

Earl E. Helms, Petitioner,
33854 v.
Mike Helm, as Secretary of
State of the State of Minnesota,
Respondent.

Endorsed:
Filed April 24, 1944
Grace Katherine Davis, Clerk
Minnesota Supreme Court

SYLLABUS

1. Absent statutory restraint, a political party may make its own reasonable rules for self-government. Minn. St. 1941, § 200.34 (Minn. St. 1940 Supp. § 601-1[2]c), does not prevent a state central committee from delegating authority to its state chairman to change the date of a convention called under the provisions of that section.

2. Petitioner is not in a position to avail himself of Id. § 205.72 (§ 601-6[7]1).

Petition denied.

OPINION

LORING, Chief Justice,

The petitioner comes here on an order to show cause under Id. § 202.08 (§ 601-3[1]g), directed to the secretary of state, seeking to restrain him from placing petitioner's name on the ballot as a candidate for governor of the Democratic-Farmer-Labor party at the primary election to be held July 10, 1944, and directing the secretary of state to place his name thereon

9546

as a candidate of the Democratic party for that office.

Section 200.34 (§ 601-1[2]c) provides:

"Any political party as defined by the election laws of this state may change its name by complying with the following conditions:

"The state central committee of such political party may call a convention, and shall state in its call that a convention is called for a certain time and place, for the purpose of changing the name of such party to some specific name given in such call. Such convention shall be held before the termination of the time for filing for nomination for primary elections preceding the general state election, and such change shall be agreed by resolution of a majority of such convention.

"A copy of the resolutions determining upon such change of name, certified by the chairman and secretary of such convention, shall be filed with the secretary of state within five days after the holding of such convention. Thereafter such political party shall be known by the new name called for by the resolution, and the party under its new name shall have all the rights that it had under its former name."

Pursuant to this statute, the state central committees of both the Democratic and the Farmer-Labor parties met in separate sessions on March 5, 1944, and issued a call for conventions of their respective parties to be held on April 7, 1944, at designated places.

The resolutions calling the conventions called them for the purpose of changing the names of both parties, the Democratic party to "Democratic-Farmer-Labor Party," the Farmer-Labor party to the "Fellowship Party." In each case the resolution making the call authorized the "state chairman" in his discretion to change the date of the convention. In each instance each chairman changed the date to April 14, 1944. It is that change in date which presents this controversy.

Each convention met on the 14th and duly adopted and certified to the secretary of state the proposed names.

1. The petitioner contends that under the statute the delegation of authority to the state chairmen was ultra vires the

state central committees. We do not think so. A political party, absent statutory restraint, may make its own reasonable rules for self-government. While the statute requires the call to state a certain time and place for the convention, it contains no restraint whatever upon the power of the committee to delegate authority to change the time of holding the convention. Unless the statute made it clear that such authority might not be delegated, we should not so hold. To do so would be to impose an unwarranted restriction on party self-government.

At the time these conventions were called the legislature was about to convene in special session for the announced purpose of enacting legislation to advance the date of the primary election so that members of the armed forces might vote at the primary and at the general election. April 10, 1944, had been proposed as the date for closing the filings. The legislature finally fixed April 17 as such date. April 7, which was Good Friday, was found to be a wholly unsuitable time for the conventions.

There is absolutely no showing that the change in date was made for any ulterior purpose or that adequate notice of the change was not communicated to all the delegates. We hold that the state central committees by their resolutions properly delegated authority to the state chairmen to change the date of the conventions.

It is obvious that the change of names was effected for the purpose of giving the Democratic party a name which would be acceptable to members of the Farmer-Labor party and that the Farmer-Labor party was given a name that would as a practical matter terminate its existence. In this fashion a fusion of the parties was effected by the voluntary action of each. No doubt the Democratic party, on account of its National affiliation,

was chosen to be the survivor. With those purposes we are not concerned. They were legitimate purposes under our system of government and if the party machinery functioned properly, as we hold it did, the members of neither party have any legitimate complaint.

2. The contention that § 205.72 (§ 601-6[7]1) prevented the Democratic party from incorporating "Farmer-Labor" into its name until after the Farmer-Labor party had effected the change in its name to "Fellowship Party" by filing its certificate with the secretary of state is not available to petitioner. That section was obviously enacted solely for the protection of the party whose name is taken. The Farmer-Labor party is not here complaining.

The petition is denied and the order to show cause discharged.

* * * * *

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 26 1944

W. A. A. A.
Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
RECEIVED
APR 26 1944
SECRETARY OF STATE
ST. PAUL, MINN.



STATE OF MINNESOTA

Office of Clerk of Supreme Court

ST. PAUL, MINN.

April 24, 1944

Emil E. Holmes,
Petitioner,

33854-vs-

Mike Holm, as Secretary of State,
For the State of Minnesota,
Respondent,STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 24 1944
Mike Holm
Secretary of State

SIR:

You will please take notice that on this date the following order was entered in the above entitled cause:

IT IS ORDERED that the order to show cause issued herein be, and the same is hereby discharged.

BY THE COURT:

Yours respectfully,
GRACE KAERCHER DAVIS,
Clerk Supreme Court.

Form 8811
Rev. 1-4-46

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 Edward L. Keest
(Signature or name of addressee)

2 Jennie M. Stewart
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery April 19, 1946

18 APRIL 1944

MR. EDWARD L. WURST,
WATKINS, MINN.

DEAR MR. WURST:

ON THE THIRTEENTH DAY OF APRIL, 1944, YOU FILED YOUR AFFIDAVIT OF CANDIDACY FOR NOMINATION FOR THE OFFICE OF REPRESENTATIVE IN CONGRESS FOR THE SIXTH CONGRESSIONAL DISTRICT, STATE OF MINNESOTA, SO AS TO HAVE YOUR NAME PLACED AND PRINTED UPON THE PRIMARY ELECTION BALLOT OF THE FARMER-LABOR PARTY TO BE USED AT THE PRIMARY ELECTION TO BE HELD IN THIS STATE ON THE TENTH DAY OF JULY, 1944.

ON THE FIFTEENTH DAY OF APRIL, 1944, AT ELEVEN FORTY O'CLOCK A. M., THE FARMER-LABOR PARTY FILED A CERTIFICATE, BY ITS OFFICERS, CHANGING THE NAME OF THE FARMER-LABOR PARTY TO THE FELLOWSHIP PARTY. BY REASON OF SUCH CHANGE OF NAME OF THE FARMER-LABOR PARTY, TO THE FELLOWSHIP PARTY, YOUR NAME WILL APPEAR ON THE CONSOLIDATED PRIMARY ELECTION BALLOT AT THE PRIMARY ELECTION TO BE HELD ON THE TENTH DAY OF JULY, 1944, UNDER THE FELLOWSHIP PARTY TICKET.

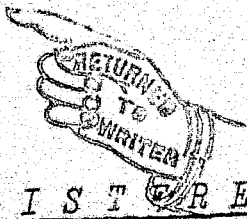
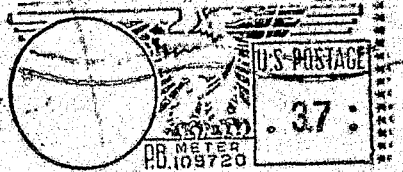
VERY TRULY YOURS,

SECRETARY OF STATE.

G

RETURN IN 5 DAYS TO
MIKE HOLM
SECY OF STATE
ST. PAUL 1, MINN.

APR 19 1944



REGISTERED--SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Special Delivery

66458 not there 10/1

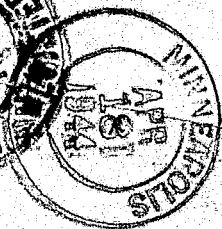
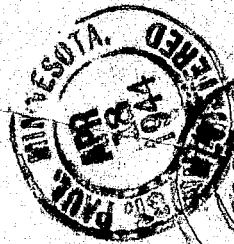
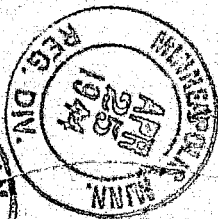
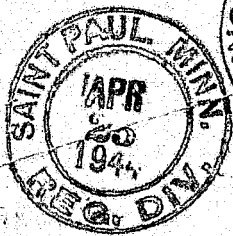
MR. EMIL E. HOLMES
510 SAVINGS AND LOAN BLDG.,
MINNEAPOLIS, MINN



No later address known to the
Post Office

FINAL NOTICE
NO LATER ADDRESS
APR 22 1944

263



18 APRIL 1944

Mr. ERIL E. HOLMES,
510 SAVINGS AND LOAN BLDG.,
MINNEAPOLIS, MINN.

DEAR MR. HOLMES:

ON THE SEVENTEENTH DAY OF MARCH, 1944, YOU FILED YOUR AFFIDAVIT OF CANDIDACY FOR NOMINATION FOR THE OFFICE OF GOVERNOR, STATE OF MINNESOTA, SO AS TO HAVE YOUR NAME PLACED AND PRINTED UPON THE PRIMARY ELECTION BALLOT OF THE DEMOCRATIC PARTY TO BE USED AT THE PRIMARY ELECTION TO BE HELD IN THIS STATE ON THE TENTH DAY OF JULY, 1944.

ON THE FIFTEENTH DAY OF APRIL, 1944, AT ELEVEN FORTY-FIVE O'CLOCK A. M., THE DEMOCRATIC PARTY FILED A CERTIFICATE, BY ITS OFFICERS, CHANGING THE NAME OF THE DEMOCRATIC PARTY TO THE DEMOCRATIC-FARMER-LABOR PARTY. BY REASON OF SUCH CHANGE OF NAME OF THE DEMOCRATIC PARTY, TO THE DEMOCRATIC-FARMER-LABOR PARTY, YOUR NAME WILL APPEAR ON THE CONSOLIDATED PRIMARY ELECTION BALLOT AT THE PRIMARY ELECTION TO BE HELD ON THE TENTH DAY OF JULY, 1944, UNDER THE DEMOCRATIC-FARMER-LABOR PARTY TICKET.

VERY TRULY YOURS,

SECRETARY OF STATE.

G

FORM 2011
Rev. 1-3-30

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

[Handwritten signature]

[Faint handwritten text]

Date of delivery 4-19, 1944

10 APRIL 1944

Mr. HARRY J. O'BRIEN,
216 1/2 North Sixth St.,
Braznerd, Minn.

DEAR Mr. O'BRIEN:

ON THE SIXTH DAY OF APRIL, 1944, YOU FILED YOUR AFFIDAVIT OF CANDIDACY FOR NOMINATION FOR THE OFFICE OF REPRESENTATIVE IN CONGRESS FOR THE SIXTH CONGRESSIONAL DISTRICT, STATE OF MINNESOTA, SO AS TO HAVE YOUR NAME PLACED AND PRINTED UPON THE PRIMARY ELECTION BALLOT OF THE DEMOCRATIC PARTY TO BE USED AT THE PRIMARY ELECTION TO BE HELD IN THIS STATE ON THE TENTH DAY OF JULY, 1944.

ON THE FIFTEENTH DAY OF APRIL, 1944, AT ELEVEN FORTY-FIVE O'CLOCK A. M., THE DEMOCRATIC PARTY FILED A CERTIFICATE, BY ITS OFFICERS, CHANGING THE NAME OF THE DEMOCRATIC PARTY TO THE DEMOCRATIC-FARMER-LABOR PARTY. BY REASON OF SUCH CHANGE OF NAME OF THE DEMOCRATIC PARTY, TO THE DEMOCRATIC-FARMER-LABOR PARTY, YOUR NAME WILL APPEAR ON THE CONSOLIDATED PRIMARY ELECTION BALLOT AT THE PRIMARY ELECTION TO BE HELD ON THE TENTH DAY OF JULY, 1944, UNDER THE DEMOCRATIC-FARMER-LABOR PARTY TICKET.

VERY TRULY YOURS,

SECRETARY OF STATE.

G

FORM 9512
NOV. 1-4-40

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 Wm. D. A. Sullivan
(Signature of holder of address)

2 Wm. D. A. Sullivan
(Signature of addressee's agent—agent shall enter addressee's name in this box)

Date of delivery APR 18 1944, 194

18 APRIL 1944

Mr. B. A. MULLIGAN,
1697 JAMES,
ST. PAUL, MINN.

DEAR MR. MULLIGAN:

ON THE TWELFTH DAY OF APRIL, 1944, YOU FILED YOUR AFFIDAVIT OF CANDIDACY FOR NOMINATION FOR THE OFFICE OF RAILROAD & WAREHOUSE COMMISSIONER (TO FILL UNEXPIRED TERM OF DECEASED COMMISSIONER EXPIRING ON THE FIRST MONDAY IN JANUARY, 1949), STATE OF MINNESOTA, SO AS TO HAVE YOUR NAME PLACED AND PRINTED UPON THE PRIMARY ELECTION BALLOT OF THE DEMOCRATIC PARTY TO BE USED AT THE PRIMARY ELECTION TO BE HELD IN THIS STATE ON THE TENTH DAY OF JULY, 1944.

ON THE FIFTEENTH DAY OF APRIL, 1944, AT ELEVEN FORTY-FIVE O'CLOCK A. M., THE DEMOCRATIC PARTY FILED A CERTIFICATE, BY ITS OFFICERS, CHANGING THE NAME OF THE DEMOCRATIC PARTY TO THE DEMOCRATIC-FARMER-LABOR PARTY. BY REASON OF SUCH CHANGE OF NAME OF THE DEMOCRATIC PARTY, TO THE DEMOCRATIC-FARMER-LABOR PARTY, YOUR NAME WILL APPEAR ON THE CONSOLIDATED PRIMARY ELECTION BALLOT AT THE PRIMARY ELECTION TO BE HELD ON THE TENTH DAY OF JULY, 1944, UNDER THE DEMOCRATIC-FARMER-LABOR PARTY TICKET.

VERY TRULY YOURS,

SECRETARY OF STATE.

G

FORM 3811
Rev. 1-4-40

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1. Frank Yetka
(Signature or name of addressee)

2. Alice Yetka
(Signature of addressee's agent - Agent's full name and address's name on line ONE above)

Date of delivery 4-19, 1944

18 APRIL 1944

MR. FRANK YETKA,
CLOQUET, MINN.

DEAR MR. YETKA:

ON THE THIRTIETH DAY OF MARCH, 1944, YOU FILED YOUR AFFIDAVIT OF CANDIDACY FOR NOMINATION FOR THE OFFICE OF GOVERNOR, STATE OF MINNESOTA, SO AS TO HAVE YOUR NAME PLACED AND PRINTED UPON THE PRIMARY ELECTION BALLOT OF THE FARMER-LABOR PARTY TO BE USED AT THE PRIMARY ELECTION TO BE HELD IN THIS STATE ON THE TENTH DAY OF JULY, 1944.

ON THE FIFTEENTH DAY OF APRIL, 1944, AT ELEVEN FORTY O'CLOCK A. M., THE FARMER-LABOR PARTY FILED A CERTIFICATE, BY ITS OFFICERS, CHANGING THE NAME OF THE FARMER-LABOR PARTY TO THE FELLOWSHIP PARTY. BY REASON OF SUCH CHANGE OF NAME OF THE FARMER-LABOR PARTY, TO THE FELLOWSHIP PARTY, YOUR NAME WILL APPEAR ON THE CONSOLIDATED PRIMARY ELECTION BALLOT AT THE PRIMARY ELECTION TO BE HELD ON THE TENTH DAY OF JULY, 1944, UNDER THE FELLOWSHIP PARTY TICKET.

VERY TRULY YOURS,

SECRETARY OF STATE.

G

STATE OF MINNESOTA

IN SUPREME COURT

1914

EMIL B. HOLMES,

PETITIONER,

vs.

MIKE HOHN, AS SECRETARY
OF STATE, FOR THE STATE
OF MINNESOTA,

RESPONDENT,

PETITION

Now comes the petitioner herein, Emil B. Holmes,
and respectfully shews to the court herein

I

That he is and for many years last past has been a
resident of the State of Minnesota and a citizen thereof;
that for many years past he has been and still is a member
of that particular political party organized and existing
in the State of Minnesota, and under the laws thereof, an
~~organized party of the State of Minnesota~~, and sometimes
designated as "The Democratic Party of Minnesota," herein
disclaiming that the purported change of the name of the
aforesaid party to ~~DEMOCRATIC-PROGRESSIVE-LABOR PARTY~~ is of
any force and effect.

II

That the respondent, Mike Hohn, is and during all
times mentioned herein was continuously the Secretary of
State for the State of Minnesota; that under the laws
and statutes of the State of Minnesota during all of said
time he was, and still is, the officer of the State of

Minnesota for receiving affidavits for filing, for all candidates for state offices for primary elections, and particularly for the primary election next ensuing and particularly for candidates for Governor of the State of Minnesota on primary election ballots; that as such officer under the law, he had, at all of said time, and still has exclusive control of the acceptance of filing for said state offices for the ensuing primary election, the acceptance or rejection of applications for filing by party designation for said state offices, the designation by party on the state primary ballot for the ensuing primary election, the certification of the completed ballot for said state offices to the County Auditors of the respective Counties of the State of Minnesota, and the printing of the said certified ballot or ballots with the designation by party of the candidates for state offices, and particularly the office of Governor without the restrictions and limitations of the laws and statutes of the State of Minnesota.

III.

That on the 17th day of March, 1944, there then was existing in the State of Minnesota, the aforesaid political party known as The Democratic Party of the State of Minnesota, of which your petitioner was at that time, and still is a member; that there was on said date, and for many years prior thereto, a political party existing in and organized under the laws of the State of Minnesota, designated as The Farmer-Labor Party.

IV.

That on or about the 17th day of March, 1944, your petitioner filed his affidavit in form as required by the laws of the State of Minnesota, as a candidate for nomination

for Governor of the State of Minnesota at the ensuing primary election, said filing being made with the respondent at his official office, and said filing and affidavit designating your petitioner as the candidate for said office upon the ticket of the DEMOCRATIC PARTY OF THE STATE OF MINNESOTA, and not otherwise, and said application and said affidavit, under said designation, was then and there accepted by said respondent, and the proper fee paid to him therefor.

V.

That on the fifth day of March, 1944, the State Central Committee of the said Democratic Party did hold a meeting, and upon said date did, in lawful meeting assembled, issue a call for a convention to be held in the City of Minneapolis, Hennepin County, State of Minnesota, on the seventh day of April, 1944, at two o'clock P. M., for the announced purpose, among other purposes enumerated in said call, of changing the name of said Democratic Party to DEMOCRATIC-FARMER-LABOR PARTY. That said call bore date of March 5th, 1944 and was duly published in a legal newspaper of the County of Ramsey, State of Minnesota, known as the St. Paul Dispatch, said publication being made in two successive weeks, viz., on the seventh day of March and the fourteenth day of March, 1944. That said notice cannot well be set forth herein because of its extreme length, but is hereto attached, and made a part of this petition, and marked as "Petitioner's Exhibit A".

That on the fifth day of March, 1944 the State Central Committee of the aforesaid Farmer-Labor Party did duly hold a meeting and issued a call for a State Convention of said party to be held in the City of Minneapolis, County of Hennepin, State of Minnesota, at ten o'clock in the forenoon of the seventh day of April, 1944, for the purpose, among others included in the call, to change the name of said party to that

OF FELLOWSHIP PARTY. That said call was issued and bore date of March 5th, 1844, and was duly published on the seventh day of March 1844, and the fourteenth day of March, 1844, in the aforesaid St. Paul Dispatch, and because of its extreme length, said call and notice thereof is hereto attached and made a part of this petition and marked "petitioner's Exhibit B".

VI.

That no other legal calls for said change of name were ever issued by either of said parties, except by the aforesaid printing thereof, and notification of said printing, containing the same dates for said convention meetings as aforesaid, and not otherwise.

VII.

That thereafter in pursuance to both of the aforesaid calls and notices, the authorized County or City Committees of both of said political parties did publish calls, as by statute required, for elections to be held on the first day of April, 1844, for the election of delegates to aforesaid respective conventions, which were to be held as aforesaid at Minneapolis on the seventh day of April 1844. That no other publications or notices other than aforesaid were ever made, and that no other calls for either of said conventions was ever made.

VIII.

That thereafter said conventions were held on the fourteenth day of April 1844, in the City of Minneapolis, for the first time, the date of said conventions being arbitrarily set by the chairmen of each respective State Central Committee, all contrary to law.

II.

That on the 15th day of April, 1944 at 11:45 o'clock A.M. aforesaid Democratic Party of the State of Minnesota, did cause to be filed, with the Secretary of State of Minnesota a resolution purporting to change its name to DEMOCRATIC-FARMER-LABOR PARTY, a true copy of which is hereto attached and marked "Petitioner's Exhibit C", with the enclosures as they appear on the original filing in said office. That on the same date at 11:40 o'clock A.M., said Farmer-Labor Party did file with said Secretary of State, a copy of its resolution purporting to change the name of said party to the "Fellowship Party". That a copy of said resolution is hereto attached and marked "Petitioner's Exhibit D". That an inspection of these Exhibits will disclose that "C" is an ^{altered} carbon copy of "D", acknowledged before the same Notary.

3.

That in fact, no legal change of name was ever made by either of said parties, inasmuch as either of said conventions for change of name were held subject to any legal calls, and that as a result thereof the party entitled to the name "Democratic Party of the State of Minnesota," at the time your petitioner filed, is still the owner and holder of said name to the exclusion of any other, and the said "Farmer-Labor Party" is still the owner and holder of the right said name to the exclusion of any other, and each of said parties still remain legal entities under the respective names as above alleged.

III.

That the respondent herein is about to enter the name of the petitioner upon the primary ballot as a candidate for Governor of the State of Minnesota, with a party designation of Democratic-Farmer-Labor Party, over the protests and against

the wishes of your petitioner, thereby causing causing your petitioner irreparable injury, and putting him before the public as a candidate of a party which does not exist.

XII.

That the wrongful acts above complained of are coupled with a public interest in that the citizens of the State of Minnesota belonging to the aforesaid Democratic Party and the aforesaid Farmer-Labor Party have been deprived of their rights to proper notice under the laws of the State of Minnesota in this, namely: each of the aforesaid published notices called for County Conventions to be held on April 1st, 1944 and the calling by the County Committees for precinct caucuses or primaries to be held on March 28th, 1944, all to be held for the purpose of having delegates elected to said State Conventions to be held on the 7th day of April 1944 and at no other time; that all delegates elected by the County Conventions were elected to report to the said State Conventions on April 7th 1944 and not otherwise and no legal or proper notice was given to them of a call or calls for a different date.

XIII.

That your petitioner has no adequate remedy at law.

XIV.

That an exigency exists calling for an immediate hearing on this petition.

WHEREFORE your petitioner prays the court That an Order to Show Cause immediately be issued directed to the respondent herein why said court should not issue its order permanently restraining the respondent from placing your petitioner's name on the Primary ballot as a candidate for the Democratic-Farmer-Labor Party and directing him to name him as a candidate of the aforesaid Democratic Party of the State of Minnesota.

A. S. Dowdall
Attorney for Petitioner
815 Phoenix Building,
Minneapolis, Minnesota.

STATE OF MINNESOTA)

SS.

VERIFICATION.

COUNTY OF HENNEPIN)

Emil E. Holmes, the petitioner named in the foregoing hereto attached petition, says that he is the same person so named and is such petitioner; that he has read said petition and knows the contents thereof; that the same is true of his own knowledge except as to matters therein stated on information and belief and as to those matters he believes them to be true.

Emil E. Holmes

Subscribed and sworn to before me
this 21st day of April, 1944.

A. S. Dowdall

A. S. Dowdall,
Notary Public, Hennepin County, Minnesota,
My commission expires May 8th, 1945.

(NOTARIAL SEAL)

STATE OF MINNESOTA
IN THE SUPREME COURT
1944.

Earl E. Holmes, Petitioner,)

vs.

AFFIDAVIT OF A. S. DOWDALL.

Mike Holm, as Secretary
of State, for the State
of Minnesota, Respondent.)

STATE OF MINNESOTA)
 ss.
COUNTY OF HENNEPIN)

A. S. Dowdall, being first duly sworn, upon oath states that he has read the foregoing petition of Earl E. Holmes and knows the contents thereof.

That your affiant knows of his own knowledge that the publications of the original call and notice attached to said petition as Petitioner's Exhibits A and B are correct and that publications thereof were made as set forth in said petition.

That your affiant knows of his own knowledge that Exhibits of the petitioner designated as C and D are true copies of the records in the office of the Secretary of State of the State of Minnesota.

A. S. Dowdall

Subscribed and sworn to before me
this 21st day of April, 1944.

Elwood Fitchette

Notary Public, Hennepin County, Minnesota.
My commission expires May 13th, 1944.

(NOTARIAL SEAL)

PETITIONER'S EXHIBIT A.

CALL FOR DEMOCRATIC STATE CONVENTION, COUNTY CONVENTIONS AND PRECINCT CAUCUSES

Pursuant to the Statutes of the State of Minnesota, and of the Call of the Democratic National Committee issued for a National Convention of the Democratic Party of the United States of America to be held in the City of Chicago, State of Illinois, beginning on the 19th day of July, 1934, and by virtue of the authority vested in and directions given to the undersigned by Resolution of the State Central Committee of the Democratic Party of the State of Minnesota adopted at a meeting of said Committee held this day at the City of Minneapolis, Hennepin County, Minnesota, a delegate convention of the Democratic Party of the State of Minnesota is hereby called to be held at the Radisson Hotel in the City of Minneapolis, county of Hennepin, State of Minnesota, its sessions to commence at the hour of 2 o'clock P. M., on the 7th day of April, 1934, for the purpose of nominating Presidential Electors of the Democratic Party of the State of Minnesota to be voted on at the 1934 General Elections; of electing delegates and alternates to the said Democratic National Convention; of adopting a constitution as authorized by the Statutes of the State of Minnesota; and of changing of the name of the said Party to Democratic-Farmer-Labor Party, and of transacting all other business which may properly come before it.

Such convention shall be composed of delegates to be elected by the County Conventions hereinafter provided for. Each County shall be entitled to one vote for every 2,000 votes or major fraction thereof, cast by such County for the Democratic Candidate for President, the Honorable Franklin Delano Roosevelt, at the 1934 General Election, provided, however, that each County shall be entitled to a minimum of three votes; provided each County Convention shall elect such number of delegates and alternates to such State Convention as it shall determine. Whenever a roll call vote of such State Convention is had, the roll call shall be by Counties. A roll call may be had at any time on the order of the Chairman, or on the demand of one hundred delegates of such State Convention.

Such County Conventions shall be held in the Court House, or such other place as the Acting County Chairman shall determine, in the County seat of each County of the State, on the first day of April, 1934, to commence at the hour of 8 o'clock P. M.

Such County Conventions shall be called to order and presided over by those persons recognized by the Minnesota Democratic State Central Committee as County Chairmen until a temporary chairman shall have been elected. In any County where a dispute exists as to who holds the legal title to the office of County Chairman, the State Chairman may designate any officer or member of the Democratic State Central Committee, residing in said County to call said County Convention to order and to preside until said temporary chairman shall have been elected. That the following are the votes, under the foregoing apportionment, to which each County shall be entitled in the State Convention, viz.:

County	Vote to which entitled
Aitkin	3
Anoka	3
Becker	3
Beltrami	3
Benton	3
Big Stone	3
Blue Earth	3
Brown	3
Carlton	3
Carver	3
Cass	3
Chippewa	3
Chicago	3
Clay	3
Clearwater	3
Cook	3
Cottonwood	3
Crow Wing	3
Dakota	3
Dodge	3
Douglas	3
Fairbault	3
Fillmore	3
Freeborn	3
Goodhue	3
Grant	3
Hennepin	73
Houston	3
Hubbard	3
Isanti	3
Itasca	3
Jackson	3
Kanabec	3
Kandiyohi	3
Kittson	3
Koochiching	3
Lac qui Parle	3
Lake	3
Lake of the Woods	3
LeSueur	3
Lincoln	3
Lyon	3
McLeod	3
Marshomon	3
Marshall	3
Martin	3
Meeker	3
Mill Lake	3
Morrison	3
Mower	3
Murray	3
Nicollet	3
Nobles	3
Norman	3
Olmsted	3
Otter Tail	3
Pennington	3
Pine	3
Pipestone	3
Polk	3
Pope	3
Ramsey	3
Red Lake	3
Redwood	3
Renville	3
Rice	3
Rock	3
Roseau	3
St. Louis	3
Scott	3
Sherburne	3
Sibley	3
Stearns	3
Steele	3
Stevens	3
Swift	3
Toad	3
Traverse	3
Wabasha	3
Wadena	3
Waseca	3
Washington	3
Watonwan	3
Wilkin	3
Winona	3
Wright	3
Yellow Medicine	3

Such County Conventions shall be composed of delegates elected as hereinafter provided at precinct caucuses or primaries. Each voting precinct in the County shall be entitled to at least one vote, and shall be entitled to an additional vote for each 100 votes or major fraction thereof above the first 100 votes cast for the Democratic Candidate for President at the 1940 Minnesota General Election, provided that in the event that any portion of any County has been restricted for election purposes, the person acting as County Chairman shall determine as accurately as may be the vote to which such reformed election districts shall be entitled and give general publicity thereto prior to such caucuses.

Each precinct shall elect such number of delegates as the caucus shall determine but whenever the number of delegates so elected shall exceed the number of votes to which such precinct shall be entitled, the vote or votes of the precinct shall be divided fractionally among such delegates. And should a precinct elect less delegates than the number of votes to which it is entitled, the full vote of the precinct shall be allocated equally among such delegates actually elected. The purpose of each such County Convention shall be to elect such number of delegates as it shall determine to the State Convention herebefore called to elect a County Chairman, Vice Chairman, Secretary and Treasurer, one of the County Vice Chairmen, in all cases to be a woman; to elect or provide for the appointment of County, City, Village, Ward and Precinct Committees, such officers and committees to serve until the election and qualification of their successors as provided by law or the Party constitution; and to transact such other business as may be proper.

Such precinct caucuses shall be held at the regular voting places, at the hour of 8:00 o'clock P. M. on the 28th day of March, 1944, and shall be kept open until the hour of 9:00 P. M. of said day.

The County Chairman of each County or the person acting as such, as herebefore provided, shall, before such precinct caucuses appoint a committee of at least three members who shall prepare a preliminary roll of the County Convention. Each delegate shall file his credentials with the County Chairman within thirty-six hours after the close of such caucuses, and the County Chairman shall transmit such credentials to such committee. Those whose names appear on such preliminary roll shall, unless contested, be seated, subject to the ultimate determination of the Convention of the qualifications of its own membership, as the delegates constituting such County Convention. Any person may contest the alleged election of anyone as delegate, either by making objection before such preliminary credentials committee, or by presenting such objections before the County Convention or its credentials committee; or both such preliminary credentials committee or the Convention and its credentials committee.

The State Chairman shall, before the holding of such precinct caucuses, appoint a preliminary credentials committee of five members who shall prepare a preliminary roll call of the state Convention. The credentials of the delegates to the State Convention shall be filed with the State Chairman within three days after the holding of the County Conventions, and the State Chairman shall transmit such credentials to such committee. Those whose names appear on such preliminary roll call shall, unless contested, be seated, subject to the ultimate determination of the State Convention of the qualifications of its own membership, as the delegates constituting such State Convention. Any person may contest the alleged seating of any one as delegate, either by making objection before such preliminary credentials committee or by presenting such objections before the State Convention or its credentials committee; or both such preliminary credentials committee or the Convention and its credentials committee.

Dated March 5, 1944.

ELMER F. KELLM,
Chairman Democratic State Central
Committee of the State of Minnesota.
GEO. P. O'LEARY,
Secretary Democratic State Central
Committee of the State of Minnesota.
(Disp. March 7-14.)

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ATTENTION'S EXHIBIT B.

CALL FOR FARMER-LABOR STATE CONVENTION, COUNTY CONVENTIONS AND PRECINCT CAUCUSES.

Pursuant to the provisions of law and by virtue of the authority vested in and direction given to the undersigned by a motion adopted at a meeting of the State Central Committee of the Farmer-Labor Party of the State of Minnesota, held the 5th day of March, 1944, at the City of St. Paul, Ramsey County, Minnesota, a delegate convention of the Farmer-Labor Party of the State of Minnesota is hereby called to be held in the City of Minneapolis, County of Hennepin, and State of Minnesota, its sessions to commence at the hour of ten o'clock in the forenoon of the 7th day of April, 1944 for the purposes of considering amendments to, and if it shall so determine, of amending, the Party Constitution adopted March 27th, 1943, and of changing the name of the said party or said

State from that of "Farmer-Labor Party" of Minnesota to that of "Fellowship Party" and of transacting such other business as a majority of the delegates in the convention may determine.

Such state convention shall be composed of delegates to be elected by County Conventions hereinafter provided for. Each County shall be entitled to two delegates at large and one delegate for each one thousand votes or major fraction thereof cast for the Farmer-Labor candidate for Governor at the 1942 Minnesota General Election; but each County shall have at least two votes in such Convention; provided each County shall elect such number of delegates and alternates to such State Convention as it shall determine. When a different number of delegates are elected by a County than the number of votes to which such County shall be entitled, the vote of the County, cast on a roll call by Counties, shall be equally divided between the delegates so actually elected.

A roll call of such State Convention shall be taken by Counties, whenever ordered by the presiding officer of such Convention, or whenever demanded by delegates from at least ten counties.

Such County Conventions shall be held in the Court House at the County Seat of each County of the State, whenever possible, except in Counties containing Cities of the first class, on the 1st day of April, 1944, to commence at the hour of 8:00 o'clock P. M.

In Counties containing Cities of the first class and in other Counties where it is impossible to hold such County Conventions at the Court House, such County Conventions shall commence at the hour above stated, but shall be held at such places as the acting County Chairman shall determine, of which publicity shall be given in the local press whenever possible, or by posted notice at the Court House, if it is impossible to give notice in the local press.

Such County Conventions shall be called to order and presided over by the respective acting County Chairmen until a temporary Chairman of the County Convention shall have been elected. Such acting County Chairmen shall be those persons hereafter designated as such by the Chairman of the Farmer-Labor State Central Committee.

Such County Conventions shall be composed of delegates elected as hereinafter provided at precinct caucuses or primaries. Each voting precinct or election district in the County shall be entitled to one vote in such County Convention and an additional vote for each two hundred votes or major fraction thereof above the first two hundred votes cast for the Farmer-Labor Candidate for Governor at the 1942 Minnesota General Election, provided that in the event that any portion of said County has been redistricted for election purposes, the acting County Chairman shall determine as accurately as may be the vote to which such reformed election district shall be entitled and give general publicity thereto prior to such caucuses.

Each precinct or election district shall elect such number of delegates as the caucuses or primary shall determine, but whenever the number of delegates so elected shall exceed the number of votes to which such precinct or election district shall be entitled, the vote or votes of the precinct or election district shall be divided fractionally between such delegates. And should a precinct or election district elect fewer delegates than the number of votes to which it is entitled, the full vote of the precinct or election district shall be allocated equally between such delegates actually elected. The purpose of each such County Convention shall be to elect such number of delegates as it shall determine, to the State Convention hereinafter called; and for the transaction of such other business as may be proper, but as limited by the terms of the call. No County officers or County or local Committees shall be elected by or at such County Conventions.

Such precinct or election district caucuses or primaries shall be held at the regular voting places at the hour of 8:00 o'clock P. M. on the 28th day of March, 1944, and shall be kept open until the hour of 9:00 o'clock P. M. of said day.

Each precinct caucus shall be called to order by any person qualified to vote thereat, at the hour and place above designated. If for any reason the regular voting place cannot conveniently be used, the caucus, by majority vote of those in attendance when the vote is taken, may adjourn to a suitable place in the precinct, to resume immediately, and legible notice thereof shall be immediately posted in a conspicuous place at such regular voting place, informing the public of the exact place to which such caucus has been adjourned.

Immediately after adjournment, or if none be taken, immediately after being called to order, such caucus shall proceed to elect a Chairman, from among the voters of the precinct, qualified, as hereinafter provided, to vote at such caucus. Such election shall be by viva voce vote. Such Chairman shall also constitute the Judge of such election.

In each voting precinct of the State, all legal voters of such precinct who voted at the 1942 Minnesota General Election for a majority of the Farmer-Labor State, Congressional and Senatorial ticket, as it appeared on the official ballot of such voting precinct, or who did not vote at said, but believe in the general Farmer-Labor political principles, shall be qualified to participate in and vote at the precinct caucuses herein provided for.

In case the right of any person to participate or vote in a caucus is challenged he shall be required to make oath either that he voted for a majority of the Farmer-Labor State, Congressional and Senatorial ticket in 1942, as it appeared on the official ballot of such voting precinct, or did not vote at said election, but believes in the general Farmer-Labor political principles, before he shall be allowed to participate or vote in such caucus. Upon taking such oath, if the presiding officer shall be convinced of its truth, and such person is a qualified voter in such precinct, he shall be allowed to participate and vote.

Each caucus, immediately after organization, shall determine, likewise by viva voce vote, the number of delegates it will elect to its County Convention. Thereupon the polls shall be immediately opened and the voters shall proceed to vote, by written secret ballot for as many candidates as there are delegates to be elected. Should a voter vote for more candidates than there are delegates to be elected, his ballot shall be void, and shall not be counted for any purpose. Should he vote for fewer, his ballot shall be counted only for those for whom he actually voted.

The polls shall be kept open until the hour of 9:00 P. M., whereupon the ballots shall be counted, and the results publicly announced by the caucus Chairman, who shall thereupon issue credentials to the successful candidates and return all records and ballots to the acting County Chairman. He, in turn, shall transmit the same to a preliminary credentials committee, to be composed of three members, and which he shall have appointed prior to the day of the holding of such precinct caucuses. Such preliminary credentials committee shall immediately prepare a preliminary roll call of its county convention. Those whose names appear on such preliminary roll call shall, unless contested, be seated, subject to the ultimate determination by the County Convention of the qualifications of its own membership, as the delegates constituting such County Convention. Any person may contest the alleged election of any one as delegate either by making objection before such preliminary Credentials Committee, or by presenting such objections before the County Convention or its Credentials Committee; or both such preliminary Credentials Committee and the Convention and its Credentials Committee.

The Chairman of the State Central Committee of the Farmer-Labor Party of Minnesota shall, before the holding of such precinct or election district caucuses or primaries, appoint a preliminary Credentials Committee of nine members who shall prepare a preliminary roll call of the State Convention. The credentials of delegates to the State Convention shall be filed with the State Chairman within three days after the holding of the County Conventions, and the State Chairman shall transmit such credentials to such Committee. Those whose names appear on such preliminary roll call shall, unless contested, be seated, subject to the ultimate determination of the State Convention of the qualifications of its own membership, as the delegates constituting such State Convention. Any person may contest the status of anyone as delegate either by making objections before such preliminary Credentials Committee and/or the State Convention and its Credentials Committee.

Dated March 5th, 1944.
PAUL R. TINGE
Chairman Farmer-Labor State Central
Committee of the State of Minnesota.
JAMES S. ROBERTSON,
Secretary Farmer-Labor State Central
Committee of the State of Minnesota.
(Dispatch, March 7, 14)

Services in connection with the funeral of
THEIS - Peter, 1562 Laurel ave., March
7th. Notice later. Arrangements, Willwer-
scheid Mortuary.
WEINKE - Mrs. Anna, 286 Marshall - 65
years. Surviving are sons Crawford,
Charles and Clarence; 1 brother, Fred
Niske, all of St. Paul. Funeral services
Thursday, 10 a. m., at the Dahlin Funeral
home, 520 University ave. Interment Elm-

PETITIONER'S EXHIBIT C?

Minneapolis, Minnesota, April 15, 1944.

WHEREAS, The State Central Committee of the ~~Farmer-Labor~~ ^{Democratic} Party of Minnesota, a political party as defined by the Election Laws of the State of Minnesota, issued a call dated March 5th, 1944, pursuant to the vote of said State Central Committee at a meeting held at ~~St. Paul~~ ^{Minneapolis}, Minnesota, on said March 5th, 1944, for a convention to be held at the City of Minneapolis, Hennepin County, Minnesota, on the 7th day of April, 1944, at ~~10:00~~ ^{2.00} o'clock ~~P.M.~~, for the purpose of changing the name of the said ~~Farmer-Labor~~ ^{Democratic} Party from ~~Farmer-Labor~~ ^{Democratic} Party to ~~Fellowship Party~~ ^{Democratic-Farmer-Labor Party}; and said State Central Committee at its said meeting authorized the State Chairman of said ~~Farmer-Labor~~ ^{Democratic} Party to change the date of said State Convention to some other date, and said State Chairman of said Party did change said date to the 14th day of April, 1944, at the same hour, and widespread publicity was given to said change, and,

WHEREAS, This Convention is held in accordance with said Call, and upon the date so changed,

THEREFORE, BE IT RESOLVED By this Convention that the name of said ~~Farmer-Labor~~ ^{Democratic} Party be and hereby is changed to the ~~Fellowship Party~~ ^{Democratic-Farmer-Labor Party}.

Hubert H. Humphrey Jr.
Chairman
James S. Kean
Secretary

We hereby certify that the foregoing Resolution was adopted by a majority vote of the total number of votes in said Convention, as prescribed by said Call, which vote was cast by the Delegates attending the above mentioned Convention of the ~~Farmer-Labor~~ ^{Democratic} Party, which convention first convened at said City of Minneapolis, Minnesota, on said 14th day of April, 1944, at or shortly after said hour of ~~ten o'clock A.M.~~ ^{two o'clock P.M.}

Hubert H. Humphrey Jr.
Chairman
James S. Kean
Secretary

Subscribed and sworn to before me this 15 day of April, 1944.

Roger S. Rutchick
Notary Public Ramsey County, Minn.,
My commission expires June 9 - 1948.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 15 1944 - 11.45 o'clock
A.M.

Mike Holm
Secretary of State"

(Notarial seal)

PETITIONER'S EXHIBIT D.

Minneapolis, Minnesota, April 15, 1944.

WHEREAS, The State Central Committee of the Farmer-Labor Party of Minnesota, a political party as defined by the election laws of the State of Minnesota, issued a call dated March 5th, 1944, pursuant to the vote of said State Central Committee at a meeting held at St. Paul, Minnesota, on said March 5th, 1944, for a convention to be held at the City of Minneapolis, Hennepin County, Minnesota, on the 7th day of April, 1944, at 10:00 o'clock A. M., for the purpose of changing the name of the said Farmer-Labor Party from Farmer-Labor Party to "Fellowship Party"; and said State Central Committee at its said meeting authorized the State Chairman of said Farmer-Labor Party to change the date of said State Convention to some other date, and said State Chairman of said Party did change said date to the 14th day of April, 1944, at the same hour, and widespread publicity was given to said change, and,

WHEREAS, This Convention is held in accordance with said Call, and upon the date so changed,

THEREFORE, BE IT RESOLVED By this Convention that the name of said Farmer-Labor Party be and hereby is changed to the "Fellowship Party."

Paul R. Tinge
Chairman

Lillian Owens
Secretary

We hereby certify that the foregoing Resolution was adopted by a majority vote of the total number of votes in said Convention, as prescribed by said Call, which vote was cast by the Delegates attending the above mentioned Convention of the Farmer-Labor Party, which convention first convened at said City of Minneapolis, Minnesota, on said 14th day of April, 1944, at or shortly after said hour of ten o'clock A. M.

Paul R. Tinge
Chairman

Lillian Owens
Secretary

Subscribed and sworn to before me this
15 day of April, 1944.

Roger S. Rutchick
Notary Public Ramsey County, Minn.,
My commission expires June 9 - 1948.

(NOTARIAL SEAL)

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 15 1944 - 11.40 o'clock
A.M.

Mike Holm
Secretary of State "

STATE OF MINNESOTA
IN THE SUPREME COURT
1944

EMIL L. HOLMES, PETITIONER,

VS.

MIKE HOLM, AS SECRETARY
OF STATE, FOR THE STATE
OF MINNESOTA,

RESPONDENT.

ORDER TO SHOW CAUSE.

TO THE ABOVE NAMED RELATOR, MIKE HOLM,
AS SECRETARY OF STATE FOR THE STATE
OF MINNESOTA:

Upon the verified petition of the petitioner and the
affidavit of A.S. Dowdall hereto attached, being advised in the
premises and upon motion of A.S. Dowdall, attorney for the petitioner:

IT IS ORDERED:

That you show cause before this court on the 27th
day of April, 1944 at eleven o'clock A.M. why
the court should not issue its order restraining you
from entering the name of the petitioner herein on
the primary ballot for the ensuing Primary Election
as a candidate for governor under the designation
of "Democratic-Farmer-Labor Party" and why the court
should not issue its order directing you to enter his
name thereon under the designation of the "Democratic
Party of Minnesota" or such designation as would have
been proper had no change of name been attempted as
alleged in said petition.

Let the aforesaid petition and affidavit and this
order be served forthwith.

Dated this 22 day of April, 1944.

Charles Loring
Chief Justice of the Supreme Court
of the State of Minnesota.

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