

~~Proposed Amendment No. 1~~

Amend Chapter VI of the Duluth City Charter so as to read as follows:

"CHAPTER VI,"

"Elections."

"Section 37.—A municipal election shall be held on the first Tuesday of April, A. D. 1917, and on the first Tuesday of April in each second year thereafter, which shall be known as the general municipal election. All others shall be known as special municipal elections. Each officer elected under this charter shall assume the duties of the office to which he is elected on the second Monday next succeeding his election, at twelve o'clock noon.

Section 38.—The second Tuesday in March of each year in which a general municipal election is to be held, and the next succeeding Saturday, shall each be registration days, at which times the names of the electors of said City, qualified to vote under the general election laws of the state, shall be registered. The council shall establish necessary voting precincts and make suitable provision for the registering of the voters in each voting precinct in the city, and shall appoint the necessary judges of election. The judges of election shall appoint the clerks of election. The judges and clerks of election shall constitute the judges and clerks of registration. Suitable books shall be provided in which to register the names of the voters and the qualifications of the voters shall be ascertained in the same manner and the registration proceedings conducted the same as provided by the general election laws of the state, except as herein otherwise provided. No person shall be allowed to vote at any municipal election unless his name be registered, as herein provided. The judges and clerks of registration shall as soon as the registration is completed, return the poll lists upon which the names of the voters are entered to the City Clerk. The Clerk shall thereupon prepare lists of the registered voters, one of which shall be posted up in his office at least ten (10) days prior to the election. The list of voters so prepared and posted shall contain the names as registered under headings designating the precincts separately.

In case any voter shall fail to register on the days set apart for that purpose, he may on or before the third day preceding the election apply to the City Clerk to have his name entered upon the poll list of the precinct where he is entitled to vote. For that purpose he shall make and file with the clerk an affidavit signed by himself and a voter of the precinct where he seeks to vote, to the effect that he is a citizen of the United States over the age of twenty-one years, and has resided in the state for six months and in the precinct where he seeks to vote for thirty days and shall state therein his place of residence.

In the case of voters who are sick, or who for any other reason cannot personally apply to the clerk for registration, the affidavit may be presented by a person other than the proposed voter, or may be mailed

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to the clerk. The clerk shall preserve all such applications and affidavits for registration and transmit the same with the poll lists to the judges of election of the particular precincts where they belong, together with the reasons, if any, which shall have come to his knowledge why the applicant for registration is not a legal voter in the precinct where he seeks to vote.

At the opening of the polls on election day the judges and clerks of election shall examine into all such applications for registration and if it is found that the applicant is a legal voter in the precinct, his name shall be entered on the poll list and he shall be allowed to vote.

In case of special elections where officers are to be elected, the council shall fix the time of holding the same and shall provide registration days similar, as near as may be, to those herein provided for general municipal elections, and shall appoint the necessary judges of election, who shall appoint the necessary clerks of election, and the council shall provide all means for holding such special elections in the same way and under the same conditions as herein enumerated for general municipal elections. In the case of special municipal elections where no officers are to be elected but only questions or propositions are to be submitted to the voters for their approval or rejection, there shall be no primary election, and only one registration day, which registration day shall be fixed by the council, and shall be at least twelve (12) days prior to the election. In such cases the registration judges and clerks shall take the poll list used at the last preceding general election and shall copy the same onto the poll lists for the coming special municipal election and shall add thereto the names of such persons as they ascertain have become voters in the precinct since the last general election and shall strike therefrom the names of such persons as they ascertain have ceased to be voters in the precinct since the last general election.

Section 39.—On the next succeeding Saturday after the second Tuesday in March of each year in which a general municipal election is to be held (being the second registration day provided for in Section 38), and on the second registration day fixed by the council to precede any special election for the election of officers, a primary election, or election of nominees to the several offices to be filled at the coming general or special municipal election, shall be held. The names of persons to be voted for at the primary election shall be selected in the following manner:

Not less than thirty (30) days before any primary election any person who is a citizen and legal voter of the City of Duluth may file with the City Clerk his application to have his name placed upon the ballot at the coming primary election as a candidate for the nomination for any office to be filled at the election on account of which such primary is to be held. He shall accompany his application with a fee of \$10., to be paid into the city treasury and credited to the general fund. He shall also accompany his application with an affidavit to the effect that he is a citizen of the United States and a legal voter in the City of Duluth, and his application shall distinctly state the office for which he wishes to become a candidate. The clerk shall file all such applications in his office where the same are accompanied with the requisite fee and affidavit.

Section 40. The clerk shall at least ten days before any primary election, prepare the necessary ballots to be used at such primary on which shall be printed the names of the several persons who have filed as candidates for the nomination for the several offices as provided for in Section 39 of this Chapter.

The ballot so to be prepared and used at any such primary election shall be in the following form and the voting at such primary election shall be in the following manner:

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**PRIMARY MUNICIPAL ELECTION BALLOT
CITY OF DULUTH.**

INSTRUCTIONS.

To vote for any person, mark a cross (X) in a square to the right of his name.

Vote your first choice in the first column.

Vote your second choice in the second column.

If you vote for the same person as your first and second choice, your vote on your second choice will not be counted.

Vote only as many first choices and only as many second choices as there are offices to be filled at the City Election.

Any distinguishing mark makes the ballot void.

If you wrongfully mark, tear or deface this ballot, return it and obtain another from the election officer.

(Designate Office)	First Choice. Vote for—	Second Choice. Vote for—
A. B. ....	.....	.....
C. D. ....	.....	.....
E. F. ....	.....	.....
(Designate Office)	Vote for—	Vote for—
A. B. ....	.....	.....
C. D. ....	.....	.....
E. F. ....	.....	.....
(Designate Office)	Vote for—	Vote for—
A. B. ....	.....	.....
C. D. ....	.....	.....
E. F. ....	.....	.....

If any office is to be filled for an unexpired term, the names of all applicants as candidates for the nomination for such unexpired term shall be placed in a separate space on the ballot immediately following the space in which the names of the candidates for nominations appear for that particular office for the full term. If there is no such office to be filled for the full term, then such space for the unexpired term in such office shall occupy the position on the ballot that would naturally be the place for such office.

Section 41. The clerk shall cause ballots for each primary election to be prepared, printed and authenticated. The ballot shall contain a complete list of the offices to be filled and the names of the persons who have filed therefor. All ballots used at any primary election shall be identical in form and color. The names of the candidates shall be arranged in alphabetical order of surnames. Nothing on the ballot shall be indicative of the source of the candidacy. No ballot shall have printed thereon any party or political designation or mark and there shall not be

[Handwritten mark]

appended to the name of any candidate, any party or political designation or mark or anything indicating his views or opinions.

In the several spaces at the head of the column where the voter is to mark a cross (X), shall be printed the number of candidates that are to be voted for, which shall always be a number equal to the number of offices of a particular class to be filled at the coming election, so that such heading shall read: "Vote for one", or "Vote for two", or "Vote for three", as the case may be.

Only the votes of qualified registered voters shall be received by the judges and clerks of election, but a voter may register and then vote on the second registration date provided for in this Chapter. The City Clerk shall furnish the necessary tally sheets for counting and canvassing the votes which shall contain the necessary column for entering the names of the persons voted for and the number of first and second choice votes. Upon the close of the polls in each precinct, the judges and clerks of election shall count and canvass the ballots cast and enter the result of the vote on the tally sheet substantially according to the method used at general elections throughout the state, except that such tally sheets shall show both the first and second choice votes cast for each candidate. Whenever on any ballot, the same person has been voted for as the first and second choice, the vote for second choice shall be void and shall not be counted.

When the canvass of the vote at any primary election is completed, the judges and clerk shall sign and certify to the tally sheets and return the same and the ballot boxes and ballots to the City Clerk forthwith.

Section 42. Upon the receipt of the full returns from any primary election, the City Clerk shall proceed to canvass and determine the result. For that purpose, he shall call to his assistance, the City Auditor and one of the City Commissioners. A full count of the votes cast at the primary election as shown by the several precinct returns shall be made and the results shall be entered on a sheet prepared for that purpose containing the names of all the persons voted for as candidates at the primary, and showing the number of votes cast for each in separate columns. Such sheet shall be signed and certified to as correct by the Clerk, Auditor and City Commissioner acting as a canvasser and shall be filed in the office of the City Clerk.

From the result of the primary election as so determined by the canvassing sheet filed in his office, the City Clerk shall prepare the necessary ballots on which the votes shall be cast at the coming election.

To ascertain the nominees whose names shall be placed upon the election ballot, the Clerk shall be guided by the following determinations and rules, except as herein otherwise provided:

(a) The two candidates for nomination for each municipal office, who receive the highest number of votes ascertained as hereinafter provided for, shall be the nominees for such office and their names shall be placed upon the general election ballot.

(b) When two persons are to be elected for the office of commissioner for a full term at the general municipal election, or when two persons are to be elected for the office of commissioner for unexpired terms at such election, the nominees to be placed upon the general municipal election ballot shall be twice the number of persons to be elected to such office and who have received the highest number of votes at such primary election as so ascertained; provided, that when only two persons have filed for nomination for any municipal office, or not more than twice the number of persons to be elected to any office file for the nomi-

nation thereof, their names shall not be placed upon the municipal primary ballot, but said persons shall be considered and shall be the nominees for such office and their names shall be placed upon the general election ballot as such nominees.

(c) There shall be placed upon the election ballot not more than two nominees for any office to be filled at such election.

The two candidates for nominees for an office who have received the largest majority of the first choice votes, shall be the nominees for such office.

Whenever no candidate, or only one candidate, for nominee for an office, has received a majority of the first choice votes for the office in question, the remaining nominee or nominees, necessary to furnish two, shall be the candidate or the two candidates, as the case may be, for nominee for the office in question, who has or have received the highest number of votes when the first and second choice votes of all the candidates are added together.

Every ballot shall contain a blank space for each office for which there is a candidate, so that any voter may write therein, the name of any person not appearing on the ballot as a candidate.

(d) In case of a tie between two or more candidates in the number of first and second choice votes combined and such candidates are among those who receive the greatest number of votes cast as herein defined and the name or names of some of them are required to complete the general election ballot, then the name of the candidate so tied who has the greatest number of first choice votes shall be printed upon the ballot to be used at the coming election as well as the name of any other person who has a greater number of first and second choice votes than those who are so tied.

Section 43. All official ballots used at any general or special municipal election shall be identical in form and color. They shall be in substantially the same form as the primary ballot, except that they shall be headed "GENERAL (OR SPECIAL) MUNICIPAL ELECTION, CITY OF DULUTH, (INSERTING DATE THEREOF)". Space shall be provided on the ballot for charter amendments or other matters to be voted upon at municipal elections, and blank spaces so that the names of candidates other than those whose names are printed on the ballot may be written in. The names of candidates shall be arranged in alphabetical order of surnames as near as may be. Nothing on the ballot shall be indicative of the source of the candidacy or the support of any candidate. No ballot shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate anything indicating his views or opinions.

Section 44. The Clerk shall at least ten days before any general or special municipal election cause to be printed not less than two thousand (2000) sample ballots upon paper of different color, but otherwise identical, except numbering, with the ballot to be used at the election, and shall distribute the same to registered voters at his office. Sample ballots shall be posted at the polls on election day. The clerk shall prepare the regular ballots for use at any general or special election, and shall cause to be printed thereon the names of the several candidates as determined by the canvass of the primary election vote.

Section 45. CANVASS OF RETURNS AND DETERMINATION OF RESULTS OF ELECTION.

As soon as the polls are closed at any general or special municipal election the precinct election officers shall open the ballot boxes, take therefrom and count the ballots, and enter the total number thereof on

the tally sheets to be procured therefor by the City Clerk. They shall then count and enter the votes for each candidate on said tally sheet and make return thereof to the Clerk, as provided by law.

Candidates receiving a majority of votes for any office at any general or special municipal election shall be elected in all cases where only two candidates are voted for at the election for the same office. In cases where more than two candidates are voted for, the person having the highest number of votes shall be elected. In case of a tie vote between any two or more candidates having the highest number of votes the result shall be determined by lot under the direction of the canvassing board.

Whenever the word "majority" is used in this chapter it shall mean more than one-half of the total number of ballots cast at the election for the particular office in question.

Section 46. No informalities in conducting municipal elections shall invalidate the same, if they be conducted fairly and in substantial conformity with the requirements of this charter.

Section 47. EXPENDITURES OF MONEY ON ELECTIONS.

(a) All expenditure of money in aid of nomination or election of candidates, except for holding public meetings and printing and distributing literature, is prohibited, and the total expenditure on behalf of any one candidate, whether directly or indirectly, and whether by himself alone or otherwise, shall not exceed Five Hundred Dollars (\$500) for any primary election or general or special election.

(b) No candidate, or any other person, association or organization on his behalf, directly or indirectly, shall pay or cause any person to be paid, in cash, or by any other material inducement, for work for his nomination or election at the polls on election day. No candidate shall directly hire, use or cause to be hired in aid of his candidacy, on the day of the primary or municipal election, any automobile, carriage or other vehicles for the purpose of transporting voters to or from the polls.

(c) A violation of any of the provisions of this section by any candidate or by any person, association or organization in his behalf, with his consent shall disqualify him for holding the office for which he is a candidate.

(d) Every elective officer, at the time he takes his oath of office, shall make and file with the Clerk an oath that he has not violated any of the provisions of this section, which oath shall enumerate specifically the prohibitions in this section, and shall contain a complete itemized statement of expenditures of money, or of the giving of any other consideration or promise, by him or by any other person in his behalf in such election.

(e) If any person, directly or indirectly, shall pay, or cause any person to be paid, in cash or by any other material inducement, for work for any candidate, at the polls on election day he shall be guilty of a misdemeanor, and the council shall provide by ordinance, for the enforcement of this provision by suitable penalties.

(f) The provision of any state law, now or hereafter in force, relating to the qualifications and registration of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other provisions with respect to the management of elections except as otherwise provided in this charter, so far as they may be applicable, shall apply to all municipal elections.

Section 48. The council of the City of Duluth shall constitute the canvassing board for the canvass of the votes, and the determination of

the result of every general or special municipal election held under the provisions of this charter. The council shall meet as such canvassing board on the Monday following each general or special municipal election at ten o'clock in the forenoon, at which time they shall receive the returns from the several election precincts of the City, and shall canvass the votes as returned by the judges and clerks of election, and shall by resolution certify and determine the result of such election as to each officer and matter voted upon at the election.

Section 49. Whenever, at any general or special municipal election, an office is to be filled, and for any reason there shall be a failure to elect, a special election to fill the vacancy so caused may be called by the council, and in case of such failure of election, if the council shall neglect for a period of thirty (30) days to call such special election, then upon the filing with the City Clerk of a petition signed by ten (10) per cent or more of the voters of the City, as shown by the returns of the last preceding election, addressed to the council, and demanding such election, it shall be the duty of the council to call the same. Special elections may be called by the council for any purpose other than those herein enumerated. All special elections shall be called by resolution of the council, which resolution shall fix the time therefor, and shall state the offices to be filled or the questions to be decided thereat, and shall direct the clerk to give the necessary notice and make the necessary preparation for the holding of such election.

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State of Minnesota,) ss
County of St. Louis.)

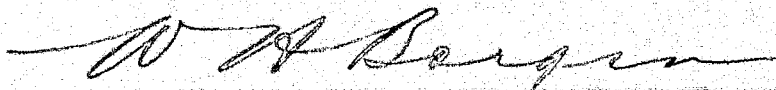
Duluth, Minn., July 15, 1916.

We, W. I. Prince, Mayor, and W. H. Borgen, City Clerk of the City of Duluth, St. Louis County, Minnesota, do hereby certify that the foregoing amendment to Chapter 6 of the Duluth city charter was submitted to the qualified electors of the City of Duluth and adopted and ratified at the Special Municipal Election of the City of Duluth, which was held on the 19th day of June, A. D., 1916, and that said amendment was duly ratified by a three-fifths ($3/5$) votes of all the qualified voters voting at said election.

IN WITNESS WHEREOF, We have signed this certificate and caused it to be authenticated by the corporate seal of the City of Duluth, in duplicate, this first day of July, A. D., 1916.



Mayor, City of Duluth, Minnesota.



City Clerk, City of Duluth, Minnesota.

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