



League of Women Voters of Minnesota Records

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SHOULD
THE
VOTING
AGE
BE LOWERED IN MINNESOTA?

League of Women Voters of Minnesota
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St. Paul, Minnesota 55102

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S H O U L D T H E V O T I N G A G E B E L O W E R E D
I N M I N N E S O T A ?

Voting age limits reflecting customs in medieval England prevail in 46 of the 50 states and in other countries as well. At age 21 Englishmen were considered physically strong enough to qualify for knighthood. In the United States the minimum age for suffrage varies from 18 to 21, and in other countries from 18 to 25.¹ Two states amended their constitutions to enfranchise 18 year olds: Georgia in 1943 and Kentucky in 1955. Our two most recent states wrote lower age qualifications into their constitutions: Alaska, 19 and Hawaii, 20.

The campaign to lower the voting age has gained considerable momentum the past two years. Every president since Franklin D. Roosevelt has favored the 18 year old vote, with the exception of Harry S. Truman. Congress is considering many more resolutions for amendments than ever before; and since June, 1968, the issue has been studied by almost every state. Historically, interest in a lower minimum voting age has corresponded with our involvement in wars. Reasons for the present activity is likely due both to the Vietnam War and to the rising desire of young people to have the vote.

In February of 1969, representatives from approximately 30 youth organizations joined with a number of adult groups in Washington, D.C. to form the Youth Franchise Coalition, a nonpartisan organization. Some of the participating groups are the NAACP Youth, Young Democrats, the National Student Association, the YMCA, and Americans for Democratic Action. The goal of YFC as stated in its bylaws is as follows: "The purpose of this organization shall be to obtain the right to vote for all citizens of the United States who have reached the age of eighteen (18) years." They hope

1. Russia, several Latin American countries, 2 provinces in Canada, Israel, South Vietnam, etc. - 18 years; Japan and Germany - 20; Norway and Sweden - 23; Denmark - 25.

to achieve this purpose with a coordinated national campaign to secure the passage of federal and state constitutional amendments lowering the voting age to 18. Many of the states have formed organizations to lower the voting age. In Minnesota, the Minnesota Coalition for Lowering the Voting Age (MCLVA) was formed in November, 1968, with over 80,000 members statewide. It is also of interest that in the 1968 presidential elections, the platforms of both parties called for lowering the voting age to 18. In Minnesota a lower voting age has been in the platforms of both political parties for a number of years.

There has been little organized opposition. However, even without strong organized dissent, many of the states have rejected lowering the traditional voting age. The YFC suggests one major reason for failure to bring about a lower voting age: "That there has never been a concerted national effort to bring together effectively the forces which favor such action in order to insure serious consideration of the issue."

DETERMINATION OF VOTING QUALIFICATIONS

Subject to a number of provisions in the U.S. Constitution, the states have the basic responsibility of establishing voter qualifications. Congress may act to extend suffrage by a federal constitutional amendment which would require approval by two-thirds of the House and Senate, and ratification by three-fourths of the states. It is also considered constitutionally possible for Congress to lower the voting age by statute. But, this tenuous route is unlikely, according to Senator Edward M. Kennedy (Dem., Mass.) in the Congressional Record, May 14, 1969:

"The change is of such fundamental importance to the basic political processes of the Nation that it should be carried out by the route of constitutional amendment rather than by statute. A proper respect for our Federal System and the rights of the States requires no less."

In order to change the voting age in any state, an amendment to that state's constitution is necessary. The amending process varies considerably

from state to state. To amend the Minnesota State Constitution, a majority of both houses must first approve, after which the amendment must be ratified by a majority voting at an election.

CONGRESSIONAL ACTION TO LOWER THE VOTING AGE

Action to amend the U.S. Constitution to allow 18 year olds to vote began in 1942, when the late Senator Arthur Vandenberg (Rep., Mich.) introduced a joint resolution in the Senate of the 77th Congress. This corresponded with the year the draft age was lowered to 18. During the period 1942-1964, there were 58 joint resolutions and one bill to reduce the age of suffrage. After 1964 there was a marked increase in the interest by Congress -- 28 amendments were introduced in the 89th Congress and 64 in the 90th Congress. Interest in the issue is substantial in the 91st Congress. As of August 13, 1969, 11 Senate Joint Resolutions were introduced, 54 House Joint Resolutions and 3 House Bills all reducing the voting age to eighteen. According to the Congressional Index (week ending August 13), there has been no action on the Joint Resolutions or bills. Should the voting age be lowered to 18 nationally, there would be more than 10 million new voters added to the electorate (approximately 10% of the total electorate).

STATE ACTION TO LOWER THE VOTING AGE

In the past ten years state action to lower the voting age has increased considerably, and this year activity is greater than ever before. The following information is a sample of activity on the voting age issue in a number of states.

Minnesota, Massachusetts, Montana, Oregon and Wyoming passed bills to permit 1970 referenda lowering the voting age from 21 to 19. Hawaii will vote in 1970 on lowering the voting age from 20 to 18; Connecticut from 21 to 18; Alaska from 19 to 18. In Ohio there will be a referendum

in November, 1969, on lowering the voting age from 21 to 19. New Jersey similarly will have a referendum in November, 1969, upon modifying the age to 18. The Nevada Legislature approved a bill for 18 year old voting, but the bill must be reapproved by the Legislature in 1970 before it can be placed on the ballot in 1972. A bill decreasing the voting age from 21 to 19 passed one session of Delaware's Legislature, and it must be resubmitted and passed once more to be on the ballot in 1970.

In many states there have been defeats, either at the ballot box, in legislative committees or by one house or by both houses. In 1968, North Dakota and Nebraska defeated ballot questions on proposals to lower the voting age. However, Nebraska's 1968 Legislature passed a bill permitting a 1970 referendum lowering the voting age to 20. In Virginia, California, Arizona, Colorado, Indiana, Idaho, Michigan, Mississippi, New Hampshire and New Mexico, the 1969 Legislatures defeated bills to lower the voting age. In Maryland the 19 year old voting bill passed the Senate, but failed in the House. This year in New York the 18 year old voting proposition failed in committee. The Florida Constitutional Convention refused to include provisions to lower the voting age in that state's proposed constitution. Activity is still pending in some other states.

MINNESOTA ACTION TO LOWER THE VOTING AGE

In the Minnesota Legislature, bills to reduce the voting age to 18 have been introduced in 1943, 1947, 1949, 1953 and 1965. In the 1967 legislative session, bills for both 18 year old and 19 year old voting were introduced. A bill for 18 year old voting passed the House 117-7 but its companion bill never got a hearing in the Senate. Again during the 1969 session, separate bills for 18 year old and 19 year old voting were introduced. This time the 19 year old proposal successfully passed both houses and will be submitted to the people in the 1970 general election. The

question to be submitted to the people is:

"Shall the Constitution of the State be amended to reduce the age requirement for voting from 21 to 19 years and provide an age requirement of 21 years to hold elective public office?

Yes _____
No _____ " 2

If a majority of the people voting in the election vote "yes," the amendment will pass. People who fail to vote on the amendment are counted as casting negative votes.

ARGUMENTS FAVORING A LOWER MINIMUM VOTING AGE

* * Young people today, in part because of the rising level of education, are better equipped to exercise the suffrage than were past generations of youth.

According to the 1969 U.S. Book of Facts, only 16.8% of the U.S. population graduated from high school in 1920. The number of graduates increased to 75% in 1966. Minnesota ranks highest among the states, with approximately 92% of high school students graduating. Youth today enhance their education with television, radio magazines, and increased opportunities for travel. Today's youth are more familiar with the political process than previous generations. They are exposed to political campaigns through the mass media and they have participated in mock elections. President Richard M. Nixon during his recent presidential campaign stated the following in support of voting at 18:

"The reason I think 18 year olds should vote is that I think they would add to the interest in American elections, they would add to the quality of the debate, the younger generation is better educated, it knows more about politics, more about the world, than many of the older people."

* * Youth of today complete their physical and emotional development at an earlier age.

An article in Newsweek, July 29, 1968, cites evidence indicating that

2. H.F. No. 18, Chapter No. 996. This is an act proposing an amendment to Article VII, Section 1 and Section 7, of the State Constitution to reduce the age requirement for voting to 19 years and establish an age requirement for elective office.

physical maturity is achieved at an earlier age than in previous generations, and further suggests that "emotional and intellectual maturity parallel physical growth." According to Dr. C. Keith Connors, Director of Child Development, spiritual, emotional and intellectual growth have largely been completed by age 18.

* * Lowering the Voting Age would increase interest and participation in the Electoral Process.

President John F. Kennedy, concerned with the low voter turnout in America, created a commission to find reasons and solutions for voter apathy. One of the solutions suggested in the final report was that states consider giving the vote to persons 18 years of age.

The following statement is included in the commission report dated December, 1963:

"The Commission is concerned over the low voter participation of the age group from 21 to 30. We believe a major reason for this low turnout is that, by the time they have turned 21 (the minimum voting age in 46 of the 50 states) many young people are so far removed from the stimulation of the educational process that their interest in public affairs has waned. Some may be lost as voters for the rest of their lives."

* * Our limited experience with an 18 year old minimum in the United States demonstrates that it works satisfactorily.

Advocates of a lower minimum voting age point to the successes of Georgia and Kentucky to further their case. The following are quotations from officials in the two states.

In Georgia where the voting age has been 18 since 1943, Ben Fortson, Georgia's Secretary of State, declared:

"We believed then, and even more now, that young people were more aware of what was going on. They were just as aware as adults." 3

In Kentucky, where the voting age was reduced in 1955, J. R. Miller, Chairman of the Kentucky State Democratic Central Executive Committee, opined:

3. U.S. News, p. 36, August 12, 1969.

"I know of no problems created by lowering the voting age, and there is no question but what this act of our legislature has been a popular one." 4

* * The addition of older teenagers to the electorate will produce a better balance.

Senator Mike Mansfield (Dem., Mont.) stated in the Congressional Record, May 28, 1969:

"Lowering the voting age to 18 will tend to bring about a better and more equitable balance in the electorate of the nation. As life expectancy rises, the number of older voters increases. A corresponding expansion in the number of younger voters will not only broaden the political base of the Government, it may well provide concurrently a more balanced approach in the nation's general political outlook."

* * Eighteen year olds in many respects are treated as adults and held legally responsible for their actions.

In many states eighteen is considered the age of maturity and some adult privileges and obligations are granted while others are denied. Because over half of the nation's 12 million Americans between the ages of 18 and 21 are a part of the labor force and pay taxes, it is argued that they deserve a voice in making the nation's economic policy. The minimum age for employment by the federal government is 18. In Minnesota, among other things, 18 year olds are tried as adults for criminal offenses; they are permitted to carry firearms and drive cars; they may work and are required to pay income taxes; girls may marry at 18, but boys need parental consent.

The question was asked whether lowering the voting age would change the legislature's power to restrict status of persons under the age of 21 in certain areas, especially concerning contracts, marriage and liquor. The then Attorney General replied to the Honorable Karl F. Grittner, House of Representatives, in the following manner (Opinion Attorney General 490-B, Feb. 15, 1955):

"The Minnesota Supreme Court in State ex rel. White V. Patterson, 188 Minn. 492, held that when the constitution

4. From a letter dated Feb. 11, 1969, to Mr. Kenneth Gilchrist, Metropolitan State Jr. College, in the MCLVA research paper.

is silent on the subject, the legislature is free to fix the age at which a child ceases to be a minor.

"Therefore, it is our opinion that in the event the legal voting age in Minnesota were lowered to age 18 by constitutional amendment, the legislature would still be empowered to restrict the powers of persons between the ages of 18 and 21 in such matters as: (1) Entering into contracts; (2) Entering into marriage; and (3) Purchasing of beer and liquor."

* * The youth of today deserve the vote because of their involvement in services to the country; the idealism and enthusiasm of youthful voters would have a beneficial effect on the conduct of the government.

Since 1960 youth have become increasingly aware and considerably more involved in the political process. They participate in the Peace Corps, Vista, and other government programs dealing with poverty and social justice. In 1968 they devoted much time and energy to the presidential campaigns. Youth in Bloomington, Minnesota, have recently been asked to participate in that city's government. They have been appointed to commissions and boards with full voting rights. It is felt that the idealism and vigor of the young could bring much needed enthusiasm to the American Political System.

* * Youth are less alienated when given more responsibility.

Proponents of a lower voting age feel that youth strongly desire a role in solving the Nation's complex problems and that youth feel anger and frustration over their presumed impotence to correct them. The following are several quotes taken from a speech by Paul J. Minarchenko Jr., President of the Youth Franchise Coalition, before the annual meeting of the Student National Education Association, June 18, 1969, Washington, D.C. The quotes in part explain what he believes to be the most compelling reasons for giving the vote to 18 year olds.

"Our generation feels more intensely the agony and bewilderment of the times -- for the split between what we have been told about America and what we now see is too great to be rationalized away. It is all too evident that the promise of America has not been kept; the "system" does not seem to be working."

"If the voting age is lowered there will be new horizons for young people, and they will take an active role in bringing about needed reforms. It is by no means a panacea for ending riots, or disruptive behavior, whether on the campus of a university or the streets of an urban ghetto, but it will give many of those who have taken that approach out of utter frustration and commitment, a sense of electoral participation and involvement which they have never experienced before. It can dramatically demonstrate that a new age has indeed begun and that men can become the masters of their fate."

It is interesting to note that according to an article in the Minneapolis Tribune, August 17, 1969, that some opposition to the eighteen year old vote comes from the extreme left which speaks of the democratization of society but worries that young people once given the right to vote would find a legitimate outlet for frustrations and abandon radical causes as a result. ⁵

ARGUMENTS AGAINST A LOWER MINIMUM VOTING AGE

* * Youth today lack the maturity of judgement that the exercise of the ballot demands in a free society.

An article against lowering the voting age appeared in the Yale Law Review, Autumn, 1968. William G. Carleton, author of the article, entitled, "Votes for Tennagers," notes that, "It is curious how few voices, conservative or liberal, have been raised against this mounting movement to enfranchise the upper-age adolescents. A notable exception is Harry Truman . . . (who) has postulated that it would make more sense to raise the voting age to 25 than to lower it to 18." Mr. Carleton feels that it would have been more sensible in the past to lower the voting age than it does today for the various reasons that boys of 16 were subject to the militia and public road work and some were even graduated from college at that age; that girls were considered maiden ladies at 20 and old at 30; that the average life expectancy was very much lower than it is today; that young people of 15 and 16, owing to the hard realities of making a living, were forced to work

5. The Minneapolis Tribune's source of information was the National Education Association's Project 18.

at an early age; and because of their interests within the social framework. Yet, despite this early "maturing," generation after generation allowed the voting age to stand at 21.

* * Teenagers lack experience; voting at age 21 is soon enough.

Many 18 year olds are still tied to their families and as yet do not think independently. Three additional years, whether in school or at work, would give this age group additional knowledge and valuable experience necessary for intelligent voting. They need lessons that can be attained only in the "world of hard knocks." Although today's students are better educated and remain in school longer, opponents believe that our increasingly complex society makes this increased education essential. Another quote from Mr. Carleton's article:

"Even though today's teenagers have had more formal education than most of their elders, the youngsters have not yet assimilated their educational experience; they have not yet fused their secondary experience with an actual worldly one; and until such fusion is made, vicarious experience is likely to remain experimental, tentative, and untrustworthy."

* * Most of the upper teenagers' judgement is based on emotion and they are, therefore, easily led.

Opponents acknowledge that today's teenagers are better educated than ever before but feel that does not ensure that they will vote with wisdom and maturity. Representative Emanuel Celler (Dem., N.Y.), longtime opponent of a lower voting age, says:

"When we consider how easily the adolescent is inflamed, how passionately he attaches himself to 'causes,' how imperative it is for him at that age to see in patterns of black and white without shadings lest he falter in his commitments, we can readily understand why the demagogue, and the dictator, and the hypnotic orator have been able, historically, to capture the youth of the land." 6

* * The fact that one is old enough to fight is no assurance of political and social maturity.

"The "old enough to fight, old enough to vote" is an argument that is not popular among all advocates for lowering the voting age. Together with

6. "Vote at 18: Overdue or Premature?", Senior Scholastic, Sept. 27, 1968, p. 20.

their opponents, they feel that the argument is illogical. To prove their point, opponents say: "If you're too old to fight, you are too old to vote," or "If you are a woman and can't fight, you also may not vote."

Physical maturity has nothing to do with intelligent voting--voters must think for themselves. Senator Spessard L. Holland (Dem., Fla.) believes that the draft age and voting age are as "different as night and day." He elaborates on this point:

"... Soldiers are called upon to be obedient to commands and to follow the strictest of military rules and orders. They are not in a position to determine matters of policy for themselves. The voter must have the ability to separate promise from performance and to evaluate the candidates on basis of fact, which is a prerequisite to good voting." ⁷

* * Eighteen year olds are not held legally responsible for their actions.

Opponents argue that 21 is the legally accepted age of maturity as recognized by most state laws. If the voting age were lowered, it then follows that there would be agitation to reduce the legal age in other matters. In the following matters, 21 is the legal age in Minnesota: entering into contracts, drinking alcoholic beverages, serving on juries, males may wed without parental consent. Opponents recognize that the selection of age 21 as a voting qualification and as the legal age in other matters is arbitrary, but they feel that it represents the age when the majority of youth are mature enough to accept adult responsibilities. They feel that it would not be worthwhile for states to reduce the voting age and cause the legal age to be challenged in other matters just to allow teenagers to vote a few years earlier.

* * The majority of 18-20 year olds are not interested in politics.

Opponents feel that eighteen year olds are preoccupied with other activities and have no interest in politics. Youth are busy seeking their first jobs, dating, getting married, establishing a home or attending school.

7. "The 18 Year Old Vote," YMCA Magazine, April 1969.

They will not take the time to study and issue in order to make intelligent decisions. It is a fact that the lowest voter turnout in the United States has been in the 21-24 year old group, and studies have shown that voter participation increases with age up to fifty. It is argued that when the franchise is unimportant to the younger segment of the electorate, why add an even younger group who have even less concern with the political process?

* * Youth may be interested in national politics but neglect state and local politics.

Opponents acknowledge that young voters have shown interest in national politics but minimal interest in city, county, metropolitan, and state levels of government. It is argued that youth will not take the time to study the issues and participate meaningfully in the total political process from the precinct caucus to election day. Whereas one particular candidate or issue may spark the imagination of youth, opponents of lowering the voting age point to the necessity for the routine ongoing party activities such as finance drives, contacting party members and arranging meetings which might go unheeded by older teenagers.

* * Enfranchising 18-20 year olds would have a disproportionate effect on election results

Some fear that lowering the voting age will tip the balance in favor of youth -- "gramps" will be outvoted. Others are concerned that youth will disrupt political organizations -- rebel against the status quo.

In small college towns there is concern that students could control local election results -- especially bond issues. Also a concern, that as 18 year olds, they may still be in high school. Therefore, they would be voting in elections even though they had a lesser economic stake in the community.

RESIDENCE REQUIREMENTS FOR STUDENTS

Opponents of lowering the voting age in Minnesota expressed concern before the legislature that in communities where students outnumbered

permanent residents, the young people might control local elections, especially bond issues. In order to prevent this, the following clause was proposed to amend the House and Senate bills to lower the voting age:

"For the purpose of voting, no person shall be deemed to have acquired a residence solely in consequence of being a student or teacher in any seminary of learning or other schools within the state."

This amendment, however, was rejected. The legislature evidently agreed with the position of the MCLVA in opposing this clause:

"The statutes of our state quite adequately deal with specifying what determines a resident without adding any cumbersome clause which might restrict voting of a certain group." 8

The foregoing contention was supported by previous Attorney General Opinions which clarify the residence qualifications:

"The residence of any person is defined by law to be in the 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. Section 416, G.S. 1913."

Polls taken by MCLVA at several Minnesota colleges indicated that 70.7% of those students who voted in 1968 either went home to vote or voted by absentee ballot.

Throughout the country, states generally have followed the principles set forth as follows:

"A student in a college town is not generally presumed to have the right to vote in that town. If he has no intention of remaining in that place permanently but has another home to which he intends to return after his sojourn at college, he is not ordinarily considered such a resident as to be entitled to vote. But a student at college who is free from parental control and regards the place where the college is situated as his home and has no other to which to return in case of sickness or other emergency, is as much entitled to vote as any other resident of the place where the college is situated." 20 C.J.S. 72.

The experience of Kentucky and Georgia, where 18 year olds have had the vote since 1955 and 1943, respectively, is cited in regard to local elections.

8. See Minn. Constitution, Article VII, Section 1, 3 and 7, which deal with residence qualifications. Minn. Statutes 201.26 determine rules for establishing voter residence. They replaced 416 Gen. Stat. 1913.

Louis B. Nunn, Governor of Kentucky, has stated that "In Kentucky this effect (student domination) is rarely, if ever, noticed. During the 13 year period in which the 18 year old age has been in effect, the question (residency) has never been raised." State Rep. Julian Bond of Georgia has said that no problems whatsoever regarding college residency exist in his state. Both Kentucky and Georgia do have a number of college towns where college enrollment varies from 50% to greater than 100% of the community population.

League of Women Voters of Minnesota, 15 & Washington Aves. S.E., Minneapolis 14, Minn.
November, 1958

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CONSENSUS QUESTIONNAIRE ON ELECTION LAWS

If the study of election laws by the League of Women Voters is to result in legislative action, we must find out if there is general agreement among our members on any basic principles. If you will help us discover where this agreement lies, the State Board will then determine whether specific legislation falls within the League position.

The page numbers after each question are from the state publication, Minnesota Election Laws.

Besides answering the questions asked, please send in any comments your members may have on subjects not directly mentioned. Please return to State Office by January 26. When you are considering this questionnaire in your League, please make a note of the extent to which your members are in agreement on each question and any significant differences. If you run out of space, use the other side of this sheet.

ADMINISTRATION

1. Do you feel that there should be centralized responsibility in the state government for achieving uniform election procedures and for training officials?(p.17)

RESIDENCE

2. Do you believe that there should be a change in the 30 day precinct residence requirement? (p.17)
3. Do you believe that there should be legislation to provide for an otherwise qualified person to vote for president and vice president before he meets residence requirements? (p.17,18)
4. Would you lower the voting age to 18? (p.21)

REGISTRATION

5. Do you believe that the present law concerning registration of voters is satisfactory or should it be changed to extend to more municipalities, to counties, or to the whole state? (p.22,23)

ELECTION JUDGES

6. Do you believe that local election officials should have more latitude in setting qualifications and in determining the number of election judges needed? (p.30)

PRIMARY

7. Should Minnesota have an open or a closed primary? (p.34)
8. Do you believe that incumbents in nonpartisan offices or candidates endorsed by their parties before the primary should be designated as such on the ballot?(p.38)
9. Do you favor raising filing fees? (p.39)

St. Paul Pioneer Press

ST. PAUL, MINN., WEDNESDAY, MARCH 5, 1958



TOWN MEETING at which 36 candidates for city office explained their candidacies found about 500 persons in attendance.

—Staff Photo.

Candidates Debate Home Rule, Open Occupancy At Town Meeting

Thirty-six candidates for city office appeared at a "town meeting" Tuesday night to explain why they should be elected.

About 500 persons listened in Stem hall in the Auditorium as candidate after candidate made two-minute speeches. The affair was sponsored by the League of Women Voters of St. Paul and 10 other cooperating organizations.

In general discussion, questions from the floor indicated interest in a proposed open occupancy ordinance, home rule and the controversial housing code.

The primary election is Tuesday.

Following is a brief summary of what each candidate said:

MAYOR

JOHN E. DAUBNEY: Advocated equal pay treatment for city and county employees; extension of municipal services to the suburbs at equitable rates, and increasing efforts to combat rising unemployment and movement away of industries.

JOSEPH E. DILLON, incumbent mayor, was in Washington for a public works meeting.

D. R. (DICK) KOTHE: Said the basic issue in the campaign is partisan politics and declared the incumbent has the indorsement of labor contrary to the non-partisan election rules. He described himself as the only non-partisan candidate for the office of mayor.

COUNCILMEN

TONY N. CHILEFONE: Said he would strive to better conditions in the city.

MARGARET CONRAD: Urged city elections on a non-partisan basis. "We don't need additional taxes," she said, "but we need a better application of existing taxes."

T. F. (TOM) COSTELLO: Called upon the voters to judge persons in office by their deeds. "From my background and experience, I believe I am qualified." He said the proposed new housing code is unfair and suggested that existing housing be exempted from its jurisdiction.

A. J. (TONY) CREA: Urged a program to develop civic pride; to expand recreational facilities for children; more watchfulness over the tax dollar; increased effort to get more industry and alleviate unemployment, and planning to anticipate future needs.

JAMES (JIM) DORFSMAN: "If elected, I intend to promote fair, impartial government." He called for abolishment of the personal property tax and charged it punishes small business especially.

GERALD THORI GUDIM:

Criticized the housing code; said more efforts to encourage employment are needed. "I would make an all-out effort," he said, "to solicit an opposition newspaper for our city and discourage monopoly of the news."

BERNARD T. (BUD) HOLLAND: Pointed to the accomplishments of the parks and playgrounds department, of which he is commissioner, in the last two years. Among them were construction of 10 new playgrounds, 13 playground buildings, 15 skating rinks and the rehabilitation of 19 buildings.

C. A. (CHUCK) HOLLAND: Said he wished to clear up a "misconception" as to why he was in the race. It was not merely, he said, that he has a name similar to that of another candidate. He said he hopes to win.

ABNER JOHNSEN: "The city has suffered from lack of aggressive, progressive leadership. The taxpayer is not getting a dollar's worth for his tax dollar." He urged industrial expansion, rehabilitation of downtown business, urbanization of suburban areas and solution of traffic and parking problems.

R. D. (DICK) JOHNSON: "Taxpayers have lost their voice in the City Council," he said. He cited five instances which he claimed were violations of home rule and criticized the City Council for taking problems to the Legislature instead of the people.

FRANK L. LOSS: Said he has not seen aggressive leadership in the City Hall in recent years and pointed to the loss of two leaders, Frank Marzietti and Norris Halvorson. He said his four years as deputy to Commissioner Halvorson gave him valuable experience.

DEAN MEREDITH: Said this was his first try for city office. He said he believes all groups should be represented on the City Council.

VERNON P. (BOOTS) MICHEL: Said his greatest interest is in the field of juvenile delinquency. He feels his long service as a St. Paul police officer has given him experience in how to combat delinquency. "I love children and I want to do all I can for them."

SEVERIN MORTINSON: He

said this was his 12th year in office and that many of the developments now apparent in the city were started by him. He said the Auditorium booked more events and had a bigger attendance last month than any other auditorium in the nation.

JOHN FELDMANN, deputy commissioner of public safety, speaking for the candidacy of Public Safety Commissioner Robert Peterson, who had the flu: "He will continue the policy of strict law enforcement with favoritism toward none."

CHESTER J. (CHET) PETRIE: "Recreation is of basic importance," he said. With automation will come increased leisure time. We need wholesome recreational agencies, he said.

LOUIS RIVITUSO: Said he is enthusiastic in his campaign to become a member of the council and promised every effort to make the city a better place to live.

MILTON ROSEN: "My record is an open book," he said, "and I'm proud of it." He said he was opposed to the housing code. "My labor record," he said, "is better in my estimation than any labor man they've ever had."

JOHN M. SCHULTZ: "It is time we get new blood, new brains and new forthrightness in the council." He said his major goal is correction of evils of the present civil service system.

DONALD G. TOWNSEND: There are a lot of things wrong with the City Council, he said. Everyone should take advantage of his right to vote.

ADRIAN P. WINKEL, incumbent: Said the basic function of the campaign is to provide an opportunity for the voters to judge the candidates and the issues.

The following candidates for City Council did not appear: Roger C. Blomquist, J. T. (Jim) Crisler, Mrs. Donald M. DeCourcy, William B. Doughty, William G. Keller, Kenneth D. Lund, James J. McDonough, John J. McDonough, Otto W. Olson and Joseph M. Poppel.

BOARD OF EDUCATION

MRS. HARRY L. BRATNOBER: The philosophy of the school system here is sound. We will need more buildings and better equipment. To achieve the goals of education we will have to spend more money and the board must cooperate closely with the administration.

EUGENE H. COLESTOCK: The philosophy that the office should seek the candidate

amounts to disenfranchisement of the voter. He called for graded report cards, elimination of "snap" courses, discipline, diplomas based on scholastic achievement, not attendance, and a school board with integrity.

PAUL D. HAGSTRUM: "My basic promise is that St. Paul schools are good," he said. The board must exercise great concern in the area of curriculum and grading. It should have a continual policy of re-examination, re-evaluation and revision.

ORVILLE A. LODGARD: If elected to the school board, he would try to keep the good things and to improve the things in the educational system that are not good. He said he is for an improved marking system and a return to basic subjects.

The two other candidates for the school board, Frank W. Chapman and Franklin L. Urban, did not appear.

COMPTROLLER

MARTIN LINFELSER: The stability of St. Paul rests on the comptroller, he said. The budget has increased from nearly 12 million dollars in 1942 to about 40 millions now.

RAYMOND S. MICKELSON: "I believe it is time for a change." He pointed out that when the incumbent first took office he was inexperienced.

JOSEPH J. (JOE) MITCHELL: The credit rating of St. Paul is so good that bonds are sold at one-fourth of 1 per cent less interest than in other big cities, he said. The comptroller has many more duties than just making out the budget, he noted.

JUSTICE OF THE PEACE AT LARGE

WILLIAM (BILL) DREXLER, incumbent: "Justice court serves a vital purpose in St. Paul." He said it handles no criminal nor traffic cases.

R. F. FERGUSON, incumbent: Said there is no issue from a political view. The only question is whether the justice is fair and qualified.

Charles P. McCarty Jr., and Stanley J. Simonson did not appear.

JUSTICE OF PEACE, TENTH & ELEVENTH WARDS

THOMAS J. NASH, incumbent: Said he would wage a clean campaign for reelection as he has for the last 28 years.

JOHN S. CONNELLY: The citizen should consider what might happen if justice courts were abolished.

CONSTABLE AT LARGE

BENEDICT G. FISCHER: Said he had been constable since 1930 except for one term.

UNDER-SURFACE INTEREST—

Rally Spurs Activity Of City Primary Candidates

Spurred by a rally, which about 500 persons attended city primary candidates increased their activities today.

The rally was staged by the League of Women Voters and 10 other cooperating organiza-

tions in Stem hall Tuesday night and 36 of the 42 candidates discussed issues.

Main effort now is to get out the vote next Tuesday. The campaign has been quiet but the rally indicated there is a

bigger under-the-surface interest than has been evident.

D. R. Kothe, candidate for mayor, went on the radio again and attacked "political bossism" in the city hall, referring particularly to the efforts last year to fill the vacancy on the City Council caused by the resignation of Commissioner Marzitelli.

Mrs. Dale Haswell, president of the St. Paul Council for Education, issued a statement urging support for Eugene Colestock and Orville Lodgaard, candidates for the two places on the board of education. She pointed out that her organization has long advocated reassessment, reexamination and revision of the present educational system.

Colestock and Lodgaard issued a statement giving their program which includes: a report card based on established standards as well as on achievement according to ability; a program of classroom discipline which will enable teachers to teach; a high school diploma based on knowledge acquired and not on attendance; a course of academic study which will stress English, history, civics, mathematics, science and languages; a course of vocational study which will train the student adequately in the industrial arts.

3/5/54

League Of Women Voters Provide Information On Candidates

A BRIEF questionnaire was sent by the League of Women Voters of Owatonna to each candidate for the office of County Commissioner. The following sketches were compiled from the information received.

The FIFTH DISTRICT includes the first, third and fourth wards of Owatonna. The following are candidates from this district:

George Knowlton - Driver for the Rock Island Motor Transit Co. Is presently a County Commissioner by appointment of the City Council and served as City Councilman for several years until moving out of his ward. He wants to become an active integral part of the community in which he lives and considers it a duty of all residents within a community to devote time to the process of governing themselves. Mr. Knowlton is particularly interested in county economy for greater value from expenditures, county road repair, and improvement and establishing a back-log for future necessary expansion.

Leo Collins - Wholesale

Continued from front page

president of Minnesota Jaycees. 1950 Owatonna Jaycee Gold Key Award winner. 1948-50 member of Owatonna Park and Recreation Board. In 1949 was appointed by Judge Axel B. Anderson to Owatonna Charter Commission. Served as Alderman at Large on Owatonna City Council from 1950-54. Superintendent of Speed Dep't. for Steele County Fair for 14 years. Director

board for nine years. He has always lived in Owatonna and has been a property owner and taxpayer for many years. Mr. Jurgensen is interested in Owatonna's and Steele county's future and feels he is qualified and capable of giving the people of the Steele County Commissioner District the representation they are entitled to.

The League is non-partisan and does not endorse any candidates.

"She's Got it. By Jove She's Got it! . . ." *Wadena Argus 10/10/54*

LWV "Politics are Popping" Packs in 1,000

When the out-sized and highly successful candidates meeting sponsored by six suburban units of the League of Women Voters, broke up Tuesday night stars of the show might have filed out of Minnetonka High school auditorium singing a line from a popular song, "She's got it. By jove she's got it!" (Translated "she" refers to the League, and "it," votes.)

The crowd of more than 1,000 exceeded all expectations of the hard working cooperating leagues — Minnetonka, Deephaven, Excelsior, Wayzata, Mound and Hopkins.

And were the politicians glad! Headed by Governor Freeman and Senator Thyne, the candidates for the major political offices,

had a chance to air their political views from the Minnetonka High school stage to more than 1,000 interested listeners — and it didn't cost them a nickel.

Originally scheduled for the audio visual room, the meeting was shifted to the auditorium when early arrivals crowded the smaller hall to the baseboards. At 8:15 p. m. the change had to be made to the auditorium.

Mrs. Basil Young, former state president, and member of the Wayzata League, acted as moderator and kept the three-hour long meeting well in hand.

Mrs. Leonard Parker, Minnetonka League, was general chairman, and her committee was made up of voters service and publicity chairmen from the six

league units. League officers and members acted as ushers, popcorn distributors, and finished up with brooms on the clean-up detail.

The popcorn incidentally, which carried out the "Politics are Popping" theme, got shuffled around in the crowd.

With housewifery eyes on a possible floor strewn with empty bags, league members had decided to distribute the popcorn after the meeting. But in the confusion of the hall switch, the popcorn detail passed out bags before the opening bell, and contented listeners sat munching popcorn through three hours of speech-making.

There were no specific honors handed out to committee mem-

bers, but Mrs. R. E. Held and Mrs. Mark Doyne got the unofficial award for dedication after passing an acid test. Stationed at her post near the entrance, Esther Held felt something on her shoe. She looked down and saw a lizard crawling over her foot. Wordlessly, she nudged Mrs. Doyne, who calmly bent down, picked up the lizard and dropped it out of a nearby window.

Another League member, a staunch MacKinnon woman had been assigned the privilege of pinning the name tag to the lapel of the candidate for governor. But MacKinnon had slipped in a side door. Eventually his name caught up with him, however, for when he appeared on the platform he was wearing it.

Numb with the phenomenal success of the meeting Mrs. Harold Field, Excelsior unit, whose duty it was to pin the governor's name to his lapel, greeted him with clear and ringing "Good evening Governor Youngdahl!"

Some indication of the importance of the meeting in the minds of village officials was the speed with which Greenwood council members conducted their regular monthly meeting — usually a leisurely affair — Tuesday night. They opened; they paid two bills; then adjourned.

"They said they had to get away early for the BIG meeting — that meeting the women were holding," said village clerk Wendell Schuck.

League Of Women Voters Provide Information On Candidates

1958

A BRIEF questionnaire was sent by the League of Women Voters of Owatonna to each candidate for the office of County Commissioner. The following sketches were compiled from the information received.

The FIFTH DISTRICT includes the first, third and fourth wards of Owatonna. The following are candidates from this district:

George Knowlton - Driver for the Rock Island Motor Transit Co. Is presently a County Commissioner by appointment of the City Council and served as City Councilman for several years until moving out of his ward. He wants to become an active integral part of the community in which he lives and considers it a duty of all residents within a community to devote time to the process of governing themselves. Mr. Knowlton is particularly interested in county economy for greater value from expenditures, county road repair, and improvement and establishing a back-log for future necessary expansion.

Leo Collins - Wholesale egg and poultry business. Has operated his own business for 35 years. He feels that everyone should offer his services to his community. He has long been concerned with the tax burden and would like to arouse enough interest to get the public to attend County Board meetings so as a team they can know where the tax dollar is being spent.

Robert Jurgensen - Partner in the Jurgensen Bros. Mobil station in Owatonna. 1948 president of Owatonna Jaycees. 1949 regional vice

Turn to Back Page, Please

Continued from front page

president of Minnesota Jaycees. 1950 Owatonna Jaycee Gold Key Award winner. 1948-50 member of Owatonna Park and Recreation Board. In 1949 was appointed by Judge Axel B. Anderson to Owatonna Charter Commission. Served as Alderman at Large on Owatonna City Council from 1950-54. Superintendent of Speed Dep't. for Steele County Fair for 14 years. Director

board for nine years. He has always lived in Owatonna and has been a property owner and taxpayer for many years. Mr. Jurgensen is interested in Owatonna's and Steele county's future and feels he is qualified and capable of giving the people of the Steele County Commissioner District the representation they are entitled to.

The League is non-partisan and does not endorse any candidates.

20 Shady Oak Road
Hopkins

Bank

posited by Oct. 1

named BETTE KING



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

Why are citizens of Minneapolis voting on a school referendum on Sept. 9?

A petition of only 200 voters requires that the school board call an election to convert a special school district (Minneapolis) to an independent school district. This procedure is a part of chapter 947, state law 1957. Such a petition has been filed.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

I am a new voter and have never used a voting machine. Where can I learn to operate one?

The judges at the polling places will show you how to operate the machine.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

How do I know where to vote?

In Minneapolis, after you have registered for the first time or if your polling place is changed, you will be sent a card notifying you of your ward, district and polling place. In communities where no registration is required, call your city hall for information.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

What government offices and amendments will I be voting on in the Sept. 9 Primary?

Every citizen in the state will be voting for a United States senator and a representative to the U.S. congress from his district. State offices to be voted on are governor, lieutenant governor, secretary of state, state auditor, state treasurer and attorney general. Voters are also selecting candidates for state senators and state representatives. An associate judge of the state supreme court and 14 judges from 10 judicial districts are to be chosen. A member of the railroad and warehouse commission is to be chosen. Many counties will be voting on elective officers whose terms of office expire in 1959.

Citizens of Minneapolis only will be voting on the school referendum, a bill changing Minneapolis from a special school district to an independent school district.

There is no vote in the primary on State Amendments No. 1, 2 and 3.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

Where may I obtain an absentee ballot application?

For national, state, and county elections you may obtain applications at the county auditor's office.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

I expect to be out of the state on Sept. 9. May I vote before leaving town?

Yes. Absentee ballots will be available at the county auditor's office about three weeks before election. In Minneapolis they are ready now. Go to Room 2, ground floor, court house, pick up your ballot in person, vote, have it notarized there and deposit it.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

How would Minneapolis schools be changed if the Sept. 9 school referendum passes?

Under the present charter, Minneapolis is a "special" school district. If public law 947 is passed, Minneapolis will become an "independent" school district.

How will the school referendum be worded on the ballot Sept. 9?

"Shall the special school district of the city of Minneapolis be converted into an independent school district pursuant to Laws 1957, Chapter 947, Article III, Section 6."



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

When must an absentee ballot be returned to be counted in the Sept. 9 primary?

On or before election day. All absentee ballots must be received through the mail on or before election day.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

How may I obtain information about candidates running for office in the Sept. 9 primary?

From your daily newspapers, neighborhood papers, labor publications, radio and television programs. Also the Voters Guide is to be published jointly by the Minneapolis Star and Tribune, the League of Women Voters of Minneapolis, and the Citizens league. Watch for it when it appears in the Minneapolis Morning Tribune Sept. 2, 3 and 4.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

If the voters pass the school referendum, how will the school tax ceiling change?

The school tax ceiling (for salaries, supplies, etc.) is presently 42.60 mills established by limits under the city charter and state law. If the school referendum passes, the tax ceiling for schools will be about 3 times as much (or 126 mills) under state law.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

When and where may I register for the general election on Nov. 4?

The registration bureau on the first floor of the county court house in Minneapolis is open for registration for the general election until Oct. 14. From Oct. 4 through Oct. 14 the office will be open from 8 a.m. to 9 p.m. A voter outside of Minneapolis should apply in person to his local commissioner of registration.

5 8/21/58

Women Voters to Air Liquor Issue at Tonka

Minnetonka League of Women Voters agreed this week through its board to circulate information on the suburb's liquor issue as a phase of the league voter service program.

MINNETONKA

Mrs. Robert H. Johnson, president, said today the move is not to be confused with league endorsement for either drys or wets.



"We are merely volunteering our services to disseminate unbiased, unprejudiced facts," she said.

The issue will be put to Minnetonka voters in a special referendum ballot at the Nov. 4 general election.

Minnetonka becomes eligible this year to license liquor for on-and-off sale.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

What would be the effect on the school board if the school referendum passes?

1. At the first school board election after conversion to an independent district all present members who wished to stay in office would have to file for re-election.
2. Each board member would serve three years. Present term of office is six years.
3. Elections would be annual. At present they are held every two years at the regular municipal election.
4. The school board would fill its own vacancies if any occurred between elections.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

VOTE TODAY. The polls are open from 7 a.m. to 8 p.m. This is your opportunity to exercise your right to vote and select your choice of candidates for the general election.



VOTER'S PRIMER

What are the terms of office, salary and duties of a United States senator?

Congress writes the laws of the land. The senate—upper house of the legislature—has 96 members, two elected from each state. Senators are elected for 6-year terms and receive an annual salary of \$22,500. Minnesota is electing a U.S. senator this year.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

What difference in election procedures would follow after conversion to an independent school district?

1. There would be an annual election.
2. There would be no primary.
3. Any voter by filing 30 to 12 days before election would have his name on the ballot.
4. Voter registration may not be specifically required.
5. Election by district rather than at large may be considered.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

How can we get better school financing under our present system?

By appealing to the legislature for more millage, or by going to the charter commission and asking for charter reform, or perhaps by finding a new source of revenue which would benefit schools and the whole city as well.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

I would like information on the duties, salary and term of office of a county commissioner.

The board of county commissioners is composed of five members elected for a four-year term of office with staggered terms. It is the principal governing body of the county, mainly administrative in power, with some financial and some semi-judicial powers. It administers county finance, supervises county property, builds and maintains county roads and acts as the county board of welfare. In Hennepin county the salary of a member is \$7,500 plus \$600 for mileage.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

If the voters pass the school referendum, how will bond policy change?

At present all bonds for school purposes must be voted by the city council and the board of estimate and taxation. From 1954 to 1958 they have authorized 2.6 million dollars (yearly average) for school bonds. These funds are used for land, buildings, etc. Under public law 947 the school board is authorized to issue bonds up to 1 million dollars yearly. Amounts of more than 1 million dollars must be approved by the board of estimate and taxation and a vote of the people.



VOTER'S PRIMER

How are the clerks and judges of elections selected and what are their salaries?

To be a clerk or judge of elections, an individual must be a qualified voter in his own precinct. He must take a civil service examination. He designates his party affiliation.

Judges are selected on the basis of their scores in the civil service examination.

In Minneapolis there are three judges for the first voting machine at each poll and one for each additional machine.

Each judge attends a training session for which he receives \$1 plus carfare. For his work at the polls he receives \$15.

In Minneapolis where voting machines are used each person working at a poll is a judge.

[illegible]

ELECTION LAWS

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INTRODUCTION

"The act of voting, for many citizens, constitutes their only participation in government, and it is fundamental that elections be properly conducted," says Joseph P. Harris in Election Administration in the United States.*

Early League Activity

Surely the League of Women Voters concurs - in fact, we can go one step further and say that it is fundamental to League program that we be informed on how our elections are conducted. As soon as the woman's suffrage amendment had been passed in 1920, the League of Women Voters was formed expressly for the purpose of learning how to use the ballot. Citizenship schools were sponsored by the League and interest spread to encourage more citizens, both men and women, not only to vote but to be informed as well. One of the first national "action" items on League program was the publication, by each state organization, of a digest of state election laws. Minnesota's publication, dated 1922, revised 1928, reposes in the Minneapolis Public Library, too feeble to be taken out.

Present Study

Now, again, we are studying Minnesota's Election Laws. Several reasons led to our choice at this time:

1. An LWV member in her community is expected to be well informed on political activity. We are known as an organization that encourages citizens to go to the polls - therefore, it behooves us to know the mechanics of getting there.
2. The 1957 Legislature created an Interim Commission "for the purpose of revising, clarifying, and codifying the statutes of this state pertaining to elections" (SF 319). This report will be given to the 1959 Legislature.
3. Figures compiled by the American Heritage Foundation following the 1956 elections show that 17 million people of voting age were prevented or seriously discouraged from voting. These facts have led to widespread interest in election procedures in all states.

History

Before discussing in detail several aspects of election laws, it would be helpful to sketch a brief history of election procedures. It was enlightening to discover that many practices we accept today as standard are comparatively recent reforms: registration of voters became widespread by 1890; the direct primary appeared around the turn of the century; the first compulsory use of the Australian ballot was in Kentucky in 1888. Dr. Harris, in his aforementioned book, says "Not many years ago it was taken for granted that there would be a great deal of drunkenness, disorder, violence and bribery. One of the leading arguments used against woman suffrage was that no woman of refinement or culture would care to venture near the polls on the day of election, for it was not a fit place for women. Happily this has practically passed."

*Basic reference on election administration and still the most comprehensive discussion of problems and solutions is Election Administration in the United States written by Joseph P. Harris in 1934. Dr. Harris is a professor of political science and was also largely responsible for the proposals in the National Municipal League's Model Election Laws. Throughout the material to follow, he is referred to as Dr. Harris.

Universal Suffrage

A true democracy rests on universal suffrage - we don't have it yet in the United States but we are working towards it. The latest step was the passage of a federal law in 1957 to facilitate the enfranchisement of the Negro in the South. In 1920, women were given the right to vote by the 19th Amendment. Until the beginning of the 19th Century property and religious qualifications kept the electorate to about 13% or less of the adult male population. In the 1800's, the great migration westward established equality among the settlers and extended the suffrage naturally. This trend spread back east where population was growing by leaps and bounds adding more and more landless, and therefore voteless, citizens. By the middle of the 19th Century all property and religious qualifications for voting had virtually disappeared, bringing about full adult male suffrage.

Major Reforms

Now, the zealous democrats of the Jacksonian era, anxious to overthrow the existing government by aristocracy and to put control into the hands of the people, introduced many elective offices (formerly appointive) and shorter terms. This move was effective and accomplished its purpose, but, as the population continued to grow and great numbers of immigrants landed on our shores, the handling of elections became a mammoth task. Not only did administration become difficult, but the voter found he had a great many decisions to make at the polls - decisions that he was not too well prepared to make. Bribery and fraud flourished. At the same time the political party organizations became stronger, and the voter, confronted by a long ballot, turned to the parties for help in making choices at the polls. Party machines grew in strength and eventually became corrupt, discouraging the honest voter. Since party organizations were loath to clean their own houses, state laws were written controlling elections and also the parties themselves. The most sweeping reforms were the mandatory use of the Australian ballot, printed by public authority, nationwide by about 1890; more stringent registration laws; and the introduction of the direct primary in the early 1900's as a means of breaking the stranglehold of the party boss.

* * * * *

Many minor reforms since 1920 have helped considerably to reduce corruption but we still need to win the apathetic and indifferent voter to the polls in order to strengthen our democracy. Some of the strengths and weaknesses of election laws in general and of Minnesota's election laws in particular are set forth in the following pages. Future major and minor reforms may rest in part with your consideration of this information and how you choose to act upon it.

As you read, remember that the first responsibility of a good election system is the protection of the honest vote.

Committee members -

Mrs. D. S. Bushnell, Rochester
Mrs. Fred Clauson, Minneapolis
Mrs. LeRoy Moore, Duluth
Mrs. Louis W. Ode, Red Wing
Mrs. Lester Strouse, Jr., St. Paul
Miss Barbara Stuhler, Minneapolis
Mrs. Glenn Westermoe, Anoka
Mrs. Edgar Kuderling, Minneapolis, Chairman

A DIGEST OF MINNESOTA ELECTION LAWS

(This is not intended to be a detailed account but only a general survey of major provisions)

ELECTIONS

A. State Elections

1. A general election is held in even-numbered years on the first Tuesday after the first Monday in November; offices to be filled as terms expire are, president of United States, (four years); two senators, (six years); nine representatives in Congress, (two years); governor and other state executive officers (two years) except the auditor (four years); state senators, (four years) and state representatives, (two years); judges of Supreme and District Courts, (six years); and county officers.
2. A primary election is held on the second Tuesday in September preceding each general election for the purpose of nominating candidates for all elective offices, partisan and nonpartisan.
3. A presidential primary is held on the second Tuesday in March of the presidential election year.
4. Constitutional amendments may be submitted to the voters at a general election provided a majority of the legislature so authorizes.

B. Municipal Elections

1. Cities and villages with charters set times for local elections and designate which offices are elective.
2. Primary elections are governed by local laws.
3. Village elections are held annually:
 - a. On the first Tuesday after first Monday in December.
 - b. By option of village council, on the first Tuesday after first Monday in November (in even-numbered years, consolidated with state general election).
4. Town elections are held annually on second Tuesday in March.

C. State Special Elections

1. To fill vacancy in office of representative in congress, state elected officer, member of state legislature. (Note: vacancy in office of United States senator is filled by governor's appointment until next general election.)
 - a. Governor issues writ calling a special election not more than 10 days after official notification.
 - b. Date is set not more than 25 days after issuance of writ.
 - c. Primary is held seven days before election.

D. Municipal Special Elections

Called by governing body of any municipality for special purpose.

ELECTION OFFICIALS

A. Secretary of State

1. Accepts filings of candidates for offices covering more than one county in the state.
2. Certifies these candidates after nomination or election.
3. Prints manuals of election laws.
4. Supervises printing of ballots.
5. Sends any blank forms and instructions for voters to county auditors as may be needed to conduct election.
6. Organizes canvassing board for official tabulation of returns.
 - a. Board consists of Secretary of State, two Supreme Court judges and two disinterested District Court judges.
 - b. Board meets on the second Tuesday after any election and at special times after special elections.
 - c. Board certifies the returns.

B. County Auditor

1. Accepts filings of candidates for offices within a county (except municipal offices).
2. Certifies these candidates after nomination or election.
3. Supervises printing of primary election ballots.
4. Supervises printing of ballots for county offices.
5. Arranges for public notice of sample ballots.
6. Delivers ballots and supplies to town, village and city clerks and to judges in unorganized territory at least one week before any election.
7. Handles absentee voting for state elections.
8. Sends certified returns of county canvassing board to Secretary of State.
 - a. Board consists of county auditor, clerk of district court, two members of county board who are not candidates.
 - b. Board meets within three days after a primary election and within ten days after a general election.

C. City, Village, Town Clerk

1. Accepts filings for municipal offices.
2. Supervises printing of ballots for city offices and propositions.
3. Arranges for publishing sample municipal ballots.

C. City, Village, Town Clerk (cont.)

4. Acts as commissioner of registration where required.
 - a. Registers voters.
 - b. Compiles two lists of voters:
 - (1) permanent record.
 - (2) lists used by election judges in precincts.
 - c. Keeps lists up to date.

5. Handles absentee voting for municipal elections.

D. Election Judges and Clerks

1. Appointment

- a. City or village council names three judges and two clerks.
- b. Town board serves as election board.
- c. If a village has only one precinct, the village board serves as the election board.
- d. Must be from civil service lists in St. Paul, Minneapolis or Duluth.
- e. Extra judges may be appointed to help count votes after the polls close in a general election.

2. Qualifications

- a. Must be qualified voter in precinct.
- b. Must not be closely related to any other judge or to a candidate for office.
- c. Must not be an employe of federal, state, or city government.

3. Duties

- a. Open the polling place and make it ready for voting.
- b. Determine eligibility of each voter:
 - (1) by administering oath.
 - (2) by signature comparison, where registration is required.
- c. Hand to and receive from each voter the ballots; or operate voting machine, where used.
- d. May assist physically disabled voters or those unable to read or write English.
- e. Count votes at the close of the polls and record totals of each candidate or question on tally sheets provided.

ELECTION DAY

- A. Election precincts are established by the city, village or town council or by county boards in unorganized territory.

1. Paper ballots - no district, when first formed, shall contain more than 700 voters. It shall be rearranged from time to time to stay within this figure.
2. Voting machines - each district, when first formed, shall contain no more than 600 voters per machine. More than one machine may be used in any precinct.

B. Polling Places

1. Designated by the city, village, or town council.
 - a. Must be on ground floor, in a front room, the entrance to which is on a highway or public street at least 40 feet wide.
 - b. Must be as near to center of voting population of precinct as is practicable.
 - c. No election shall be held in any saloon or bar room or in any room used as a place of resort for idlers or disreputable persons or in any room adjoining either.
2. Hours of Voting
 - a. 7 A.M. to 8 P.M.
 - b. By option, opening time may be from 7 A.M. to 9 A.M. in municipalities under 1,000 people.
 - c. Villages may designate time for municipal elections, but for not less than three hours.
3. National flag is displayed during hours of voting.
4. Voting by ballot shall be done without undue delay; by voting machine, within three minutes.
5. No one can remain inside the voting place except election judges or clerks, peace officers, challengers, and voters who are about to vote.
6. No one may campaign within 100 feet of a polling place on election day.
7. No one may sell or give political badges or wear such badges at or about the polls on election day.

C. Related Provisions

1. Every employe may take time off from work to vote in the forenoon without loss of pay.
2. No liquor is sold on election day.
3. No person shall be arrested by virtue of any civil process on election day.
4. No campaign literature may be distributed on election day.
5. No person, committee or organization may transport voters to polls except:
 - a. persons in same household.
 - b. Two or more voters riding together by mutual agreement.

THE VOTER

A. Constitutional Qualifications

1. Twenty-one years of age.
2. Resident in the state for six months and in the election district (precinct) for 30 days.

3. Citizen of the United States for at least three months preceding an election.
4. Not entitled to vote if:
 - a. Convicted of treason or felony, unless restored to civil rights.
 - b. Under guardianship or not of sound mind.

B. Registration

1. Required in municipalities of more than 10,000; optional in municipalities of 10,000 to 5,000.
2. Voter applies in person to commissioner of registration any time except 20 days preceding an election.
3. Absentee registration
 - a. Qualified voter absent from his election precinct may register by mail up to 20 days preceding an election.
 - b. Armed service personnel may be registered at same time and on same form as application made for ballot.
 - c. Application and registration cards must be notarized.
4. Registration is permanent
 - a. ~~Exceptions~~: The voter must re-register if he:
 - (1) Fails to vote at least once in two consecutive years in Duluth or four years elsewhere in the state.
 - (2) Changes his name by marriage or court action.
 - (3) Moves to different municipality requiring registration; when voter moves within municipality more than 30 days before an election, he may notify the commissioner of registration by mail and then be eligible to vote in new precinct.
 - b. Where no registration is required:
 - (1) Voter must have necessary constitutional qualifications.
 - (2) Voter must take an oath administered by any election judge swearing that he is so qualified.

ABSENTEE VOTING

A. Qualifications

1. Must be 21 years old by election day.
2. Must have been a United States citizen for three months and a resident of the state for six months and of the election precinct for 30 days.
3. Must be registered in municipalities requiring it.
4. To use absentee balloting, must:
 - a. Be a member of the armed forces
The term "armed forces" refers to "the Army and Navy of the United States or the Merchant Marine of the United States or the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots, the Salvation Army, the United Service Organizations and all other persons connected in any capacity with the Army or Navy of the United States or the spouses or dependents of such persons if actually accompanying such persons and residing with them."

- b. Be absent from precinct on election day and unable to go to the polling place because of:
 - (1) travel,
 - (2) illness,
 - (3) physical disability,
 - (4) religious discipline or holiday.

B. Registration

1. Members of the armed forces may be registered at the same time and on the same form as application for ballot.
2. Any other qualified person may register by mail by applying to the local commissioner of registration.
3. Absentee registration will be accepted any time except the 20 day period immediately preceding an election.

C. Obtaining Ballots and Voting

1. Armed forces
 - a. The member or his parent, spouse, sister or child (over 18 years old) may file a request for ballots form with the county auditor.
 - b. The member may mail a federal post card application (available at any military base) to the county auditor.
2. Any other qualified person may request an application for ballots from his county auditor, fill it out, and return it in order to receive ballots.
3. The executed application will be accepted by the county auditor as early as 30 days before and not later than one day before the date of the election.
4. Ballots will be mailed to the voter as early as 15 days before the election.
5. Voter receives the ballots, a white envelope and a brown envelope. After marking his ballot, he places it in the white envelope and seals it. This envelope remains sealed until it is received by the election judges. The sealed white envelope is then put into the brown envelope for mailing. This brown envelope must be notarized.
6. Marked ballots must be received by election officials not later than the day of election.

- D. All official communications with the commissioner of registration or the county auditor must be notarized.

THE CANDIDATE

A. Qualifications for Office

1. Senator

- a. Must be at least 30 years old.
- b. Must have been a United States citizen for nine years.
- c. Must be a resident of the state he desires to represent.

2. Representative in Congress

- a. Must be at least 25 years old.
- b. Must have been a United States citizen for seven years.
- c. Must be a resident of the state he desires to represent.

3. Governor or Lieutenant Governor

- a. Must be at least 25 years old.
- b. Must be a United States citizen.
- c. Must have been a bona fide resident of the state for at least one year before election.

4. Judges - except municipal judges - must be lawyers.

5. Other elective offices in the state require that a person be a qualified voter.

B. Filing Procedure

1. Candidates for congressional, state or county offices file not more than 90 nor less than 50 days before the primary election.

2. Where to file

- a. Candidates for senator with the secretary of state
- b. Candidates for United States Representative with the secretary of state except:
 - (1) candidates in 4th Congressional District - Ramsey County auditor.
 - (2) candidates in 5th Congressional District - Hennepin County auditor.
- c. Candidates for governor and other state executive officers with the secretary of state.
- d. Candidates for judges, state legislature, any other state office, or county office:
 - (1) with the secretary of state when to be voted for in more than one county,
 - (2) with the county auditor when to be voted for within one county.
- e. Candidate for city, village or township offices with the clerk of the municipality.

3. Information in affidavit

- a. That candidate is a qualified voter in subdivision where he seeks nomination.
- b. Name of his party, if for political party office.
- c. That he is a bona fide member of that party.
- d. Office.
- e. That he has not filed for any other office at the same election.

4. Filing fees

- a. Senator - \$100
- b. United States representative, state offices, judges of the Supreme Court - \$50.
- c. District court judges
 - (1) \$20 if filing with secretary of state;
 - (2) \$10 if filing with county auditor.
- d. Members of state legislature - \$10.
- e. County officers - \$10 with some exceptions.
- f. Unpaid officers - no fee.
- g. City, village and township officers as prescribed by local law.

C. Petition

- 1. Does not apply to primary elections.
- 2. Candidate may have name placed on general election ballot if a proper certificate of nomination is filed by voters living in his district or political subdivision encompassing office he seeks.
- 3. Number of signatures must equal a certain percentage of the total vote cast at the last general election.
 - a. If for a state office - one percent of state vote but not more than 2,000.
 - b. If for a congressional or judicial district office - five per cent of district, not more than 500.
 - c. If county or legislative office - 10% of county, ward, or precinct not more than 500.
- 4. A person who has been an unsuccessful candidate in the primary is not eligible to petition.
- 5. No petitions are allowed within 31 days of general election, except to fill a vacancy.

ADMINISTRATION

The right to vote - foremost, in the minds of many, of all other rights in this democracy - has been guaranteed by election officials for most of the independent life of the United States.

But where is this guarantee? It is not in the federal constitution which gives only specific reasons for not denying a vote. The guarantee lies strictly with the states - in their laws and in their methods of administering those laws.

Administration, many students of elections feel, is the crux of the problem today.

"American election systems are notably outmoded, cumbersome, poorly administered and expensive," says a pamphlet on Model Election Administration put out by the National Municipal League.

The New Jersey League of Women Voters, after studying the question, stated that it is impossible to tell how an election law should work until it is properly administered - and many times it isn't.

These statements have little to do with criminal manipulation of election results. Rather, they are concerned with a fact rarely understood by voters - that, within the 48 states' methods of running elections, there is an infinite number of variations by county, city and township officials who, in many instances, are the sole interpreters of thick volumes of state election laws.

The National Picture

There appears to be no uniform manner of administration among the 48 states. As a matter of fact, there is little state administration at all in most states. Secretaries of state generally are named chief election officers, but their duties usually consist only of certifying candidates, printing books of election laws and tabulating returns.

Very few states have, at present, centralized authority for elections. Some have bureaus appointed by the Secretary with or without civil service protection and central boards which do more than just tabulate. These include Connecticut (a four man bureau), Delaware, Indiana, Maine, Michigan, New Hampshire (where there are no local boards), New York, North Carolina, Oregon, Pennsylvania, Rhode Island (independent board of elections - four members), and Virginia.

Ohio also has a well-organized department which publishes excellent guides for candidates, voters and precinct officials. There is a possibility of change in five states - Georgia, Illinois, Iowa, Kentucky and New Jersey - which now have interim legislative commissions studying election problems.

One thing is certain. Through the years, with constitutional, legislative and administrative additions to state election codes, the great majority have acquired an unwieldy mass of law which is difficult, if not impossible, for the average busy county or city clerk to comprehend. Some of the election law books run into hundreds of pages.

Principles of Election Administration

Dr. Harris has stated:

"No sound, efficient, economical and satisfactory administration can be secured so long as it is the practice to prescribe in minute detail every operation in the conduct of elections. The attempt is made now to secure uniform and satisfactory election administration throughout the state by statutes, without any effective administrative supervision and without using rules, regulations and instructions issued by an administrative office. In no other phase of public administration do statutes bulk so large and administrative control and supervision so little.

"... The gross mismanagement of elections and registrations, which is always brought out in election contests, indicates that the present methods of supervision and control exercised by a decentralized administration are ineffective.

"... An objection that may be raised is that the state office, particularly that of a single officer ... might use the power to control elections for partisan advantage. This danger is slight so long as responsibility is definitely fixed.

"... Another objection is that it is contrary to the principle of home rule to set up another state administrative office with general supervision over the conduct of elections, thus subjecting the local officers to central control... The answer ... Administrative rules, regulations and instructions would not necessarily increase state control over elections, but would rather change the type of control from legislative to administrative, permitting greater flexibility, more ready adjustment to the needs of particular sections of the state, and closer contact with the persons charged with the administration of elections.

"On the other hand, it cannot be contended that election administration is a local affair. Suffrage is a state concern, and there are more state and county elections than there are purely local elections.

"... One of the principal duties of such an office would be to issue instructions for the guidance of precinct officers."

National Municipal League

With Dr. Harris as secretary, the National Municipal League's Committee on Election Administration originally recommended a board of elections to take care of these administrative duties. Such a plan now is in operation in Rhode Island. Recently the National Municipal League proposed a single director to further pinpoint responsibility.

Michigan

Since 1951, there has been such a director in Michigan. A statute provides for a bureau of elections, headed by a director of elections, within the Department of State. The law was subsequently amended to provide that the director be under civil service regulations.

Michigan's first director, who held the office for two years, was criticised for not taking a leading role in reforming the state's election system. He later urged that the office be independent of any partisan political control by either the secretary of state, the governor or an elections commission.

Whether civil service protection was added to the law for this reason, or whether it is merely more fully understood now is not clear. However, Michigan's present director, Robert M. Montgomery, who as a member of the legislature in 1951 spearheaded the attack for establishment of the office, said in a letter to the League of Women Voters of Minnesota:

"I might state here that I consider it particularly important that the director of elections be protected by civil service status. It is sometimes necessary to step on toes, and if it were an appointive position from which he could be readily removed, we would either have a new director every few months or he would be limiting his activities to such an extent as to greatly curtail the usefulness of the position."

Oregon

In spring of 1957, the Oregon legislature made its secretary of state chief election officer. The law states: "It is his responsibility to obtain and maintain uniformity in application, operation and interpretation of the election laws." He is empowered to issue directives and advice to the county clerks, who are the chief election officers at the local level. The secretary of state is accountable to the law and to the people at election time.

An elections division, headed by a director, was established in the secretary of state's office as part of the complete revamping of Oregon's election laws. Freeman Holmer, Oregon director of elections, describes the manner of setting up his department as follows:

"In accordance with the principle that law should prescribe general objectives and assign responsibility while leaving administrative details to the responsible officials, the law does not provide how the secretary of state shall organize his department for administering his duties.

"At present the work on elections is carried out by an elections division headed by a director. In practice, the director administers the functions concerning elections that are assigned to the secretary of state, subject to review by the secretary on matters of policy."

New Jersey

After a year's study, the League of Women Voters of New Jersey in 1954 voted to support an independent director of elections to be appointed by the governor and to be responsible to him. This director would function much as those in other states, but not be responsible to the secretary of state. No mention was made of civil service protection, although it was stated that his assistants should come under the merit system. No action has as yet been taken by the New Jersey legislature on this proposal although some changes may be forthcoming as a result of recommendations of the interim committee now studying election laws in New Jersey.

Minnesota

A recent Minnesota proposal to control the variations and to centralize responsibility for the conduct of elections was introduced as House File 5 in the 1957 session of the legislature.

The bill authorized the secretary of state to be the chief election officer of the state. It continued his present powers and duties in that office and added eight more election responsibilities including supervising local officials, prescribing uniform supplies for registrations and ballots, training officials in proper procedures, etc. It also created the job of director of Elections, a civil service office under the secretary of state, to carry out these multiple duties. The director was authorized to hire assistants and incur expenses as he deemed necessary, although the House Appropriations Committee favored a top of \$15,000 for the total expenses for the operation of the division. H. F. 5 passed most of the hurdles in the House, but was referred to the committee on civil administration in the Senate and there was never discussed. Even those who opposed the bill, however, seemed to agree on the need for a centralization of authority regarding election procedures.

George Wangenstein, formerly assistant secretary of state in charge of carrying out election duties under the present law, believes there is a need for more uniformity in our election procedures and for more efficient training of officials. He helped prepare H. F. 5, based largely on the present Michigan law.

Mr. Wangenstein stressed the civil service qualification as one of the bill's key points. It would help to secure a qualified man for the job which would be a continuing position not subject to change every two years with consequent loss of the experienced man's special knowledge. Civil service status also would protect a director's actions against purely political repercussions, although he could still be removed for mismanagement or inefficiency.

Rep. Karl Grittner of St. Paul, chairman of the House Elections Committee and one of the bill's authors, added that a director with full knowledge of the state picture could more adequately appraise the statewide value of bills put up in the legislature to aid separate cities or townships.

Most comprehensive list of advantages which could result from the establishment of a state director of elections was given by Donald Nystrom, St. Paul supervisor of elections:

"1. A central authority could prescribe uniform forms and reports - each of Minnesota's 87 counties now complies roughly with the law, but there are many variations.

"2. He could publish instruction books and print sample forms in these books for officials to follow.

"3. He could conduct training schools for county and local election officials.

"4. He could investigate violations of the election code and see whether they merited taking the time of the attorney general.

"5. He could be of great assistance to the legislature regarding future changes in election law.

"6. He should have authority in his own right and not be dependent on politics. (civil service)

"7. He should not, however, have too much power. (not go into a county unless invited or regarding a specific violation.)"

Among those opposing H. F. 5 was Rep. Carl A. Jensen of Sleepy Eye, a member of the House Elections Committee. In a letter to the League, he has stated that he does not oppose the whole bill.

"I was in favor of the part relative to prescribing certain duties to the secretary of state ... One of the principal duties of the secretary of state is his function relative to elections. In other words, he is in a sense a director of elections. I think this is as it should be.

"I was opposed to the part relative to setting up by statute, at considerable expense now and in the future, another department in the secretary of state's office ... with civil service status. I felt and still feel that part is unnecessary and unwise.

"I was also in favor of appropriating sufficient additional money to allow him (the secretary) to perform the further specific duties in the bill. However, I wanted him to be responsible for any policy decisions.

"... The present secretary of state's office seemed to feel that the director of elections should be insulated from the people, the Legislature and criticism from anyone. I am of the school of thought that believes you should be able to pinpoint responsibility and preferably hold some elected official responsible for major policy decisions."

Senator Donald O. Wright of Minneapolis, who also had been mentioned as opposing the bill, said that he actually knew little of its content. He had, however, heard complaints about the creation of more bureaucracy, of an unwillingness to appropriate money for a new office late in the last legislative session, and of the new position's being tentatively termed "state dictator of elections." He said he did not necessarily concur in these views but felt at the time the money might better be spent elsewhere.

Summary

All those who have studied the question of election administration seem to think some sort of centralized authority is necessary to achieve uniform procedures and to fix responsibility.

There is a variety of ideas on how this can best be accomplished:

1. By a board of elections, as previously recommended by the National Municipal League.
2. By a director of elections with civil service status under the secretary of state and written specifically into law as in Michigan.
3. By a director of elections under the secretary of state not mentioned in the law but recommended in the administrative code as in Oregon.
4. By an independent director and staff appointed by the governor and directly responsible only to him, as recommended by the League of Women Voters of New Jersey.

A Bill - H. F. 5
For an Act relating to Elections

Authors: Messrs. Shipka, Grittner, Yetka, Popovich and Mrs. Luther

Be it enacted by the Legislature of the State of Minnesota:

Section 1. The secretary of state shall be the chief election officer of the state, with such powers and duties relating to the supervision of elections and administration of election laws as are prescribed by the Minnesota election laws.

In addition to all other powers and duties prescribed by Minnesota election laws, the secretary of state shall have the power and it shall be his duty:

1. To supervise election officials in the performance of their duties relating to state-wide elections.
2. To inform election officials upon request as to the proper methods of conducting elections.
3. To prepare instructions for the conduct of elections and registrations in accordance with the laws of the state.
4. To publish and furnish for use in each election precinct prior to each state primary and election a manual of instruction.
5. To conduct training schools for county auditors and their representatives on the procedures for conducting elections.
6. To require such reports from election officials as may be deemed necessary.
7. To prescribe and require such uniform forms, notices and supplies as he shall deem advisable for use in the conduct of elections and registrations.
8. To investigate, or cause to be investigated by local authorities the administration of election laws, and to report violations of the election laws and regulations to the attorney general or county attorney or both, for prosecution.

There is hereby created in the office of the secretary of state a director of elections. The director of elections, under the supervision of the secretary of state, shall exercise the powers and duties of the secretary of state with respect to the supervision of elections and the administration of the election laws. The director of elections shall perform no other duties which will interfere with his duties as director of elections.

The director of elections shall be appointed by the secretary of state under the procedures for appointments in the classified service of the state. The secretary of state is authorized to employ such assistants to the director of elections and incur such expenses as he determines necessary to carry out the supervision of elections and the administration of the election laws of this state.

RESIDENCE REQUIREMENTS

In order to register and vote in Minnesota, according to the Constitution, a person must have lived in the state for six months and in the election district for 30 days. In 1930, an attorney general's opinion ruled that a person who moves from one precinct to another in a city less than 30 days before any election cannot vote in that election. Minnesota is rather cruel in this respect because other states allow voters who move to another election district immediately preceding an election the right to vote in their old precincts. For example, in Oregon if a voter changes residence within the state during closed registration period, he can vote in the new election precinct on his old registration card. If he moves from one precinct to another within the county, he can vote in his old precinct. In Ohio and Michigan, a voter who has moved within the same political subdivision can vote in his old precinct. This provision holds for one election only. Some other states allowing some latitude in voting privileges are Washington, Rhode Island, and Kentucky where people cannot lose their residence for voting purposes by reason of absence due to armed service, out-of-state education or confinement in prison or asylum.

Minnesota is one of the 11 states with a six-month residence requirement. Thirty-three states require one year and four states (all southern) have a two year requirement. Thirty-nine states have county residence requirements ranging from 30 days to one year - Minnesota is one of the nine states with no such requirement. Forty states have election district residence requirements ranging from 10 days to one year with 16 states, including Minnesota, having a 30 day limit. Some authorities recommend that all states adopt a uniform state residence requirement of six months to accommodate the moving voter.

Connecticut and Wisconsin Plans

A nation-wide problem concerning residence requirements is being stirred up by the approximately six million people in the United States who change their legal residence each year. These people are beginning to complain louder and louder when they lose the franchise to elect a president and vice president because of a move from one state to another. Two states, Connecticut and Wisconsin, have pioneered in legislation to correct this unfortunate situation. The interesting fact is that they have approached the problem from opposite directions. The Connecticut plan allows its residents who move to another state the privilege of voting for president and vice president in Connecticut for a period of 15 months following the move (less if the voter meets residence requirements sooner in his new state).

In contrast, Wisconsin permits persons who have lived in the state less than a year to vote by special ballot in Wisconsin. Before they can do this, the new Wisconsin resident must provide proof that he would have been eligible to vote in his old state and that he is a bona fide resident in Wisconsin. This special balloting is done 10 days preceding the election. The Wisconsin law recognizes the individual where he is presently residing as a potentially voting resident, and many people agree that responsibility should lie with the state in which the person currently lives.

Need for Uniformity

Both the Connecticut and Wisconsin laws in themselves have merit, but a problem is foreseen if other states, currently considering possible solutions, adopt similar legislation, some following the Connecticut plan and others following the Wisconsin plan. If this should occur, some voters would end up still unable to vote in a presidential election. This is the situation even now between these two states. The voter moving from Wisconsin to Connecticut loses his vote for president and vice president, whereas the voter moving from Connecticut to Wisconsin can vote in Wisconsin. The solution to this problem seems to lie in a uniform approach to be followed by all states.

Some authorities object to any legislation in this field, fearing that the plan will go too far. They argue that if it is desirable to allow a voter moving from one state to another to vote for president and vice president, it should be just as important to allow a voter moving within the state to vote for senator, congressmen, governor and other state officers. Oregon has just passed legislation of this kind applying to voters moving within the state. Other authorities, however, contend that administration of elections would become most difficult and that our registration system would break down. It will be interesting to observe results of these changes.

REGISTRATION

Many are the trends in election theory - they change almost as much as theories on child care. For instance, there are those who advocate eliminating registration as an unnecessary restriction on the voter. Perhaps they feel that no candidate or party today could afford to bribe voters after paying their campaign expenses and television tabs!

Functions of Registration

There was a day in early America when all a voter needed to do was make his appearance on election day. The question of his identification was no problem since he was personally known to both election officers and fellow citizens. However, it was only a short time before this simple system became inadequate. Elections were being corrupted by strangers on horseback demanding the right to vote. In larger communities, urbanization and social mobility were flooding the communities with immigrants and newcomers and inviting unscrupulous persons to perpetrate fraud through impersonation and the hiring of "repeaters" (those who go from one poll to another to vote, usually under assumed names). In order to combat these practices, the investigation of voter qualifications became imperative. Registration was initiated to fulfill this need by preparing a list of electors prior to election day.

Massachusetts established the first registration system about 1800 with other New England states following soon after. However, the majority of states did not establish registration machinery until after the Civil War. Today all states except North Dakota, Arkansas, and Texas have registration laws. In the latter two states the voter must present his poll-tax receipt, which, for all practical purposes, is a form of registration. Although North Dakota has no registration for statewide elections, local authorities may order registration for municipal elections. The 45 states employing registration systems insist that listing would-be voters provides order and regularity, facilitates a correct count, keeps out disqualified persons, discourages corruption and gives reality to the slogan "voice of the people."

Personal and Nonpersonal Registration

It is interesting to note that in most European countries, the government assumes the duty of preparing a complete registration of voters. This is in striking contrast to the United States where the voter himself must assume the responsibility for his registration. On the continent, frequent censuses of the population are used to add and delete names. Great Britain canvasses communities to check the election lists against persons actually living in the area and to add new names. As a result, the records are kept up to date without placing the burden of a personal appearance on the voter. Systems of this type, a few of which are found in the United States, are commonly designated as "nonpersonal."

In the urban and suburban areas, and in many rural areas of the United States, the elector must assume the responsibility of presenting himself before the registration officials. This system is known as "personal" registration and is required by law in 45 states with many exceptions for the various classifications of population such as in New York, where registration is nonpersonal in towns less than 5,000 and in Maine for towns less than 3,000. Following registration, lists of voters are compiled in alphabetical order (usually) in each election district. On election day the voter, through his signature or other identification, claims the right to a ballot. Unless he has previously registered, he is not entitled to vote.

Periodic versus Permanent Registration

The chief issue in the United States has centered around the question of periodic versus permanent registration. Periodic registration requires the voter to register before each election or at regular intervals, varying from annually in New York (in those counties which have not as yet adopted permanent personal registration) to every 10 years in South Carolina. Under a system of permanent registration, only an initial trip is required and the registrant's name remains on the list as long as he continues to live at the same address, votes once in every two to four years, or does not disqualify himself. There are 10 states with full permanent personal registration and 35 states with a variety of modified forms.

About one-fourth of the states use periodic registration, the older form. One of its claimed virtues is that it keeps the voting lists up to date by canceling them and making it necessary for all voters to re-register. Thereby, the names of deceased persons, former residents, and uninterested citizens are removed. This system has something to be said for it when it is accompanied by a genuine personal investigation. However, in practice, periodic registration has two serious shortcomings:

First, experience has shown that even annual or biennial registration is not a guarantee against fraud. Corrupt political machines can thrive on this system. In addition to having "repeaters" go from poll to poll to register, precinct captains in "flophouse" districts round up the transients on registration day knowing that most of them will be hither and yon come election day and then send out "repeaters" to vote in their names. Another successful gimmick has been to use the addresses of vacant lots and empty buildings.

A second and more serious shortcoming is the inconvenience and heavy expense involved in preparing new voter lists periodically. When only a few days are set aside for registration, people who are ill or out of town during this period may not have a chance to register. Also, there is the added burden of an extra trip to the polls. Periodic registration is known to be expensive also because it is administered by bipartisan boards in every precinct whose members are customarily overpaid and underworked. The movement to substitute a permanent for a periodic system of registration has been spurred on not only by the League of Women Voters in many states but also by the National Municipal League, numerous municipal research bureaus and civic clubs. Best known article among League members is the one called "We Darn Near Killed Luella" - New Yorker, May 5, 1956 - detailing the New York League's fight for permanent personal registration.

The essence of permanent registration is that registration lists are never cancelled. Once registered, a person remains registered so long as he continues to reside at the same address and meets other requirements of the law. If a system of positive identification at the polls is employed, there is no danger that the names of persons who have died or moved away will be used for voting, and the names will automatically be removed. The principal means used to purge registration lists are (in order of importance): 1) cancellation for failure to vote during a given period, usually two years; 2) periodic house-to-house checkup; 3) use of official death reports; and 4) miscellaneous reports. Names are frequently submitted by the health departments, criminal courts, and utility companies of those who have died, been convicted of crimes, or have changed addresses. Changed names can be supplied by the courts. In Baltimore, for example, the board is authorized to arrange with the postmaster to receive notices of changes of address.

There are several advantages to be gained with permanent registration. In addition to sparing the voter extra effort, a larger number of voters become qualified (Dr. Harris in Model Registration System estimates the figure as 10 to 15% over those required to register periodically). Evidence shows that permanent registration is considerably cheaper in the long run. Under either system the cost of an initial registration is the same; however, once the permanent registration list is compiled, there is only the expense of registering new voters and those who move. A small permanent staff and modern methods of keeping records also helps to reduce unit costs. Dr. Harris has figured the average cost per registered voter under the periodic system as 72.2 cents, under the permanent system as 29.8 cents. Finally, permanent registration can do more to prevent fraud because of a permanent control staff working continuously to keep lists clean. To date, permanent registration has almost nowhere been abandoned for a return to periodic registration which says something for the administrative efficiency and convenience it offers. Actually, most opposition to permanent registration comes from some political parties since they fear a loss of patronage if precinct board jobs are done away with or pay less.

Qualifications for Registration

Without exception, every state allows only citizens to vote, and the individual must have reached the age of 21 by election day (except Georgia and Kentucky which permit 18-year olds to vote). All states have specified residence requirements. Sixteen states require a literacy test (reading and writing) for registration. New York and Washington even have written examinations. Other states require the voter to be able to read a passage from the state or federal constitution. However, in most states, ability to sign one's name legibly is enough. Of course, there are exceptions for those who cannot sign their names because of physical handicap or disability. Seven southern states charge a poll tax ranging from one to two dollars. In all states criminals and mentally unsound people are denied the right to vote. People living on federal property and, of course, in Washington, D.C., are also disenfranchised.

Elements of a Model Registration System

The following recommendations for sound registration practices and procedures which apply equally to permanent and periodic systems are taken from Model Registration System by Dr. Harris. Any sound system would start by replacing bipartisan election boards with nonpartisan election officers and centralizing administration in a single election commissioner appointed by the state or municipality for a term of at least four years. In order to free the commissioner and office force from the pressures of party machines, staff employees should be recruited from civil service. The central office should be kept open year round (except for the few weeks before election day when lists are prepared) to give voters a chance to register at their convenience.

Registration should be personal and the voter's signature should be obtained to be used for purposes of comparison in all future elections. Registration records should be kept in duplicate, one copy in the central office and the other in locked binders for use in the election district. Registration lists should be kept up to date by using death reports, court records, police censuses, tax assessments, utilities lists, the house-to-house canvass, and the automatic purge (removal of a name for failure to vote during a specified period of time, preferably two years). The voter should be given the opportunity to transfer his registration to a new address within the county or city by such means as a signed request to the registration office. This makes for convenience and accuracy. Finally, a good permanent registration law should be uniform throughout the state. Citizens become confused and discouraged by a complex system. On the other hand, procedures within the state must be flexible enough to handle unique urban-rural problems.

Registration of Voters in Minnesota

Minnesota is one of the 45 states with constitutional and statutory provisions for a system of enrollment of all eligible electors. Article 7 of the Constitution entitles every person of the age of 21 years or over who has resided in the state six months next preceding any election and has been a resident in his election district for 30 days the right to register for voting. The Minnesota Constitution provides that persons of Indian blood and mixed white and Indian blood (who have "adopted the customs and habits of civilization") may also vote after an examination before any district court. This is still another example of an obsolete constitutional provision which is superceded by federal law. It is necessary for an individual to be a United States citizen for at least three months preceding any election. An individual who has been convicted of treason or any felony (unless restored to civil rights), who is under guardianship, or who is not of sound mind or insane is not entitled to vote.

Since 1924, Minnesota has operated under a partial personal permanent registration system. Michigan, as an example of full personal permanent registration, will not let the vote of any unregistered person be received (state, district, county, township, city, or village). In Minnesota, there is no strict enforcement by the state of the provision for permanent registration. Enforcement, however, has not been necessary up to this time because municipalities have complied with the law. Oregon has a system of county registration with a supervisory role played by the secretary of state. In Ohio, any county board may elect to have county-wide registration. Minnesota law provides that voters must be registered if they reside in election districts which are located in one of the following classifications of cities:

1. Cities with more than 10,000 population
2. Cities and villages with a population of 7,000 to 10,000 and an assessed valuation of more than \$8,000,000
3. Cities and villages with a population less than 10,000 and any town with a population of over 5,000 when the governing body elects to come under the provisions of the law.

In the towns and villages excluded from these classifications, the only rule that prevails is that election judges are not to receive the vote of any person at any election who does not have the necessary constitutional qualifications entitling him to vote. Any person desiring to vote is required to take an oath administered by any member of the election board swearing that he is qualified. If the election board is satisfied with the evidence of his qualifications, he may then cast his ballot.

The city or village clerk in most municipalities with registration serves as the commissioner of registration. His duties include: 1) Having complete charge of voter registration; 2) providing the printed forms, blanks, supplies and other necessary equipment; and 3) prescribing such rules and regulations as to the hours during which his office shall be open and the places and manner of registration. The commissioner of registration may also appoint deputies, clerks and other employes as necessary. His office must remain open until 9 P.M. for each of the eight business days immediately preceding the 20 days before an election. In order to register, a voter must appear in person at the registration office, answer questions under oath, and sign the form filled out by the clerk.

The commissioner must provide for an original list of voters which remains in his office. A duplicate registration list is prepared which is open for public inspection. Registration records are kept on suitable index cards which must contain the following information:

1. Election district
2. Name of applicant, showing any changes of name.
3. Exact location of residence.
4. Age (over 21 - yes or no!).
5. Term of residence in state and district.
6. Nativity.
7. Citizenship (manner in which acquired).
8. Date of application.
9. Signature of voter.

If a registered voter moves to a new location not within the same election district, the commissioner will provide him with a removal notice upon request, and with proper signature he is qualified to vote in the new district.

A duplicate registration list of the voters in each district is compiled by the commissioner to be delivered to the respective district election judges. These lists (actually duplicate files) are called election registers and contain, in addition to names and addresses, a space on each card in which the election judge can fill in the words "voted" or "not voted."

Election law demands that registration lists be purged by the use of death records. Notices of deaths are to be received every 15 days from the officer in charge. Reports of changes of names are also required quarterly from the clerks of district courts. Likewise, the county judges of probate are responsible for submitting names of persons placed under guardianship. At the close of the calendar year the commissioner must check the registration list and remove names of those who have not voted (a) at least once in two consecutive years if living in a first class city with a population not less than 90,000 nor more than 200,000 (this provision applies only to Duluth) or (b) at least once in four consecutive years elsewhere in the state.

ABSENTEE VOTING AND ABSENTEE REGISTRATION

Absentee voting has developed recently as part of our election system because of the thousands of people who must be away from their voting place on election day - armed forces personnel, traveling businessmen, civilian employees of the federal government serving overseas, and the ill and physically disabled.

Civilians can now cast absentee ballots in 45 states (Pennsylvania, New Mexico and South Carolina are the exceptions), but they can register in absentia in only 19 states. The states requiring personal registration, with few exceptions, are the southern states or states with dense populations.

Armed forces personnel can vote absentee ballots in all states, and can register in absentia in some manner in all states except Alabama, Louisiana and New Mexico. About two-thirds of the states either register them automatically when their request for absentee ballots is received, or waive registration entirely.

Public Law 296, passed by Congress in 1955, recommends that all states accept the official post card described in the Law not only as an application for absentee ballots, but as a waiver of registration, when submitted by members of the armed forces, the merchant marine, religious groups or welfare agencies officially attached to the armed forces, federal civilian employees serving overseas, and the spouses and dependents of all these groups, provided they are otherwise eligible to vote. Since 1955, 30 states have made changes in their absentee voting laws to comply more nearly with the recommendations of Congress, and the other states are working towards the same goal.

Minnesota Practices

Minnesota allows civilians and armed forces personnel to cast absentee ballots in all elections. Civilians can register by mail on regular registration forms. Armed forces personnel are automatically registered when their requests for absentee ballots are received. The official post card described in Public Law 296 is accepted in Minnesota, as recommended.

What Needs to be Changed?

Minnesota's absentee voting procedure seems to give the voter every opportunity to vote, while preventing most possibilities of fraud.

The League of Minnesota Municipalities is considering a suggestion since often an absentee voter is unable to find a notary public to witness his signature on the return envelope for the ballots, that the law might be changed. The change could allow the signature to be unwitnessed because election judges compare this signature with the one on the voter's registration card before accepting the ballot. Or could the signatures of one or two qualified voters be accepted instead of that of a notary?

One method of fraudulent voting used especially among minority groups in large cities is chain voting, where an "organizer" who controls a group of voters gets an absentee ballot before election day, marks it in favor of his candidates, and gives it to one of his voters. The voter hides the marked ballot on his person, and in the secrecy of the voting booth substitutes the blank ballot given to him by the election judges for the marked absentee ballot, places the marked ballot in the ballot box, and takes the blank ballot back to the "organizer" who marks it and then gives it to the next voter in the group, etc. Though this possibility seems remote, it cannot be ignored in heavily populated areas when the ballots get out of the hands of those people responsible for them. Chain voting is impossible in communities like the Twin Cities, where voting machines are used. Would marking the back of the ballot "absentee" do away with this possibility even though it might nullify the secrecy of the ballot? Does the absentee voter now have a secret ballot in voting machine precincts?

Ought absentee voting in rest homes be handled differently? To a notary public with a keen criminal mind, absentee voting here could represent a fertile field for fraud. Many of these older citizens are perfectly capable of voting, but some others are feeble of body or mind and are very willing to have the notary vote for them.

Since many of the heavily populated states do not allow civilian absentee registration, although they allow absentee voting, should Minnesota continue to allow absentee registration? Ought registration in absentia be done by persons other than notaries?

These are the major questions for Minnesotans to consider with respect to absentee voting and absentee registration. The basic issue is how to permit all qualified absent citizens to register and vote with a minimum of red tape while at the same time guaranteeing the maximum integrity of the ballot.

VOTING MACHINES

The widespread prevalence and great variety of election frauds led inventors in Europe early in the 19th Century to experiment with voting machines. The first one appeared in 1836 in England, and the first American patent was issued in 1869 to Thomas Edison. The first state to adopt a voting machine law was New York in 1892. Since that time, most other states have adopted some sort of legislation to authorize or require their use. Minnesota's legislation has been in effect since 1897. Amendments to Minnesota's voting machine law came in 1899 and 1905. Although there have been other subsequent amendments, the law remains substantially as it was in 1905.

Minnesota Experience

Minnesota plays an interesting part in voting machine history. In 1908, machines were installed in Minneapolis on an experimental basis and within a year or so the entire city was equipped. Subsequently, the state legislature amended the election law to require the printing of paper ballots, so that a voter might use them if he preferred that method of voting or if he could not gain immediate access to the machine. This hybrid system proved both expensive and confusing, and the machines were soon abandoned. Machines have never been able to succeed if the voter is given his preference between voting on the machine and voting a paper ballot. It was not until 1940 that voting machines appeared again in Minnesota and not again in Minneapolis until 1956. Voting machines are now used by these 12 Minnesota communities:

Austin
Duluth
Minneapolis
Owatonna
Richfield
Rochester

Roseville
St. Louis Park
St. Paul
South St. Paul
Stillwater
White Bear Lake

Advantages of the Voting Machine

Compared to the paper ballot, the voting machine has many points of superiority. It does not, of course, eliminate all forms of fraud. It offers no guarantee against false registration or the use of repeaters. If there is collusion among the election inspectors, the machine may be tampered with before the polls open and votes cast for particular candidates in imitation of the practice of ballot-box stuffing. However, the voting machine, according to its supporters, possesses certain incontestable merits:

1. It surrounds the voter with absolute secrecy.
2. The voter cannot cast a void or defective ballot.
3. The act of voting takes less time.
4. The count is automatic and continuous.
5. The machine counts accurately.
6. Recounts take less time.
7. Machines save public money.

Disadvantages of the Voting Machine

1. It requires time to teach the voter how to operate the machine.
2. Some voters may resent the machine, refuse to vote or be afraid they may not vote for the candidates of their choice.
3. Machines cause congestion at the polls during rush period.
4. The high initial cost of the machines makes them uneconomical.
5. It is difficult to "write in" the name of a candidate.

Pros and Cons

Most authorities acknowledge the objections but believe that the advantages clearly outweigh the disadvantages and further argue that the disadvantages are not completely valid.

Even though it may be difficult for the voter to learn how to use the machine and have confidence in his ability to use it correctly, it is amply demonstrated that where machines have been in use for some time, there is no wish on the part of the voters to return to the old paper ballot method. Until people become accustomed to using voting machines, special questions in the form of amendments or referenda may be overlooked. Congestion at the polls is not solely because of voting machines - it occurs when paper ballots are used.

It is true that the original cost of voting machines is substantial - \$1,000 to \$2,000 each - that they must be stored, transported, insured and repaired. Repair has not generally proved to be a significant cost - 20 Wisconsin communities (with a total experience of 225 years) report virtually no mechanical failures. In fact, over 95% of the machines installed throughout the nation are still in use. Insurance runs something like \$6.00 apiece a year. Actually, experience is divided - some cities show substantial savings, others show none. Long-term economy depends primarily upon the method of conducting elections since the principal cost reductions must stem from savings in labor costs and elimination of ballot printing. The crucial item is election personnel; unless a municipality is willing to reduce its election staff, savings will not be appreciable.

Overall savings can be said to result from:

1. Fewer precincts.
2. A smaller number of election officers to each precinct.
3. A lower salary to precinct officials, due to the shorter hours.
4. Smaller cost for the printing of ballots.
5. Avoidance of expensive recounts.

Owatonna, in paper ballot elections, used 70 employees working 18 hours at \$1.00 an hour. Since 1952, when voting machines were first used, Owatonna has paid 27 employees working 14½ hours at \$1.00 an hour. The reduction in total cost for election personnel is \$868.50 per election.

Minneapolis purchased 900 voting machines in 1956 for \$1,413,000. Under the 10-year pay plan, the total cost, including 2½% interest each year, was \$1,582,000. Voting machines were used in only two precincts in 1956, and the election cost to the city was \$390,000. In 1957, when voting machines were used throughout the city, the total election cost was \$358,000. However, this included \$157,000 for the annual payment for the machines, so the election cost was actually \$211,000 or a saving to the taxpayers of \$179,000. This saving resulted from a reduction in the number of election judges and clerks from 2,200 to 1,200, from a pay reduction (because of shorter hours) from \$20.00 to \$15.00 for the clerks and judges, and from the heretofore recurring expense of equipment replacement (booths, ballot, boxes, etc.) of \$30,000 to \$40,000 a year.

Conclusion

Voting machines have no significance as mechanical contrivances except in relation to the voting process. The elimination of spoiled ballots, the prevention of fraud, a quick count, and accurate returns are all advantages which benefit democracy. These guarantees make cost - probably the major source of community reluctance to invest in voting machines - a secondary factor. Voting machines have unquestionably proved to contribute in large measure to public confidence in the conduct of our elections.

ELECTION JUDGES

The decisions an election judge must make in dealing with the voting public are sometimes ludicrous. By law, a judge must not allow a voter to confer with another in the polling place. But what does he do when a wife turns to her husband and says, "I know Eisenhower is the Republican but which of the candidates for governor is Republican?"

The only election official that every voter comes in direct contact with is the precinct judge. It is the judge, in the last analysis, who determines whether a person may vote or not. Recognition or signature identification is up to the judge. That the judges be good, reliable, and well-trained is axiomatic. Reliable judges assure an honest election. Corruption, bribery, fraud, and sharp practices are most easily perpetrated at the precinct level. Competent judges assure a reliable count as free of human error as possible. Well-trained judges are able to interpret election laws to the voter so that he is not disenfranchised by misinformation.

Bipartisanship

The prevailing theory has been that election boards must be bipartisan. This is required by law in many states including Minnesota, but custom and tradition accomplish the same result in others. Should these officials be strong party people? Dr. Harris in Election Administration in the United States says:

"The bipartisan principle results in our elections being controlled by the very elements of society most bent on winning the election - the bitter partisans whose livelihood may depend upon party victory. Common sense would dictate that such persons should be debarred from having any control over elections, but under the bipartisan theory it is necessary to 'set a thief to watch a thief.' Unfortunately, thieves make bargains. The supposed opposition of two leading political parties is little more than a farce in many large cities. The minority party is often the tool of the majority party."

The bipartisan theory causes another hardship in selecting precinct judges. In some areas it is difficult to find adequate representation from the minority party. State law requires precinct judges to live within the precinct. It is sometimes impossible to secure competent officials in the poorer precincts of large cities. Certainly there should be some latitude in the choosing of election judges if our system is to improve.

Selection

How are precinct judges chosen? In former times these jobs were ideal patronage for the parties - election judges were chosen by their usefulness to the party without regard for job qualifications. The huge election scandals in the big cities in the early 20th Century came about largely through corrupt precinct judges. This condition still exists in some quarters today, even though state laws have developed to control it to some extent.

The mechanics of selection generally are that the local election official (the city clerk in a city of the first class, the city or village council, county or town board) makes the appointments from lists of persons supplied by the political parties. However, in later years, there has been the happy trend to place election judges under civil service. This is true of the larger cities in Minnesota. But bipartisanship has not gone entirely - judges are chosen by parties from the civil service lists, wherever possible, and still must live in the precinct.

Number of Judges

How many judges are required to run an election? Five (three judges and two clerks) are appointed in Minnesota (three in the case of some village elections) for all elections in each precinct using paper ballots. The advent of the voting machine has cut the number to three judges for the first machine and one for each additional machine. While the number of judges is not reduced per precinct, the overall number is cut, because, with voting machines, the precincts can be so much larger. The election official may appoint extra counters or, in some cases, a counting board to come in after the polls have closed in general elections where paper ballots are used.

There have been suggestions that an arbitrary number of judges, such as five, should not be required by law for all elections. This leads to some unnecessary expense, first in special elections called for a simple "yes" or "no" vote on an issue and second in elections or precincts when the vote is light.

"The number of officers used in each precinct should be determined by the number of voters in the precinct, the importance of the election and the amount of work to be done, all of which can be pretty accurately predicted," says one authority.

So we see that there are times when there are too many judges - there are also times when there are too few. A problem that plagues officials is how to get a fast, accurate count of votes when the human elements of error and fatigue must be considered. Obviously, use of voting machines has corrected this situation. But there are still many precincts throughout the country using paper ballots and "humans" to count the votes.

In some states, the solution has been to appoint a duplicate board of judges as counting judges. They start counting ballots a few hours after the polls open (from two to five hours) and as soon as a given number of ballots have been cast (prescribed by law - from five to 50), and thus finish sooner after the polls close. This practice alleviates the condition where judges must start counting after having worked a 12-hour day. The difficulties encountered are: 1) the doubled expense; 2) finding quarters in each precinct for two boards instead of one; and 3) the dispersion of responsibility.

In other states, ours included, extra judges come in to help count after the polls close. Another plan, very little used, is to have all ballots counted at a central location by clerical help. Disadvantages are that the returns are delayed and arrangements are difficult to make. Getting as fast a return as possible is accomplished by paying judges a flat rate instead of an hourly one.

Our state law distinguishes between judges and clerks of election. In practice, there is no difference in duties or in pay. This seems to be a needless provision.

Qualifications of Judges and Clerks

Persons desiring to be election judges or clerks must:

1. Be qualified voters of the precinct in which they will serve.
2. Be able to read and write the English language.
3. Not bear a close relationship to any other member of the election board or to any candidate for election.
4. Not be employes of federal, state, county, city or village government.
5. Take a civil service exam where required.
6. In some cities, attend a training meeting preceding the election.

An improvement in election mechanics would be to designate one officer in charge of the precinct, to fix responsibility. When Minneapolis converted to voting machines in 1957 and election boards were shuffled, one member of each board was appointed chairman. The hope is that chances for corruption and error are reduced. This is desirable since, as stated before, precinct officials hold a key position in the conduct of elections. As one authority says, "If they are corrupt (or incompetent) the devices of the Australian ballot and the voting machine will be of little avail."

THE DIRECT PRIMARY

If the voter is to be able to make an intelligent choice in a general election, there must be some process for "weeding out" the many candidates who aspire to public office. Our special concern here is the primary election as a means of "weeding out."

History

The earliest method of nomination in the United States was the informal - often secret - caucus of party members or like-minded political groups. Later, the legislative caucus nominated candidates on the state level and Congressional caucuses nominated the President and Vice President. "King Caucus," as it came to be called, fell into disrepute and was displaced by the convention system during the Jacksonian era.

The delegate convention system, popular reform in its time, was found to be susceptible to manipulation and machine control. Though it would be unfair to say that every convention was corrupt, widespread exposure of graft led to deep public resentment against it. Before state statutes regulating the convention, and thereby perhaps correcting some of its faults, could be tested, the primary had emerged on the American political scene.

The direct primary seems to have been first used in 1868 in Crawford County, Pennsylvania, where local rules of the Republican party did away with delegate conventions and provided that the candidates be nominated at the primary. This new system attracted much attention as a reform measure and spread to the West and South. Wisconsin's law, adopted by referendum in 1904, swept away every vestige of the convention system in that state by making the direct primary mandatory for the nomination of every local, state and county party official. It provided also that the state or its subdivisions pay primary election expenses. Today, although every state in the Union uses the primary to varying degrees, neither the caucus nor the convention has completely disappeared from the nominating process. Indiana, Michigan, Maryland and New York use the party convention for nominating all or some state officers, while Iowa and South Dakota resort to party conventions in case no candidate for a state office receives 35% of the vote in a primary election. (Little use has had to be made of this provision.) Some other states use a party nominating convention for some elections or at the option of the party organization. Connecticut, in 1956, is the most recent state to have used direct primary law.

The Nonpartisan Primary

Besides nominating candidates for party office, the direct primary selects nominees for nonpartisan offices as well. It is used most frequently in city, county and judicial elections, though Minnesota and Nebraska both use the nonpartisan primary for selection of state legislators. The generally accepted practice is for names of the two candidates who receive the greatest number of primary votes to appear on the ballot in the general election. Since we are concerned basically with Minnesota's election laws, we should note that the League of Women Voters of Minnesota favors return of party designation for Minnesota's legislators which would mean that nomination of legislators would again become a matter of direct party concern (some legislative candidates, of course, run with party "blessing" - an informal endorsement by the party).

Partisan Primary - Closed and Open Primaries

Who may vote in the partisan direct primary? This question interests political party organizations since the purpose of the partisan primary is to nominate the party's candidate. Laws of states differ in regulating who may vote by tests of party affiliation. In some cases, the test is stringent, in others negligible, and some states have no test at all. Where a party affiliation test exists, the primary is a "closed" primary and where there is no requirement, the primary is "open."

The distinction between the open and closed primary is not so great in practice as in theory for methods used in closing a primary are not fool-proof, and a majority of voters in the open (and blanket) primary apparently vote within the party whose candidates they intend to support at the general election. However, there is always this difference: in the closed primary states, the voter makes public his party affiliation; in the open primary, the choice of party is made in the secrecy of the polling booth.

Pros and Cons

The closed primary tends to promote a strong party system on which our democracy depends. Its proponents contend that the primary in reality takes the place of the party convention, and only people definitely identified with the party concerned should participate in it. The nominating of candidates is a party affair since it assumes that the candidate will represent his party. Independents and others unwilling to affiliate with a party have the opportunity to make their choices in the general election and should not be allowed to interfere in a party matter. The closed primary prevents "raiding," an unsavory practice of voting in the primary of the opposing party (often to vote for the weakest candidate) when there is no contest in one's own party. Another argument in favor of the closed primary is that it tends to make party alignment more definite.

On the other hand, the open primary favors the independent voter who feels he is entitled to a voice in determining who shall be the candidate at the general election. It allows a freedom of movement between parties if a voter desires to change his party affiliation. People who oppose the closed primary contend that the declaration of party affiliation impairs the secrecy of the ballot and that it denies many voters their right to participate in the primary which is in some states the pivotal election. They maintain that raiding is not common practice and that voters who cross over do so with the honest intention of supporting that party's candidates.

Operation of the Closed Primary

The closed primary is the predominant form in use in the United States. All but eight states require some kind of party declaration, but differ in the degree of stringency.

1. Enrollment method

In 18 states, a voter must register his party affiliation prior to election day. He may change by re-registering any time from six months to 10 days before the next primary. The election judges give each voter only the ballot of the party named on the register by that voter.

2. Challenge method

The other states use some form of the challenge method as opposed to enrollment. In Vermont, the voter asks for the party ballot he chooses, and his choice may not be contested or questioned. This is practically an open primary except for the lack of secrecy in the voter's choice. The voter in other states may be asked at the polls to swear that he voted for a majority of the party's candidates in the last election, or that he intends to vote for its nominees, or both. He asks for the ballot of his choice on election day but his right to it may be challenged by election officials or party watchers.

Operation of the Open Primary

Eight states have open primaries: Minnesota, Idaho, Michigan, Montana, North Dakota, Utah, Washington, and Wisconsin. In four states the several party ballots are printed separately and the voter himself chooses in private the one which he wants to use; in the others, including Minnesota, a single ballot is used and the voter invalidates his ballot if he does not confine his marks to a single party's candidates.

Only the state of Washington uses the "blanket ballot" (since 1935) with the names of all candidates and their party affiliations grouped under the office they seek so that the voter may select the candidate he favors regardless of party affiliation. It is contended that under this system the voter has complete freedom of choice. He is not restricted to voting for candidates in only one party - i.e., he may vote for a Democratic nominee for Governor and a Republican for Senator at the primary. Party people claim that this practice breaks down the last vestige of party control. Evidence shows, however, that the parties in Washington have not lost strength or prestige.

California is a closed primary state but the effect of an open primary is achieved by allowing cross-filing. A candidate may run for nomination within more than one party's primary. A study of the practice of cross-filing has led to the general agreement that dual filing tends to weaken political parties and to make party division meaningless. It introduces much confusion and in about two thirds of the contests results in virtual election in the primary. Despite these objections, all efforts to repeal the cross-filing provision have failed. Most public officials like the system since it makes it possible for them to be elected with only one campaign. Voters, too, generally like the system for the freedom of choice it allows them.

New or Minor Parties

Regarding minor and new parties, the authoritative study by the National Municipal League, "Model Direct Primary Election System" (hereafter referred to as the Model) makes these recommendations:

1. "The use of the direct primary should be mandatory for political parties which polled ten per cent or more of the vote cast at the preceding general election. Smaller parties should be permitted to demand state conduct of their internal nominating processes and do not need it.
2. "Provision should be made whereby small or new parties or independent candidates may qualify by petition and have the names of their candidates printed on the ballot at the final election."

Minnesota's law makes the primary mandatory for parties which have polled five per cent of the total vote cast for at least one office. It also provides a petition method whereby other candidates than those nominated by the primary may appear on the general election ballot.

Problems of the Primary

There certainly is no standard method of conducting primaries among the states, although procedures are being amended constantly by state legislatures to make the direct primary a more sound nominating system. Even though the direct primary is now an accepted political institution, it is not without its faults. Besides listing the criteria for a good nominating system and faults of the primary as now practiced, the Model points up problems and suggests ways of solving them. While we do not necessarily recommend the Model's suggestions for Minnesota, we refer to them in order to stimulate more constructive thought and action on improving the primary.

Caliber of Candidates

A criticism leveled at the direct primary is that it has not encouraged men of stature to become candidates and that it does not provide for the drafting of candidates of high qualifications. Those favoring the convention system claim that by sifting candidates and drafting desirable men for office, they produce better candidates. This has not always been the case, however. Proponents of the direct primary maintain that when any citizen could run for office, better candidates would result. "One of the pleasant myths of American politics is that qualified, civic-minded citizens will voluntarily and spontaneously announce their own candidacies and run for public office, at large expense to themselves, for the privilege of serving the public. The facts are usually quite to the contrary," says the Model. Another criticism of the primary is that "it facilitates the candidacies of self-advertisers and demagogues who will push forward unasked and unabashed and wage a campaign for nomination." This situation might be helped by a tightening of the filing procedures. A solution to the problem of encouraging qualified citizens to become candidates as recommended by the Model is pre-primary party endorsement, long ago advocated by Charles Evans Hughes.

Pre-Primary Party Endorsement

In Minnesota, the Democratic-Farmer-Labor party endorses candidates. The Republican party has not done so until just recently. Among the states, pre-primary endorsement is not common though the Model recommends that, "party organizations, acting through committees or conferences of responsible party officers, should be authorized by law to select and propose candidates for nomination by the party for public office and for election to party office, to be voted on at the direct primary. This is the major recommendation, the central feature, of the proposed model primary election system."

Arguments for Pre-Primary Endorsement

The merits of pre-primary endorsement are:

1. It lets the party organization perform the function of sifting candidates to insure that they are qualified for office and in agreement with policies of the party.
2. There is a need for the party openly and responsibly to find suitable candidates because experience proves that qualified candidates will not announce their own candidacies for office. (If we recognize the need for a nominating committee in relatively small organizations, the need will be infinitely greater in choosing public officials.)
3. Party organizations will be able to draft candidates who might otherwise be unwilling to run and conduct a campaign on their own behalf.

4. It will provide voters with a basis for making more intelligent choices.
5. It will provide the occasion to consult not only about candidates but also about policies and programs to adopt a meaningful platform.
6. It will insure candidates who are in agreement with party platform and program.
7. It will reduce the cost of campaigning to individual candidates for often party candidates will be unopposed, but if opposed, the party will be expected to conduct its candidate's campaign.
8. It will strengthen party organization and help attract outstanding citizens to serve in party positions.

Arguments Against Pre-Primary Endorsement

The criticisms of pre-primary endorsement are:

1. It will, in effect, restore the discredited convention system of boss and machine rule.
2. It gives too much power to a group of irresponsible officials often subject to machine control.
3. Every citizen is entitled to become a candidate even if he is not endorsed by the party.
4. The function of party committees is not to influence the choices of candidates by voters of the party.
5. Unofficial endorsement is preferred to legally sanctioned endorsement because it leaves other candidates more freedom to oppose them.

Problems of Pre-Primary Endorsement

If pre-primary endorsement is to be authorized by law, should endorsement be made by regular party committees or by delegate conventions? The advantage of endorsement by party committee is to fix responsibility so definitely that it cannot be escaped. No longer would party leaders be able to hide behind the facade of a convention which they would probably control anyway. The secret of success is often simplicity and this would certainly be simple. The committee method facilitates conference and consultation between state and local party officers which is useful in promoting unity in acceptance of principles and policies.

However, it can be argued that the committee often meets in secret, that it is small and therefore more subject to manipulation and control by the machine. A delegate convention would be more truly representative of the party's rank and file membership. The convention is useful in building up party enthusiasm by permitting greater participation. It also provides a suitable occasion for the party to adopt a platform. The difference between the two methods is probably more apparent than real for no real convention is a truly deliberative body, but accomplishes its work in small committees.

Another question regarding party pre-primary endorsement is whether the organization be authorized to endorse more than one candidate for each office. Colorado, Nebraska and Utah laws authorize endorsement of more than one candidate for an office (two candidates are required in Utah). The advantage of proposing only one candidate for each office is that it fixes responsibility definitely while dual endorsements allow responsibility to be shifted to the voters. Ordinarily a party organization would endorse only one candidate, but a rule to allow for two endorsements in case the second highest candidate should receive a specified percentage of convention votes (25%) would permit insurgent groups within the party to challenge the current leadership. This provision is included in Nebraska's law.

If party pre-primary endorsement is legally authorized, another procedural question arises. Should organization-proposed candidates be so designated on the ballot? The Model recommends "candidates proposed by the party organization committees or conferences and duly certified to the public officers in charge of printing the ballot should have their names printed on the primary ballot with a designation (by asterisk or otherwise) to indicate that they have been proposed by the party organization." It can be argued that designation on the ballot as party endorsed gives the candidate preferential treatment not in accord with a truly democratic election system. On the other hand, it is possible that some voters would refuse to vote for any party endorsed candidate. One thing is certain, designation on the ballot would eliminate voter uncertainty as to which candidate is actually "blessed" by the party.

Short Ballot

For many years, the National Municipal League, the League of Women Voters, and others have recommended that a shorter ballot is necessary for the voter to be able to make intelligent choices at the polls. The Model says that all offices except those of major importance in policy-making should be appointed by responsible officials. When 20 or 30 offices appear on the ballot, the voter is being given a "great array of opportunities to express an opinion when he has no opinion to express." For instance, when a voter is confronted with several candidates for treasurer, he normally makes his choice on the basis of personality, party affiliation, or name.

It is a sad commentary on primary elections in general that mere position on the ballot influences the outcome, so names of candidates are rotated on the ballot to give each candidate a fair chance. The intention in shortening the ballot is not to limit the number of candidates running for any one office, but rather to remove offices that are administrative in character.

There are two methods suggested for helping the voter under the existing system: 1) pre-primary party endorsement; and 2) a non-biased publicity pamphlet sent to each voter by the state (Oregon). However, these are relief remedies only; the real cure would be a shortened ballot. "No primary system will work well with the jungle ballot; any primary system will work better with a short ballot," says the Model.

Effectiveness of the Political Party

Another criticism of the direct primary is that it weakens political parties which are essential in state and national governments to the democratic process. A good nominating system "should promote healthy and effective political parties responsible to the voters of the party." Here again arguments for pre-primary party endorsement apply. A problem that arises, especially under an open primary system, is that the candidate nominated may not be in accord with the party platform. If the platform is formulated before the primary there is no assurance that the winning candidate will accept it; if the platform is formulated after the primary, it is likely to express the views of the successful candidate, which might not necessarily be the same as the ideas of the party.

Campaign Expenses

Running for office is becoming increasingly expensive; a candidate must conduct two campaigns in most cases where the direct primary is used. When a candidate must have large sums of money from other than his own resources, he can incur obligations of a nature that might prejudice the discharge of his duties as a public official. However, public office should not be restricted to those persons with large, private means. This is a knotty problem not easily solved. We have corrupt practices laws to limit campaign expenditures and to make public the names of large contributors to a candidate's cause. Ideally, the wider the base of funds, the more independent a public official may be. The fact that campaign expenses are necessary "serves the salutary purpose of restricting the contest to candidates with substantial public support."

Citizens' Access to the Ballot

While any qualified citizen should be able to run for office, this is not the purpose of the primary. The primary is the means for the voters to choose their officers; it is to the advantage of the voter to have enough restrictions on the nominating process to keep frivolous candidacies from cluttering up the ballot. However, in formulating a good primary law, we are interested in making it possible for others besides party proposed candidates to get their names on the ballot. If opposing candidates are not permitted to run, the effect is to return to the convention system of nominations and its attendant abuses.

The two common requirements for placing a candidate's name on the ballot are (1) petition and (2) declaration of candidacy accompanied by a deposit.

It is generally believed that mere nominating petitions signed by a large number of people do not necessarily indicate whether the candidate has real support. Nomination by a small number of signers or sponsors in conjunction with a reasonable deposit fee is often suggested as the better method of keeping out candidates with no following. The British and Canadian system (on trial in Michigan) of requiring a large deposit to be partly repaid if the candidate receives one-eighth of the vote should be seriously considered even though most state legislatures hesitate to increase filing fees in the belief that it would be undemocratic.

Minority Nominations

A candidate is declared nominated if he receives the most votes - this is called a plurality nomination. Problems can arise if many people run for one office and so disperse the vote that the winning candidate does not receive a majority of the votes, or if the vote is so light in the primary that the candidate chosen does not represent the majority feeling of his party. Several methods have been employed to obviate the first condition. One method is to hold a second, or "run-off" election used especially in one-party states where nomination is tantamount to election. Laws in southern states permit this plan, but it is too burdensome and expensive to have found favor elsewhere. Another method is that of preferential voting - the voter marks his second choice and in case no candidate receives a majority, the candidate with the lowest vote is dropped and his ballots are transferred to their second choices and this process is continued until one candidate receives a majority. This plan is used successfully to some extent in Canada and Great Britain, but is difficult to use in America with our long ballot. It was tried by a dozen or so states from 1913 to 1921 and abandoned as impractical. The third method used by some states is a post-primary party convention if no candidate receives a certain percentage of the vote. However, it has not been necessary to resort to these means very often. The plurality nomination is successful in most cases.

MAJOR PRIMARY LAW PROVISIONS

Minnesota (an open primary state) is compared with the Model and Ohio (a closed primary state).

	<u>MINNESOTA</u>	<u>MODEL</u>	<u>OHIO</u>
Parties which may use primary	Mandatory - to parties polling not less than 5% of total vote	Mandatory - to parties polling 10% or more of total vote	Mandatory - to parties polling 10% or more of total vote
Date of primary	2nd Tuesday, September	1 to 2 months prior to final election	1st Tuesday after 1st Monday in May
Type of primary	OPEN	In accord with state history & tradition	CLOSED (by declaration of party support
Indication of party endorsement on ballot	None	Yes	None
Selection of nominees	by plurality	by plurality (run-off in one-party states)	by plurality
Inclusion of party officers on ballot	None	Yes*	Yes

*Inclusion of party offices without a closed primary would not be workable.

THE PRESIDENTIAL PRIMARY

The presidential primary is not a true primary in the sense that the people do not actually nominate a candidate for president. This function is left to the national party conventions. As practiced by the various states, presidential primaries are used in three ways: 1) preferential vote only; 2) election of delegates (pledged or unpledged) only; 3) preference vote plus election of delegates. Laws governing the direct primary and problems attendant to the primary are generally applicable to the presidential primary, also. For instance, it is pretty difficult for a party to elect delegates to its convention in an "open primary" state where the party has no control over who may vote in the election. Minnesota's law was amended in 1957 to remove the election of delegates and leave our presidential primary as a preferential vote only.

History

Why do we have presidential primaries? In an era which showed a general trend to more direct democracy with such reforms as the initiative, recall, referendum, direct election of United States Senators, and the direct primary itself, Wisconsin took the lead in adopting some form of presidential primary. The law as enacted in 1905 provided only for direct election of delegates to the quadrennial national party conventions. Oregon followed Wisconsin's lead by passing a presidential primary law in 1910, but added an innovation of her own - a preferential vote for both president and vice president in addition to election of delegates. Twenty-six states have, at one time or another, had some type of presidential primary. Eight states for various reasons have repealed their presidential primaries, so today there are 19 states (and the District of Columbia) using a presidential primary.

Minnesota is among those states which have repealed their presidential primaries, but is the only one of these to have enacted another. Minnesota's first presidential primary was passed in 1913 and, after only one chance to prove its value, was repealed in 1917. Interest in the presidential primary among Minnesotans was reawakened during the Wisconsin primary in 1944 when Wendell Wilkie's defeat led to his giving up his campaign for the Republican nomination. This latent interest grew into enthusiasm during the 1948 primary campaign when, again in Wisconsin, Harold Stassen effectively eliminated Douglas MacArthur from the Republican running. The attention and press coverage given to Stassen's successive primary struggles (culminating in his defeat by Thomas Dewey in Oregon) contributed to the Minnesota enthusiasm which led to adoption of another presidential primary law in 1949.

Arguments For and Against the Presidential Primary

Because many states apparently are satisfied to leave selection of national convention delegates to state party conventions, because there has been some agitation for a national presidential primary, and because bills to repeal the presidential primary have been introduced in the last three sessions of the Minnesota Legislature, it is necessary that we examine some of the arguments for and against the presidential primary.

First, those who favor the presidential primary have a very telling argument in their assertion that democracy is best when the greatest number of people participate. This holds true not only on the local and state levels, but particularly on the national level in selecting a presidential candidate since the president is the only elected official who represents the entire country.

Secondly, proponents contend that under the present convention system, "bosses" actually control the choice of candidates. The unmanageable size of conventions makes it impossible for every delegate to assert his proper influence. The only satisfactory solution to boss control lies in the presidential primary. In the third place, they suggest that criticism of the presidential primary (insofar as it is valid) is primarily procedural for which a poorly written law is to blame.

Some procedural defects could be corrected by writing better laws. Common defects include: 1) intricate and ambiguous language; 2) failing to control delegates at the convention; 3) aiding notoriety seekers especially where vice presidential candidates are included in a preferential vote; and 4) important candidates are often not included on the ballot. Other defects are: 1) unpledged delegates or delegates pledged to a "favorite son" leave the door wide open for political maneuvering and, in fact, provide a manipulation device which bosses never had under the pure convention system; 2) the verdict in the presidential primary is often settled on state rather than national issues; 3) results of presidential primaries have never been able to control the results of the national convention; and 4) lack of uniformity among the various state laws creates many objectionable campaign practices and makes it difficult for candidates to apply and qualify in many primary elections. There remain two arguments which are apparently beyond effective state control and are, therefore, more serious. They are: 1) the heavy cost to the candidate and; 2) the fact that the national convention itself is in reality beyond state law.

Opponents of the presidential primary suggest further that it encourages intra-party fights which decrease the unity necessary to preserve our two-party system. Too, they suggest that binding delegates' actions at convention makes impossible the flexibility necessary for compromise also required for preservation of the bi-party system.

Proponents might answer that intra-party strife could hardly be worse than that exhibited in the 1952 Republican convention, and that primary elections would have virtually eliminated the friction over seating of contested delegations. They would argue that flexibility is not so important as expression of the will of the rank and file party members.

National Presidential Primary vs. Party Convention

Many people have advocated at one time or another that we have a national presidential primary at which the people would nominate the candidates for President. There has been some popular support for this idea. While it is argued that it is the democratic way, it can also be said that it would be cumbersome and unwieldy. If we support the principle of a national presidential primary, the question that arises is what will become of the party convention.

One of the most eloquent defenses of the convention as it is now held was written by Clinton Rossiter in "The American Presidency." He says:

"The convention is anxious to satisfy, not frustrate, the hopes of the members of the party, and if the latter give an unmistakable sound, the former will echo it faithfully and gladly. If they speak in a babble of voices, if they cannot agree on a clear choice, the convention will choose their man for them, even if it take a hundred ballots, and the choice, moreover, will be made finally with near or complete unanimity.

"There is much to be said, of course, for the efforts of Senator Douglas and his friends to encourage the growth of presidential preference primaries. In the 19 states of the Union the voters of each party are now given some chance to elect or instruct their delegation to the convention. Yet it would be a mistake to make these useful exercises in public opinion much more uniform in pattern or binding in effect than they are at present. The convention works remarkably well; reformers should be careful not to upset the nice balance that history has struck between the hard responsibilities of the professionals at the convention and the vague wishes of the voters at home.

"One can be more positive than this in defense of the convention, for it performs several tasks that no other institution or arrangement can perform as well if at all. Not only does it serve as the major unifying influence in political parties that are decentralized to the point of anarchy; it is as Professor V. O. Key has written, 'part and parcel of the magic by which men rule.' And Americans, I again insist, are far from that enlightened condition in which political magic has lost its usefulness. The nominating convention fills a constitutional void; it unites and inspires each of the parties; it arouses interest in the grand plebiscite through which we choose our President. We will have to hear more convincing charges than have hitherto been pressed against the convention before we tamper with this venerable instrument of American democracy."

Time of the Primary

Beginning in 1960, Minnesota will hold her presidential primary on the second Tuesday in March. This change (from the third Tuesday) was made so that this election would coincide with township elections and also so that the Minnesota primary would be among the first of the nation-wide primaries. Practice among the states varies widely with Pennsylvania holding her primary in January and California and South Dakota holding theirs in June. The National Municipal League's 1955 draft of a "Model State Presidential Primary Law" recommends that "the date of the presidential primary should be after candidates have appeared and voters have developed opinions - in June."

Primaries held earlier than the recommended date are generally perfunctory or lopsided because many candidates are not in the running and because voter interest is not yet mature. If he is to register an alert and meaningful decision, it is argued that the voter should be allowed to wait until the latest possible date before deciding his preference among the candidates.

Access to the Ballot

On the question of access to the ballot, the Model recommends:

1. "In each party the standing state central committee (usually one member for each of the small counties and more for the populous ones, totalling not over 200) may by the signatures of a majority thereof publicly certify to the state election authority a numbered list of candidates for delegates to be listed on ballots as 'Uninstructed Delegation proposed by the State Committee' six weeks before the presidential primary."

2. "Not later than three weeks before the primary any candidate for president may, over his personal signature, file with the state election authority a numbered list of proposed delegates, and deposit \$_____ returnable to him after the primary if his list obtains 10 per cent of the votes or file a nominating petition with _____ signatures to secure a place on the party's primary ballots."

It should be noted that the party may certify only uninstructed delegates. The Model suggests that it would be unwise to give the central committee the power to hold or release delegates during the convention, that power belonging more rightfully to the candidate himself.

Though delegates are chosen at large by state committee in several states, the numbering idea would be new. In Minnesota, selection of delegates to convention is left to party conventions and a candidate may gain access to the ballot either by filing an affidavit of candidacy and a petition with signatures of 50 voters from each congressional district or by having a petition filed for his candidacy with 100 signatures of voters from each district. In either case, a fee of \$100 is required. The practices vary among the states, but all require either petition for candidacy, affidavit of candidacy, a fee, or some combination of the three.

Candidate's Consent

The question of whether a candidate should be required to give his consent before his name appears on the ballot might be raised in connection with these recommendations. Minnesota allows a candidate's name to appear on the ballot without his specific consent but requires that it be removed if the candidate files a statement that he is not a candidate for president and will not run for that office. (This last provision has been declared unconstitutional.) It may be argued that, unless the candidate's name may appear on the ballot without his consent, many candidates will not run in the presidential primary and the primary will, therefore, be essentially meaningless. On the other hand, candidates most frequently refuse to run in the presidential primary because they know they must either get all or none of the delegates and because filing procedures are tedious, difficult, and expensive. The tedium, difficulty and expense of filing are lessened when the Model recommendation is followed (the question of splitting a state's delegation proportionately is discussed below), so it would appear that there would remain no telling reason why a candidate would refuse to run, especially if every state were to use the primary method for delegate selection.

Delegates to Convention

1. Selection

The Model recommends a closed presidential primary with registration of party affiliation before the primary. If this practice is followed, it is possible for party members to elect delegates to the convention. Conversely, when the primary is open, as in Minnesota, it seems unwise to elect delegates. In these cases, the party convention appoints the delegates.

2. Split Delegations

Should the winning candidate receive all the electoral votes of the delegates, or should the votes be divided proportionately according to the vote of the people? The Model recommends that "state delegations should be split in proportion to the split in the primary vote."

Reason for such a recommendation is that this system would be a more accurate method for securing delegations weighted in proportion to the vote cast and would encourage presidential candidates to enter states where they might obtain only a minority of delegates. The current "winner take all" method discourages many candidates.

Others argue that the delegations should not be made up proportionately to the popular vote cast. They point to the electoral college for precedence. However, the validity of this argument is questioned not only as it applies to delegations to convention but also to the electoral college itself.

3. Use of preference vote by delegates

One of the pivotal questions in a presidential primary is whether the results of the preference vote should be binding or advisory upon the delegates. Practice throughout the states varies from the requirement that delegates be bound to a candidate so long as his name is before the convention, to the practice that delegates be bound only if they so desire. Minnesota law binds the delegate (he is required to sign a pledge) to vote for the candidate declared winner of the primary until the candidate releases him or until the candidate receives less than ten per cent of the convention poll. Although it is desirable that the expressed will of the electorate not be thwarted, unwise extension of control to the convention may result in ludicrous rigidity of action and may conflict with the discretion which delegates should exercise. The convention should not be turned into a mere electoral college; delegates who are elected as favorable to the candidacy of a particular presidential aspirant should not be allowed to disregard their commitment but should, on the other hand, be allowed enough freedom to adjust to convention developments.

The Model recommendation in this matter is that "no candidate for president who obtains the ballot privilege may contract with his proposed delegates to bind them to vote for him after he has received less than ten per cent of any convention or after he has received votes from only one state, or after the second ballot."

In conclusion, we should note that there is no provision either in the Model or in Minnesota law for a preference vote on vice presidential candidates. Nebraska and Oregon alone among the states provide for such a vote. It is generally agreed that the voter is in no position to express such an opinion at so early a date since the considerations which affect choice of vice presidential candidates are not often in sight until the presidential candidate has been chosen.

SUMMARY OF PROVISIONS IN MINNESOTA'S PRESIDENTIAL PRIMARY LAW

	1956	1960 Revisions made by 1957 Legislature
Time of Primary	3rd Tuesday in March	2nd Tuesday in March
Ballot	Separate ballot for each party	Consolidated ballot*
Selection of Delegates	On ballot	By party convention
Candidate's Affidavit	Name of party Names of his delegates	Name of party Petition signed by at least 50 voters from each congressional district
Candidate's Filing Fee	\$25	\$100
Candidate named by Petition	1. signature of at least 100 voters from each congressional district 2. name & party of candidate 3. list of delegates 4. filing fee of \$25 5. candidate's consent not required	1. signature of at least 100 voters from each congressional district 2. name & party of candidate 3. filing fee of \$100 4. candidate's consent not required

* eliminates the necessity of publicly declaring party choice

CORRUPT PRACTICES

Legislation to control corrupt practice is something relatively new in the United States. Although public officials have been popularly elected in this country from its very beginning, laws to control and punish acts of corrupt practice date back only 70 years in the national government and some 63 years in Minnesota. The need for such legislation, however, is as old as human nature itself. From the time the first elected official discovered the joy of fame, the uses of power and the spoils of office, there have been illicit methods of insuring such election. Niccolo Machiavelli, that astute politician of the late 15th Century, was merely reporting when he wrote in his Discourses concerning earlier Roman leaders:

"When a citizen gains reputation and influence by serving the state well with his counsels or his actions....such reputation and influence gained by pure and simple means will never prove dangerous to any state. But when they are acquired by private means they become dangerous and pernicious. These private ways consist of benefiting this or that other private individual by lending them money, marrying their daughters, sustaining them against the authority of magistrates, and bestowing on them such favors as to make partisans of them. This encourages those who are thus favored to corrupt the public and outrage the laws."

This pragmatic picture of early politicians insuring elections by cementing purchasable friendships is not too far removed from present day practices which pervert the intent of the law.

History

It was not until 1876 that the United States government first instituted legislation to control and punish corrupt election practice. While there were offenses before that time, the problem had not become sufficiently serious to arouse public opinion. Some of the suggested reasons for this lack of interest were: individual fortunes were not sufficiently large to warrant use of money in this way; the coming of Negro suffrage presented a whole new field of fraud to unscrupulous persons, and, finally, the possibilities of using office for personal gain had become more apparent. Federal legislation makes a ceiling on campaign contributions, forbids contributions by unions and corporations, forbids the purchase of votes, and not only prevents political participation on the part of government workers by the Hatch Act but makes it unlawful to solicit them for contribution. More specific corrupt practice legislation has been left to the several states to enact and to enforce, and while in general most of the states include the federal provisions, their specific provisions differ widely and, indeed, the greatest similarity among them is the universal difficulty of enforcing them.

Minnesota Law

In 1895, the first corrupt practice legislation in Minnesota was passed. Expressly excluded from this legislation were school, town and village elections. Subsequent revision omitted these exceptions but the Minnesota Supreme Court has ruled that corrupt practice legislation applies to school, town and village elections only insofar as practicable. Possibly because the elected officials receive little or no reimbursement, the smaller elections were excluded. However, an attorney general's opinion has ruled that where the statutes can be made to apply, they are applicable. In general then, these statutes are concerned with corrupt practice in county through federal levels, excluding only the candidates for offices of president and vice president of the United States, and in some provisions, candidates for Congress.

Important to understand is that the corrupt practice act is concerned with the actions of the candidate himself, or those who represent him, and not with error in the conduct of an election. The statutes provide that the purpose is to prevent unlawful influence of voters, prevent fraud, insure purity of elections by limiting the amount of campaign expenses, prevent corporate campaign contributions, require publicity of campaign contributions, and prevent a candidate from obtaining a nomination or election by employing false statements or by corrupt methods.

In general, corrupt practice provisions are designed to prevent the perversion of the public will through three principal means: 1) fear; 2) bribery; and, 3) fraud.

Fear

Fear may be used as a weapon in many subtle ways - for instance, the threat of loss of a job, removal from relief rolls, ejection from rented premises, loss of membership in a lodge - all of which might be termed mental cruelty and coercion, as well as actual bodily injury or threat of it. The power of fear as a weapon is easier to understand than to overcome, and this particular method of corrupt practice has been used with unfortunate success, principally in larger cities in the East and particularly with easily intimidated voters in lower income groups. There are no available statistics to prove that this sort of thing does not exist in Minnesota; however, it is doubtful that there are any great number of cases where fear is used to force a person to vote or prevent him from voting in this state. The implied fear of being ostracized socially in a community where there is a strong dominance of a political party in opposition to one's own is not corrupt practice.

Bribery

Bribery may be the simple act of a candidate handing a potential voter a sum of money, or promising employment to another - in return for the voter's support. There is also a whole area of indirect acts which are less easily defined. In either case, the person receiving the bribe is culpable along with the person offering it, and any such bribe made on behalf of the candidate by a supporter makes the candidate liable to a charge of corrupt practice. On the other hand, a candidate may easily be unfairly accused of bribery since the line between philanthropy and bribery is a thin one, and all actions of a candidate are subject to unusual scrutiny during a campaign. Minnesota law makes interpretations difficult, requiring frequent opinions by the attorney general's office.

Fraud

Fraud concerns itself with those other practices which may influence an election - expenditures by or on behalf of a candidate, regulation of contributions, conducting voters to the polls, distributing false information about an opposing candidate, wrongful political activities on election day, etc.

While the need for good legislation which can be easily enforced exists in Minnesota, the present election machinery is good enough so that it precludes much possibility of fraud rampant in other states. For example, it is required that ballots be officially marked and be of a specific color.

In states without such provisions, a fantastic system of substituted ballots called the "Tasmanian Dodge" of the Australian ballot is possible. The "Tasmanian Dodge" is a form of corrupt practice whereby a blank ballot is obtained before the election (either from a corrupt election judge or by securing an absentee ballot) and is marked. Then, on election day, a paid worker smuggles the marked ballot into the polling place, gets his regular blank ballot, and deposits the marked ballot. The blank ballot is smuggled out of the polling place and is again marked - another paid worker goes to the polls, and the process may be repeated throughout the day.

In states where poll taxes are required, it is hard to determine from time to time the actual number of persons able to pay such a tax and it is possible to "vote the graveyard" or smuggle in persons such as convicts on a labor force, as was done at one time in New Jersey. In that same state, one particularly artful scheme arose during the twenties when the ownership of real estate was a prerequisite for voting. An enterprising politician had a worthless swamp platted and deeded areas to indigent persons who could not otherwise vote. This is a typical account of the vast and fascinating, if somewhat distasteful, literature on fraudulent schemes in other parts of the United States. At present, there seems to be no such widespread scheme of ballotbox stuffing in Minnesota. Nevertheless, though our political air may be more pure than in some areas, we are not immune to practices which endanger the effectiveness of our ballot.

Campaign Funds

The use of campaign funds is generally agreed to be the greatest single abuse of the corrupt practice act - how they are collected, how disbursed, and how accounted for. One proposal which has received some attention is to have all campaign expenses borne by the state itself, or divided in an equal manner with the political parties. In 1956, Alexandria, Minnesota experimented with the joint collection of funds by the Republican and Democratic-Farmer-Labor parties. No clear cut decision was reached as to the value of the approach, however.

A recent Minnesota law provides that contributions to political parties up to \$100 may be deducted from the state income tax. This is a device to encourage greater citizen participation in donating funds to the political parties. The American Heritage Foundation this year is proposing a national nonpartisan educational campaign to get more of the American people to appreciate the importance of giving financial support to the candidates or parties of their choice.

At present, the following ceilings are placed on campaign expenditures in Minnesota: no disbursement may be made by the candidate or on his behalf (except by a volunteer committee) in excess of these sums: for governor, \$7,000; for other state officers, \$3,500; state senator, \$800; for member of House of Representatives, \$600. For county, city, village or town officers, the ceiling is not to exceed one-third of the salary and fees he would receive if elected. Expenditures are also limited - money may be spent for the candidate's personal traveling expenses; communication expenses; rentals; radio time (this is interpreted to include TV as well); paying other speakers, musicians, printing and distributing campaign "literature;" making lists of voters; filing fees, and campaign advertising.

The candidate may, himself, have other "personal expenditures" which are not limited and would enable concealment of fraudulent expenditure if desired. No individual may contribute more than \$50 personally but he may contribute to a volunteer committee, and their activities are not as circumscribed. While volunteer groups must report their financial transactions, they have no ceilings as do regular party committees. They may not, of course, use false names as contributors. The candidate is expected to file within ten days after an election a list of his contributions, whether or not he spent all of them, and his itemized disbursements. It has been suggested in some states that these reports should be filed before an election in case they proved fraudulent, but for practical purposes it seems unlikely that all transactions would have been completed by that time.

Legitimate purchases include the purchase of newspaper advertising. It does not allow for the unauthorized purchase of newspaper space or editorial opinion, if it could be purchased, and doubtless the best known provision of the corrupt practices act is that political advertisements must bear the name of the person responsible for inserting them, with the notation that it has been paid for. In times previous, the exact cost of the advertisement was also included, but an attorney general's ruling no longer makes that necessary. Handout "literature" or sample ballots marked in favor of a candidate must also be clearly marked as an advertisement, lest a voter believe these to be objective and possible official statements of fact.

There is no provision concerning contributions from outside the state, nor an aggregate limit any one candidate may receive from all volunteer committees.

Apparently the hairsplitting about a candidate's expenditures and activities is much alike in all states. An attorney general's opinion was required, for example, to allow a candidate to take a gift to a wedding shower, providing the gift be in line financially with a) the other gifts the couple received at the shower, and b) what gift he would ordinarily have given them. Another opinion established the fact that serving four guests food, liquor, and other refreshment in one's home is hospitality on the part of a candidate - enter the fifth person, and out goes the candidate's reputation - he then becomes guilty of "treating" or bribery. An amusing case in point occurred in Dakota County some years back - 1930, in fact. The candidate had become the proud owner of an electric ice box (sic) and an oil burning furnace, and he displayed these signs of progress to two friends. In an expansive mood, probably after they reached the basement to admire the furnace, he offered each a glass of wine. He at no time referred to his candidacy. Nevertheless, this flagrant tampering with the vote was brought to court and the story is in the annals of Minnesota history for all time. It is underscoring the obvious to point out that there is a possibility of being overzealous in interpreting a candidate's actions, and doubtless being subject to scrutiny is one of the first opportunities a candidate has to understand the invasion of the privacy which he is inviting by running for office.

A candidate may not give away anything of value, as it would constitute bribery. May he then give away an imprinted fan of the sort undertaking parlors used to present to churches in the summer? That may have value. So may a blotter, if it is large and sturdy enough to compare with those for sale. There seems to be no controversy over the fact that broadsides, buttons, stickers and the like have no permanent value. (Favorite end-of-the-month wail from one of our Leaguers: "I'm down to twenty cents, a bus token and a Landon button.")

Fraud may also arise if the candidate circulates a letter with fraudulent or damaging information about his opponent, or signs such a letter with a forged name. Some states require the dissemination of only positive information. Imagine a candidate trying to write a broadside with no criticism, actual or implied, of the policies of the "other side"!

There are many lesser but well known restrictions. The conduct of a politician and his representatives on election day is most important. Liquor stores are closed on election day in Minnesota. No one loiters within 100 feet of the polls, nor hands out literature on The Day. As for transporting voters to the polls in Minnesota, the League of Women Voters need not be reminded how reprehensible that is, inasmuch as there is a special attorney general's ruling naming the League in that activity! There is some hair-splitting in this area, too - persons who are accustomed to riding together, day in and day out, (a car pool?) may dismount at a polling place and enter, ensemble. Or, as a gracious and neighborly act, you may take a neighbor or two along to the polls. (Three neighbors? Are you this gracious, day in and day out???) To go so far as to hire a cab to transport voters would involve both the cab company and the person paying for it in fraud. Nevertheless, we all see a certain amount of violation of this act all the time, and interpretation of whether a lift to the polls is bribery with an imposed obligation, or merely a kind and even patriotic act is indeed a delicate one.

The way a candidate is described on his literature or on the ballot has also been subject to inquiry, and it has been established, for example, that it is not corrupt practice for a man who has once held the office of alderman, for example, to print "re-elect Tom Jones for Alderman" even though he is not the present incumbent, providing that such designation is not "ambiguous." This provision in itself is ambiguous, and may perhaps refer to a situation where both candidates mentioned had identical or similar names.

It may well be repeated and emphasized, that wherever there is a reference here to a candidate or his activities, the statutes apply also to those representing him, and the burden of proof is upon him in case he denies approving any ill-chosen act.

Penalties

The penalties for violation of these acts are set out in the statutes. Once judged guilty, the candidate shall forfeit the office and it shall be vacant, he may not receive the emoluments of the office if any, and he shall be punished by terms of one month to one year in the county jail or one to three years in the state prison, or by a fine for \$25 to \$1,000; or both fine and imprisonment. (This does not apply to a member of the house of representatives or to a state senator.)

In view of the restrictions upon the candidate, his responsibility for the actions of many others, and the severe penalties threatened, it might seem that such surveillance would tend to deter persons from seeking public life. In actual fact, however, it appears that corrupt practice legislation is viewed with practically no alarm by politicians, and for good reason. It is all but unenforceable.

"The fact that accusations and investigations of elections are open to the charge that they are a political maneuver, seriously weakens their effectiveness," reported a grand jury in New Jersey.

In actual fact, we have all seen this cycle. A candidate brings a charge of corrupt practice against his opponent. It may or not be true. What happens? According to law, there should be an immediate investigation by the county attorney who would bring the matter to court, and the accused, if innocent, would have his name cleared on the spot - if guilty, he would be punished forthwith. What actually occurs? A charge is flung, innocence protested, and public opinion immediately takes shape - not against the one who fouled, if he did, but against the one who cried "foul." Until the public overcomes its distaste for a "political mess" and is willing to see the statutes applied rather than ignored (hoping that the infractions will cease to be), the job of enforcement will become no easier.

The legislature last year rejected a bill which would change the method of accounting for personal expenses. It has been suggested that a higher ceiling be allowed to provide for rising advertising costs, etc., and that a uniform, simple reporting form be used to make reporting of finances easier to comply with. In the myriad of volunteer committees which sometimes surround a candidate, it is a difficult matter to account for all financial transactions. In England, a parliamentary candidate hires an agent who is individually responsible for all mundane matters - like money - while the candidate broods upon issues. In some states, Florida, for example, this practice has been adopted, and, of course, where there are campaign managers, they handle most of the business end of the campaign.

Other questions about corrupt practice can be raised:

Should there be a mandatory audit of campaign funds, with publication of this audit? Who should pay for it?

Should all publicity be prepared, paid for and distributed by the State? Should copies of the literature be retained three months after the election?

How can the universal desire "not to make trouble" be overcome so as to arouse the assistance of voters who observe violations of the act?

How can we substitute for the covetousness of the persons who receive the bribe a political and social awareness of the harm resulting in such a transaction?

The basic problem in the area of corrupt practice is to pay attention to, to apply, to enforce - not to ignore - existing legislation. To quote Machiavelli again - "I think that there can be no worse example in a republic than to make a law and not to obey it; more so when it is disregarded by the very parties who made it."

Four centuries after Machiavelli's words were written, there are persons still trying to influence elections by methods other than the persuasiveness of a sincere candidate standing on a solid platform, and we are still making laws which are not enforced even by those who make them. Surely it is of vital importance that laws on corrupt practice be of value and in force.

The basic remedy, as suggested by most authorities, is public attention and public concern.

GLOSSARY

Absentee Voting - first provided for during the Civil War, gradually extended to those who were "necessarily" absent from their voting precinct at election time. Vermont had first statute in 1896. Absentee voting was not used very much until 1944 with nine millions in the service. Forty-five states now provide for it by law.

Ballot - originally a little ball used by the ancients in voting. It has come to mean the written or printed ticket, or sheet of paper, on which appear the names of candidates, with space for the voter to designate his choice.

Australian Ballot - a form of ballot imported from Australia in 1888, so arranged that the names of all candidates appear on one ballot and secrecy may be maintained as to how one votes. The term today is used to designate the official ballot, prepared, printed, and distributed at public expense and under the direction of public officials. Balloting by machine has replaced the Australian ballot in some places, but the procedure guaranteeing secrecy is similar.

Short Ballot - one on which the number of elective officials is reduced to only the important and policy-making offices. The movement for reform of the long ballot is designed to increase responsible voting.

Bipartisan - a term to indicate representing both political parties.

Corrupt Practices Act - both the federal government and the states now have laws regulating campaign contributions and outlays. These laws vary in detail from state to state but their main features relate to the sources and amounts of contributions, limitations of expenses, prohibition of bribery or intimidation and publicity regarding contributions and expenditures.

Gerrymander - an outlandish word coined in 1812 from Gerry (Then Governor of Massachusetts) plus salamander to describe the appearance of a map of north-eastern Massachusetts after an unfair legislative reapportionment. Used to designate any unfair, unlawful or inequitable division of a state or county into election districts designed to give one group or party an advantage over its opponent.

Initiative - a device for direct legislation by the voters whereby a certain percentage of the voters may draft a measure and submit it to the electorate. (Minnesota law does not provide for the initiative and it can be used on the local level only where home rule charters so provide.)

Partisan - a term to indicate representing a political party.

Patronage - a term commonly applied to the awarding of public appointments on the basis of party service.

Political Party - the term designates a portion of the electorate united by common attitudes toward certain political principles and questions of public policy, and motivated by a desire to gain control of the government in order that their program may be carried into effect. Minnesota law defines a political party as one which must have polled at least five per cent of the total vote cast for all candidates in the last general election and which maintains an organization in the subdivisions of the state.

Precinct - basic unit in electoral process and party organization for purpose of conducting an election. Based on number of voters rather than geographic size, although its limits are geographically defined. Called "election district" in Minnesota law.

Nonpartisan - a term to indicate no connection with a political party.

Recall - a certain percentage of voters may call a special election to remove an undesirable public official. (Minnesota law does not provide for the recall and it may be used on the local level only where home rule charters so provide.)

Referendum - a certain percentage of voters may require the submission to the electorate of bills that have passed the legislature. (Minnesota law does not provide for the referendum and it may be used on the local level only where home rule charters so provide.)

Registration - officially recording the name of each eligible voter, upon his personal application, so that his right to vote may be verified at the polls.

Most of the definitions were taken from the book Understanding Politics - A Practical Guide for Women, by Louise M. Young, Pellegrini and Cudahy, New York, 1950.

Readers may also find helpful in the study of Minnesota election laws these explanations of the classification of local government in Minnesota and the administrative organization for the purpose of conducting local, state and national elections.

Organization of Local Government

Cities

- 1) First class - population over 50,000 - St. Paul, Minneapolis, Duluth.
- 2) Second class - population from 20,000 to 50,000.
- 3) Third class - population from 10,000 to 20,000.
- 4) Fourth class - population less than 10,000.

Village - any community which has been platted into lots and blocks and contains a population of not less than 100 may incorporate as a village.

Town - an organized community formed out of a township area, usually six miles square so laid out by government survey.

Administrative Organization

Congressional Districts - nine divisions of the state for the purpose of electing members of the United States House of Representatives.

State Legislative Districts - 67 divisions of the state for the purpose of electing members of the state legislature.

Wards - major divisions of cities for electing municipal representatives.

Precincts or Election Districts - smallest subdivision which contains a polling place where all voters in the precinct cast their ballots.

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Crofts, Inc., New York, 1952

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University Press, 1928.

The committee received information on election laws from the Secretary of State
of 46 states. Other materials came from the state League of Women Voters in
Arizona, Illinois, Kentucky, Maryland, Missouri, New Jersey, New York, Rhode
Island, Texas and Virginia.

The "great game of politics" has long been a popular theme for novels, non-
fiction, plays and musical comedies. This brief list of recent works centering
around an "election" theme may suggest others which would also be interesting
to read as part of any study of election laws.

Gunther, John, Inside USA, Harper & Bros., revised 1951

Kaufman, George S., and Ryskind, Morrie, Of Thee I Sing, Pulitzer prize-winning
musical comedy in 1931

O'Connor, Edwin, The Last Hurrah, Little Brown and Co., 1956

O'Hara, John, Ten North Frederick, Random House Inc., 1955

1958 ELECTION CALENDAR

- March 24 - GOP precinct caucuses.
- April 8 - DFL precinct caucuses.
- April 14-18 - GOP county conventions.
- April 16 - Rural Hennepin county GOP convention.
- April 19-20 - DFL county conventions.
- April 26 - Hennepin county GOP convention.
- May 3-4 - DFL district conventions.
- May 12-24 GOP district conventions.
- May 24 - Third and fifth district GOP conventions.
- May 23-25 - DFL state convention.
- June 6-7 - GOP state convention.
- June 11 - Filings open for congressional, state and county offices.
- July 21 - Filings close for congressional, state and county offices.
- July 26 - Last date for primary election candidate to withdraw name.
- Aug. 19 - Last day for voter registration for primary.
- Aug. 25 - Deadline for filing first fund statements by candidates, personal campaign committees, party committees.
- Sept. 9 - Minnesota primary election.
- Sept. 19 - Deadline for filing second fund statements.
- Sept. 23 - State canvassing board reviews primary returns.
- Oct. 4 - Last date for filing by petition for general election.
- Oct. 9 - Deadline for volunteer committee to file fund statement.
- Oct. 14 - Last date to register for voting at general election.
- Oct. 20 - File third statement of campaign expenditures.
- Nov. 4 - General election.
- Nov. 14 - File fourth fund statement.
- Nov. 18 - State canvassing board reviews general election returns.
- Dec. 4 - Deadline for volunteer committees to file statements of receipts and disbursements for general election.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

Where do I go to register for voting and when may I do this?

If you live in Minneapolis, register in Room 1, Voters Registration bureau, City Hall, Fourth St. side, between S. Third and Fourth Aves. The bureau will be open between 8 a.m. and 9 p.m. Monday through Saturday between now and Aug. 19, when registration closes for the September primary. In other communities requiring registration, register at the city or village clerk's office. Registration is open any time until 20 days before an election.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

Our family has moved across town. Must every member of the family go to the Voters Registration bureau to change his address?

No. One family member may go to the Registration bureau and change the address for every one in the family, if that member has either registered or voted in the last four years. Or anyone you know may pick up the change-of-address form at the bureau, bring it to you and you may sign it and mail it in.

Only if you are physically unable to appear or make the above arrangements will the form be sent to you.

Women Voters' Role

To the Editor: We would like to straighten out a misunderstanding that Mrs. M. E. Smith showed in her Nov. 13 letter. The League of Women Voters has never backed a candidate in any election. We support specific issues as we did with Amendments 1 and 2 presented at the last election but we are non-partisan when we speak of candidates. The Voter's Guide that we worked on with the Star and Tribune presented the views of all candidates for election.

Minneapolis.

—Jane Angrist,
Public Relations.

If the Minneapolis...



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

Is absentee voting permitted in the primary election in Minnesota?

Yes. To vote an absentee ballot, request an application for ballots from the county auditor. This may be done as early as 30 days before an election and no later than one day before.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

I will be 21 after Aug. 19, when registration closes for the September primary, but before Sept. 9. Can I vote?

Yes. Anyone who is 21 on or before election day may register at his local registration bureau on or before Aug. 19 in advance of his birthday.

Heights Women Ask Candidates to State Views

Columbia Heights League of Women Voters will hold a public know-your-candidates meeting at Columbia Heights field house at 8 p.m. Aug. 21.

Candidates invited include those for county and state (including legislative) offices.

All incumbents and their opponents will get 5 minutes apiece to state their qualifications and views. A candidate unable to attend may send a written statement to be read.

Primary is Sept. 9, general election Nov. 4.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis

Can I still register to vote in the Sept. 9 primary?

Yes, today is the last day to register before the Sept. 9 primary. The registration bureau is open until 9 p.m.



VOTER'S PRIMER

Prepared by the League of Women Voters of Minneapolis.

I have received my first papers for U.S. citizenship. May I vote?

No. You cannot vote until you have had your final papers 90 days before election day. For any further information regarding attainment of citizenship, telephone the U.S. immigration and naturalization service at FE 2-3244.



Prepared by the League of
Women Voters of
Minneapolis

*Must every citizen in
Minnesota register in order
to vote?*

No. Registration is re-
quired only in communities
of 10,000 or more unless
otherwise provided.



Prepared by the League of
Women Voters of
Minneapolis.

*How long must I have
lived in Minnesota to be
eligible to vote?*

Six months in the state
and 30 days in the precinct.



Prepared by the League of
Women Voters of
Minneapolis

*When does registration
close before the Sept. 9
primary?*

Aug. 19 is the final day
to register before the Sept.
9 primary.

1959

LETTERS TO THE TRIBUNE

Law Intended to Stop

To the Editor: As election laws chairman for the Minnesota League of Women Voters, I attended, as an observer, the meetings of the interim commission on election laws and feel compelled to comment on your editorial, "An Intolerable Law" (July 15).

You find many things difficult to understand about a law which makes it illegal to publish anything "which is designed or tends to injure or defeat any candidate for . . . a public office by reflecting on his personal or political character." Your difficulty stems from some misapprehensions.

FIRST OF ALL, this law was not designed to apply to newspapers. It applies to circulars and campaign literature. There are other statutes referring specifically to newspapers.

Secondly, you have pulled this law out of context. This law is in the penal provisions chapter of the election laws in the company of laws to punish bribery, fraud, false registration, and other election and campaign offenses. Slander and libel are equally undesirable and are punishable under this statute.

The title of this law in the Annotated Statutes is "defamatory circulars." The intent becomes clear when you define the word "defame"—"to attack the good reputation of, as by uttering or publishing maliciously anything injurious; slander; libel."

The law is poorly written, but the intent is clear.

YOUR DIFFICULTY in understanding why the interim commission and the legislature "passed over" this statute is easily resolved. The interim commission only had time to revise and recodify about half the election laws in the biennium. The chapters on corrupt practices, penal provisions and election

contests were not considered.

There are other laws in these chapters that need careful scrutiny. This will be done in the next two years by the interim commission created by the '59 legislature.

Admittedly, this statute is badly worded and unclear, but we need a law to punish slander and libel in the political arena. The first amendment does not condone defamation of character.

While freedom of the press and "right to know" are certainly essential to democracy, it is just as essential that a candidate be protected from smears and untruths used maliciously to "injure or defeat." — Mrs. Edgar Kuderling, Minneapolis.

Minneapolis Morning Tribune

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of Minnesota

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PAGE 6

VOLUME XCIII
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MONDAY, JULY 27, 1959

2-1

PUBLISHED AT 425 PORTLAND AVENUE MINNEAPOLIS, MINN.

That 'Intolerable Law'

EVEN MORE than most other people, our legislators should say what they mean when they write our laws. For the courts are bound to assume that the laws mean what they say, and rule accordingly.

That's one reason why we must differ politely but firmly with the reader whose criticism of an earlier editorial appears as a letter to the editor on this page today.

The precise wording of the statute in question is as follows:

"210.10 DEFAMATORY CIRCULARS.

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, shall be guilty of a misdemeanor."

Note that italicized phrase. (We added the italics.) It sweepingly includes not just posters, circulars, etc., but any "other written or printed matter." And that surely includes printed newspapers.

IT MATTERS LITTLE that the heading of this particular paragraph in the penal provisions is headed "defamatory circulars." Headings, in the eyes of the courts, are not statements of the law. They are for convenience of reference and citation. The law is whatever is set down following the heading.

Nor is it enough to say, because of the heading or some other reason, that the legislature obviously did not intend to include newspapers in this loosely written statute. Courts are properly reluctant to try to read the minds of the legislators who wrote statutes involved in cases before the bar; some of the solons, as in the case of this Minnesota law passed in 1893, will have been long since dead.

Where this is ambiguity in the language of a statute, the courts may strive to sense the legislative intent. But, unfortunately, there is no ambiguity in the language of the statute in question. It applies to posters, circulars and "other written or printed matter."

QUITE ASIDE FROM the question of whether the statute applies to newspapers, it surely is an unduly and unconstitutional restriction on the right of citizens to criticize public officials or candidates for public office. Apparently not even the truth of comments made about candidates would be a defense against prosecution under this law.

You might, for example, say that Joe Blow is a fine, upstanding man, a churchgoer and good father but, in his capacity of county commissioner, a loose and slipshod administrator. You would not have hurt his personal character, and although your remarks about his political actions might be true, they might also "tend to . . . defeat" him for re-election. So under this law you could be found guilty of a gross misdemeanor.

Thus our view is still that this is an unnecessary and "intolerable law." Unnecessary because politicians are adequately protected by the libel laws which protect the rest of us. And intolerable, even if overlooked for most of the years of its existence, because of its potency for mischief.

The statute surely violates Section 3,

Article I of the state constitution as well as the first and 14th amendments to the federal constitution. The next legislature should take it off the books.

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MAR 6 1959

MEMORANDUM: OF CHANGES IN THE ELECTION LAWS AS RECOMMENDED BY THE INTERIM
STUDY COMMISSION AND EMBODIED IN THE RECODIFICATION BILL
---Paul David McRoberts, Executive Secretary, Election Laws Commission

As is stated in the report of the commission, "Nothing is contained in the revision that alters any substantive individual or political rights. The changes made are administrative." However, some changes that are proposed will be considered by various groups to be of greater and lesser importance than others, and this memorandum is intended to outline some of the recommended provisions that might be of more than usual interest.

1) Permanent registration of voters required in all municipalities over 10,000 (sec. 2, Art. II P. 4*). The old provision requires permanent registration only in cities over 10,000. It was felt that the need for registration depends upon the size of the municipality rather than upon the manner in which the municipality is organized.

2) Registration of voters closes 30 days before an election (sec. 16, Art. II, p. 11). The old provision requires registration to be open until 20 days before an election. The 20 days was not sufficient for the registration officials to complete the process before the election, so an additional 10 days was given.

3) In the state primary election, the time for filing affidavits of candidacy is shortened by 5 days (sec. 3, Art. III, p. 23). The old provision permits filings up to 50 days before the primary while the new provision permits filings up to 55 days before the primary. The 5 days gained in which to prepare for the election will be a great help to the administering officials at every level, as there has been considerable rush in preparing for the primary election on the part of auditors, municipal clerks, and the secretary of state.

4) Filing fees have been adjusted for candidates for the legislature, district court, and county offices (sec. 5, Art. III, p. 25). The legislative offices and county offices have been made a flat \$20 regardless of how many counties are affected by the office in question, instead of the regular \$10 for legislative offices and \$10 and \$20 for county offices provided for in the old law.

*NOTE: references are to sections of the bill (S.F. 682)

Because filing fees haven't been changed since 1913, it was felt that an adjustment was desirable to help defray in part a cost of the election and to discourage insincere candidates. However, the fees haven't been raised for any office in an amount that might tend to discourage any earnest candidate. In the case of district court offices, where formerly the fee was \$10 or \$20, and on the same level with other county offices, a substantial raise to \$50 was felt to be justified since district judges serve for 6 years instead of 2 years, and their salaries are usually higher than that of most county officers. There is considerable feeling that filing fees for elective offices should bear some relationship to salary and length of the term of the offices.

5) Where there has been a question in the past as to when a candidate may be entitled to a refund of the filing fee he has paid, a new provision makes it clear that no filing fee may be refunded under any circumstances (sec. 5, Art. III, p.26).

6) The maximum number of signatures required on a nominating petition for a congressional or judicial district office is raised to 1,000 (sec. 9, Art. III, p.29). The old provision requires a number of signatures equal to five percent of the vote cast in such a district and in no event more than 500. For county and legislative offices ten percent of the vote cast in the district is required, but with the same maximum of 500. The rationale for raising the maximum to 1,000 in the case of candidates for representative in congress or district court judge is that the number is more closely related to the percentage requirement and that more signatures should be required for those offices than for county and legislative offices.

7) Filing fees collected by the secretary of state will be paid into the state treasury (sec. 7, Subd. 4, Art. III, p. 27). Under the old provision the secretary is required to divide the fees among the counties in which the candidates were to be voted for. The amount of money to each county does not warrant continuing this practice. For example, in the 1956 general election the most any county received was \$111.84 and the least was \$28.49.

8) The size of voting precincts by the number of voters and the number of election judges in each precinct is determined by the respective municipalities (sec. 6, Art. IV, p. 39, and sec. 21, subd. 3, Art. IV, p. 49). Under the old law each precinct was theoretically limited to 700 voters, and there were restrictions as to the number of judges and clerks. The new provision requires at least one judge for each 150 voters with a minimum of three judges; the size of the precinct is unlimited. The governing body of the municipality is instructed to appoint a number of judges in proportion to the number of voters expected at the election. The effect of the change as to size of precincts is to give all municipalities the same discretion that is granted to first class cities.

9) The use of identifying words after a candidate's name on a ballot is limited to candidates with the same names running for the same office. In addition candidates entitled to the use of identifying words are required to furnish the description to the proper officer within a time limit after filings close, and the number of words allowed is absolutely restricted to three. Further the candidate is entitled to indicate a public office presently held as his "occupation" if that is the case (sec. 36, Art. IV, p. 62). The major change in this section is the limitation to candidates running for the same office. The purpose of such a provision obviously is to distinguish between candidates with similar names who might possibly be confused by the voters. This purpose has been frustrated from time to time by candidates who desired to get some kind of special recognition on the ballot in order to enhance the possibility of their election. The change restricts the use of identifying words to its proper function.

10) In two sections (sec. 16, subd. 2, Art. IV, p. 44, & sec. 17, subd. 2, Art. IV, p. 45) the secretary of state is permitted to prepare "election literature" for, a) the instruction of election officials in their duties, and, b) the instruction of voters as to registration and election procedure.

Both of these provisions are new, and were determined by the commission to be desirable and in the interest of good election administration. Under existing law the secretary of state is obliged to furnish copies of the election laws for officials and printed cards to be posted at the polling places for the voters. This kind of promulgation was seen to be inadequate.

180a

June 8, 1959

IMPORTANT ELECTION LAWS CHANGES - 1959 LEGISLATIVE SESSION
(Laws 1959, Ch. 675)

FOREWORD

One of the most detailed and comprehensive actions of the 1959 legislature was the recodification of the election laws. The Interim Commission on Election Laws was created by the 1957 legislature and was composed of the following members:

SENATE

Chris L. Erickson, Chairman
C. C. Mitchell
Charles W. Root

HOUSE

Roy E. Dunn
Karl F. Grittner, Secretary
Victor N. Jude, Vice Chairman

Executive Secretary
Paul David McRoberts

This memorandum listing the important changes made by the new law was prepared jointly by Paul D. McRoberts, Executive Secretary of the Interim Commission on Election Laws; Forrest Talbott, Assistant Secretary of State; and Thomas J. Kelley, Election Procedures' Adviser in the Secretary of State's office; Donald T. Nystrom, Supervisor of elections, St. Paul and Chairman of the League Elections Committee; Paul H. Haugen, League Field Representative; and Orville C. Peterson, League Attorney.

The outstanding substantive changes are presented in their new form showing in what particulars they were changed. The format follows the report of the interim commission and deals largely with the first six articles, which contain most of the changes. Section numbers refer to sections of the new law as coded by the Revisor of Statutes. Section numbers in parentheses refer to the prior law as coded in Minnesota Statutes 1957.

Generally, the election laws as contained in Minnesota Statutes 1957, Chapters 200 to 212, are repealed and re-enacted; however, several sections relating to combined registration in the Village of Hibbing and the Town of Stuntz, and primary and municipal elections in the City of Saint Paul, are saved from repeal but will not be included in the coded election laws.

The effective date of the new election law is January 1, 1960. Several of the changes will have an effect on budgetary and preparatory actions this year.

C. C. Ludwig
Executive Secretary

ARTICLE I

DEFINITIONS AND GENERAL PROVISIONS

PRIMARY or PRIMARY ELECTION. This definition now relates only to the election for the purpose of deciding by ballot who shall be nominees. It omits any reference to an election of delegates to political conventions. 200.02, subd. 3. (200.04).

CITY. Now defined as an incorporated city in this state. No reference is made to classes of cities, which are defined elsewhere in the statutes. 200.02, subd. 8. (200.09, 200.10, 200.11, 200.12, 200.13).

MUNICIPALITY. Any city, village, borough or town. The term "municipal corporation" is omitted. Towns are included in municipalities and counties are excluded. 200.02, subd. 10. (200.15, 200.16).

JUDGE. All precinct election officials are now "judges". The title "clerk" is discontinued. 200.02, subd. 12. (200.18).

PRECINCT. The basic geographical election unit is now defined as "precinct". The term "district" is discontinued to lessen confusion. 200.02, subd. 14. (200.20).

CONVENTION. An organized body of delegates representing a political party assembled for the purpose of transacting such business as lawfully comes before it. The reference to nominating candidates is omitted since nominations are the function of the primary election. 200.02, subd. 17. (200.24).

QUALIFICATIONS OF VOTERS. Every person who has been a citizen of the United States for a period of three months next preceding any election, of the age of 21 or over, who has resided in the state six months next preceding the election, and in the election precinct 30 days next preceding the election,* shall be entitled to vote at the election in such precinct, except the following:

- (a) Any person who has been convicted of treason or any felony, unless restored to civil rights;
- (b) Any person who is under guardianship over his person;
- (c) Any person who may be non-compos mentis or insane;
- (d) Any person who is not properly registered where registration is required.

This new language added to fill the need for an up-to-date statement of the requirements of voting, and it is intended to make it clear that no one who fails to meet the qualifications of this subdivision may either vote, sign a nominating petition, contest an election, or exercise any other right or privilege that may be provided by the Minnesota Election Law. 200.02, subd. 25 (no prior statute).

NOTE: The new Election Law either omits or relocates those portions of the old Election Law from 200.32 to 200.38 both numbers inclusive.

*Ch. 696, Laws 1959 proposes an amendment to the constitution to simplify the language and to provide for legislative authority to permit voting by one who has moved from one precinct to another during the 30 days preceding an election.

ARTICLE II

REGISTRATION OF VOTERS

REGISTRATION, WHERE REQUIRED: Registration is made mandatory in all municipalities over 10,000 and optional in all other municipalities. The effect of the change is to require all towns and villages of over 10,000 as well as cities over 10,000 to adopt registration. 201.02 (formerly mandatory in cities over 10,000 and in certain villages only. 201.01)

COMMISSIONER, COMPENSATION: The salary limitation for the Commissioner of Registration is removed, leaving the amount to be set by the Council. 201.04 (formerly set by law. 201.04).

REGISTRATION HOURS: The office of the Commissioner of Registration must remain open until 9 P.M. for at least three evenings before each election. The office may remain open for more than three evenings. This reduction in the number of evenings required was asked by the League at its 1956 convention. This section also states that Saturdays, Sundays and holidays are not counted when figuring the evenings required to be open. It does not prohibit an office from being open on Saturdays if they wish, but clears up the situation where an office may be closed on Saturdays by local laws, but required to be open by state laws. 201.05 (formerly required to be open nine nights before each election, and to include Saturdays when figuring the nights to be open. 201.05).

REGISTRATION FILES - PUBLIC INSPECTION LIMITED: The registration files will be open for public inspection only for purposes connected with elections, political activity, or law enforcement. This will curb the abuse of the registration files by persons who wish to use the files as a source of names for mailing lists for commercial purposes. The section further states that no person to whom a list is divulged shall use the names for any other purpose except those listed above. 201.06, subd. 2. (formerly held by the Attorney General to be open to anyone without stating his reason for copying the names. 201.07).

REGISTRATION FILES -- SIZE OF CARDS: All registration files established in the future shall use cards 6 x 4 inches. Present systems on other size cards or material are exempted. This provision to promote uniformity in size is made with the idea that such uniformity may be valuable if a county-wide or state-wide registration system is ever adopted. 201.07, subd. 1.

CANCELLATION OF PRIOR REGISTRATION: All persons who register for voting shall be asked if they are registered anywhere else in the U.S. If so, a cancellation card shall be filled out. The clerk shall mail the card to the proper office. This system is similar to that in use in several states. It will weed out the dead timber in the registration files, and will reduce the number removed for failure to vote. It will also prevent possible fraud through dual registration, or fraud by one who knows that a certain voter has moved away but still has his name in the registration file. 201.07, subd. 2.

DEATHS REPORTED MONTHLY: The local registrar of vital statistics in each county or municipality shall report deaths to the Commissioner of Registration each month. The Commissioner shall remove such names from the registration file. 201.13 (former law prescribes the report every 15 days. Changed to monthly for uniformity with other reports required. 201.14)

CHANGES OF NAMES REPORTED MONTHLY: The Clerk of District Court shall report changed names (by marriage, divorce or court decree) each month. The Commissioner shall notify these persons that it is necessary to re-register under the changed name in order to vote. 201.14 (formerly reported quarterly. Old law provided that Commissioner must examine his files to see if person has re-registered. New law provides only that Commissioner must mail a notice to each person stating that the law requires re-registration. 201.15).

GUARDIANSHIPS & COMMITMENTS REPORTED MONTHLY: The Judge of Probate Court shall report guardianships, restorations, discharges and commitments each month. The Commissioner shall remove the names from the files, or in case of restorations notify the person that it is necessary to re-register in order to vote. 201.15 (formerly law required quarterly reports. 201.15).

FAILURE TO VOTE - NAMES REMOVED: Removal for failure to vote during 4 calendar years made uniform. 201.17 (former exception for Duluth and certain 2nd class cities eliminated. 201.19).

REGISTRATION OF ABSENT & DISABLED: Any eligible person who is -

- a- absent from the municipality, or
- b- physically disabled, or
- c- prevented by religious discipline

may register by mail. The above reasons for registering by mail are the same as the reasons for voting by absent voters ballot. Note that a person who is not physically disabled or prevented by religious discipline must be absent from the municipality to register by mail. 201.20, subd. 2. (formerly a person absent from the precinct could register by mail. There was no provision for registering by mail for physically disabled or persons confined by religious discipline. 201.17, subd. 2).

MECHANIZED REGISTRATION SYSTEM: The right to install a mechanized registration system, such as IBM or Remington Rand systems, is given to all municipalities. 201.22. (formerly granted only to Minneapolis. 201.013.)

ARTICLE III

NOMINATIONS AND THE PRIMARY ELECTION

FILING FEES: For statewide offices, congress, district court raised to \$100 from \$50. For U.S. Senator to \$150 from \$100. For legislator and county officers to \$20 from \$10. 202.05 Subd. 1 (202.03) Filing fees are not returnable. New provision to make this clear. 202.05, subd. 2. Filing fees paid to Secretary of State retained in state treasury. Formerly distributed to counties. 202.07, subd. 4 (202.05).

CERTIFICATION OF CANDIDATES: Secretary of State certifies names to county auditor 32 days (formerly 25) before primary election. 202.07, subd. 3. (202.06).

NOMINATING PETITIONS: Number of names required increased to 1000 from 500 for congress or district judge. 202.09 (202.19). Eligibility to sign restricted to those who did not vote in primary, except for petition to fill a ballot vacancy. 202.11, subd. 3 (202.21). Petition is signed under penalties for perjury but notarization is no longer required. 202.12 (202.22). Petitions, except for vacancy, must be filed 39 days rather than 32 days before general election. 202.13. (202.26-27).

VACANCY ON BALLOT: Vacancy newly defined as occurring when any nominated person ceases to be a candidate. 202.14. Changes after ballots printed: office is removed from regular ballot or voting machine and a separate paper ballot is used in all cases. No stickers. 202.15. (202.28).

WITHDRAWAL: Not permitted less than 28 days before general election. New. 202.19.

POLITICAL PARTIES: New sections prescribing statutory rules for political parties embody, replace or augment sketchy rules in former laws. Provision is made for a party constitution to be filed with the Secretary of State; and a state convention, state central committee, state executive committee, congressional district executive committees, county executive committees, congressional district conventions, county conventions, and precinct caucuses are required by law to be organized and meet at least biennially in the general election year. 202.20-202.22 replacing (202.10-202.18).

PRECINCT CAUCUSES: Specific rules for the calling and conduct of precinct caucuses are provided by law. 202.22-202.27 (202.10-202.18).

A R T I C L E I V

GENERAL AND SPECIAL ELECTIONS

NOTICE OF ELECTION: Secretary of State sends notice to county auditors of general election between July 1 and August 1, formerly September 1. 203.04. (205.18).

LOCAL NOTICE: To be posted at office of town, village and city clerks rather than at polling place. Published notice may also be given. 203.05. (205.19).

PRECINCT BOUNDARIES: May now be prescribed by municipal council resolution without limit as to size. Formerly 700 voters. 203.06. (205.22).

POLLING PLACES OUTSIDE PRECINCT: Any municipal council may designate place not more than 1500 feet outside of the precinct. Previously limited to first class cities. 203.08. (205.25).

INSTRUCTION PAMPHLET FOR ELECTION BOARDS: Secretary of State may prepare such a pamphlet in addition to the election law book and distribute it through county auditors. New 203.16, subd. 2 (added to 205.38).

INSTRUCTION LEAFLET FOR VOTERS: Secretary of State may prepare leaflets for voters containing impartial material and distribute them through election officials. New 203.17, subd. 2.

COUNTY INSTRUCTION MEETINGS: County auditor may require municipal clerks to meet with him for instruction in election duties. New 203.17, subd. 4.

APPOINTMENT OF ELECTION JUDGES: The appointment of judges shall be made 25 days before the election. Clerks are eliminated and replaced by judges. See also "Number of Judges" following. Councils in municipalities other than first class cities and county boards in unorganized territory are given the right to examine judges to determine their qualifications. 203.21, subdv. 1.

ELECTION JUDGES - FIRST CLASS CITIES: Where there are not enough names for each part in a precinct, the City Clerk may appoint judges from the proper party from other precincts, or as an alternative he may appoint qualified voters of the precinct from the proper party. This section tightens up the ratio of judges from each party so that an equal number from each party shall be used even if judges must be brought from other precincts. 203.21, subd. 2. (Formerly the City Clerk could appoint other judges regardless of party when one party's judges in a precinct were exhausted. 205.46).

NUMBER OF JUDGES: Except where voting machines are used, one judge shall be provided for each 150 expected voters, with a minimum of three judges for a precinct. Additional judges may be appointed if desired. Ballot-counting judges may also be provided if desired. 203.21, subd. 3.

JUDGES DIVIDED EQUALLY: Half of the judges in each precinct shall be of each party, except where there is an odd number of judges. 203.22, subd. 1. (former law provided that not more than two judges should be of one party. 205.47).

ELIGIBILITY OF JUDGES: No judge may be the husband, wife, parent, child, brother, or sister to any other judge in the same precinct, nor may he bear the above relationships to a candidate or to a member of the Council in municipalities or to a member of the County Board in unorganized territory. These provisions are more liberal than before for cities of the first class and stricter than before for all others. 203.22, subd. 2.

CHAIRMAN TO BE APPOINTED: A chairman shall be appointed from the judges in each precinct to distribute the duties and be responsible for the completion of forms, obtaining signatures, etc. The following make the appointment:

- Cities of the first class. City Clerk
- All other municipalities Council
- Unorganized territory. County Board

203.23.

NUMBER OF BALLOTS: 100 ballots for each 85 cast in last similar election. Formerly 100 for each 75 cast in last general election. Where permanent registration exists, one ballot for each registered voter is lawful amount to be provided. 203.27, subd. 2 (205.66).

CHANGE OF TALLY. CONSTITUTIONAL AMENDMENTS: Must now report "yes" votes, "no" votes, and total votes cast. 203.28, subd. 2 (added to 205.62 for clarification).

FORM OF BALLOTS: Detailed requirements eliminated as to size and type, style, left to Secretary of State or local officers. 203.28, subd. 4 (205.68) also 203.30, Subd. 1 (205.67).

BLANK SPACE FOR WRITE-INS: This is now required even though there are no nominations for the office. 203.30, subd. 2 (205.69, 205.70. etc.).

FORM OF BALLOT ON QUESTIONS: New form prescribed requiring brief statement of question and "Yes" and "No" voting blocks. 203.30, subd. 3.

SIMILAR NAMES ON BALLOT: Entirely re-written to restrict this to same office but to allow three descriptive words where there is confusing similarity as well as identical names. Words must be furnished to filing officer within seven days after last day for filing. 203.36 (205.70).

SPECIAL ELECTIONS: Various clarifying changes and provisions to supply omissions in the law relating to special elections were adopted in 203.44--203.56 replacing (205.06-205.17). Among these are a limit of 150 days before a general election to fill a vacancy shall not be held unless Congress or the legislature will meet; a 5 day limit in which the governor shall issue his writ for a special election after vacancy occurs; and a 28 day limit for the special election date after the writ. Generally, a special primary election is to be held at least 14 days before the final special election. Notice by county auditor is required to be posted 5 days before expiration of time for candidates to file, 7 days before the primary and 14 days before the final election. The dates for canvass vary according to six different sets of circumstances, contests are limited to 5 days after the canvass, and state canvass must be made within 4 days after primary results are certified by county auditors to the Secretary of State and within 7 days after final special election results are so certified. Certificate of election must be withheld 7 days after results are declared.

ARTICLE V

CONDUCT OF ELECTIONS

APPLICATION: The chapter on conduct of elections is applicable to all elections, except where the law specifically provides otherwise. 204.02.

GENERAL ELECTION, HOURS FOR VOTING: Uniform time for polls to be open from 7:00 A.M. to 8:00 P.M., except that a municipality under 1,000 may, by resolution, open the polls as late as 9:00 A.M. 204.03, subd. 1. (206.01).

BALLOT BOXES, USE OF BOX-CAR SEALS: Any municipality may use box-car seals in lieu of padlocks on ballot boxes. Formerly limited to first class cities. 204.04, subd. 2. (206.02).

PERSONS PERMITTED IN POLLING PLACES: Representatives of the Secretary of State and the county auditor are permitted in polling places to observe election procedures. Formerly, under strict construction, only voters, peace officers, challengers and members of the election board could be present during the hours of voting. 204.06, subd. 1. (206.09).

TIME TO VOTE: Election judges can make rules for the time allotted to a person to vote. Removes limitation of 3 to 10 minutes and eliminates reference to "voters within the rail" as being obsolete. 204.06, subd. 2. (206.26).

FORM OF ELECTION REGISTER: The form of the election register (used only where there is no permanent registration) is modified to eliminate the column headed voted primary election and the separate column in which to enter a check after the voter's name when he has voted, because the voter's name is not entered on the register until he has received ballots, and it is unnecessary to enter a check when the ballots are deposited. 204.07, subd. 3 & 4. (201.33 & 206.04).

PERMANENT REGISTRATION, USE OF VOTER'S CERTIFICATE: The judges are expressly directed to compare the signature on the voter's certificate with the signature on the registration card. 204.08, subd. 2 (206.12).

DEPOSIT OF BALLOTS: Rule is clarified that judge and not voter puts the ballots into the proper ballot boxes. 204.11. (206.17).

ASSISTANCE TO DISABLED VOTERS: When another voter marks the ballot of a disabled voter, the disabled voter may, but is not required, to show the ballot to a judge to determine if it is marked correctly. The same provision is applicable where voting machines are used by operation of section 206.20. 204.13, subd. 1 (206.18)

CHALLENGERS OF VOTERS ON PROPOSITION: 25 voters can petition the mayor of the municipality to appoint challengers for an election where a proposition is to be voted upon. The only change is that the petition need not be presented not less than three days prior to any election. 204.16, subd. 3 (206.08).

FORM OF TALLY BOOK: The information required to be set forth in the tally book and return sheet is substantially the same. However, the form of the tally book is expected to be different and will be prescribed by the Secretary of State. 204.18, subds. 2, 3 & 4. (206.20, .30, .31, .33, & .46).

COUNTING OF PAPER BALLOTS: The method of counting paper ballots is made consistent and is set forth in detail in the statute. In addition the statute reaffirms that the proper method of counting is the so-called "piling" system and not the "tally" system. 204.20 (206.42, .43, .44, & .46).

SUMMARY STATEMENTS: The summary statements will be prepared in triplicate thereby enabling the Secretary of State to receive one copy. The Secretary of State will prescribe the form and will furnish at least part of the forms. 204.25. (206.34).

DELIVERY OF ELECTION RETURNS IN FIRST CLASS CITIES: In first class cities the judges will return all of the election supplies to the city clerk's office instead of making a separate delivery to the county auditor. 204.26, subd. 3 (206.35 & .49).

BALLOTS IN BALLOT BOXES: Where ballots are returned and stored in ballot boxes (in first class cities and counties over 200,000), if the same ballot boxes are needed for another election prior to the time when the ballots may be disposed, the ballots may be withdrawn therefrom, be wrapped and sealed and the boxes may be used for the ensuing election. 204.27. (206.49).

DELIVERY RECEIPT BOOK: The book, showing delivery by the judges of the election supplies to the city clerk, is required to be kept only in first class cities. 204.27, subd. 2. (206.35).

CANVASS OF VOTES: Several clarifications are made in the kind of information required to be returned by the canvassing boards of the county and the state. Essentially the report of the county canvassing board shall show a precinct breakdown of both the number of votes counted for each office and proposition and also the number of persons voting at the election. Also the report of the state canvassing board shall show a similar county breakdown of the election results. 204.29 & .31. (206.52 & .54).

ARTICLE VI

MUNICIPAL ELECTIONS

GENERAL

APPLICABILITY: All provisions of the Minnesota Election Laws are applicable to municipal elections, so far as practicable, except as specifically provided. Where charter provisions are intended to be superseded, it is so stated. This part of the Election Law is intended to govern all municipal elections. 205.02 (212.70).

HOURS FOR VOTING: Governing bodies may, by resolution, designate the times during which the polls shall be open; but in no event less than three hours. 205.03, subd. 1 (206.01).

TIME FOR WITHDRAWAL: Limits the time for candidates to withdraw from an election. 205.03, subd. 2. (New provision).

SECRET BALLOT: All voting shall be by secret ballot and according to the laws relating to general elections. The "Australian" ballot has never been defined and the term is discontinued. 205.04. (212.11, 212.30 and 212.69).

TIMES FOR FILING AFFIDAVITS OF CANDIDACY: Candidates for town and village offices must file affidavits not more than six nor less than four weeks before an election. There is now a first as well as last day for filing. It is made possible to provide absentee ballots in time. Filing by petition is continued. A uniform filing fee of two dollars is provided. 205.05, subd. 1. (212.31).

BALLOTS - COLOR, PREPARATION, POSTING: Town and village ballots are now to be light green in color rather than yellow. There shall be no rotation. Sample ballots are to be posted in each polling place and in the office of the clerk four days before the election rather than two days before the election. 205.05, subd. 2. (212.31).

CANVASS: The requirement to canvass the result is clarified and provision is made to require the board to decide the result of a tie vote. 205.06, subd. 2. (212.22 and 212.36).

CERTIFICATES OF ELECTION, CONTESTS, BALLOTS: Several conflicting sections have been combined and clarified. A certificate of election may not be issued until after the time for commencing contests or after a contest has been settled. 205.06, subd. 3. (212.16, 212.22, 212.23, 212.31, 212.32, 212.36, 212.38, 212.381, subd. 5).

CHANGE OF VILLAGE ELECTION DATE: Change of the village general election date to the first Tuesday after the first Monday in November is now to be by ordinance passed before September first rather than by resolution "... 60 days prior to said election." 205.07, subd. 1. (212.35, subd. 1.).

ELECTION NOTICE: The clerk, rather than the council, is required to post notice ten days before the election and may cause two weeks' published notice. 205.07, subd. 2. (205.20).

SPECIAL VILLAGE ELECTIONS: Special village elections may now be called by a petition signed by a number of voters equal to 20 per cent of the number voting at the last annual village election. The former requirement was for 50 voters. 205.08. (212.37).

PRIMARY ELECTIONS: Any village or any town containing a village may hold a primary election by either of two methods:

(a) By a four-fifths vote of the village council or by a two-thirds vote of the town board.

(b) By petition of 10 per cent of the voters. Formerly the privilege of holding a primary was restricted. A primary system may now be revoked in the same manner in which it was first adopted. 205.90, Subd. 1. (212.381, subd. 1.)

PRIMARY ELECTION TIME: Villages are granted the option of holding primary election on the day of the State primary election. Posting of notices of the primary election are made uniform with the village annual election, i.e. mandatory ten days' posted notice and optional two weeks' published notice. Village general elections may be held either on the first Tuesday after the first Monday in December or on the first Tuesday after the first Monday in November. In either case,

a primary may be held not less than 10 days nor more than 14 days preceding the village annual election. Villages holding the annual village election in December may hold a primary on the day of the State general election. Villages holding the annual village election in November may hold a primary on the day of the State primary election. 205.09, subd. 2. (212.381, subd. 2).

SPECIAL CITY ELECTIONS: Any city may, by ordinance or resolution, hold a special election unless the charter specifically prohibits or limits the holding of special elections. 205.10. (212.39).

PRIMARY ELECTIONS, CITY OF THE SECOND, THIRD AND FOURTH CLASSES: Any city, except cities of the first class, may now hold a primary election unless the charter specifically prohibits or provides for a city primary election by adopting an ordinance or resolution six weeks (formerly four weeks) before the election. 205.11, subd. 1. (212.46).

CITY PRIMARY, DATE: The city may now set the date of the city primary election. Formerly the primary was held two weeks before the election. 205.11, subd. 2. (212.47).

CITY PRIMARY, CANDIDATES, FILING: The time for filing has been changed from ten days to not more than six nor less than four weeks before the primary. This provides a first as well as last day, 205.11, subd. 3. (212.48).

VACANCY IN NOMINATION: When a vacancy occurs, the next highest candidate may be elevated to the ballot or several nominating petitions may be filed. The former provision allowed only a single nominating petition. 205.11, subd. 5. (212.50).

CITY ELECTIONS: The new election law is changed to apply to all cities of whatever class rather than only to third and fourth class cities. It is intended that the new election law will be used by all cities whose fundamental law does not provide for the holding of municipal elections or that specifically adopt the state law. 205.12. (212.65).

CITY ELECTIONS, FILING: Persons desiring to be candidates must file an affidavit not less than four weeks nor more than six weeks before an election if there be no primary. Filing times and form of the affidavit have been changed in the interests of uniformity. 205.13. (212.66).

CITY ELECTIONS, BALLOTS: This section provides authority for preparation of election materials and ballots. Details of the ballot are placed in another section. 205.14, subd. 1. (212.67).

CITY ELECTIONS, CONDUCT: This section provides that the election shall be held and the returns made as provided for the general election. Excess language has been avoided. 205.14, subd. 2. (212.69).

RETURNS, CERTIFICATES, BALLOT DISPOSITION: This section provides for doing those things necessary after the returns have been made. Note that it is implicit that the certificate of election be withheld until the time for contest has expired. 205.14, subd. 3. (212.69).

FILING FEES: Unless the charter of a city prescribes the amount of the filing fee, the fees shall be as follows:

Cities of the first class.	\$10.00
Cities of the second and third classes . . .	\$ 5.00
Cities of the fourth class.	\$ 2.00

This eliminates several conflicting provisions. 205.15. (202.31, 212.66 and 212.48)

NOTICE OF ELECTION: In all cities without charter provisions relating to election notices, it is now mandatory to give two weeks' published notice and it is optional to give ten days' posted notice. The names of the candidates are not to appear in the notice as was formerly required. 205.16, subd. 1. (205.21 and 212.68).

SAMPLE BALLOTS: In all cities, the clerk shall both publish and post a sample ballot for one week. The new section eliminates several inconsistent provisions. 205.16, subd. 2. (205.63, 205.64, 205.77 and 212.68).

FORM OF BALLOT: City ballots are now to be printed on light green paper rather than red. Rotation of names is required unless the charter prohibits or the council provides otherwise by resolution. No questions will appear on the green ballot. 205.17, subd. 1. (206.63 and 212.67).

QUESTIONS, BONDS AND CHARTERS: All questions to be voted on at a city election will now appear on a blue ballot. Formerly the city question ballot was lavender and carried only those questions relating to charters or bonds. 205.17, subd. 3. (205.64).

ARTICLE VII

VOTING MACHINES

The only changes relating to voting machines are slight changes in language for the sake of uniformity. Further revision will be considered by the interim commission.

ARTICLE VIII

ABSENT AND DISABLED VOTERS

APPLICATION OF ABSENT VOTING LAW: Absentee voting under this chapter is not applicable to school elections. 207.02. (203.01).

Further revision will be considered by the interim commission.

ARTICLE IX

PRESIDENTIAL ELECTORS

The presidential primary laws (202.41 to 202.54) was repealed by Ch. 67, Laws 1959, and therefore has been eliminated from the election code.

ARTICLE X

CONTESTS

APPLICATION OF ELECTION CONTEST LAW: Election contest provisions under this chapter are not applicable to school elections. (208.11 is eliminated). Further revision will be considered by the interim commission.

ARTICLE XI

PENAL PROVISIONS

No substantive changes. Further revision will be considered by the interim commission.

ARTICLE XII

CORRUPT PRACTICES

No substantive changes. Further revision will be considered by the interim commission.