

A bill for an act

relating to elections; changing certain procedures and requirements related to vacancies in nomination; amending Minnesota Statutes 2010, sections 204B.04, subdivision 2; 204B.13, subdivisions 1, 4; 205.13, subdivision 1a; 205A.06, subdivision 1a; repealing Minnesota Statutes 2010, sections 204B.41; 204D.169; 205.065, subdivision 7; 205A.03, subdivision 6.

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

Section 1. Minnesota Statutes 2010, section 204B.04, subdivision 2, is amended to read:

Subd. 2. **Candidates seeking nomination by primary.** No individual who seeks nomination for any partisan or nonpartisan office at a primary shall be nominated for the same office by nominating petition, ~~except as otherwise provided for nonpartisan offices in section 204B.13, subdivision 4.~~

Sec. 2. Minnesota Statutes 2010, section 204B.13, subdivision 1, is amended to read:

Subdivision 1. **Death or withdrawal.** A vacancy in nomination may be filled in the manner provided by this section. A vacancy in nomination exists when:

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

~~(b)~~ (2) a candidate for a nonpartisan office, for which one or two candidates filed, ~~dies or files an affidavit of withdrawal~~ withdraws as provided in section 204B.12, subdivision 1.

Sec. 3. Minnesota Statutes 2010, section 204B.13, subdivision 4, is amended to read:

Subd. 4. **Nonpartisan office; filling vacancy by nominating petitions.** A vacancy in nomination in a nonpartisan office may be filled by ~~nominating petition~~ filing an

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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,
to 204B.09, and 204B.11. The petition shall All documents and fees required by this
subdivision must be filed within one week five days after the vacancy in nomination
occurs, but not later than four calendar days before the election. There must be a two-day
period for withdrawal of candidates after the last day for filing.

~~An eligible voter is eligible to sign a nominating petition to fill a vacancy in~~
~~nomination without regard to whether that eligible voter intends to vote or did vote for~~
~~any candidate for that office at the primary or signed other nominating petitions for~~
~~candidates for that office.~~

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.

Sec. 4. Minnesota Statutes 2010, section 205.13, subdivision 1a, is amended to read:

Subd. 1a. **Filing period.** In a city nominating candidates at a primary, an affidavit of
candidacy for a city office voted on in November must be filed no more than 84 days nor
less than 70 days before the city primary. In municipalities that do not hold a primary, an
affidavit of candidacy must be filed no more than 70 days and not less than 56 days before
the municipal general election held in March in any year, or a special election not held in
conjunction with another election, and no more than ~~91~~ 98 days nor less than ~~77~~ 84 days
before the municipal general election held in November of any year.

Sec. 5. Minnesota Statutes 2010, 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 84th day and no later than the 70th day before
the second Tuesday in August in the year when the school district general election is held.
In all other school districts, affidavits of candidacy must be filed no earlier than the ~~91st~~
98th day and no later than the ~~77th~~ 84th day before the school district general election.

Sec. 6. **REPEALER.**

Minnesota Statutes 2010, sections 204B.41; 204D.169; 205.065, subdivision 7;
and 205A.03, subdivision 6, are repealed.

- 3.1 Sec. 7. EFFECTIVE DATE.
- 3.2 Sections 1 to 6 are effective the day following final enactment.

204B.41 VACANCY IN NOMINATION; CHANGING BALLOTS.

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. Absentee ballots that have been mailed prior to the preparation of official supplemental ballots shall be counted in the same manner as if the vacancy had not occurred. 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.

204D.169 EXAMPLE SUPPLEMENTAL BALLOT.

When an official supplemental ballot must be used in a general election in accordance with section 204B.41, the secretary of state shall supply each auditor with a copy of an example supplemental ballot at least three days prior to the election. The example supplemental ballot must illustrate the format required for the official supplemental ballot.

The county auditor shall distribute copies of the example supplemental ballot to municipal and school district clerks in municipalities and school districts holding elections that year. The official supplemental ballot must conform in all respects to the example supplemental ballot. Failure of the official supplemental ballot to conform may be reported by any person to the county attorney in the same manner as provided by section 201.275.

205.065 PRIMARIES.

Subd. 7. **Vacancy in nomination.** When a vacancy occurs in a nomination made at a municipal primary, the vacancy shall be filled in the manner provided in section 204B.13.

205A.03 PRIMARIES.

Subd. 6. **Vacancy in nomination.** When a vacancy occurs in a nomination made at a school district primary, the vacancy must be filled in the manner provided in section 204B.13.