

State of ...

...

...

One who files as a candidate for office as a member of a political party shall become defunct before the election day, notwithstanding his candidacy, affiliates with another political party, and may at a succeeding election file for nomination as the candidate of such other party.

...

Wm. B. Schell has filed as a candidate for the Republican nomination for congress. Petitioner asks the court to direct the secretary of state not to place his name on the ballot as a Republican because at the last election he filed and was nominated and elected as the candidate of the Progressive party and in opposition to a Republican candidate.

The statute provides that a candidate for election as an a party ballot shall, in his affidavit of filing, state that he affiliated with said party at the last general election, and further that he did not vote thereat or voted for a majority of the candidates of said party. Now, Schell, in his filing affidavit, says he did affiliate with the Republican party at the last election and voted for a majority of its candidates. There is no showing that he did <sup>not</sup> vote. There is no showing that he did not affiliate with the Republican party at the last election. It may appear from the fact that the Progressive party had nominated a candidate for the office of the secretary of state in 1916, there would be some to the contention that he could not be a candidate of that party and affiliate with another. But if it did not, a political party is defined by statute as any manufacturing or party organization and requesting candidates for election in such

Order to show cause discharged.  
Hollans, J.

(Audited)  
**FILED**

MAY 23 1918

**I. A. CASWELL,**  
CLERK.

*Guinn, J.*

STATE OF MINNESOTA }  
SUPREME COURT } SS.

I, I. A. CASWELL, Clerk of said Supreme Court, do hereby certify

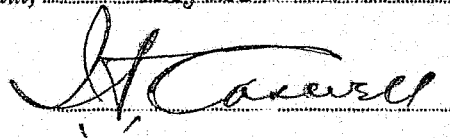
that the foregoing is a full and true copy of the opinion and syllabus

in the cause therein entitled, as appears from the original, remaining on file

in my office; that I have carefully compared the within copy with said original, and that the same is a correct transcript therefrom, and of the whole thereof.

WITNESS my hand and seal of said Supreme Court at the Capitol,

in the City of St. Paul, May 23 1918

 Clerk.

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STATE OF MINNESOTA  
DEPT OF STATE  
Filed in the office of Secretary of  
State this MAY 28 1918 day  
of \_\_\_\_\_  
*Julius O. Johnson*  
Secretary of State