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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2755

01/31/2022 Authored by Munson, Bahr, Miller and Drazkowski
The bill was read for the first time and referred to the Committee on State Government Finance and Elections

1.1 A bill for an act
1.2 relating to elections; providing a separate candidate filing period for incumbent
1.3 candidates; requiring a one-day filing period in the event a candidate for partisan
1.4 office submits an affidavit of withdrawal; amending Minnesota Statutes 2020,
1.5 sections 204B.09, subdivision 1; 204B.12, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2020, section 204B.09, subdivision 1, is amended to read:

1.8 Subdivision 1. **Incumbent and nonincumbent candidates in state and county; general**
1.9 **elections.** (a) Except as otherwise provided by this subdivision, ~~affidavits of candidacy and~~
1.10 ~~nominating petitions~~ for nonincumbent candidates for county, state, and federal offices
1.11 filled at the state general election, affidavits of candidacy and nominating petitions shall be
1.12 filed not more than 84 days nor less than 70 days before the state primary. For incumbent
1.13 candidates for county, state, and federal offices filled at the state general election, affidavits
1.14 of candidacy and nominating petitions shall be filed not more than 84 days nor less than 75
1.15 days before the state primary. The affidavit may be prepared and signed at any time between
1.16 60 days before the filing period opens and the last day of the filing period.

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

1.20 (c) This provision does not apply to candidates for presidential elector nominated by
1.21 major political parties. Major party candidates for presidential elector are certified under
1.22 section 208.03. Other candidates for presidential electors may file petitions at least 77 days
1.23 before the general election day pursuant to section 204B.07. Nominating petitions to fill

2.1 vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or  
2.2 petition shall be accepted later than 5:00 p.m. on the last day for filing.

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

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

2.10 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
2.11 applies to affidavits of candidacy and nominating petitions required to be filed on or after  
2.12 that date.

2.13 Sec. 2. Minnesota Statutes 2020, section 204B.12, subdivision 1, is amended to read:

2.14 Subdivision 1. **Before primary.** (a) A candidate may withdraw from the primary ballot  
2.15 by filing an affidavit of withdrawal with the same official who received the affidavit of  
2.16 candidacy. The affidavit shall request that official to withdraw the candidate's name from  
2.17 the ballot and shall be filed no later than two days after the last day for filing for the office.

2.18 (b) If an incumbent candidate's affidavit of withdrawal is filed on the last day of the  
2.19 filing period or during the withdrawal period established under paragraph (a), the filing  
2.20 officer shall establish a supplemental filing period. The filing officer shall make a reasonable  
2.21 effort to notify the public of the incumbent candidate's withdrawal and the dates of the  
2.22 supplemental filing period. The supplemental filing period must begin within two weeks  
2.23 of the incumbent candidate's withdrawal and must be open for one calendar day.

2.24 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
2.25 applies to candidate withdrawals occurring on or after that date.