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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **3255**

04/17/2023

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The bill was read for the first time and referred to the Committee on Elections Finance and Policy

1.1 A bill for an act
1.2 relating to elections; requiring major party candidates to be certified by a major
1.3 party before being placed on the ballot; amending ballot placement requirements;
1.4 amending petition requirements; amending Minnesota Statutes 2022, sections
1.5 204B.03; 204B.071; 204B.10, by adding a subdivision; 204D.07, subdivision 1;
1.6 204D.08, subdivision 3; 204D.12; proposing coding for new law in Minnesota
1.7 Statutes, chapter 204B.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. **[204B.025] MAJOR POLITICAL PARTY CERTIFICATION OF**
1.10 **CANDIDATES.**

1.11 (a) The chair of each major political party must certify to the secretary of state the names
1.12 of candidates for partisan office who sought the endorsement of the major political party at
1.13 a convention organized by the major political party and received at least 30 percent of the
1.14 vote on a ballot. The certification must include the name of the candidate and the office for
1.15 which they are certified. The chair must also include in the certification the date, location,
1.16 number of voting delegates at the convention at which a candidate sought the major political
1.17 party's endorsement, highest percentage of the vote that each candidate received on a ballot,
1.18 and name of the candidate who received the major political party's endorsement, if any.

1.19 (b) The certification for congressional and legislative candidates must be submitted to
1.20 the secretary of state no later than seven days before the start of the filing period. The party
1.21 chair must submit the certification for candidates elected statewide before the start of the
1.22 filing period or within 24 hours after the end of the party convention, whichever is later.

1.23 (c) After the deadlines provided in paragraph (b), the chair of a major political party
1.24 may certify additional names of candidates who received the party's endorsement in

2.1 accordance with the major party's constitution, rules, and bylaws. The party chair must
 2.2 submit the certification to the secretary of state. The certification must include the name of
 2.3 the candidate and the office for which they are certified.

2.4 (d) The secretary of state must post the information certified by the chairs of the major
 2.5 political parties on the secretary of state's website and forward the names of certified
 2.6 candidates for legislative offices to the applicable county auditors as soon as practicable.

2.7 Sec. 2. Minnesota Statutes 2022, section 204B.03, is amended to read:

2.8 **204B.03 MANNER OF NOMINATION.**

2.9 (a) Candidates of a major political party for any partisan office who have been certified
 2.10 by the chair of a major political party under section 204B.025, except presidential elector
 2.11 and all candidates for nonpartisan office, shall apply for a place on the primary ballot by
 2.12 filing an affidavit of candidacy as provided in section 204B.06, and except as otherwise
 2.13 provided in section 204D.07, subdivision 3, shall be nominated by primary. Only candidates
 2.14 who have been certified by the chair of a major political party as provided in section
 2.15 204B.025 may file for office for nomination by that major political party.

2.16 (b) Candidates for any partisan office who do not seek the nomination of a major political
 2.17 party or who are not eligible to be the nominee of a major political party due to a lack of
 2.18 certification by the chair of a major political party as provided in section 204B.025 shall be
 2.19 nominated by nominating petition as provided in sections 204B.07 and 204B.08, and, except
 2.20 for presidential elector candidates, shall file an affidavit of candidacy as provided in section
 2.21 204B.06. In accordance with section 204B.07, the political party or political principal listed
 2.22 on a candidate's nominating petition must not include the name of a major political party,
 2.23 in whole or in part, or the word "nonpartisan."

2.24 Sec. 3. Minnesota Statutes 2022, section 204B.071, is amended to read:

2.25 **204B.071 PETITIONS; RULES OF SECRETARY OF STATE.**

2.26 The secretary of state shall adopt rules governing the manner in which petitions required
 2.27 for any election in this state are circulated, signed, filed, and inspected. The secretary of
 2.28 state shall provide samples of petition forms for use by election officials. Notwithstanding
 2.29 any rules to the contrary, nominating petitions may be printed on letter-sized paper.

3.1 Sec. 4. Minnesota Statutes 2022, section 204B.10, is amended by adding a subdivision to
3.2 read:

3.3 Subd. 1a. **Affidavits of candidacy; partisan candidates.** An official with whom
3.4 affidavits of candidacy for partisan office are filed must only accept an affidavit of candidacy
3.5 from a candidate for a partisan office for nomination with a major political party if the
3.6 candidate's name appears on a major political party chair's certification of candidates provided
3.7 by section 204B.025. The official must reject an affidavit of candidacy for partisan office
3.8 for nomination with a major political party from a candidate whose name has not been
3.9 certified by the chair of a major political party.

3.10 Sec. 5. Minnesota Statutes 2022, section 204D.07, subdivision 1, is amended to read:

3.11 Subdivision 1. **Duties of county auditor.** Except as provided in subdivisions 2 and 3,
3.12 the county auditor shall place on the appropriate state primary ballot the name of each
3.13 candidate who has properly filed an affidavit of candidacy with the auditor and of each
3.14 candidate certified by the secretary of state pursuant to section 204D.06. For partisan offices,
3.15 the county auditor may only place the names of candidates that were certified by the chair
3.16 of a major political party as provided by section 204B.025 on a state primary ballot.

3.17 Sec. 6. Minnesota Statutes 2022, section 204D.08, subdivision 3, is amended to read:

3.18 Subd. 3. **Rotation of names.** (a) Except as provided in paragraph (b), on state primary
3.19 ballots the name of each candidate for nomination to a partisan or nonpartisan office shall
3.20 be rotated with the names of the other candidates for nomination to that office so that the
3.21 name of each candidate appears substantially an equal number of times at the top, at the
3.22 bottom, and at each intermediate place in that group of candidates. If the number of
3.23 candidates for an office is equal to or less than the number to be elected, no rotation of
3.24 candidate names is required and the official preparing the ballot shall determine the position
3.25 of the candidates by lot.

3.26 (b) When the chair of a major political party has certified that a candidate received the
3.27 party's endorsement under section 204B.025, candidates must not be rotated and must be
3.28 placed on the ballot as provided in this paragraph. The candidate who received the party's
3.29 endorsement must be listed first, followed by any other candidates who filed for this office
3.30 in descending order of the percentage of the vote that they received at the party convention.
3.31 In the case of a tie, the secretary of state must determine the position of the tied candidates
3.32 by lot.

4.1 Sec. 7. Minnesota Statutes 2022, section 204D.12, is amended to read:

4.2 **204D.12 NAMES PLACED ON GENERAL ELECTION BALLOTS.**

4.3 Without payment of an additional fee, the county auditor shall place on the appropriate
4.4 state general election ballot the name of every candidate:

4.5 (1) whose nomination at the state primary has been certified by the appropriate canvassing
4.6 board or whose nomination was declared upon the close of filing under section 204D.03,
4.7 subdivision 3;

4.8 (2) who has been nominated by petition, including candidates certified by the secretary
4.9 of state; and

4.10 (3) who was nominated and whose name was omitted from the state nonpartisan primary
4.11 ballot pursuant to section 204D.07, subdivision 3. Only the names of duly nominated
4.12 candidates may be placed on a ballot.