

**GENERAL ELECTION LAWS
OF MINNESOTA INCLUDING
THE PRIMARY ELECTION
LAW AND OTHER ACTS**

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General Election Laws of Minnesota Including the Primary Election Law and Other Acts by
Various

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INCLUDING

THE PRIMARY ELECTION LAW
AND OTHER ACTS

BEING CHAPTER 6 OF REVISED LAWS 1905, AND CHAPTERS 92,
134, 149, 214 AND 267 SESSION LAWS 1905. SECTION NUMBERS
CORRESPOND WITH NUMBERS IN 1905 REVISED LAWS.

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1906

QUALIFICATIONS OF ELECTORS

Amendment to Section 1, Article 7, of State Constitution.

Section one (1). What persons are entitled to vote.

Every male person of the age of twenty-one (21) years or upwards, belonging to either of the following classes, who has resided in this state six (6) months next preceding any election, shall be entitled to vote at such election in the election district of which he shall at the time have been for thirty (30) days a resident, for all officers that now are, or hereafter may be, elective by the people.

First—Citizens of the United States who have been such for the period of three (3) months next preceding any election.

Second—Persons of mixed white and Indian blood, who have adopted the customs and habits of civilization.

Third—Persons of Indian blood residing in this state, who have adopted the language, customs and habits of civilization, after an examination before any district court of the state, in such manner as may be provided by law, and shall have been pronounced by said court capable of enjoying the rights of citizenship within the state.

OPINIONS OF H. W. CHILDS, ATTORNEY GENERAL.

Under the recently adopted amendment to our Constitution only those are entitled to vote who have been citizens of the United States for three months or more preceding the day of election.

WHO ARE CITIZENS OF THE UNITED STATES WITH- OUT ANY ACTION ON THEIR PART?

1. Persons born in the United States, and not subject to the jurisdiction of some foreign power; that is, persons born in the United States, no matter what the nationality of their parents

QUALIFICATIONS OF ELECTORS.

unless such parents were here in some capacity as representatives of a foreign nation.

2. Children born in foreign countries but whose fathers became full citizens of the United States before such children reached the age of twenty-one years.

3. A foreign born woman who marries a citizen, or whose husband becomes fully naturalized, is thereby made a full citizen.

HOW TO BECOME CITIZENS:

Except in certain instances hereafter mentioned the applicant must first secure what are known as "first papers" or "declaratory papers," and at least two years must elapse thereafter before final or papers of citizenship can issue. The applicant must have resided in the United States at least five years before final papers can issue.

Aliens who served in the regular or volunteer army of the United States, and who have been honorably discharged, are not required to take out first papers, but may upon petition to the court be made citizens, by proving one year's residence and such honorable discharge, and producing such evidences of good moral character as is required in all cases.

Any alien who became a resident of the United States at the age of eighteen years or under and has continued to reside therein may be made a full citizen at any time after he has been a resident five years and has reached the age of twenty-one years. He is not required to take out declaratory papers.

When one who has taken out "first papers" dies before becoming fully naturalized, his widow and children shall be considered citizens and entitled to all rights and privileges as such upon taking the oath prescribed for those becoming full citizens.

ELIGIBILITY OF WOMEN AS TO SCHOOLS AND LIBRARY BOARDS.

An Amendment to Section Eight (8) of Article Seven (7) of the Constitution of the State of Minnesota.

Sec. 8. Women may vote for school officers and members of library boards, and shall be eligible to hold any office pertaining to the management of schools or libraries.

Any woman of the age of twenty-one (21) years and upward and possessing the qualifications requisite to a male voter, may vote at any election held for the purpose of choosing any officers of schools or any members of library boards, or upon any measure relating to schools or libraries; and shall be eligible to hold any office pertaining to the management of schools and libraries.

The Primary Election Law

AND OTHER ACTS

Being

CHAPTER 6 OF REVISED LAWS 1905, AND CHAPTERS 92, 134,
149, 214 AND 267 SESSION LAWS 1905. SECTION NUM-
BERS CORRESPOND WITH NUMBERS IN
1905 REVISED LAWS.

ELECTIONS.

Section 153. General, when held—What officers chosen—Presidential electors—A general election shall be held in the several election districts on the first Tuesday after the first Monday of 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. (6)

Sec. 154. 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.

Sec. 155. 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. (7)

Sec. 156. Election districts—How constituted and altered—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 exceed four hundred. All such changes shall be made by resolution adopted at least six weeks before the next ensuing election, and sixty days' posted notice thereof shall be given before the change shall take effect. (8; '99 c. 269)

Sec. 157. Map or description to be made and posted—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 village clerk, who shall keep the same open for inspection at all times, and post copies of the same in at least five of the most public places in each district. Such council shall furnish copies thereof to the judges for use at the election. (9)

Sec. 158. Notices to be furnished auditors and clerks—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 village clerk in his county. (13)

Sec. 159. Blanks and copies of law, how provided and distributed—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 village in his county the necessary copies of each of such blanks, and one copy of the law for each judge. (14)

Sec. 160. Special elections when and how called and conducted—Whenever, by reason of a tie vote, there shall be a failure to elect any state or county officer, member of the legislature, or representative in Congress, and whenever any vacancy occurs in any of such offices which is not otherwise provided for, the governor, within ten days after he is informed of such failure or 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 thereof, 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 occur in the office of representative in Congress or member of the legislature, and there be no session of the Congress or legislature between the happening thereof and the next general election occurring twenty-eight or more days thereafter, the vacancy shall be filled at such general election. 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 elections; and within fifteen days thereafter the auditor shall transmit a statement of the vote cast thereat to the secretary of state. (15, 16)

Sec. 161. 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. (17)

Sec. 162. 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 desig-

nate their choice. Whenever the auditor of any county shall notify the secretary of state that such instructions are also needed in any specified foreign language, the secretary shall furnish the same. Such cards shall be sufficient in number to allow one for each booth, and four additional for each district; and the auditor shall deliver such cards to the city, village, and town clerks in his county, who shall cause one to be posted in each booth, two in the polling room, and two on the outside of the building in which the voting takes place. (20)

Sec. 163. 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. (23)

Sec. 164. 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. (24; '95 c. 275)

Submit to vote—Separate ballot box—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 bal-