A bill for an act

relating to elections; presidential electors; providing for designation of certain presidential electors and specifying the duties of presidential electors; amending Minnesota Statutes 2010, sections 208.03; 208.05; 208.08.

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

Section 1. Minnesota Statutes 2010, section 208.03, is amended to read:

208.03 NOMINATION OF PRESIDENTIAL ELECTORS.

Presidential electors for the major political parties of this state shall be nominated by delegate conventions called and held under the supervision of the respective state central committees of the parties of this state. Each major political party shall nominate one presidential elector from each congressional district and two presidential electors from the state at-large. At least 77 days before the general election day the chair of the major political party shall certify to the secretary of state the names of the persons nominated as presidential electors, the names of eight alternate presidential electors, and the names of the party candidates for president and vice president. For each person nominated as an elector or alternate elector, the chair shall indicate whether the person is nominated as an at-large elector or is nominated to represent a congressional district. In the case of a nominee to represent a congressional district, the district number must be noted by the chair. The chair shall also certify that the party candidates for president and vice president have no affidavit on file as a candidate for any office in this state at the ensuing general election.

Sec. 2. Minnesota Statutes 2010, section 208.05, is amended to read:

208.05 STATE CANVASSING BOARD.

The State Canvassing Board at its meeting on the date provided in section 204C.33 shall open and canvass the returns made to the secretary of state for presidential electors and alternates, prepare a statement of the number of votes cast for the persons receiving votes for these offices statewide and within each congressional district, and declare the person or persons receiving the highest number of votes for each office duly elected, as follows:

(1) the statewide vote totals must be used to determine the person or persons elected to serve as electors under the at-large designation; and

(2) the vote totals within each congressional district must be used to determine the person elected to serve as an elector representing that district. When it appears that more than the number of persons to be elected as presidential electors or alternates have the highest and an equal number of votes, the secretary of state, in the presence of the board shall decide by lot which of the persons shall be declared elected. The governor shall transmit to each person declared elected a certificate of election, signed by the governor, sealed with the state seal, and countersigned by the secretary of state.

Sec. 3. Minnesota Statutes 2010, section 208.08, is amended to read:

208.08 ELECTORS TO MEET AT STATE CAPITOL.

The original, alternate, and substituted presidential electors, at 12:00 M., shall meet in the executive chamber at the State Capitol and shall perform all the duties imposed upon them as electors by the Constitution and laws of the United States and this state. Each presidential elector representing a congressional district shall cast a ballot for the presidential and vice-presidential candidates who received the highest number of votes in that district. Each presidential elector designated at-large shall cast a ballot for the presidential and vice-presidential candidates who received the highest number of votes in the state.

Each elector, as a condition of having been chosen under the name of the party of a presidential and a vice presidential candidate who received the highest number of votes in the elector's congressional district or, in the case of at-large electors, in the state, is obligated to vote for those candidates. The elector shall speak aloud or affirm in a nonverbal manner the name of the candidate for president and for vice president for whom the elector is voting and then confirm that vote by written public ballot.

If an elector fails to cast a ballot for the presidential or vice presidential candidate of the party under whose name the elector was chosen, the elector's vote or abstention is invalidated and an alternate presidential elector, chosen by lot from among the alternates, shall cast a ballot in the name of the elector for the presidential and vice presidential

candidate of the party under whose name the elector was chosen. The invalidation of an elector's vote or abstention on the ballot for president or vice president does not apply if the presidential candidate under whose party's name the elector was chosen has without condition released the elector or has died or become mentally disabled.