905, § 370, referred to, is § 591.

545. Certain soliciting and disbursing prohibited—(1) No person shall solicit, receive or accept any money, property or other thing of value, or any promise or pledge thereof, constituting a disbursement prohibited by this act.

(2) No person, firm or co-partnership shall disburse, expend or contribute in any manner whatsoever for political purposes during any primary or election, a sum of money in excess of fifty dollars, except through a political committee. ('12 c. 3 § 8) [574]

546. Reward as inducement to become or not to become candidates prohibited—No person shall pay, or promise to reward another in any manner or form for the purpose of inducing him to be or refrain from or cease being a candidate, and no person shall solicit any payment, promise or reward from another for such purpose. ('12 c. 3 § 9) [575].

547. Treating or receiving entertainment prohibited—No person or candidate shall, either by himself or by any other person, while such person or candidate is seeking a nomination or election, directly or indirectly, give or provide, or pay, wholly or in part, the expenses of giving or providing any meat or drink or other entertainment or provision, clothing, liquors, cigars or tobacco, to or for any person for the purpose of or with intent or hope to influence that person or any other person to give or refrain from giving his vote at such primary or election to or for any candidate or political party ticket, or measure before the people or on account of such person or other person having voted or refrained from voting for any candidate or the candidates of any political party or organization or measure before the people, or being about to vote, or refrain from voting, at such election. No elector shall accept or take any such meat, drink, entertainment, provision, clothing, liquor, cigars, or tobacco, and such acceptance shall be a ground of challenge to his vote and of rejecting his vote on a contest. ('12 c. 3 § 10) [576]

548. Undue influence, etc., prohibited—No person shall directly or indirectly by himself or any other person in his behalf, make use of or threaten to make use of any force, coercion, violence, restraint, or undue influence, or inflict or threaten to inflict by himself, or any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel such person to vote or refrain from voting for any candidate or the ticket of any political party, or any measure before the people, nor shall by abduction, duress, or any fraudulent contrivance, impede or prevent the free exercise of the franchise of any voter at any primary or election, or compel, induce or prevail upon any elector to give or to refrain from giving his vote at any primary or election. ('12 c. 3 § 11) [577]

549. Bet or wager prohibited—Any candidate who, before or during any primary or election campaign, makes any bet or wager of anything of pecuniary value, or in any manner becomes a party to any such bet or wager on the result of the primary or election in his electoral district, in any part thereof, or on any event or contingency relating to any pending primary or election, or who provides money or other valuable thing to be used by any person in betting or wagering upon the results of any impending primary or election, shall be guilty of a violation of this act. Any person, who for the purpose of influencing the result of any primary or election, makes any bet or wager of anything of pecuniary value on the result of such primary or election, in his electoral district or any part thereof, or of any pending primary or election, or on any event or contingency relating thereto, shall be guilty of a violation of this act, and in addition thereto, any such act shall be a ground of challenge against his right to vote. ('12 c. 3 § 12) [578]

550. Certain payments prohibited—It shall be unlawful for any person to pay another for any loss or

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damage due to attendance at the polls, or in registering. No person shall pay for personal service to be performed on the day of a caucus, primary, convention, or any election, for any purpose, connected therewith, tending in any way, directly or indirectly, to affect the result thereof, except for the hiring of persons whose sole duty it is to act as challenger and watch the count of official ballots. No person shall buy, sell, give or provide any political badges, buttons or other insignia to be worn at or about the polls on the day of any primary or election, and no such political badge, button or other insignias shall be worn at or about the polls on any primary or election day. No person or committee, or organization shall convey or furnish any vehicle for conveying or bear any portion of any expense of conveying any voter to or from the polls, but this provision shall not apply to persons of the same household, nor shall it prohibit two or more voters from providing joint transportation for themselves by mutual agreement at their own expense. ('12 c. 3 § 13) [579]

551. Soliciting within one hundred feet of polling places—Penalties—(1) It shall be unlawful for any person within one hundred feet of the building in which any polling place is situated on the day of any primary or election to ask, solicit or in any manner try to induce or persuade any voter on such primary or election day to vote for or refrain from voting for any candidate or the candidates or ticket of any political party or organization, or any measure submitted to the people, and upon conviction thereof he shall be punished by a fine of not less than five dollars nor more than one hundred dollars for the first offense, and for the second and each subsequent offense occurring on the same or different election days, he shall be punished by a fine as aforesaid, or by imprisonment in the county jail for not less than five nor more than thirty days or by both such fine and imprisonment.

(2) Any person who shall at any place on the day of any primary or election circulate or distribute, or cause to be circulated or distributed, any campaign cards, candidates' cards, placard or campaign literature of any kind whatsoever, shall be guilty of a misdemeanor. Provided, nothing herein contained shall be construed as modifying or repealing the provisions of section 364, Revised Laws 1905. [583] ('12 c. 3 § 14) [580]

Explanatory note—For R. L. '05, § 364, see infra, § 585.

The distribution of campaign cards by a candidate, on election day, in the event of his election, gives occasion for the forfeiture of his right to the office. 213+48.

552. Disbursements only under personal direction of candidate—No candidate shall make any disbursement for political purposes except under his personal direction which for any purpose shall be considered his act, through a party committee, or through a personal campaign committee, whose authority to act shall be filed, as provided in this act. ('12 c. 3 § 15) [581]

553. Single personal campaign committee—Any candidate may select a single personal campaign committee to consist of one or more persons. Before any personal campaign committee shall make any disbursement in behalf of any candidate, or shall incur any obligation, expressed or implied, to make any disbursement in his behalf, such candidate shall file with the filing officer of such candidate a written statement signed by such candidate, setting forth that such personal campaign committee has been appointed and giving the name and address of each member thereof and of the secretary thereof. If the campaign committee consists of only one person, such person shall be deemed the secretary thereof. Any candidate may revoke

the selection of any member of such personal campaign committee by a revocation in writing which, with proof of personal service on the member whose selection is so revoked, shall be filed with the filing officer of such candidate. Such candidate may fill the vacancy thus created in the manner in which an original appointment is made. In civil actions and proceedings brought under this act, the acts of every member of such personal campaign committee shall be presumed to be with the knowledge and approval of the candidate until it has been clearly proved that the candidate did not have knowledge of and approve the same, and that, in the exercise of reasonable care and diligence, he could not have had knowledge of and opportunity to disapprove the same. ('12 c. 3 § 16) [582]

554. Disbursements by committee—No personal campaign or party committee shall make any disbursement except:

(1) For maintenance of headquarters and for hall rentals incident to the holding of public meetings.

(2) For necessary stationery, postage, telegraph, telephone, messenger and clerical assistance to be employed at a candidate's headquarters or at the headquarters of the committee, incident to the writing, addressing and mailing of letters and campaign literature.

(3) For necessary expenses, incident to the furnishing and printing of badges, banners and other insignia, to the printing and posting of handbills, posters, lithographs and other campaign literature; and the distribution thereof through the mails or otherwise.

(4) For campaign advertising in newspapers, periodicals or magazines, as provided in this act.

(5) For wages, and actual necessary personal expenses of public speakers, organizers and musicians.

(6) For traveling expenses of members of the committee.

(7) For preparing poll lists and for challengers at the polls. ('12 c. 3 § 17) [583]

555. Bills, when rendered and paid—Every person who shall have any bill, charge or claim upon or against any personal campaign or party committee or any candidate, for any disbursement made, services rendered, or thing of value furnished, for political purposes, or incurred in any manner in relation to any primary or election, shall render in writing to such committee or candidate such bill, charge or claim within ten days after the day of the primary or election in connection with which such bill, charge or claim was incurred. No candidate and no personal campaign or party committee shall pay any bill, charge or claim so incurred prior to any primary or election, which is not so presented within ten days after such primary or election. ('12 c. 3 § 18) [584]

556. Statements of disbursements—(1) Every candidate and the secretary of every personal campaign and party committee shall, on the second Saturday occurring after such candidate or committee has first made a disbursement or first incurred any obligation, expressed or implied, to make a disbursement for political purposes, and thereafter, on the second Saturday of each calendar month, until all disbursements shall have been accounted for and also on the Saturday preceding any election or primary, file a financial statement verified upon the oath of such candidate or upon the oath of the secretary of such committee, as the case may be, which statement shall cover all transactions not accounted for and reported upon in statements theretofore filed. Each statement after the first shall contain a summary of all preceding statements, and summarize all items theretofore reported, under

the provisions of this act, but it shall not be required to file any such statement on the second Saturday of the months of July, August and September between any primary and general election. ('12, c. 3, § 19; amended '27, c. 75) [585]

Explanatory note—Laws 1927, c. 75 amends only subd. 1 of this section.
102-104, 1124-1026.

557. Blanks for statements—Blanks for all statements required by this act shall be prepared by the secretary of state and copies thereof, together with a copy of this act, shall be furnished through the county auditor or otherwise, as the secretary of state may deem expedient, to the secretary of every committee, and to every candidate upon the filing of nomination papers, and to all other persons required by law to file such statements who may apply therefor. ('12 c. 3 § 20) [586]

558. Name of not to be placed on ballot until statement filed—The name of a candidate chosen at a primary election or otherwise shall not be printed on the official ballot for the ensuing election, unless there has been filed by or on behalf of said candidate and by his personal campaign committee, if any, the statements of accounts and expenses relating to nominations required by this act. ('12 c. 3 § 21) [587]

559. Promises of or to aid in appointment prohibited—No person shall, in order to aid or promote his nomination or election, directly or indirectly, himself, or through any other person, appoint or promise to appoint any person, or secure or promise to secure or aid in securing the appointment, nomination or election of any person to any public or private position or employment, or to any position of honor, trust or emolument. Nothing herein contained, however, shall prevent a candidate from stating publicly his preference for or support of any other candidate for any office to be voted for at the same primary or election; nor prevent a candidate, for any office in which the person elected will be charged with the duty of participating in the election or the nomination of any person as a candidate for any office, from publicly stating or pledging his preference for or support of any person for such office or nomination. ('12 c. 3 § 22) [588]

560. Employer prohibited from influencing employe—No person being an employer or acting for or in behalf of any employer shall give, distribute or cause to be given or distributed to any of his employes, any printed or written matter containing any threat, notice or information, or make any threat, verbal or otherwise, that in case any particular ticket or a political party or organization or candidate shall be elected or any measure referred to a vote of the people shall be adopted, work in his place or establishment will cease, in whole or in part, or his place or establishment will be closed up, or the salaries or wages of the workmen or employes be reduced or other threats, expressed or implied, intended or calculated to influence the political opinion or actions of his workmen or employes. ('12 c. 3 § 23) [589]

561. Candidate may delegate expenditures to committee—Any candidate may delegate to his personal campaign committee or to any party committee of his party in writing duly subscribed by him, the expenditure of any portion of the total disbursements which are authorized to be incurred by him or on his behalf, by the provisions of this act but the total of all disbursements by himself and by his personal campaign committee in his behalf shall not exceed in the aggregate the amounts in this act specified, except as provided herein. ('12 c. 3 § 24) [590]

562. Expenditures by personal committee—By state central committee—(1) No disbursement shall be made and no obligation, expressed or implied, to make such disbursement, shall be incurred by or on behalf of any personal campaign committee, exceeding in the aggregate the total amounts theretofore delegated to such committee in writing, duly subscribed as provided herein.

(2) The state central committee of any political party entitled by law to have the names of its candidates placed upon the official ballot in a general election may, however, in addition to the disbursements and obligations to make disbursements provided for in sub-section 1 hereof, make further disbursements in connection with any general election, not exceeding in the aggregate the sum of ten thousand dollars.

(3) Nothing contained in this act shall be construed to authorize the state central committee of any political party, to make disbursements in connection with any election, in excess in the aggregate of ten thousand dollars, and every disbursement by any such committee in excess of such amount is forbidden. ('12 c. 3 § 25) [591]

563. Contributions by corporations prohibited—No corporation doing business in this state shall pay or contribute, or offer, consent, or agree to pay or contribute, directly or indirectly, any money, property, free service of its officers or employes or thing of value to any political party, organization, committee or individual for any political purpose whatsoever, or to promote or defeat the candidacy of any person for nomination, election or appointment to any political office. If any corporation shall be convicted of violating any of the provisions of this act, it shall be subject to a penalty in the amount of not exceeding ten thousand (10,000) dollars to be collected as other claims or demands for money are collected; and if a domestic corporation, in addition to said penalty, it may be dissolved; and if a foreign or non-resident corporation, in addition to said penalty, its right to do business in this state may be declared forfeited. ('12 c. 3 § 26) [592]

564. Penalty for violation by officers, etc.—Any officer, employe, agent or attorney or other representative of any corporation, acting for or in behalf of such corporation who shall violate this act, shall be punished upon conviction by a fine of not less than one hundred nor more than five thousand dollars, or by imprisonment in the state prison for a period of not less than one nor more than five years, or by both such fine and imprisonment in the discretion of the court or judge before whom such conviction is had. ('12 c. 3 § 27) [593]

565. Violation prima facie evidence—The violation of this act by any officer, of such corporation, shall be prima facie evidence of said violation by such corporation. All fines or forfeitures recovered under the provisions of this act shall when collected be paid into the treasury of the county for the use of the road and bridge fund, and it is hereby made the duty of the county attorney of each county to conduct prosecutions under this act on proper complaint. ('12 c. 3 § 28) [594]

566. Aiding violation of act gross misdemeanor—Any person or persons who shall aid, abet, or advise a violation of this act, shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished as provided in this act. ('12 c. 3 § 29) [595]

567. Violations, where prosecuted—Violations of this act may be prosecuted in the county where such payment or contribution is made or services rendered

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237nw 15
Sec 9283
Sec 9325
Sec
9497-98

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242nw 331
Sec 538
Et seq.

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173m 512	252nw 839
217nw 935	242nw 425
538	Sec 539

or in any county wherein such money has been paid or distributed. ('12 c. 3 § 30) [596]

568. Failure to file expense account—The officer with whom the expense account of any candidate for public office or committee is required to be filed by this act, shall notify such candidate or committee of the failure to comply with such law, immediately upon the expiration of the time fixed by any law of this state for the filing of the same, and shall notify the county attorney of the county where such candidate resides or in which the headquarters of the committee is located, of the fact of the failure to file such expense account and said county attorney shall thereupon notify such candidate or the secretary of said committee of such delinquency and if the provisions of this act shall not be complied with within ten days after the mailing of such notice, the county attorney shall thereupon prosecute such candidate or the officer of the committee required by law to file such statement. ('12 c. 3 § 31) [597]

569. Presentation to grand jury—If the county attorney of the county shall be notified by any officer or other person of any violation of any of the provisions of this act, it shall be his duty forthwith to diligently inquire into the facts of such violation, and if there is reasonable ground for instituting a prosecution, it shall be the duty of such county attorney to present the said charge, with all the evidence which he can procure, to the grand jury of such county. If any county attorney shall fail or refuse to faithfully perform any duty imposed upon him by this act, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall forfeit his office. It shall be the duty of the county attorney, under the penalty of forfeiture of his office, to prosecute any and all persons guilty of any violation of the provisions of this act, the penalty of which is fine or imprisonment, or both, or removal from office. Any citizen may employ an attorney to assist the county attorney to perform his duties under this act, and such attorney shall be recognized by the county attorney and the court as associate counsel in the proceeding; and no prosecution, action or proceeding shall be dismissed without notice to, or against the objection of, such associate counsel until the reasons of the county attorney for such dismissal, together with the objections thereto of said associate counsel, shall have been filed in writing, argued by counsel, and fully considered by the court, with such limitation as to the time of filing such reasons and objections as the court may impose. ('12 c. 3 § 32) [598]

570. Contest on ground of violation of act—Any twenty-five voters of the state, or of any political division thereof, may contest the right of any person to nomination, position, or office for which said voters had the right to vote, on the ground of deliberate, serious and material violation of the provisions of this act or of any other provisions of law relating to nominations and elections. Any defeated candidate for said nomination, position or office may make said contest. Said procedure shall be commenced by petition filed in the district court of the county in which the candidate whose election is contested resides, and the contest shall be carried on according to law.

In case of contests over nominations, the court shall pronounce whether the incumbent or contestant was duly nominated, and the person so declared nominated shall have his name printed on the official ballots. ('12 c. 3 § 33) [599]

102-104, 112+1026; 119-535, 137+972; 146-463, 179+213. 213+48, note under § 551.

571. Trial—Court to determine merits—When upon the trial of any action or proceedings under this act it shall appear from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means were taken by such candidate at such election, or were taken by or on behalf of the candidate, or that the offenses complained of were trivial, unimportant or limited in character, and that in all respects his candidacy and election were free from all offensive or illegal acts, or that any act or omission of any candidate complained of arose from accidental miscalculation or from some other reasonable cause of like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be unjust that the candidate shall forfeit his nomination, position or office, then the nomination or election of such candidate shall not by reason of such offense complained of to be void, nor shall the candidate be removed from nor deprived of his nomination, position or office. ('12 c. 3 § 34) [600]

213+48, note under § 551.

572. Contest, when and where commenced—Any proceeding under this act contesting any nomination or election must be commenced within ten days after the day of the primary or thirty days after a general election, unless the ground of action is discovered from the statements filed under this act, in which event the action must be commenced within ten and thirty days after such discovery, respectively. Any proceeding to annul any nomination or election of any person for office mentioned in this act, must be filed in the district court of the county in which the person resides whose right to the nomination, position or office is contested. ('12 c. 3 § 35) [601]

573. Disqualification of candidate, etc.—A candidate elected to an office, and whose election thereto has been annulled and set aside for any offense mentioned in this act, shall not, during the period fixed by law as the term of such office, be appointed to fill any vacancy which may occur in such office. A candidate or other person who is removed from or deprived of his office for any offense mentioned in this act, shall not, during the period remaining as the unexpired term of such office, or during the period fixed by law as the next ensuing term of such office, be appointed to fill any vacancy which may occur in such office. Any appointment to an office made in violation of or contrary to the provisions of this section shall be void. ('12 c. 3 § 36) [602]

102-104, 112+1026.

574. One provision of act not to invalidate remainder—In event that any provision or paragraph or part of this act shall be questioned in any court and shall be held invalid, the remainder of this act shall not be invalidated, but shall remain in full force and effect. ('12 c. 3 § 37) [603]

575. Criminal procedure—Punishment—(1) If any person shall in a criminal action be judged to have been guilty of any violation of this act while a candidate for any office under the constitution or laws of the state, or under any ordinance of any town or municipality therein, other than the office of state senator or member of the house of representatives, the court shall, after entering the adjudication of guilty, enter a supplemental judgment, declaring such person to have forfeited the office in the conduct of the campaign for the nomination or election to which he was guilty of such violation, and shall transmit to the filing

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officer of such candidate a transcript of such supplemental judgment, and thereupon such office shall be deemed vacant and shall be filled as provided by law.

(2) If any person shall, in a criminal action, be adjudicated guilty of any violation of this act, committed while he was a candidate for the office of state senator, member of the house of representatives, United States senator, or representative in congress, or while he was a member of the personal campaign committee of any such candidate, the court, after entering such adjudication, shall forthwith transmit to the presiding officer of the legislative body as a member of which such officer was a candidate when such violation occurred, a certificate setting forth such adjudication of guilty. ('12 c. 3 § 38) [604]

576. **Employment of counsel**—Nothing contained in this act shall prevent any candidate from employing counsel to represent him in any action or proceeding affecting his rights as a candidate, nor from paying all costs and disbursements necessary incidental thereto. No sum so paid or incurred shall be deemed a part of the campaign expenses of any such candidate. ('12 c. 3 § 39) [605]

577. **Construction of terms**—The following words and phrases as used in this act shall be construed as follows:

(1) Any act shall be deemed to have been for "political purposes" when the act is of a nature, is done with the intent, or is done in such a way, as to influence, or tend to influence, directly or indirectly, voting at any primary or election or on account of any person having voted, or refrained from voting, or being about to vote or refrain from voting at any election or primary.

(2) The term "candidate" shall mean and include every person for whom it is contemplated or desired that votes may be cast at any election or primary, and who either tacitly or expressly consents to be so considered, except candidates for president and vice-president of the United States.

(3) The term "disbursement" shall mean and include every act by or through which any money, property, office or position or other thing of value passes or is directly or indirectly conveyed, given, promised, paid, expended, pledged, contributed or lent, and also any money, property, office or position or other thing of value so given, provided, paid, expended, promised, pledged, contributed or lent.

(4) The term "filing office," when used with reference to any candidate, shall be construed to mean the officer who is authorized by law to a certificate of nomination or election to such candidate if he be successful. If there be no officer authorized to issue such certificate of nomination or election, then such term shall be construed to mean the clerk of the town, city or village in which such candidate resides.

(5) The term "primary" shall mean and include any primary election law held under the general election laws of this state.

(6) The term "election" shall mean and include all general, special or other elections, provided for under the general election laws of the state, or under the election laws governing any election in any district, county, town, city, village, or other municipality therein.

(7) The term "personal campaign committee" shall mean any committee appointed by a candidate at any primary election.

(8) The term "party committee" shall mean any committee appointed or elected to represent any political party with a party organization in this state.

(9) Every two or more persons elected or appointed by any political party or association for the purpose, wholly or partly, of raising, collecting, or disbursing money, or directing to raising, collecting or disbursing thereof, for nomination or election purposes, and every two or more persons who shall co-operate in the raising, collecting, or disbursing of money used, or to be used for or against the election to public office of any person or any class or number of persons, or for or against the adoption of any law, ordinance, or constitutional amendment, shall be deemed a "political committee" within the meaning of this chapter.

(10) The term "committee" shall mean any personal campaign committee, party committee, or political committee unless the intent is clearly shown to be otherwise. ('12 c. 3 § 40) [606]

578. **Penalties for violation of act**—Any person violating any provisions of this act except as otherwise provided herein, shall upon conviction thereof be punished by imprisonment in the county jail for a period of not less than one month nor more than one year, or by imprisonment in the state prison for a period of not less than one year nor more than three years, or by a fine of not less than twenty-five dollars nor more than one thousand dollars, or by both such fine and imprisonment; and no person so convicted shall be permitted to take or hold office to which he was elected, if any, or receive the emoluments thereof. ('12 c. 3 § 41) [607]

579. **Sections repealed**—Sections 348 to 358, Revised Laws of Minnesota for 1905, and all other acts or parts of acts inconsistent with the provisions of this act, except as herein provided, are hereby repealed. ('12 c. 3, § 43) [609]

PENAL PROVISIONS

580. **False registration—Personation**—Every person who causes or attempts to cause his name to be registered in more than one district, or in any district, knowing that he is not a qualified voter thereof, or who falsely represents himself to be a person other than he is, when attempting to register for the purpose of voting at any primary, or when applying for a ballot or offering his ballot to be deposited in a ballot box, or when offering to vote by means of a voting machine or otherwise, whether the person he represents himself to be is living or dead, or a fictitious person, and every person who aids, abets, counsels, or procures any other person to do any of the acts herein mentioned, shall be guilty of a felony. (359) [610]
144-352, 175+691.

581. **Offering duplicate ballots, unlawful voting, etc.**—Every person who wrongfully delivers to a judge, to be placed in a box, more than one ballot of the same kind and color, or who fraudulently puts a ballot into any box, or who, not being a qualified voter, votes at any election with unlawful intent, or who votes more than once at the same election, or who procures, aids, assists, or advises another to go into any county, town, or district for the purpose of voting, knowing that such person is not qualified to vote therein, shall be guilty of a felony. (360) [611]
21-22, 22-423, 144-352, 175+691.

582. **Bribery before or at elections**—Every person who willfully, directly or indirectly, pays, gives, or lends any money or other thing of value, or who offers, promises, or endeavors to procure any money, place, employment, or other valuable consideration, to or for any voter, or to or for any other person, in order to induce any voter to refrain from voting, or to vote in

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any particular way, at any election or primary, shall be guilty of a felony. (361) [612]

110-304, 125+272; 126-380, 148+294.

583. **Advancing money, etc., unlawfully**—Every person who directly or indirectly advances, pays, contributes, furnishes, or pledges any valuable thing or consideration, or causes the same to be done, to or for the use of any other person, with the intent that such advancement, payment, contribution, pledge, or any part thereof, shall be expended or used in bribery at any primary or election, or in fulfillment of any promised bribe, shall be guilty of a felony. (362) [613]

584. **Corruptly demanding or receiving payment, etc.**—Every person who, after any election, directly or indirectly demands or receives any money or valuable consideration because of any person's having voted or refrained from voting, or because of having induced any other person to vote or refrain from voting at any election or primary shall be guilty of a felony. (363) [614]

585. **Coercing, threatening, or improperly influencing voters**—Every judge, clerk, officer, or other person, who, within or without any polling place, directly or indirectly uses or threatens to use any force, violence, or restraint, or causes or threatens to cause any damage, harm, or loss to any person, with intent to induce, or in any other way attempts to induce or compel, such person, or any other person, to vote or refrain from voting at any election, or to vote in any particular way, or who, within any polling room, or in any booth or room connected therewith, or within twenty-five feet from the entrance to any such polling place, asks, persuades, or endeavors to persuade any person to vote for or against any particular candidate, party, or proposition, or who, by abduction, duress, or any fraudulent device or contrivance, impedes or prevents the free exercise of the franchise at any election, or who by any such means, compels, induces, or prevails upon any voter either to give or refrain from giving his vote at any election, or who aids, assists, counsels, or advises another to vote in any district, knowing that he is not then and there a qualified voter, shall be guilty of a gross misdemeanor. (364) [615]

586. **Defacing posted lists, or removing ballots from polling room**—Every person who tears down, mutilates, defaces, or otherwise injures any list of names or card of instruction to voters posted or otherwise placed outside or inside of any polling place or booth by any board of registration or other official, or who, before the closing of the polls, removes from the polling place any ballot printed for use at such election, or any supplies or conveniences placed in or about any booth for the use of voters in preparing their ballots, shall be guilty of a gross misdemeanor. (365) [616]

587. **Wilful removal of or damage to poll books, etc.**—Every person who shall wilfully take or carry away from any polling place, or deface, mutilate, damage, or add to, any poll book, ballot, list, or register, or any name or figure therein, shall be guilty of a felony. (366) [617]

588. **Wilful injury to voting machines**—Every person who wilfully injures or renders ineffectual any voting machine, or attempts so to do, shall be guilty of a felony. (367) [618].

See § 550.

589. **Failure to deliver certificate of nomination**—Every secretary of a delegate convention who fails or neglects to immediately deliver, to the officer charged with the printing of the ballots upon which the name of a candidate of such convention is to be placed, the

certificate of nomination of such candidate, shall be guilty of a misdemeanor. (368) [619]

590. **Negligence in printing and care of ballots**—Every person authorized to print, or employed in printing, official ballots, who knowingly gives or delivers any of such ballots to, or knowingly permits any of the same to be taken by, any person other than the official under whose direction they are being printed, or knowingly prints or causes or permits to be printed any ballot in a form other than that prescribed by law, or with any other names thereon, or with the names spelled or the names of offices arranged thereon in any way other than that authorized and directed by said official, shall be guilty of a felony. (369) [620]

591. **Defamatory circulars, etc.**—Every person who writes, prints, posts, or distributes, or causes to be written, printed, posted, or distributed, any circular, poster, or other written or printed matter, which is designed or tends to injure or defeat any candidate for nomination or election to a public office by reflecting on his personal or political character or acts, unless by publishing such matter in a newspaper in such manner that the publisher becomes responsible therefor, or unless there appear upon such written or printed matter, in a conspicuous place, the names of at least two officers or members of a committee of the political or other organization purporting to issue the same, or the name of some registered voter as responsible therefor, with his postoffice address, shall be guilty of a gross misdemeanor. (370) [621]

592. **Refusing employee election privilege**—Every person who, as principal or as an official or agent of any other person, shall directly or indirectly refuse, abridge, or in any manner interfere with any of the privileges or immunities of any employee of himself or his principal granted by this chapter, shall be guilty of a misdemeanor. (371) [622]

593. **No persons except judges to handle ballots**—Every person, except a judge, who during any canvass of votes shall handle, touch, or interfere with any of the ballots being canvassed, and every judge permitting the same to be done, shall be guilty of a misdemeanor. (372) [623]

594. **Mismarking ballots—Disclosing how marked**—Every election official or other person who marks the ballot of any voter, except in the cases and in the manner provided by law, or who informs any person other than such voter how any such ballot was marked, shall be guilty of a gross misdemeanor. (373) [624]

595. **Wilful neglect, failure, or fraud of election officers**—Every election officer or other person required by law to safely keep and produce on election day the ballots intrusted to him, or to perform any other act, who wilfully fails or refuses to do the thing so required, or who is required by law to abstain from any act, and wilfully does such act, or who in either of such cases is guilty of any fraud, corruption, partiality, or misbehavior in conducting or aiding in the conduct of any election, or in canvassing or making returns of votes, or who wrongfully refuses to make or deliver any certificate of election, or who falsely or corruptly performs any required act, the punishment whereof has not been otherwise expressly provided for by law, shall be guilty of a felony. (374) [625]

596. **Destruction or delay of election returns**—Every messenger appointed by authority of law to receive and carry a report, certificate, or certified copy of any statement relating to the result of any election, who shall wilfully mutilate, tear, deface, obliterate, or destroy the same, or do any other act which shall prevent

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the delivery of it as required by law, and every person who shall take away from such messenger any such report, certificate, or copy, with intent to prevent its delivery, or who shall wilfully do any injury or act herein specified, shall be guilty of a felony. (375) [626]

597. **Unlawful expenditures before nomination or election**—Every candidate for nomination or election to a public office, who within ten days before any primary held to nominate, or to elect delegates to a convention called to nominate, a candidate for such office, or who within sixty days before the election at which an incumbent is to be chosen for such office, directly or indirectly, gives or provides, or pays, wholly or partly, or promises to pay, wholly or partly, the expense of giving or providing any food, drink, or entertainment to or for any person with intent to corruptly influence such person, or any other person, to give or refrain from giving his vote at such election, or to vote or refrain from voting in a particular way, shall be guilty of a misdemeanor. (376) [627]

598. **Failure to file statement**—Every treasurer or other person who receives any money to be applied to any of the election purposes for which expenditures are permitted by law, who fails to file the statement and account respecting the same required by this chapter within the time prescribed, shall be guilty of a misdemeanor. (377) [628]

599. **Failure of treasurer to keep correct accounts**—Every such treasurer or other person who receives any money to be applied to the purposes aforesaid, who fails to keep a correct book of account containing all the statements and details required by law, with intent to conceal the receipt or disbursement of any sum of money received or disbursed by him or by any other person, or the purpose for which the same was received or disbursed, or to conceal the existence of any unpaid debt or obligation, or the amount thereof, or to whom

the same is due, in detail, or who shall mutilate, deface, or destroy such book with like intent, shall be guilty of a misdemeanor. (378) [629]

600. **Failure of candidate to file—No commission, etc., to issue**—Every candidate for nomination or election to any elective office, or to the office of United States senator, who fails to make and file the verified statement of moneys contributed, disbursed, expended, or promised by him, or by any other person, committee or organization for him, so far as he can learn, in the manner, within the time, and with the details required by law, or who enters upon the duties of any such office, or receives any salary or emolument therefrom, before he has so filed such statement, and every officer who issues a commission or certificate of election to any person before such statement shall have been so filed, shall be guilty of a gross misdemeanor. (379) [630]

Cited (102-104, 112+1026; 143-226, 173+418).

601. **Certain corporations not to contribute—Penalty**—That it shall be unlawful for any corporation organized for pecuniary profit and are the subjects of public supervision to make a contribution of moneys from its corporation funds to any political committee or to any person for the purpose of aiding in carrying on any political canvass for the nomination or election of any person or persons to any office whatever. Any officer, stockholder, agent or employee of any such corporation who shall take part in or consent to the making of a contribution of moneys or of any other thing of value contrary to the provisions of this act, shall be deemed guilty of a felony and shall be fined not exceeding one thousand dollars or be imprisoned in the state prison not exceeding one year, or by both such fine and imprisonment, in the discretion of the court. ('05 c. 291 § 1) [631]

130-140, 153+258.