



## League of Women Voters of Minnesota Records

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A DIGEST OF

# **MINNESOTA ELECTION LAWS**

AND

# **MINNESOTA SCHOOL DISTRICT ELECTION LAWS**



This is a general survey of major provisions of election laws. For a more detailed account, consult the current edition of MINNESOTA ELECTION LAWS, published by the Secretary of State (compiled and annotated by the Attorney General), or consult your local election officials.

For more detailed information about school district elections consult the current edition of LAWS RELATING TO THE MINNESOTA PUBLIC SCHOOL SYSTEM, published by the State of Minnesota Department of Education, or contact your local board of education.

## THE VOTER

### Qualifications for Voting

- \*Citizen of the United States for at least three months preceding an election.
- \*18 years of age or older.
- \*Residents of Minnesota at least 30 days preceding an election. (Former six-month residency ruled void by court). Qualified voters who do not meet state residency requirements, but who were residents of another state may vote by special absentee ballot for President and Vice-President of the United States only. Application must be made to the County Auditor 30 days before the presidential election.
- \*Must be registered in municipalities with a population of 10,000 or more and in certain municipalities within 15 miles of Minneapolis, St. Paul and Duluth; optional by decision of city council in all other municipalities. Check with city clerk to determine whether particular municipality requires registration.
- \*Not entitled to vote if:
  - Convicted of treason or felony, unless restored to civil rights.
  - Under guardianship of the person or adjudged mentally incompetent.

### Voter Registration

- \*Voters may register in person with their municipality's Commissioner of Registration (who is the municipal clerk) any time except 20 days preceding an election.
- \*Absentee registration - see ABSENTEE VOTING - page 3.
- \*Registration is permanent.
  - Exceptions: The voter must re-register if he:
    - ... fails to vote at least once in four consecutive years.
    - ... changes his name by marriage or court action.
    - ... 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.

- Where no registration is required, voter must have necessary constitutional qualifications and state, under oath, that he is so qualified.
- \*Registration is waived for one election only when voter moves to a different municipality within 30 days of an election and presents a certificate of eligibility at polls, which he has secured from his former municipality.

## ABSENTEE VOTING

### Qualifications

\*To use absentee balloting, must:

- Be a member of the armed forces.
  - The term "armed forces" refers to "the Army and Navy, the Air Force, the Marine Corps and the Coast Guard 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 including all civilian employees of the United States Government outside the United States or the spouses or dependents of such persons if actually accompanying such persons and residing with them."
- Be a qualified voter as defined by MINNESOTA ELECTION LAWS (see THE VOTER, p. 2).
- Be absent from precinct on election day and unable to go to the polling place because of:
  - ... travel.
  - ... illness.
  - ... physical disability.
  - ... religious discipline or holiday.

### Absentee Registration

- \*Members of the armed forces may be registered at the same time and on the same form as application for ballot.
- \*Any other qualified person who is unable to register in person because of absence from the precinct, physical disability or religious discipline may register by mail by applying to the local Commissioner of Registration.

- \* Absentee registration will be accepted any time except the 20-day period immediately preceding an election.
- \* Application and registration cards must be notarized.

## Obtaining Ballots and Voting

- \* Armed forces
    - The member or his parent, spouse, or a brother, sister, or child (over 18 years old) may file a request for ballots form with the County Auditor.
    - The member may mail a federal post card application (available at any military base) to the County Auditor.
  - \* Any other qualified person may request an application for ballots form from his County Auditor, fill it out, and return it in order to receive ballots.
  - \* The executed application will be accepted by the County Auditor as early as 45 days for civilians (no time limit for armed forces) before and not later than one day before the date of the election.
  - \* Ballots will be mailed to the voter as soon as they are available.
  - \* 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.
- Marked ballots must be received by election officials not later than the day of the election.

## THE CANDIDATE

### Qualifications for Office

- \* United States Senator:
  - Must be at least 30 years old.
  - Must have been a United States citizen for nine years.
  - Must be a resident of the state he desires to represent.
- \* Representative in Congress:
  - Must be at least 25 years old.
  - Must have been a United States citizen for seven years.
  - Must be a resident of the state he desires to represent.

- \* Governor or Lieutenant Governor:
  - Must be at least 25 years old.
  - Must be a United States citizen.
  - Must have been a bona fide resident of the state for at least one year before election.
- \* Judges -- must be learned in the law.
- \* Other elective offices in the state require that a person be 21 years of age and a qualified voter of the district to be served.

## Filing Procedure

- \* Candidates for congressional, state, or county offices file not more than 70 days nor less than 56 days before the primary election.
- \* Where to file:
  - Candidates for United States Senator with the Secretary of State.
  - Candidates for United States Representative with the Secretary of State except that candidates in the 3rd Congressional District file with the Hennepin County Auditor and candidates in the 4th Congressional District file with the Ramsey County Auditor.
  - Candidates for Governor and other state executive officers with the Secretary of State.
  - Candidates for judges, state Legislature, any other state office, or county office:
    - ... with the Secretary of State when to be voted for in more than one county.
    - ... with the County Auditor when to be voted for within one county.
  - Candidate for city, village or township offices with the clerk of the municipality.
- \* Information in affidavit:
  - That candidate is a qualified voter in subdivision where he seeks nomination, including address and declaration of eligibility.
  - Name of his party, if for a partisan office.
  - That he is a bona fide member of that party.
  - Office for which he is filing.
  - That he has not filed for any other office at the same election.
  - That candidate meets minimum age requirement for office he seeks.
- \* Filing fees
  - Senator -- \$150.
  - United States Representative, state offices, judges -- of the Supreme Court and District Court judges -- \$100.
  - Members of state Legislature -- \$20.
  - County officers -- \$20.
  - Unpaid officers -- No fee.
  - City, village and township officers as prescribed by local law or M.S. 205.15.

## Petition

\*Does not apply to primary elections.

\*Candidate may have name placed on general election ballot if a proper certificate of nomination is filed before the last day of filing by voters living in his district or political subdivision encompassing office he seeks.

\*Number of signatures must equal a certain percentage of the total vote cast at the last general election.  
--If for a state office - one percent of state vote but not more than 2,000.  
--If for a congressional or judicial district office - five percent of district, not more than 1,000.  
--If county or legislative office - 10 percent of county, ward, or precinct, not more than 500.

\*No petitions are allowed after the last day of filing for office, except to fill a vacancy. (Petitions for presidential electors may be filed up to and including primary election day.)

# ELECTIONS

## State Elections

\*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 the United States (four years); two Senators (six years); eight Representatives in Congress (two years); Governor and other state executive officers (four years); three Public Service Commissioners (six years); judges of the state Supreme Court and Minnesota District Courts (six years); Senators (four years), and Representatives (two years), in the Legislature; and county officers.

\*A primary election is held on the first Tuesday after the second Monday in September preceding each general election for the purpose of nominating candidates for all elective offices, partisan and non-partisan.

\*Constitutional amendments are submitted to the voters at a general election provided a majority of the Legislature so authorizes.

## Municipal Elections

\*Cities and villages with charters set times for local elections and designate which offices are elective.

\*Primary elections are governed by local laws or by M.S. 205.

\*Village elections are held annually:

--On the first Tuesday after the first Monday in December.

--By option of village council, on the first Tuesday after the first Monday in November (in even-numbered years, the village election may be consolidated with state general election.)

\*Town elections are held annually on the second Tuesday in March.

## State Special Elections

To fill vacancy in office of Representative in Congress or member of state Legislature: (Note: Vacancy in office of United States Senator or state executive or judicial office is filled by Governor's appointment until next general election.)

\*If Congress or the Legislature is in session, Governor issues writ calling a special election not more than five days after official notification of the vacancy.

\*Date is set not more than 28 days after issuance of writ.

\*Primary is held 14 days before election.

## Municipal Special Elections

Called by governing body of any municipality for special purposes.

# ELECTION OFFICIALS

## Secretary of State

\*Accepts filings of candidates for offices covering more than one county in the state.

\*Certifies these candidates after nomination or election.

\*Prints manuals of election laws.

\*Prepares and distributes guides for election officials in pamphlet form.

\*Prepares and distributes instructions to voters through election officials.

\*Supervises printing of ballots.

\*Sends any blank forms and instructions for voters to County Auditors as may be needed to conduct election.

\*Receives certified returns from county canvassing board.

\*Organizes state canvassing board for official tabulation of returns.

- Board consists of Secretary of State, two Supreme Court judges, and two disinterested District Court judges.
- Board meets on the second Tuesday after any state election and at special times after special elections.
- Board certifies the returns.
- Correction of canvassing board errors is by court order only unless all candidates consent.

## County Auditor

\*Accepts filings of candidates for offices within a county (except municipal offices.)

\*Certifies these candidates after nomination or election.

\*Supervises printing of primary election ballots.

\*Supervises printing of ballots for county offices.

\*Arranges for public notice of sample ballots.

\*Delivers ballots and supplies to town, village and city clerks and to judges in unorganized territory at least one week before any election.

\*Must hold training meetings for municipal clerks and election board chairmen.

\*Handles absentee voting for state elections. May use special delivery postage when he deems it necessary.

\*Sends certified returns of county canvassing board to Secretary of State.

- Board consists of County Auditor, Clerk of District Court, two members of county Board of Commissioners who are not candidates and mayor of largest municipality.
- Board meets within three days after a primary election or general election.

## City, Village, Town Clerk

\*Accepts filings for municipal offices.

\*Supervises printing of ballots for city offices and propositions.

\*Arranges for publishing sample municipal ballots.

\*Acts as Commissioner of Registration where required.

- Registers voters.
- Compiles two files of voters:
  - ... permanent record.
  - ... files used by election judges in precincts.
- Keeps files up to date.

\*Certifies eligibility of voters moving from their municipalities within 30 days of an election.

\*Handles absentee voting for municipal elections.

## Election Judges

\*Appointment

-- City or village council names one judge for every 150 voters in each precinct, provided that there are at least three judges in each precinct and may provide for additional judges in excess of one judge for every 150 voters.

-- Town board serves as election board.

-- If a village has only one precinct, the village board serves as the election board.

-- Must be from civil service lists in first class cities.

-- Must be as equally as possible from the political parties. In municipalities having more than 1,000 voters, judges must come from lists furnished by the two major political parties.

-- In paper ballot precincts having over 300 voters at the last state general and primary elections, a fresh counting team must be appointed to replace the previously acting judges who will be relieved of their duties when the polls close. This applies to state general and primary elections only.

-- Extra judges may be appointed in any precinct to help count votes after the polls close in a general election.

\*Qualifications

-- Must be qualified voter in precinct.

-- Must not be closely related to any other judge or to a candidate for office.

-- Must not be an employee of federal, state, or city government or a candidate for office.

-- Must be able to read, write, and speak the English language understandably.

-- Council may make rules and give examinations to determine qualifications.

\*Duties

-- Attend instruction meetings held prior to elections in those municipalities where voting machines are used.

-- Open the polling place and make it ready for voting.

-- Determine the eligibility of each voter:

... by administering oath when necessary.

... by signature comparison, where registration is required.

... by honoring proper certificates of eligibility from new voters in the precinct.

-- Hand to and receive from each voter, the ballots, or operate voting machine where used.

-- May assist physically disabled voters or those unable to read or write English provided two judges of different political affiliations provide the assistance.

-- Count votes at the close of the polls and record totals of each candidate or question on tally sheets provided.

## ELECTION DAY

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

\*Paper ballots - Council shall prescribe boundaries and number of voters within each precinct. They may be rearranged from time to time provided changes are made by resolution at least 90 days before the next election.

\*Voting Machines - Each precinct, when first formed, shall contain no more than 600 voters per machine. More than one machine may be used in any precinct. Precincts may be changed as above. Notice must appear on voting machine calling voter's attention to constitutional amendment or referendum proposal.

### Polling Places

\*Designated by city, village or town council.

- Must be as near to the center of voting population of precinct as is practicable.

- No election shall be held in any place where liquor or malt beverages are sold, in any room used as a place of resort for idlers or disreputable persons or in any room adjoining either.

\*Hours of voting.

- 7:00 A.M. to 8:00 P.M. (except in municipalities under 1,000 population entirely outside the metropolitan area which may shorten hours. This includes counties with any part within five miles of a boundary of Minneapolis or Saint Paul.)

- Counting ballots before 8:00 P.M. is prohibited.

- Municipalities may designate time for municipal elections, but for not less than three hours.

\*National flag is displayed during hours of voting.

\*Voting by ballot shall be done without undue delay; by voting machine, within three minutes.

\*No one can remain inside the voting place except election judges, peace officers, challengers, representatives of elections officials and voters who are about to vote.

\*No one may campaign within 100 feet of a polling place on election day.

\*No one may sell or give political badges or wear such badges at or about the polls on election day.

### Related Provisions

\*Every employee may take time off from work to vote in the forenoon without loss of pay at statewide general elections and special elections for Congress.

\*No liquor is sold on election day.

\*No person shall be arrested by virtue of any civil process on election day.

\*No campaign literature may be distributed on election day nor may there be any campaign television or radio broadcasts.

\*No person, committee or organization may transport voters to polls except:

- Persons in same household.

- Two or more voters riding together by mutual agreement.

## POLITICAL PARTIES

### State Convention

\*Authority over affairs of each political party is vested in the party's state convention to be held at least once every general election year at the call of the state central committee.

\*The state central committee (subject to control of the state convention) has charge of the general management of the affairs of the state party.

\*Chairman of the state central committee of each party shall file with the Secretary of State a copy of the party's constitution and all amendments as they are enacted.

### Committees

\*Each political party shall provide for an executive committee for each congressional district and an executive committee for each county.

- A convention is held every general election year in each congressional district and county.

- Where any county and congressional district have the same territorial limits, there is only one executive committee and one convention every general election year.

### Precinct Caucus

\*Held on the fourth Tuesday in February in every general election year.

\*County chairman shall issue call at least 20 days before the time set for caucus.

\*All caucuses within a county shall be held at a time set by the county auditor after consultation with the chairman of each political party. No caucus may be convened before 2 p.m. nor later than 9 p.m., and the caucuses shall remain open for at least one hour.

\*Caucuses are held at the regular polling place for each precinct or other suitable places designated in the call.

### Participation in Caucus

\*Qualified voters in the precinct or those who will be qualified to vote at the time of the next general election.

\*Voter must live in the precinct to participate in that precinct caucus or to be elected a delegate or an officer of that caucus.

\*Persons in agreement with principles of the party as stated in the party's constitution and who either voted or affiliated with the party at the last general election or intend to vote or affiliate with the party at the next general election may vote at the precinct caucus.

\*Caucus business includes election of a chairman and other officers provided in party rules, election of delegates to county and district conventions, discussion of party policies, candidates, and other business as prescribed by party rules.

\*All voting for precinct officers, delegates and alternates shall be by secret ballot.

\*No person may vote or participate at more than one party's caucuses in any one year.

## MINNESOTA SCHOOL DISTRICT ELECTION LAWS

### FOREWORD

Independent school districts outnumber all other kinds of school districts in Minnesota today. This publication includes major provisions for elections in independent school districts. Two special school districts remain — Minneapolis and South St. Paul. These districts operate under special charters. Since there is little uniformity between these districts, they are not included in this **Digest of Minnesota School District Election Laws**. In general, elections in special districts are closely tied to their municipalities — in contrast to independent school districts which are disconnected from other units of government within the state such as the city, the village, and the county.

## THE VOTER

### Qualifications for Voting

\*Same as Minnesota Election Laws.

### Not entitled to vote if:

\*Same as Minnesota Election Laws.

### Voter registration

\*In school district elections where voter registration is used, voters who are not registered may not vote, (effective 1971). School districts may use voter registration systems of municipalities within their boundaries, provided that such use does not conflict with the municipalities' use of the systems.

## ABSENTEE VOTING

### Qualifications

\*Same as Minnesota Election Laws.

### Obtaining Ballots and Voting

\*Any qualified person may request in writing an absentee ballot from the clerk of the district.

\*Proceed as instructed under Minnesota Election Laws except address both envelopes to the clerk of the school district.

\*Ballots received by the clerk after the close of the polls will not be counted.

## THE CANDIDATE

### Qualifications for Office

\*Must be a qualified voter (see THE VOTER, p. 2).



## Filing Procedure

\*Candidate files a written application for a district office not more than 45 days nor less than 21 days before the election.

\*Application is filed with the clerk of the district.

## Petition

\*Any five voters of the district may file written application for or on behalf of any qualified voter in the district to be a candidate.

\*Application is filed with clerk of the district not more than 45 nor less than 21 days before the election.

# ELECTIONS

## Annual Election

Board members are elected to fill vacancies on the board caused by expiration of a term on July 1 next following the election.

\*Annual elections are held the third Tuesday in May.

\*Any proposition to be voted upon shall be on a separate ballot.

## Special Elections

\*May be called by the school board.

\*May be called by petition of 50 or more voters (or 5% of the number of votes cast at the preceding election, whichever is greater.)

-To vote on any matter requiring approval of the voters of the district.

-Clerk shall give 10 days' posted notice and 1 week's published notice.

-Notice to specify time and place of election and questions to be submitted to the voters.

-Procedure for a special election is the same as for a regular election.

# ELECTION OFFICIALS

## Clerk of the District

\*Accepts filing for district office.

\*Prepares ballots.

\*Gives notice of elections; 10 days posted, 1 week's published notice.

\*Delivers certificate of election to candidate.

\*Handles absentee voting.

## Election Judges

\*Three or more are appointed by school board for each polling place.

\*Act as clerks of the election.

\*Count ballots cast.

\*Submit them to the board for canvass.

\*Extra judges may be appointed by the board to replace previously acting judges after polls close to count ballots.

\*May be paid by the district at a rate to be set by the board.

## School Board

\*Canvasses the election.

\*Certifies candidates after election.

# ELECTION DAY

Election Precincts are determined by the board. At least 15 days before the election the board by resolution determines boundaries, if more than one precinct is desired, and establishes polling places for each precinct. If no action is taken by the board, the precinct boundaries and polling places shall be the same as those of the preceding election.

## Polling Places

\*Designated by the school board.

\*Hours of voting are set by the board.

## Related Provisions

\*Voting shall be by secret ballot.

\*Voting machines may be used in all elections. Provision of general election laws shall apply insofar as applicable.

--Relating to the number of judges per machine.

--Arrangement of names on ballot.

--Training of judges.

--Instructions to voters.

--Custody and care of voting machines.

For additional information about elections in Minnesota consult the following publications of the League of Women Voters of Minnesota.

You Are the Government  
Who Me? Go to My Precinct Caucus?  
Your Vote Makes a Difference

The League of Women Voters is a nonpartisan organization working to promote political responsibility through informed and active participation of citizens in government.

LEAGUE OF WOMEN VOTERS OF MINNESOTA  
555 WABASHA  
ST. PAUL, MINNESOTA 55102



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## THE VOTER

### Qualifications for Voting

\*Citizen of the United States for at least three months preceding an election.

\*21 years of age or older.

\*Resident of Minnesota at least six months.

\*Resident of the school district for at least 30 days.

### Not entitled to vote if:

\*Convicted of treason or felony, unless restored to civil rights.

\*Under guardianship of the person or adjudged mentally incompetent.

**Voter registration** is optional. School districts may use voter registration systems of municipalities within their boundaries, provided that such use does not conflict with the municipalities' use of the systems.

## ABSENTEE VOTING

### Qualifications

\*Any person entitled to vote in an election in an independent district may vote by mail.

\*If away from the district on election day and unable to go to the polling place because of:

... travel.

... illness.

... physical disability.

... religious discipline or holiday.

\*Currently registered (in any district in which registration is required.)

### Obtaining Ballots and Voting

\*Any qualified person may request in writing an absentee ballot from the clerk of the district.

\*Requests either made in person or by registered mail will be accepted as early as 45 days and not later than 1 day before the election.

\*Application for absentee ballot shall be signed and notarized.

\*Voter receives ballots and two envelopes with detailed instructions. Both envelopes are addressed to the clerk of the district. After marking his ballot, the voter places it in the "ballot envelope" and seals it. This sealed envelope is put into the "return envelope" for mailing.

\*Ballots received by the clerk after the close of the polls will not be counted.

## THE CANDIDATE

### Qualifications for Office

\*Must be a qualified voter (see THE VOTER, p. 1).

### Filing Procedure

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\*Application is filed with the clerk of the district.

### Petition

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•Extension Pamphlet 200

MINNESOTA LOCAL GOVERNMENT

# Public Schools Are Your Schools

*June 1959*

## Public Affairs Series

FLOYD O. FLOM  
and  
LUTHER J. PICKREL



UNIVERSITY OF MINNESOTA  
*Agricultural Extension Service*  
U. S. DEPARTMENT OF AGRICULTURE

## Your Public Schools

*"The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature to establish a general and uniform system of public schools."*

—ARTICLE VIII, SECTION 1  
CONSTITUTION OF THE  
STATE OF MINNESOTA

This quotation from the century-old Minnesota constitution clearly demonstrates the firm conviction held by our state's first citizens—*education and self-government go hand in hand!*

A glance at the Minnesota school system today shows that the conviction is still firmly held. Public elementary and secondary schools are providing education for more than 600,000 pupils, employing the professional services of more than 25,000 teachers and several hundred supervisors to do so. All teachers and supervisors are under the local public control of some 12,000 school board members, elected in more than 3,000 school districts throughout the state.

Annual public expenditures for the maintenance of these schools now exceed \$180,000,000, and the figure increases each year.

### *School Districts Are Authorized by the State*

From the beginning, public schools in Minnesota have been provided through a local unit of government called a *school district*. The first session of the Minnesota Territorial Legislature, in 1849, passed the initial law authorizing the creation of school districts in the territory.

That 1849 act authorized voters in a settled area to petition the county board of commissioners to organize a district so a public school could be established. If the proposed district met legal requirements of size and student population, and the petition had a sufficient number of signatures, the county board would grant the request. It was then up to the voters of the district to meet, elect a school board, and provide tax funds for establishing and operating a school.

From that time to the present, the school district through its own governing body, the school board, has been the agent of the voters in providing for and managing the public schools in Minnesota. As a result, with few exceptions, our public schools have not been under the control of municipal, town, or county government. Only in a few cities do state laws or city charters make the schools part of the city government.

However, the school districts are not free to do as they please. Like other local units, they are authorized and governed by state law. They may exercise only those powers which the state has authorized through the constitution, legislative acts, or by the regulations of the State Board of Education, an agency established by the legislature.

### *Number and Size of School Districts*

From the time the first districts were authorized in 1849 until 1910, they increased at the rate of approximately 1,000 every ten years. This meant that by 1910 Minnesota had established nearly 8,000 school districts. However, legislative acts of 1901, 1911, and 1947 fostering the consolidation of small districts brought a decrease in that number from 1910 on. The sharpest decrease has taken place in the last ten years, as a result of the 1947 legislation.

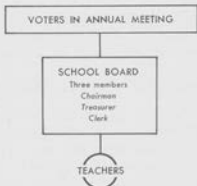
At first, the area of rural school districts coincided with the "six-mile-square" townships, while urban districts tended to have the same boundaries as the city or village concerned. But since people in the rural areas wanted their schools closer to home than township-size districts would permit, the large rural districts were divided into smaller districts. As roads improved, urban districts became larger, reaching beyond municipal limits.

### *Types of School Districts*

From 1849 on, the legislature passed laws authorizing the establishment of several different types of districts. Some were used primarily in rural parts of the state, others in the urban areas. Various names were given them—such as common, joint common, independent, consolidated, joint independent, county, ten-or-more township, special, associated, and unorganized territory.

Then in 1957, a revision of the school laws reclassified the districts, reducing the number of types to five. We now have only common, independent, special, associated, and unorganized territory districts. Under the new law, districts formerly referred to as "joint common" are now in the *common district* category; those referred to previously as "consolidated," "joint independent," "county," and "ten-or-more township" districts are now in the *independent district* category.

#### ORGANIZATION OF THE COMMON SCHOOL DISTRICT



### Common School Districts

COMMON SCHOOL DISTRICTS are mainly rural, one-room, one-teacher, ungraded elementary schools. These are still the most numerous districts in the state. However, their number has decreased sharply in the past ten years as a result of school district reorganizations under the 1947 law and the consolidation or dissolution and annexation of such districts under laws passed by previous legislatures.

These districts are governed by the *annual school meeting*, and supervised in part by the three-member elected school board and in part by the county superintendent of schools. The powers and duties of each of these—the annual meeting, the school board and the county superintendent—are determined by state law.

#### The Annual School Meeting

The important political event of the common school district is the annual meeting of the voters

of the district. It is held throughout the state in all such districts on the last Tuesday in June. On that day, the voters (those who are 21 or more, U. S. citizens, and residents of the state at least six months and the school district thirty days), who are interested enough in their schools to attend such a meeting, gather at their school or some other designated place at 8 p.m. (Sometimes a different hour may be set).

The presence of a minimum of five legal voters constitutes a quorum for the annual meeting. The chairman of the school board presides over the meeting, and the clerk of the board serves as secretary or clerk of the meeting. If either is absent, the voters present elect a clerk or chairman to serve for the meeting.

The main business of the annual meeting is to vote the tax to be levied on the taxable real and personal property in the district for the purpose of maintaining the school for the coming year, for the term set by the board. To aid the voters in deciding the amount to be levied, the school board submits estimated costs for maintaining the district for the coming school term and for other proposed educational activities. In the event the meeting fails to levy an amount sufficient to maintain the schools for the term specified, the board is authorized to levy the required tax.

The annual meeting also has power to make decisions regarding the designation of the site for a school house and the construction of buildings on such a site—providing the published notice of the meeting stated that such business was to be considered. Approval by the voters in the annual meeting (or by election) is required before the board can issue bonds to borrow money for the purpose of acquiring, constructing, or improving buildings or other school facilities.

#### Election of the School Board

On the day of the annual school meeting, an election is held for one of the three members of the school board of the common district. Each member is elected for a term of three years, but the terms are staggered so that one member's term expires each year. This election, like other elections

in Minnesota, is by secret ballot. The clerk of the district, with two voters named by the chairman of the board, supervises the balloting and the canvass of votes. The polls must be open at least one hour.

Candidates for the school board may be nominated by a qualified voter at the annual school meeting. Or prior to the meeting, a candidate may nominate himself or be nominated by five voters of the district. In either of the latter cases, the nomination must be presented in writing to the clerk of the board at least 12 days prior to the annual meeting. The clerk is responsible for preparing ballots listing the names of candidates already proposed and for issuing a notice of the annual meeting ten days before it is to be held. The notice must list names of the candidates already filed with him and the items of business to be considered at the meeting.

### The Common District School Board

All common district school boards are responsible for the management of the school or schools of the district. In this capacity, the board is subject to the state laws and the financial limitations imposed by the annual meeting and the voters.

Some of its powers and duties cover:

The purchase of textbooks and supplies; payment of claims; use of the school house and grounds; school maintenance and heating; pupil transportation; admission and tuition of non-resident pupils; appointment of teachers; prescribing of textbooks and courses of study; adoption of rules governing the school and its own proceedings.

The acquisition of school sites and the construction of buildings, if authorized by the voters, is also the responsibility of the school board.

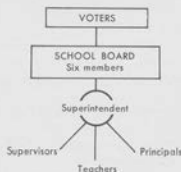
Since the state's common school districts are too small to employ a superintendent to aid the board in administering the school, such districts are aided to a limited extent by the county superintendent of schools. He may aid the board by recruiting teachers, advising on matters of curriculum content, and interpreting state laws that apply to such schools. However, the members of the board are required by state law to visit the school at least once

in three months to observe teaching and other activities.

The three board members serve as officers of the district, each board member being elected as *chairman*, *treasurer*, or the *clerk of the district*. Their duties as officers are prescribed by state law.

Compensation of the officers is determined by the board, though state law sets limits on what it may pay the member who is neither clerk nor treasurer. As is common with other local government officials, board members are authorized reimbursement for travel or other expenses incurred while performing their duties.

ORGANIZATION OF THE INDEPENDENT SCHOOL DISTRICT



### Independent School Districts

INDEPENDENT SCHOOL DISTRICTS usually include within their territorial limits a city or village, plus surrounding agricultural area. However, two such districts (The Lake and Cook County School Districts) coincide with the area of the counties in which they are located.

Independent school districts usually maintain one or more graded elementary schools and one or more graded high schools. While the number of independent districts is far below the number of common districts, they provide educational facilities for 91 percent of Minnesota's public school pupils. They are governed by an elected school board and administered by a superintendent of schools, appointed by the board. The superintendent is an *ex officio* member of the board but has no vote in its proceedings.



There is no annual meeting of the voters in independent school districts. The powers exercised by the annual meeting in the common districts are exercised by the board in the independent district. In place of the annual meeting, the *school election* enables voters to elect members of the board and to vote on such questions as the acquisition of school sites, the construction of facilities and the borrowing of money for these and other purposes. This election is held annually in most independent districts, the date being the third Tuesday in May.

### Election of Independent School Boards

The board of most independent districts consists of six members, with two members being elected each year for a three-year term. Newly elected board members take office on the July 1 following their election. The members of the board in most districts are elected "at large" (by voters throughout the entire district). State law, however, permits a district to divide itself into as many separate election districts as there are members of the board, with one member being elected from each. If separate election districts are established, they must be fairly equal in population.

The school board is in charge of school elections. It designates the polling place. It may provide more than one polling place, in which case it determines the precinct boundaries and designates the polling place for each precinct. The board appoints judges to supervise the voting and it determines the hours during which the polls will be open.

Advance public notice of the election must be given by the clerk of the district. The notice must contain information concerning the time, place, and purpose of the election. Ballots must be prepared in advance listing the names of persons who have filed an application with the clerk asking that their names be listed as a candidate for the vacancies, and listing the propositions to be voted on in the election. As in other elections, voting is by secret ballot.

While the above election provisions apply to most independent districts, there are variations. The law permits independent districts to enlarge their boards to seven members. A second variation occurs

where the school district coincides with the county. In this situation, five school board members are elected for four year terms, one from each commissioner district in the county. The date of this election is the same as the date of the general election for county, state and national officials.



### Duties of the Independent School Board

The members of the independent school board select from their own ranks a *chairman*, *treasurer*, and *clerk*. Their duties are spelled out by state law, as are the powers and duties of the board itself. Compensation of the clerk, treasurer, superintendent, and employees of the district is determined by the board. Within the limits set by state law, the board also determines the compensation of its other members. Board members are authorized payment for actual travel and other expenses incurred in the course of official duties.

Since there is no annual meeting, it is the board of the independent district that adopts the annual budget providing for expenditures, and determines the tax levy to be imposed each year on the taxable property in the district for school maintenance. This board, like that of the common school district, is limited in what it can do by state law. Like the common district board, it has charge of the business of the district and its schools (see the discussion on page 6). Instead of relying on the county superintendent of schools for advice and assistance, however, it appoints a superintendent to manage the district's schools.

Appointed superintendents must possess cer-

tain professional qualifications (training and experience in education and school administration) for such a position. These qualifications, and those required of teachers or principals in the public schools, are determined by state law and the State Board of Education. Local school boards must appoint qualified people to the various positions if they want to continue to receive financial aid from the state government.

### *Special School Districts*

SPECIAL SCHOOL DISTRICTS are found in only a few of the larger cities of the state. Such districts have been established by special act of the legislature or by city charter provision. They are legally a part of the municipal government of the city, and have territorial limits which coincide with the city limits.

Such districts are governed by an elected school board in much the same way as the independent districts are governed. The provisions of state laws which apply to independent districts also apply to the special districts—unless the special act or city charter provisions pertaining to the special district conflict with the general state laws on the subject. In such a case, the special laws and charter provisions apply.

As of 1958, cities having special school districts included: Duluth, Minneapolis, Rochester, St. Paul, South Saint Paul, and Winona.

### *Associated School Districts*

ASSOCIATED SCHOOL DISTRICTS were authorized by the legislature in 1955, but as yet none have been organized. An associated district may be formed by two or more common school districts for the purpose of providing secondary (high school) education for their elementary school pupils.

Such a district would be governed by an elected school board and administered by a superintendent in much the same way as an independent district. It would have powers similar to those of an independent district, though it would not provide instruction at the elementary level.

### *Unorganized Territory Schools*

SCHOOLS IN UNORGANIZED TERRITORY (the portion of a county not included in any organized school district) are under the supervision of a county school board. This consists of the chairman (or a member) of the county board of commissioners, the county treasurer, and the county superintendent of schools. The schools maintained in unorganized territory may include ungraded and graded elementary schools, as well as graded secondary schools.

It is the duty of this county board of education to furnish school facilities for every child of school age residing in the "unorganized territory." It may do so either by building school houses, leasing school rooms, transporting the children to the nearest school, boarding the children within convenient distance from a school at the expense of the board, or otherwise. It must also provide them with necessary supplies and text and library books. To pay the costs incurred by it, the board levies taxes on the taxable property in the unorganized territory.

Generally speaking this type of school board is governed by the same laws that apply to independent school boards. There are, nevertheless, some significant differences in their powers. For example, the county board of education for unorganized territory may reach decisions regarding the acquisition of school sites, the construction of buildings, and the issuance of bonds by unanimous vote of its three members. It is not required to submit such matters to a vote of the people in the unorganized territory.

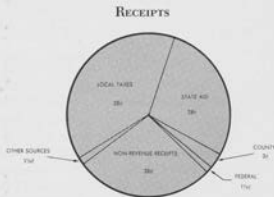
### *The County Superintendent of Schools*

The office of county superintendent of schools was first created by act of the state legislature in 1864. Under this law, the county commissioners were authorized to *appoint* a person to the position if they so desired. In 1869, the legislature amended this law to *require* the county commissioners in every county to appoint a person to the position. In 1877, another change in the law made the county superintendent an elective county official.

The law creating the office established no special qualifications for it, the only requirement being

that candidates seeking election be qualified to vote in elections. However, most county superintendents today have had training and experience in school administration before being elected to the position, and a 1959 law provides that professional qualifications may be required.

The duties of the county superintendent are



Where Minnesota's public school dollar comes from. (Based on averages for the state as a whole from State Department of Education statistics. "Non-revenue" receipts include money from the sale of bonds, school lunches, etc.)

established by state law. He assists the boards and teachers in all districts not employing their own superintendent. He has little legal authority over these schools, his role being primarily that of an advisor to the board and the teachers.

Despite his lack of authority, the good county superintendent performs important and essential services for the boards and teachers. He advises on curriculum, helps obtain teachers, interprets the state laws to the board, works out conflicts between districts regarding tuition of non-resident pupils, and works with boards, parents and teachers to improve the quality of education in the schools under his supervision.

A second role of the county superintendent is that of acting as a consultant and reporter for the State Department of Education. He sees that the schools under his jurisdiction meet the requirements of the state in terms of standards. He reports regularly such information as the state department requires for determining the amount of state aid

to be paid to each district.

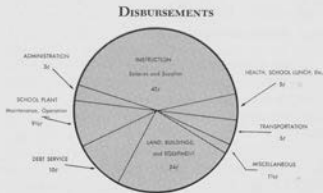
In most counties of the state, the county superintendent of schools is elected by the voters for a four-year term. But in Lake and Cook Counties, he is appointed by the elected county school board.

The salary of most county superintendents is set by a general state law, varying in accordance with the number of common districts in the county before reorganization or consolidation. For a few counties, special laws have set the salary at a higher level than the general law provides.

The office of county superintendent of schools has been abolished in a dozen Minnesota counties. Under a law enacted in 1957, if the number of common school districts has been reduced to ten or less, the county board is authorized to discontinue the office. By January 1959, Anoka, Chicago, Dodge, Faribault, Goodhue, Itasca, Lincoln, Norman, Renville, Sibley, Traverse, and Washington Counties had done so. Ramsey County did so under a special law in 1953, and Kittson County in 1957.

## Financing Our Public Schools

Funds to provide for the maintenance of our public schools are received from state aid and from local property taxes. Funds to pay for the construction and improvement of buildings and other educational facilities are raised through local taxes. Such projects are usually financed initially through borrowing, the debt being paid over a period of years with money raised through local property taxation.



How Minnesota's public school dollar is used. (Based on averages for the state as a whole.)

To raise funds locally, the state legislature has authorized school districts to impose property tax levies for various purposes within prescribed limitations. Authorizations and limitations vary—depending on the purpose of the levy, type of district, student population of the district, total population of the district, assessed valuation of the district, and other factors.

State financial aid for elementary and secondary education in the public schools is made available to local school districts by the state legislature. The legislature allocates aid from state-collected income and gross earnings taxes and from a state established trust fund. The money is apportioned to the various districts in accordance with a number of formulas which have been written into law.

Among the factors governing the amount of aid a school district will receive from the state are the following: (1) the number of students in average daily attendance in a district; (2) the amount of money raised locally by the district to support the school; (3) the assessed value per resident pupil; (4) the annual school census; (5) the type of program provided, and other factors.

Limited federal funds are available to help support vocational education, the school lunch program, and the education of Indian children. State and federal aids are distributed to the various districts on the basis of information supplied the State Department of Education by the County Superintendents of Schools and the superintendents of independent school districts.

### ***Annexation, Consolidation, and Reorganization***

From time to time, beginning in 1901, the state legislature has authorized the voters to make changes in the organization of school districts. The first law authorized the voters to dissolve an existing district and, with the consent of an adjacent district, to annex the area to it. A second law, passed in 1911, permitted the voters to consolidate two or more districts into one.

A third law passed in 1947, permits reorganization of school districts by providing for the estab-

lishment of a reorganization committee in a county, if the school board members in the county vote to have such a committee. If established, the committee makes a survey and submits reorganization proposals to the voters in the areas concerned.

Under these laws, the number of school districts in Minnesota has been reduced from close to 8,000 in 1910 to 7,810 in 1927, 7,606 in 1947, and by 1959 to approximately 3,000. By far the greatest number of districts eliminated have been the common districts.

Many of these districts, set up in some cases a century ago under vastly different circumstances, have been found to be inadequate or uneconomic under present circumstances, and the voters in them have decided to consolidate the smaller units to make larger districts.



Faster means of transportation, better all-season roads, a demand for a more specialized training as well as more education, reduced farm population, higher costs and higher taxes, and many other factors have combined to cause these changes in school district organization. Nevertheless, there are many common school districts still in existence in the state, some too small to operate schools economically. By September 1958, 890 had closed their schools and were transporting children to an adjacent district to which they pay tuition. Others maintain their schools but at a high per pupil cost.

Some common districts have been enlarged through consolidations and annexations. These may have enough student population and assessed valuation to justify their continuance from a per-pupil cost point of view. However, children from these

districts have to attend school in nearby independent districts if they want a secondary education.

The goal of many educators and many civic leaders is to reorganize our school district system in such a way as to place *every child* in a district which will provide a graded elementary and secondary education, with adequate standards and at a reasonable cost to the taxpayer. On the basis of present law, it appears that the state legislature has also adopted this view as a matter of public policy. But the legislature is leaving to the local voters the actual working out of reorganization plans which will attain such a goal.



*Check your knowledge of your public school government*

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# THE MINNESOTA VOTER

A PUBLICATION OF THE LEAGUE OF WOMEN VOTERS OF MINNESOTA

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NO. 3

## SCHOOL DISTRICT ELECTION LAWS

*The main thrust of this VOTER is a discussion of Minnesota School District election procedures. Delegates to the 1971 State Convention of the LWV expressed a desire to examine those procedures as an adjunct to the present election laws support position.*

### What they are and what they are not

Sometimes it is easier to describe what something is by describing what it is not. Perhaps that is the place to begin in describing and discussing school election laws of the State of Minnesota. School election law is *not* Minnesota Election Law, with several exceptions. The school laws specify three applications of Minnesota Election Laws to school elections: 1) Provisions of section 203.21 subdivision 4 regarding number of judges *vis a vis* the use of voting machines, sections 206.02 and 206.23 governing the use of voting machines; 2) Provisions of section 201.33 which endorse use of municipal voter registration files for school elections, and 3) Provisions of sections 211.03 and 211.08 of the Fair Campaign Practices statutes, Chapter 211.\*

The school election laws which follow are not applicable to all districts. There are eight exceptions. Minneapolis and South St. Paul are called special districts and the provisions for their school elections are found in their city charters. In other words, a school election is a municipal election and the Minnesota election laws apply to all Minneapolis and South St. Paul elections. School election laws for independent school districts also do not apply to the following two unorganized territories,\*\* one in Fort Snelling

and one in St. Louis County (a situation in litigation); or to four common districts:\*\* School District 815 at Prinsburg, School District 323 in Franconia, School District 823 in Watson and School District 2609 in Dakota, the latter two being situations in litigation.

The rest of the hundreds of school dis-



### Election Judge

"The election judges are usually leading residents who rank very high in citizenship."

— School Superintendent

tricts in Minnesota are independent districts and it is the school election procedures applicable to *those* districts, which this VOTER will consider. The inapplicability of Minnesota election laws to school elections is stated in Minnesota Statutes (M.S.) Chapter 200, subdivision 1. "The word 'election' means any election except those held in any school district unless otherwise specifically provided by law..."

Minnesota statutes governing elections in independent school districts are reprinted for your convenience on pages 5 and 6. Due to space requirements subdivision 23 is omitted. It provides for elections of school boards in districts which have experienced reclassification to independent status.

### A Free Vote and a Fair Count

The success of representative government is dependent in part on the election process. A 1967 Minnesota LWV publication, *Project Update, Election Laws*, suggested that, "Without a free vote and a fair count the system breaks down." The publication went on to say, "What goes before (the selection and public exposure of candidates) and what comes after (accountability of women and men elected) are equally important. The entire process is regulated by election laws; how

(continued on page 2)

\*211.03 Paid Advertisements in Newspapers. No publisher of a newspaper, periodical, or magazine shall insert either in the advertising columns of such newspaper, magazine, or periodical or elsewhere therein, any matter paid or to be paid for which is intended or tends to influence directly or indirectly any voting at any primary or general election unless at the head or the foot of the matter is printed in six point capital letters the words "Paid Advertisement," and unless there is a statement at the head or the foot of the matter of the amount paid or to be paid therefore, or a statement that the same is to be paid at regular advertising rates, the name of the candidate in whose behalf the matter is inserted and of any other person, or the

name of the officer and the committee authorizing the publication.

211.08 Campaign Literature Must Include Names. Any person or committee who shall publish, issue, post, or circulate, or cause to be published, issued, posted, or circulated, otherwise than in a newspaper, as provided in section 211.03, any literature, campaign material, or any publication, including but not limited to cards, pamphlets, flyers, signs, banners, leaflets, tending to influence voting at any primary or election which fails to bear on the face thereof the name and address of the author, the name of the candidate in whose behalf the same is published, issued,

posted, or circulated, and the name and address of any other person or committee causing the same to be published, issued, posted, or circulated, and any person, firm, corporation or committee who shall knowingly make or publish or cause to be published, any false statement in relation to any candidate or proposition to be voted upon, which statement is intended to or tends to affect any voting at any primary or election, shall be guilty of a misdemeanor; provided, nothing herein contained shall be construed as modifying or repealing any of the provisions of section 210.11.

\*\*See *Equality of Educational Opportunity*, LWV of Minn., Feb. 1970, p. 42, for definition.

(cont. from page 1)  
it works depends in large measure on how good the laws are."

How good are the laws is a question that LWV has been posing during the entire lifetime of the organization. In Minnesota members have been involved with study and action in the area of election laws since 1951 when party designation became a support position. In the ensuing 20 years Leaguers were able to agree on the short ballot, an easier amending process, and improvements in election laws under the headings of campaign practices, election procedures, and voting (see *Positions for Action, 1969-71*, LWV of Minnesota). However, during the last two decades Leaguers have not examined school election laws *per se*. To some it might appear that school election laws have evolved in a casual fashion, with new statutes being added as the need was defined. In contrast, some sets of statutes are conceived and composed to implement a specific governmental operation. It is as if some school election statutes (or the lack thereof) are a response to an already existing way of doing things.

A comparison of Minnesota election laws and school election laws raises some questions. Why are there separate statutes? Do legislators and citizens view school elections as activities of a higher order (than general elections) requiring less comprehensive and restrictive controls? Is a school election a more benign event while other kinds of elections need to be regarded with a jaundiced eye? Perhaps current circumstances belie that view. If trust or mistrust in election procedures is colored by amounts of money and power involved, on both counts school elections score high. School boards are responsible for the expenditure of enormous sums in tax dollars. School boards make important decisions affecting style and quality of public education (and ultimately of society) for our children. How could one conclude that those charges are less weighty than those of legislators, mayors, or a governor? By what criteria could a legislature determine that school elections should leave more to the imagination of a board clerk than it does to the imagination of a municipal clerk, for whom election procedures are spelled out in detail? Are the goals of free vote, fair count met better by elaborate sets of controls or a more *laissez-faire* posture? Or is there a comfortable balance between those two poles that will succeed in minimizing barriers to voting while preserving fairness and protecting one's vote?

## To Mess or Not to Mess

"I feel the election laws for schools should be left as they are. Any messing around will make things worse. You just have to look at the present system of procedures for precinct caucuses of the political party. They are silly for any area of the state such as ours. This is another case of taking urban problems and stuffing them solutions down the throats of rural people. I sure hope the same doesn't happen in school elections."

—A nonmetro area superintendent

"So far we have had few problems, but we are in a more combative society than we used to have and I do not believe that the present laws will be adequate to cover the contingencies that can occur in the future."

—A metro area school district business manager

"The present laws seem to fit our elections. We have our elections in the evening, which fits the rural population. Some use the absentee ballot who cannot vote at that time."

—A nonmetro area superintendent

"Rules on absentee ballots discourage voters unable to be at the polls on election day. If League members have not tried this procedure, I would recommend that they take a good look at how complex this might seem to the average voter."

—A nonmetro area superintendent

The preceding statements originated with those people who have to make the school election laws work — board clerks, superintendents and district business managers. In an attempt to evaluate Minnesota's present school election procedures the League of Women Voters sent questionnaires to the state's school superintendents. Just under 100 forms (approximately 20% return rate) were returned with answers to the following questions:

1. Do present school election laws cover most contingencies which may arise at election time?

Metro			Out state			Total		
Yes	No	No response	Yes	No	No response	Yes	No	No response
8	3	—	79	6	1	87	9	1

2. Do they encourage or discourage the voter or the candidate?

Metro			Out state			Total		
Encourage	Discourage	No Effect	Encourage	Discourage	No Effect	Encourage	Discourage	No Effect
4	—	7	34	4	42	38	4	49

3. What features would you add to the laws? Which would you delete?

Metro			Out state			Total		
No change	Change suggested	No response	No change	Change suggested	No response	No change	Change suggested	No response
5	6	—	61	15	10	66	21	10

The numerical results of this informal survey would suggest a substantial amount of satisfaction with present laws and only a modicum of dissatisfaction and desire for change. Looking beyond the numbers one sees some significant suggestions for change, thoughtfully conceived by superintendents, business managers and clerks who attempted the "larger" look at present procedures. Perhaps few respondents reported trouble because they fell back (when in doubt) on Minnesota election laws which legally are not applicable. If the foregoing is true, in practice there is an elaborate system of election laws operating for school elections. The public, generally unaware of the inapplicability, is not informed enough to take unfair advantage of what some might conclude is an inadequate set of laws. Could it be an unenlightened public which makes a comprehensive set of school election laws unnecessary?

A nonmetro area superintendent wrote, "I don't think the way to handle tie votes

(continued on page 3)

(cont. from page 2)

is spelled out very well. This happened at one election some years ago. We called the county attorney and he didn't know. The thing to do (I guess) is flip a coin." Another pointed out, "Our hours are from 5 p.m. to 8 p.m., which I am sure makes it difficult for some residents to vote. A state standard might assist us in providing longer voting hours."

"The posting of campaign posters on school property, and the use of a school mailing list by candidates for school board are two practices not covered by present election laws," wrote a semi-rural superintendent. "Perhaps another need is a conflict of interest clause to the effect that no present school employee, board member, candidate or family member of any of these could be used as election judges. I know of no irregularities involving such persons but at times have heard comments from people in various districts which would suggest this is a potential source of complaint."

One respondent suggested, "There are no minimum requirements in school law to ensure a secret ballot."

"They should have a separate book that just contains school election laws," commented an administrator.

The superintendent of a large district outside the metro area opined, "I think it would be helpful to spell out qualifications of voters, residency requirements, and identification procedures at elections. We have had questions about identification in particular. Maybe pre-registration in our district would be feasible." Another suggested that primaries should be mandatory.

A board clerk wrote, "The current law is not specific on name-rotating on the ballots. Not only should each pad of ballots be rotated (in the case of paper ballots) but each name should be rotated within the pad so that the same name on the top is not given out for fifty ballots (usually the number in a pad). The school ... (or a dishonest clerk) could advantageously put the favored candidates on the top on all ballots ... There is no law on this. I suspect a lot of clerks in a lot of districts are unaware of the fact that names can be rotated if they do not have background on the city election laws."

"I follow the state election laws wherever practical but should there be a question, the clerk is always right. This doesn't seem right to me ... I have been a head judge in the city election laws for nine years ... I feel I have a good background. If I hadn't had this background, I wouldn't want to make the decisions I have had to make. The current

school law does not prohibit a clerk from making a ruling in his own contest. Now that is about as flakey as can be."

The same clerk suggested, "I would also make it possible for the district to allow the absentee voter to leave the voted absentee ballot either with the clerk or a deputized clerk present in the school rather than require the ballot posted and received by mail on election day. I would not trust the mails to deliver any ballot on time ... anything after 8 p.m. is not valid."

The need for a simplified absentee voter procedure was cited often — a signed statement instead of notarization was one suggestion.

A metro area school district business manager said, "I would like to eliminate or limit the discretion of local election officials. This would tend to standardize election procedures statewide. The hours, number of polling places per thousand voters and registration of voters are but three of many possible areas that come to



mind. A pet gripe of mine is the requirement for posting notice of election. In this day of high speed autos and super highways, I seriously doubt that anyone ever reads the notices tacked to a telephone pole. Coverage by newspapers and other media is now so universal it seems to me that this rather archaic requirement could be eliminated."

Another business manager thought it would be advisable to "require financial accounting of candidates for school district office, not just by the method for other municipal officers, but by requiring that the candidate shall be responsible for all expenditures on his behalf, to require him to name one overall treasurer of all supporting committees, and an accounting by him seven days before and after an election, and would extend the relevant provisions of the Fair Campaign Practices Act to school elections, including the method of election contests." He also suggested the following additions and

deletions: "By providing that a separate body, other than the school board, canvass the school board elections; by providing legislation compelling high school principals to become deputy voter registrars with the additional power to set up voter registration booths for newly enfranchised voters in the public schools; by deleting the provision in the law requiring the school board to hold its organization meeting after the first Saturday in July which is unnecessary and an inconvenience and should read 'after the first day of July ...'. It is also felt that insufficient time (21 days) is allowed between filing closing and election for candidates to be able to do much campaigning."

"An election boiled down to its most basic component would be that it must be free of fraud and/or the appearance of fraud," opined a director of business services for a large school district. He went on to say, "I further feel that permissive legislation should be enacted that would make it possible for school districts to conduct the type of election that best fits the particular situation that a district finds itself in. This could possibly range from little beyond the present procedures for the small out-state districts to quite specific and fairly elaborate procedures for the larger metropolitan districts." He cited some examples:

"1. At maximum there should be the ability for voter registration or identification, such registration system to utilize municipal systems where applicable or require the district to establish its own voter registration or identification system where municipal systems are not compatible with the school district."

"2. An election calendar should be developed and published each year by the State Department of Education for all general school board elections so that all districts within the state operate under precisely uniform circumstances. In addition, a suggested calendar for school board elections should also be made available for the guidance of the school district election personnel."

"3. The means by which polling places are designated should be more clearly defined by State Department regulations."

"4. The requirements for the polling places, such as the type of facility used, the equipment necessary, etc., even such items as to how the ballot is printed and the names inserted, should be thoroughly defined for district guidance."

"5. The number and function of election officials should be more clearly defined."

"6. The presence of individuals other

(continued on page 4)

(cont. from page 3)

than the voters themselves at the polling place should be delineated.

"7. All school districts in the state utilizing the May election date should be required to maintain the same polling hours statewide to avoid confusion."

"8. The procedure for conducting the counting of ballots should be defined so that they are uniform."

"9. It is my understanding that the Fair Campaign Practices Act does not apply to school board elections. If this is true, it is a serious error and should be corrected."

"Election officials should be made fully aware of all election procedures, an area which I feel is neglected, even in state law."

## SOME SPECIFIC SUGGESTIONS

A metro area school district business manager, responsible for operating elections in his district, although uncertain is correct in his assumptions. "Although I could be wrong, contrary to public opinion school elections are not generally governed by the same laws which govern state or municipal elections (M.S. 202 through M.S. 211). Essentially, school elections are governed by M.S. 123.32 which is outdated and quite limited in scope. Administratively, we use the general election laws (M.S. 202-211) as guidelines but I don't think they, technically, apply. Accordingly, I would like to see the legislature rewrite school election laws into a separate chapter and incorporate applicable general election law provisions — candidate withdrawals, woman candidate's name, conduct in polling places, voters lingering, something similar to M.S. 203.18, substitute ballots, eligibility of judges, election board chairmen, identical names on ballot, something similar to M.S. 204.03, 204.13, 204.22, 209 and applicable portions of 210 and 211."

Commenting on specific features of the school election laws, he suggested, "Subd. 4: a. Inasmuch as elections in independent districts must be held on the third Tuesday in May and inasmuch as these dates vary from year to year, understanding and standardization would be improved if the '10 days posted' and the '45 nor less than 21 days' were replaced with 'second Monday in May,' 'first Monday in April' and 'last Wednesday in April,' respectively. I believe this change would assure 30 filing days, it would eliminate questions regarding Saturdays and Sundays

## Posers from School Superintendents

Should there be a two or three term board limit?

board members with no children attending the public schools be permitted to file?

property-owning taxpayers only be allowed to vote on school bond issues? write-in candidates be abolished, thus anyone desiring a school position must openly file for it?

we penalize people (loss of voting rights) for not voting on such a costly and important operation?

and it would fluctuate annually in coordination with the election date.

b. The appropriate hours should also be stated insofar as filing openings and closings are concerned — i.e., commencing at 9:00 a.m. on the first Monday in April and concluding at 5:00 p.m. on the last Wednesday in April. As written, a late candidate can file at unreasonable hours (after 10:00 p.m. or before 6:00 a.m.) so long as it is 24 hours before polls open.

"Subd. 8: a. I could not find a statute which defines, specifically what the term 'by lot' means."

b. The term 'within 30 days' should also be changed to 'the third Tuesday in June.'

"Subd. 24: The figure '45' and the term 'one day' should likewise be referred to in terms of 'day of the month' and the hours should also be specified."

His miscellaneous suggestions include the following:

"The definition of eligible voter needs updating. New federal and state legislation concerning age and a recent Supreme Court decision on residency has created confusion."

"Possibly, districts should be required to publish a notice to absentee voters — dates and necessary information."

"The statutes do not clearly define 'spoiled' or 'defective' ballot."

"Some districts would like to conduct workshops for election officials but hesitate to do so as, apparently, they are not allowed to pay the officials for attending same."

"The law should specifically state how long election records should be kept."

"The question as to whether or not board members should be elected at large or as representative of precincts or areas should be reviewed."

This issue of the MINNESOTA VOTER has attempted to present a picture of school election laws — what they are, what they are not, how they work for people who make them work, and some questions the laws might raise. The reader may wish to pose and answer additional questions in the process of trying to evaluate those laws. Is it desirable to preserve the separation between school election laws and Minnesota election laws? In a population of high mobility should the voter have an assurance of uniform election procedures throughout Minnesota? Are two portions of the Fair Campaign Practices statutes sufficient to guide school election campaigns? Is the free vote idea enhanced by simple controls and local discretion or is the opposite true? The same question applies to a fair count. Is the issue of local control a valid argument for minimal central authority? Are there features of the Minnesota election laws that need to be added to school election laws?

The League of Women Voters Education Fund and the National Municipal League have embarked on a joint study to investigate laws and procedures that keep people from voting. The hypothesis of the study is that people do not vote because they feel they have no stake in the electoral process or because the mechanics (laws and procedures) are too time-consuming, inconvenient, or discriminatory. The study will examine to what extent the election system deters rather than encourages voters. Perhaps school election procedures in Minnesota could be assessed within that same framework since the voter and voting is what any election system is all about.

The program material for this issue was prepared by Marlene Roth and Lynne Billings.

"... In our district it would be desirable to have one board position reserved for a farmer. In other districts ... it would be desirable to have at least one reserved for the town. I realize that there are dangers and problems ... But I pose the problem."

—School superintendent

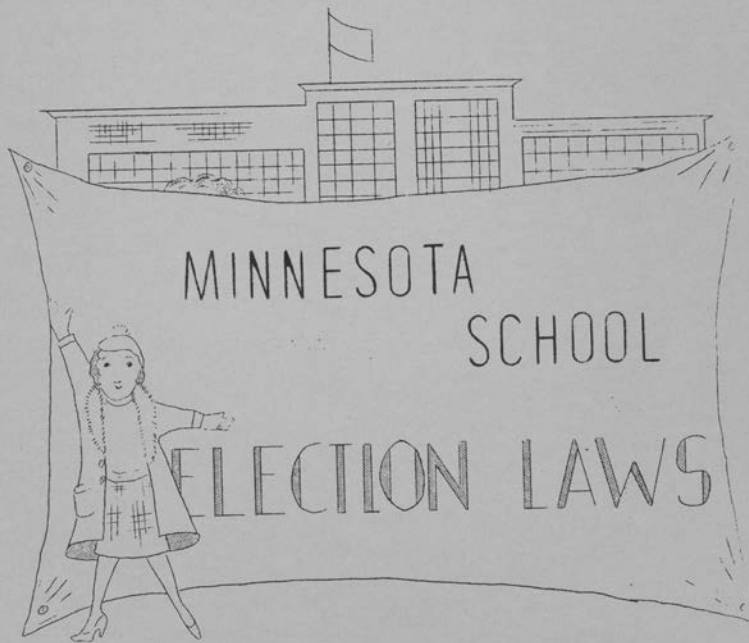






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The League of  
Women Voters  
Looks at.....



The League is especially indebted, for valuable help to:

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Mr. Engum, Mr. McRoberts and Mr. Peterson kindly read this material  
before publication.

# MINNESOTA SCHOOL ELECTION LAWS

## INTRODUCTION

This brief perusal of school election laws in Minnesota is the result of requests from League members, particularly from delegates at the May, 1959, League of Women Voters state convention, for "some" information on the subject. It is a proper expansion of our state agenda item concerning the improvement of election laws to study school election laws, referred to by Dr. G. T. Mitau, political science professor at Macalester College, as "an important though distinct branch of the field of elections."

In 1958 the League of Women Voters of Minnesota published a 55-page study and digest entitled Minnesota Election Laws. It may have surprised some of its readers that in that study the subject of school election laws was at no point discussed or even mentioned. Moreover, school election laws are not included in the official collection of general election laws, Minnesota Election Laws, compiled by the Secretary of State of Minnesota.

Consider the definition of the word "election" in the Minnesota election law<sup>1</sup>: "the word 'election' means any election except those held in any school district unless otherwise specifically provided by law, at which the electors of the state or any subdivision thereof nominate or choose by ballot public officials or decide any public question lawfully submitted to them." Consider also the brief statement by the Attorney General in the preface of the official compilation: "school elections are not included. They will be found in the compilation of school laws...." The compilation of school laws referred to is known as the School Code, or the Education Code. (See You Are the Government, p. 46.)

The foregoing quotations are cited to underline the fact that in Minnesota the provisions for school elections are relatively independent of general election laws. Indeed, a little further exploration indicates there are even separate provisions for the various kinds of school districts. Why is this true? Where does the school district fit into the government structure? What are the school election requirements? How do they compare with general election laws? These and other questions arise naturally from the most cursory consideration of the subject.

### Scope of present study and possible further study

Included in the present study, prepared for use of local Leagues in their units, are the major provisions of our school election laws, with enough background material on Minnesota's public school government structure to make the election laws and procedures meaningful. A few aspects of the relationship of school election requirements with the provisions of the general election law are briefly touched on, but no attempt is made at a full-scale exploration of the subject or at an evaluation of the present policy of separation. Neither is a study of other policies made, nor a comparison of school election laws of Minnesota with those in other states. The temptation was there, but the limits established for this general study forbade excursions along these and other alluring paths.

1. Laws 1959, Chap. 675, Art. I, sect. 2, subd. 1.

More comprehensive coverage in this field is subject to the direction of League members. If sufficient interest is demonstrated, the present material might be considered as a preliminary study in the school election laws field; more material might be prepared under our state current agenda item.

#### Preparation of material

Personal interviews and correspondence with many officials, and others interested in election laws and schools, made practical and intelligible sense out of the laws themselves, which were examined under less than ideal circumstances. The laws passed by the 1959 Legislature, including of course the school laws recodified<sup>1</sup> in the 1959 session, were not available in printed form until the first week in August, and then only in newspaper form. (The Legislature had adjourned on July 1, much later than usual because of the lengthy special session.)

It was necessary, then, to use both the 1957 School Code and the 1959 Session Laws to determine the present school election requirements and other related material for use in this study. An additional complicating factor is that some 1959 laws affecting the schools are not included in the recodification articles themselves, but elusively scattered elsewhere in the Session Laws.

Since much of the general election law also was recodified in this session, it was, and is, necessary to be aware of the 1959 changes in order to make good use of the League's Minnesota Election Laws (1958) for purposes of comparison of the two. The West Publishing Company of St. Paul promptly issued a 249-page "Special Pamphlet" containing the new Minnesota election law, and this was generously made available to the State League.

#### Effective date of new election laws

A point to keep in mind, if this material is used by any League groups before January 1, 1960, is that the effective date of the 1959 election law is January 1, 1960. The effective date of the Education Code was July 1, 1959.

## SCHOOL DISTRICTS IN MINNESOTA

Some background information about Minnesota school districts is necessary to an understanding of the school election laws. Following is a brief listing of pertinent facts concerning public school government structure, and a short explanation of the various kinds of school districts.

### The school district as a unit of government

1. The school district was established as a unit of government, to provide for public education, by the first session of the Minnesota Territorial Legislature in 1849.
2. The school district is a local, separate and distinct corporate entity of government, entirely disconnected from other units of government within the state, such as the city, the village and the county.
3. With very few exceptions, no municipal, town or county government has any control over the school district.
4. Each school district is responsible to the state, which governs it through the state's administering agency in the field of public education, the State Department of Education.
5. The agency of the school district itself is its school board, elected as such or otherwise provided for by law.
6. The school board in each district is responsible for the conduct of school elections. Each school board is autonomous with respect to every other school board.
7. There is no supervisor of school elections in the State Department of Education, or elsewhere.
8. July 1, 1959, figures give the number of school districts in the state as 2,825<sup>1</sup>. Since 1947, when a State Advisory Commission on Reorganization was appointed by the State Board of Education, the number has been rapidly reduced from 7,606 to the present figure. By the time this study material is in use, the 2,825 school districts will have been reduced to a still lower number.

### Kinds of school districts

The 1957 Legislature, in recodifying the school laws, reduced the number of kinds of school districts from 9 to 4, plus another classification called "unorganized territory," which is not properly a school district but has all the powers of one.

1. State Advisory Commission on School Reorganization, Annual report (1958-1959)

A description, adequate for our present purposes, of the various types of school districts (common, independent, special and associated) and the unorganized territory organization is contained on pages 46 and 47 of the revised edition of You Are the Government (along with other useful descriptive matter about the Department of Education, the School Code, Non-operating Districts, and Alteration of School Districts).

Figures obtained from the Department of Education on September 21, 1959, bring these descriptions more up to date:

common school districts are now reduced to approximately 2,335  
(as of Sept. 15, 1959);

independent (including rural) now number 452;

special school districts still number 6, though Minneapolis is now a special independent district;

associated school districts have still not been formed;

13 counties have unorganized territory.

These short, identifying descriptions of the various kinds of school districts will be referred to again, individually, as the election laws and procedures governing each kind are cited.

#### MINNESOTA SCHOOL ELECTION LAWS

This section included a general summation of the major provisions of election law in the school districts of Minnesota. Each kind of school district is treated separately; in addition, mention is made of unorganized territory and of non-operating, or closed, school districts.

##### Common school districts

Read, on p. 46 in You Are the Government, a brief description of the common school district.

Since the business of the common school district, including election of school board members, is transacted at an annual meeting, the election procedures are adapted to this circumstance. Tabulated information does not do justice to the town-hall type of meeting; the flavor of the pot-bellied stove or its modern equivalent pervades even the formal language of the law:

"Common school districts; meetings, elections.

"Subdivision 1. The annual meeting of all common districts shall be held on the last Tuesday in June, at eight o'clock p.m. unless a different hour has been fixed at the preceding annual meeting... At the annual meeting in a common district five legal voters shall constitute a quorum. The chairman and clerk of the board shall officiate in their respective capacities at all meetings of the

electors of the district. In the event of the absence of the chairman or clerk, the voters shall elect a chairman or clerk pro tem. The voters shall have the power in an annual meeting to repeal and modify their proceedings. The polls at all meetings shall be open at least one hour.

"Subd. 2. The annual meeting shall have power to elect by ballot officers of the district. In all elections or vote by ballot, the clerk shall record the names of all voters participating therein and the chairman shall appoint two electors, who, with the assistance of the clerk shall supervise the balloting and canvass the votes."<sup>1</sup>

This informal kind of "election" in a common district makes the clerk of the board both election official and election judge. He prepares the ballots to be used at the annual meeting; he also calls special elections "upon the filing of a petition therefor, executed by five resident freeholders of the common district... or upon the adoption of a proper resolution, so specifying, signed by a majority of the members of the board..."

A candidate for a district office must file application not less than 12 days before the annual meeting with the clerk of the district. Any 5 voters of the district may file application for or on behalf of any qualified voter. Nomination of candidates may be made from the floor, at the annual meeting, by any qualified voter.

Mr. Engum, of the State Department of Education, in speaking of the annual meetings says, "Mail vote in common school districts will not be available after January 1, 1960 as the current election law which provides for this privilege is to be repealed as of that date."

#### Independent school districts

Read p. 46-47, You Are the Government.

Here the major provisions of the school election laws applicable to independent districts are summarized, as far as possible in the same general form as the League's Minnesota Election Laws, for purposes of comparison.

#### A. Elections

1. School elections are held annually, the third Tuesday in May.
2. Special elections:
  - a. The school board may, and on petition of 50 or more voters of the district or five percent of the number of votes cast at the preceding regular election, whichever is the greater, shall by resolution call a special election to vote on any matter requiring approval of the voters of the district.

B. Election officials

1. Clerk of the district:
  - a. accepts filings for district office;
  - b. prepares ballots;
  - c. gives notice of elections;
  - d. delivers certificate of election to candidate;
  - e. handles absentee voting.
2. Election judges:
  - a. three are appointed for each polling place by school board;
  - b. may be paid by the district at a rate not to exceed \$1.00 per hour;
  - c. shall act as clerks of election, count the ballots cast, and then submit them to the board for canvass.
3. The school board:
  - a. canvasses the election;
  - b. certifies candidates after election.

C. Election day

1. Election precincts determined by the school board.
2. Polling places determined by the school board.
  - a. Hours polls shall be open determined by board.
3. Related provisions:
  - a. Voting shall be by secret ballot.
  - b. School board may provide for the use of voting machines at all elections; may enter into agreement with any municipal corporation to rent and use voting machines; provisions of general election law shall apply "insofar as applicable."

D. The voter

1. Same voting qualifications as for other elections. See You Are the Government, p. 15, or the League's Minnesota Election Laws, p. 6-7.

E. Absentee voting

1. Qualifications:
  - a. "any person entitled to vote in an election in an independent district" may vote by mail, if



- 1). he is to be absent from the district on election day, or
  - 2). he is unable to appear at the polling place because of physical disability or religious discipline.
2. Registration:
- a. In any district where permanent registration of voters is required, no ballot may be accepted from any voter who is not validly registered.
3. Obtaining ballots and voting:
- a. any qualified person may request in writing an absentee ballot from the clerk of the district;
  - b. request shall be made in person or by registered mail, not more than 25 nor less than 5 days before the election;
  - c. ballots will be delivered by clerk to applicant, as soon as ballots are printed, by certified mail or in person;
  - d. specific and detailed instructions concerning the ballot and ballot envelope are given in the law;
  - e. ballots received by the clerk after the count has been begun by the judges are void;
  - f. application for absentee ballot shall be signed and sworn before an officer authorized to administer oaths.

F. The candidate

1. Must be a qualified voter.
2. Filing procedure:
  - a. candidate for a district office files not more than 30 nor less than 12 days before the election;
  - b. candidate files with clerk of district.
3. Petition:
  - a. any 5 voters of the district may file written application for or on behalf of any qualified voter to be a candidate.

G. Contest of elections

1. "any voter may contest the election of any person for or against whom he had the right to vote, who is declared elected to a school district office, or other questions submitted to public vote."
2. Specific procedures are outlined in the school election law.

Special School Districts

Read p. 47, You Are the Government.

Concerning the laws applicable to special school districts, the School Code says, "Special districts as now organized shall continue to operate under the special legislation and charter provisions governing them until conversion to independent districts. The provisions of this code relating to independent districts shall apply to and govern each special district unless the special laws and charter provisions governing the special district provide for the matter, in which case the special laws and charter provisions relating to the special district shall apply and control."

Brief questionnaires were sent to the clerks of the six special school districts: Minneapolis, St. Paul, Duluth, Rochester, Winona and South St. Paul. Minneapolis has just become the first special independent school district as a result of 1959 legislative action followed by a necessary vote of the citizens, and its situation during the transitional period is complicated and difficult to clarify.

There is very little uniformity in school election laws and procedures among the special school districts. To prove the point, an indication of variations in a few areas will be made, but no attempt is made to digest all the election laws.

Elections are held at various times: Duluth - first Tuesday in April, annually; Minneapolis - primary: second Monday in May, odd-numbered years; general: second Monday in June in odd-numbered years; St. Paul - last Tuesday in April in even-numbered years; South St. Paul - 2d Tuesday in April, in odd-numbered years; Rochester - March of each year; Winona - primary: 1st Monday in February in odd-numbered years, and the final election: 1st Monday in April, in odd-numbered years.

In all six districts, school elections are combined with municipal elections, Duluth adding that in even-numbered years the school election is held alone. In most cases the municipality conducts the elections. In the three cities of the first class, election judges are chosen from civil service lists.

There is variation in the number of school board members, Rochester having 5; Minneapolis, St. Paul and South St. Paul, 7 each; Duluth and Winona, 9 each.

Voting machines are used in city and school elections except in Winona where they are used in neither, and except in Duluth's even-numbered year school elections.

In some cases the public school operations are part of the municipal government; in others there is complete independence. St. Paul has a "complicated form of dependency." Minneapolis' school board assumed responsibility for its own finances as part of its conversion, on June 17, 1959.

Because of frequent discussions on the advisability of combining school and municipal elections, the question was asked, "Are the boundaries of your school district exactly co-terminus with those of your city?" In some cases, they are. Winona, answered, "Over 99%," and Rochester, "... not necessarily ... Special School District No. 4 has the same boundaries as the city plus all of Larson's Sub Division and parts of Section #25. The city and school district have made independent additions in the past but are cooperating on additions at the present time." There would obviously be problems in combining elections where the boundaries of both units of government are not co-terminus.

#### Associated School Districts

Read p. 47, You Are the Government.

As of September, 1959, none have been organized.

#### Unorganized Territory

Read p. 47, You Are the Government.

There are no school elections as such. The county boards of education for unorganized territories vary from 3 to 5 members. The composition of the board is determined by law; the members are, in all cases, ex officio except for Cass County where the chairman and two other members of a five-member board are elected by the people of the territory. The board is not required to submit issues, such as issuing of bonds, to a vote of the people, but may by unanimous vote make these decisions.

#### Non-operating, or Closed, Districts

Read p. 48, You Are the Government.

These closed school districts are referred to briefly in the section "certain inadequacies."

#### DISCUSSION

Election law requirements have been adapted to the needs of the different kinds of school districts. When we compare the general election law provisions with school election law requirements, we find that some provisions in the School Code are not spelled out in the detail that occurs in the general election law, and that some areas are covered sketchily if at all.

There is very little about registration. A "legal voter" is not defined in the School Code. Special qualifications for a candidate are not listed, nor are there standard application forms for candidates.

Before changes were made in the laws in 1959, absent-voting provisions in the general law were made to apply to school elections, though this was inconsistent with the usual practice. Now, there are separate provisions for independent school districts in the School Code which, to quote one source, are "simplified but adequate." As a result, if a voter wants to obtain ballots by mail for absent voting, he will have two separate procedures to follow. He will apply to the clerk of the independent school district for his school district ballot and to the city clerk for his municipal ballot. It must be emphasized that the new absent voting provisions in the School Code apply to independent school districts. As was mentioned earlier, the common school district no longer has the privilege of a mail vote after January 1, 1960.

General contest of elections provisions were held by the Supreme Court, a few years ago, to be inapplicable to school elections. In 1955, a law was adopted to apply certain of the contest provisions in the general election law to certain kinds of school districts. In the 1959 changes, the new general election law dropped this, and the new Education Code included its own contest provisions in full for independent districts. The contest procedure is largely that governing civil actions, with the Minnesota Rules of Civil Procedure being made applicable. However, there is no provision for contesting an election in common school districts.

The standards described and discussed in the League's Minnesota Election Laws might well be reviewed by League members, with the purpose of trying to determine whether improvements might be needed in school election laws as well as in general election laws. The same safeguards and rigid requirements would appear to be desirable in any kind of election.

#### "Certain inadequacies"

Officials and others who have worked with election problems cite "certain inadequacies" in the school election and related law which could profitably be considered, among them the following:

-----In some places where there is permanent registration of voters one must be registered to vote at a school election, but what about places where there is no permanent registration? Provisions for poll lists or election registers are lacking.

-----According to the 1958-59 Annual Report of the State Advisory Commission on School Reorganization, there were 856 closed schools in the state at the time of the report. The Commission "feels that there is a continued need to bring before the citizens of the state the necessity of eliminating the closed school district..." Four reasons are cited, the fourth of which relates specifically to our sphere of interest: "(4) the parents and taxpayers in closed districts are disenfranchised in matters pertaining to the schools in which their children attend."

-----Corrupt practices provisions that definitely are applicable to school elections need to be laid down. (See the League's Minnesota Election Laws, p. 47-48, for discussion of corrupt practices and Minnesota law.)

-----One source of information cites the existence of "certain 'gerrymandering' practices in laying out district lines, and without adequate remedy." (See definition of "gerrymander" in the glossary of the League's Minnesota Election Laws.)

-----In a common school district only 5 voters constitute a quorum, regardless of size of district.

-----A "legal voter" needs to be specifically defined in the School Code.

### The Interim Commissions

In our consideration of school and general election laws, the work of two Interim Commissions, past and present, is of concern to us. One is the Commission on Election Laws, created by the 1957 Legislature to recodify the general election laws, and continued by the 1959 Legislature to complete its work. (See page 1 in the League's Minnesota Election Laws.) The other Interim Commission in whose work we are interested is the Commission on Education Laws and Recodification, established in 1955 to recodify the education laws, and continued by the 1957 Legislature to finish the recodification. The 1959 Legislature set up another Commission on Education with a broad study assignment "for the purpose of codifying and clarifying statutes relating to elementary and secondary schools...." No specific reference is made to election laws.

The two Commissions, as they considered their respective sets of election laws, worked independently of course, but at certain points their paths met. They appear to have agreed on the principle of separation of general election laws from school election laws; the School Code has been strengthened by the inclusion of some provisions previously omitted, which though occurring in the general election law, appeared generally not to apply to school elections.

### Conclusion

At one time the necessity for rigid requirements and safeguards in elections applied, in the public mind at least, mainly to city, state and national government elections. In these areas, it was thought, abuse of the public might be expected rather than in school elections where only a handful of conscientious citizens participated. Not as great a proportion of public funds was spent on public education as in other areas of governmental activity. Fewer safeguards against careless conduct and deliberate misconduct in school elections were set up in the law. General election laws were not written with school elections in mind, and by their definition of the word "election," as we have seen, they seemed to exclude school elections, though there have been inconsistencies in this regard through the years in legal interpretations of the law.

We begin to see a few of the reasons for this general exclusion as we study the public school government structure, with the school district a separate unit of government, and as we realize the historical feeling toward school elections as being above abuse and as being considerably less "political" than other types of elections.

The proper attention

Today a large portion of our tax revenue goes toward the support of our public education system, and citizens are giving more attention to school policies and the spending of school monies. Our attention, however, often drops off in intensity when usually prosaic matters such as school election laws are up for consideration, or when a school election is at hand. The city clerk in one of our cities of the first class estimates that less than half as many people go to the polls in a school election as in a municipal election.

Ogden Nash, in a wry poem called Election Day is a Holiday, speaks of those citizens who are qualified to vote, but don't, as "un-citizens in citizens' clothing." The phrase might be applied more widely to include those of us who, before voting, do not bother to inform ourselves adequately on issues, candidates and election laws.

#### List of References

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