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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 122

01/17/2013 Authored by Norton, Sanders and Simon
The bill was read for the first time and referred to the Committee on Elections
01/28/2013 Adoption of Report: Pass as Amended and Read Second Time

1.1 A bill for an act
1.2 relating to elections; modifying vacancy in nominations provisions; amending
1.3 Minnesota Statutes 2012, section 204B.13, subdivision 1; proposing coding for
1.4 new law in Minnesota Statutes, chapter 204B; repealing Minnesota Statutes
1.5 2012, section 204B.13, subdivision 4.

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

1.7 Section 1. Minnesota Statutes 2012, section 204B.13, subdivision 1, is amended to read:

1.8 Subdivision 1. ~~Death or withdrawal~~ **Partisan office.** A vacancy in nomination
1.9 ~~may for a partisan office must~~ be filled in the manner provided by this section. A vacancy
1.10 in nomination for a partisan office exists when:

1.11 (1) a major political party candidate ~~or nonpartisan candidate~~ who was nominated
1.12 at a primary dies or files an affidavit of withdrawal as provided in section 204B.12,
1.13 subdivision 2a; ~~or~~

1.14 (2) ~~a candidate for a nonpartisan office, for which one or two candidates filed,~~
1.15 ~~withdraws as provided in section 204B.12, subdivision 1.~~

1.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.17 Sec. 2. **[204B.131] VACANCY IN NOMINATION; NONPARTISAN OFFICE.**

1.18 Subdivision 1. **Applicability.** A vacancy in nomination for a nonpartisan office
1.19 must be filled in the manner provided by this section. A vacancy in nomination for a
1.20 nonpartisan office exists when:

1.21 (1) a candidate for any nonpartisan office, for which one or two candidates filed,
1.22 withdraws as provided in section 204B.12, subdivision 1; or

2.1 (2) a candidate for any nonjudicial nonpartisan office, for which only one or two
2.2 candidates filed or who was nominated at a primary, dies more than 84 days before the
2.3 date of the general election.

2.4 Subd. 2. **Procedure for filling vacancy.** A vacancy in nomination for a nonpartisan
2.5 office may be filled by filing an affidavit of candidacy and paying a filing fee, or by filing
2.6 an affidavit of candidacy and filing a petition in place of a filing fee, in the manner
2.7 provided in sections 204B.06, 204B.09, and 204B.11. All documents and fees required by
2.8 this subdivision must be filed within five days after the vacancy in nomination occurs.
2.9 There must be a two-day period for withdrawal of candidates after the last day for filing.

2.10 If the vacancy in nomination resulted from a withdrawal during the withdrawal
2.11 period held on the 68th to 69th day before the primary, and if, at the end of the withdrawal
2.12 period to fill the vacancy in nomination, there are more than two candidates, the
2.13 candidates' names must appear on the primary ballot. In all other cases, the candidates'
2.14 names must appear on the general election ballot.

2.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.16 Sec. 3. **REPEALER.**

2.17 Minnesota Statutes 2012, section 204B.13, subdivision 4, is repealed.

2.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

204B.13 VACANCY IN NOMINATION.

Subd. 4. **Nonpartisan office; filling vacancy.** A vacancy in nomination in a nonpartisan office may be filled by filing an affidavit of candidacy and paying a filing fee or by filing an affidavit of candidacy and filing a petition in place of a filing fee in the manner provided in sections 204B.06, 204B.09, and 204B.11. All documents and fees required by this subdivision must be filed within five days after the vacancy in nomination occurs. There must be a two-day period for withdrawal of candidates after the last day for filing.

If the vacancy in nomination resulted from a withdrawal during the withdrawal period held on the 68th to 69th day before the primary, and if, at the end of the withdrawal period to fill the vacancy in nomination, there are more than two candidates, the candidates' names must appear on the primary ballot.

In all other cases, the candidates' names must appear on the general election ballot.