

A bill for an act

relating to elections; providing for the treatment of absentee ballots following a vacancy in nomination because of death or catastrophic illness; amending Minnesota Statutes 2008, section 204B.41.

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

Section 1. Minnesota Statutes 2008, section 204B.41, is amended to read:

204B.41 VACANCY IN NOMINATION; CHANGING BALLOTS.

(a) When a vacancy in nomination occurs through the death or catastrophic illness of a candidate after the 16th day before the general election, the officer in charge of preparing the ballots shall prepare and distribute a sufficient number of separate paper ballots which shall be headed with the words "OFFICIAL SUPPLEMENTAL BALLOT." This ballot shall contain the title of the office for which the vacancy in nomination has been filled and the names of all the candidates nominated for that office. The ballot shall conform to the provisions governing the printing of other official ballots as far as practicable. The title of the office and the names of the candidates for that office shall be blotted out or stricken from the regular ballots by the election judges. The official supplemental ballot shall be given to each voter when the voter is given the regular ballot or is directed to the voting machine. Regular ballots shall not be changed nor shall official supplemental ballots be prepared as provided in this section during the six calendar days before an election.

(b) Absentee ballots that have been mailed prior to the preparation of official supplemental ballots shall be counted in the same following manner as if the vacancy had not occurred. A voter who requests an official supplemental ballot must be given the ballot, and that ballot must be counted in place of the vote the voter cast on the absentee

ballot. A voter must be recorded as having voted for the candidate chosen by the major political party under section 204B.13 to fill the vacancy in nomination if the voter:

(1) received the absentee ballot before the supplemental ballot was prepared;

(2) did not request the supplemental ballot; and

(3) voted for the candidate who died or withdrew because of catastrophic illness.

(c) Both an official supplemental ballot and a replacement regular ballot from which the title of the office and names of the candidates for that office have been blotted out or stricken as provided in this section must be provided to each absentee voter or voter residing in a precinct voting by mail who requests either of them under section 203B.06, subdivision 3. The election judges conducting absentee voting in health care facilities as provided in section 203B.11, subdivision 1, must deliver official supplemental ballots and replacement regular ballots to those facilities no later than 5:00 p.m. on the day before the election.