

A bill for an act

relating to elections; changing the date of the state primary; changing certain primary-related dates and provisions; amending Minnesota Statutes 2008, sections 10A.31, subdivision 6; 10A.321; 10A.322, subdivision 1; 10A.323; 203B.06, subdivision 1; 203B.081; 203B.13, subdivision 2; 203B.17, subdivision 1; 203B.22; 203B.225, subdivision 1; 203B.23, subdivision 2; 204B.09, subdivision 1; 204B.14, subdivisions 2, 4; 204B.21, subdivision 1; 204B.33; 204B.35, subdivision 4; 204B.45, subdivision 2; 204C.26, subdivision 3; 204D.03, subdivision 1; 204D.09, subdivision 1; 204D.17; 204D.19; 204D.28, subdivisions 5, 6, 8, 9; 205.065, subdivisions 1, 2; 205.13, subdivision 1a; 205.16, subdivisions 4, 5; 205A.03, subdivisions 1, 2; 205A.05, subdivision 3; 205A.06, subdivision 1a; 205A.07, subdivisions 3, 3a, 3b; 205A.11, subdivision 2a; 206.61, subdivision 5; 208.03; 211B.045; 410.12, subdivision 1; 447.32, subdivision 4; Minnesota Statutes 2009 Supplement, section 206.82, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 204D.

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

Section 1. Minnesota Statutes 2008, section 10A.31, subdivision 6, is amended to read:

Subd. 6. **Distribution of party accounts.** As soon as the board has obtained from the secretary of state the results of the primary election, but no later than one week after certification by the State Canvassing Board of the results of the primary, the board must distribute the available money in each party account, as certified by the commissioner of revenue ~~on September 1~~ one week before the state primary, to the candidates of that party who have signed a spending limit agreement under section 10A.322 and filed the affidavit of contributions required by section 10A.323, who were opposed in either the primary election or the general election, and whose names are to appear on the ballot in the general election, according to the allocations set forth in subdivisions 5 and 5a. The public subsidy from the party account may not be paid in an amount greater than the expenditure limit of the candidate or the expenditure limit that would have applied to the candidate if the

candidate had not been freed from expenditure limits under section 10A.25, subdivision 10. ~~If a candidate files the affidavit required by section 10A.323 after September 1 of the general election year, the board must pay the candidate's allocation to the candidate at the next regular payment date for public subsidies for that election cycle that occurs at least 15 days after the candidate files the affidavit.~~

Sec. 2. Minnesota Statutes 2008, section 10A.321, is amended to read:

10A.321 ESTIMATES OF MINIMUM AMOUNTS TO BE RECEIVED.

Subdivision 1. **Calculation and certification of estimates.** The commissioner of revenue must calculate and certify to the board one week before ~~July 1~~ the first day for filing for office in each election year an estimate of the total amount in the state general account of the state elections campaign fund and the amount of money each candidate who qualifies, as provided in section 10A.31, subdivisions 6 and 7, may receive from the candidate's party account in the state elections campaign fund. This estimate must be based upon the allocations and formulas in section 10A.31, subdivisions 5 and 5a, any necessary vote totals provided by the secretary of state to apply the formulas in section 10A.31, subdivisions 5 and 5a, and the amount of money expected to be available after 100 percent of the tax returns have been processed.

Subd. 2. **Publication, certification, and notification procedures.** Before the first day of filing for office, the board must publish and forward to all filing officers the estimates calculated and certified under subdivision 1 along with a copy of section 10A.25, subdivision 10. Within ~~seven days~~ one week after the last day for filing for office, the secretary of state must certify to the board the name, address, office sought, and party affiliation of each candidate who has filed with that office an affidavit of candidacy or petition to appear on the ballot. The auditor of each county must certify to the board the same information for each candidate who has filed with that county an affidavit of candidacy or petition to appear on the ballot. ~~By August 15~~ Within two weeks after the last day for filing for office, the board must notify all candidates of their estimated minimum amount. The board must include with the notice a form for the agreement provided in section 10A.322 along with a copy of section 10A.25, subdivision 10.

Sec. 3. Minnesota Statutes 2008, section 10A.322, subdivision 1, is amended to read:

Subdivision 1. **Agreement by candidate.** (a) As a condition of receiving a public subsidy, a candidate must sign and file with the board a written agreement in which the candidate agrees that the candidate will comply with sections 10A.25; 10A.27, subdivision 10; 10A.31, subdivision 7, paragraph (c); 10A.324; and 10A.38.

(b) Before the first day of filing for office, the board must forward agreement forms to all filing officers. The board must also provide agreement forms to candidates on request at any time. The candidate must file the agreement with the board ~~by September 1~~ ~~preceding the candidate's general election or a special election held at the general election~~ at least three weeks before the candidate's state primary. An agreement may not be filed after that date. An agreement once filed may not be rescinded.

(c) The board must notify the commissioner of revenue of any agreement signed under this subdivision.

(d) Notwithstanding paragraph (b), if a vacancy occurs that will be filled by means of a special election and the filing period does not coincide with the filing period for the general election, a candidate may sign and submit a spending limit agreement not later than the day after the candidate files the affidavit of candidacy or nominating petition for the office.

Sec. 4. Minnesota Statutes 2008, section 10A.323, is amended to read:

10A.323 AFFIDAVIT OF CONTRIBUTIONS.

In addition to the requirements of section 10A.322, to be eligible to receive a public subsidy under section 10A.31 a candidate or the candidate's treasurer must file an affidavit with the board stating that ~~during that calendar year~~ between January 1 of the election year and the cutoff date for transactions included in the report of receipts and expenditures due before the primary election the candidate has accumulated contributions from persons eligible to vote in this state in at least the amount indicated for the office sought, counting only the first \$50 received from each contributor:

(1) candidates for governor and lieutenant governor running together, \$35,000;

(2) candidates for attorney general, \$15,000;

(3) candidates for secretary of state and state auditor, separately, \$6,000;

(4) candidates for the senate, \$3,000; and

(5) candidates for the house of representatives, \$1,500.

The affidavit must state the total amount of contributions that have been received from persons eligible to vote in this state, disregarding the portion of any contribution in excess of \$50.

The candidate or the candidate's treasurer must submit the affidavit required by this section to the board in writing by the ~~cutoff date~~ deadline for reporting of receipts and expenditures before a primary under section 10A.20, subdivision 4.

A candidate for a vacancy to be filled at a special election for which the filing period does not coincide with the filing period for the general election must submit the affidavit required by this section to the board within five days after filing the affidavit of candidacy.

Sec. 5. Minnesota Statutes 2008, section 203B.06, subdivision 1, is amended to read:

Subdivision 1. **Printing and delivery of forms.** Each county auditor and municipal clerk shall prepare and print a sufficient number of blank application forms for absentee ballots. The county auditor or municipal clerk shall deliver a blank application form to any voter who requests one pursuant to section 203B.04. Blank application forms must be mailed to eligible voters who have requested an application pursuant to section 203B.04, subdivision 5 or 6, at least 60 days before:

(1) each regularly scheduled primary for federal, state, county, city, or school board office;

(2) each regularly scheduled general election for city or school board office for which a primary is not held; and

(3) a special primary to fill a federal office vacancy or special election to fill a federal office vacancy, if no major party has more than one candidate after the time for withdrawal has expired;

or at least 45 days before any other primary or other election for which a primary is not held.

Sec. 6. Minnesota Statutes 2008, section 203B.081, is amended to read:

203B.081 LOCATIONS FOR ABSENTEE VOTING IN PERSON.

An eligible voter may vote by absentee ballot in the office of the county auditor and at any other polling place designated by the county auditor during the 46 days before a regularly scheduled election for federal, state, county, city, or school board office or a special election for a federal office, and during the 30 days before the any other election ~~in the office of the county auditor and at any other polling place designated by the county auditor.~~ The county auditor shall make such designations at least ~~90 days~~ 14 weeks before the election. At least one voting booth in each polling place must be made available by the county auditor for this purpose. The county auditor must also make available at least one electronic ballot marker in each polling place that has implemented a voting system that is accessible for individuals with disabilities pursuant to section 206.57, subdivision 5.

Sec. 7. Minnesota Statutes 2008, section 203B.13, subdivision 2, is amended to read:

Subd. 2. **Duties.** The absentee ballot board may examine all return absentee ballot envelopes and accept or reject absentee ballots in the manner provided in section 203B.12.

The absentee ballot board may begin the process of examining the return envelopes and marking them "accepted" or "rejected" at any time during the ~~30~~ 45 days before the election. If an envelope has been rejected at least five days before the election, the ballots in the envelope must be considered spoiled ballots and the official in charge of the absentee ballot board shall provide the voter with a replacement absentee ballot and return envelope in place of the spoiled ballot.

Sec. 8. Minnesota Statutes 2008, section 203B.17, subdivision 1, is amended to read:

Subdivision 1. **Submission of application.** (a) An application for absentee ballots for a voter described in section 203B.16 may be submitted in writing or by electronic facsimile device, or by electronic mail upon determination by the secretary of state that security concerns have been adequately addressed. An application for absentee ballots for a voter described in section 203B.16 may be submitted by that voter or by that voter's parent, spouse, sister, brother, or child over the age of 18 years. For purposes of an application under this subdivision, a person's Social Security number, no matter how it is designated, qualifies as the person's military identification number if the person is in the military.

(b) An application for a voter described in section 203B.16, subdivision 1, shall be submitted to the county auditor of the county where the voter maintains residence.

(c) An application for a voter described in section 203B.16, subdivision 2, shall be submitted to the county auditor of the county where the voter last maintained residence in Minnesota.

(d) An application for absentee ballots shall be valid for any primary, special primary, general election, or special election from the time the application is received through the ~~next two regularly scheduled general elections for federal office held after the date on which the application is received~~ end of that calendar year.

(e) There shall be no limitation of time for filing and receiving applications for ballots under sections 203B.16 to 203B.27.

Sec. 9. Minnesota Statutes 2008, section 203B.22, is amended to read:

203B.22 MAILING TRANSMITTING BALLOTS.

The county auditor shall ~~mail~~ transmit the appropriate ballots, as promptly as possible, to an absent voter whose application has been recorded under section 203B.19. If the county auditor determines that a voter is not eligible to vote at the primary but

will be eligible to vote at the general election, only general election ballots shall be ~~mailed~~ transmitted. Only one set of ballots shall be ~~mailed~~ transmitted to any applicant for any election, except that the county auditor may ~~mail~~ transmit a replacement ballot to a voter whose ballot has been spoiled or lost in transit or whose mailing address has changed after the date on which the original application was submitted as confirmed by the county auditor. Ballots to be sent outside the United States shall be given priority in ~~mailing~~ transmission. A county auditor may make use of any special service provided by the United States government for the ~~mailing~~ transmission of voting materials under sections 203B.16 to 203B.27.

Sec. 10. Minnesota Statutes 2008, section 203B.225, subdivision 1, is amended to read:

Subdivision 1. **Transmitting ballot and certificate of voter eligibility.** A voter described in section 203B.16 may include in an application for absentee ballots a request that the ballots, instructions, and a certificate of voter eligibility meeting the requirements of section 203B.21, subdivision 3, be transmitted to the voter electronically. Upon receipt of a properly completed application requesting electronic transmission, the county auditor shall electronically transmit the requested materials to the voter. The county auditor is not required to provide return postage to voters to whom ballots are transmitted electronically.

Sec. 11. Minnesota Statutes 2008, section 203B.23, subdivision 2, is amended to read:

Subd. 2. **Duties.** The absentee ballot board must examine all returned absentee ballot envelopes for ballots issued under sections 203B.16 to 203B.27 and accept or reject the absentee ballots in the manner provided in section 203B.24. If the certificate of voter eligibility is not printed on the return or administrative envelope, the certificate must be attached to the ballot secrecy envelope.

The absentee ballot board must immediately examine the return envelopes and mark them "accepted" or "rejected" during the ~~30~~ 45 days before the election. If an envelope has been rejected at least five days before the election, the ballots in the envelope must be considered spoiled ballots and the official in charge of the absentee ballot board must provide the voter with a replacement absentee ballot and return envelope in place of the spoiled ballot.

Sec. 12. Minnesota Statutes 2008, section 204B.09, subdivision 1, is amended to read:

Subdivision 1. **Candidates in state and county general elections.** (a) Except as otherwise provided by this subdivision, affidavits of candidacy and nominating petitions for county, state, and federal offices filled at the state general election shall be filed not

more than ~~70~~ 84 days nor less than ~~56~~ 70 days before the state primary. The affidavit may be prepared and signed at any time between 60 days before the filing period opens and the last day of the filing period.

(b) Notwithstanding other law to the contrary, the affidavit of candidacy must be signed in the presence of a notarial officer or an individual authorized to administer oaths under section 358.10.

(c) This provision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other candidates for presidential electors may file petitions ~~on or before the state primary~~ at least 77 days before the general election day pursuant to section 204B.07. Nominating petitions to fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing.

(d) Affidavits and petitions for county offices must be filed with the county auditor of that county. Affidavits and petitions for federal offices must be filed with the secretary of state. Affidavits and petitions for state offices must be filed with the secretary of state or with the county auditor of the county in which the candidate resides.

(e) Affidavits other than those filed pursuant to subdivision 1a must be submitted by mail or by hand, notwithstanding chapter 325L, or any other law to the contrary and must be received by 5:00 p.m. on the last day for filing.

Sec. 13. Minnesota Statutes 2008, section 204B.14, subdivision 2, is amended to read:

Subd. 2. **Separate precincts; combined polling place.** (a) The following shall constitute at least one election precinct:

(1) each city ward; and

(2) each town and each statutory city.

(b) A single, accessible, combined polling place may be established no later than ~~June~~ May 1 of any year:

(1) for any city of the third or fourth class, any town, or any city having territory in more than one county, in which all the voters of the city or town shall cast their ballots;

(2) for two contiguous precincts in the same municipality that have a combined total of fewer than 500 registered voters;

(3) for up to four contiguous municipalities located entirely outside the metropolitan area, as defined by section 200.02, subdivision 24, that are contained in the same county; or

(4) for noncontiguous precincts located in one or more counties.

A copy of the ordinance or resolution establishing a combined polling place must be filed with the county auditor within 30 days after approval by the governing body. A polling place combined under clause (3) must be approved by the governing body of each participating municipality. A polling place combined under clause (4) must be approved by the governing body of each participating municipality and the secretary of state and may be located outside any of the noncontiguous precincts. A municipality withdrawing from participation in a combined polling place must do so by filing a resolution of withdrawal with the county auditor no later than ~~May~~ April 1 of any year.

The secretary of state shall provide a separate polling place roster for each precinct served by the combined polling place. A single set of election judges may be appointed to serve at a combined polling place. The number of election judges required must be based on the total number of persons voting at the last similar election in all precincts to be voting at the combined polling place. Separate ballot boxes must be provided for the ballots from each precinct. The results of the election must be reported separately for each precinct served by the combined polling place, except in a polling place established under clause (2) where one of the precincts has fewer than ten registered voters, in which case the results of that precinct must be reported in the manner specified by the secretary of state.

Sec. 14. Minnesota Statutes 2008, section 204B.14, subdivision 4, is amended to read:

Subd. 4. **Boundary change procedure.** Any change in the boundary of an election precinct ~~shall~~ must be adopted at least 90 days before the date of the next election and, for the state primary and general election, no later than ~~June~~ May 1 in the year of the state general election. The precinct boundary change shall not take effect until notice of the change has been posted in the office of the municipal clerk or county auditor for at least 60 days.

The county auditor must publish a notice illustrating or describing the congressional, legislative, and county commissioner district boundaries in the county in one or more qualified newspapers in the county at least 14 days ~~prior to~~ before the first day to file affidavits of candidacy for the state general election in the year ending in two.

Alternate dates for adopting changes in precinct boundaries, posting notices of boundary changes, and notifying voters affected by boundary changes pursuant to this subdivision, and procedures for coordinating precinct boundary changes with reestablishing local government election district boundaries may be established in the manner provided in the rules of the secretary of state.

Sec. 15. Minnesota Statutes 2008, section 204B.21, subdivision 1, is amended to read:

Subdivision 1. **Appointment lists; duties of political parties and county auditor.**
On ~~June 1~~ May 1 in a year in which there is an election for a partisan political office, the county or legislative district chairs of each major political party, whichever is designated by the state party, shall prepare a list of eligible voters to act as election judges in each election precinct in the county or legislative district. The chairs shall furnish the lists to the county auditor of the county in which the precinct is located.

By ~~June 15~~ May 15, the county auditor shall furnish to the appointing authorities a list of the appropriate names for each election precinct in the jurisdiction of the appointing authority. Separate lists shall be submitted by the county auditor for each major political party.

Sec. 16. Minnesota Statutes 2008, section 204B.33, is amended to read:

204B.33 NOTICE OF FILING.

(a) ~~Between June 1 and July 1 in each even-numbered year~~ At least 15 weeks before the state primary, the secretary of state shall notify each county auditor of the offices to be voted for in that county at the next state general election for which candidates file with the secretary of state. The notice shall include the time and place of filing for those offices. Within ten days after notification by the secretary of state, each county auditor shall notify each municipal clerk in the county of all the offices to be voted for in the county at that election and the time and place for filing for those offices. The county auditors and municipal clerks shall promptly post a copy of that notice in their offices.

(b) At least two weeks before the first day to file an affidavit of candidacy, the county auditor shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in the county auditor's office and the closing time for filing on the last day for filing. The county auditor shall post a similar notice at least ten days before the first day to file affidavits of candidacy.

Sec. 17. Minnesota Statutes 2008, section 204B.35, subdivision 4, is amended to read:

Subd. 4. **Absentee ballots; preparation; delivery.** At least 46 days before a regularly scheduled election for federal, state, county, city, or school board office or a special election for federal office, and at least 30 days before any other election, ballots necessary to fill applications of absentee voters shall be prepared and delivered ~~at least 30 days before the election~~ to the officials who administer the provisions of chapter 203B.

This section applies to school district elections held on the same day as a statewide election or an election for a county or municipality located partially or wholly within the school district.

Sec. 18. Minnesota Statutes 2008, section 204B.45, subdivision 2, is amended to read:

Subd. 2. **Procedure.** Notice of the election and the special mail procedure must be given at least six weeks prior to the election. Not more than 46 days nor later than 14 days before a regularly scheduled election for federal, state, county, city, or school board office or a special election for federal office and ~~prior to the~~ before any other election, the auditor shall mail ballots by nonforwardable mail to all voters registered in the town or unorganized territory. No later than 14 days before the election, the auditor must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election. Eligible voters not registered at the time the ballots are mailed may apply for ballots as provided in chapter 203B. Ballot return envelopes, with return postage provided, must be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in person to the office of the auditor or clerk. The auditor or clerk may appoint election judges to examine the return envelopes and mark them "accepted" or "rejected" during the ~~30~~ 45 days before the election. If an envelope has been rejected at least five days before the election, the ballots in the envelope must be considered spoiled ballots and the auditor or clerk shall provide the voter with a replacement ballot and return envelope in place of the spoiled ballot. The costs of the mailing shall be paid by the election jurisdiction in which the voter resides. Any ballot received by 8:00 p.m. on the day of the election must be counted.

Sec. 19. Minnesota Statutes 2008, section 204C.26, subdivision 3, is amended to read:

Subd. 3. **Secretary of state.** ~~On or before July 1 of~~ No later than ten weeks before ~~the state primary in~~ each even-numbered year, the secretary of state shall prescribe the form for summary statements of election returns and the methods by which returns for the state primary and state general election shall be recorded by precinct, county, and state election officials. Each county auditor and municipal or school district clerk required to furnish summary statements shall prepare them in the manner prescribed by the secretary of state. The summary statement of the primary returns shall be in the same form as the summary statement of the general election returns except that a separate part of the summary statement shall be provided for the partisan primary ballot and a separate part for the nonpartisan primary ballot.

Sec. 20. Minnesota Statutes 2008, section 204D.03, subdivision 1, is amended to read:

Subdivision 1. **State primary.** The state primary shall be held on the ~~first~~ second Tuesday ~~after the second Monday in September in August~~ in each even-numbered year to

11.1 select the nominees of the major political parties for partisan offices and the nominees for
11.2 nonpartisan offices to be filled at the state general election, other than presidential electors.

11.3 Sec. 21. Minnesota Statutes 2008, section 204D.09, subdivision 1, is amended to read:

11.4 Subdivision 1. **Example ballot.** (a) No later than ~~June 1~~ May 1 of each year, the
11.5 secretary of state shall supply each auditor with a copy of an example ballot. The example
11.6 ballot must illustrate the format required for the ballots used in the primary and general
11.7 elections that year.

11.8 (b) The county auditor shall distribute copies of the example ballot to municipal and
11.9 school district clerks in municipalities and school districts holding elections that year. The
11.10 official ballot must conform in all respects to the example ballot.

11.11 Sec. 22. Minnesota Statutes 2008, section 204D.17, is amended to read:

11.12 **204D.17 ~~REPRESENTATIVE IN CONGRESS;~~ STATE SENATOR; STATE**
11.13 **REPRESENTATIVE; VACANCY IN OFFICE; SPECIAL ELECTION.**

11.14 Subdivision 1. **Special elections; exceptions.** A vacancy in the office of
11.15 ~~representative in Congress or~~ state senator or state representative shall be filled for the
11.16 unexpired term by special election upon the writ of the governor as provided in sections
11.17 204D.17 to 204D.27; except that if ~~Congress or~~ the legislature will not be in session before
11.18 the expiration of the vacant term no special election is required.

11.19 Subd. 2. **Two or more vacancies.** Two or more vacancies may be filled at the same
11.20 special election and the candidates may be nominated at the same special primary. Any
11.21 special primary or special election held pursuant to sections 204D.17 to 204D.27 may be
11.22 held on the same day as any other election.

11.23 Sec. 23. Minnesota Statutes 2008, section 204D.19, is amended to read:

11.24 **204D.19 SPECIAL ELECTIONS; WHEN HELD.**

11.25 Subdivision 1. **Vacancy filled at general election.** When a vacancy occurs more
11.26 than 150 days before the next state general election, and the ~~Congress or the~~ legislature
11.27 will not be in session before the final canvass of the state general election returns, the
11.28 vacancy shall be filled at the next state general election.

11.29 Subd. 2. **Special election when ~~Congress or~~ legislature will be in session.** Except
11.30 for vacancies in the legislature which occur at any time between the last day of session
11.31 in an odd-numbered year and the 40th day prior to the opening day of session in the
11.32 succeeding even-numbered year, when a vacancy occurs and the ~~Congress or~~ legislature
11.33 will be in session so that the individual elected as provided by this section could take office

12.1 and exercise the duties of the office immediately upon election, the governor shall issue
12.2 within five days after the vacancy occurs a writ calling for a special election. The special
12.3 election shall be held as soon as possible, consistent with the notice requirements of section
12.4 204D.22, subdivision 3, but in no event more than 35 days after the issuance of the writ.

12.5 Subd. 3. **Special election at other times.** When a vacancy occurs at a time other
12.6 than those described in subdivisions 1 and 2 the governor shall issue a writ, calling for a
12.7 special election to be held so that the individual elected may take office at the opening of
12.8 the next session ~~of the Congress or~~ of the legislature, or at the reconvening of a session of
12.9 the ~~Congress or of the~~ legislature.

12.10 Subd. 4. **Writ when vacancy results from election contest.** If a vacancy results
12.11 from a successful election contest, the governor shall issue 22 days after the first day of
12.12 the legislative session a writ calling for a special election unless the house in which the
12.13 contest may be tried has passed a resolution which states that it will or will not review
12.14 the court's determination of the contest. If the resolution states that the house will not
12.15 review the court's determination, the writ shall be issued within five days of the passage of
12.16 the resolution.

12.17 Sec. 24. Minnesota Statutes 2008, section 204D.28, subdivision 5, is amended to read:

12.18 Subd. 5. **Regular state primary.** "Regular state primary" means:

12.19 (a) the state primary at which candidates are nominated for offices elected at the
12.20 state general election; or

12.21 (b) a primary held ~~four weeks before the first~~ on the second Tuesday ~~after the first~~
12.22 ~~Monday in November~~ in August of odd-numbered years.

12.23 Sec. 25. Minnesota Statutes 2008, section 204D.28, subdivision 6, is amended to read:

12.24 Subd. 6. **Special election required; exception; when held.** Every vacancy shall be
12.25 filled for the remainder of the term by a special election held pursuant to this subdivision;
12.26 except that no special election shall be held in the year before the term expires.

12.27 The special election shall be held at the next November election if the vacancy
12.28 occurs at least ~~six~~ 11 weeks before the regular state primary preceding that election. If
12.29 the vacancy occurs less than ~~six~~ 11 weeks before the regular state primary preceding
12.30 the next November election, the special election shall be held at the second November
12.31 election after the vacancy occurs.

12.32 Sec. 26. Minnesota Statutes 2008, section 204D.28, subdivision 8, is amended to read:

Subd. 8. **Notice of special election.** The secretary of state shall issue an official notice of any special election required to be held pursuant to this section not later than ~~ten~~ 16 weeks before the special primary, except that if the vacancy occurs ~~ten~~ 16 weeks or less before the special primary, the secretary of state shall issue the notice no later than two days after the vacancy occurs. The notice shall state the office to be filled, the opening and closing dates for filing of candidacy and the dates of the special primary and special election. For the purposes of those provisions of sections 204D.17 to 204D.27 that apply generally to special elections, this notice shall be used in place of the writ of the governor.

Sec. 27. Minnesota Statutes 2008, section 204D.28, subdivision 9, is amended to read:

Subd. 9. **Filing by candidates.** The time for filing of affidavits and nominating petitions for candidates to fill a vacancy at a special election shall open ~~six~~ 12 weeks before the special primary or on the day the secretary of state issues notice of the special election, whichever occurs later. Filings shall close ~~four~~ ten weeks before the special primary.

Sec. 28. **[204D.29] REPRESENTATIVE IN CONGRESS VACANCY.**

Subdivision 1. **Scope; definition.** (a) A vacancy in the office of representative in Congress must be filled as specified in this section.

(b) "Vacancy," as used in this section, means a vacancy in the office of representative in Congress.

Subd. 2. **Vacancy 27 weeks or more before state primary.** (a) If a vacancy occurs 27 weeks or more before the state primary, the governor must issue a writ within three days of the vacancy for a special election for that office to be held between 20 and 24 weeks of the vacancy, but not fewer than 47 days before a state primary. A special primary must be held 11 weeks before the special election or on the second Tuesday in August if the general election is held on the first Tuesday after the first Monday in November if any major party has more than one candidate after the time for withdrawal has expired.

(b) The filing period for a special election under this subdivision must end on or before the 131st day before the special election. Minor party and independent candidates must submit their petitions by the last day for filing and signatures on the petitions must be dated from the date of the vacancy through the last day for filing. There must be a one-day period for withdrawal of candidates after the last day for filing.

Subd. 3. **Vacancy more than 22 weeks but fewer than 27 weeks before state primary.** (a) If a vacancy occurs more than 22 weeks but fewer than 27 weeks before the state primary, the governor must issue a writ within three days of the vacancy for a special election for that office to be held on the day of the state primary with a special primary

14.1 held 11 weeks before the state primary, if any major party has more than one candidate
14.2 after the time for withdrawal has expired. The regularly scheduled election to fill the
14.3 next full term shall proceed pursuant to law.

14.4 (b) The filing period for a special election under this subdivision must end on or
14.5 before the 147th day before the state primary. Minor party and independent candidates
14.6 must submit their petitions by the last day for filing and signatures on the petitions must be
14.7 dated from the date of the vacancy through the last day for filing. There must be a one-day
14.8 period for withdrawal of candidates after the last day for filing. Candidates for a special
14.9 election under this subdivision are not subject to the prohibition in section 204B.06 against
14.10 having more than one affidavit of candidacy on file for the same election.

14.11 (c) The winner of a special election on the day of the state primary under this
14.12 subdivision shall serve the remainder of the vacant term and is eligible to be seated
14.13 in Congress upon issuance of the certificate of election. The winner of the regularly
14.14 scheduled term for that office at the general election shall take office on the day new
14.15 members of Congress take office.

14.16 Subd. 4. **Vacancy 22 or fewer weeks before state primary but before general**
14.17 **election day.** (a) If a vacancy occurs from 22 weeks before the state primary to the day
14.18 before the general election, no special election will be held. The winner of the general
14.19 election for the next full term for that office will serve the remainder of the unexpired term
14.20 and is eligible to be seated in Congress immediately upon issuance of a certificate of
14.21 election.

14.22 (b) If the incumbent filed an affidavit of candidacy for reelection as the candidate of
14.23 a major political party and was nominated for the general election ballot by that party and
14.24 a vacancy occurs from the day of the state primary until the date of the general election,
14.25 there is a vacancy in nomination to be resolved pursuant to section 204B.13.

14.26 Subd. 5. **Vacancy on or after election day and before the day new members of**
14.27 **Congress take office.** (a) If a vacancy occurs between the day of the general election and
14.28 the day new members of Congress take office and the incumbent was not the winner of
14.29 the general election, the winner of the general election for the next full term for that
14.30 office is eligible to be seated in Congress immediately upon issuance of a certificate of
14.31 election or the vacancy, whichever occurs last.

14.32 (b) If a vacancy occurs on or after election day but before the day new members
14.33 of Congress take office and the incumbent was the winner of the general election, the
14.34 vacancy must be filled pursuant to subdivision 2.

14.35 Sec. 29. Minnesota Statutes 2008, section 205.065, subdivision 1, is amended to read:

15.1 Subdivision 1. **Establishing primary.** A municipal primary for the purpose of
15.2 nominating elective officers may be held in any city on the ~~first~~ second Tuesday ~~after the~~
15.3 ~~second Monday in September~~ in August of any year in which a municipal general election
15.4 is to be held for the purpose of electing officers.

15.5 Sec. 30. Minnesota Statutes 2008, section 205.065, subdivision 2, is amended to read:

15.6 Subd. 2. **Resolution or ordinance.** The governing body of a city may, by ordinance
15.7 or resolution adopted ~~at least three months before the next~~ by April 15 in the year when
15.8 a municipal general election is held, elect to choose nominees for municipal offices by
15.9 a primary as provided in this section. The resolution or ordinance, when adopted, is
15.10 effective for all ensuing municipal elections until it is revoked. The municipal clerk shall
15.11 notify the secretary of state and the county auditor within 30 days after the adoption of the
15.12 resolution or ordinance.

15.13 Sec. 31. Minnesota Statutes 2008, section 205.13, subdivision 1a, is amended to read:

15.14 Subd. 1a. **Filing period.** In ~~municipalities~~ a city nominating candidates at a
15.15 ~~municipal~~ primary, an affidavit of candidacy for a city office ~~or town office~~ voted on in
15.16 November must be filed ~~not~~ no more than ~~70~~ 84 days nor less than ~~56~~ 70 days before the
15.17 ~~first Tuesday after the second Monday in September preceding the municipal general~~
15.18 ~~election~~ city primary. In ~~all other~~ municipalities that do not hold a primary, an affidavit of
15.19 candidacy must be filed ~~not~~ no more than 70 days and not less than 56 days before the
15.20 municipal general election held in March in any year, or a special election not held in
15.21 conjunction with another election, and no more than 91 days nor less than 77 days before
15.22 the municipal general election held in November of any year.

15.23 Sec. 32. Minnesota Statutes 2008, section 205.16, subdivision 4, is amended to read:

15.24 Subd. 4. **Notice to auditor.** At least ~~53~~ 74 days ~~prior to~~ before every municipal
15.25 election held in connection with a regularly scheduled election for federal, state, county,
15.26 city, or school board office or a special election for federal office, and at least 53 days
15.27 before any other municipal election, the municipal clerk shall provide a written notice
15.28 to the county auditor, including the date of the election, the offices to be voted on at the
15.29 election, and the title and language for each ballot question to be voted on at the election.
15.30 ~~Not less than 46~~ At least 74 days before ~~the~~ a regularly scheduled election for federal,
15.31 state, county, city, or school board office or a special election for federal office, and at least
15.32 46 days before any other election, the municipal clerk must provide written notice to the
15.33 county auditor of any special election canceled under section 205.10, subdivision 6.

Sec. 33. Minnesota Statutes 2008, section 205.16, subdivision 5, is amended to read:

Subd. 5. **Notice to secretary of state.** At least ~~46~~ 74 days ~~prior to~~ before every municipal election held in conjunction with a regularly scheduled election for federal, state, county, city, or school board office or a special election for federal office, and at least 46 days before any other municipal election for which a notice is provided to the county auditor under subdivision 4, the county auditor shall provide a notice of the election to the secretary of state, in a manner and including information prescribed by the secretary of state.

Sec. 34. Minnesota Statutes 2008, section 205A.03, subdivision 1, is amended to read:

Subdivision 1. **Resolution requiring primary in certain circumstances.** The school board of a school district may, by resolution adopted by ~~June 1~~ April 15 of any year, decide to choose nominees for school board by a primary as provided in this section. The resolution, when adopted, is effective for all ensuing elections of board members in that school district until it is revoked. If the board decides to choose nominees by primary and if there are more than two candidates for a specified school board position or more than twice as many school board candidates as there are at-large school board positions available, the school district must hold a primary.

Sec. 35. Minnesota Statutes 2008, section 205A.03, subdivision 2, is amended to read:

Subd. 2. **Date.** The school district primary must be held on the ~~first~~ second Tuesday ~~after the second Monday in September~~ in August in the year when the school district general election is held. The clerk shall give notice of the primary in the manner provided in section 205A.07.

Sec. 36. Minnesota Statutes 2008, section 205A.05, subdivision 3, is amended to read:

Subd. 3. **Cancellation.** A special election ordered by the school board on its own motion under subdivision 1 may be canceled by motion of the school board, but not less than ~~46~~ 74 days before ~~the~~ an election held in conjunction with a regularly scheduled election for federal, state, county, city, or school board office or a special election for federal office, or 46 days before any other election.

Sec. 37. Minnesota Statutes 2008, section 205A.06, subdivision 1a, is amended to read:

Subd. 1a. **Filing period.** In school districts that have adopted a resolution to choose nominees for school board by a primary election, affidavits of candidacy must be filed with the school district clerk no earlier than the ~~70th~~ 84th day and no later than the ~~56th~~

17.1 70th day before the first second Tuesday after the second Monday in September in August
17.2 in the year when the school district general election is held. In all other school districts,
17.3 affidavits of candidacy must be filed no earlier than the 70th 91st day and no later than the
17.4 56th 77th day before the school district general election.

17.5 Sec. 38. Minnesota Statutes 2008, section 205A.07, subdivision 3, is amended to read:

17.6 Subd. 3. **Notice to auditor.** At least ~~53~~ 74 days ~~prior to~~ before every school
17.7 district election held in conjunction with a regularly scheduled election for federal, state,
17.8 county, city, or school board office or a special election for federal office, and at least
17.9 53 days before any other school district election, the school district clerk shall provide
17.10 a written notice to the county auditor of each county in which the school district is
17.11 located. The notice must include the date of the election, the offices to be voted on at the
17.12 election, and the title and language for each ballot question to be voted on at the election.
17.13 For the purposes of meeting the timelines of this section, in a bond election, a notice,
17.14 including a proposed question, may be provided to the county auditor ~~prior to~~ before
17.15 receipt of a review and comment from the commissioner of education and ~~prior to~~ before
17.16 actual initiation of the election. Not less than ~~46~~ 74 days before ~~the~~ an election held in
17.17 conjunction with a regularly scheduled election for federal, state, county, city, or school
17.18 board office or a special election for federal office, or 46 days before any other election,
17.19 the school district clerk must provide written notice to the county auditor of any special
17.20 election canceled under section 205A.05, subdivision 3.

17.21 Sec. 39. Minnesota Statutes 2008, section 205A.07, subdivision 3a, is amended to read:

17.22 Subd. 3a. **Notice to commissioner of education.** At least ~~49~~ 74 days ~~prior to~~ before
17.23 every school district election held in conjunction with a regularly scheduled election for
17.24 federal, state, county, city, or school board office or a special election for federal office,
17.25 and at least 49 days before any other school district election, under section 123B.62,
17.26 123B.63, 126C.17, 126C.69, or 475.58, the school district clerk shall provide a written
17.27 notice to the commissioner of education. The notice must include the date of the election
17.28 and the title and language for each ballot question to be voted on at the election. Not
17.29 less than ~~46~~ 74 days before ~~the~~ every school district election held in conjunction with a
17.30 regularly scheduled election for federal, state, county, city, or school board office or a
17.31 special election for federal office, and at least 46 days before any other school district
17.32 election, the school district clerk must provide a written notice to the commissioner of
17.33 education of any special election canceled under section 205A.05, subdivision 3. The

18.1 certified vote totals for each ballot question shall be provided in a written notice to the
18.2 commissioner in a timely manner.

18.3 Sec. 40. Minnesota Statutes 2008, section 205A.07, subdivision 3b, is amended to read:

18.4 Subd. 3b. **Notice to secretary of state.** At least ~~46~~ 74 days ~~prior to~~ before every
18.5 school district election held in conjunction with a regularly scheduled election for federal,
18.6 state, county, city, or school board office or a special election for federal office, and at
18.7 least 46 days before any other school district election for which a notice is provided
18.8 to the county auditor under subdivision 3, the county auditor shall provide a notice of
18.9 the election to the secretary of state, in a manner and including information prescribed
18.10 by the secretary of state.

18.11 Sec. 41. Minnesota Statutes 2008, section 205A.11, subdivision 2a, is amended to read:

18.12 Subd. 2a. **Notice of special elections.** The school district clerk shall prepare a notice
18.13 to the voters who will be voting in a combined polling place for a school district special
18.14 election. The notice must include the following information: the date of the election, the
18.15 hours of voting, and the location of the voter's polling place. The notice must be sent by
18.16 nonforwardable mail to every affected household in the school district with at least one
18.17 registered voter. The notice must be mailed no later than 14 days before the election. The
18.18 mailed notice is not required for a school district special election that is held on ~~the day of~~
18.19 ~~the school district primary or general election, the~~ second Tuesday ~~following the second~~
18.20 ~~Monday in September~~ August, the Tuesday following the first Monday in November, or
18.21 for a special election conducted entirely by mail. In addition, the mailed notice is not
18.22 required for voters residing in a township if the school district special election is held on
18.23 the second Tuesday in March and the town general election is held on that day. A notice
18.24 that is returned as undeliverable must be forwarded immediately to the county auditor.

18.25 Sec. 42. Minnesota Statutes 2008, section 206.61, subdivision 5, is amended to read:

18.26 Subd. 5. **Alternation.** The provisions of the election laws requiring the alternation
18.27 of names of candidates must be observed as far as practicable by changing the order of the
18.28 names on an electronic voting system in the various precincts so that each name appears
18.29 on the machines or marking devices used in a municipality substantially an equal number
18.30 of times in the first, last, and in each intermediate place in the list or group in which
18.31 they belong. However, the arrangement of candidates' names must be the same on all
18.32 voting systems used in the same precinct. If the number of names to be alternated exceeds

19.1 the number of precincts, the election official responsible for providing the ballots, in
19.2 accordance with subdivision 1, shall determine by lot the alternation of names.

19.3 If an electronic ballot marker is used with a paper ballot that is not an optical scan
19.4 ballot card, the manner of alternation of candidate names on the paper ballot must be as
19.5 prescribed for optical scan ballots in this subdivision.

19.6 The rules adopted by the secretary of state for the rotation of candidate names must
19.7 use the number of registered voters in each precinct as of 8:00 a.m. on May 1 of the year
19.8 when the rotation will be made as the basis for determining the rotation of names.

19.9 Sec. 43. Minnesota Statutes 2009 Supplement, section 206.82, subdivision 2, is
19.10 amended to read:

19.11 Subd. 2. **Plan.** The municipal clerk in a municipality where an electronic voting
19.12 system is used and the county auditor of a county in which an electronic voting system is
19.13 used in more than one municipality and the county auditor of a county in which a counting
19.14 center serving more than one municipality is located shall prepare a plan which indicates
19.15 acquisition of sufficient facilities, computer time, and professional services and which
19.16 describes the proposed manner of complying with section 206.80. The plan must be
19.17 signed, notarized, and submitted to the secretary of state more than 60 days before the
19.18 first election at which the municipality uses an electronic voting system. ~~Prior to July~~
19.19 Before May 1 of each subsequent general election year, the clerk or auditor shall submit
19.20 to the secretary of state notification of any changes to the plan on file with the secretary
19.21 of state. The secretary of state shall review each plan for its sufficiency and may request
19.22 technical assistance from the Office of Enterprise Technology or other agency which may
19.23 be operating as the central computer authority. The secretary of state shall notify each
19.24 reporting authority of the sufficiency or insufficiency of its plan within 20 days of receipt
19.25 of the plan. The attorney general, upon request of the secretary of state, may seek a district
19.26 court order requiring an election official to fulfill duties imposed by this subdivision or by
19.27 rules promulgated pursuant to this section.

19.28 Sec. 44. Minnesota Statutes 2008, section 208.03, is amended to read:

19.29 **208.03 NOMINATION OF PRESIDENTIAL ELECTORS.**

19.30 Presidential electors for the major political parties of this state shall be nominated
19.31 by delegate conventions called and held under the supervision of the respective state
19.32 central committees of the parties of this state. ~~On or before primary~~ At least 77 days
19.33 before the general election day the chair of the major political party shall certify to the
19.34 secretary of state the names of the persons nominated as presidential electors, the names

20.1 of eight alternate presidential electors, and the names of the party candidates for president
20.2 and vice president.

20.3 Sec. 45. Minnesota Statutes 2008, section 211B.045, is amended to read:

20.4 **211B.045 NONCOMMERCIAL SIGNS EXEMPTION.**

20.5 In any municipality, whether or not the municipality has an ordinance that regulates
20.6 the size or number of noncommercial signs, all noncommercial signs of any size may be
20.7 posted in any number from ~~August 1~~ 46 days before the state primary in a state general
20.8 election year until ten days following the state general election.

20.9 Sec. 46. Minnesota Statutes 2008, section 410.12, subdivision 1, is amended to read:

20.10 Subdivision 1. **Proposals.** The charter commission may propose amendments to
20.11 such charter and shall do so upon the petition of voters equal in number to five percent of
20.12 the total votes cast at the last previous state general election in the city. Proposed charter
20.13 amendments must be submitted at least ~~12~~ 17 weeks before the general election. Only
20.14 registered voters are eligible to sign the petition. All petitions circulated with respect to a
20.15 charter amendment shall be uniform in character and shall have attached thereto the text
20.16 of the proposed amendment in full; except that in the case of a proposed amendment
20.17 containing more than 1,000 words, a true and correct copy of the same may be filed with
20.18 the city clerk, and the petition shall then contain a summary of not less than 50 nor
20.19 more than 300 words setting forth in substance the nature of the proposed amendment.
20.20 Such summary shall contain a statement of the objects and purposes of the amendment
20.21 proposed and an outline of any proposed new scheme or frame work of government and
20.22 shall be sufficient to inform the signers of the petition as to what change in government is
20.23 sought to be accomplished by the amendment. The summary, together with a copy of the
20.24 proposed amendment, shall first be submitted to the charter commission for its approval
20.25 as to form and substance. The commission shall within ten days after such submission
20.26 to it, return the same to the proposers of the amendment with such modifications in
20.27 statement as it may deem necessary in order that the summary may fairly comply with
20.28 the requirements above set forth.

20.29 Sec. 47. Minnesota Statutes 2008, section 447.32, subdivision 4, is amended to read:

20.30 Subd. 4. **Candidates; ballots; certifying election.** A person who wants to be a
20.31 candidate for the hospital board shall file an affidavit of candidacy for the election either
20.32 as member at large or as a member representing the city or town where the candidate
20.33 resides. The affidavit of candidacy must be filed with the city or town clerk not more than

21.1 ~~70~~ 91 days nor less than ~~56~~ 77 days before the first Tuesday after the first Monday in
21.2 November of the year in which the general election is held. The city or town clerk must
21.3 forward the affidavits of candidacy to the clerk of the hospital district or, for the first
21.4 election, the clerk of the most populous city or town immediately after the last day of
21.5 the filing period. A candidate may withdraw from the election by filing an affidavit of
21.6 withdrawal with the clerk of the district no later than 5:00 p.m. two days after the last
21.7 day to file affidavits of candidacy.

21.8 Voting must be by secret ballot. The clerk shall prepare, at the expense of the
21.9 district, necessary ballots for the election of officers. Ballots must be printed on tan paper
21.10 and prepared as provided in the rules of the secretary of state. The ballots must be marked
21.11 and initialed by at least two judges as official ballots and used exclusively at the election.
21.12 Any proposition to be voted on may be printed on the ballot provided for the election
21.13 of officers. The hospital board may also authorize the use of voting systems subject to
21.14 chapter 206. Enough election judges may be appointed to receive the votes at each
21.15 polling place. The election judges shall act as clerks of election, count the ballots cast,
21.16 and submit them to the board for canvass.

21.17 After canvassing the election, the board shall issue a certificate of election to the
21.18 candidate who received the largest number of votes cast for each office. The clerk shall
21.19 deliver the certificate to the person entitled to it in person or by certified mail. Each person
21.20 certified shall file an acceptance and oath of office in writing with the clerk within 30
21.21 days after the date of delivery or mailing of the certificate. The board may fill any office
21.22 as provided in subdivision 1 if the person elected fails to qualify within 30 days, but
21.23 qualification is effective if made before the board acts to fill the vacancy.

21.24 Sec. 48. **EFFECTIVE DATE.**

21.25 This act is effective the day following final enactment.